

Ensuring the competency of “whole” legal professionals: Maximizing experiential learning

CALT Conference - June 10, 2017

CBA's Access to Justice & Legal Education Subcommittee

- 10:45** **Welcome & Project/Workshop Overview**
- 10:55** **Impetus for Action: Research Findings**
- 11:05** **(Interactive) Experiences & Challenges**
- 11:20** **(Small Group) What's been tried & what works well?**
 ***A2J awareness/consciousness/conscience**
 ***Reflective activities/pedagogy**
- 11:55** **(Interactive) What would be helpful in the Guide?**

Agenda

- * By 2030, required substantial experiential learning for all law students
- * By 2020, all graduating law students:
 - * Basic understanding of A2J issues
 - * Fostering A2J as an integral part of professional responsibility
 - * Taking at least one required experiential learning A2J course



A2J recommendations

Sarah Lugtig, Michele Leering and Doug Ferguson

The CBA's *Reaching Equal Justice Report* set aspirational targets for increasing access to justice through legal education and recommended action.



Targets

By 2030:

- Three Canadian law schools establish a Centre of Excellence for access to justice research
- All law students must have a substantial experiential learning experience

By 2020, all graduating law students:

- Have a basic understanding of the issues relating to access to justice
- Know that fostering access to justice is an integral part of their professional responsibility
- Have undertaken at least one course or volunteer activity that involves experiential learning that provides access to justice
- By 2020, all law schools have at least one student legal clinic that provides legal help to low income persons.

ACCESS
To Legal Services
WILL BE THE
TRUE TEST FOR
LEGAL INNOVATION



What Do You Think? We would like your feedback on how best to work together on these and other actions.

Actions aimed at CBA members

- Collaborate with others to create a statement describing the "Model Lawyer of Tomorrow" with access to justice as foundational to professional identity
- Provide professional development opportunities to ensure lawyers understand barriers to access to justice for low-income clients and vulnerable communities
- Create an award to recognize access to justice work
- Design a competition to encourage innovation in access to justice
- Organize access to justice events for CBA's conferences

Actions aimed at law students

- Create forums for law students to shape the dialogue around access to justice
- Collaborate to create resources to support an "access to justice consciousness"
- Link law students and community members through initiatives that promote legal health and legal literacy

Actions aimed at law schools

- Raise awareness of the legal education recommendations contained in three existing reports: Futures, Equal Justice and Roadmap for Change
- Provide more experiential learning opportunities and include a reflective component regarding access to justice
- Support access to justice working groups in each school
- Develop ideas to introduce access to justice pervasively across the law school experience including curricular, co-curricular and extra-curricular opportunities
- Support access to justice research

Actions aimed at the Law Societies & the Federation

- Advocate for stronger access to justice obligations in Rules of Professional Conduct
- Include access to justice and dispute resolution training as a requirement for the Call to the Bar
- Advocate for more expansive opportunities for students including representing individuals in court

Who Are We?

Advancing Access to Justice through Legal Education is a four-person subcommittee of the CBA's Access to Justice committee. Members include Michele Leering, Sarah Lugtig, Doug Ferguson, and LA Henry. Our goal is to investigate how to "create access-to-justice-sensitive new lawyers," and to pave the way for careers that improve access to justice.

Key Partners in A2J

Law Students

Law students are the future of our profession. Most enter law school because they care about fostering justice and making a difference in the world. How can we harness your energies to create a more just society? How can we help you be emboldened to act on the principles you believe in? How can you develop a professional identity as an agent for access to justice in your practice?

Law Schools

The law school experience is critical to the formation of professional identity and values. How can Law Deans and legal educators inspire students to strengthen their commitment to access to justice as core professional responsibility? Legal education provides the foundation for the knowledge and skills that our future legal professionals need. How can we support students to be both "practice-ready" and "justice-ready"?

Law Societies

How can Law Societies raise the bar on professional expectations by supporting an aspirational vision for "new legal professional" who is an advocate for access to justice? How can we envision alternative ways of providing legal assistance that could better satisfy unmet justice needs?

Other Ideas?

Do you have a suggestion for an action item or a comment for the committee? Post-it notes here.

Q5 Which of the following actions do you think would be most valuable for encouraging engagement with access to justice issues in law schools?

	English	French	Total
Raise awareness of the legal education recommendations contained in three existing reports: CBA's Futures, CBA's Equal Justice and the National Action Committee's Roadmap for Change	52		52
Host a moot-style access-to-justice competition for law students	90	2	92
Support access to justice working groups in each law school	115	2	117
Create forums for law students to shape the dialogue around access to justice	62	2	64
Collaborate to create resources to support an "access to justice consciousness"	44		44
Link law students and community members through initiatives that promote legal health and legal literacy	153	2	155
Advocate for more expansive opportunities for students including representing individuals in court	148	1	149
Provide more experiential learning opportunities and include a reflective component regarding access to justice	133	1	134
Develop ideas to introduce access to justice pervasively across the law school experience including curricular, co-curricular and extra-curricular opportunities	112	1	113
Other (please specify)	23		23

Survey Results Fall 2016

“Unequal justice is not less justice, it is injustice.”

“[t]he greatest ethical dilemma confronting the legal profession is the unequal distribution of legal services.”

RICHARD ABEL: “AN AGENDA FOR RESEARCH ON THE LEGAL PROFESSION AND LEGAL EDUCATION: ONE AMERICAN’S PERSPECTIVE” IN HILARY SOMMERLAD ET AL, EDS, *THE FUTURES OF LEGAL EDUCATION AND THE LEGAL PROFESSION* (OXFORD: HART, 2015).

What is Access to Justice?



Provide information about the law, legal rights, processes & the system

Increase services to help people navigate the system, improve legal health & prevent legal harm

Promote justice through reform of unjust laws and adoption of new laws

Support systemic advocacy to improve practices

Ensure access to enforcement mechanisms

Project Timeline – Experiential Learning Guide

Step One

Planning & Development
Draft Table of Contents
Plan Workshop

**April –
June
2017**

Step 2

CALT Workshop
Consultation
AC 1st Meeting

**June
2017**

Step 3

First Draft
Advisory Committee
Web-conference

**August
2017**

Step 4

Second Draft

**October
2017**

**October -
December
2017**

Step 5

Beta-testing
arrangements – 4
locations
AC consultation

**January
– May
2018**

Step 6

Beta-testing and
revision
AC consultation

**September
2018**

Step 7

Launch to law
faculties

- * Support experiential learning/education opportunities to deepen learning from experience
- * Encourage an “access to justice consciousness”
- * Build a capacity for reflection/reflective practice
- * Build momentum for more experiential learning opportunities in Canadian law schools

Purposes of Project

- * Deepen ability to learn from experience
- * Support critical consciousness re A2J
- * Make connections between A2J & legal practice
- * Support professional identity formation through exposure to various paradigms of lawyering
- * Support wellness practices

Outcomes of Guide



Sample of learning cycle resource

CBA A2J 7 Legal Ed Subcommittee

- * Gemma Smyth (Guide Editor/Author)
- * Doug Ferguson
- * LA Henry
- * Michele Leering
- * Brea Lowenberger
- * Kerri Froc (CBA)

Project Advisory Committee

- * Patricia Barkaska
- * Sarah Buhler
- * Rebecca Johnson
- * Mike Marin
- * Annie Rochette
- * David Wiseman

Who is involved?

**What challenges have you
experienced with
experimental learning?**

Group 1

Raising A2J
awareness /
conscience /
consciousness?

Group 2

Reflective
activities to
maximize
learning?

**What's been tried &
what works well?**

**What would be
helpful in the Guide?**

How to get involved?