Encouraging Reflective Practice in Community Legal Centres and the Justice Sector

Australian CLC Workshops
February and March 2014
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Proposed Workshop Outcomes

• Increase our shared understanding of what reflective practice could mean to ground the work and to provide a structure for individual and collective reflection

• Consider the benefits that reflective practice might offer to our shared work to increase A2J

• Share methods to support reflective practice so that it becomes a “way of being” for us as individual professionals and collectively as organizations and partners in the justice system

• Visualize next steps as individuals and/or organizations
Key messages from research project -

Encouraging reflective practice at law school: A conceptual model and promising practices

• Reflection is critical for learning

• Reflective practice is an important capability at every stage of professional development (student → novice → professional)

• Facilitating reflective capacity early and pervasively benefits everyone

• Access to justice work is enhanced by reflective practice

“'I think it is actually cutting edge, it ought to be explored.” Research participant
Why Care About Reflective Practice? (literature review and faculty interviews)

• A more effective adult learner
• Healthier and happier student/professional
• Supports ethical development
• Builds cultural competence
• Increases sensitivity and commitment to social justice and access to justice issues
• Encourages transformative learning
Why Care About Reflective Practice?

- Enhances critical lawyering skills & capacities
- Nurtures an efficient and effective legal professional
- Alternate philosophies of practice such as ADR/mediation, holistic practitioners, comprehensive law, law as a “healing profession”
- Builds flexibility, resilience, and leadership capacity
Why should CLCs care about RP?
Hold these questions!

• How can being or becoming a more deliberate reflective practitioner contribute to our shared work—that of increasing access to justice?

• How can reflective practice contribute to stronger knowledge management, sharing and creation?

• How can reflective practice with peers contribute to more generative levels of conversation?

• How can reflective practice improve service delivery?
What is reflective practice?

1. The literature review
2. Interviewing law professors
3. Action research strategies
4. The working conceptualization emerges
If you had many members of the profession who were reflective practitioners, in particular self-reflective practitioners, I think you would actually see differences in what are accepted as the predominant norms of the profession itself.

I think that it’s something we are going to hear more about and I think that law faculties that evolve to adopt these kinds of tools and methods will be better law faculties.

Anybody who is more reflective is less likely to be a discourteous, uncivil professional.
What is Reflection?
Reflection: An Evolving Recognition of its Critical Contribution to Learning

- Dewey (1933)
- Mezirow (1979)
- Boyd & Fales (1983)
- Kolb (1984)
- Boud et al (1985)
- King & Kitchener (1984)
- Brookfield (1995)
- Moon (1999)

Reflection & Thinking
Reflection & Transformational Learning
Reflective Practice & Professional Development
Reflective Learning
Experiential Learning & Reflection
Reflection & Learning from Experience
Reflective Judgement
Critical Reflection
Reflection & Professional Development
Donald Schön and Reflective Practice

“narrowing the disconnect between theory and practice”

“A reflective practitioner is somebody who considers who they are, where they are, what they’re doing, their position in the community, the purpose of the work they are doing and how they are doing it, and takes it as an ongoing process of learning and moving forward… a continuous iterative process.”

The ability to engage in critical self-reflection about one’s professional role and experiences is an important and learnable skill which is arguably the key to continuous learning throughout a lawyer’s career.
RP means for me the opportunity to reflect in a fairly systematic and intentional way about what has been done—what has worked, what hasn’t worked, what was successful, why was it successful or not successful, and learn from that reflection, continually adjusting the practice in ways in which you will imagine, and it will be made better as a result of reflection.

..a bigger definition of RP has one reflect not simply on the skills that one’s acquiring, whether it’s to think critically or analytically, or more effective questioner, listener or interviewer, but it’s to reflect on the role of law in society. It’s to reflect on the implications that law will have on groups within society.
Setting the Aspirational Vision:

Creating a working definition for reflective practice in legal education and for the legal profession

http://digitalcommons.osgoode.yorku.ca/jlsp/vol23/iss1/5/
Reflective practitioner
(traditional)

REFLECT ON PRACTICE and SKILL
Critically reflective practitioner

CRITICALLY REFLECT ON KNOWLEDGE & THEORY & LAW AS LIVED
Self-reflective practitioner

REFLECT ON SELF & AS PROFESSIONAL

“You can’t grow, you cannot learn, you cannot shift, you cannot respond without self-reflection.”
Research participant
3 Key Components

- Reflective practitioner
- Critically reflective practitioner
- Self-reflective practitioner
3 Key Components + INTEGRATION

Reflective practitioner

Critically reflective practitioner

Self-reflective practitioner

Integrated Reflective Practitioner (IRP)
Reflecting In Community is critical! (fifth aspect/truth!)

Reflective practitioner

Critically reflective practitioner

Self-reflective practitioner

Integrated Reflective Practitioner
The Aspirational Vision – includes a 6th aspect – TAKE ACTION

Reflecting in community

- Reflective practitioner
- Self-reflective practitioner
- Critically reflective practitioner

Integrated Reflective Practitioner (IRP)
... is self-aware and can reflect in an integrated way on practice, knowledge and critical theory, and values as a self-directed life-long learner, taking action to improve his/her practice, and reflecting communally to ensure rigour. Reflective practice becomes a “way of being”.
Integrated Reflective Practitioner

- engaged
- holistic approaches
- systems-thinker
- recognizes complexity
- resilience in the face of uncertainty and chaos
- authenticity
- “new” professional
- a “way of being”
- “dynamic developmental process”
- integrated knowledge, skills, values
- “double loop learning”
- reflects collectively
Excerpted from OWL Website – University of Western Ontario (Canada) – On-line program designed to support reflective practicums for health care professionals
Multiple methods to support reflection
Preliminary list

- Orientation/Induction
- Planning exercises
- Reflective writing
- Reflective questioning
- Self-awareness exercises
- Reading critical theory and academic literature in law and cross-disciplinary
- International comparative research

- Legal needs research
- Action research
- Job shadowing
- Graphic exercises
- Contemplative practices
- Debriefing exercises
- Aesthetic approaches
- Mentoring programs and reflective supervision
- Assessment & evaluation methods
- Performance evaluation
- Group processes
Opportunities in CLC and in work with A2J Partners to encourage reflection
Examples from Ontario:

Community Legal Clinics engaging in different approaches to reflective practice
On practice: Work Flow dissection and analysis

ODSP Denials

Flowchart
“This practice is toast”: collective conversations to question existing practices
On practice: Developing accessible systems for evaluating our work

Our Action Plan Document

A summary of the year's accomplishments, organized by Goal & Strategy

Contains: Activity, projects connected to that activity & project outcomes evaluation

ACTION PLAN 2009 - EVALUATION

Goal: 2

Creative, Innovative, Effective & Efficient Services: Achieve a Sustainable Strategic Mix of Services in Response to the Needs of our Communities

Strategy: 2.1

Continued offer high-quality legal services to individuals

On practice: developing accessible systems for evaluating our work

Our Action Plan Document

A summary of the year's accomplishments, organized by Goal & Strategy

Contains: Activity, projects connected to that activity & project outcomes evaluation
Tools for reflection: Strategic Tension Chart (modified)

Where I/We Want To Be Exercise (R. Fritz)
Critical reflection through systemic Analysis: Where to intervene to prevent housing instability and homelessness

Cycle of Housing Instability identified by research

Diagram from Eviction Prevention and its Relation to Homelessness Acacia Consulting & Research Final Report March 2006
Integrated reflective practice: Thinking about the practice of law differently

May 23, 2013

LAW AS A HEALING PROFESSION: A NEW PARADIGM?

WITH J. KIM WRIGHT

University of Toronto – Faculty of Law
Rowell Room, Falconer Hall
84 Queen’s Park Cres
Toronto, M5S 2C5
Contact: rebecca.sutton@utoronto.ca

On a daily basis many lawyers are involved in problem solving, conflict resolution, and even peacemaking. What would the role of lawyer-as-healer look like?

Join us on May 23 from 4:30 – 5:30 for light refreshments and casual conversation, 5:30 – 7:30 for a workshop and dialogue with Kim Wright, and at 8:00 for dinner close by for those who are interested in more conversation.

This event is being sponsored and facilitated by Michele Leering (Community Advocacy & Legal Centre) and Rebecca Sutton (University of Toronto law graduate).

Free will donations to defray the cost of Kim’s travel and refreshments are gladly accepted.
Designing Student Reflective Practicums

Law 698 – 2013/2014

Community Legal Clinic Reflective Practicum

Location:
Community Advocacy & Legal Centre
158 George Street, Belleville, ON
(613) 966-8686
www.communitylegalcentre.ca

Community Legal Clinic Reflective Practicum
2013/2014 Course Description and Syllabus

Community Legal Clinic Review Lawyers and Supervisors (as assigned):

- Michele Leering
  Executive Director and Lawyer
  ext. 27 – leeringm@lao.on.ca

- Deirdre McDade
  Senior Lawyer
  ext. 26 – mcdaded@lao.on.ca

- Gina Cockburn
  Senior Lawyer
  ext. 34 – cockburg@lao.on.ca

- Samantha Hayward
  Staff Lawyer
  ext. 28 – haywards@lao.on.ca

Course Requirements

- Seven onsite clinic hours per week.
- May focus on one area of clinic law (income security, employment, or landlord and tenant) and obtain substantive and procedural knowledge.
- One 90 minute reflective group supervision meeting per month (additional to onsite hours).
- The completion of a learning contract, weekly plan and reflection journal.
- The completion of special project work.
- Variable offsite research time.
- Reviewing academic literature on reflective practice, poverty law or access to justice issues as assigned.

Specific Expectations

1. General:
   The student will effectively work on client files and to do research as required. This may include:
   a. The provision of summary legal advice;
   b. Conducting client interviews;
   c. Preparing memos; and
   d. Developing resource materials.

   The student will also be required to review and to reflect on a number of academic articles and reports relevant to the practicum experience, poverty law, and reflective practice.

2. Clinic Participation:
   The student will attend the clinic weekly, complete some research remotely, comply with the Rules of Professional Conduct, and meet all clinic requirements for volunteers.

3. Supervision:
   The student will meet with the supervising “legal” lawyer weekly to discuss file work, and with the supervising “reflective practice” lawyer once per month in either a one-on-one meeting or in a group format.

4. Learning Contract:
   The student will develop a personalized work plan for her work each term using a “Where I Want to Be” chart (attached to this document), in addition to a weekly plan. This will be used as the basis to assess the student’s progress each term and foster self-direction and learning.

5. Reflective Work:
   The student is required to keep a weekly reflective journal. The student may be required to develop a portfolio of anonymized materials that reflect accomplishments.

6. Special Project:
   The student will develop and implement at least one special project. This will be negotiated with the legal and reflective practice supervisor. Examples include creating a public legal education or internal reference resource, organizing an outreach event, or engaging in a community development or law reform project.
Collective reflection through strategic planning processes

**Expand Client Access to Poverty Law Services**

We will collaborate to expand client and community access to poverty law services to address challenges such as changing demographics and the racialization of poverty, evolving service needs, and limited resources.

**Strengthen Community Connections**

We will increase clinic accountability to the clients and communities we serve and pursue a range of ways for clinics to be an integral part of community efforts to meet the needs of persons living in poverty.

**Ontario Community Legal Clinics PROVINCIAL STRATEGIC PLAN 2013 - 2017**

**Enhance Capacity for Systemic Work**

We will strengthen our capacity to do preventive and systemic poverty law work, including community development, law reform, test cases, and public legal education to achieve the greatest positive impact for our client communities.

**Enhance System-Wide Coordination and Support**

We will strengthen our capacity for provincial coordination and support to enable clinics collectively to provide the highest quality service and to ensure the clinic system is accountable for the services it provides with public funds.
Knowing what we know,
Managing what we know,
Sharing what we know,
Creating new knowledge to improve access to justice.
Using graphic tools and images to envision new realities - Working with Access to Justice Partners

Increasing Access to Justice

- University Student Legal Clinics
- Legal Aid
- Community Legal Clinics
- Pro Bono Lawyers
- Law & Bar Associations
- NGOs
- Courts
- Government & Politicians
Selected Examples from Australia

CLCs engaged in collective reflective practice
Welcome to Smart Justice

**Smart action for a safer community**

We promote a safer community through criminal justice policies that reduce crime, are based on evidence, and comply with human rights.

Our 27 Smart Justice partners have extensive experience working in the criminal justice system. We know the impacts of crime, we care about victims, we seek the support and rehabilitation of offenders, and we aim to achieve a safer community for everyone.

Part of this is Smart Justice for Young People, which recognises the special legal and justice issues affecting young people in the formative years between the ages of 12 and 25.

Find out more about Smart Justice and Smart Justice for Young People by browsing our news and factsheets, or our new blogs.

We invite you to support smarter action for a safer community.

Factsheet on victims of crime

Our factsheet highlights some remaining gaps in the way the criminal justice system responds to victims. Read more about Smart Justice solutions...

» Continue reading

News & Media

» Ombudsman scathing of increasing risk of death and self-harm in Victoria’s overcrowded prisons

» Abolition of suspended...
Critically reflective practice: Responding to legal needs studies

Barriers to obtaining advice for legal problems in New South Wales

Abstract: The Legal Australia-Wide (LAW) Survey found that a sizeable proportion of people seek advice for the legal problems they experience, however, many report barriers to accessing the legal help they require. In New South Wales (NSW) respondents often had difficulty contacting advisers via telephone, making suitable appointments, receiving timely responses and travelling to advisers for in-person consultations. Although cost was not the main difficulty reported by many respondents, it was the most common barrier to obtaining advice from legal advisers, and many respondents had a poor awareness of the availability of not-for-profit legal services.

Source
This paper is a simplified excerpt from the report, Legal Australia-Wide Survey: Legal need in Australia by Christine Coumarelos, Deborah Macourt, Julie People, Hugh M. McDonald, Zhigang Wei, Reiny Iriana and Stephanie Ramsey (Law and Justice Foundation of NSW, 2012).

About the LAW Survey
The LAW Survey provides a comprehensive

Not everyone who seeks advice for a legal problem is successful in obtaining the advice they need. Furthermore, those who manage to obtain advice sometimes experience difficulties in doing so. International legal needs surveys have identified various barriers to obtaining legal advice or assistance. Barriers to the accessibility of services have been commonly reported, although other barriers have included inadequate or unclear information, financial barriers and language barriers (ABA 1994; AFLSE 2007; Coumarelos et al. 2006;
Advocacy-Health Alliances

BETTER HEALTH THROUGH MEDICAL-LEGAL PARTNERSHIP

PETER NOBLE
Reflecting on our “Theory of Change” – Program Logic Models

Program Name: Community Legal Service Program

Situation Statement: Community legal centres are independent community organisations that provide free and accessible legal services to disadvantaged members of the Australian community and to those with special needs.

<table>
<thead>
<tr>
<th>INPUTS</th>
<th>SERVICE PROVISION QUALITIES</th>
<th>PROCESSES</th>
<th>OUTPUTS</th>
<th>IMMEDIATE OUTCOMES</th>
<th>INTERMEDIATE OUTCOMES</th>
<th>ULTIMATE IMPACT</th>
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<tbody>
<tr>
<td>Volunteers</td>
<td>Innovative &amp; responsive</td>
<td>Intake &amp; multi-disciplinary assessment of individual needs</td>
<td>Information &amp; referral</td>
<td>Legal problems &amp; disputes are prevented from escalating &amp; are resolved appropriately</td>
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<tr>
<td>Community input, resources &amp; efforts</td>
<td>Accountable</td>
<td>Assessment of community &amp; special group needs</td>
<td>Advice to individuals</td>
<td>Individuals gain knowledge &amp; skills of the legal system &amp; their rights</td>
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<tr>
<td>CLC staff, resources &amp; infrastructure</td>
<td>Flexible</td>
<td>Identification &amp; analysis of trends resulting from CLC work</td>
<td>Advice to groups</td>
<td>Communities gain knowledge &amp; skills of the legal system &amp; their rights</td>
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<tr>
<td>Commonwealth, State &amp; Local Government funding</td>
<td>Accessible</td>
<td>Identification of emerging needs</td>
<td>Casework: Individual</td>
<td>Other service providers have increased knowledge &amp; skills to effectively assist disadvantaged people</td>
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<tr>
<td>Pro bono &amp; philanthropic funding</td>
<td>Client focused</td>
<td>Case management</td>
<td>Casework: court representation</td>
<td>Laws and their implementation attain fairer outcomes for all disadvantaged people</td>
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<td>CLC Income generation</td>
<td>Respectful</td>
<td>Collaboration with other community organisations</td>
<td>Casework: dispute resolution</td>
<td>Disadvantaged people’s rights are identified &amp; protected</td>
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<tr>
<td>Policy formulation, program design &amp; guidelines</td>
<td>Independent</td>
<td>Collaboration with legal providers</td>
<td>Legal education to community groups</td>
<td>Equal access to justice &amp; the law</td>
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<tr>
<td>Policy &amp; legislation</td>
<td>Free service</td>
<td>Quality improvement process &amp; risk management</td>
<td>Education &amp; training to other professionals</td>
<td>People have confidence in the legal system</td>
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<td>Evaluation</td>
<td>Provision of expert advice, assistance to government agencies &amp; industry bodies</td>
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Critically reflective practice: Innovative Course Offerings

CLC Adaptive Leadership Program

Community legal centres provide services and support to our society's most disadvantaged in a changing and challenging social and political environment. The challenge for the sector is to focus equally on developing a strong future and managing the stressful and difficult day to day issues that confront CLCs.

The **CLC Adaptive Leadership Program** was developed to strengthen the leadership capability in the CLC sector and provide current and future managers with the skills required to build on the performance and relevance of CLCs in an ever changing environment. Beginning with individual leadership development that is focussed on adaptation and growth, the program will provide practical and conceptual frameworks that enable managers to manage challenges in the

**Presenters**
The program will be facilitated by Jil Toovey and presenters from within and outside of the CLC sector will participate.

**Project**
Participants on the CLC Adaptive Leadership Program will work with a small group on a project. Groups will choose their project from a selection of relevant CLC topics and challenges that will be provided by CLC Management Committees or other senior CLC staff. The purpose of the Project work is to:
- Enable participants to apply the learning to a practical and valuable challenge; and
- Ensure the Adaptive Leadership Program produces tangible value to the CLC Sector.
Small Group Work: Appreciative Inquiry into what works!

Identify specific methods you use, or are used within your CLC, or within your State to encourage the different types of reflective practice.
Other possibilities to consider
Communities of Practice – A Framework for Learning and Improvement

Personal self-reflective cycle: Example

Figure 1 The reflective cycle. Source: Adapted from Gibbs (1988) from Recoche et al. (2013). No plan B: Reflection on field observations in skid row. Reflective Practice: International and Multi-disciplinary Perspectives 14(2) at page 157.

“An organization where people continually expand their capacity to create the results they truly desire, where new and expansive patterns of thinking are nurtured, where collective aspiration is set free, and where people are continually learning how to learn together.”

(Peter Senge – Fifth Discipline, 1995)
Tools for a Learning Organization

- Organizing
  - Deep Dive Journeys

- Encouraging
  - “Double Loop” Learning

- Better Conversations - Creating Reflective & Generative Dialogue

- Prototyping – Promising Practices

- The Five Whys*

- Action Research and Facilitating Appreciative Inquiry approaches
Changing our Levels of Conversation

Non-conversation: Absencing or Attentional violence

• Level One – downloading
• Level Two – debating
• Level Three – reflective dialogue
• Level Four – generative dialogue

Level Four is an aspect of “presencing”, a technology of change
- Theory U - advanced by Scharmer (2007)
Tools for a Learning Organization: Levels of Listening (Scharmer)

Levels of Listening

LISTENING 1: Downloading habits of judgment
- from habits
- reconfirming old opinions & judgments

LISTENING 2: Factual listening noticing differences
- from outside
- disconfirming [new] data
- Open Mind
- seeing through another person’s eyes emotional connection

LISTENING 3: Empathic listening
- from within
- Open Heart
- connecting to an emerging future whole; shift in identity and self

LISTENING 4: Generative listening (from the future wanting to emerge)
- from Source
Four Field Structures of Conversation

Problem Solving
The Five-Why Method

The "Five-Why Process" was introduced at Toyota to find solution to manufacturing problems.

The intent of the "Five-Why" procedure is to assure that the route causes and not merely superficial symptoms are corrected.

Ask "Why this problem happened?" to discover its underlying problem; then ask "Why?" again to go deeper by another level until you reach the root cause.

Tool for a Learning Organization: Action Research

1. Diagnosing
2. Planning Action
3. Taking Action
4. Evaluating Action
5. Taking Action
That was...
“I think it’s cutting edge, it really ought to be explored”

- Research Participant
Why should CLS Care About RP?

• How can being or becoming a more deliberate reflective practitioner contribute to our shared work—that of increasing access to justice?
• How can reflective practice contribute to stronger knowledge management, sharing and creation?
• How can reflective practice with peers contribute to more generative levels of conversation?
• How can reflective practice improve service delivery?
• What next steps can we take to support it?
Resource Kit Available

• Working Conceptualization for RP and published article
  http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1191&context=jlsp
• “Ten Actions of a Reflective Practitioner” (Adapted from Kinsella, 2001)
• Mind Maps: Benefits/Outcomes & Methods
• Planning Tool “Where I want to Be” Adapted from Fritz (1999)
• Sample Resource for Law Students: Reflective Journaling
• Annotated Resources & Bibliography (work in progress)
• Collection of quotes about reflection and RP
• Matrix for planning reflective activities
• For more information: leeringm@lao.on.ca
• Early versions of these documents can be found online at:
  http://www.gaje.org/abstract-michele/
There is a crack in everything. That's how the light gets in.
– Leonard Cohen in “Anthem”