

Queen's Law Virtual Symposium, Session 10, 24 June 2026

Advancing Reflective Practices & Methods: Part II

(Christa Bracci – Moderator) Welcome, everyone. I apologise for the few minutes late start. Technology being what it is, sometimes we just need to take a few moments to make sure that we're all on the same wavelength. Right. I'm delighted to welcome you to today's session, this afternoon session. My name is Christa Bracci. I'm an adjunct professor here at Queen's University. I teach legal skills across the JD curriculum, and in our Graduate Diploma program for Immigration and Citizenship Law. And I'm delighted to welcome you to this Lightning Round session, this roundtable. We are "*Advancing Reflective Practices & Methods: Part II*."

And I was saying earlier to the participants how much I love this type of session, because we get to hear from each other how we are implementing reflective practice in our own context, for our own purposes, whether we be practitioners or educators or mediators or directors of programs, and as scholars. It's very, very exciting work. We encourage you to share your reactions to this and other sessions widely, and you can do that using the Padlet that was created for this program. Yashika will insert a link into the chat box for the Padlet that you can use. You're also welcome to use the chat box or use the reactions as a way of reacting to speakers, as a way of encouraging speakers, encouraging each other, making connections. But if you do have formal questions that you wish to direct to a speaker, I'm going to ask you to use the Q&A function that you'll find at the bottom of your screen, using the three dots under More. Choose the Q&A function and I will actually be monitoring that. And we'll save our questions there for the end of our session.

A few concerns to mark. The Zoom AI summaries feature has been disabled for this session for copyright reasons. We also request that you yourself do not use any AI-enabled programs in the background to capture the proceedings. Don't worry, everything's going to be recorded, and everything will be available on the symposium website.

In the interest of time, I will only briefly introduce each speaker, say where they're from and the title of their paper. But of course, we encourage you to get to know these speakers through the symposium program and their full bios. These are some really fabulous people. I mean, we're all fabulous people here, right? But it's very, very exciting, the group that we have together. Finally, our time limits. As I said, this panel is framed as a lightning round, so presenters will have ten minutes to present. My apologies in advance to all of the folks in the room. I'm going to be interrupting the presenters at the two-minute mark to let them know there are two minutes left in their time slot.

So, if there are no questions, then without further ado, let's invite our first presenter to the floor, Professor Michaela Keet from the University of Saskatchewan. The title of their paper is "*Using Reflective Practice to Support the Growth of Interpersonal Communication and Negotiation Competencies*." Michaela, please feel free to share your screen, and over to you.

3:27 (Michaela Keet)

Thank you. All right. Is that working? All right. I have to start by saying that I'm very humbled to follow this rich conversation led by, as Christa just said, so many fabulous people. Incredible theoretical and conceptual frameworks, as well as pragmatic examples. I'm going to jump right in, in the invitation to do this as a Lightning Talk. Jump right into the pragmatic side of things and show you how we've structured a set of negotiation courses at our law school at the University of Saskatchewan, to make reflective practice what I'm thinking of as the vehicle for the skills growth in the course, not just one component of the course.

I have five slides to talk through, just to give you a snapshot and a feel for what we're doing and how I'm seeing it. I'm going to start with the simple and, especially in this crowd, hopefully uncontroversial proposition that interpersonal communication, empathic and active listening, negotiation and problem-solving capacities are all important competencies in legal education, no matter what our graduates go on to do. Empirical research is showing, of course, as we all intuitively know, that these are consistently ranked as top priorities by lawyers, clients and regulators. And I would suggest increasingly so at this moment in time. But they develop through experience, not just instruction. So, they need a cycle, a cycle that probably most of you are engaged in in teaching: practice, feedback, reflection, goal setting. Do it again.

And that creates a program design challenge, because the cycle can be resource intensive without a full team of instructors and coaches to lead people through in the moment feedback and growth along the cycle. So at the U of S we run six sections of the negotiation course each year. We cap out at 20 students, with one instructor only per course. And most of those instructors, we have to draw on the pool of sessionals or adjunct instructors who are busy downtown lawyers or mediators. So, the design question becomes this, or the design experiment that we have used is this: what if reflection itself is the engine that drives the cycle of growth, and is actually the framework for how we design the course?

I think that reflection here is a great match for the competencies that are the focus of the negotiation course. Let's call them human problem-solving competencies, where I think we can more easily accept that we as human beings need to be ongoing learners.

Okay, so what have we done then, which is potentially different in any way? So here again, reflective practice isn't just one, or even a series of assignments. It's actually the envelope that wraps the whole course. And I really think of it as an envelope. Students move through five phases. And this is just how I see the phases of what they do in the course. They start with the grounding starting point of self and identity. So, they do some psychometric profiles, write a mission statement, and reflect on past dispute resolution experiences.

They move through the second phase through a series of five to seven in-class simulations, which are full negotiations. But those are peppered with things like video recordings of themselves, self-review, peer feedback, and then a lot of debrief and discussion in the class where we break down what happened in moments in the simulation.

So, then they move on to a skills mapping step, which is where they build their own negotiation model. So rather than me giving them one, they build one themselves, custom made for how they identify their strengths and their weaknesses.

They do an outreach interview with someone who has had experience in the justice system, to really try and empathise and understand what that person's experience was and draw some lessons from that in terms of problem solving on behalf of clients.

They move then into a final complex assignment, which includes them being matched up with fake clients who are College of Medicine students. And it's a medical malpractice case. It's a very complex assignment. They do interview, negotiation. It's all video recorded and it's done on Zoom. And then they watch it. They give one another feedback. And then there's a final integration and goal setting step.

So all through those phases there's a portfolio of written work where they're doing structured reflections, not just how they're feeling or what they're experiencing, but connecting their skills to the impact of those skills, the purpose of those skills, and the challenges surrounding those skills.

So that's basically what the envelope looks like. Let's talk for a minute here about how to assess this. If that's the envelope, how are we assessing? What are we assessing in the course? And this is my current obsession. I don't have great answers to this, but I will tell you what we've been doing.

What you're looking at here is an absolutely summarised version of a larger rubric which we've developed for the course, and the rubric is what guides the assessment. So, the rubric tries to convey that their work is an attempt to collect, and then for assessment, reflections on knowledge, attitudes and values and skills, integrated together by the end of the term. So, we have four levels of progression here, and then different layers of what we're looking for overall in the work that they will have done. We tell students here to aim for the final two columns, reflecting and transforming.

I'm starting to feel uncomfortable with some of the language we've used in this rubric, and I'd like to go back to it now that we've experimented with this for a number of years. I feel a bit like some of the words we've used are a bit too calculated. So, struggling with how to describe what it is that we want them to do and what we're assessing, because in assessment, transparency and intentionality, both for the students and for the assessor, are very important. So, the rubric is not a checklist. It's not a task-focused rubric. It is about the process of growth, and the use of the reflection envelope in order to get there.

The assessment is summative. A lot of the feedback they get through the term is formative. And I'm going to go on to explain this more in the last slide that I share with you, which looks a little bit data heavy here. On the left side of this slide are numbered competencies and sub-competencies that I have drawn from a competency framework that we've been exploring at our law school. And I pulled out the ones that apply to the negotiation course, or some of them anyway. These are not all of them, but it's just an example. There are these competencies on the left side. You'll see I've categorised them into two different blocks. One is the oral communication and negotiation skills competencies. This is a little hard to read on the spot, but what it tells you is that those are experienced in depth in the course. So, we teach them at a higher, reinforced level. They have a lot of practice and feedback, but those ones are not as much assessed in the course.

It is the next block, which are the reflective competencies, which are practice, feedback, and formally assessed through the portfolio rubric. Now, that was an intentional choice, which ties back to the challenge that I mentioned at the beginning about the fact that we don't have the resources for me to sit down and watch every single interview and negotiation and then assess how they're doing in that skill set. My choice has been to give them a lot of opportunity for practice and feedback and then help them build an envelope for continued reflection and growth in those skills areas. Especially knowing that at the entry-to- practice level across Canada, a good portion of those are actually assessed in the CPLED programming. My view is that if I can create a thoughtful landscape or territory for them to work on these skills in a very self-reflective way, that that growth will continue and be more measurable later on down the road.

Also, because I'm focusing on critical thinking and self-growth, I want them to feel that they can experiment in the class with different skills and see the impact of those, rather than just trying to, in a strategic way, replicate a model that someone else has said is a good negotiation model.

I'm going to end there. I ended with assessment, that there are big questions about what we're assessing and what we're not assessing in law school classes, and I look forward to much more discussion about that over time. Thank you so much.

(Christa Bracci) Michaela, that was fantastic and raises a lot of questions I think that those of us who are educators have about how we assess reflective practice, and what criteria we actually use, assessing the process or assessing the outcome of reflective practice. And some of those questions actually came up in the last session too. I know they will resonate with a lot of the folks here. That's fantastic.

Okay. And so let us move on to our second presenter today, who is Professor Marjorie Silver from Touro University in the United States. Professor Silver will be presenting her paper called "*Cultivating Professional Identity for a Sustainable Life in the Law*." Over to you, Professor Silver.

15:10 (Marjorie Silver)

Thank you. It's a pleasure to be here. So, the last several years before I retired this past December, the only course I taught, and it was a course I loved, was a civil practice externship seminar. And it was designed to help my students develop a professional identity for life in the law that would make them happy and have happy clients. So, I start every class, the seminar meets once a week for two hours, with a mindfulness exercise. Most of you are probably familiar with mindfulness, but if not, I love this definition from Jon Kabat-Zinn: the awareness that arises from paying attention, on purpose, in the present moment, and non-judgmentally. And its benefits have been shown to operate on the physical, mental, and emotional level.

After we spend a few minutes meditating together, and no one is required to meditate, it's an invitation, I read a quote and exposition from this book, *The Reflective Counselor: Daily Meditations for Lawyers*. Here's an example, and one of my favourites. The quote is Mary Oliver, from *The Summer Day*. "Tell me, what is it you plan to do with your one wild and precious life?" And then later on, a few weeks later, I will ask them to write a reflection piece using this quote.

So, here's my overall curriculum, and I won't have time to go into it all. I will be talking about the items that are highlighted in blue here. So, we start with professional identity formation. I assigned to them a chapter in a

wonderful little book, Natalie Martin's *Lawyering from the Inside Out*. The chapter is by my beloved friend Kendall Kerew, *Building Your Professional Identity*. And in it she describes how American law schools, and maybe Canadian law schools were so inspired as well, came to work on professional identity after the 2007 Carnegie Report came out, which had looked at various professions. And what they found in the legal profession is that although law schools do the *cognitive apprenticeship* well, and the *apprenticeship of practice* well, they were quite deficient in the *apprenticeship of identity and purpose*, otherwise professional identity formation. In response to that, the Holloran Center for Ethical Leadership in the Professions grew up, and they held a series of professional identity formation workshops. And I was privileged to attend one of these.

Some of these slides have been stolen from the principals at the University of St. Thomas School of Law. But this one is highlighting the ABA's amendment to its Standards and Rules of Procedure for Approval of Law Schools. And what was added was that a law school shall provide substantial opportunities for students to, the new one that was added, the development of a professional identity. So, this is the first time that the ABA ordered law schools to do something about this. In the interpretation of these standards, I want to just read the bottom quote. "The development of a professional identity should involve an intentional exploration of the values, guiding principles, and wellbeing practices considered foundational to successful legal practice."

Law schools have been engaged in professional identity formation, but not in any deliberate way before this, rather through inattentiveness rather than purposeful design. So, one of the things I got to do was to join in a series of workshops at the Holloran Center, and the subgroups were assigned responsibilities to develop rubrics for how to assess this. My group was on demonstration of professionalism, honouring commitments.

And you will have this in the PowerPoint. I'm not going to go through it now, but, similar to the previous presenter, it goes from novice to advanced beginner to intermediate, to student at graduation, to junior lawyer. I hand this out in class, not in advance of class, and give my students a couple of minutes to look it over, discuss it with their partner, and then take a few minutes to honestly grade themselves on where they fall in each of the criteria for this rubric. And after that, I open it up for discussion. Some students feel really good about where they are in getting closer to being lawyers, and others go, gulp! I guess there are a bunch of things I need to improve on.

Okay, so the next thing I want to focus on is navigating cultural differences: awareness, competence, and strategies. I am not going to run this, but some of you may already have seen this video. But if not, I encourage you to take a look at it when you get hold of the PowerPoints, because the message of this, you can't see what you're not looking for. I also then give them this diversity chart, again, handed out in class, not in advance. And along the left side you'll see it's chronological, from their childhood all the way to where they are now. And all along the top, it's all kinds of differences or diversities that they may have. And I ask them to spend a few moments on their own filling out their charts, compare, discussions. I have them discuss what their reaction was to seeing the completed chart, and what, if anything, they learned about themselves, and what, if anything, they might change to be where they want to be, to increase diversity in their lives. Also, we talk about implicit and unconscious bias.

You will have these slides. This is a wonderful TED Talk by Jerry Kang, which actually gets the viewers to understand what implicit bias means, because students frequently deny that they have any. I also have them take the Implicit Association Test.

Finally, a little positive psychology and work and wellbeing. These are just links to little videos on work life balance, if anyone's interested. I spend a good part of class talking about the development of humanistic psychology, and I read from Martin Seligman's book *Flourish*, about authentic happiness and wellbeing theory. Thanks to the neuroplasticity of our brain, the ability to flourish and achieve authentic happiness can be enhanced through simple exercises. I share with them a kindness exercise that Seligman himself did, and through mindfulness practices such as meditation. I go over the basics of healthy habits, and how important it is to pay attention to changes, in case they need to get help for that.

The 2017 ABA report on *The Path to Lawyer Wellbeing* emphasised that wellbeing is an indispensable component of a lawyer's duty of competence, which I was thrilled to see, because I'd been writing about that for a long time. This is a toolkit for lawyers. All right. I am probably about out of time.

(Christa Bracci) We are just about at time, but I'm very excited to see that we will be able to have access to these slides and this recording, and a transcript of your comments, Marjorie, through the symposium website. And I just want to say this is really, really rich material. There's so much here that we can draw from. And I especially love the tools that you use and the tools you give students, those handouts for helping them cultivate self-awareness in the context of developing professional identity, which incorporates all of those necessary ABA requirements regarding professional identity and reflective practice. So, fantastic. And thank you so much.

All right. On to our next speaker, Brenda Waugh. Brenda is a lawyer and a mediator and an educator, joining us from the United States, I think on the eastern seaboard, Virginia or West Virginia perhaps, and the Shenandoah Valley. Yeah, the mountains are fantastic. And she's speaking today regarding transforming legal practice, restorative and reflective approaches. Brenda, over to you.

(Brenda Waugh) This is my very first Prezi, so I hope I can do it. We'll see. I'm a little nervous about that. So, my topic today is "*Transforming Legal Practice: Restorative and Reflective Approaches*." And it's based on my book, *Becoming a Restorative Lawyer*, which explores my restorative approach to an everyday law practice. The photos you'll see today are by Howard Zehr, and they illustrate my book.

Before I begin, I want to acknowledge that restorative justice does have deep roots in many Indigenous traditions, and there are important conversations about how those traditions are honoured and credited, which are ongoing. What I'm going to share with you today is grounded in my 40 years of experience, primarily as a lawyer, framed by what I understand as restorative justice principles. Since I wrote my first law review article in 1987, I've been most comfortable describing theory through my own experience. And I'll do that today. You'll hear my story, and from that I hope you'll gain some ideas as you create your own.

During our time today, you'll need a piece of paper. We'll pause from time to time and I'll ask you to make a note. But right now, to get started, make a note. Just write your name and today's date somewhere on your paper. Try to leave a little space underneath it. Here's where we are right now. So, let's turn now to what I'm talking about, restorative lawyering and reflective practice.

Restorative lawyering at its heart is very simple. It's recognising that most legal disputes arise from unmet needs and damaged relationships. Our conventional adversarial systems often respond to disputes by evaluating competing rights, dictating facts, and limiting remedies to the things that are measured. Relationships, shared narratives, and the people who are most impacted rarely have a meaningful role. Think about any time you've interacted with the legal system. Write a couple of words about that interaction.

At age 19, I came home from school to find a paper labelled Summons nailed to my front door in my college apartment. I'll write that, summons. Note if your needs were met by your interaction with the legal system.

In restorative lawyering, we work to incorporate the values and responsibilities of restorative justice into our ordinary practice of law, working in inclusive and collaborative processes. We strive to repair harm, meet unmet needs, and respect the relationships that we share. Reflective practice is how I unwittingly became a restorative lawyer, or I should say, am becoming a restorative lawyer.

As a costume design student for my undergraduate years, after each show the cast and crew met to conduct a post-mortem, where we reflected on how our vision was brought to life, changed, or didn't quite happen. By the time I decided to leave my work as a designer in Los Angeles and go to law school, the idea of looking backward and inward at the same time seemed natural. Upon arriving at law school, I was immediately disillusioned by what I perceived as a superficial approach to legal problems. Critical legal studies, by reflecting on the underlying assumptions that were framing our legal system, became my refuge. Here I could see what was behind the curtain.

Write a word down that reminds you of when you first considered a reflective practice. If you need more time to think, write, first look back.

I'm writing *Prisoners of the Invisible Kingdom*, because that's a play I designed, and I recall that post-mortem with a great deal of joy.

After graduation and a few years of practice, I spent the next two years litigating a case involving Ella, a grandmother who was trying to maintain her relationship with her grandsons via a custody battle after her daughter was murdered by their father. I witnessed Ella suffering, and pain created by the very proceedings that were purported to provide justice. This experience broke my heart and my practice of law. My practice of law, fueled by championing justice for the underdog, was no longer invigorating. In Ella's case, the harm that permeated that courtroom every time I walked in created a stench that even the most passionate advocate couldn't ignore. I have found that most, if not all, lawyers recall their first heartbreak, the one they never really got over. Think about a client, or maybe a student's experience, that you recall that broke your heart. Write their name. If you need more time to think, write, heartbreak.

I'm writing Ella. After my heartbreak with Ella, I resolved to be a good lawyer.

My reflective practice centred on refining my analytical and trial skills, until I realised that being a good lawyer wasn't good enough. On a cold October morning, my look back stretched much further, revealing deep pain that everyone in the courtroom was experiencing. I was prosecuting a great grandfather for sexually abusing his granddaughter. I love trying cases, and this one was going really well. I walked up the steps with the victim's uncle, trying to contain my excitement. I knew I was going to win. He looked at me and he said, "this is worse than going to a funeral." When I walked into the courtroom that day, the extent of misery I experienced with Ella returned. Worse than going to a funeral. I realised that looking deep and looking into places that I was afraid to go, were necessary places filled with pain.

Write a word that reminds you of how you might go deeper in your reflective practice. Maybe it's meditation. Maybe it's journaling. Maybe it's thoughtful intention. Mine is people. And listening. And looking back. Looking in.

I'm writing Anna's uncle. Look back. Look in.

Twenty years after graduating from law school and practising law, I decided I need some help. How could I advocate for justice in a room bursting with suffering? I began my study of restorative justice at the Center for Justice and Peacebuilding at Eastern Mennonite University. Here we were encouraged to engage in reflective practice daily. I began to imagine ways that the post-mortems of my theatre days and my daily journaling might create a framework to support a justice that includes healing and repair. I wondered what it would look like to engage in the practice of law as a reflective practitioner.

Write down the name of any influential person or place in your transformation as a restorative practitioner. I'm writing down.

During graduate school, I continued to practise law, returning to the office each day eager to practise a new skill. One day a client came in, furious. I'd asked her to drop in and sign a document, and she did it on a day I was in court. She was so angry with me, and if I had not just finished a class on listening, I probably would have argued with her and told her she was wrong. Instead, I simply listened. That client needed me to assure her that her choices were good in every step of the case, even through routine signing. Through that respectful listening, a path to practising law restoratively emerged.

During grad school, I imagined that after graduation I might find a job running a restorative justice program somewhere, or facilitating dialogues. But I didn't want to leave the Shenandoah Valley or my busy practice. How could I do it? You see, restorative justice is not a program. It's a set of values and principles. Both Howard and Dan Van Ness discuss how any restorative process, or any process, can be evaluated by how consistent they are with the principles and values, and placed on a continuum, fully restorative processes on one end and less restorative on the other.

Let's draw a line. Can you think of an activity or process that you engage in frequently? Where would you put that on the continuum? Draw an arrow to that spot and write that activity.

I began to ponder the potential to move my legal practice towards a more restorative approach. My practice became my laboratory, each practice placed under the microscope and every result carefully journaled. My measuring device

was the restorative justice continuum, and every single meeting, phone call or negotiation was tested. How can I move this? How can I make this more restorative?

Restorative practices create opportunities to forge and maintain a path towards becoming a restorative lawyer. We listen to our clients, opposing parties, community, friends, and through reflective practices we avoid both the thorny open fields and the paved superhighways that too often ground our conventional practices. What do you use to measure the healing aspects of what you're doing for your clients or students or yourself?

I'm writing mutual, shared, compassionate patience. It is in that space that I have found the most soothing justice.

I'm looking at my paper note. It says Brenda, June 24th, summons, Prisoners of the Invisible Kingdom, Ella, Anna's uncle, and the look back, transformative mediation, mutual, shared, compassionate patience. That's my look back into the day.

What's your look back? I hope we can continue in our look backs together. Please feel free. It's easy to find me at RestorativeLawyer.com or on LinkedIn. And thank you all very much.

(Christa Bracci) Thank you so much, Brenda, for sharing your lived experience of reflective practice with the rest of us, and modelling for us how that has had an impact on what you do and how you practise. Thank you.

Our next speaker is Artemis Evangelidis. I'm very excited to welcome her. She is the Head of Learning Transformation at the Law Institute of Victoria. She's a consultant, a leadership and mindfulness coach. And she'll be speaking on the "*Mindful Lawyer of the Future*." Artemis, over to you.

(Artemis Evangelidis) Thank you so much. And hello everyone. Thank you for this opportunity to share. Sorry about my voice, but it is 4 a.m. here in Australia, so bear with me. I've been a mindfulness practitioner longer than I've been a lawyer, which is over 30 years, so I'm very lucky to have the chance to teach our lawyers and our law students here in Victoria all things mindfulness and reflective practice, for wellbeing and for peak performance.

I always like to start with the legal landscape. I think it's really important that we set the scene of what our lawyers are navigating. And as we all know, we're all navigating very challenging times in this bigger world, increasing regulatory burdens and complex cross-border work, and of course tech and AI and the fast pace of lawyering. Here in Australia there's been a lot of research on the legal cultural traits, and these are competition, conformity, financial motivation and hierarchy. And it's easy to see how, within those traits, when they're abused, the profession is losing its ability to stay grounded and to stay true to their purpose and their values.

So, turning to wellbeing, the narrative is fairly consistent throughout the world. We know from the recent research in Canada, more than half of legal professionals report symptoms of psychological distress, and the numbers are very similar for us here in Australia as well. And what we're finding is that we're not actually training resilience in our profession. And this is a huge issue. And technical knowledge is not enough. As most of us who are lawyers know, we need something else to support our process. And this is where mindfulness comes in. We're lucky to have so much research on its positive impact on wellbeing and on performance.

Our biggest challenge is the assumptions that are made around how easy it is to learn skills such as being present, or conscious listening, thinking holistically on the job, which is not always the case. And reflective practice does require this cultivation. So, coming at it from different angles is extremely powerful. Nigel Duncan has beautifully called reflective practice the meta-competency of legal education. But I would like to suggest that mindfulness is the meta-competency beneath that. It's the upstream practice that makes reflection actually possible, because you cannot reflect on what you have not first noticed. And to notice, you need to develop your own awareness.

Now, as lawyers, we're fantastic at the column on the left. Oops, I've just skipped through. Sorry. We're fantastic on the column on the left. So that's the analytical rigour and adversarial reasoning. But these are the very habits that also can quietly erode our presence, our optimism and our wellbeing. And as research from Dr. Larry Richard on the lawyer brain has shown, lawyers do tend to score lower than the general population across empathy and resilience. And those two things point to a gap: how to feel and understand emotions, and how to process and how to navigate adversity.

And it's what I call the missing inner curriculum: reflective practice, beginner's mind, emotional intelligence, ethical grounding. These aren't soft skills. These are the foundation for being a good lawyer. So of course, my colleague Marjorie already shared what mindfulness is in terms of its definition. I also love to use Professor Jon Kabat-Zinn's definition here, but I also love Jeremy Hunter's: mindfulness is not about being calm, it is about being aware. And what this can do for us is really help us hone in on those three principles that are so vital for lawyers.

And in my 25 years of practising, but also in my over a decade of teaching lawyers, these are the things that, as soon as they start to understand that they have permission to work on their presence, to work on their emotions, to meet what's here without avoidance and without resisting, everything changes. And that is what allows them to also become a lot more agile in their own practices.

As educators, what does this mean for us? Well, we have the research from Harvard, Brown University. Here in Australia, and in my state, Victoria, we have Monash and Melbourne universities that are doing a lot of work on mindfulness research. And we know the benefits, from Sarah Lazar and Herbert Benson all the way through to today, to show us how mindfulness practices regulate the nervous system, thicken the prefrontal cortex, strengthen emotional regulation and reduce amygdala reactivity. And the American Bar Association clearly calling out mindfulness for peak performance and wellbeing in 2018, stating that wellbeing is also an indispensable part of our lawyer's duty of competence.

In our classrooms, and I call every opportunity to train a lawyer a classroom, so I train students all the way through to practitioners who have been practising for 40 years, this is our opportunity to actually teach from presence, to teach from that space of reflection and stillness, to give them permission to see what it's like in practice. So, sharper strategies for us, because teaching from presence helps us improve our pacing as well. Stronger ethical decision making, because showing them that you can pause before reacting, pause to consider really what is going on.

What are your clients feeling? What are they coming to you with? What are the decisions that you have to take? You do not have to jump into it. You can take a pause. And deepening student engagement. So when we give them that permission, and I do this almost daily, and I come away from every session so energised, because lawyers in their 60s finally coming to me and saying, ah, I had no idea that this is what was happening with my nervous system. I've been practising for 40 years. I'm now reflecting on how I was behaving, how I was showing up for clients. I've had people put their hand up and say, actually, I've been practising yoga for many years because it's helped me with my own stress. And other lawyers in the room are saying, oh wow, that's amazing, I didn't know you did that. Or lawyers in their 60s saying, I meditate and I've never shared that with anyone, because it's helped me focus and improve on my attention. So, normalising these conversations has been such a game changer. And I love going in also to the older practitioners, because it's the opportunity to reflect, and just in that instance understand that you're not alone in this process.

We know from the research that mindfulness works best when it's applied and pragmatic. And so, for us as educators, it can be so simple. We don't have to change our curriculum. Begin with a minute, 60 seconds of grounding, drop in. What are we feeling? As everyone has been sharing, reflecting after the act, journaling, debriefing, pausing before answering, reflecting that to them. And it's really about normalising this vulnerability, right? To say, we as human beings, and emotions, are at the heart of everything that we do as lawyers.

So, this thing of pretending that we just move through all of this without attributing anything to our emotions, and what we're feeling, is what is contributing to your wellbeing. And our numbers in Australia are critical. The regulator here in Victoria presented on the first day of the session and shared a little bit around our wellbeing and the theory of change. And, you know, I always refer to Carl Jung's famous quote, which was, "what you resist persists." So, if we give our lawyers, our students, our practitioners the opportunity, the permission to pause and look at what they're experiencing inside, it's such a powerful thing for them.

Like I said, modelling this is critical. And so even for us as educators, what are we doing for ourselves? How are we supporting our wellbeing? How are we supporting our reflective practice? And sometimes it can be just holding boundaries. Sometimes it can be naming our own compassion fatigue, making sure that we're looking after our wellbeing so that we can show up and do the best that we can for the people that we are training, the people that we are teaching.

I'd love for you all now just to even take two deep breaths with me, just to take two deep breaths in and out together. Just to drop into the body. Yeah. Perfect. So just even close our eyes, just for a minute. And just breathe, and just notice what happens within the body. Notice what happens when we turn our attention to the breath, and it's not asking for anything to shift. And this is something that we can share with our students and with our practitioners. We're just taking a moment to pause. As lawyers we're so used to running, to being quick, to having an answer ready. What happens if we don't? What happens if we take a moment just to breathe? And so that conscious breath is so powerful.

And I also have practitioners do the 5-4-3-2-1 exercise in a room. So, I'll say, let's just look around us in the room. What are five things you can see, four things you can hear, three things you can touch? And make them get up and touch things and focus on different sensory experiences for them. And of course, I also take them through RAIN, Tara Brach's meditation, just to get them to really recognise, to allow, to investigate and to nurture.

And this is stuff that I teach when I'm teaching leadership or supervision or mentoring, or when I'm teaching client conversations and how to interact with challenging situations. And I'll weave it into everything, not just the wellbeing sessions. It would be remiss of me not to mention that a body already exists that looks at all of this, and I'm a proud board member of the US organisation and co-chair of its Australian chapter. Mindfulness in Law and Society is amazing, and I really invite you all to take a look at the work that we're doing. We're a not-for-profit, and we are secular and evidence based. We have active divisions. We have 28 board members across academia, private practice and wellness. And we have an amazing group of teachers who are doing incredible work around the world.

And I'm going to leave you with what I have found, and what I know the research shows, but even just in the experience of what a mindfulness practice can cultivate: its confidence, integrity and compassion. And I see mindfulness as something that can help us become more ethical, more client centric, more agile, and recognise the common humanity that binds us all, coming back to our purpose. Brenda spoke so beautifully about the things that matter when you're a lawyer, the things that you have to reflect on to be able to work in restorative justice, for example. That really touched me, Brenda, because that's that whole conversation of, why did we become lawyers in the first place, right? What are we trying to do? And who are we here to serve, and not burn out by the five-year mark? Because in Australia, the five-year mark is like the cliff edge, right?

So, my invitation, as I close, and thank you so much for your attention, your presence and this opportunity, is just take that mindful pause and model that mindful pause. Even that one breath is so, so powerful. So, thank you so much.

(Christa Bracci) Thank you, Artemis, for that really important reminder about modelling our own humanity for our students, and in fact reminding us as well that the skills that we think of as soft skills are not actually soft skills. They are foundational skills to the practice of law. They're foundational skills to being just decent human beings too. So that's fantastic. Thank you so much.

All right. And again, we're doing so well, everyone. Thank you. My heartfelt thanks from the part of a moderator for your attention to the timeline here. I really appreciate it.

Our next presenters are Rowan Meredith and Sharon Sutherland. Rowan is a University of Toronto SJD candidate, as well as an educator and adjunct instructor in various programs. And Sharon Sutherland joins us from the Mediate BC Society. Today they're going to be talking about team-based learning activities as a way of encouraging reflective practice, and I'm really excited to hear about some of these. Over to you, Rowan and Sharon.

49:53 (Rowan Meredith)

Great. Thank you so much, Christa. Are folks able to see my screen? All right. Thank you. And thank you so much, Artemis, for giving us those moments to just take a couple of deep breaths just now.

Sharon and I are going to talk about a particular technique that we've used to try to encourage some forms of reflective practice in law students, and how that has worked for us. We've both used team-based learning, which we'll talk about what it is in a moment. Team-based learning activities in different ways in our courses, in my

context in advanced legal research, and in Sharon's context in courses such as torts and mediation. And so we come with a variety of different ways of using team-based learning exercises, both finding it a very valuable way of encouraging more students to be more reflective, and in a way that they find enjoyable, fun.

So just in terms of what we're going to talk about, we will briefly discuss what team-based learning exercises are, and then we're going to get into a few of the different ways that these exercises have led to increased reflection among law students. I suspect we probably won't have time to get to reflective instructional practice at the end here. But if not, feel free to send us any questions you might have about how we actually work with team-based learning exercises to reflect on our own instruction. I'll turn it over to Sharon.

(Sharon Sutherland) Okay. Rowan's given me the challenge of doing a really, really quick overview of TBL, as it's referred to, just as a specific kind of practice. And it could be, we could take hours working through this. When we were originally introduced to it, it was through workshops that were half days. TBL was created in the '70s as a specific technique to address two problems, to engage students in large classes. And so, it grew largely out of the sciences and continues to be used more in first year science, second year science courses than anywhere else that I'm coming across, but is used in other places as well. And it was designed to try and get students to do pre-readings so that they actually come to class prepared, which of course is fundamental to being able to have different kinds of reflective work.

So, what we've got on the screen there is the basic five steps that the TBL Collaborative, which works with a very specific model, utilise. So, team selection. Usually for TBL you are identifying a team that will run over the course of a term, over the course of an entire year. So, folks will iteratively get into that team and work together. There's also a learning around teamwork and all of the rest of those pieces. We won't spend a lot of time on that, because we use it two ways. We use it iteratively, and we also use it sometimes as a one-off exercise in a class where folks are creating their own teams. Works both ways equally well. Pre-class readings, preparation. There is something that it could be, watch a video. It could be actually go and see a play. I've assigned plays sometimes as the pre-reading. It's whatever it is that folks need to have done, to have taken in, so that they can actively engage in the conversation, is the preparation piece.

And then there's this interesting piece that can be done either in class, or Rowan often leaves it out entirely, but I find it really useful. A *readiness assurance process* is something where the students, if you have them do it outside of class, take a quiz that is a multiple choice quiz on exactly the same questions that you're going to have them do in the work group. It's fantastic. And we can talk a little bit about why that works really well. But I would set it up: students, you don't get your answers. You don't know what you scored, but you've had a chance to go through it. In the course, when they come into class and they're working in their team, they get immediate feedback.

Rowan, if you want to flip to the next slide, I'll just show you what this looks like.

We use cards. There's these immediate feedback cards that you can purchase that are nice scratch things. This is where Rowan talks about, it's fun. You have phenomenally engaged students, if they're sitting there in a group and they have to agree on what they're going to scratch off. And you can see on the first one there's these tiny little stars when you get it right. So, the satisfaction of getting it the first time is just like this huge rush. There's this, oh, we are so excited and thrilled. And if you have a student who's one of those super alpha students, kind of dominating everything, refusing to let anybody else participate, and scratches off the wrong thing the first time, that happens, all of a sudden we all learn about consensus building, and we develop a whole different way of engaging, and you start hearing quieter students.

So, all of that's going on. And there's an immediate discussion about the scoring, because the way I would always give the marks is one point for getting it on the first, 0.75 if you got it the second time you scratched, 0.5 if you get it the third time. You only get zero if you are on the fourth scratch on the card, which is great incentive to keep working through it.

All right, Rowan, I'll let you flip and get on to the next part of it.

I was going to talk just a little bit about this, but it's not really very much more than that. The other piece I wanted to add is, in torts I did set it up so that groups work together through the entire term, and so once a month they would

have one of these sessions where they would do this and they would prep. And what was an interesting piece, of course, reflection and reflective discussion becomes better if everybody's prepped. So, I'm not going to get into why those things happen. We can talk about it later if it's something that's of interest. But what was interesting was the way it motivated. Because what would happen is folks going into these would believe 100% that they could beat their team, and that they would get a lower mark in the team, that this was bad. Anytime you're in a team, you're going to get a lower mark. But of course that actually isn't what happens if you do this well. And what we would find is that the students who most were convinced that they were going to beat the team and then didn't, the first time that they did it, would actually go and read more closely to try and score a higher mark later. I would give students the chance to beat the team score. If they beat the team score, that was the mark they got recorded for themselves.

In several years of doing this, I have had one student ever beat the team, by 0.25. And were they ever, they were so prepared, every single class. It was actually hilarious. But it's really motivating to try and do this.

(Rowan Meredith) So just to quickly talk about what happens in the room. So, you've prepared, and now you get into teams, and you're going to scratch off, you're going to discuss, try to build consensus, and then scratch off to find your answer as a team. Building that consensus is in itself a form of reflective practice, because if you've already done the preparation, you're reflecting back on whether your previous answer is correct. But what we find has been really valuable in establishing reflection are giving these points for the second and third attempts. So, after somebody determines that, oh, we got a question wrong, you scratch off and you don't see that star, what people will do is they'll reread the question very carefully. Oftentimes they'll find issues with how they were reading the question, so it could be a reading comprehension issue that they were able to find through reflection. They'll find if there's sort of a trick to the question.

So, we look for the best answer, and sometimes that means really focusing down on, what is the trick to this question? And then I think one of the most important things is that they will reflect on - did we leave out someone's voice the first time around? Was there somebody in our group who might have had a different answer than the rest of us, and perhaps we didn't pay close enough attention to what that person was saying? And this gives folks an opportunity to go back and say, okay, what were you saying, and what was your thought process? And sometimes they'll find the correct answer that way.

So, this incentivising to still continue to work on the question even after you've got it wrong, I think, allows for that sort of team building reflection on the dynamics. And usually, people will not continue to leave out those same voices for the next question.

And then finally, the debriefing process at the end. We give folks an opportunity to fight for, if they got a question wrong, but they really think that it was right and that the question was worded incorrectly, they get the chance to argue on behalf of that. And I found that this really helps folks just continue again to reflect on, was their answer correct? And what was our strongest argument in favour of a particular answer? They have to come together to identify their most convincing argument and then figure out how they're going to convince both me as the professor, but also the class of that argument. Usually, the classmates who had different answers, or had gotten it correct, are the ones who are really going to be arguing with them. The instructors rarely even have to do so.

So, in these ways, we found this to be just a really, really beneficial practice. And in some ways, like Sharon said, the scratch cards being so much fun; I found this to be almost a way of gamifying reflection. It makes people enjoy the reflective process in a way that they otherwise don't always.

We won't move on to our last slide. We'll end here. But feel free to either ask questions in the Q&A or send us emails with any questions you might have.

(Sharon Sutherland) I'll just note, with the slides, the final slide actually has a couple of links for resources, so we can add those into the chat, but you can look at them afterwards. There is a collaborative that does a lot of work on this and offers lots of free training around it. It's really fun and accessible.

(Christa Bracci) Fantastic. Thank you both, Rowan and Sharon, for sharing your action research with us, what you're doing in your classrooms. It's really interesting to hear reports of collaborative reflection, and how we encourage collaborative reflection as a species of reflective practice. It's natural, I think, for us to focus on individual reflection

as a starting point, our own reflective practice. But how we carry that for our students into group work is a very interesting question. And I know I will have more questions for you after we end today. But on we go.

And our next presenters are Sonia Kalsi and Rachel Knowles, both of University College London. Sonia is a practitioner and a lecturer at UCL, and Rachel as well, a professor there. And they will be speaking on "*Reflection on Reflection: Supervision, Assessment and Beyond*."

1:01:36 (Sonia Kalsi)

Great. Thank you very much, Christa. And can everybody see the slides? I think Rachel has shared them. Great. And I think we just need to start them from the beginning.

First of all, lovely to see everyone. Both Rachel and I are very pleased to be part of this symposium, and so many interesting and enriching presentations today and earlier in the week. It's just been great. So, thank you.

With regards to our presentation today, rather than revisiting the theoretical underpinnings of reflective practice, which a whole range of colleagues have dealt with brilliantly in various ways, our contribution focuses very much on an applied perspective. And that's to say, how we've integrated reflective practice into assessment for a curriculum module, and also how we've used reflective practice on an extracurricular pro bono scheme. Thinking about some of the challenges that these have raised and reflecting really on what the way forward might be. So essentially what we'd like to do is chart our journey on how our assessment format has evolved over the last few years, why it's evolved in the way that it has, and what our next steps might be.

So first of all, to talk about our curriculum module that you can see there on screen. So, Access to Justice and Community Engagement. Students do 45 hours of clinic work. Our legal advice clinic is mainly housing and welfare benefits. And what's quite unique to the clinic experience, certainly for universities in England and Wales, is that students get one-to-one supervision. For that reason, we only have 20 students on the course, and students have to apply for the module. The clinic work is supplemented by a number of seminars which seek to do a range of different things. First of all, provide a bit of context to the clinic work that students will be doing, but also to introduce ethical foundations and to encourage students to think about professional identity, much of which has been referred to by other speakers today.

Moving then to how we have sought to culminate this experience in assessment. These are the three versions of what we have implemented over the last few years. So, in Version one, you can see everything was written essentially, and there were two written critical reflections. And in those written pieces, what we were asking students to do was to bring together theory and practice. So, in the seminars we have a broad range of literature: empirical work, normative work, practice-based policy. A lot of different material. And the idea is that the students reflect on the literature, reflect on the experience, and what are the learning points when you bring those two things together? So, two written submissions on that. And then the third written submission was more focusing on skills, and students were required to submit a written learning journal, along with a number of self-selected documents from their clinic work, to try to evidence their learning.

So that was version number one.

Version number two, which was something we introduced last year, and this was in response, I guess, to probably two main factors. One was thinking about diversity of assessment. Our assessment's already a little bit different to a lot of the modules on the undergraduate degree in our faculty. But one thing, to diversify and in order to allow students to speak to their strengths effectively. In addition to that, we were quite concerned about potential AI risks and the need to securitise written submissions. So, we introduced an oral critical reflection, which was much along the same lines as the written one, that students were required to do a ten-minute presentation bringing together theory and practice, and then there would be ten minutes of Q&A after.

Version three - which is what we've implemented this year. We felt that the oral presentations had gone so well last year, the students enjoyed them, we enjoyed them, and they seemed to do quite well, that we introduced a further oral presentation. And this was then in regards to the learning journal. And here students would talk through the clinic documents in order to evidence their learning.

(Rachel Knowles) So, I wanted to also share about how we've tried to track the clinic experience that the students are having, and the supervision they're having, to match the assessment, to try and help them to actually think about what they're doing as they're doing it. So, as Sonia mentioned, we have one-to-one supervisors, and they do regular supervision sessions, one to one, with the students that they're supervising.

And this is an example of the reflective practice, I guess, we're asking students to do before they come to supervision. So, students have to complete this before they even come to the meeting with their supervisors. And you can see we're asking them to think about three different types of skill that they're developing, as well as thinking about what their wellbeing is and how they're coping with that, what tasks they've done, and the things they've done well, but also one thing that we're trying to work on. Sort of two stars and a wish model of thinking about stuff. And then when we get into supervision with the students, we're then obviously trying to facilitate that reflection, help them to think further about what their skills are, and tease out what they've actually said, because a lot of the time they remain really quite factual. And it's helping them learn how to reflect with a supervisor before they then have to actually do it in front of us for their assessment.

Sonia is next.

(Sonia Kalsi) I'm talking about extracurricular reflection, and we created what we called the pro bono skills development framework. Not particularly catchy but does what it says on the tin. And the idea being then that any student who does pro bono work arranged through the UCL Centre for Access to Justice, they have an opportunity to sign up to this scheme and to write 500 words on three different competencies that they would like to develop. We allow them to choose the competencies. What is it that you would like to work on and why? So that they can explore then their development in those particular skills. And if they successfully produce something, and all we're looking for really is some kind of engagement in the process. We're not marking these, then students will receive a certificate that just acknowledges the engagement in that reflective process.

So those are the two things where we integrate reflection. But the thing that's kind of driving us at the moment, and I think that's driving a lot of discussions across universities in relation to all types of assessment, is some of the issues that I've set out on screen. With reflection, what we hope to see is something authentic. But there is the risk of performative reflection, of students kind of trying to make the learning points they think that we want to hear, and kind of being alive to that. Reflection can involve an element of vulnerability, of exposure, of talking about what's difficult, what's challenging. For some people that's a lot more difficult than for others, for a whole range of different reasons. So, trying to balance that with thinking about student wellbeing, integrity to the reflections, but also integrity to the process. We want that to be present, but there is a risk of AI use in any type of written submission. Thinking about diversity and inclusion, but at the same time the need for standardisation. We want students to have personal growth, but do assessment outcomes necessarily capture everything that a student might be gaining from a particular experience?

There are obviously the realities of casework. We can't ensure students get to do every single thing they want, and that the experience is going to be the same. How do we match that with assessment requirements?

And finally, just thinking about the ideals. We'd love to do so many different things, but the resource constraints, simply, you know, we introduced these two oral assessments now, which we really enjoyed and we thought were effective in many different ways, but obviously there were logistical challenges in relation to doing that. So how do we manage that?

(Rachel Knowles) Okay. So, we wouldn't be academics if we didn't attempt to try and steal some of your ideas while we were doing this. So, we've put a Mentimeter link. I put a link in the chat where you can click to participate in the Mentimeter, or you can scan the QR code with your phone. We would love to hear what your approaches to reflective assessments have been, and how do you know if they're working, or if they are working at all? We'd love to hear about them.

I'm going to suggest, given our time constraints, that hopefully anyone who wants to do this has clicked on the link already, and then I will talk through the last two slides whilst you're filling this in. And then we can maybe skip back to it and see what people are saying, if my technology skills worked. They may well not have done.

So, here are some of the things that we thought about when we were thinking about whether reflective assessment works. We looked at our assessment content and outcomes, and they seem to be doing well. We're getting good grades. Students seem to enjoy saying things, and they seem to be saying things that are relatively sensible. And it's quite nice to see that what we've taught them, they seem to be saying. We've also had a colleague in our faculty look at equality, diversity and inclusion data, to see whether or not changes to the assessment method have had any negative EDI impacts that we can see. So far, they haven't. So that's good. Student voice. So, the student surveys that we conduct, they all seem to like what we're doing, and they like being reflective and having it as a different form of assessment. Our academic integrity indicators, we scan for all of those sorts of things, and they also seem to be coming out well. And we're also moderating the modules, as I'm sure most people are. And then finally, we're trying to integrate that more broadly into reflection across the curriculum. So, like many other universities, our university is very much thinking about reflection and incorporating that into the curriculum more widely. So that's useful to think about.

And finally, here are our email addresses if you want to talk about this more with us. And I'm hoping I've just managed to do it in time. I do want to go back to the Mentimeter and see if anyone's put any answers in there. If people want to see them, we've got one so far. It's going to stay open for now. I will try and get it. I we've got time at the end. I can maybe flash it back up again if people want. But I'm going to stop sharing my screen now, she says. There we go.

(Christa Bracci) Fantastic. Rachel and Sonia, thank you so much. So fascinating to see the intersection of reflective practice and oral reports of students in their own voice. Because we do have literature now that talks about one way of defeating the gen AI risk and the gen AI temptation, is to encourage students, in requiring them to report orally on their learning and reflect orally with an instructor in a controlled environment on controlled criteria. So, I think that's a really, really fascinating. Thank you so much.

All right. We are down to our last presenter. This is Professor Olaide Gbadamosi from Osun State University, Faculty of Law in Nigeria. And Professor Gbadamosi will be talking about advancing a reflective approach to the practice of law. Professor, over to you.

1:13:02 (Olaide Gbadamosi)

(Omitted conversation over technical issues. Editor's note – Professor Olaide gave an abbreviated presentation based on his paper. His PowerPoint presentation can be found under the [Abstracts tab](#) on the Series website under his name. The Q & A is also excluded.)

1:24.00 (Olaide Gbadamosi)

Let me just quickly speak to my paper in two minutes. Good evening, everybody. I don't need the slides. My outline from my paper: The introduction. Meaning of reflection in legal practice. Importance of a reflective approach. Core elements of reflective legal practice. Benefits of reflection in learning. Reflection in professional legal practice. Practical methods for developing reflective practice, supported by an illustrative example. Core benefits of reflective practice in law. Integrating reflection into daily workflow. Key challenges in reflective practice. Overcoming barriers to reflection. And then the conclusion.

Because of time, since you already have my paper, let me just scroll to the conclusion so that we can save time. The concluding part says, and I read. "Incorporating a reflective practice into the practice of law transforms routine legal work into an active process of learning and improvement. Rather than replicating past actions out of habit, reflective practitioners use their experiences to build professional artistry and better handle the complexities of legal work. A reflective approach transforms legal practice into a dynamic and evolving discipline, improving legal reasoning, ethical judgement, and service delivery to clients and the society at large, consistent with judicial expectations of diligence and professionalism from case law. In essence, the reflective approach bridges the gap between law in books theory and law in action practice, ensuring that the pursuit of justice remains a thoughtful human endeavour rather than a mechanical one. Advancing a reflective approach to the practice of law transforms the work from a mechanical application of rules into a thoughtful, self-aware, and ethically grounded discipline. This requires lawyers to move beyond the routine by engaging in a dialogue of thinking and doing, where they continuously analyse how and why they perform their duties, to improve future performance.

(Christa Bracci) Thank you so much, professor. I'm going to have to stop you there. I think that's actually a great way of wrapping up our session. I just want to say thank you again to all of the presenters in this session. So much rich information, so many questions, so a desire to know more and to hear more and to have more. That's the beauty of making connections at a conference like this.

It's looking, folks, like we won't have a lot of time for formal questions and answers in this session, because I know that you need a break. But I do want to encourage participants to pop questions into the chat box, or at least contact presenters in the chat box, as a way of making contact and perhaps being able to exchange emails, in order to facilitate a conversation after the session is over.