2013

Good Practice Guide (Bachelor of Laws)

REFLECTIVE PRACTICE

Judith McNamara, Tina Cockburn, Catherine Campbell

Contents

Introduction

This Good Practice Guide was commissioned by the Law Associate Deans Network to support the implementation of Threshold Learning Outcome 6(b): Self-management, focussing particularly on reflective practice.

The Threshold Learning Outcomes (TLOs) for the Bachelor of Laws were developed in 2010 as part of the Learning and Teaching Academic Standards (LTAS) Project, led by Professors Sally Kift and Mark Israel.[1] TLO 2: Ethics and professional responsibility is one of the six TLOs developed for the Bachelor of Laws. All six TLOs are:

TLO 1: Knowledge

TLO 2: Ethics and professional responsibility

TLO 3: Thinking skills

TLO 4: Research skills

TLO 5: Communication and collaboration

TLO 6: Self-management

The TLOs were developed having reference to national and international statements on the competencies, skills and knowledge that graduates of a degree in law should have, as well as to the emerging descriptors of the Australian Qualifications Framework (AQF) for Bachelors Degrees (Level 7) and Bachelors Honours Degrees (Level 8).[2]

TLO 6(b): Self-management

Graduates of the Bachelor of Laws will be able to:

(b) reflect on and assess their own capabilities and performance, and make use of feedback as appropriate, to support personal and professional development.

This Good Practice Guide seeks to assist law schools and legal educators in implementing TLO 6(b) by:

• providing a concise summary of existing research and good practice in the area

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[1] Sally Kift, Mark Israel and Rachael Field, *Learning and Teaching Academic Standards Project: Bachelor of Laws Learning & Teaching Academic Standards Statement December 2010*, Australian Learning & Teaching Council (December 2010) <http://www.altc.edu.au/system/files/altc_standards_LAW_110211.pdf>.

[2] Ibid. See relevantly the Notes on TLO 2 at 14-16 and the sources and relevant equivalent or contributing statements to TLO 2 that are summarised at 34-36.

- synthesising the key considerations to be taken into account in determining how to implement TLO 6(b)
- identification of areas in which further work is needed.

This Good Practice Guide particularly focuses on how to teach and assess reflective practice skills. It is noted that these skills may also be useful in the development of other TLOs, particularly TLO2 Ethics and Professional Responsibility.

Good reflective practice skills should be taught across all undergraduate law courses to enable students to reflect on and assess their own capabilities and performances both as undergraduate and postgraduate students and as legal professionals.

Reflective practice skills are difficult for students to master, therefore these skills should be embedded across the whole curriculum with higher years drawing on and further developing the skills taught in earlier years. Students should also reflect on the substantive aspects of their learning.

Reflective practice skills may enhance students' and lawyers' wellbeing and psychological health. Thus, the implementation of reflective practice, especially where this is embedded across the whole curriculum, should also be considered as a method for promoting psychological health and wellbeing in law students.

Reflective practice skills are also crucial for developing emotional intelligence in law students and lawyers.

The constructive use of feedback from diverse sources is critical for developing good reflective practice skills in students. Good practice for feedback is fostered by well-developed CRAs. Feedback assists students to understand the benefits of reflective practice.

Authors[3]

This Good Practice Guide was written by Judith McNamara (Assistant Dean Learning and Teaching), Associate Professor Tina Cockburn and Catherine Campbell (Sessional Lecturer), Queensland University of Technology, Faculty of Law.

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Part 1: Literature review

There is a lack of clarity in the terminology and definition of '*reflection*', and its conditions, processes, teaching strategies and outcomes. Overall however, most theorists assert that the development of students' reflective practice skills play an important role in enabling students to successfully complete their initial professional preparation in the higher education context, to become individuals committed to active, ethical and responsible membership of their profession, and the wider community, and lifelong learning within that profession (Rogers 2001; Russell 2005).

There are a number of variations in theories, which may be explained by the diverse philosophical origins of the authors. One of the key early contributors to the field was Dewey (1933, 1938). According to Dewey, '[w]e do not learn from all experiences; we only learn from the experiences on which we reflect' (1938, 78). Dewey's work is largely concerned with reflective *thinking* for personal and intellectual growth. He conceptualises reflective thought as a process in which a state of uncertainty or doubt leads an individual to search for explanations or solutions (Dewey 1933). 'A more *critical* and *transformative* approach to reflection … is evident in the work of Friere (1972), Habermas (1974) and others who have followed their lead (see, e.g., Hatton and Smith 1995; Mezirow 1990)' (Ryan and Ryan 2012, 1, emphasis added). Such an approach suggests that an alternative reality can be recast in which the student or professional can take an intellectual stance in dealing with critical issues and practices, and empowered to initiate change (Giroux 1988).

Another particularly influential theorist is Schön (1983) whose work on the 'reflective practitioner' has shaped professional education via his concepts of 'reflection-in-action' and 'reflection-on-action' (Ryan and Ryan 2012, 2). Schön's theory is situated within everyday practice, however it has been subjected to criticism on the basis of claims that it does not move 'beyond the immediate situation and for potentially perpetuating hegemonic or normalising forms of practice rather than enacting change at a broader level' (Ryan and Ryan 2012, 2).

With diverse theoretical underpinnings, such as those posited by Schön and Dewey and their more recent counterparts, reflective practice needs to be perceived as 'multi-faceted' and thus 'can be interpreted in various ways' (Ryan and Ryan 2012, 2). In order to identify the common features of the most popular conceptualisations of 'reflection', Rogers (2001) undertook a concept analysis of the seven major theories: Dewey; Schön; Boud, Keogh and Walker; Langer; Loughran; Mezirow; and Seibert and Daudelin. From this review he established a synthesis of the concept of reflection as:

> a cognitive and affective process or activity that (1) requires active engagement on the part of the individual; (2) is triggered by an unusual or perplexing situation or experience; (3) involves examining one's responses, beliefs, and premises in light of the situation at hand; and (4) results in integration of the new understanding of one's experience (Rogers 2001, 41).

Clearly then, when we ask students to *reflect* we are expecting something more than simply the common-sense understanding of reflection as *thinking deeply.* A commonly used definition of *reflective thinking* is provided by Moon (2004, p.82):

> Reflection is a form of mental processing — like a form of thinking — that we may use to fulfil a purpose or to achieve some anticipated outcome or we may simply 'be reflective' and then an outcome can be unexpected. Reflection is applied to relatively complicated, ill-structured ideas for which there is no obvious solution and is largely based on the further processing of knowledge and understanding that we already possess.

Just as there is diversity in the frameworks underpinning theories of reflective practice, there are also multiple models presenting hierarchies of thinking within this practice. Most researchers and commentators agree that there are different types or hierarchical levels of reflection, although the way in which theorists choose to represent these levels varies considerably (Collin and Karsenti 2011).

The DRAW model of reflection has recently been developed by a group of researchers working on an ALTC funded project. DRAW is an acronym for *Developing Reflective Approaches to Writing.* The project developed a 'systematic approach' to a 'shared language for students and staff around reflection' (Ryan and Ryan 2012, 7). It visually maps 'the pedagogic field of reflection in higher education' and represents a 'transferable and customisable model for Teaching and Assessing Reflective Learning (TARL)'. It integrates four identifiable factors influencing reflective practice (Ryan and Ryan 2012, 5). These four variables are:

1. the developmental stage of the learner and their learning context (ie, differences between first year or postgraduate students);

2. the disciplinary context of the learning (ie, the school);

3. the expectations of the lecturer/unit coordinator (ie, what is their objective for setting the exercise); and

4. the diversity of learners (ie, prior knowledge, abilities, experiences etc) (Ryan and Ryan 2012, 5).

The TARL framework is versatile and can be adapted to accommodate multiple models of reflection used in higher education (for further information see Ryan and Ryan 2012).

The DRAW project conflates Bain et al's (2002) 5Rs model into 4Rs signifying *Reconstructing, Reasoning, Relating, and Reporting & Responding.* The DRAW model provides a *Pattern Language for Reflection in Higher Education* to assist with the development of reflective exercises by providing exemplars accommodating the four variables identified above. Further information about this model and exemplars are available at http://wiki.qut.edu.au/display/draw/Home.

Benefits of reflective practice?

There is considerable discussion about the benefits of reflective practice. The majority of the literature discusses the development of reflective practice skills for students, with a smaller selection asserting the benefits for professionals. Thus, this literature can be divided into the two sub-themes of *teaching and learning* and *professional development.*

The literature suggests that reflective practice has been used to enhance student learning in diverse disciplines and is most prominent within the areas of health (Smith and Jack 2005), education (Hume 2009), law (Ruyters, Douglas and Law 2011), social work (Lay and McGuire 2010), and psychology (Sifers 2012). In Australian legal education, reflective practice is a core skill embedded in the *Teaching and Learning Outcome 6* for promoting students' self-management skills (Huggins, Kift and Field 2011; Field and Duffy 2012). The authors suggest that it is also a core skill which can aid student learning in all domains, and that it is also relevant to the other TLOs, in particular, TLO2 Ethics and Professional Responsibility.

The benefits of reflective practice in teaching and learning include:

- The development of the ability to identify gaps in students' knowledge to enable them to assess their own capabilities and performance (Kift et al 2010);
- The development of problem solving skills (Maughan 1996);
- The establishment of academic skills at early or entry level studies (Roebuck, Westcott and Thiriet 2007; Dyer and Taylor 2012; McNamara, Field and Brown 2009);
- The promotion of deeper learning by encouraging students to reflect on, identify, and critique their own learning (Russell 2011);
- The development of professional responsibilities, values and ethics (Dyer and Taylor 2012; Axford 2005; Maute 2007);
- The provision of evidence of skills development and increases in competencies (Smith and Jack 2005);
- Maximising the benefits of experiential learning practices (such as internships, clinics and work experience) (Blackwell et al 2001; Blissenden 2006a and 2006b; Brodie and Irving 2007; Carson and Fisher 2006; Cox 2005; McNamara and Field 2007b);
- Aiding the development of thinking, collaboration, and communication skills (McNamara, Field and Brown 2009; Huggins 2011);
- Enhancing and promoting student well-being and psychological health via mindfulness and supportive practices (Duffy, Field and Shirley 2011; Field and Kift 2010; Field and Duffy 2012; Nugent et al 2011);
- Assisting students with the development of key course skills (McNamara and Field 2007b);
- Assisting students with a smooth transition from student to professional as they look back and reflect on their learning and look forward to the prospects of their professional roles (Kerka 2001); and
- Acting as a tool for professional development (Russell 2005).

How to teach reflective practice

Two antecedents have been identified for the teaching of reflective practice:

- the need for 'an event or situation beyond the individual's typical experience' in order to challenge the individual to 'reflect'; and
- 'the individual's readiness and willingness to engage in reflective process' (Rogers 2001, 42).

'Events' are controlled by teachers as they structure activities and assessments as tools to challenge students to question their own beliefs. By assessing these activities and promoting students' understanding of the importance of reflective practice the willingness of students to engage in these processes can to some extent be controlled. Students might be asked to reflect upon experiential learning, discipline knowledge or skill development.

If students are to learn how to reflect, skills in reflective practice must be taught: '(f)ostering reflective practice requires far more than telling people to reflect and then simply hoping for the best' (Russell 2005, 203). From the literature, four features of the effective teaching of reflective practice are evident. They are providing:

- clarity of expectations;
- structure;
- guidance, coaching and exemplars; and
- feedback (Rogers 2001, 48).

Clarity of expectations

Students need to understand the objectives of the reflective activity (Thorpe 2004). Teachers need to make clear their own expectations and the purpose of the assessment to students. This can be done by the teacher answering the following questions:

- What is the purpose of the activity?
- How does the activity fit into the overall program of study?
- Who will assess the activity?
- What are the assessment criteria and standards for the activity?
- How much does the activity count in the overall marks for the course?
- What are the specific requirements for the activity? (Dyment and O'Connell 2010, 235-236).

Structure

Providing a clear structure for reflective practice is considered crucial for positive outcomes for students (Russell 2005). S*tructure* is about providing students with a clear sense as to the purpose of the activity, the learning outcomes for the activity, examples of good reflection, and prompts to direct their thinking during the activity. However, structure in this sense should not constrain the unstructured and complex nature of reflective thinking, for

example it should not simply be an exercise of answering numerous specific questions (McNamara and Field, 2007a).

However, providing prompt questions is a useful tool for fostering students' thinking as they reflect on their experiences. For example, Lay and McGuire give structure to their students' reflective journals by asking that they 'describe' their experiences and 'examine' the learning objectives of the course in relation to those experiences (2010, 550). Alternatively the 4Rs framework of reflective writing can be used to provide guidance as to structure and relevant questions to prompt student thinking at each stage of reflection. It is suggested that such guidance be scaffolded so that in final reflections students are able to reflect without the benefit of such guiding questions. An example of a reflective assessment task and appropriate guiding questions to assist early development of reflective practice skills is included in Appendix 1.

Guidance, coaching and exemplars

Pre-teaching reflective practice is considered necessary for students to learn these skills well (Hume 2009). Hume pre-teaches reflective skills in workshops and classes in order 'to scaffold students' learning and promote more useful reflection' (2009, 247). She provides multiple structured exercises, 'timetabled slots solely for reflective writing', 'exemplars of reflective writing, reflective frameworks and regular written feedback and feedforward comments' for this purpose (Hume 2009, 258).

Guidance and coaching overcome the difficulties of conceptualisation for students. Hanson found that first year students had often never encountered the concept of reflection before and equated it with mirror images (2011, 297-298). Thus, good practice requires guidance by providing exemplars, templates, and clear directions to students on 'what reflection is and what it is not' (Dyment and O'Connell 2010, 237).

There are many examples available on the DRAW website of teaching activities which use the 4Rs of reflection including:

- Fishbowl Reflection
https://wiki.qut.edu.au/display/draw/Fishbowl+Reflection+%28FBR%29
- Future Careers Reflection
https://wiki.qut.edu.au/display/draw/Future+Career+Reflections+%28FCR%29
- Task-orientated Teamwork Reflection
https://wiki.qut.edu.au/display/draw/Task-orientated+Teamwork+Reflection+%28TTR%29

Feedback

Feedback loops and engagement between students and teachers aid the development of reflective skills and preferences action over talk (ie, teaching by example) (Russell 2005; Dyment and O'Connell 2010). Dialogue between teachers and students is considered crucial and needs to be regular (not one-off) (Russell 2005). Through dialogue, teachers can guide students towards

higher order reflections, in particular to ensure students move beyond reporting to reasoning and reconstructing.

Reflection should also be reviewed regularly with feedback after each review (Russell 2005). Multiple feedback points encourage the progressive development of reflective skills (Russell 2005). Dyment and O'Connell (2011) reviewed 11 studies which assessed student journals for evidence of reflective skills and found that those considered most successful in this endeavour had provided regular feedback and training to students. Examples of multiple feedback points include:

- Reflecting on the same event or situation multiple times after receiving feedback on each effort.
- Staging reflective assessment on different stimuli or 'events' over the semester and providing feedback between each assessment piece. Such assessment might be summative or formative.
- The use of an online asynchronous discussion forum to model good reflective practice. Discussion forums have the advantage of allowing feedback to be provided efficiently to a larger cohort.
- Peer feedback on reflective tasks (an example is included in Appendix 5).
- Verbal feedback and discussion in class.

How to Assess Reflective Practice

Some of the tools used by educators to encourage reflective practice in students are journals, e-portfolios, blogs and wikis.

Journals:

- Are the most favoured reflective practice tool in universities;
- Are often linked to experimental learning such as clinical placements;
- Are used to prepare students for career roles and assist with transitional phases;
- Are used as a tool for students to measure and challenge their own learning;
- Provide teachers with informal feedback highlighting gaps in students' knowledge or areas that need further development by identifying the strengths and weaknesses of student cohorts; and
- May promote psychological health and well being (an example of a reflective assessment task to promote well being for first year students is included in Appendix 3).

E-portfolios:

- Assist students to transcend the student phase and transition into professional practice and encourage 'life-long and life-wide' learning;
- Have a high functionality and can be instigated at the beginning of students' studies;
- Have variable features which can be added or removed to suit courses and student stages; and
- Last beyond students' studies by providing useful tools for career development (Waye and Faulkner 2011, 243).

Although the use of journals and e-portfolios dominate reflective practice approaches in higher education, blogs, wikis, role plays, and discussion groups are growing in popularity.

Web logs, wikis and discussion forums:

- Can be used in conjunction with clinical practices;
- Encourage the development of 'reflective practitioners in a more evolutionary way';
- Model 'reflection on action' behaviours as students blog after placements or clinics;
- Promote 'reflecting as part of a community'; and
- Assist with the development of reflective aspects of professional identities (Boulton and Hramiak 2012, 503).
- Promote the idea of a community of learners – this is particularly so for discussion forums (Simpson and Trezise 2011).

(For more information, see also: Hernandez-Ramos 2004; Brooman and Darwent 2012; Blackwell et al 2001; Pavlovich, Collins and Jones 2009; Boud 2001; Pavlovich 2007; Hickson 2011; Le Brun et al 2005; Christy and Lima 1998; Seale and Cann 2000).

Assessing reflective practice

There is general agreement in the literature that reflective practice should be assessed, however there is little agreement as to how assessment should be undertaken. There is also the general view that students only value work that is assessed, therefore if reflective activities are not assessed students will view them as less important (Ledvinka 2006; Burton and McNamara 2009). Thus, Dyment and O'Connell argue there needs to be a consistent approach across universities of the teaching and assessment of reflective practice (2011, 95). Accordingly where reflective practice is being newly implemented it is important to ensure that consideration is given to where and how reflective practice is taught across the curriculum and that a consistent approach is taken throughout the degree.

There are a number of different models or guidelines for assessing reflective practice. Regardless of the model used, Burton and McNamara argue:

> assessors need to go beyond assessing the quality of written communication, and should focus specifically on the key themes of reflection … such as: purposeful thinking and contextualising of what is already known; relating learning to existing knowledge values and beliefs; considering a range of solutions or options; and developing one's knowledge, values and beliefs (2009, 181-182).

Students should be furnished with a criterion referenced assessment (CRA) sheet which explicitly states how the assessment is to be graded in terms of the course performance indicators (Burton and McNamara 2009). (See appendix 4 for an example of a CRA based on the 4Rs model; an alternative approach suggested by Burton and McNamara is provided in appendix 5).

(For information on assessment see also: Bos, Opijnen and Zomer 2012; McNarama and Brown 2009; Kember and Leung 2000; Bell et al 2011; Kember 1999; Blissenden 2006b; Sifers 2012).

Part 2: Summary of key points

1. There are multiple theories and hierarchies about reflective practice, with the predominant idea being that reflection promotes deeper learning and is an essential skill for higher education.
2. There is an argument for the need for a clear standard definition of reflection to be used across faculties and institutions.
3. There are many claimed benefits for teaching reflective practice, with the primary assertions being that it enhances learning; promotes wellbeing and psychological health; and is useful over the life/work course for professional development.
4. Reflective practice is best taught as an embedded skill across the whole curriculum so that these skills can be progressively developed as students advance through their studies.
5. Reflective practice skills are extremely difficult for students to master, therefore good teaching practices need to be developed to enhance the delivery of these core skills.
6. There are four essential features of good teaching practices which are: clarity of expectations; structure; guidance, coaching and exemplars; and feedback and continuous review.
7. In the first year especially, the best approach for teaching reflective practice skills is modelling by teachers, providing exemplars, discussing examples from the teacher's real life to illustrate the stages of reflection and outcomes, giving clear guidance on how reflective practice is undertaken, skills practice workshops and tutorials, clear explanations of the benefits of reflective practice, and multiple feedback loops.
8. Reflective practice should be structured by providing students with questions as prompts to direct and contextualise thinking.
9. Students should be convinced about the benefits of reflective practice, especially how it will benefit them in their professional lives.
10. Good reflective practice requires continuous review of teaching processes by staff to ensure activities meet course objectives.
11. Awareness needs to be increased within the teaching fraternity about new students' lack of knowledge and understanding of concepts like *reflective practice.*
12. The main tools used in higher education to promote reflective practice are journals, e-portfolios, and increasingly, blogs and wikis.
13. Reflective practice challenges traditional grading techniques for assessment with the consensus being that good practice requires an evaluation on the depth of the learning rather than a focus on writing quality (ie, grade for 'thoroughness' rather than 'correctness').
14. Assessment should provide clear guidelines on how reflective practice is to be marked with good practice being the provision of criterion referenced assessment (CRA) and exemplars of student work.

Part 3: Further work

1. There is need for a clear and consistent definition of reflective practice across faculties, universities, and jurisdictions.
2. There is a need for reflective practice skills to be embedded across the entire law curriculum.
3. There is a need for further development of teachers' skills and knowledge of reflective practice, especially how to teach these skills to students.
4. Good practice teaching tools are necessary to assist the teaching of these essential skills.
5. Research is needed to explore how reflective practice skills taught in the early years of legal education are reproduced in the later years looking for evidence students use these skills to enhance their understanding of the law and their roles as legal practitioners.
6. A greater emphasis on reflective practice skills is needed in the later years of law curriculum to promote students' ability to reflect on the development of their substantive legal knowledge.
7. Greater promotion of reflective practice skills is needed within the law profession to counter the devaluing of these skills.
8. Research is needed to explore how teachers model good reflective behaviours to students.
9. There is a need for the development of courses explicitly teaching reflective practice within curriculum.
10. There is a need to develop the use of ePortfolios to enable individual students to document their development of threshold learning outcomes.

Part 4: Internet resources & references

Internet Resources

QUT DRAW project.

This website presents a *Pattern Language for Reflection in Higher Education* which includes teaching patterns and numerous resources. The website can be accessed at http://wiki.qut.edu.au/display/draw/Home

Tristan Jepson Memorial Foundation

This network was established as a portal for resources addressing law students' and lawyers' psychological health and wellbeing. The website can be accessed at http://www.tjmf.org.au/wellness-network/

UKCLE:

The UK Centre for Legal Education (UKCLE) was established to work with the legal education community with the aim of improving student learning experiences. It has a well-developed website accessible to legal educators around the world. The website can be accessed at http://www.ukcle.ac.uk/. This site contains numerous resources for legal educators teaching reflective practice.

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Appendix 1: Example reflective assessment task – guiding questions

Donna Langston states:

'Class affects what we perceive - and what we have available to us as choices.'

Similarly, Peggy McIntosh says:

'White privilege is like an invisible weightless knapsack of provisions, assurances, tools, maps, guides, codebooks, passports, visas, clothes, compass, emergency gear, and blank cheques… I have come to see white privilege as an invisible package of unearned assets which I can count on cashing in each day, but about which I was "meant" to remain oblivious.'

Reflect on how socio-economic class, race and cultural identity influences one's values, beliefs and opportunities in society. Consider both the impact on yourself and the impact on other groups (focussing on the groups who are stakeholders in relation to your project).

(Six prescribed readings were set to inform the reflection)

Reporting
Which socio- economic class, racial and/or cultural identity do you identify with? Do you identify with any subordinate or dominate groups within your class, race or culture? How might the values, beliefs and opportunities of members of other economic, racial or cultural classes be shaped by issues of class, race or cultural identity? What is your initial reaction to the readings?

Relating
Has your own class, race and/or cultural identity impacted on your values and beliefs? What privileges might flow from this? Have you been in situations where the actions of others may have been influenced by values and beliefs that are the result of class, cultural or racial prejudices? Are you aware of conflict arising due to differences in values and beliefs resulting from class prejudices or stereotypes? At what level if at all does racial, class or cultural prejudice exist and impact upon the experiences of people from different backgrounds?

Reasoning
Highlight in detail significant factors underlying the impact of socio- economic class, race and cultural identity on values, beliefs and opportunities for yourself on the one hand and for people of different class, race or cultural identity on the other. How might this impact on you as a future legal or justice professional? What different approaches might you take, and in what respects, to the project on which you are working?

Reconstructing
Has considering how class, race and cultural identify have influenced your values and beliefs caused you to reconsider any of your values and beliefs? Has considering how class, race and cultural identity influences the values and beliefs of others caused you to reconsider how you will relate and communicate in the future with people from other groups in society? How will you change your future behaviours as a result of reflecting on the impact of class, race and cultural identity – prejudices and privileges – on your values, beliefs and opportunities?

PART 1: CONDUCTING AN INTERVIEW WITH A CURRENT LEGAL PROFESSIONAL
- The trigger material for your reflection is a 20 minute interview with a legal professional.
- Students are provided with guidance in conducting the interview and locating a legal professional.

PART 2: REFLECTION ON THE INTERVIEW
- The aim of the reflection is to use the interview and what you have learned from it to inform your thinking about whether ADR should be a mandatory subject in the law degree.
- Where this assessment is completed as a group, you should synthesise your perspectives and present them as far as possible as a group reflection. However, where there are different responses or analyses then these can be noted for individuals.
- Your reflection should be structured in 4 parts to demonstrate the use of the 4Rs model of reflection which we have learned in class as follows:

Responding and reporting:
- Report on the interview discussions – that is, briefly summarise the questions asked and the answers given.
- Respond to the interview by making observations about it.
- Pose questions for yourself to address as a result of the interview in relation to whether ADR should be a mandatory subject in the law degree.

Relating and making connections:

Make connections between the interview and your own skills, experience, and knowledge.
- Provide responses to the content of the interview against your existing impressions of the importance of alternative dispute resolution in legal education.
- Identify the aspects of the interview that will inform the development of your own practice as a lawyer and whether alternative dispute resolution processes will be important to that practice.

Reasoning through demonstrating your understanding of the interview discussions through reference to the unit content and relevant literature:
- Highlight in detail the significant issues arising in the interview relating to ADR as a mandatory subject in the law degree.
- Explain and analyse their importance.
- Refer to relevant theory and literature to support your reasoning.
- Consider different perspectives – (eg theoretical or ethical) in relation to these issues.

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[4] This task has been provided by the authors' colleagues, Associate Professor Rachael Field and James Duffy (Lecturer) QUT Faculty of Law.

Reconstructing through developing ideas for the development of your own professional identity as a result of the interview:

- Explain how and why your own future practice as a lawyer will be informed by what you have learned through the interview.
- Elaborate on the steps you will take in the future to develop your own competency with respect to alternative dispute resolution processes. OR explain why you don't think you need to develop competency in alternative dispute resolution as a law student.
- Explore why developing your skills in alternative dispute resolution may be important to your well-being as a lawyer.

Appendix 3: Criterion-Referenced Assessment on Reflection based on 4Rs Model

	7 High Distinction	6 Distinction	5 Credit	4 Pass	3-1 Fail
Depth of Critical reflection					
30 marks	Your reflections demonstrate an outstanding ability to critically reflect on your learning in your clinical experience by: **Reporting:** Describing highly relevant incidents and issues, with perceptive observations of the situation; explained why these were relevant, noteworthy, puzzling, or troubling.	Your reflections demonstrate a high level of ability to critically reflect on your learning in your clinical experience by: **Reporting:** Describing relevant incidents and issues, with well-considered observations of the situation; explaining why these were relevant, noteworthy, puzzling, or troubling.	Your reflections provide evidence of your ability to critically reflect on your learning in your clinical experience by: **Reporting:** Describing relevant incidents and issues in some detail.	Your reflections provide evidence of your ability to reflect on your learning in your clinical experience by: **Reporting:** Providing some description of relevant incidents and issues.	Your reflections have: **Reporting:** Not described incidents and issues that are relevant to learning in your clinical experience.
	Relating: Making clear, insightful connections between the incidents and issues and your own personal skills, experiences, values and beliefs. Addressed questions such as: Have I seen or encountered this before? Were the circumstances the same/different? In what ways is this challenging?	**Relating:** Making clear and well-considered connections between the incidents and issues and your own personal skills, experiences, values and beliefs. Addressing questions such as: Have I seen or encountered this before? Were the circumstances the same/different?	**Relating:** Making clear connections between the incidents and issues and your own personal skills, experiences, values and beliefs. Addressing questions such as: Have I seen or encountered this before? Were the circumstances the same/different?	**Relating:** Making some connections between the incidents and issues and your own personal skills and experiences.	**Relating:** Made no connections between the incidents and issues and your own personal skills and experiences.
	Reasoning: Insightfully considering, from different perspectives, how the incidents and issues could be explained, by referring to own knowledge and experience and relevant theory and literature.	**Reasoning:** Considering, from different perspectives, how the incidents and issues could be explained, by referring to own knowledge and experience and relevant theory and literature.	**Reasoning:** Considering how the incidents and issues could be explained, by referring to own knowledge and experience and relevant theory and literature.	**Reasoning:** Making some attempt to consider how the incidents and issues could be explained, by referring to own knowledge and experience, and theory and literature.	**Reasoning:** Made no attempt to consider how the incidents and issues could be explained.
	Reconstructing: Considering other possible responses to the incidents and issues; describing what has been learned and noting any questions that remain unanswered.	**Reconstructing:** Describing what has been learned and noting any questions that remain unanswered.	**Reconstructing:** Described what has been learned.	**Reconstructing:** Making some attempt to describe what has been learned.	**Reconstructing:** Made no attempt to describe what has been learned.
Communication including clarity, tone and adherence to assessment requirements					
10 marks	Your reflections are personal and extremely well focused; descriptions of complex situations are very clear and feelings described very well; perspectives are clearly explained and developed logically; language is succinct and within the word count (2000-2500 words).	Your reflections are personal and well focused; complex situations and feelings described well; perspectives are clearly explained; within the word count (2000-2500 words).	Your reflections are personal and focused; situations and feelings described adequately; within the word count (2000-2500 words).	You have described situations and your reflections have some focus, but do not use the first person pronoun (I) appropriately; situations and feelings are not well-described; over or under the word limit by more than 250 words.	Your reflections are unfocused and unclear.

Adapted from Ryan, M and Ryan M. QUT (2011) and Green, W. UQ (2012) and thanks to Judith Smith, Associate Director, Academic – Real World Learning at QUT.

Appendix 4: Alternative Approach to Criterion-Referenced Assessment on Reflection

	Poor	Satisfactory	Good to very good	Excellent
Reflection skills	Merely sets out what happened.	Sets out what happened and why it happened.	Makes logical connections between new and previous knowledge.	Questions assumptions and values underpinning pervious knowledge. Solves inconsistencies between expectations from previous knowledge and the experience in practice.
		Approaches the experience and its rationale from a personal perspective.	Adapts or applies previous knowledge to a real world experience.	Shows an awareness of contextual considerations (historical, social, cultural, political).
		Follows practices because of habit.	Considers alternative options or solutions.	Uses literature and previous knowledge to support alternative options or solutions.
		Identifies strengths in previous understanding.	Identifies strengths and weaknesses in previous understanding.	Identifies strengths and weaknesses in previous understandings and suggests a way forward for dealing with weaknesses.

(source: Burton and McNamara 2009, 187).

The ePortfolio assessment item: Students are required to reflect upon their own performance and skill development during a team letter writing assignment and document this by making an **individual** entry into the QUT student ePortfolio. The word limit is 400 words maximum.

Students receive an individual mark for the ePortfolio reflection (weighted at 5% of the assessment). This item of assessment is assessed by tutors on a pass/fail basis, guided by a simple peer review process.

Peer Review Process: The eportfolio reflection is submitted to tutors during week 12, after students have reflected on their marks and feedback received on the team letter writing assessment item. Students bring two copies of their eportflio reflection and a copy of the relevant CRA sheet.

During the tutorial students swap a copy of their reflection with one of their peers (who was not in their team for the letter writing assessment). Students are given a few minutes to read and consider their peer's eportfolio reflection, and asked to make some brief constructive comments on the ePortfolio reflection, noting their assessment as to the standard of the submission on the CRA. Students then receive their eportfolio submission and marked up CRA back from their peers, and a brief discussion follows. The documents are then submitted to the tutor for final determination as to the pass/fail, and for recording of results.

Feedback on ePortfolio reflection: Students receive feedback on their ePortfolio reflections in the following ways:

1. Internal students receive peer feedback in tutorials and feedback from their tutor during tutorials.
2. External students receive feedback by way of written comments and/or corrections on their submission.
3. A completed Criterion Referenced Assessment sheet (indicating the student's standard of achievement for each of the assessment criteria).
4. Generic feedback is posted on the unit Blackboard site.