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Assessing Law Students as Reflective Practitioners

Jodi S. Balsam
Brooklyn Law School

Susan L. Brooks
Drexel University

Margaret Reuter
University of Missouri-Kansas City School of Law

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JODI S. BALSAM, SUSAN L. BROOKS, AND MARGARET REUTER

Assessing Law Students as Reflective Practitioners

62 N.Y.L. SCH. L. REV. 49 (2017–2018)

ABOUT THE AUTHORS: Jodi S. Balsam is Associate Professor of Clinical Law and Director of Externship Programs at Brooklyn Law School. Susan L. Brooks is Associate Dean for Experiential Learning and Professor of Law at the Drexel University Thomas R. Kline School of Law. Margaret Reuter is Associate Clinical Professor and Director of Field Placement Programs at University of Missouri-Kansas City School of Law.

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I. INTRODUCTION

We begin with two premises. One, legal educators, particularly clinical faculty who teach experiential courses, aim for their students to become reflective practitioners. Two, despite the highly personal nature of reflection, law faculty can assess law students' ability to reflect meaningfully by reviewing and evaluating their reflective journals and essays. This is a story about the three authors of this essay: the genesis of our teaching techniques in reflective practice; how we discovered our similar approaches to assessing reflective practice; and how we have embarked on a project to discover whether a rubric we developed collectively can become the basis for assessing reflective practice as a school-wide learning outcome.¹

Clinical law teachers widely view reflective practice as fundamental to effective lawyering and the professional identity formation of lawyers, including the pursuit of core values, social justice, and personal growth.² Indeed, most professional disciplines, including those related to medicine, mental health, and teaching, recognize reflective practice as a core competency.³ It is understood as essential to developing professionally, facilitating the transition from student novice to competent practitioner—a crucial component for effective lawyering and harbinger of lifelong learning, in addition to providing other benefits.⁴ The core notion of reflective practice—as explained by Donald A. Schön,⁵ a seminal thinker in this field—includes observing one's own actions in context; analyzing those observations, often with the input of others; identifying what one has learned as the basis for new knowledge; and using the new knowledge to inform future actions.⁶ Reflective practice builds “practical wisdom” (Aristotle's *phronēsis*) and sets up a cycle of observation, inquiry, and adjustment so

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1. See ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS § 301(b) (2017) [hereinafter ABA STANDARDS] (requiring schools to articulate institutional learning outcomes); *infra* notes 8–11 and accompanying text.
 2. See Larry O. Natt Gantt II & Benjamin V. Madison III, *Teaching Knowledge, Skills, and Values of Professional Identity Formation*, in BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD 253 *passim* (Deborah Maranville et al. eds., 2015) (discussing use of reflective practice as a method for professional identity formation of lawyers and effective lawyering).
 3. Michele M. Leering, *Integrated Reflective Practice: A Critical Imperative for Enhancing Legal Education and Professionalism*, 95 CANADIAN B. REV. 47, 58 (2017).
 4. *Id.* at 57; see also Leslie A. Hoffman et al., *Is Reflective Ability Associated with Professionalism Lapses During Medical School?*, 91 ACAD. MED. 853 (2016) (revealing a significant relationship between lack of reflective ability and professionalism lapses).
 5. From 1972 to 1997, Schön was the Ford Professor of Urban Studies and Education at Massachusetts Institute of Technology, where he began developing his theories of reflection and learning feedback loops in the context of urban planning and design. Mark K. Smith, *Donald Schon (Schön): Learning, Reflection and Change*, INFED (July 2001), <http://infed.org/mobi/donald-schon-learning-reflection-change/>.
 6. Alexander Scherr & Margaret Martin Barry, *Reflection and Writing Journals*, in LEARNING FROM PRACTICE 203, 204 (Leah Wortham et al. eds., 3d ed. 2016) (describing Schön's work). See generally Donald A. Schön, *Educating the Reflective Legal Practitioner*, 2 CLINICAL L. REV. 231 (1995) (discussing the need to build pedagogical bridges between theory and practice).

that our work can become more masterful and better attuned to our values, and we can become more resilient.⁷

The three authors believe that one of the hallmarks of experiential pedagogy is guiding students in reflection about the nature of the lawyering work in which they are engaged. We see reflection as an important precursor to becoming a self-propelled learner. To that end, in each of our courses, we require students to write multiple reflective pieces. We are invested in pushing students to reflect on many kinds of topics from the fine-grained and personal (for example, how a novice builds skill despite feelings of inadequacy) to larger questions about the nature of justice and the role of law in the well-being of a community. Over the course of many years of teaching, each of us has developed a rubric for assessing our students' reflective writing. Most of these students have been enrolled in experiential courses, that is, clinics and externships, though two of us have applied similar rubrics in doctrinal and writing courses (Family Law and first-year legal practice/writing courses).⁸

We began our collaboration simply, by sharing our objectives and methods of teaching reflective writing. Rather quickly, we discovered the remarkable overlap in our goals and rubrics. Part of the catalyst for those discussions has been the newest revisions by the American Bar Association (ABA) to the law school accreditation standards. First, the revised standards make self-evaluation and reflection explicit elements of experiential coursework, clinics, and externships.⁹ Additionally, the revised standards spur schools to examine their curricula, articulate institutional learning outcomes,¹⁰ and track progress toward achievement of those learning

7. See Leering, *supra* note 3, at 50.

8. Balsam used reflective writing assignments when she taught the first-year Legal Practice course at New York Law School and the Lawyering course at NYU School of Law. Brooks uses reflective writing assignments in her traditional podium course, Family Law, and in a skill-building seminar, Communication for Success.

9. ABA STANDARDS, *supra* note 1, § 303(a)(3)(iv) (listing self-evaluation as a necessary element in experiential coursework); *id.* § 304(b)(ii) (listing self-evaluation as a necessary aspect of clinics); *id.* §§ 304(c)(iii), (v) (listing self-evaluation and faculty-guided reflection as necessary elements for field placement courses).

10. *Id.* § 301(b) (providing that law schools should establish and publish student learning outcomes). Specifically, the standards provide a core set of outcomes that schools must adopt in some manner. *Id.* § 302. Standard 302 states,

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following: (a) [k]nowledge and understanding of substantive and procedural law; (b) [l]egal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context; (c) [e]xercise of proper professional and ethical responsibilities to clients and the legal system; and (d) [o]ther professional skills needed for competent and ethical participation as a member of the legal profession.

Id. Interpretation 302-1 adds, "For the purposes of Standard 302(d), other professional skills are determined by the law school and may include skills such as interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation." *Id.* The interpretations also suggest that any law school's faculty members are free to reframe the core set of outcomes and to add others as they see fit. See *id.*

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outcomes.¹¹ The question emerged: Can we craft a consensus rubric to assess students' reflective writing, such that it can be used in diverse courses by multiple faculty?

Many schools are already explicitly including *reflection* as one of their published learning outcomes. The Holloran Center at St. Thomas University School of Law has taken on the yeoman's work of developing a database of published law school student learning outcomes, coded for different skills, values, and aptitudes. There are twenty-four schools to date that have included *reflection* and/or *self-evaluation* as one of their stated learning outcomes.¹² Many of the schools focus their educational goal around building the law student's capacity for self-critique and self-development.¹³ The Ohio State University Moritz College of Law has articulated the reflection skill in terms of meta-cognition.¹⁴ Its published learning goals show close alignment with Schön's notion of reflective practice.

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11. *Id.* § 315 (“The dean and the faculty of a law school shall conduct ongoing evaluation of the law school’s program of legal education, learning outcomes, and assessment methods; and shall use the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum.”).
 12. Holloran Ctr. for Ethical Leadership in the Professions, *Learning Outcomes 302(c) and (d)*, UNIV. ST. THOMAS, <http://www.stthomas.edu/hollorancenter/resourcesforlegaleducators/learningoutcomesdatabase/learningoutcomes301c/> (last visited Jan. 2, 2018). As of November 2017, the following law schools have explicitly identified reflection and/or self-evaluation as a learning outcome or aspiration: Arizona Summit, Ave Maria, Brooklyn Law School, Chicago Kent, Connecticut, Creighton, CUNY, District of Columbia, Emory, Hofstra, Indiana, Loyola New Orleans, Montana, Ohio State, Pace, Penn State Dickinson, Seattle, Southwestern, St. John’s, Tennessee, Thomas Jefferson, UMass Dartmouth, Villanova, and Widener. *Id.*; *Institutional Goals & Learning Outcomes*, BROOK. L. SCH., <https://www.brooklaw.edu/Admissions/statisticsandprofile/learning-outcomes/goals-outcomes?> (last visited Jan. 2, 2018).
 13. See Alexander Blewett III Sch. of Law, *Our Mission, Goals, and Graduates*, UNIV. OF MONT., <https://www.umt.edu/law/files/admissions/student-learning-outcomes.pdf> (last visited Jan. 2, 2018) (recognizing “the capacity for self-reflection as key to continuous learning, self-improvement, and self-development”); *Assessment of Student Learning and Learning Outcomes*, VILL. UNIV. CHARLES WIDGER SCH. L., <https://www1.villanova.edu/content/villanova/law/academics/learningoutcomes.html> (last visited Jan. 2, 2018) (“Graduates will be able to engage in reflective learning and to assess and reassess their professional goals in light of their skills and professional competencies.”); MAURICE A. DEANE SCH. OF LAW, HOFSTRA UNIV., *LEARNING OUTCOMES FOR GRADUATING LAW STUDENTS 2–3* (2014), http://law.hofstra.edu/_site_support/files/pdf/academics/academicresources/learningoutcomes/learning-outcomes.pdf (articulating that students “must have demonstrated proficiency in: . . . learning from experience through self-critique”); *Mission, Learning Outcomes, and Goals and Objectives*, CREIGHTON UNIV., <http://catalog.creighton.edu/general-information-about-creighton/mission-learning-outcomes-goals-objectives/> (last visited Jan. 2, 2018) (“All Creighton graduates will demonstrate: . . . deliberative reflection for personal and professional formation . . .”); *Specific Learning Outcomes*, AVE MARIA SCH. L., <https://www.avemarialaw.edu/academics/learning-outcomes/> (last visited Jan. 2, 2018) (ensuring that graduates achieve competency in understanding the need to continually evaluate and assess their professional development); Univ. of Mass. Sch. of Law Dartmouth, *Learning Outcomes*, UMASS L., <http://www.umassd.edu/law/about/learning-outcomes/> (last visited Jan. 2, 2018) (“Graduates will identify and reflect on their own strengths and weaknesses and assess their professional performance.”).
 14. *Vision, Mission, Goals*, OHIO ST. UNIV. MORITZ C.L., <http://moritzlaw.osu.edu/about/about-moritz/vision-mission-goals> (last visited Jan. 2, 2018) (describing the learning goal of meta-cognition).

Meta-cognition means the ability to reflect on one's own thought processes, to improve those processes, and to adapt them to new situations. Law is a profession that requires constant learning and adaptation. Lawyers, therefore, must be able to recognize shortfalls in their own knowledge or training, devise ways to remedy those shortfalls, and pursue those remedies. Some cognitive scientists describe meta-cognition as the most essential intellectual ability in any professional field, because it allows a practitioner to move from competence to excellence.¹⁵

Some schools highlight the need for critical reflection regarding the student's values, the nature of law, and the lawyer's role in the legal system.¹⁶

The three of us have sought to cultivate student skill in reflection on both the personal self-development level and the larger level of the lawyer's role in the profession and society. We have created a working draft of a reflective writing rubric, which appears as an Appendix to this essay. Our synthesized rubric incorporates feedback from colleagues and participants in faculty workshops. Our plan is to develop an assessment tool that reliably assesses students' abilities regarding reflective practice as an area of competency and to test the rubric with a broad array of faculty across many types of courses. We hope we can achieve these goals sufficiently well to meet the needs of law schools wishing to include reflection among their institutional learning outcomes.

Part II provides background about the authors and sources we have drawn upon and explains how our prior work has informed this project. Part III describes various ways we have individually and collaboratively begun to test out rubrics for assessing law students' written reflection. Part IV applies our consensus rubric to two excerpts from sample student essays to demonstrate the mechanics of using a rubric in this setting and model its utility in identifying and communicating to students where and how they need to apply their reflective powers more precisely and productively. Part V discusses our sense thus far of the benefits and challenges of trying to create a uniform

15. *Id.*

16. *Ave Maria School of Law Mission*, AVE MARIA SCH. L., <https://www.avemarialaw.edu/campus-life/catholic-law-schools/> (last visited Jan. 2, 2018) ("Our students are trained to reflect critically on the law and their role within the legal system."); *Institutional Goals & Learning Outcomes*, *supra* note 12 ("Graduating students will be able to demonstrate . . . [d]evelopment of the ability to engage in self-reflection, consider multiple points of view, and critically analyze the legal system and legal institutions."); *Learning Outcomes*, SW. L. SCH., <http://www.swlaw.edu/curriculum/learning-outcomes> (last visited Jan. 2, 2018) ("Students will be able to reflect on their values, learning, and performance as these relate to their responsibilities as professionals to continuously learn, evolve, and achieve self-fulfillment."); THOMAS JEFFERSON SCH. OF LAW, STATEMENT OF LEARNING OUTCOMES FOR THE J.D. PROGRAM 4 (2016), https://www.tjssl.edu/sites/default/files/files/Thomas%20Jefferson%20JD%20Program%20Learning%20Outcomes%20-%20Posting%20Jan%202016_f4.pdf (highlighting the importance of developing the capacity for self/group reflection, critical assessment of work, and interactions between participants in the law). Other schools included learning outcomes related to students understanding the power and uneven benefits of law, but did not tie those goals directly to an aspect of reflection. *Learning Outcomes and Competencies*, LOY. UNIV. CHI. SCH. L., <http://www.luc.edu/law/about/learningoutcomesandcompetencies/> (last visited Jan. 2, 2018) (articulating that graduates should be able to place legal education within a social justice context by understanding the relationships between the law and societal constructs).

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rubric for assessing law students' written reflection as a measure of their abilities as reflective practitioners. Part VI concludes this essay and examines future plans for our consensus rubric and goals surrounding assessment of reflective practice.

II. BACKGROUND OF THIS PROJECT

Our professional experiences, teaching, and scholarship represent diverse paths to our common cause. When Jodi Balsam assumed the leadership of Brooklyn Law School's externship program, she was faced with the imperative to set objectives for a program that had grown considerably over time and needed support and direction for a rotating cast of fifteen faculty—adjunct and full-time—teaching the companion seminars. She designed a curriculum to prioritize student reflective practice, building on prior teaching experience using journals and self-evaluation exercises in legal writing programs. Her commitment to reflective practice drew on her civil litigation practice (large firm and in-house counsel). Her clients were mostly companies in widely ranging industries and business sectors. She came to appreciate the significance of how a client's corporate culture identified, and responded to, litigation risk. She also recognized how cultural willingness to reflect on past experience improved problem-solving and dispute resolution outcomes. She observed how large organizations used reflective practice as an essential business strategy in the development and integration of knowledge management systems. In this environment, Balsam found that business leaders and the lawyers who counsel them tend to succeed when they question the reasons a problem arises, and embed feedback loops throughout the organization, to support routines of questioning and reflection. In first-year research, writing, and lawyering skills programs at other law schools, Balsam incorporated reflection into her teaching method using interactive journals that similarly promoted transfer of learning from one assignment to the next. In the context of externships, she has experimented with an array of reflection prompts and techniques to probe how students process and learn from experience. With Meg Reuter, Balsam is currently engaged in an empirical examination of field supervisor end-of-semester evaluations of student externs, to explore, among other things, the degree to which supervisors appreciate, support, and value student reflective practice and their capacity for self-critique and improvement over the course of an externship.

Susan Brooks entered the legal field after receiving professional training and working for several years in the field of social work. Her scholarship has drawn heavily on her prior professional training and experience. Notably, Brooks has developed a framework for law teaching and practice she has termed "relational lawyering."¹⁷ It prioritizes law students' and lawyers' cultivation of self-awareness, empathy,

17. See generally RELATIONSHIP-CENTERED LAWYERING: SOCIAL SCIENCE THEORY FOR TRANSFORMING LEGAL PRACTICE (Susan L. Brooks & Robert G. Madden eds., 2010); Susan L. Brooks, *Cultivating Students' Relational Skills*, in BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD, *supra* note 2, at 324; Susan L. Brooks, *Meeting the Professional Identity Challenge in Legal Education Through a Relationship-Centered Experiential Curriculum*, 41 U. BALT. L. REV. 395 (2012) [hereinafter Brooks, *Relationship-Centered Experiential Curriculum*]; Susan L. Brooks, *Using a Communication Perspective to Teach Relational Lawyering*, 15 NEV. L.J. 477 (2015).

compassion, deep listening, and other skills and values that contribute to them becoming “reflective practitioners.” As the experiential education dean at the Drexel University Thomas R. Kline School of Law, Brooks has worked to infuse the experiential curriculum with reflective practice techniques. *Justice Lawyering Seminar*, a course in which she teaches and promotes reflective practice, supports law students enrolled in clinics.¹⁸ She was also instrumental in developing the curriculum for the reflective seminar component, *Lawyering Practice Seminar*, that accompanies all externships at her law school. Additionally, she has incorporated reflective practice into a stand-alone course on effective communication and professional relationships, *Communicating for Success*, and also in *Family Law*. Brooks’s recent work focuses in large part on teaching and assessing reflective practice as part of her larger project on relational lawyering. She has distilled the “greatest hits” of clinical pedagogy down to five core concepts: 1. andragogy; 2. democratic teaching; 3. disorienting moments; 4. parallel universe thinking; and 5. reflection-in-action.¹⁹ These concepts form the foundational principles of teaching and assessing reflective practice.

Reuter’s research focuses on law students’ transition to practice, including the features of the law school experience considered most valuable in preparing students for practice. In multiple studies, she has identified the level of intensity of an activity as pivotal to a lawyer’s assessment of its helpfulness to preparation for practice.²⁰ Creating a field placement program that provides intensive experiences to all students is Reuter’s mission as she has assumed the leadership of University of Missouri-Kansas City’s externship program. When she started teaching the companion seminar to field placements at previous law schools, Reuter was impressed by how frequently student reflective journals described remarkable epiphanies—gratifying connections between coursework and practice and probing examinations of setbacks and resilience—and reignited excitement for their legal education and their futures as lawyers. It became apparent that she could use the seminar and reflective writing assignments as techniques to intensify the student experience. Her experience drew her to Indiana University Maurer School of Law where she helped refine its teamwork-based professional responsibility course, *The Legal Profession*, which

18. Brooks has incorporated the ideas of Rachel Spencer (University of South Australia) and Jennifer Moon (Bournemouth University (England)) into her instruction on reflective writing and her rubric. Spencer has compiled and synthesized a number of rubrics drawn from the legal education field as well as several other fields. Rachel Spencer, *Holding Up the Mirror: A Theoretical and Practical Analysis of the Role of Reflection in Clinical Legal Education*, 18 INT’L J. CLINICAL LEGAL EDUC. 181 (2012) (Eng.). Jennifer Moon is a scholar in education theory who has researched and written extensively about reflective practice and related topics. See, e.g., JENNIFER A. MOON, A HANDBOOK OF REFLECTIVE AND EXPERIENTIAL LEARNING (2004); JENNIFER A. MOON, LEARNING JOURNALS: A HANDBOOK FOR REFLECTIVE PRACTICE AND PROFESSIONAL DEVELOPMENT (2d ed. 2006) (examining learning journals as a vehicle for reflection); JENNIFER A. MOON, REFLECTION IN LEARNING & PROFESSIONAL DEVELOPMENT (1999).

19. Brooks, *Relationship-Centered Experiential Curriculum*, *supra* note 17, at 430–35.

20. Margaret E. Reuter & Joanne Ingham, *The Practice Value of Experiential Legal Education: An Examination of Enrollment Patterns, Course Intensity, and Career Relevance*, 22 CLINICAL L. REV. 181, 181–85 (2015) (showing a direct relationship between lawyer ratings of clinical and field placement courses and intensity of the experiences, measured by responsibility and time on task).

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introduces and teaches the skills of deliberate practice, reflective practice, and resilience. She sees externship teaching as an extraordinary platform for students to reflect on live practice; use their reflections to deepen their experience for more durable and transferable learning; and develop cross-cultural competencies.

III. DEVELOPING AND WORKSHOPPING OUR RUBRIC

A rubric, simply put, is an expression of the learning goals a teacher has laid out for her students. It anchors the students' expectations and performance as well as sets the teacher's agenda. It is up to the teacher to plan instruction, discussion, activities, and assignments that will reasonably lead the students to achieve those goals, for example, an emerging skillfulness in reflective practice about their work and their profession. The goals are necessarily supported and constrained by situational factors, such as credit load, grading, and student-teacher ratios, among others. In supervised practice classes (clinic and externship), reflective writing assignments²¹ generally direct students to write about activities and experiences occurring in their legal work—whether their own work, or interactions or observations involving clients, supervisors, judges, or others. Depending on the teaching goals, the reflective writing assignment or prompt might specify a particular aspect of the student legal work to reflect upon, for example, self-critique, challenges to developing client trust, or exercise of prosecutorial restraint, or it might be open-ended, allowing for the student to choose the topic. Each of these aspects of reflective writing impacts the scope of the students' performance of the skill and the teacher's ability to be part of the coaching and evaluation of the skill.

Each of the authors has conceived, introduced, and assigned reflective writing in diverse ways, aligned with their larger teaching goals. In her graded, one-credit externship seminar for first-time student externs, Balsam assigns four guided reflective essays throughout the semester, between 750 and 1,250 words each. Students are expected to prepare a critical essay, as opposed to an informal journal entry, that closely analyzes a valuable learning experience at their field placement. They receive detailed instructions on the format and structure of the critical essay, prompts for self-interrogation about their fieldwork experiences, and a grading rubric. Rubrics that Balsam used previously were presented as a traditional grid, with three levels of proficiency (excellent, competent, and needs work) along seven factors, each with specific point ranges. The factors included multiple aspects of reflection and the quality of the writing. Today, Balsam and the adjunct faculty she supervises spend class time and assign readings early in the semester to explore with their seminar students the value of reflective practice to the students' personal growth and professional success. Students are asked to read samples of previous students' essays, apply the evaluation rubric, and discuss in class what the essays reveal about the writer as a reflective practitioner. This exercise and its debriefing makes transparent

21. We fully recognize there are other useful assessment tools regarding reflective practice that might include self-assessment questionnaires and oral interviews, in conjunction with reflective writing or separately. For the purposes of this essay, we focus solely on written reflection in the form of a journal entry or an essay.

the rubric scoring, addresses students' concerns about the capacity to assess reflection, and illuminates the learning value of reflective writing. Over the semester, Balsam and the other seminar faculty both comment upon and score each essay as submitted, facilitating student progress as reflective practitioners.

In the two-credit, graded externship seminar she formerly taught, Reuter required seven bi-weekly journals, totaling fifteen to twenty pages by semester's end. The journals were graded as a body of work rather than individually. Reuter's comments on each journal were largely designed to push the students toward further reflection on the particular observations, suggest thought experiments, and address the struggles identified. She set out a rubric in bullet form with three levels of reflective writing skill (A, B, and C grades), with criteria that focused on professional growth and connections to readings and doctrinal coursework. In the first weeks of the semester, students read a number of exemplars of previous students' reflective essays, and in small groups the students dissected an essay to discern what it demonstrated about the student's experience and personal growth. Reuter moderated the class discussion to illuminate the power of reflection to root and propel one's learning.

In Brooks's two-credit, graded *Justice Lawyering Seminar*, she generally assigns two essays, each about 2,000 words. One of the essays is on a focused topic and the other is open-ended. The reflective writing assignments are previewed at the outset of the semester, yet are due closer to its end to allow time for students to acquire experience that invariably leads to disorienting moments, alongside building understanding of and engagement with various social justice issues. Brooks provides a four-page assignment memo with specific points and dimensions students need to cover, including the grading criteria. Brooks's original rubric lays out the factors and dimensions important to reflective writing, for example, consideration of alternative perspectives and evidence of movement from previously held beliefs, though it does not offer delineations of levels of proficiency. Brooks grades and comments via an emailed paragraph on the first essay, sent before the second essay is due.

We were impressed with the significant overlap in our approaches and the shared qualities we hoped our student writings would demonstrate, despite the different routes to our teaching of the skill of reflective practice. In some form or another, we each value reflective writing that shows:

- careful description of the object of reflection (experience, observation), such that it demonstrates the capacity of close observation;
- both cognitive analytical treatment and emotional engagement;
- personal reaction and evidence how the student has changed or intends to change;
- appreciation for the perspectives of others; and
- quality writing and compliance with requirements as to form and deadlines.

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Brooks has explicitly required students to consider and describe the perspectives of others. This aspect of reflective practice is similar to *parallel universe* thinking that Jean Koh Peters and Susan Bryant have described in *Five Habits for Cross-Cultural Lawyering*.²² In parallel universe thinking, lawyers explore multiple alternative interpretations of client behavior, not just as it relates to the lawyer, but also as it concerns the client herself.²³

Neither Balsam's nor Reuter's original rubrics included such a grading factor. Very quickly, though, the two professors realized that the reflective journals that resonated most were written by students who showed an ability to see through the eyes of others and to adapt their understanding accordingly. Both then added "Perspective-taking" as a grading criteria and thereby made explicit to the students a grading factor that had been present, yet unstated.

This kind of group dialectic has led us to develop our mash-up rubric with six characteristics or grading factors presented directly to the students. Four factors address specific elements of reflection. They are: 1. Object of your reflection; 2. Personal engagement; 3. Lessons learned; and 4. Perspective-taking. Two additional factors cover writing attributes: 5. Overall quality and 6. Writing mechanics. These two additional factors are included to reinforce the professional habit of clear writing that conforms to format standards. Each of the criteria includes explanations at three proficiency levels: (1) First-year attorney work, (2) Effective law student work, and (3) Undeveloped. Labeling the most proficient student efforts as "first-year attorney work" is a way to communicate to students that reflective practice is not merely an academic exercise. Their path to becoming effective practitioners depends on continued reflection and self-evaluation.

Here, we lay out the four reflection-based criteria described at the highest level of proficiency, first-year attorney work.

1. Object of your reflection
 - Writing articulates clearly the topic chosen and reason for choosing it.
 - Topic setup provides clear and appropriately detailed background information.
2. Perspective-taking
 - Writing addresses multiple perspectives, including writer's personal perspective.

22. Susan Bryant & Jean Koh Peters, *Five Habits for Cross-Cultural Lawyering*, in RACE, CULTURE, PSYCHOLOGY, & LAW 47, 56 (Kimberly Holt Barrett & William H. George eds., 2005).

23. Susan Bryant & Jean Koh Peters, *Reflecting on the Habits: Teaching about Identity, Culture, Language, and Difference*, in TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY 349, 372 (Susan Bryant et al. eds., 2014). A student engages in parallel universe thinking when she explores alternative explanations for client behaviors, for example, hypothesizing cultural reasons for a client's failure to follow up on a student's advice. Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33, 70-71 (2001).

- Each perspective is supported by appropriate, valid evidence (for example, direct observation, information learned from others, factual background, and/or additional research, as appropriate).
3. Personal engagement
 - Writing shows the writer engaged in deep, analytical self-reflection.
 - Writing shows meaningful personal reaction or struggle on the intellectual-cognitive level and on the emotional level.
 - Writing shows self-awareness and writer's assessment of her strengths and weaknesses and contemplates what she still needs to learn.
 4. Lessons learned
 - Writing explores insights gained and developments in writer's knowledge, values, or beliefs.
 - Writing anticipates and projects future actions the writer will take toward personal change, or other relevant development.

Psychologists and learning theorists note that “[b]efore transferring information or ideas from a class to a new situation, [the student] must first anchor the concept in the mind. To do this, the student must attach the new information to the existing scaffolding in the student’s memory.”²⁴ Reflective writing that explicitly seeks to envision how the new learning might be applied in future contexts has far greater likelihood of use and adaptation.

We decided to bring our unified rubric to faculty workshops to elicit reactions from other faculty with the aim of learning about their teaching goals and discovering commonalities and differences. The first workshop, which took place in March of 2016, was led by Brooks and Reuter and was attended by faculty members who teach across the curriculum at the Drexel University Thomas R. Kline School of Law.²⁵ In an informal discussion, the group generated a list of the kinds of criteria they saw as critical to reflective writing. Brooks and Reuter chose not to share their rubric first; rather, they began by inviting participants to offer their suggestions freely. Fortunately, though perhaps not surprisingly, the group found much common ground in the kinds of characteristics that mark meaningful reflective writing. Brooks and Reuter then asked the participants to work in small groups to review and evaluate two students’ reflective essays²⁶ to test their emerging ideas of assessing reflective

24. Shaun Archer et al., *Reaching Backward and Stretching Forward: Teaching for Transfer in Law School Clinics*, 64 J. LEGAL EDUC. 258, 259 (2014). This article also presents many methods to help students tap and rework what they already know, as well as project forward the utility of the learning from a new experience to anticipated future needs. *Id.* at 269–96.

25. The workshop was entitled, “Contemplating the ABA-Driven Learning Outcomes: Will Reflection Measure Up?”

26. The two essays came from Brooks’s *Justice Lawyering Seminar*.

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skills. Both essays were well written, but differed in how well each demonstrated the student's introspection on the chosen topic. In the dialogue that ensued, participants showed some range in their assessment of different factors. At the same time, they showed considerable congruence and intuitive ease in applying these grading criteria.

A few months later, at the Alliance for Experiential Learning in Law conference at New York Law School in June of 2016, Brooks and Balsam proceeded in a similar fashion with a group of faculty across multiple schools, disciplines, and teaching modalities. They first briefly introduced the context of their work on assessing reflection and engaged workshop participants in a wide-ranging discussion about whether and how they assign reflective writing in their courses. The diverse faculty present—both doctrinal and clinical—described similarly diverse reflection assignments, including externship fieldwork journals, post-performance self-evaluations, post-collaboration teamwork assessments, court observations, reflections on the attorney-client relationship in a professional responsibility course, unit summaries in torts and remedies courses, and first-year student reflections on adjustment to law school. Participants' goals for their reflective writing assignments also varied considerably, including verifying that a student performed an assigned task, improving student writing, sharpening insights for higher quality class participation, transferring learning to an upcoming course unit, and cultivating professional identity and discernment. The discussion focused next on developing criteria for assessing reflective writing to serve all these contexts and goals, including the quality of the writing, analysis, and insight. Again, the group largely concurred as to the attributes of meaningful reflection. Participants applied these criteria to evaluate samples of student reflective writing about externship fieldwork,²⁷ in the process revisiting and refining their assessment methodologies. Brooks and Balsam then shared the composite rubric and discussed how it might be adapted to serve the various purposes of workshop participants.²⁸

IV. APPLYING THE RUBRIC TO STUDENT REFLECTIVE WRITING

In the discussion that follows, we apply our consensus rubric to excerpts from two essays submitted in one of our externship programs to demonstrate the mechanics and utility of rubric-based evaluation of student reflective writing. This simulated assessment exercise faces four constraints. First, we use excerpts as a convenience to the reader rather than embedding entire essays in the body of this essay. The reflections therefore may artificially seem underdeveloped.²⁹ Second, in the

27. The samples came from the leading textbook for law school externship programs. *See* *LEARNING FROM PRACTICE: A TEXT FOR EXPERIENTIAL LEGAL EDUCATION* 216–19 (Leah Wortham et al. eds., 3d ed. 2016).

28. A third faculty workshop, with similar results, was conducted by Balsam and Reuter at the Midwest Clinical Conference at the University of Kansas School of Law on October 13, 2017.

29. This discussion raises the question of what is an appropriate length for a reflective essay. The answer depends on the purpose of the reflection, which may differ along many axes including the course setting, the prompts provided, and the exercise's desired learning outcomes. In the externship setting, we have asked our students to target 750 words for their periodic reflective essays, balancing the length

externship setting, reflective writing is assigned in the context of a relationship with a faculty member who supervises the student. The excerpts evaluated here were each part of a semester-long dialogue with a faculty member familiar with the student and the placement setting. That faculty member was able to extract meaning from the essays that is not accessible to unfamiliar readers. Third, professional confidentiality rules constrain what and how law students may write with specificity about practice experience. In the externship context, as well as in other reflective seminars, the faculty member is not part of the attorney-client relationship, so students receive specific instruction regarding the ways in which they may discuss the particulars of their work.³⁰ And fourth, different evaluators will use the same rubric in different ways, with distinctive points of emphasis or critique. For example, even after creating a rubric together, the co-authors had varying approaches when it came to applying the rubric to the excerpts below. Of course, absent a common rubric, our variance would likely have been greater, and we would have little idea how much our understanding and teaching of reflective practice converges or diverges.

With these constraints in mind, we apply the rubric to two essay excerpts. We emphasize that our purpose here is not to criticize the particular student's reflection or to suggest a single best way to offer critique. Rather, it is to reveal the rubric's utility to help evaluate student reflection with reference to an aspirational ideal, guide student growth from any given starting point, and provide coherent assessment of learning outcomes.

The first excerpt was written by a student externing in a private law firm with a transactional practice:³¹

I have been drafting or editing many agreements for multiple clients—each one pretty similar to the next. The agreements are lengthy and every sentence is vital for the protection and satisfaction of the clients. I am learning new tactics and new exceptions with every agreement.

At the beginning of the semester, I received feedback about the clauses that I missed and other mistakes that I made on an agreement. In the more recent weeks, I have received no feedback other than “good job, thank you.” At first, I thought that must be a good thing. After all, I was previously receiving critiques; I must finally have gotten the hang of this. Then, I came to the realization that perhaps the attorneys were simply too busy to give feedback on every single agreement. Did the attorneys decide it was easier to fix my mistakes themselves, rather than critique, explain, and answer my questions?

Self-doubt invaded. I began spending more time on each agreement, slowing my work appreciably. My first instinct was to message my mentor attorney to

needed for deep self-inquiry against both student and faculty time constraints. These excerpts are about half as many words.

30. In contrast, in most clinics, both the student and the faculty member are equally part of the attorney-client relationship. The student may share in much greater detail about her experience and reactions.

31. This 360-word excerpt is taken from a piece that was originally 750 words.

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ask for feedback. I typed the message but did not send it. I didn't want to be the "needy" intern who didn't respect the attorneys' and clients' schedules.

I think I found my solution. Don't ask for feedback per se. I cherry-picked my trouble areas and asked specific questions. This became a surprisingly good catalyst to get into a conversation with my mentor attorney about the law and client needs. And it was a lot more helpful than a typed feedback memo for my work on an agreement. I started to understand the big picture. Previously, I was focused on the little things: the wording of a sentence in the contract or the math to calculate a producer's royalty rate. Getting an idea of the overall goals of agreement allowed me to see what I needed to do and why. Now, instead of systematically plugging in terms of a contract, I am able to formulate my own thoughts about what the agreement should look like. I had thought I preferred detailed written feedback. Now I feel I'm getting the strategic training I need.

Object of your reflection. This excerpt raises an issue that challenges many student externs, as well as novice attorneys—how to elicit effective supervision and adequate feedback from supervising attorneys to improve foundational lawyering skills, in this case, drafting and editing transactional documents. Applying the rubric's first factor—"object of your reflection"—the student has chosen thoughtfully. He describes many aspects of feedback, including the types received and his evolving interpretation of what feedback (or lack of it) means. However, the topic setup could have benefited from more context, placing the excerpt on the rubric scale somewhat shy of "effective law student work" with respect to this factor. In puzzling over the lack of feedback, the student offers the raw assertion that each sentence of every agreement tasked to him is "vital," without supporting evidence such as the type of agreement, its business impact on the client, and its relation to other work the firm does for the client. One wonders if the student is overreacting or self-aggrandizing here. Providing adequate context would have helped illuminate the student's reason for choosing the topic and the scope of the issues he seeks to address. To this end, the rubric offers the comments "missing specifics grounding topic to context" and "inadequate detail to . . . explain [the topic's] importance to the reader."

Perspective-taking. The reflection succeeds in addressing other perspectives beyond the student's, namely, the attorneys who supervise the student's work. The student speculates about the attorneys' motivations for offering feedback on his drafting skills only at the outset of the externship and providing no further commentary. The student's interpretations of the reasons for this reflect somewhat simplistic assumptions, about himself (for example, that his work either had no flaws or that his work was so bad it was not worth the attorneys' time to comment), and the attorneys (for example, that they were too busy to provide feedback). He could have explored more nuanced interpretations of the attorneys' behavior, using a more contextualized lens. For example, the student might have observed or considered what was happening at the firm, with the particular client(s), or with other projects and deadlines around the time the attorneys' feedback pattern changed. When

applied in this way, the rubric can encourage a student to engage in deeper observation and interrogation of the field placement environment through the eyes of others.

Personal engagement. The excerpt demonstrates a fairly high level of sophistication in terms of the student's personal engagement, as demonstrated by his admission of "self-doubt." The writing shows meaningful investment in professional growth as the student's workplace productivity slows, and he struggles with whether to approach his mentoring attorney to request feedback. Here, the student could have examined more deeply prior encounters he has faced which presented similar challenges—in a law school course or at a prior workplace—to identify and assess his strengths and weaknesses. Yet, overall, the reflection reveals an impressive degree of self-awareness.

Lessons learned. This rubric element guides students toward a future-focused orientation. The reflective essay excerpt shows the student's solution to the challenge he faced regarding "deficient" feedback, namely, to ask highly targeted and specific questions, rather than wait for critique. Although the student's specific questions to his mentoring attorney do not generate feedback per se, they do stimulate a more potent teachable moment in which the attorney paints the "big picture" necessary for the student to make progress on both work assignments and individual skill development. In the rubric's terms, the student ultimately generates valuable insights about the importance of a strategic, contextualizing framework for crafting an agreement to serve a client effectively. Further, the reflection demonstrates "quality and depth" in the student's capacity to differentiate feedback on proofreading skills as secondary to engaging with a work assignment on a sophisticated level that enables his ability to self-critique going forward. However, it remains unclear what "future actions" the student will take. It sounds as if the student is somewhat resigned to indirection and artifice to elicit effective supervision. As a matter of self-regulation and agency, a more evolved junior lawyer would seek to clarify what may have happened that led to the change in the supervisors' behavior and would respectfully ask questions calculated to elicit what the junior lawyer needs. Even when the student has achieved significant insights, the rubric can offer the evaluator additional suggestions to encourage professional formation beyond whatever level the student has already achieved.

Writing mechanics. While the language is lively and lucid in the student's reflection, some structural and word choices in the final paragraph are a bit conclusory and therefore oversimplified. Despite generating valuable insights from his conversation with his mentor, the student describes a more limited takeaway. Nonetheless, the reflection on the whole merits recognition as high-end "effective law student work." While the evaluator may also want to annotate the reflection with margin comments, the rubric allows the evaluator to highlight and reinforce effective self-inquiry while targeting areas for further or deepened reflection.

A second reflection, examined here, was written by an extern in the local prosecutor's special victims unit.³² This student was an unlikely extern at this

32. This excerpt is 350 words, extracted from a 1,500 word reflective essay.

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placement because of a defense-oriented predisposition and had previously written about prosecutorial restraint. In this reflection, the student expands on that topic to address a situation that deeply troubled her. It is worth noting that the incidents described are highly disturbing.³³

My first week I was handed a sizeable file and asked to prepare a Response to a Request for Discovery. Little did I know that—that file, that case—is now forever etched in my memory. It was the case of a baby who was brought to our local hospital with a skull fracture. The baby was too young to crawl, walk, or talk and completely reliant on her mother. Over time, this baby was brought in multiple times with unexplained and suspicious injuries. As I read through the file I began to see behaviors from the child sex crimes officers that stunned me. I continued to work through the file. I saw pages upon pages of our partners (at the hospital and child protective services) raising red flags and trying spur the police officers to act. The police department of a neighboring town took action. Our city's officers could not be bothered. I was seeing red but I wasn't sure if it was warranted. After all, I am so new to this world.

I walked into the supervising attorney's office and shared with her that I had some concerns with the case. I prefaced that I was new so the probability was high that I was interpreting something incorrectly. I explained that our officers failed to investigate this case. I remember vividly asking her if the officers' behavior was normal. The attorney looked at me with furrowed brow, and immediately put my mind at ease. She smiled, almost as if she was proud of me, that I had figured "it" out on my own. What was the "it"? As it turns out, this case was one of several cases that were currently being reworked by a replacement team of officers/detectives. The team of investigators, who had been working in the unit at the time of this child's injuries, have been disciplined, in some cases terminated, and not one is in the child sex crimes unit any longer. I felt vindicated; I could read and decipher a file. It's appalling to think police officers could be so lazy and callous.

Object of your reflection. This student has chosen to write about an encounter with law enforcement passivity that seemed to put a child at risk, and her own reaction to the situation. First hooking the reader with the phrase "forever etched in my memory," the excerpt foreshadows the dramatic nature of the story about to be told and demonstrates the strong emotional impact of the experience. It also allows the student to sequence the events as she experienced them. A routine assignment that requires review of a "sizeable file" becomes a window into a highly troubling and systemic lack of responsiveness by police officers to apparent child abuse. While the excerpt could be more explicit about the student's misgivings, it clearly describes the reason for choosing the topic: her first assignment in a formidable work setting has generated deep concern and confusion. Jack Mezirow, an educational theorist, characterizes the experience of confronting something disturbing that cannot be

33. We address issues related to counseling and teaching opportunities with a student with similar experiences, *infra* note 36 and accompanying text.

easily explained by reference to a learner's prior knowledge as a "disorienting moment."³⁴ That moment can serve as a transformative learning opportunity.³⁵

The high quality of the student writing contributes significantly to making this a compelling narrative, as the student's word choices and paragraph structure paints a vivid picture of what otherwise might be fairly mundane activities, such as reading a file and reporting to a supervising attorney. This would warrant scoring as "first-year attorney work."

Perspective-taking. In terms of "perspective-taking," the excerpt is almost entirely focused on the student's point of view. To the extent the student reflects on other actors, it is more to describe their conduct than to explore their motivations. While the student concludes from the case file that the hospital and child protective services did their best, she assumes the police officers failed to follow up out of laziness and callousness and is satisfied with that assumption given the department's disciplinary actions. She does not ponder challenges or circumstances possibly faced by the police officers beyond that cursory conclusion. Nor does she ask the reasons why her supervisor did not explain the organizational and disciplinary reaction to the mishandling of this and similar child abuse cases when assigning the project. Rather, the student infers that the supervisor intended the assignment as some type of test of the student's file-decoding ability. Exploring these other perspectives could have broadened the student's appreciation of her institutional setting. As a result, for purposes of this category, the reflection would likely be assessed as "effective law student work."

Personal engagement. With respect to this rubric element, the student's phrase—"seeing red"—alerts the reader to the strong emotional response she had to this incident. Throughout the excerpt, the student expresses troubled reactions to the child's plight, along with uncertainty as to whether the student correctly deciphered the file. She describes a sense of deep foreboding about the case and relief upon learning it eventually migrated to a more capable team and that a departmental inquiry ensued. Her supervisor's revelations about the inquiry and the disciplinary response vindicate the student's reaction to the case, and she realizes she has developed valuable file-reading skills. The rubric enables recognition of these self-analytic achievements, while also providing an opportunity to prompt the student to contemplate what she still needs to learn. In terms of both the "personal engagement" and "overall quality and depth" categories, the writing shows evidence of meaningful self-inquiry and student growth.

Lessons learned. The main lesson the student seems to take away from this experience is that she is a gifted sleuth when it comes to extracting essential information from a large file or data set. The rubric could be used to prod her to more closely examine the distressing content of the work she is doing and the effects it has on her as well as other members of the law enforcement community. She might have questioned herself whether her close reading stemmed only from the obvious

34. See Brooks, *Relationship-Centered Experiential Curriculum*, *supra* note 17, at 432.

35. *Id.*

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sympathy for the child victim, and whether she would give as close reading to a case file in a more routine criminal case. The conversation with her supervisor and the reflective writing itself provide opportunities for examining the emotional toll this type of work takes on its practitioners. What may have led the student to choose not to explore more deeply her own emotional response to this difficult case? Even as to the takeaways regarding case file reviewing skills, the excerpt could have inquired further into the supervising attorney's approach to the assignment process. What might have been the reasons the supervisor did not alert the student to the department's internal reform efforts, thereby providing important context for completing the assignment? Here lies another illustration of the rubric's utility in potentially prompting the student into future reflection and action. On the whole, however, the excerpt rates recognition as "first-year attorney work."

This particular excerpt also highlights the extent to which law students' written reflection can be useful for other teaching and learning purposes outside of the assessment of students' reflective capabilities. Reflective essays provide a window into students' thought processes and emotions. Reflective writing done in an externship or clinic seminar may reveal important, albeit challenging, aspects of the student's real-world experience that may spur other forms of response. Sometimes these revelations are about ethical dilemmas or other issues in the workplace a law teacher might want to address with the student apart from the assessment of the written work. Here, the difficult and disturbing content of the legal matter the student is grappling with offers the teacher important insights about possible psychological and emotional challenges the work may well be posing for this student. In response, the teacher may want to invite the student to discuss the potential psychological and emotional reactions one-on-one. The teacher may also want to invite a discussion or offer resources in the seminar about possible psychological and emotional effects of working on difficult legal matters, such as cases of severe child abuse.³⁶

When the two excerpted essays are viewed together, the application of this rubric shows the separate, collective, and synergistic value of each factor. The rubric draws attention to important aspects of effective self-assessment and self-reflection. It also identifies other relational and professional skills teachers might seek to develop and assess in their students. Approaching these skills through the prism of the rubric can motivate students toward assuming greater agency and ownership regarding their professional formation. From the teacher's perspective, this assessment tool offers consistency and transparency in communicating the desired learning outcomes from reflection. The application also demonstrates how the rubric can provide the teacher with a platform to focus or deepen student reflection—even in the case of high quality student essays.

36. For a helpful discussion of how clinical law teachers can help students navigate psychologically and emotionally taxing work, see Sarah Katz & Deeya Haldar, *The Pedagogy of Trauma-Informed Lawyering*, 22 *CLINICAL L. REV.* 359 (2016).

V. OBSERVATIONS, BENEFITS, AND CHALLENGES

As noted earlier, our thinking regarding this rubric has benefited from exchanges with faculty and administrators across the curriculum. The discussions have been rich, yielding several illuminating observations, preliminary understandings, and questions. First, it is clear that many faculty assign one or more reflective essays in their courses. While such assignments are quite typical in supervised live practice courses, faculty teaching doctrinal or skills courses also use reflective writing in their classes. Across these different audiences, faculty members have been eager for discussion and peer learning about this particular teaching enterprise. It encourages us that there is fertile ground for our pursuit. And yet, we have faced skepticism and resistance as well.

Some audience members at our workshops have asserted that assessing reflective writing is inherently subjective and cannot be performed fairly. These critics seem generally to believe or assume that final exams in doctrinal courses can be and are assessed in a manner that is suitably objective. Our deep belief is that assessment of any work that requires critical thinking is inherently and fundamentally subjective. If we accept that premise, then the question becomes, how we can work with any given assessment to maximize clarity, transparency, coherence, and accountability? We are committed to developing a rubric for assessment of reflective writing precisely to meet this challenge.

An examination of the benefits of the rubric helps to answer such critics. One of the greatest benefits of a well-drawn rubric provided in advance to students is its instructional value in teaching the meaning and utility of reflective practice. Reflective writing offers more than a vehicle to provide a record of student activities or a chance to improve their writing. It can also heighten students' self-awareness and observational skills; sharpen their insights; improve their ability to integrate doctrine, theory, and practice; activate the examination of multiple perspectives; and develop the habit of self-inquiry. Class time spent examining the rubric and its constituent parts is instructional time well spent.

Using this type of rubric compels the faculty member to link her grading assessment to concrete and specific criteria that provide transparency—for both students and teachers. The simple exercise of creating a rubric requires law teachers to identify the specific characteristics that reflective writing must exhibit at its highest and lowest levels of proficiency.

The rubric reduces idiosyncrasy by articulating identifiable and coherent elements of reflective practice, rather than an opaque feeling that reflective practice is personality-driven. Our experience of discussing the rubric in class has enabled us to see how quickly students grasp the advantages of assessment that is clear, consistent, and criterion-based. The rubric provides accountability. It functions to keep the evaluator "honest" and enforces even-handedness. Students perceive the transparency of a rubric as an antidote to subjectivity of essay-graders, whether in the context of a final exam or a reflection assignment.

Few of us are innately skillful at reflective practice. Thus, multiple opportunities for performance of the skill of reflection coupled with formative assessment is a vital

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element of building this skillset. When a rubric is used to assess a series of similar assignments, such as multiple essays reflecting on student live-practice experience, it allows students to chart their individual progress. Ideally, a rubric like ours is used in conjunction with written comments on a reflection paper. Narrative feedback helps avoid mechanical application of the criteria and prompts further self-inquiry by students. The goal of efficient and timely feedback on student writing is always in tension with the level of individualized feedback an instructor has the bandwidth to provide. Obviously, student-teacher ratios, length of writing, and other situational factors significantly impact how an instructor achieves this balance.

One potential challenge presented by use of this rubric is also a potential strength—striking the proper balance of specificity and generality to give students both direction and freedom. We have described the value of specificity above, but generality is vital too. Students need freedom to write creatively, especially in this area. Reflective writing is nothing like brief writing. It should not be formulaic. When we give students the breathing room to write from the heart and gut, the results can be amazing and authentic. Similarly, law teachers need flexibility to assure quality writing, and deep reflection can be encouraged and recognized as achieving the highest proficiency level. In the process of testing out this reflective writing rubric among faculty, we hope to elicit feedback about whether the rubric includes the essential factors, without constricting student reflection.

As law faculties ponder the institutional learning outcomes for their schools, it takes effort to stray from the core elements set out as the ABA minimums. The Holloran Center shows that at least fifty-four schools adopted the ABA minimums intact as their stated institutional learning outcomes.³⁷ Fortunately, the great majority of schools have dedicated the time to imagine the legal education organic to their institution and the needs of the legal communities it serves.³⁸ Some faculty members may question whether a learning outcome such as skill in reflective practice is sufficiently related or necessary to legal education to merit consideration as an institutional learning outcome.³⁹ A coherent rubric such as this, tested across multiple courses, may provide a comfort level for faculty members who have no experience in assigning, commenting upon, or grading reflective writing. Experimentation with this rubric by various faculty members can provide opportunities for reluctant faculty to examine critically the substantive qualities of the skill of reflection, its performance, and its relevance to the legal profession. Such a rubric can also help to guide uninitiated faculty toward appreciating what students are expected to learn and why.

Using a rubric developed by another educator may also pose a number of challenges. Does it feel sufficiently natural and intuitive to be used comfortably and reliably in grading students' work? Can the rubric work if one's reflective writing

37. See Holloran Ctr. for Ethical Leadership in the Professions, *Learning Outcomes Database*, UNIV. ST. THOMAS, <http://www.stthomas.edu/hollorancenter/resourcesforlegaleducators/learningoutcomesdatabase/> (last updated Nov. 2017).

38. See *id.*

39. A faculty member might adopt self-evaluation (a variation on reflective practice) as a professional skill. ABA STANDARDS, *supra* note 1, § 302.

assignments differ substantially from those assigned by the original creators of the rubric? Balsam, Brooks, and Reuter asked for short essays. Could a law teacher use the same rubric for a ten- or twenty-page paper? Our experience with the rubric in the faculty workshop setting was that the faculty readily saw how it applied and how it helped analyze the merits of the student reflection. Is it valid to use a rubric as an interchangeable part, severed from the teaching plan in which it was originally integrated? Our project is the product of the three of us learning from each other's methods and adapting them to our courses. To us, it seems natural to import or adapt elements of a rubric. Of course, there are limits. As noted earlier, a rubric only works if it is aligned with a plan of instruction, discussion, and activities or assignments that reasonably lead students toward achieving the skills measured by the rubric. Faculty choosing to give reflective writing assignments will have to consider adapting their course plans to incorporate the appropriate elements.

A final set of challenges in teaching reflective skills and values centers around scale and formative assessment. The ultimate aim of reflective practice is for it to become habitual. Habit-formation by definition requires multiple iterations of a process or performance.

The benefits of a consensus reflective writing rubric such as this one—clarity in teaching, transparency in assessment, and collaboration across the curriculum—are enormous and exciting. As with any teaching endeavor, the challenges require us to appreciate the pragmatic limits of our teaching goals and learning outcomes.

VI. CONCLUSION: LOOKING FORWARD

Our plan for the near future is to engage as many law teachers as possible across the curriculum to test our hypothesis that these factors accurately and effectively describe the skill of reflective practice, fit with a broad set of educational goals and teaching plans, and are comfortable to apply when grading. We are eager for feedback and open to revising our rubric further and having it be an evolving tool as we gain more input and experience with using it in different contexts.

We have one further goal. We would like to engage the schools that have included reflective practice among their institutional learning outcomes—or are considering doing so—to explore how they intend or hope to monitor their progress toward school-wide student achievement. While we are hopeful our rubric will be widely used, we are also open and eager to learn other approaches that may expand our toolbox and, ultimately, enhance our understanding of how to undertake meaningful assessment of reflective practice.

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REFLECTIVE ESSAY/JOURNAL RUBRIC

	First-Year Attorney Work	Effective Law Student Work	Undeveloped Work
Object of your reflection	<ul style="list-style-type: none"> • Writing articulates clearly the topic chosen (e.g., dilemma, disorienting moment, questions, or puzzle) and reason for choosing it. • Topic setup provides clear and appropriately detailed background information. 	<ul style="list-style-type: none"> • Topic is well chosen, but the body of the writing does not clearly support or flow from the topic. • Topic setup is sufficient but missing specifics grounding topic to context. 	<ul style="list-style-type: none"> • Writer’s focus is not apparent and topic is ill defined. • Topic setup is cursory, with inadequate detail to provide context or explain its importance to the reader.
Perspective-taking	<ul style="list-style-type: none"> • Writing addresses multiple perspectives, including writer’s personal perspective. • Each perspective is supported by appropriate, valid evidence (e.g., direct observation, information learned from others, factual background, and/or additional research, as appropriate). 	<ul style="list-style-type: none"> • Writing addresses multiple perspectives, but fails to identify and examine the perspective of one or more important actors. • The perspectives are supported by some evidence, but may be superficial or rely on unexamined clichés. 	<ul style="list-style-type: none"> • Writing is descriptive and considers the experience largely from the writer’s point of view. • Where additional perspectives are addressed, the supporting evidence is cursory or cliché.
Personal engagement	<ul style="list-style-type: none"> • Writing shows the writer engaged in deep, analytical self-reflection. • Writing shows meaningful personal reaction or struggle on the intellectual-cognitive level and the emotional level. • Writing shows self-awareness and writer’s assessment of his/her strengths and weaknesses and contemplates what he/she still needs to learn. 	<ul style="list-style-type: none"> • Writing shows genuine examination of writer’s experience and reaction, but shows minimal evaluation of (or ability to evaluate) writer’s own strengths and weaknesses on both intellectual/cognitive and emotional levels. 	<ul style="list-style-type: none"> • Writing shows minimal introspection in relation to topic or to the perspective of others. • Evaluation of writer’s struggle or reaction is minimal or missing.

	First-Year Attorney Work	Effective Law Student Work	Undeveloped Work
Lessons learned	<ul style="list-style-type: none"> • Writing explores insights gained and developments in writer’s knowledge, values, or beliefs. • Writing anticipates and projects future actions the writer will take toward personal change, or other relevant development. 	<ul style="list-style-type: none"> • Writing explores one or more lessons learned, but fails to address the writer’s status before the experience/reflection; after the experience/reflection; and/or projection into the future. 	<ul style="list-style-type: none"> • Writing is largely descriptive without identifying takeaways or learning that is personal to writer.
Overall quality and depth	<ul style="list-style-type: none"> • Writing shows full and substantial treatment of the topic, with related analysis, reflection, and student growth evident in the piece. 	<ul style="list-style-type: none"> • Writing shows significant treatment of the topic, but the analysis, reflection and/or evidence of student growth is missing or superficial. 	<ul style="list-style-type: none"> • Writing shows cursory treatment of the topic, with limited analysis, reflection, and/or demonstration of personal growth.
Writing mechanics	<ul style="list-style-type: none"> • Writing is personal, flows well, and paints a vivid picture. • Uses clear and concise sentences, appropriate word choice, effective paragraph structure using topic and transition statements. • Negligible errors in grammar, usage, punctuation, or style. • Reflects careful and thorough proofreading and line editing. 	<ul style="list-style-type: none"> • Writing is strong, but shows weaknesses in flow or structure (e.g., rambling, mechanical, cliché). • Sentence structure is competent, but needs editing for transition, concision, and/or word choice. • Mostly free of grammatical, spelling, punctuation, and other style errors. 	<ul style="list-style-type: none"> • Writing is poorly organized. • Writing has multiple errors in grammar or usage. • Requires extensive editing for concision, word choice; most paragraphs poorly structured. • Multiple distracting errors in grammar, punctuation, style, and/or spelling.