CASE ROUNDS REDEFINED: MULTIDISCIPLINARY PERSPECTIVES IN REFLECTIVE PRACTICE

Megan Bess,[*] Nira Geevargis,[**] June T. Tai[***][i]

ABSTRACT

This article describes the rounds process used in clinic and externship seminars and considers how adjustments to the structure can address different needs or goals. The authors draw on teaching methods found in similar professional education programs to identify options for faculty facilitating rounds. Ultimately, the authors use externship rounds to highlight lawyering skills, including developing curiosity, withholding judgment, and generating options. The authors posit that rounds facilitate deeper self-reflection and foster a sense of community by encouraging law students to work collaboratively to consider lessons learned in fieldwork. The rounds structure overview can be assigned to students before class and serve as a resource for new faculty. Additionally, the article includes supplementary materials tailored for classroom use.

[*]   Megan Bess, Assistant Professor of Law & Director, Externship Program, University of Illinois Chicago Law School.

[**]   Nira Geevargis, Clinical Professor & Director, Externship Programs, University of California College of the Law, San Francisco.

[***]   June T. Tai, Clinical Professor & Director, Field Placement Programs, University of Iowa College of Law.

INTRODUCTION

Recently, something novel happened during case rounds in one of our externship classes.[1] Two students raised the same problem: a career issue.[2] Both students were about to graduate and had difficulty connecting with their career advisors. The class selected the issue for the rounds process, and one of the students volunteered to present. As often happens in rounds, what started as a problem about access to law school services transformed into the student's self-doubt about their career path and fears about looming graduation. Despite the instructor's concern about using a "non-traditional" topic for case rounds, the class discussion was robust. Every student in the class related to the presenter's struggles, creating a strong sense of community. That shared vulnerability led students to work together and offer profound advice. The class session flew by, leaving little time to wrap up. The instructor wondered if she got it wrong, not sure she stuck to the proper rounds steps, but concluded that the students' shared emotional processing and support for each other was a success.

This story demonstrates multifaceted aspects of externship rounds that are addressed in this paper. The narrative shows how the problem—as defined by the presenter—and the benefits of the discussion evolved over the course of the group's conversation. This paper further provides a foundation for how faculty and students might approach externship rounds and how adjustments to that structure can address different needs or goals.

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1. We are vague about the identity of the class to maintain confidentiality promises to our students.
2. Students were prompted to bring an externship or career/professional issue.

I. BACKGROUND AND HISTORY OF ROUNDS IN CLINICAL LEGAL EDUCATION

A. In-house Clinic Case Rounds

Case rounds are a common reflective group exercise in clinics and externships. Professors facilitate a structured discussion where one student shares their experience and seeks feedback from their classmates.[3] This provides the student sharing their experience an opportunity to tell their story and consider solutions that are "challenging to learn alone."[4] Additionally, the rounds process fosters a sense of community within the classroom by encouraging students to help each other work through an issue.[5]

In an in-house clinic, faculty hold rounds to allow students to share details about their cases, relationships with their clients and other parties, and the legal work they perform.[6] Rounds are a group experience and allow for conversations about students' actual experiences that build on the theoretical foundation from the clinic seminar and other law school classes.[7] Although Susan Bryant and Elliot Milstein discuss how clinic case rounds provide an opportunity for students to explore the "norms of the profession and both the fit and the tension between the student and the norms," as well as the broader social justice issues that arise in the cases, the example in their article focuses on specific decision-making and problem solving in the context of a case.[8]

While the general case rounds model articulated by Bryant and Milstein has been translated to the externship context, little scholarship has explored how the differences between externships and clinics impact case rounds.[9] In

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3.   Megan Bess, *Transitions Unexplored: A Proposal for Professional Identity Formation Following the First Year*, 29 CLINICAL L. REV. 1, 30 (2022).

4.   *Id.* at 30 (citing Barbara A. Blanco & Sande L. Buhai, *Externship Field Supervision: Effective Techniques for Training Supervisors and Students*, 10 CLINICAL L. REV. 611, 647 (2004)).

5.   Susan Bryant & Elliot Milstein, *A "Signature Pedagogy" for Clinical Education*, 14 CLINICAL L. REV. 195, 234 (2007).

6.   *Id.* at 200.

7.   *Id.* at 202; *see also* SUSAN BRYANT ET AL., TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY 114 (2014).

8.   Bryant & Milstein, *supra* note 5, at 202–06 (recounting the dialogue exchanged in a rounds discussion addressing a bankruptcy case); *see also* BRYANT ET AL., *supra* note 7, at 114–17.

9.   *See, e.g.*, BRYANT ET AL., *supra* note 7; Bryant & Milstein, *supra* note 5*;* GILLIAN DUTTON ET AL., EXTERNSHIP PEDAGOGY & PRACTICE (2023); Rebecca Rosenfeld, *The Examined Externship Is*

clinics, students are in the same discipline; students present a problem or decision point in case rounds before their clinic group and determine possible paths forward.[10] Clinic students are, as a result, more task-oriented in their case rounds process. In Donald Schön's description and schema, students in clinic case rounds engage in reflection-in-action, meaning they take the time to reflect as events unfold.[11] This helps professionals "cope with the troublesome 'divergent' situations of practice."[12] The student is still in the action phase, and case rounds provide an opportunity to pause to identify how to apply knowledge and theory in the moment.[13] Reflection-in-action, therefore, allows for customized learning as the students are using the information in the specific applications where it is necessary.[14] Yet, case rounds that rely on specific events may not provide a sufficiently wide array of problems for student examination.[15] Clinic case rounds must be adjusted in an externship seminar to account for the differences in the externship program structure outlined below.

In the externship setting, each student is placed in a fieldwork experience with an organization and students typically meet as a group in a seminar. Unlike the clinic seminar, which has a median student-teacher ratio of 8 to 1, the median student-teacher ratio of externship seminars is 11-15 to 1.[16] Although some schools offer subject-specific (civil litigation, criminal) or single-office (hybrid) externships, students are often in a general, mixed externship setting where every student is in a different office and potentially different practice area.[17] In contrast to in-house clinics, externship students are not under the same umbrella of confidentiality

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Worth Doing: Critical Self-Reflection and Externship Pedagogy, 21 CLINICAL L. REV. 127 (2014).

    10.   *See, e.g.*, BRYANT ET AL., *supra* note 7, at 114–17.

    11.   *See, e.g.*, DONALD A. SCHÖN, THE REFLECTIVE PRACTITIONER 62 (1983) (discussing reflection-in-action of a lawyer in a courtroom versus a lengthy antitrust case).

    12.   *Id.* at 62–63 (providing brief examples of reflection-in-action).

    13.   *See id.* (discussing how practitioners from various professions reflect-in-action).

    14.   *See* Bryant & Milstein, *supra* note 5, at 207–08 (describing bankruptcy rounds); *see also* BRYANT ET AL., *supra* note 7, at 117–18.

    15.   David A. Binder & Paul Bergman, *Taking Lawyering Skills Training Seriously*, 10 CLINICAL L. REV. 191, 210 (2003) (noting that medical schools are moving away from case rounds because of limited opportunities to expose students to a wide range of problems and considering whether the same issues exist in clinical legal education).

    16.   Robert R. Kuehn et al., *2022-23 Survey of Applied Legal Education*, CTR. FOR STUDY APPLIED LEGAL EDUC. (CSALE), Sept. 2023, at 32, 43.

    17.   Kuehn et al., *supra* note 16, at 28, 39–40 (noting 81% of externship courses include students in different types of placements/host offices, e.g., government agencies and nonprofit organizations).

because they work in a variety of placements.[18] As a result, students and professors must be careful to avoid sharing confidential information when discussing issues at their externship placements.[19] Furthermore, since externs typically do not work in the same practice area, they lack a substantive understanding of their classmates' cases or assignments.[20] Even in subject-specific externship settings, the students work in different offices, with different supervisors, and can be in different stages of client work. Thus, externship rounds are not tied to the details of specific cases but rather focus on the fieldwork or a professional issue.[21]

Externship rounds, therefore, require a distinct model that brings different strengths. Following Schön's reflective models, externship rounds might be understood to encourage reflection-on-action.[22] Students reflect after an event and must recognize and reconcile their previous knowledge, experiences, or expectations with their version of the reality of the situation. This reflective process can raise larger questions and lead students to confront assumptions, biases, or how their values influenced their lawyering choices.[23] As a result, we believe externship rounds provide students training in a different level of reflection. This diversity of experience promotes professional identity formation and develops the skill of continuous improvement and learning for future practice.[24]

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18.   DUTTON ET AL., *supra* note 9, at 258.
19.   *Id.* Rosenfeld, *supra* note 9, at 148.
20.   Rosenfeld, *supra* note 9, at 148.
21.   DUTTON ET AL., *supra* note 9, at 259; Rosenfeld, *supra* note 9, at 148.
22.   *See* JENNIFER A. MOON, REFLECTION IN LEARNING & PROFESSIONAL DEVELOPMENT 43–44 (2004) (discussing the contrast between Schön's reflection-in-action and reflection-on-action models); *see also* SCHÖN, *supra* note 11, at 278 (providing example of a pitcher reviewing taped games afterwards as reflection-on-action).
23.   MOON, *supra* note 22, at 70–71 (discussing Johns' models for structured reflection); *see also* SCHÖN, *supra* note 11, at 279–83 (describing limits of reflection-in-action).
24.   *See* Daisy Hurst Floyd, *Practical Wisdom: Reimagining Legal Education*, 10 U. ST. THOMAS L.J. 195, 213 (2012) (describing reflection-on-action as reflecting upon reflection-in-action).

B. The Externship Rounds Structure

Rounds structures vary, but the approach Professors Bess and Geevargis use when facilitating the annual American Association of Law Schools Clinical Section's Teaching Methodologies Case Rounds includes seven stages:[25]

> (1) issue selection;
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> (2) presentation of the issue without interruption;
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> (3) clarifying questions to get a full picture of the issue;
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> (4) problem definition;
>
> (5) presentation of the goals;
>
> (6) advice, next steps, and solution; and
>
> (7) reflections on lessons learned.[26]

i. Pre-Rounds Preparation

Before rounds, professors may assign students a written reflection to prepare for class. Geevargis assigns the prompt below:

> Discuss a challenge you have faced at your externship. If you have not faced issues at your externship, you can raise a professional or career-related matter. Examples include:
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> (1) I am trying to be receptive to the work that I am being assigned at my externship while asking for the work that I actually want.

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25. This method was developed by Alex Scherr (University of Georgia School of Law), Jodi Balsam (Brooklyn Law School) and revised by Megan Bess, Nira Geevargis, and Kendall Kerew (Georgia State College of Law). It is based on the five stages of rounds of conversations described in *Transforming the Education of Lawyers: The Theory and Practice of Clinical Pedagogy*: (1) description, (2) problem identification and clarification, (3) goals, (4) strategies and (5) lessons learned. BRYANT ET AL., *supra* note 7, at 132.

26. *See* a one-page summary of the rounds process, attached as Appendix A.

(2) I am not receiving individualized, timely, and specific feedback from supervising attorneys at my placement.

(3) I have difficulty compartmentalizing my schoolwork and externship while working in a virtual or hybrid setting.

Before class, Geevargis provides feedback on each student's reflection. For example, she may advise that a full discussion of the topic would reveal confidential information, making it inappropriate for a class setting, or the topic may not be sufficiently robust to consume an entire class session. Often, students express hesitation about sharing an issue with the entire class. In response, Geevargis assures them that the presenter role is voluntary.

As an alternative to assigning a reflection, professors may provide students with a few minutes at the beginning of class for a quick-write, asking them to draft an email to the professor describing the problem. This exercise gives students time to reflect and process their thoughts before describing their issue to the small group or class.[27] Quick-writes may also increase participation by helping students connect to their issues and clarify their thoughts.[28]

Two additional options include requiring students to come to class prepared to discuss a problem or having the professor select an issue raised in a student's past reflection.

Prior to holding the first rounds session, instructors should provide an orientation to introduce externship rounds and give a brief overview of the process described below, and how it supports the experiential learning process.[29] To invest students in the exercise, it may help to relate the process to problem solving in legal practice. For example, one might explain that a process like this can be used to help evaluate decision points in client representation. This is also a good time to set ground rules, including around confidentiality.[30]

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27.   DUTTON ET AL., *supra* note 9, at 26.
28.   BRYANT ET AL., *supra* note 7, at 74.
29.   We provide a PowerPoint for professors to use in their classes outlining the case rounds process, available at https://go.uic.edu/ExternshipCaseRoundsSlides [https://perma.cc/5QMS-6VUV].
30.   DUTTON ET AL., supra note 9, at 258.

ii. Stage 1: Issue Selection

Once the class is oriented to the rounds process, the students must select a topic.[31] Geevargis provides students time to confer in small groups to share issues at their externship that could serve as a rounds topic for the entire class.[32] Each group selects one person's topic to pitch to the class.[33] That topic is limited to the headline without descriptive detail.[34] The class then votes on the issue it would like to discuss as the rounds topic.[35] In smaller classes, Bess and Tai do not have students confer in small groups at the beginning of the class. Instead, their students share their topics with the whole class before they vote to select one. The person whose topic is selected is considered the presenter. The remaining students are participants, and the professor is the facilitator.

iii. Stage 2: Issue Presentation

During the second stage, the presenter shares their issue without interruption.[36] This stage is brief, approximately five minutes. Bess asks students to pay careful attention to how the presenter describes the problem. At the end of this stage, she asks students to quickly write down the problem as they understand it and the advice they would give the presenter at that moment. Then, they put their notes aside. She asks students to revisit their initial advice during the sixth stage to see how their advice differs after going through the rounds process.

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31.   BRYANT ET AL., supra note 7, at 137.
32.   Jodi Balsam, Rounds Overview, Brooklyn Law School Externship Clinics, Lextern: Teaching   Rounds   Resources, https://www.dropbox.com/sh/4cq2fu3taeijjy2/AADWe2ipv9dmgxv63wmEJLl8a?dl=0&e=1&preview =ROUNDS.Methodology.Teaching+Notes.docx [https://perma.cc/KJU4-EVK3] (last visited Mar. 6, 2024).
33.   *Id.*
34.   *Id.*
35.   *Id.*
36.   *Id.*

iv. Stage 3: Clarification

In the third stage, participants ask clarifying questions to understand the full picture of the problem. This is usually the longest stage of the rounds experience. The professor can begin with prompts such as, What other facts do we need to know?[37] and What additional context do we need?[38] During the middle of this stage, it is helpful to put participants in small groups again to think of one question to pose to the presenter.[39] This allows students to brainstorm and identify new questions and gives the presenter a break from the spotlight.

v. Stage 4: Problem Definition

After the participants ask clarifying questions, the professor directs the presenter to define the problem. The professor then provides participants an opportunity to share their perspectives or thoughts about how the presenter defined the problem. Did the participants hear the presenter reference other issues during earlier stages? Has the presenter framed the problem differently at any point during the process?

Geevargis discreetly asks two students to take notes during the second stage (issue presentation) and this stage (problem definition) so that they can reflect back to the presenter and participants whether the problem has evolved. In the class session described in the introduction, what started in Stage 2 as frustration regarding accessing career advising services became, in Stage 4 fear of an uncertain career path and next steps after graduation. While both stages illustrate that the student was struggling to identify a career path and next steps, the first stage focused on one specific piece of that struggle whereas the third stage illustrated the full internal struggle, and accompanying emotions (fear and self-doubt) were apparent.

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37.   *Id.*
38.   *Id.*
39.   *Id.*

vi. Stage 5: Goals

In the fifth stage, the presenter shares their goals.[40] The professor may ask what the presenter would like to see happen next and what their goals are in solving or exploring the issue.[41]

vii. Stage 6: Suggestions and Solutions

Lawyers and law students often jump to solutions quickly when presented with a problem.[42]   However as Albert Einstein stated, "If I were given one hour to save the planet, I would spend 59 minutes defining the problem and one minute resolving it."[43] Providing space in each of the previous stages allows the presenter to check the framing, or reframe the problem, for the participants.[44] When the participants first hear the student's problem, they may make conclusions that align with their own past experiences.[45] Or the presenter may not have initially presented the actual issue they want to be solved. Rather, it may be the first thing they contemplated or a symptom of a larger issue.[46]

During this stage, students can provide suggestions, solutions, or thoughts about how to address the presenter's issue.[47] We use this expanded description (as opposed to simply "the solutions stage") to encourage more discussion. Students may hesitate to share suggestions or ideas that they do not consider full-fledged solutions to the issue. This approach puts less pressure on students and increases participation. While not necessary, the professor may ask one student to take notes during this stage, so the presenter can readily reference the solutions after class.

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40.   *Id.*
41.   Bryant et al., supra note 7, at 134; Balsam, supra note 32.
42.   DEBORAH EPSTEIN, BEYOND THE CLASSROOM: APPLYING THE STAGES OF ROUNDS STRUCTURE TO ANALYSIS OF CLINICAL SUPERVISION, *in* BRYANT ET AL., *supra* note 7, at 163.
43.   Dwayne Spradlin, *Are You Solving the Right Problem?,* HARV. BUS. REV. (Sept. 2012), https://hbr.org/2012/09/are-you-solving-the-right-problem [https://perma.cc/Z6TH-24GK] (last visited Mar. 5, 2024).
44.   *Id.*
45.   EPSTEIN, *supra* note 42, at 163.
46.   MICHAEL BUNGAY STANIER, THE ADVICE TRAP: BE HUMBLE, STAY CURIOUS & CHANGE THE WAY YOU LEAD FOREVER 5 (2020).
47.   Balsam, supra note 32.

If participants run out of ideas or think too narrowly about solutions, professors may briefly put students in small groups to brainstorm.[48] Small group brainstorming allows students to contribute their ideas without the pressure of sharing them with the entire class and professor, increasing the likelihood that the students "will consider a broader range of possibilities."[49] After the brainstorming, students reconvene to share the solutions they came up with in their small groups.[50]

viii. Stage 7: Lessons Learned

During the last stage, the class explores the lessons learned during the rounds process. The professor asks the presenter and participants whether the process was helpful and in what way.[51] Students often share that they can commiserate with the presenter's experience and feel less alone knowing that their classmates are experiencing similar issues.[52] Feeling like part of a community and benefiting from peer insight is vital for law students, especially for externs who work off-campus and away from their classmates. The professor should further probe students to consider what lessons from the rounds' structure can be applied to their future work as junior attorneys. Milstein and Bryant assert that rounds should focus on the question, "What did you learn about lawyering from this conversation?"[53] At this stage, Bess asks students to revisit their notes about the initial problem definition and the advice they would have offered the presenter. She asks them to share if and how the problem evolved and whether that impacted their advice. Without fail, students note that the problem evolves and so does their advice. Bess asks students to reflect on how this applies to lawyering skills, in particular to advising clients. She uses the lessons from this approach to stress the importance of not jumping to advice or solutions too quickly, and to encourage students to stay curious when asking about an issue.

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48.   BRYANT ET AL., *supra* note 7, at 145. *See also* Balsam, *supra* note 32.
49.   *Id.* at 146.
50.   Balsam, *supra* note 32.
51.   Balsam, *supra* note 32.
52.   Bess, *supra* note 3, at 31 (citing Bryant & Milstein, *supra* note 5, at 212).
53.   Bryant & Milstein, *supra* note 5, at 250; *see also* BRYANT ET AL., *supra* note 7, at 148.

Similarly, while observing Geevargis's rounds class, Professor Alina Ball noted that the rounds structure provides a methodology for lifelong lawyering.[54] It underscores the importance of asking questions when being presented with an issue by a client rather than jumping to a solution.[55] She also stated that clients need an opportunity to explore and examine their issues and define their goals before a lawyer presents solutions.[56]

At the end of most rounds, students express appreciation to the presenter for their vulnerability and willingness to work through an issue with an entire class. The rounds process can be emotionally charged for the presenter. We have noticed that presenters typically express gratitude for their classmates' perspectives and support and leave the discussion knowing they have the power to address the issue.[57]

Geevargis meets with the presenter individually after class to reflect on the rounds. Although it is helpful to process a problem with your classmates, the professor should provide space for the presenter to debrief the experience of having an entire class focused on them while working through their problem. Geevargis and Bess both offer to meet with students whose topic was not chosen as the rounds topic to discuss the issue further.

Professors may wish to adjust this structure depending on their instructional goals or the needs of their students. In the remainder of this article, we consider these changes, both in terms of the desired learning outcomes and how other disciplines approach similar reflective discussions.

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54.   Alina Ball, Corporate Counsel Externship Program Seminar (Feb. 21, 2021) (notes from class discussion with Alina Ball, Professor of Law, University of California College of the Law, San Francisco) (on file with author).
55.   *Id.*
56.   *Id.*
57.   *See also* Bess, *supra* note 3, at 30 (citing Rosenfeld, *supra* note 9, at 148).

II. LEARNING FROM OTHER DISCIPLINES: USE OF A CASE ROUNDS APPROACH IN OTHER PROFESSIONAL TRAINING PROGRAMS

Group meetings, followed by a facilitated debrief, are used to train professionals in a wide range of disciplines. However, little is written in legal pedagogy that draws on these training methods.[58] We posit that examining how different groups train professionals to engage in reflective practice—and particularly, live rounds discussion—can inform how legal educators facilitate externship rounds as well.

Although we have shared a structured approach to externship rounds, literature from other disciplines suggests ways rounds design can adapt to the needs of students. In this section, we address approaches from various disciplines, including health care, education, and dispute resolution, to identify methods for, and challenges stemming from reflective processes that offer useful lessons for externship rounds. In many cases, what we recognize as case rounds are referred to as reflective dialogues, reflective practice groups, or peer consultation groups in other professional settings.

A. Healthcare

i. Interprofessional Case Conferences Present Possibilities for Interdisciplinary Innovations in Case Rounds.

In interprofessional case conferences ("ICCs") medical professionals across various fields engage in facilitated, case-based discussions to plan, coordinate, and improve patient care while fostering communication and teamwork.[59] ICC participants may include doctors from various specialties,

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58.   *See, e.g.*, Richard K. Neumann Jr., *Donald Schön, the Reflective Practitioner, and the Comparative Failures of Legal Education*, 6 CLINICAL L. REV. 401, 418 (2000) (noting examination of other professions might yield insights that would enrich legal education).

59.   Bridget C. O'Brien et al., *Twelve Tips for Delivering Successful Interprofessional Case Conferences*, 39 MED. TCHR. 1214, 1214 (2017); Edward L. Feldman, *The Interdisciplinary Case Conference*, 74 ACAD. MED. 594, 594 (1999).

nurses, dieticians, social workers, pharmacists, and physician assistants.[60] ICCs provide one of the few opportunities for collaboration on a care plan for a patient.[61]

ICCs have both clinical and educational objectives. A clinical objective may be managing the care for a specific patient with a complex case that would benefit from coordination across professions.[62] It may also be broader than a single case and aim to improve the clinical management of a condition across the institution.[63] For example, the work of a diabetes-focused ICC may include improving outcomes for one patient while also developing approaches that can be applied to other patients with the same condition.[64]

In addition to clinical goals, ICCs should also incorporate educational outcomes, such as the competencies set forth by the Interprofessional Education Collaborative (IPEC), a collaborative of several health profession associations, including the American Psychological Association, the Association of Medical Colleges, and the Council on Social Work Education.[65] These competencies and sub-competencies center on values and ethics, understanding one's role and those of other professionals to assess and address the needs of patients, interprofessional communication, and teamwork.[66] They aim to help health care professionals engage in team-based care for patients and improve health outcomes.[67]

An important aspect of ICCs is that they help break down walls and reduce stereotypes among professionals within the medical field.[68] However, to be effective, facilitators must encourage engagement from all

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60.   O'Brien et al., *supra* note 59, at 1215; Feldman, *supra* note 44, at 594.

61.   O'Brien et al., *supra* note 59, at 1219; *but cf. id.* at 1216 (citing Bruno F. Sunguya et al., *Interprofessional Education for Whom? — Challenges and Lessons Learned from Its Implementation in Developed Countries and Their Application to Developing Countries: A Systematic Review*, 9 PLoS ONE 1, 1 (2014) (noting scheduling ICCs is one of the biggest challenges since they are composed of working professionals across medical fields whose schedules and locations may vary)).

62.   O'Brien et al., *supra* note 59, at 1215, 1219.

63.   *See Id.* at 1215, 1218.

64.   *Id.*

65.   *Core Competencies for Interprofessional Collaborative Practice: 2016 Update*, INTERPROFESSIONAL   EDUC.   COLLABORATIVE   1,   18   (Feb.   22,   2016), https://ipec.memberclicks.net/assets/2016-Update.pdf [https://perma.cc/FZY8-HL5J].

66.   *Id.* at 10–14.

67.   *Id.* at 1.

68.   Bruno F. Sunguya et al., *Interprofessional Education for Whom? — Challenges and Lessons Learned from Its Implementation in Developed Countries and Their Application to Developing Countries: A Systematic Review*, 9 PLoS ONE 1, 1 (2014).

professionals present and be mindful of "differences in professional power."[69] For example, the facilitator may need to ensure that the doctors do not dominate the discussion since doctors tend to overvalue the contributions of other doctors.[70] Additionally, if the rounds have higher attendance from one specific profession, the facilitator should ensure that all participants engage in the process.[71] The facilitator can request feedback from a representative of the less-represented profession to ensure the value of the experience.[72]

This solicitation of feedback is like the last stage of the externship rounds when the professor (facilitator) asks the presenter and students (participants) if the rounds process was helpful and in what way. This process gives participants an additional opportunity to reflect and share feedback to help the facilitator improve future rounds discussions.

ii. Arabella Kurtz's Healthcare Reflective Practice Group Method Provides Insight into Options for Case Rounds in Legal Education.

Arabella Kurtz promoted the adoption of reflective practice groups as a way to use group intellectual and emotional resources to consider clinical practice issues.[73] She characterizes the rise in demand for reflective practice in health professions as a response both to the acknowledgement of mental health issues, as well as the focus on healthcare costs often at the expense of patient and staff needs.[74]

Kurtz's model for reflective group thinking begins with the subjective experience of one group member and utilizes the reactions of others for support and guidance.[75] She suggests that anyone with clinical experience, familiarity with working in a team, and a positive attitude about reflection

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69. O'Brien et al., *supra* note 59, at 1214 (citing Elise Paradis & Cynthia R. Whitehead, *Louder than Words: Power and Conflict in Interprofessional Education Articles*, 49 MED. EDUC. 339, 399–407 (2015)).

70. Sunguya et al., *supra* note 68, at 16, n.30 (citing Caitlin W. Brennan et al., *Learning by Doing: Observing an Interprofessional Process as an Interprofessional Team*, 28 J. INTERPROFESSIONAL CARE 249 (2013)).

71. O'Brien et al., *supra* note 59, at 1218.

72. *Id.*

73. ARABELLA KURTZ, HOW TO RUN REFLECTIVE PRACTICE GROUPS: A GUIDE FOR HEALTHCARE PROFESSIONALS 4 (2020).

74. *Id.* at 5–6.

75. *Id.* at 8–9.

can facilitate a reflective practice group.[76] Participants who have experienced reflective practice groups positively make good facilitators.[77] The stages include:

(1) Contracting and Review at Organizational and Group Levels

(2) Turning In

(3) Looking Back

(4) Generation

(5) Free Response

(6) More Effortful Thinking

(7) Turning Out.[78]

Kurtz recommends beginning the process by getting organizational buy-in and setting shared goals for groups with leadership.[79] Next, in Contracting and Review at the Group Level, the reflective practice group defines a purpose.[80] While the purpose is typically reflection on clinical practice, groups may change purposes to staff support or therapy.[81] Groups should then set parameters for how they will operate, including arranging for privacy and confidentiality so that their members feel safe participating.[82]

Facilitators must develop strategies to help a group "turn in."[83] In the Turning In stage, the group transitions from offloading the stresses of working in health care to a reflective mode.[84] How a group turns in will vary.[85] It can be helpful to allow the group to check in or complete a

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76.   *Id.* at 13.
77.   *Id.*
78.   *See generally* Kurtz, *supra* note 73.
79.   *Id.* at 17–34.
80.   *Id.* at 35.
81.   *Id.* at 47.
82.   *Id.* at 36–37. Kurtz finds private space, determining timing and frequency of meetings, and setting group membership are also issues to consider. *Id.* at 39–41.
83.   *Id.* at 55.
84.   *Id.* at 55–56.
85.   *Id.* at 55–66.

mindfulness exercise.[86] After turning in, the group can progress to Looking Back, following up on reflections from previous meetings.[87]

In the next stage, Generation, a participant introduces a new topic that the group has not processed yet.[88] Kurtz notes that while many types of issues from practice can be appropriate, anything too abstract or already decided hinders useful group engagement.[89] Similarly, in externships case rounds, Bess and Geevargis caution students against using a problem that has been solved or is not robust enough to benefit from extended group discussion. Kurtz has found that problems are often first described more technically with a focus only on the patient or particular case.[90] Encouraging group members to remain curious about the relationship and interactions between the presenter and patient helps direct the conversation to the dynamics of relationships and reactions to them.[91]

Next, participants share their immediate reactions and responses to the material raised in the Free Response stage.[92] Participants set aside the technical jargon and armor they have developed as practitioners and connect with their curiosity and emotions, which they can be slow to do out of fear of vulnerability in a work setting.[93] Facilitators can model reaction by sharing their own emotional response to the situation at the beginning of this stage.[94]

In the More Effortful Thinking stage, the reflective practice group works to develop an understanding of the issue being discussed and what is actually happening in the underlying situation.[95] This phase involves "reframing the problem" or approaching an issue from a different perspective than the one used when first presenting it to the group.[96] Ideally, participants work through emotions to better understand their reactions the

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86.   *Id.*
87.   *Id.* at 67–76.
88.   *Id.* at 77.
89.   *Id.*
90.   *Id.* at 85.
91.   *Id.* at 86.
92.   *Id.* at 96.
93.   *Id.* at 99, 105. Schön observed in *The Reflective Practitioner* that technical language can preclude practitioners from drawing on their intuition, settling instead of defining a problem with a pre-defined solution. *Id.* at 104.
94.   *Id.* at 105.
95.   *Id.* at 116.
96.   *Id.* at 117.

next time they are in a similar clinical situation.[97] Rather than focusing on finding a solution to a complicated situation, the group should process for meaning rather than certainty.[98] The work in this stage can challenge participants to let go of familiar patterns of thinking, move beyond their initial reactions, and confront the doubt they feel in their professional work.[99]

There are some challenges to this stage of the process. Groups tend to quickly move into offering explanations and solutions based on the premature understanding of the situation without really exploring the issue.[100] When a situation is defined too simply and quickly, the group can be left feeling as if there is little left to discuss.[101] The tendency to prematurely offer solutions is often the result of anxiety and an inability to tolerate uncertainty or confusion, especially in front of peers.[102] Our experiences confirm that rounds participants are often eager to supply solutions before fully understanding the issue.[103] Participants may also get stuck on emotions without developing further understanding.[104] The pressure to fully resolve the issue can create an overly formulaic approach.[105] The opposite can also occur when the group is chaotic and does not know how to weave together ideas from different group members.[106]

In the Turning Out stage, the group thinks through issues that could arise when considering how to apply the group's thoughts in practice.[107] The presenter can offer feedback about reflections and solutions and seek clarification.[108] This stage offers all participants a chance to reflect on the meeting.[109] Kurtz finds that this stage is often given too little time in reflective practice groups.[110] This can also occur in externship rounds when

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97.   *Id.* at 118.
98.   *Id.* at 119.
99.   *Id.* at 120.
100.   *Id.* at 121.
101.   *Id.*
102.   *Id.*
103.   *See also* EPSTEIN, *supra* note 42, at 163.
104.   KURTZ, *supra* note 73, at 121.
105.   *Id.* at 122.
106.   *Id.*
107.   *Id.* at 133.
108.   *Id.*
109.   *Id.*
110.   *Id.* at 139.

the group runs out of time for Stage 7 (lessons learned), as it did in the example we shared in the introduction.

iii. Schwartz Rounds Focus on Non-Medical Aspects of Caregiving, Such as Vulnerability and Connection.

Established in the U.S. in 1995, Schwartz Center Rounds provide a structured space for healthcare providers across disciplines to reflect on the challenges of working in the medical profession.[111] The hour-long Schwartz Rounds begin with a presentation of a case or patient by members of the care team.[112] Each presenter describes how the situation impacted them.[113] The presenters and the audience then participate in a facilitated group discussion.[114] All participants reflect on and gain insight into their responses to their work.[115] Facilitators steer the discussion as themes emerge and allow the audience to comment on the reactions of presenters and share similar experiences.[116]

Unlike other reflective practice groups which often focus on clinical problem-solving, like ICCs, Schwartz Rounds are a forum for the staff providing patient care to share the emotional and ethical challenges they face.[117] When participants shift their focus to the clinical aspects of care, facilitators redirect the group back to their reflections on the experience of caring for patients and their families.[118] This approach is akin to externship rounds where students cannot select a case-related topic because they are not allowed to share confidential information from their various placements.

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111. Mary Leamy et al., *The Origins and Implementation of an Intervention to Support Healthcare Staff to Delivery Compassionate Care: Exploring Fidelity and Adaptation in the Transfer of Schwartz Center Rounds from the United States to the United Kingdom,* BMC HEALTH SERVS. RSCH., July 2019, at 2. The program now also operates in several other countries. *Id.* at 3.

112. Beth A. Lown & Colleen F. Manning, *The Schwartz Center Rounds: Evaluation of an Interdisciplinary Approach to Enhancing Patient-Centered Communication, Teamwork, and Provider Support*, 85 ACAD. MED. 1073, 1074 (2010). Sessions often start with the story of Ken Schwartz, a patient with advanced lung cancer who wrote about how his experience with small acts of kindness and compassion from medical staff made his ordeal more bearable. Jill Maben et al., *A Realist Informed Mixed-Methods Evaluation of Schwartz Center Rounds in England*, HEALTH SERVS. & DELIVERY RSCH., Nov. 2018, at 1-2, 6.

113. Maben et al., *supra* note 112, at 1.

114. *Id.*

115. Leamy et al., *supra* note 111, at 2.

116. Maben et al., *supra* note 112, at xxiv.

117. *Id.* at 1; Leamy et al., *supra* note 111, at 2;

118. Maben et al., *supra* note 112, at 1.

We believe this separation from the work facilitates a more reflective process that highlights the emotional and ethical challenges that lawyers grapple with during their careers.

Studies from the U.S. and the U.K. suggest that Schwartz Rounds attendees experience improved well-being and connections with colleagues and deliver more compassionate patient care.[119] A U.S. study of Schwartz Rounds in a pediatric facility found that nearly 90% of participants felt more prepared to express concerns and feelings with colleagues and 77% felt better prepared to handle challenging patient situations and less isolated in their work.[120] Participation in Schwartz Rounds sessions has been linked to improved psychological health.[121] Schwartz Rounds can also be an effective method for helping healthcare workers with emotional processing.[122]

The safe space of rounds allows for vulnerability and helps to build trust.[123] This safe space allows healthcare providers to process their emotions, helping to prevent burnout.[124] Furthermore, participants' feelings of safety and trust increased with repeated exposure to rounds.[125]

Students experience similar benefits. An early study of Schwartz Rounds in U.S. medical schools resulted in 80% of participants finding they gained knowledge from the sessions and 75% feeling that participation would help them better communicate with patients and families.[126] Over 80% of participants in a study of U.K. medical students agreed or strongly agreed that the presentation of cases was helpful and gave them insight into caring for patients.[127] Students acknowledged that expressing emotion is often suppressed in the medical profession but the rounds provided a place to share emotions.[128] In a recent U.K. study of students, 90% rated the experiences as excellent or exceptional, and all participants found that

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119.   *Id.* at 15.
120.   Rina Meyer et al., *Pediatric Schwartz Rounds: Influencing Provider Insights and Emotional Connectedness*, 12 HOSP. PEDIATRICS 703, 705 (2022).
121.   Maben et al., *supra* note 112, at xxvii.
122.   Lillian Ng et al., *Value of Schwartz Rounds in Promoting the Emotional Well-Being of Healthcare Workers: a Qualitative Study*, BMJ OPEN, Apr. 2023, at 1, 4, 6.
123.   Maben et al., *supra* note 112, at 9, 15.
124.   Meyer et al., *supra* note 120, at 709.
125.   Maben et al., *supra* note 112, at 14.
126.   Renée R. Shield et al., *Teaching Communication and Compassionate Care Skills: An Innovative Curriculum for Pre-Clerkship Medical Students,* 33 MED. TCHR. e408, e412 (2011).
127.   Faye Gishen et al., *Schwartz Centre Rounds: A New Initiative in the Undergraduate Curriculum–What Do Medical Students Think?*, 16 BMC MED. EDUC., no. 246, 2016, at 1, 3.
128.   *Id.* at 4–5.

rounds gave them a better understanding of how their colleagues felt about their work.[129]

The different approaches to rounds in healthcare settings offer lessons for legal educators. ICCs most closely follow traditional legal case rounds pedagogy used in clinic seminars, focusing on solving a specific problem. ICCs emphasize getting input and reflection from everyone on the team, thus elevating voices that can be overlooked in the hierarchy of health care.[130] This serves as a helpful model for engaging the whole class rather than a few select students who regularly participate. The Kurtz model mimics law school clinical rounds and offers suggestions for common pitfalls in group reflective practice. The flexibility Kurtz proposes, giving groups some autonomy to set their own objectives and aiming to balance solutions and processing emotions, helps move students away from needing certainty and allows for vulnerability. Because the participants in Schwartz Rounds reflect on the work done as opposed to pending clinical problems,[131] the rounds model highlights the value to participants of expressing emotions and connecting to others in the field.

B. Education

Teacher education—which, like externships, often has a required fieldwork component—also provides new perspectives on holding case rounds. As in medicine, researchers believe that the confidential nature of groups allows for candid feedback, thereby allowing participants to discuss issues in a judgment-free environment.[132] Participants felt more confident in their teaching and more capable of finding effective teaching strategies.[133]

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129. David Gleeson et al., *Medical Student Schwartz Rounds: A Powerful Medium for Medical Student Reflective Practice*, 11 ADVANCES IN MED. EDUC. & PRAC. 775, 777 (2020). This study concluded that interactive reflection was more profound than other types of reflection, shared experiences facilitate belonging, and larger groups make sharing more difficult. *Id.*

130. O'Brien et al., *supra* note 59, at 1214, 1218; *see also* Sunguya et al., *supra* note 68. at 17, n. 49 (citing Yvonne Steinert, *Learning together to teach together: interprofessional education and faculty development*, 1 J. INTERPRO. CARE 60 (2005).

131. Leamy et al., *supra* note 111, at 5.

132. Betsy Chase et al., *Making the Connection between Increased Student Learning and Reflective Practice*, 79 EDUC. HORIZONS 143, 147 (2001).

133. *Id.* at 143–44 (describing teacher's sense of efficacy); *see also* LINDA SCHAAK DISTAD & JOAN CADY BROWNSTEIN, TALKING TEACHING: IMPLEMENTING REFLECTIVE PRACTICE IN GROUPS 11 (2004).

As with ICCs and Schwartz Rounds, the teachers studied by Betsy Chase and colleagues worked in an interdisciplinary setting.[134] This included new teachers, mentors, veteran teachers, administrators, and a teacher educator from a college.[135] Just as ICCs provide a more holistic approach to patient care, the incorporation of professionals from different disciplines in the teacher reflective practice group leads to a better systemic understanding of the needs of the school and the ability to provide a more aligned focus on students.[136]

The facilitator rotates among the members over the course of an academic year.[137] As in externship rounds described *supra*, participants share challenging teaching situations following a specific, prescribed process.[138] The reflective practice group process deviates, after the presentation of the facts (analogous to externship rounds, Stages 2 and 3) by asking participants to write a "hypothesis" for the action that the presenter took in response to the presented problem.[139] The participants then share their hypotheses, thus beginning the process of developing a theory.[140] After that, the presenter responds to the hypothesis and considers how it relates to the challenge they shared.[141] At this point, the reflective process described by Chase parallels externship rounds again; the group discusses the situation from others' perspectives and generates options should a similar event arise in the future.[142]

In this approach, reflection takes place on two levels: (1) participants share their experiences from past events and support the presenter; and (2) participants are challenged to think critically and link theory to practice.[143]

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134.   Chase et al., *supra* note 132, at 144.

135.   *Id.* at 144, fig.1.

136.   *Id.* at 147 (describing inclusion of social workers, English Language Learner teachers, and special education teachers in reflective practice groups); *see also* DISTAD & BROWNSTEIN, *supra* note 133, at 15.

137.   DISTAD & BROWNSTEIN, *supra* note 133, at 15. Dr. Thomas S.C. Farrell has also examined how group discussion promotes reflective practice and has suggested that each member of the group could be assigned a role such as coordinator, implementer, resource, investigator, expert, etc. Thomas S.C. Farrell, *Talk is Not Cheap*, 27 ENG. CONNECTION 10, 11 (2023).

138.   *Id.*; *see also* DISTAD & BROWNSTEIN, *supra* note 133, at 8 (emphasizing the "structured, sequential process" of RPGs, and the value of "systematic reflective sharing").

139.   Chase et al., *supra* note 132, at 145, tbl.1 (stating that these include psychological, pedagogical, and institutional factors).

140.   *Id.*

141.   *Id.*

142.   *Id*.; *see also* DISTAD & BROWNSTEIN, *supra* note 133, at 16–20.

143.   Joan M. Cady et al., *Reflective Practice Groups in Teacher Induction: Building Professional*

These reflective practice groups provide peer support for teachers as they move through various phases of development over the school year.[144] The reflective process group also led to increased well-being.[145]

C. ADR

Reflective practice provides an opportunity for mediators to consider the values that influence the often intuitive decisions they make when faced with ethical issues.[146] It works especially well for a field "that is at an early stage of professional and self-conscious development, and to a form of intervention that is so diversified, unregulated, and context-dependent."[147] This is akin to externship pedagogy, which had "limited scholarly exploration until the 1990s," is still evolving, and has drastically improved in the last ten years.[148]

Specifically, alternative dispute resolution practitioners have been receptive to the use of peer consultation groups for reflection on their work. In his book, *Guide to Reflective Practice in Conflict Resolution*, mediator Michael Lang outlines reflective practice for mediators, including the underlying theory and research, and provides various self-directed methods, such as reflective guides and journals.[149] Lang reserves a separate category for reflective methods that have a more "outward-facing and interactive process."[150] These methods include a reflective debrief—a dialogue with a supervising mentor examining a specific event—and reflective practice groups.[151]

As with the externship rounds process, mediator reflective practice groups probe the presenting practitioner's experience and identify lessons

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*Community via Experiential Knowledg*e, 118 EDUC. 459 (1998); *see also* DISTAD & BROWNSTEIN, *supra* note 133, at 24–25 (discussing the "theory-practice dilemma").

144.   DISTAD & BROWNSTEIN, *supra* note 133, at 21–22.
145.   *Id.* at 23.
146.   Julie Macfarlane, *Mediating Ethically: The Limits of Codes of Conduct and the Potential of a Reflective*
Practice Model, 40 OSGOODE HALL L.J. 49, 74 (2002).
147*.   Id.* at 74.
148.   DUTTON ET AL., *supra* note 9, at 6–8.
149.   MICHAEL D. LANG, THE GUIDE TO REFLECTIVE PRACTICE IN CONFLICT RESOLUTION (2019).
150.   *Id.* at 147.
151.   Lang notes that these are also called peer mentoring, case consultation or advanced practice groups. *Id.* at 166–68.

to be learned. Lang, however, stops short of a prescriptive structure.[152] Typically, the practitioner opens by describing the incident.[153] The group then asks questions that "encourage the practitioner to search for her own answers and explanations—what she can learn about herself and her role from the experience…."[154] Notably, Lang emphasizes that the participants should not offer solutions:

> Questions by the facilitator (and often from group members) are never intended to second-guess the presenting mediator. Group members do not make judgments about the situation or the mediator's decisions; nor do they offer advice or solutions. Instead, the goal is to help the presenting mediator engage in a process of self-discovery—to arrive at learning that is personal, relevant to the situation, and enduring.[155]

Lang lists some comments to avoid such as:

- "Here's what I've done in a similar circumstance."

- "Did you consider...?"

- "I wonder what would have happened if you had…?"[156]

This restraint from judgment parallels mediation philosophy; when mediating cases, mediators seek to remain non-judgmental and focus on party self-determination.[157]

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152.   *Id.* at 197 (commenting that the process may seem more structured at first, with more involvement from the facilitator, but that over time the group will move to a more fluid process).

153.   *Id.* at 196.

154.   *Id.* at 198–200 (suggested questions include: "What was unexpected, puzzling, or unsettling about this incident?" "What did you expect to see/hear, and what did you actually observe?"; "What did you consider doing, and what made you choose the intervention you chose?"; "Did you find any particular theory helpful in deciding how to respond? Is this a theory you regularly make use of?").

155.   Michael Lang & Rochelle Arms Amengor, *Why Case Consultation/Reflective Practice Groups Matter for Mediators*, MEDIATE.COM (Aug. 30, 2017), https://mediate.com/why-case-consultation-reflective-practice-groups-matter-for-mediators/ [https://perma.cc/SW44-NXPX].

156.   LANG, *supra* note 149, at 159.

157.   *Id*. at 196. This leads us to wonder whether and to what extent the teacher and participants' roles in externship rounds should mirror the pedagogy used in supervising student lawyers in in-house clinics. Should the preference for non-directive supervision in clinics extend to externship rounds? Does this same rationale extend to peers in externship rounds? These are specific choices that an instructor can make, as discussed in Section IV below.

As with other professional training programs, mediator reflective practice groups center around the concept that mediators will develop greater professional competence through deliberate reflection on their cases.[158] Beryl Minkle, Anthony Bashir, and Claudia Sutulov developed their peer consultation group model to help mediators process the emotional responses to their work.[159] The groups provide a space—referred to as holding environments—for mediators to sit with emotional tensions, acknowledge vulnerability, and engage in reflective inquiry with the support of peers.[160] This allows mediators to understand their reactions and responses to mediation practice and plan their future actions and responses.[161] When done properly, a peer consultation group sets conditions to allow mediators to present their authentic professional selves to their peers.[162] While such groups can leave participants feeling vulnerable, the openness of the group facilitates trust that allows members to gain new insights and perspectives.[163] The peer consultation process helps mediators recognize the sources and impact of emotional responses to their work.[164] This in turn helps them regulate and monitor their own responses during mediation and use strategies to mediate more effectively.[165]

Understanding reflective practice from other disciplines, as we have reviewed in this section, highlights the benefits of using case rounds in legal education. In this next section, we synthesize the benefits.

III. WHY A MORE REFLECTIVE PRACTICE?

Rounds support lawyer development, including professional identity formation, autonomy, community, collaboration, curiosity, and listening. These skills foster the development of judgment, which, in turn, forms the core of the expertise that clients require from lawyers. "Legal professionals face complex and unpredictable situations, and therefore, they require a

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158.   Howard Herman & Jeannette P. Twomey, *Training Outside the Classroom Peer Consultation Groups*, 12 DISP. RESOL. MAG. 15 (2005).
159.   Beryl Minkle et al., *Peer Consultation for Mediators: The Use of a Holding Environment to Support Mediator Reflection, Inquiry, and Self-Knowing*, 24 NEGOT. J. 303, 306 (2008).
160.   *Id.* (emphasizing curiosity as described in Section III.D, below).
161.   *Id.*
162.   *Id.* at 308.
163.   *Id.* at 309.
164.   *Id.* at 314.
165.   *Id.* at 314–15.

reflective framework which allows them greater empathy with their clients. The [case study method] … does not equip law clinic students … with a suitable methodology to deal with complex legal and human issues encountered in professional practice."[166] Legal education is not unique here—in nearly all professions, resources are over-allocated to technical rationality (substantive knowledge) and under-allocated to dealing with the uncertainty that professionals face in practice.[167] Furthermore, in all professions, uncertain situations occur where technical rationality does not apply and the professional must experiment and see how the situation plays out.[168] During this experimentation, the professional is reflecting-in-action.[169]

Reflective practice itself is a framework for turning thoughtful practice into potential learning, with the possibility to modify approaches to practice.[170] Professionals learn more from reflection-in-action if they study it and treat it as an art.[171] Kurtz defines reflective practice as "a form of in-depth thinking about work activity with the aim of developing as a practitioner."[172] The increase of technology has "raised expectations as to how quickly work can be done and answers can be found to our questions."[173] Reflective practice works to correct this fast pace, helping practitioners generate new questions and reframe thinking about questions with no easy answers.[174] Historically, reflective practice has linked the integration of theory and practice to developing professional expertise.[175] But reflection has many other benefits for student learning, including

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166. Omar Madhloom, *A Normative Approach to Developing Legal Practitioners: Kant and Clinical Legal Education*, 53 L. TCHR. 416, 416 (2019).

167. Neumann, *supra* note 58, at 405.

168. *Id.* at 405–07.

169. *Id.* at 406.

170. Madhloom, *supra* note 166, at 418 (citing Jane Schober, *Frameworks for Nursing Practice, in* SUSAN HINCHLIFF ET AL., NURSING PRACTICE AND HEALTH CARE: A FOUNDATION TEXT 324 (2d ed., 1993).

171. Neumann, *supra* note 58, at 407.

172. KURTZ, *supra* note 73, at 3.

173. *Id.* at 1.

174. *Id.*

175. Michele Leering, *Conceptualizing Reflective Practice for Legal Professionals*, 23 J.L. & SOC. POL'Y 83, 102 (2014); *see also* Deidre McGrath & Agnes Higgins, *Implementing and Evaluating Reflective Practice Group Session*s, 6 NURSE EDUC. PRAC. 175, 176 (2006) (describing a reflective practice group session in nursing education as reducing the "theory to practice gap" by requiring participants to create a 20-minute presentation that facilitates a reflective dialogue between their practice and the literature).

reducing stress and anxiety, improving communication and interpersonal skills, fostering problem solving, and increasing resiliency.[176] Reflective practice "is synonymous with experiential, self-directed, and action learning."[177]

When lawyers overestimate the value of persuasion and are dogmatic in their commitment to winning, they reflect less.[178] Professionals who approach work in persuasion mode are less cooperative and self-reflective.[179] In contrast, working in a learning mode enables professionals to gather the largest amount of relevant information and create more options.[180] This approach signals curiosity and an interest in exploring, which are prerequisites to reflectiveness.[181] Thus, lawyers functioning in learning mode are more effective.[182]

Reflective practice in legal education can integrate knowledge, skills, and values in students and humanize legal education amid documented high rates of stress, depression, and substance abuse in the profession.[183] Furthermore, reflective practice can support psychological needs and autonomy, two areas Lawrence Krieger and Kennon Sheldon identified as important in helping to ease the negative effects of legal education on student well-being.[184]

Michelle Leering's model for an integrated reflective practitioner includes reflection on technique (skills), critical reflection (knowledge), and self-reflection (values).[185] Critical reflection includes the need to practice unpacking assumptions or automatic frames of reference.[186] A self-reflective practitioner considers who they are and the purpose of the work they are doing. [187] Self-reflection supports the integration of personal and

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176. Leering, *supra* note 173, at 102.
177. *Id.* at 96.
178. Neumann, s*upra* note 58, at 409–10.
179. *Id.*
180. *Id.*
181. *Id.* at 410.
182. *Id.* at 410–11.
183. Leering, *supra* note 173, at 88 (discussing WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 12 (2007) (known as the Carnegie Report)).
184. Lawrence S. Krieger & Kennon Sheldon, *What Makes Lawyers Happy? A Data Driven Prescription to Redefine Professional Success,* 83 GEO. WASH. L. REV. 554, 583–84 (2015).
185. Leering, *supra* note 173, at 94.
186. *Id.* at 96.
187. *Id.* at 97–98.

professional identities and develops a capacity for self-awareness that supports ethical development.[188]

A. Support for Professional Identity Formation During Transitions

Calls for increased reflection in legal education take place against the backdrop of incorporating professional identity formation into law school curricular and extracurricular programming. In February 2022, the American Bar Association adopted revisions to the Standards for Approval of Law Schools that require schools to provide "substantial opportunities" for students to develop a professional identity.[189] Externship rounds and the reflection that accompanies the process are key opportunities for the development of professional identity.[190]

Professional identity formation is a process through which new entrants into the profession develop and internalize the values of the legal profession.[191] It involves staged socialization through which students gradually transition to members of the profession.[192] The qualities that comprise professional identity formation include deep engagement with the profession's purpose, a sense of meaning grounded in work, the conception of self as a member of the profession, interpretation of situations and response to clients through the profession's standards, and a desire to contribute to the profession.[193] To support this process, legal educators need to provide experiences that help students develop their professional identities.[194]

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188.   *Id.* at 98.

189.   AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, REVISIONS TO THE 2021-2022 ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS (2022).

190.   Rosenfeld, *supra* note 9, at 147–58; Bess, *supra* note 3, at 30–31.

191.   *See generally* Neil Hamilton, *The Major Transitions in Professional Formation and Development from Being a Student to Being a Lawyer Present Opportunities to Benefit the Students and the Law School*, 73 BAYLOR L. REV. 139, 143–44 (2021); Louis D. Bilionis, *Bringing Purposefulness to the American Law School's Support of Professional Identity Formation*, 14 U. ST. THOMAS L.J. 480, 483 (2018); Benjamin V. Madison, III & Larry O. Natt Gantt, II, *The Emperor Has No Clothes, But Does Anyone Really Care? How Law Schools Are Failing to Develop Students' Professional Identity and Practical Judgment*, 27 REGENT U.L. Rev. 339, 345 (2014); Floyd, *supra* note 24, 201–02; David I.C. Thomson, *"Teaching" Formation of Professional Identity*, 27 REGENT U. L. REV. 303, 310 (2015).

192.   Bilionis, *supra* note 191, at 484.

193.   Ann Colby & William M. Sullivan, *Formation of Professionalism and Purpose: Perspectives from the Preparation for Professions Program*, 5 U. ST. THOMAS L.J. 404, 415–16 (2008).

194.   Floyd, *supra* note 24, at 201.

i. Major Transitions in Legal Education

As part of any professional student's path to becoming a member of their chosen profession, they will experience significant transitions— critically intense learning periods during which students reexamine and reform their sense of self and identity.[195] Professional identity formation consists of a series of identity transformations that often occur during transitions and can provoke uncertainty as students reflect on their fit within the profession.[196] Periods of transitions, particularly those in which students are in the settings they will experience as lawyers, are focal points for legal education to support students in professional identity formation.[197] Neil Hamilton studied students at his law school to determine which experiences in the first year were major transitions, and found summer employment that follows a student's first year to be a "singularly important authentic transition."[198] This research supports what many legal educators have perceived—that real-world experiences are major milestones on the path from student to lawyer.[199]

ii. Transitions in Other Disciplines

Other professions have more thoroughly examined how transitions shape professional identity. Medical educators found that transformational learning most often happens in everyday workplace settings.[200] Subsets of medicine have also investigated and acknowledged the link between transitions and professional identity formation.[201] Other professions,

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195.   Hamilton, *supra* note 1, at 140.
196.   Robert Sternzus, *Developing a Professional Identity: a Learner's Perspective, in* RICHARD L. CRUESS ET AL., TEACHING MEDICAL PROFESSIONALISM 26, 26–27, 31 (2d ed. 2016); William Sullivan, *Foreword, in* RICHARD L. CRUESS ET AL., TEACHING MEDICAL PROFESSIONALISM xiv (2d ed. 2016).
197.   Eli Wald, *Formation Without Identity: Avoiding a Wrong Turn in the Professionalism Movement*, 89 UMKC L. REV. 685, 692-93 (2021); Bilionis, *supra* note 191, at 484–85.
198.   Hamilton, *supra* note 191, at 155, 157–61.
199.   Bess, supra note 3, at 10.
200.   Richard L. Cruess & Sylvia R. Cruess, *Professionalism and Professional Identity Formation: The Cognitive Base, in* RICHARD L. CRUESS ET AL., TEACHING MEDICAL PROFESSIONALISM 5, 8 (2d ed. 2016); Yvonne Steinert, *Educational Theory and Strategies to Support Professionalism & Professional Identity Formation, in* TEACHING MEDICAL PROFESSIONALISM 68, 72 (2d ed. 2016);
201.   *See* Christy Noble et al., *Becoming a Pharmacist: Students' Perceptions of Their Curricular Experience & Professional Identity Formation*, 6 CURRENTS IN PHARMACY TEACHING & LEARNING 327

including social work, teaching, music, and counseling acknowledged this relationship as well.[202]

Transitions are most consequential when students struggle, reflect on their work, and shift their sense of self.[203] Medical education provides support for transitions that accompany authentic professional experiences.[204] The focus of medical education is on helping students make it through these experiences with an enhanced sense of agency and meaning.[205] Reflection is a key component of professional identity formation as students perform real-world work.[206] Externship rounds offer opportunities for students to examine their real-world lawyering work and reflect on their reactions to it, thus furthering professional identity formation.[207] Rounds allow students to engage as a group in the reflective and self-critical thinking required to explore the norms of the profession.[208]

(2014) (publishing results of study on pharmacy student perceptions of their professional identity development); Janet Urbanowitz, *The Impact of an Intentional APRN Student Clinical Experience on Role Transition Towards Becoming a Clinical Independent Practitioner; Pilot Study*, 77 J. ADVANCED NURSING 2050 (2021) (publishing results of a study on self-reported transitions in professional identity of nurses).

202.   *See generally,* RICHARD L. CRUESS ET AL., TEACHING MEDICAL PROFESSIONALISM (2d ed. 2016) (medical profession); Bernadette Moorhead, *Transition & Adjustment to Professional Identity as a Newly Qualified Social Worker*, 72 AUSTRALIAN SOC. WORK 206 (2019) (social work); Noble et al., *supra* note 178 (pharmacy); Angeliki Triantafyllaki, *The Role of "Creative Transfer" in Professional Transitions*, 15 ARTS & HUMANITIES HIGHER EDUC. 401 (2016) (music teachers); Julie M. Moss et al., *Professional Identity Development: A Grounded Theory of Transformational Tasks of Counselors*, 92 J. COUNSELING & DEV. 3, 3 (2014) (counseling).

203.   King Beach, *Consequential Transitions: A Sociocultural Expedition Beyond Transfer in Education*, 24 REV. RSCH. EDUC. 101, 101–39 (1999).

204.   Hamilton, *supra* note 191, at 157 (citing Sarah Yardley et al., *The Do's, Don't and Don't Knows of Supporting Transition to More Independent Practice*, 7 PERSP. MED. EDUC. 8 (2018)).

205.   Neil Hamilton, *Professional Identity/Professional Formation/Professionalism Learning Outcomes: What Can We Learn About Assessment from Medical Education*, 14 U. ST. THOMAS L.J. 357, 384 (2018).

206.   Timothy W. Floyd, *Moral Vision, Moral Courage, and the Formation of the Lawyer's Professional Identity*, 28 MISS. COLL. L. REV. 339, 349–50 (2009); Sarah Yardley et al., *supra* note 204, at 17.

207.   Bess, *supra* note 3, at 30–31.

208.   Bryant & Milstein, *supra* note 5, at 202; Bryan L. Adamson et al., *The Status of Clinical Faculty in the Legal Academy: Report of the Task Force on the Status of Clinicians and the Legal Academy*, 36 J. LEGAL PRO. 353, 366 (2012); Rosenfeld*, supra* note 9, at 148–49.

B. Attorney Well-Being

Rounds emphasize autonomy and autonomy-supportive supervision, along with relatedness to others—all factors that are strong predictors of attorney well-being.[209] Much of the literature on well-being, satisfaction, and happiness in the legal profession focuses on the amount of control that lawyers exercise in their jobs.[210] This desire for control relates to a sense of mattering and believing that one's contribution matters.[211] Students with autonomy-supportive teachers demonstrate increased classroom engagement, intrinsic motivation, and well-being.[212] Autonomy-supportive teaching focuses on providing as much choice as possible.[213] In situations where choice cannot be provided, the teacher provides an explanation.[214] Finally, the teacher communicates that they are considering the students' point of view.[215]

This autonomy is seemingly rare in law school.[216] In in-house clinics, students experience autonomy in their fieldwork, supervision, and rounds.[217] Moreover, both clinic and externship rounds provide law students with autonomy by offering choice within a structure. When conducting rounds, the instructor relinquishes a fair amount of control.[218] Students choose the topic for rounds; the presenter controls what to share; and participants choose the questions to ask and solutions to suggest. Students

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209.   *See generally* Krieger & Sheldon, *supra* note 184.

210.   NANCY LEVIT & DOUGLAS O. LINDER, THE HAPPY LAWYER 78–86 (2010).

211.   *Id.* at 83, 171; *see also* Krieger & Sheldon, *supra* note 184, at 565 (describing importance of autonomy support under self-determination theory).

212.   Leah Wortham et al., *Autonomy-Mastery-Purpose: Structuring Clinical Courses to Enhance These Critical Educational Goals*, 18 INT'L J. CLINICAL LEGAL EDUC. 105, 123 (2012); *see also* Lawrence Krieger, *Human Nature as a New Guiding Philosophy for Legal Education and the Profession*, 47 WASHBURN L.J. 247, 287–88 (2008) (observing that faculty that support student autonomy and acknowledge emotions students experience allow students to integrate their own emotions and values into their sense of professional self).

213.   Wortham et al., *supra* note 212, at 124.

214.   *Id.*

215.   *Id.*

216.   Krieger & Sheldon, *supra* note 184, at 567–69 (noting that lower autonomy support led to increased student distress and decreased internal motivation for legal work); Krieger, *supra* note 212, at 277–82 (describing how law schools undermine autonomy and student well-being).

217.   Wortham et al., *supra* note 212, at 132 (describing how students take responsibility to lead case rounds).

218.   DUTTON ET AL., *supra* note 9, at 258 ("The role of the teacher in rounds should be less directive and controlling than it often is with some other teaching techniques. In rounds, the teacher serves more as the facilitator.").

assess whether the rounds sessions were helpful and consider lessons that impact future practice.[219] The class engages in lawyering skills such as fact gathering and problem solving and chooses how to accomplish these goals.[220] Given the importance of student choice to autonomy and autonomy-support, we believe conducting externship rounds in a safe and supported environment and allowing the students in the seminar to dictate the terms of their engagement furthers well-being.

Also implicit in the use of rounds is the emphasis on collaboration and building community. The increasingly complex nature of legal practice demands that attorneys and other professionals work seamlessly in teams to deliver high-quality legal services.[221] Although effective teamwork is critical to working in law firms, much of legal training focuses on the individual.[222] Relatedness to others, however, like autonomy, is a predictor of well-being.[223] Building community and creating opportunities to work with others, therefore, fosters happiness.

Case rounds are one way clinical programs have created opportunities for building community and encouraging collaboration among students. At its heart, effective collaboration requires trust, including "a willingness to make oneself vulnerable to another person."[224] As demonstrated in our opening anecdote, discussing experiences creates "emotional bonds that connect co-workers and develop through shared experiences, reciprocal disclosure, and demonstrations that individuals will not take advantage of each other."[225]

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219. *See Id.* at 338.

220. Minkle et al., *supra* note 159, at 314 (discussing mediation peer consultation); Chase et al., *supra* note 132, at 147 (discussing removal of barriers of evaluation or performance review in education reflective practice groups).

221. *See* Heidi K. Gardner, *The Collaborative Imperative for Today's Law Firms: Leading High-Performance Teamwork for Maximum Benefit*, CTR. ON LEGAL PRO. HARV. L. SCH. (Oct. 2013), https://clp.law.harvard.edu/wp-content/uploads/2022/10/Heidi-White-PaperFIN.pdf [https://perma.cc/4LUG-CXLP].

222. Janet Weinstein et al., *Teaching Teamwork to Law Students*, 63 J. LEGAL EDUC. 36, 40 (2013). Weinstein, et al. also describes other professional training programs (including the IPEC), which teach teamwork. *Id.* at 39–43.

223. Krieger & Sheldon, *supra* note 184, at 617–18.

224. Gardner, *supra* note 221, at 8.

225. *Id.* at 7–8 (describing relational trust).

C. Curiosity

As work evolves it will be important for employees to continuously explore and adapt to their surroundings.[226] Thus, the importance of curiosity will increase in the workplace.[227] Curious employees approach difficult situations more creatively and perform better on the job.[228]

Researchers have found stimulating curiosity can enhance learning success.[229] Curiosity also plays an important role in creative problem solving.[230] Most problems are ill-defined, making it difficult for people to know early in the process of solving them what information is important to crafting high-quality solutions.[231] A commitment to seeking more information can prevent an overly narrow focus too early in the problem-solving process.[232] Curiosity is especially valuable when solving ambiguous and complex problems, since seeking out a wide range of information can bolster the problem-solving process.[233]

Additionally, curious employees are more open to feedback and innovation. Professor Francesca Gino conducted a study that asked employees what they were curious about at the start of their workday and encouraged them to ask "why questions" throughout the day.[234] She found that prompting workers' curiosity led to higher measures of innovative behaviors at work.[235] Another study found that curiosity also influences how people receive feedback. Creative workers high in curiosity asked for

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226.   Jay A. Hardy III et al., *Outside The Box: Epistemic Curiosity as a Predictor of Creative Problem Solving and Creative Performance,* 104 PERSONALITY & INDIVIDUAL DIFFERENCES 230, 234–35 (2017).

227.   *Id.* at 235.

228.   Francesca Gino, *The Business Case for Curiosity*, HARV. BUS. REV. (Sept. 2018), https://hbr.org/2018/09/the-business-case-for-curiosity [https://perma.cc/59HB-TLHG].

229.   Matthias J. Gruber et al., *States of Curiosity Modulate Hippocampus-Dependent Learning via the Dopaminergic Circuit*, 84 NEURON 486, 493 (2014).

230.   *See generally* Hardy, *supra* note 226.

231.   *Id.* at 231.

232.   *Id.*

233.   *Id.* at 235. Tim O'Brien and Andrew Pennock suggest framing case rounds as a business school case study with the student as the lead, describing the benefits of this approach as "systems thinking" and emphasizing the importance of curiosity in learning how to learn. Tim O'Brien & Andrew Pennock, *When Students Are the Case Protagonists*, HARV. BUS. REV. (Nov. 8, 2023), https://hbsp.harvard.edu/inspiring-minds/when-students-are-the-case-protagonists [https://perma.cc/QZT6-4257].

234.   Gino, *supra* note 228.

235.   *Id.*

feedback on their work in a more open manner than those lower in curiosity.[236] Workers higher in curiosity were also more likely to make changes, resulting in overall improved design.[237]

Case rounds help students understand the importance of sustained curiosity when addressing problems. As students engage in rounds, problems and potential solutions evolve, and students learn the value of not jumping too quickly to give advice. Both Geevargis and Tai encourage students to spend more time on the clarification stage–where students ask about the context of the situation–as opposed to the solutions stage.[238] And, by asking students to compare their problem presentation as originally formulated in Stage 2 to their problem definition in Stage 4 they better understand the value of staying open-minded and refraining from rushing to conclusions. Staying curious long enough to gain a deeper and clearer picture of the issue presented not only enables students to provide more useful advice, but also gives the presenter space to better process and define the problem.

D. Listening

Most people assess themselves as being good listeners.[239] In reality, many studies show that adults are not good listeners.[240] Distractions abound in modern workplaces and most professionals admit to multitasking when listening.[241]

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236.   Spencer H. Harrison & Karyn Dossinger, *Pliable Guidance: A Multilevel Model of Curiosity, Feedback Seeking, and Feedback Giving in Creative Work*, 60 ACAD. MGMT. J. 2051, 2062 (2017).

237.   *Id.* at 2064.

238.   In an effort to encourage students to refrain from rushing to judgment, Tai pairs the rounds class with a short lecture and role-play discussing client-centered versus authoritative counseling.

239.   Jack Zenger & Joseph Folkman, *What Great Listeners Actually Do*, HARV. BUS. REV. (July 14, 2016), https://zengerfolkman.com/articles/great-listeners/ [https://perma.cc/4KNL-GDSP]; *Accenture Research Finds Listening More Difficult in Today's Digital Workplace*, ACCENTURE NEWSROOM (Feb. 26, 2015), https://newsroom.accenture.com/news/2015/accenture-research-finds-listening-more-difficult-in-todays-digital-workplace [https://perma.cc/D342-5ZSH] [hereinafter *Accenture Research*].

240.   Bob Sullivan & Hugh Thompson, *Now Hear This! Most People Stink at Listening [Excerpt]*, SCI. AM. (May 3, 2013), https://www.scientificamerican.com/article/plateau-effect-digital-gadget-distraction-attention/ [https://perma.cc/QV6F-A6KD].

241.   *Accenture Research*, *supra* note 239.

"The primary challenge or barrier to skilled listening is internal."[242] When listening to clients, many lawyers start questioning and seeking to analyze information and, thus, their attention wanders.[243] A lawyer's internal voice prevents them from noticing the way the client tells the story, which provides clues about what matters to that client.[244] Good listening, however, helps the attorney build trust and gather the information needed to help the client.[245] Yet, educators and practitioners alike note the lack of intentional training on listening skills in lawyer education.[246]

Jack Zenger and Joseph Folkman researched top listeners and made four conclusions about the behaviors and characteristics of good listeners.[247] First, the best listeners ask questions.[248] Second, they make the experience positive for the other party by supporting them and creating a safe environment for the conversation.[249] Third, neither participant becomes defensive.[250] Fourth, the listeners provide feedback and suggestions.[251] Zenger and Folkman describe levels of listening that build on each other, including an environment free of distractions, seeking to understand through questions, picking up on non-verbal cues, developing an increased understanding of the problems or issues, and asking questions to clarify assumptions.[252] These findings parallel cognitive theory, which suggests that developing listening skills should include (1) modeling listening

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242.   Marjorie Corman Aaron, *Client Science: Advice for Lawyers on Initial Client Interviews*, FAC. ARTICLES & OTHER PUBL'NS, 2013, at 16.

243.   *Id.*

244.   *Id.*

245.   Neil Hamilton, *Effectiveness Requires Listening: How to Assess and Improve Listening Skills*, 13 FLA. COASTAL L. REV. 101, 103–04, 106 (2012).

246.   *Id.* at 109–11 (noting that the typical law school first year curriculum pays little attention to relationship and communication skills); *see also* Ruth Ann McKinney, Are We Hearing What They're Saying? Active Listening Skills for Lawyers (1997) (unpublished manuscript) (on file with author); DOUGLAS O. LINDER & NANCY LEVIT, THE GOOD LAWYER: SEEKING QUALITY IN THE PRACTICE OF LAW 250 (2014); Jim Lovelace, *Learning to Listen*, LAW PRAC. TODAY (Sept. 14, 2016), https://www.lawpracticetoday.org/article/learning-to-listen/ [https://perma.cc/TK5L-V32H].

247.   Zenger & Folkman, *supra* note 239 (they analyzed nearly 3,500 professionals through 360 degree assessments and identified the top 5% of listeners).

248.   *Id.*

249.   *Id.*

250.   *Id*.

251.   *Id.*

252.   *Id.*

techniques, then (2) trying the technique and receiving coaching through feedback and assessment, (3) followed by an opportunity for reflection.[253]

Reflective practice groups encourage exactly this kind of active listening, modeling and feedback, and learning through dialogue with others.[254] Externship rounds sessions create a safe and distraction-free environment and encourage increased understanding through questions.[255] The focus on sustained curiosity and accompanying emotions also develops listening skills.[256] This is amplified in rounds where students are encouraged to work collaboratively, stop and assess the presenter's initial definition of the problem, and take time to see how the problem evolved over time as a result of their conversation.

IV. POSSIBILITIES FOR INNOVATION IN EXTERNSHIP ROUNDS

Until this point in the article, we have shared a structured process for conducting rounds, examined the use of similar group discussions in other professions, and analyzed the benefits of conducting rounds. In this section, we draw on these elements to examine how an instructor can modify the rounds structure depending on their goals.

A. Identifying Goals for a Rounds Session

Following the principles of backward design, we suggest that one should first consider their goals for holding rounds.[257] As discussed in the Introduction and Section III, an instructor might use case rounds for numerous reasons.

An instructor focused on curiosity and listening might emphasize each individual phase more, encouraging students not to jump to conclusions. In these cases, an open-ended conversation without a definite solution might be preferable; the attention is on the process.

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253.   Hamilton, s*upra* note 245, at 117–18.
254.   Minkle et al., *supra* note 159, at 313.
255.   *See id.* (describing how the peer group helps reach a "meta-perspective").
256.   *See id.* (discussing meta-perspective as including awareness of one's emotions and related to the process of "questioning these different views and by listening to a wide array of voices").
257.   BRYANT ET AL., *supra* note 7, at 57–61 (discussing principles of backward design by focusing on the teacher's learning goals before identifying the specific learning activities and assessments when planning and teaching the seminar class).

On the other hand, an instructor with a foremost goal of addressing supervision issues at externship placements might focus on making sure the presenter identifies a feasible solution, acts on it, and reports back to the class. Alternatively, if the issue is not resolved, the instructor may address it directly with the placement. For example, in one of our classes in two different semesters, students presented a rounds topic related to the difficulty of navigating a specific attorney's long-winded communication style. Typically, this type of communication style is not cause for intervention, but having two students raise the topic helped the professor realize she needed to address the issue before another student externs at the placement.

Similarly, if autonomy is a goal, instructors might spend more time on the topic selection process or only hold rounds when there is a topic that students ask to discuss in rounds. They may also allow students to continue discussing issues raised in previous rounds sessions if additional processing is needed. In the example described at the start of this article, the students asked to check in with the presenter and the other student who raised the same problem in the following class. The instructor allowed students time for a follow-up discussion, to check in and offer more recommendations. This autonomy felt appropriate given the shared vulnerability and connection students experienced during the rounds session. Kurtz's approach supports this flexibility to allow reflective practice groups to continue previous conversations as appropriate.[258]

Finally, if an instructor senses that the students need to have shared emotional processing, providing space during the rounds for students to journal or discuss their feelings can facilitate that discussion.[259]

Regardless of the goal, we believe the rounds process builds community, fosters collaboration, and is critical for professional identity formation. Having a concrete method for problem solving supports judgment and decision-making in law practice. Goals may also evolve over time. For example, what started for Bess as a prescriptive problem-solving process aimed to help troubleshoot issues in the externship program

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258.   *See* Section II.A.2; *see also* KURTZ, *supra* note 73.
259.   *See* JANICE MCDRURY & MAXINE ALTERIO, LEARNING THROUGH STORYTELLING IN HIGHER EDUCATION: USING REFLECTION AND EXPERIENCE TO IMPROVE LEARNING 146 (2002) (suggesting that each participant share the range of emotions experienced during the presentation). We found that the opportunity for shared emotional processing was particularly important and appreciated by students during the COVID-19 pandemic.

gradually focused more on building community and shared understanding among students, eventually focusing on curiosity and listening rather than solutions.

B. Preparation and Considerations in Advance of Holding Rounds

i. Pre-work

Externship faculty should consider whether to require preparation or other pre-work, such as asking students to write a reflection paper, as discussed in Section II.B. This pre-discussion reflective writing process requires students to think carefully about the facts as they are playing them back in their own heads.[260] As a result, they rehearse their story (just as they may see clients formulate their stories).[261] This also furthers autonomy, as students can think about and choose what to include in their stories. Bringing that story to a group discussion allows the listeners to test the presenter's theory of their situation and suggest new framing of these theories.[262]

The instructor can then select a reflection paper that seems likely to yield a meaningful discussion or provide a basis for identifying issues common to multiple students. Alternatively, as outlined in Section II.B, students can discuss their reflection papers in small groups, selecting one group member's topic to pitch to the class. The class then reconvenes as a whole and votes on which topic will become the focus of the rounds.

Another method is for the instructor to group issues discussed in student reflection papers by theme. Once in class, students can discuss their assigned theme in groups or breakout rooms. They can offer advice to each other about their individual situation, identify common takeaways, and summarize their discussion and conclusions for the class as a whole.[263] This

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260.   *See id.* at 55–59 (comparing pre-determined and spontaneous storytelling).

261.   *See id*.

262.   *See id*. at 58 (noting a formal setting with multiple listeners allows the group to explore more than one perspective).

263.   S*ee* Sarah Shalf (University of Virginia), AALS Externship Committee meeting, sample structured case rounds (July 17, 2017); and Deborah Shore (University of Pennsylvania), AALS Externship Committee meeting, presentation titled "Keeping Students Engaged in an Externship Seminar" (April 9, 2021). To ensure that students go through each of the stages, they can be given a template of questions that mirror the stages to follow.

method works well at the beginning of the semester when students often confront the same types of problems, including workflow issues, struggling with finding work-life balance, or connecting with supervisors. Breaking the class into smaller, simultaneous rounds creates more opportunity for community and autonomy since the students self-select into issues they are experiencing at that time.

ii. Setting

It is important to consider other aspects of preparation. These include having a welcoming and appropriate setting for discussion. Since the COVID-19 pandemic, many instructors use Zoom to teach externship seminars.[264] Instructors should have a firm handle on the relevant technology and familiarize students with it as well. When possible, students should leave cameras on to encourage engagement and support the presenter who is working through an issue in a group setting. Students should also be present and as free of distraction as possible.[265] Meeting over Zoom may, in some cases, entail leaving work early to be home in time to attend class. Some students have provided feedback that they appreciate being able to do rounds in the safety and cocoon of their own homes since the experience may require vulnerability. By allowing students control of their environment during rounds, professors support student autonomy.[266]

In contrast, when meeting in person, discussion typically flows more naturally. Body language and facial expressions, which are obscured on Zoom, may be more apparent. Therefore, instructors may wish to remind students of the importance of body language in communication, and

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264.   DUTTON ET AL., *supra* note 9, at 277.
265.   We emphasize the importance of scheduling protected time to think about and consider the previous weeks' work as part of having a reflective practice. *See, e.g.,* Timothy W. Floyd & Kendall L. Kerew, *Marking the Path from Law Student to Lawyer: Using Field Placement Courses to Facilitate the Deliberate Exploration of Professional Identity and Purpose*, 68 MERCER L. REV. 767 (2017) (citing Kate Murphy, *No Time to Think*, N.Y. TIMES (July 25, 2014), https://www.nytimes.com/2014/07/27/sunday-review/no-time-to-think.html?_r=0 [https://perma.cc/3AJ2-W9NZ]); Jennifer Porter, *Why You Should Make Time for Self-Reflection (Even If You Hate Doing It)*, HARV. BUS. REV. (Mar. 21, 2017), https://hbr.org/2017/03/why-you-should-make-time-for-self-reflection-even-if-you-hate-doing-it [https://perma.cc/G4HZ-4NBY]. We also show the "invisible gorilla" video as a visual illustration of the importance of being open to identifying lessons to be learned from experience. *See* CHRISTOPHER CHABRIS & DANIEL SIMONS, THE INVISIBLE GORILLA (2011), *and* DANIEL KAHNEMAN, THINKING, FAST AND SLOW 23-24 (1st ed. 2011).
266.   *See generally* Krieger & Sheldon, supra note 184.

techniques for active listening.[267] To establish a safe space and transition into case rounds mode, instructors may also ask participants to close their laptops and silence devices.

iii. Ground Rules and Confidentiality

Because rounds delve into sensitive topics, including one's feelings and values, it is important to establish ground rules for the process.[268] However, few law professors announce the rules for the rounds conversation itself, though other disciplines encourage faculty to do so.[269] These rules create an open and supportive environment for students to share.[270] Standard approaches include maintaining confidentiality, being respectful of each other's views, willingness to provide and receive feedback, and active participation while also giving others a chance to contribute to the conversation.[271] Depending on the goals of the instructor and students, ground rules can include tenets such as refraining from centering advice on the participants' experiences or framing comments in judgmental language.[272]

iv. Frequency

Finally, how often will one conduct rounds? Even in externship seminars, the frequency of rounds is not consistent—some professors conduct brief rounds at the beginning of each class, while others conduct longer rounds once or twice a semester.[273] Externship faculty may find it challenging to conduct rounds more frequently because seminars are

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267.   *See, e.g.*, Aaron, *supra* note 242, at 14–15.
268.   DUTTON ET AL., *supra* note 9, at 258.
269.   Bryant & Milstein, *supra* note 5, at 228. *See also* Kurtz's reflective groups setting parameters. KURTZ, *supra* note 73, at 36–37.
270.   Bryant & Milstein, supra note 5, at 229.
271.   *Id.* at 228-30 ("Confidentiality should be the norm…[to enable] students to speak frankly without risking that their admissions of mistakes or problems will become fodder for conversations in the broader law school community."); *see also id.* at 258 (describing typical ground rules when holding rounds); DUTTON ET AL., *supra* note 9, at 256 (stating that maintaining the confidentiality of the classroom discussion encourages "honest reflection"); Alexis Anderson et al., *Ethics in Externships: Confidentiality, Conflicts, & Competence Issues in the Field and in the Classroom*, 10 CLINICAL L. REV. 473 (2004).
272.   LANG, *supra* note 149, at 159.
273.   DUTTON ET AL., *supra* note 9, at 259.

typically combined with the fieldwork or only one to two units.[274] Thus, faculty may not have enough class hours to hold rounds and cover other lawyering topics during the semester. Conducting rounds frequently during the semester may also be emotionally draining.

C. Structuring Rounds

When structuring rounds, the externship professor makes choices about the amount of time to allow for the process, how strictly to adhere to a predefined process, and what prompts to provide at each point. We have found that typically at least 45-90 minutes is necessary to thoroughly dissect a typical rounds topic. This process takes time, and rushing through it can feel overwhelming.

While Bess and Geevargis have a structured and actively-facilitated process, other literature suggests a less structured process may be preferable—particularly once the participants are familiar with the central tenets of the reflective process.[275] Tai typically starts with a structured process at the beginning of the semester, but shifts to allowing students to lead the conversation organically towards the end of the semester and in her advanced (second semester) externship class.

The questioning process is central to productive reflection, and guidance around crafting questions can deepen the conversation. "When such questioning is facilitative, it prompts practitioners to go beyond their first thoughts and taken for granted ideas about situations, experiences, and their own actions (or inactions) to critically examine underpinning beliefs, assumptions and values, and to generate and evaluate their own solutions to their own problems."[276] Facilitators may take opportunities to remind students to consider the structure of their questions (open-ended versus probing versus clarifying), to engage in active listening, to practice parallel universe thinking,[277] and to suspend judgment.

The approach to facilitation is not static. Once students are familiar with the rounds process, professors may choose to step back from the spotlight

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274. Kuehn et al., *supra* note 16, at 41.
275. LANG, *supra* note 149, at 197.
276. Neil Haigh, *Teaching Teachers About Reflection and Ways of Reflection*, 6 WAIKATO J. EDUC. 87, 92 (2017).
277. BRYANT ET AL., supra note 7, at 126–27 ("Rounds conversations are ideal for developing the students' skill in Parallel Universe Thinking.").

as a facilitator and give students an opportunity to lead rounds.[278] The role of the facilitator can also be adjusted. Does the facilitator only enforce the process and structure, or can they also suggest solutions and propose advice? Similarly, can the participants provide solutions? Some literature expresses a preference for the participants and facilitators to center the experience on the presenter rather than generate solutions.[279] On the other hand, at this early stage in their career, students may prefer concrete suggestions and advice, particularly from classmates who have successfully navigated similar issues. This is especially true for students performing real-world lawyering work for the first time, which marks a key transition on the path from student to lawyer and is often accompanied by stress and uncertainty.[280]

Some instructors pair students and assign a day for the team to be responsible for rounds.[281] In each pairing, the students identify possible rounds topics for discussion, and meet with the instructor before class to discuss which topic to select for rounds. The student whose topic is selected presents their issue and the other student researches background information before class. This method can lead to a more prepared classroom.

Facilitators should also consider how to encourage participation by all students in the class. Rounds are meaningful, in part, because the process highlights the gray; it shows there are many possible paths one can take when lawyering. Those options are more likely to surface when different perspectives are brought to bear on a problem.[282] This evolution is highlighted when students compare their initial problem definitions and proposed solutions with the definitions and solutions generated after exhaustive questioning.

Instructors may consider different prompts for questioning. For example, participants could examine the presenter's situation from the

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278. Chase et al., *supra* note 132, at 147; *see also* BRYANT ET AL., *supra* note 7, at 141–44 (describing the different roles of an instructor in rounds).

279. KURTZ, *supra* note 73, at 105–06 (suggesting that the facilitator share initial reactions to the presenter's situation in order to model emotional responses); *id.* at 119 (emphasizing that the group should be searching for meaning rather than a certainty or a solution); LANG, *supra* note 149, at 168 (recommending both the facilitator and participants refrain from offering advice and solutions).

280. *See* Hamilton, *supra* note 191, at 153-55; Bryant & Milstein, *supra* note 5, at 212.

281. Conversation with Larisa Bowman (Court Innovation Fellow, Rhode Center on the Legal Profession, Stanford Law School) (Dec. 2. 2023).

282. McDrury & Alterio, *supra* note 259, at 88–89 (describing how listeners shape stories through questioning and by bringing their own assumptions to interpretations of the story).

perspective of different actors in their situation.[283] Students might also role-play ways to address a difficult situation.[284] For example, in our opening story, if the group suggested that the presenter share their frustration with the career advisor, the presenter might practice having this conversation in class with another student role-playing the career advisor. The other participants could offer feedback on tone, wording, and suggest additional ways of approaching the conversation.

If the purpose of rounds is to facilitate well-being and emotional support, instructors could consider incorporating check-ins or mindfulness exercises at the beginning of the session.[285] During rounds, the instructor can ask the participants to share an initial emotional reaction, like the approach suggested by Kurtz.[286] And, the instructor could model the process by sharing their initial reactions.[287]

Similarly, borrowing from the teacher education reflective structure, students might focus on analyzing past events and identifying theories for the action that the presenter took. As Moon notes, teaching is based on rapid action without time to consider theoretical ideas.[288] Similarly, in legal practice, a focus on past events may be most meaningful in settings where externs make decisions under time pressure (for example, in a prosecution externship) and can benefit, afterward, from time to reflect on how their actions align with theory.

The instructor might also encourage note taking by the presenter or the participants to track the evolution of the discussion and document key takeaways. Because participants' questions lead to dialogues that move beyond emotional release to an effort to integrate practice and theory, Janice McDrury and Maxine Alterio encourage the presenter to write down these insights so that they can track their growth over time.[289] Similarly, as described in Section I.B., Bess and Geevargis ask participants to take notes at different stages of rounds to track the evolution of the problem definition.

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283.   *Id.* at 146; *see also* BRYANT ET AL., *supra* note 7, at 126–27 (discussing parallel universe thinking in rounds).
284.   BRYANT ET AL., *supra* note 7, at 146; DUTTON ET AL., *supra* note 9, at 261.
285.   KURTZ, *supra* note 73, at 55–66; *see also* DUTTON ET AL., *supra* note 9, at 207.
286.   KURTZ, *supra* note 73, at 96.
287.   *See id.*
288.   MOON, *supra* note 22, at 55.
289.   McDrury & Alterio, *supra* note 259, at 96–103 (providing templates for note taking).

Externship rounds could also incorporate participants from other disciplines such as social work or medical school, akin to ICCs or Schwartz Rounds. Like Schwartz Rounds, externship rounds focus on the presenter's experience of being a lawyer. And like medical professionals, students in externships can confront traumatic scenarios, including violent crime, domestic abuse, and serious cases of wrongdoing. This can surface uncomfortable and difficult feelings. Rounds provide emotional support for students and shift the peer discussion from a cathartic outlet to an opportunity for deep reflection. This, in turn, can help address burnout.[290] An interdisciplinary externship round, however, should draw on the lessons from ICC rounds. Facilitators should be mindful of power dynamics between professions and ensure that disciplines are equally represented and heard.[291]

CONCLUSION

We have described a process for conducting externship rounds that focuses on developing curiosity, withholding judgment, and generating options. By examining analogous processes in different professional education programs, we have also developed potential variations of conducting rounds. These can be adopted or modified depending on the goals of the faculty and needs of the students. By holding rounds, externship seminars can move away from a brief reporting of "war stories" to a method of thoughtfully and systematically examining and identifying the lessons learned in a common lawyering situation. Because these lawyering problems are removed from decision-making in a particular case, they facilitate self-reflection.

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290.   Meyer et al., *supra* note 120, at 709; LANG, *supra* note 149, at 314–15.
291.   O'Brien et al., *supra* note 59, at 1214, 1218; Sunguya et al., *supra* note 68, at 12, n.30.

A. EXTERNSHIP ROUNDS METHOD

1. **Set up:** <u>Facilitator</u>[292] sets up structure/previews steps and reviews ground rules with class.

2. **Issue/Situation Description:** <u>Presenter</u> tells story without interruption.
   a.   In rare cases, facilitator interrupts presenter if they go on too long.

3. **Clarifying Questions:** Facilitator elicits questions from <u>participants</u> to clarify the issue and context. What facts do participants need to get the full picture of the problem?
   a.   Suggested prompts:
        i.   What other facts do we need to know?
       ii.   What additional context do we need?
   b.   Summarize: Facilitator might summarize facts known so far and ask again what more we need to know (wash, rinse, repeat until facts fully explored).

4. **Brainstorm Problem Definition:** Now that we know the facts and before we offer a solution, identify the problem without offering suggestions.
   a.   Facilitator asks <u>presenter</u> to define the problem
   b.   After presenter defines the problem, facilitator asks participants:
        i.   Do you have a perspective or thoughts about how presenter defined the problem?
       ii.   Did you hear the presenter mention other issues?
      iii.   Did you hear the presenter frame the problem differently in the earlier stages?

5. **Goals:** Facilitator asks <u>presenter</u> to define goals.
   a.   What is the presenter trying to achieve in this situation and what other goals might be at play here?
   b.   Facilitator asks presenter follow-up questions if goals are overly broad (e.g., "My goal is to be a good extern.")

6. **Strategies/Solutions:** Facilitator asks <u>participants</u>: what advice would you give the presenter, including next steps and solutions?
   a.   Presenter provides feedback on solutions

7. **Lessons Learned:**
   a.   Facilitator asks presenter if the rounds process was helpful, and in what way
   b.   Facilitator asks participants what they found helpful about the rounds
   c.   Facilitator asks presenter and participants what lessons from rounds structure can be applied to lawyering.

   TIP: If participants are not actively participating return them to small groups at each stage above and ask each group to come up with a question to ask or solution/suggestion to offer.

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292.   We have underlined the party who is likely doing most of the speaking during a particular section. In a classroom setting, the professor is the facilitator, and the students are the presenter or participant.