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WEBINAR

# CPD REFLECTIVE PRACTICE

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**PRESENTERS**

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## PRESENTERS



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Neil is an emeritus professor of law at the University of Windsor where he has served in many capacities over the past forty-three years. He recommended the skills based, pre-admission practical legal training course introduced in NZ in 1987. Neil has visited and consulted in New Zealand and Australia on over 20 occasions, including for the NZLS, the NZ Council of Legal Education and a number of Australian legal and judicial institutions. He regularly presents continuing professional education courses.



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Christine is the Executive Director of the NZLS. She was a partner of Harkness Henry, Hamilton for nearly 30 years with a commercial and dispute resolution practice and a former President of the NZLS. Christine has held a number of directorships including as Chair of Perry Group Ltd, Radio New Zealand and NZLS CLE Ltd. Christine sits as a judge in the High Court and Court of Appeal of the Cook Islands.

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# 1. THE PLACE OF CPD

## Introduction

The NZLS CPD scheme aims to build on the culture of lifelong learning that exists among New Zealand legal professionals. It reflects a commitment to a highly qualified profession through ongoing learning and to increasing the quality of professional practice.<sup>1</sup>

It is an expectation that lawyers act competently and maintaining competence is very much grounded in continuing professional development. A focus on learning aims to improve the quality of professional practice for the benefit of the practitioner *and* the client. Simply put, more efficient and effective practice pays off in many ways. Continuing professional development (CPD) for law professionals is an important strategic instrument for improving your practice.

The following definition of CPD may be useful:

The systematic maintenance, improvement and broadening of knowledge and skills, and the development of personal qualities necessary for execution of professional and technical duties throughout the individual's working life.<sup>2</sup>

CPD is not a new concept. Lifelong learning, competency markers and many other names have been given to this and it has been studied for many decades. Continuing professional development is embedded in the medical sector, accounting, architecture, engineering, education and many other fields.

CPD can be seen to have multiple purposes:

- CPD is concerned with maintaining knowledge and skills.
- CPD broadens knowledge and skills giving the potential to expand your scope of practice.
- CPD develops personal qualities necessary to execute professional and technical duties.

There is much literature to support the value that a formalised CPD programme can give and it is recognised that there are many professional and personal reasons why an individual may wish to undertake CPD, including to:

- Improve their career prospects by achieving additional qualifications;
- Respond to changing conditions at work;
- Achieve advancement at work;
- Change career;
- Understand the latest developments in their field;
- Develop their knowledge of the environment in which they work;

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<sup>1</sup> NZLS Guidelines for the Lawyers and Conveyancers Act (Lawyers: Ongoing Legal Education – Continuing Professional Development) Rules 2013, pp. 43.

<sup>2</sup> Friedman et al 2000.

- Be better at doing their job;
- Achieve personal development; and
- Meet the requirements of professional bodies.

## 2. CPD REFLECTIVE PRACTICE

This resource is designed to supplement the CPD Reflective Practice webinar materials.

The webinar focuses on two aspects of the continuing professional development<sup>3</sup> scheme. These are: the identification of appropriate learning goals and the components of reflective practice statements.

This focus was a result of a feedback from a CPD review in 2016 where lawyers commented that an additional resource examining how to approach the main components of a CPD Plan & Record (CPDPR) would be useful.

Using practitioner examples this resource presents some approaches and questions that may assist lawyers in constructing their CPD plans and reflections.

This resource is designed to assist you to:

- Recognise the importance of identifying personal learning goals.
- Understand how reflective practice can help to improve your practice.
- Identify what makes a good reflective statement.
- Reflect intentionally before, during and after CPD.
- Record the reflective steps taken when learning.

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<sup>3</sup> Lawyers and Conveyancers Act (Lawyers: Ongoing Legal Education-Continuing Professional Development) Rules 2013.

## Planning

Planning is a reflective process and whilst all aspects of a CPD plan and record are required as part of the CPD Rules, the following sections of your CPD plan require particular attention.

- Identifying your **learning needs**
  - What you consider your strengths and what you consider are areas of required development
- Your action plan
  - Which should state what activities you intend to complete. When considering your learning activities, remember that the focus is on what will give value to you as a learner and meet your identified needs.

### Your learning needs

This aspect of the CPDPR focuses on your strengths and areas of required development.

Focusing on what you already know is not necessarily an efficient use of your time. Instead consider looking for opportunities to increase your knowledge and skills in areas in which you are less proficient.

### Identifying your learning needs

What is your main area of strength? How do you know?

How do you go about reviewing your strengths and how often do you do this?

What are the main challenges you face?

*Professional challenges: knowledge, skills, relational, ethical*

*Personal challenges:*

What is the reason for this challenge/how did it come about?

What are the impacts of these challenges on you?

**Prompts that may be of assistance**

- What has changed in my area of expertise?
- Where have I not performed as well as I would have liked?
- How have I improved recently and how did I do this. What is next?

**OR**

- How has the organisation changed recently?

- What are the strategic goals of the organisation and what is my part in helping meet them?

**OR**

- What is required to keep me at the top of my game?
- How can I increase the understanding of my team/colleagues/wider profession in this area?

**OR**

- What are my career goals and what is standing in the way of realising them?

**EXAMPLE: Poor time management**

This is a modified account from a lawyer in an in-house environment – but could equally apply to any lawyer working in an organisation with some direct reports.

*Over the last few weeks I've been getting increasingly snowed under with work and this has got me quite stressed. I think my team has started to notice that I've not been keeping up with my own workload and I worry that I'm not really modelling what I have said I expect of them. Unsurprisingly, I've identified that my time management is poor and I need to prioritise this as one of my learning objectives.*

**Activity:**

What can you identify as some of the challenges and potential impacts facing this lawyer?  
Can you identify any other areas of learning that this practitioner may wish to develop?

Thinking now to your learning needs, how will improvement in your identified areas make a difference?

What are the potential benefits of making improvements?

*Professional challenges: knowledge, skills, relational, ethical*

*Personal challenges:*

## Your action plan

This section should state what activities you intend to complete. When considering your learning activities, remember that the focus is on what will give value to you as a learner and meet your identified needs.

This includes giving consideration to what approach to take regarding your learning goal and what resources you already have around you that could support your learning goals.

These resources could include: your immediate colleagues, local experts, your NZLS branch, in-house, non-lawyers and more.

What resources are available to help meet this goal?

*Professional challenges: knowledge, skills, relational, ethical*

*Personal challenges:*

Regarding the approach to learning there are multiple ways to engage – courses, personal study groups, seminars, teaching, professional writing, law reform and many more.

- Investigate what is best for you and how you prefer to learn.
- Check that potential opportunities meet the criteria set out in the CPD Rules.

**EXAMPLE: Poor time management cont.**

This is a modified account from a lawyer in an in-house environment – but could equally apply to any lawyer working in an organisation with some direct reports.

*I enrolled in an online course called “Growing Productivity”. The format was good in so much as I could do the course from my computer, but could still interact with participants in a forum. This was a safe way to openly discuss my time management issues and discuss potential ways forward.”*

**Activity:**

What can you identify as some of the positives of this approach for this lawyer?

What can you see as some of the shortcomings of an online approach, given the other potential learning requirements of this practitioner?

Would this learning approach work for you? If not, why not?

## Reflective Practice

The reflective aspect of the CPD plan and record is where the value of the CPD activities can be examined. It is in this section of your CPDPR that you want to find out if your CPD activities actually helped towards your learning goals.

We do not learn from experience... we learn from reflecting on experience.<sup>4</sup>

In many ways employing a reflective strategy is not unlike a mini self-review. Being reflective is not a new concept and it can be applied to a number of activities – performance reviews, goal assessment, strategic planning to name but a few.

The main difference between private, personal reflection and formalised “reflective practice” as a tool for learning is considering the “why” and “what” of the learning and then planning *action* to take as a result.

For the purposes of your CPD Plan & Record as part of the CPD Rules, your **reflections** should consider for **each** CPD activity:

- What you learnt
- Why this learning was important to you
- How this learning may impact on you as a professional
- How it has improved your practise in a certain area
- Who might benefit from the learning
- If the learning **met your identified needs** and if not, why not
- How the learning informs your next learning steps

This could be used as a useful checklist

## Approaches to reflection

There are many approaches to how you can construct your reflective statements. Equally, reflecting on your learning can also be viewed more broadly than just what the learning means in what you will do. You can also be reflective on how the new learning makes you feel, how it impacts on others and what it might mean for future planning for the profession. As we work in a people orientated environment these kind of reflections are very important.

Reflections can also be framed from different points of view. Below are some different ways to forming reflective statements that may be of use:

## Prompts that may be of use

For reflecting retrospectively you could use:

- **I used to think**, that to solve a conflict of interest I could...but **I now understand** that...

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<sup>4</sup> Dewey, J. (1933). *How we think*. Boston, D. C.: Heath & Co.

- **This learning** cemented my understanding of the implications of the new Health and Safety at Work Act on landlords because...
- **Clients, as a result of my learning**, now find that I am more able to...
- **I realise** that I was not always recognising this within my firm...
- **I now appreciate** that I didn't really understand how to apply...

For inward or outward focused-type reflection it could be you start with:

- **I learnt that** the new intervention rule means that...
- **I observed that** other practitioners used a far more comprehensive approach to...
- **Clients have commented** that they find my new fee structure and letters of engagement far more...
- **This course confirmed** that I don't feel comfortable with...
- **My team would benefit from** looking at this because...
- **I noticed** at the courses that others on my table employed a different technique that was more efficient...

Future focused reflections could include the likes of:

- **Next time I see this I will** remember that to complete this correctly I should...
- In light of this learning I'm going to **invest in** more training because...
- **Strategically** we'll need to place our energy into...
- I will now **work to develop** a more robust...

### Questions that may be helpful

There is no "correct" way to approach writing your reflective statements but the following sections are designed to provoke thinking about your CPD activities.

### What was learnt

The first stage of reflection for the purpose of your CPDPR is to examine what you learnt and think about how this fits within the context of your professional life. This examination can be at many levels: your specialist technical knowledge; your role within your workplace; or against a backdrop of your career to date as a professional.

What have been your main areas of learning focus over the last two years?

### **Why your learning was important**

This is probably the most crucial question.

Why did you undertake the learning in the first place and now, at the conclusion of your learning activity, why has this been of use?

#### **Activity:**

Consider one recent learning need from your list above. Why did you do it and why was it useful?

For this example, try and think deeply about the implications of the learning on you, others and why it is important to you as a professional.

Learning need(s):

Why was this of importance to you?

What were the potential implications of the learning?

*On you...*

*On others (workplace, colleagues and even the wider profession)...*

## The value of your learning

Now let's consider the learning from the point of view of its value and if you met your learning needs.

### **Activity:**

Looking back at your learning need, did your learning meet your need? How do you know? If not, what was the reason for that?

For this example, think deeply about what change in practice has occurred as a direct result of your learning.

For your identified learning need:

How did your CPD activity help meet your learning need? If not, what is the reason for this?

What changes have you seen in your practice as a result?

What evidence do you have of this?

If you were to do some future learning in this area, what would be the focus?

Would you do anything different next time? If not, why not?

## The ongoing nature of reflection and the CPDPR

These last two questions bring us back to the cyclic nature of reflection. Reflection, just like a lawyers CPDPR, should be a continuous and evolving set of questions and learning statements for the purpose of improving practice.

The beginning of this resource described ongoing lawyer competence as being grounded in a commitment to professional development. Take some time now, to reflect on if your understanding of CPD and the potential approaches to constructing your CPDPR has now changed.

What have I learnt from this resource?

What will I change in my approach to my CPDPR in the future?

For more detail on the CPD rules please go to [www.lawsociety.org.nz/cpd](http://www.lawsociety.org.nz/cpd)