



Windsor Law

University of Windsor



Judicial Internship Student Manual

September, 2023

Dear Windsor Law Student,

Welcome to Windsor Law's Judicial Internship Program! The Judicial Internship program was launched in 2006 as one way to enhance experiential learning for law students. In the Judicial Internship, students are placed with one or more judges to both observe, assist, and learn in an applied context.

In this program, students spend almost all their time with the Judge. Before the placement, students will receive an orientation from the Externship Program Director and follow up will occur mid-way and at the end of the term. Students also receive an orientation from the supervising Judges.

As you know, acceptance to the program is by application. Students are typically selected well before the term begins. We expect that students who are selected will remain enrolled in the program. Absent medical or compassionate grounds, withdrawal from the program will be treated very seriously. During their placement, students are expected to uphold the highest standards of integrity and ethics. The ongoing relationship with the court relies on the court's ability to trust students to uphold high standards of ethics and professionalism.

Students give positive feedback about the Judicial Internship program. For many, it is an opportunity to apply doctrine learned in the classroom to "real life" situations. Students observe the nature of judicial reasoning, which supports their later litigation and advocacy practices. Students also observe lawyers with a wide range of advocacy styles. Students may also be asked to support the Judge in completing various research and writing tasks. Perhaps most importantly, students regularly engage in reflective practice with Judges.

We are here to help with any questions or concerns that come up throughout the term. Please contact the Externship Program Director, Gemma Smyth, gemma.smyth@uwindsor.ca, or the Clinical and Experiential Learning Coordinator at any time throughout the term.

We look forward to supporting your experience!



Gemma Smyth
Associate Professor
Externship Program Director

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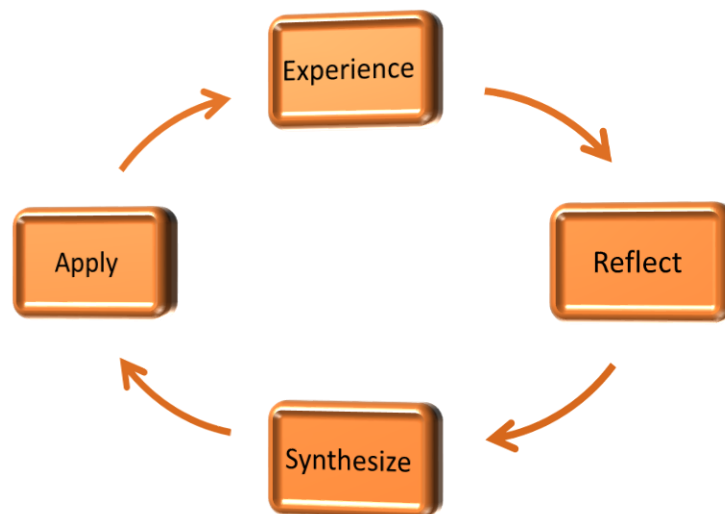
Background

What is Experiential Education?

Experiential education has increasingly become an important part of higher education. Experiential education is a program of learning in which students practice a skill and reflect on their performance through feedback, readings, and reflection. Ideally, students have the chance to practice skills repeatedly to increase their competence over time. In fact, people in professional practice – and in life more generally – ideally learn from practice and become experts in their field. As Roy Stuckey wrote in his 2007 text, *Best Practices for Legal Education*,

All of these pedagogies are based in an understanding that students must perform complex skills in order to gain expertise. They also recognize that students do not get better through practice alone. If their performance is to improve, they need practice accompanied by informative feedback and reflection on their own performance. And their learning will be strengthened further if they develop a habit of ongoing self-assessment.¹

Students learn in many “experiential” settings during law school. They might engage in a moot or in an in-class negotiation simulation. They might work at a legal clinic or volunteer with Pro Bono Students Canada. The Judicial Internship Program is another way to enhance practical skills alongside reflection.



What is a “Judicial Internship”?

In a Judicial Internship placement, students learn in a courtroom setting alongside a supervising judge. The courts collaborate with the law school to facilitate a high-quality placement in which students integrate theory and practice.

The law school has no governance relationship with the Ontario Courts. At Windsor Law, we use the term “Internships”. Other schools use the term “Practicum” or “Externship”. Essential to all of these is the importance of *practice and learning from supervision*.

¹ Roy Stuckey et al, *Best Practices for Legal Education: A Vision and a Roadmap* (Clinical Legal Education Association: USA, 2007) at 122.

How is an Internship Different from a Class?

Both classroom (doctrinal) learning and experiential learning have unique benefits. Place-based learning can often make classroom lessons “real” for students, hence encouraging students to theorize experience and experience theory. Some students report that working on real cases helps them understand content in their classes.

Internships are closer to the actual work performed by lawyers. As such, the most obvious difference between most law school classes is that there is a real client or community impacted by your work. Practically, this has several impacts. First, real life situations often do not conform to the directives of a precise schedule. While you will have specific hours set for your work, many students find they adjust their hours or spend extra time on projects or files that are meaningful to them. For example, some students work with a client and want to see their hearing or trial to the end. Students are expected to complete hours within the confines of the academic term, but arrangements can be made with your supervising judge if these situations arise.

The other important impact relates to ethics and professionalism. Students in Judicial Internships fall under the purview of the Law Society of Ontario. Students are held to the standards of a practicing lawyer (although, obviously, without the scope to do the work of a lawyer). Students are also expected to be supervised throughout the placement, in this case by the supervising judge.

The Judicial Internship Program at Windsor Law

The Judicial Internship program is facilitated by the Externship Director at Windsor Law, but very much directed by the supervising judge(s). Students will participate in an orientation session to prepare them for their time at the court. There are many written resources available under Student Resources on the [Judicial Internship webpage](#).

A midterm meeting with the Externship Director allows students to reflect on their experiences thus far. Students should contact the Externship Director to discuss any issues, should they arise, during the term.

At the end of the term, students will attend a final meeting with the Externship Director.

During the 12-week term, students are required to work seven (7) hours a week (not including one hour for breaks) (84 hours in total).

Students maintain logs of their work (redacted, as necessary). Students submit their hours weekly on the online [Attendance Form](#). The submission of hours is done online, once a week. Students should keep confidentiality obligations in mind when logging their hours, including removing any identifying information.

Students may email the [Clinical and Experiential Learning Coordinator](#) for an accounting of their hours. Students should reach out to the Externship Director for support managing the number of hours, including if they are concerned that they will not meet the minimum number of hours.

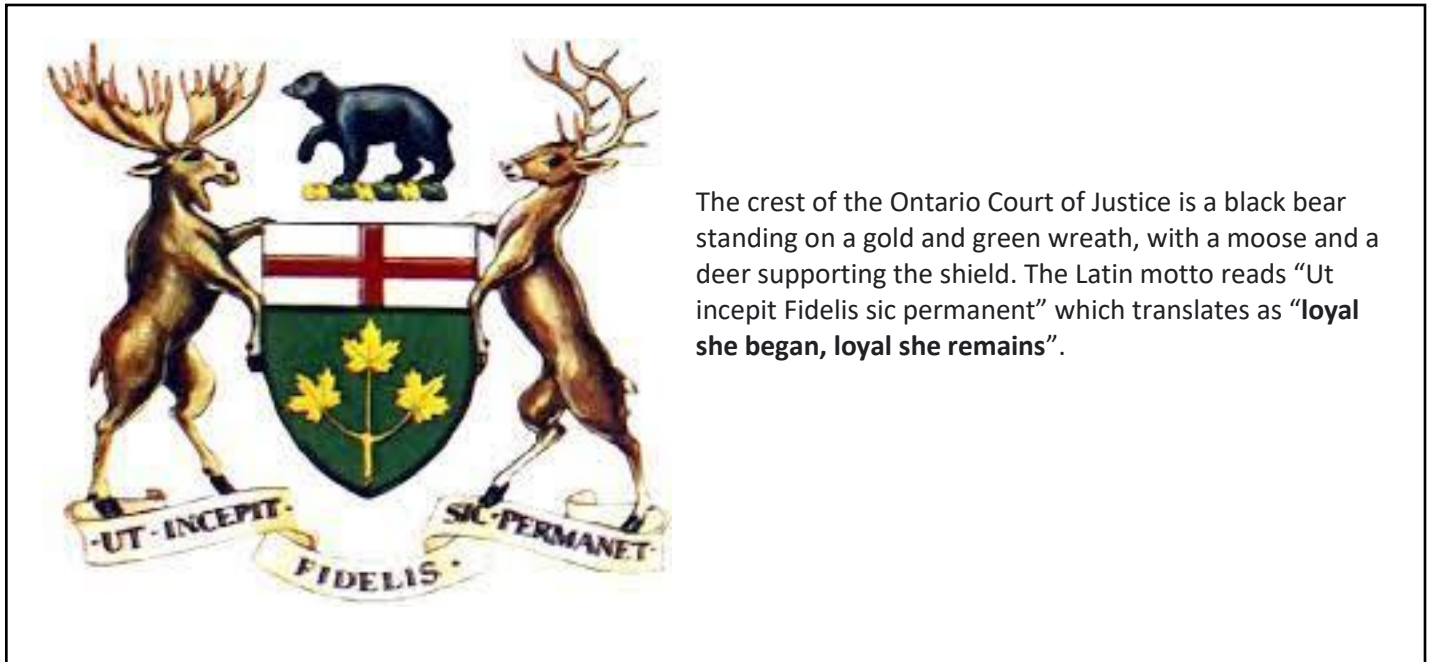
Students also submit a reflective assignment on their experience as a Judicial Intern. More information about this assignment is below.

What Will Students Learn?

- Through courtroom observation, students will observe real life application of lessons learned in

Evidence class and apply them in research memoranda.

- Students will observe counsel and learn the essential elements of effective advocacy and persuasion to employ in their work.
- Students will observe ethical and professional behaviour and attitudes suitable for a courtroom, which they must exhibit in their own behaviours at Court.
- Through debriefing meetings with the Supervising Judge(s), students will reflect on their observations, discuss their reflections with the Supervising Judge(s), and apply their reflections and those of the Supervising Judge to their future performance.
- Students must demonstrate the ability to complete high quality research memos and other written products in a style and quality suitable for the Supervising Judge.



The Judicial Internship Placement in Detail

No placement is identical, but all the courts share overarching learning outcomes, set out below. Examples of competencies are listed below each learning outcome.

1. Demonstrate skills, values, and knowledge appropriate to an entry-level lawyer in the relevant environment.
Possible Competencies
 - i. Ability to present community legal education seminar using understandable language and materials appropriate to audience,
 - ii. Ability to interview claimant to establish timelines, all relevant actors and review available documentary evidence.
2. Learn and improve through direct supervision.
Possible Competencies
 - i. Receive instructions from supervising judge and ensure comprehension,
 - ii. Receive constructive feedback from supervising judge,
 - iii. Develop plan to respond to feedback, and
 - iv. Seek further resources as necessary.
3. Employ ethical and professional behaviour in interactions with judges, lawyers, clients, and community members per the Law Society of Ontario and applicable University of Windsor Policies.
Possible Competencies
 - i. Follow onsite codes of conduct and policies,
 - ii. Note and report ethical concerns to the attention of the supervising judge as relevant,
 - iii. Recognize limits of student's own competence, and
 - iv. Maintain confidentiality of all information.
4. Identify access to justice challenges and opportunities in client and community work.
Possible Competencies
 - i. Notice barriers to accessing services at placement site,
 - ii. Adapt practices to ensure maximum potential for client inclusion and understanding, and,
 - iii. Notice barriers to accessing the justice system or client's preferred remedy.
5. Describe the structure, mission, policies, communication channels, and roles of all relevant justice system actors.
Possible Competencies
 - i. Review all actors relevant to the placement site,
 - ii. Understand roles of all actors relevant to the placement site,
 - iii. Follow appropriate communication and reporting channels,
 - iv. Review the mission, vision, and other relevant materials, and
 - v. Docket and otherwise record information appropriately, attending to confidentiality.
6. Cultivate wellness and resilience practices at the placement site.
Possible Competencies
 - i. Develop and follow maintenance and emergency wellness plans, and
 - ii. Report to Externship Director and/or supervising judge with any wellness-related challenges.

Placement-Related Assessments

Students must submit a reflective assignment on their experience as a Judicial Intern. The reflective assignment should record what the student is thinking and feeling about their experiences. It is not a list of what they are doing. It is designed to support learners to develop the ability to debrief their own work, assess their own progress and critically examine their own assumptions/biases. The reflection is assessed on a Pass/Fail basis. The reflective assignments will be assessed according to the following criteria:

- insightful self-reflection, depth of analysis and connection to personal experience;
- critical thinking and analysis, rather than descriptive accounts of the placement;
- creativity and originality;
- structure and organization, including the use of section headings, thematic coherence, and logical flow of ideas; and
- writing style (avoiding passive voice) and spelling/ grammar.

Students might consider the following approaches for their Reflective Assignment. This list is not intended to limit other choices:

- What have you learned about the role of the lawyer? Identify the aspects of lawyering that are important to you and those that you find problematic and why.
- Describe an effective piece of advocacy that you observed in open court. What made it effective? What lessons can you take from this piece of advocacy about what it means to be a good lawyer?
- Describe a difficult situation that you had to handle in your internship. What was the situation and what made it difficult? How did you choose to respond? Did you get a satisfactory result? If so, why? If not, what could you have done differently?
- What has been your most significant accomplishment and why? Did you receive input about your accomplishment?
- Has your thinking about clients, lawyering, and access to justice shifted as a result of your experience at the internship? How did your experience reflect – or not – the expectations you had before about legal work before you started your internship?

Here are additional details about the Reflective Assignment:

- The Reflective Assignment must be between 1000 (minimum) to 1200 words (maximum). Anything less or more will not suffice for the completion of the course requirements.
- Please include a cover page (with the word count).
- Please use PDF format.
- The assignment should be **titled** and paginated.
- Please single-space the assignment
- All margins are to be 1" (top, bottom, left and right), Arial font type (size 12).
- Please include a bibliography (if necessary) and adopt the McGill citation style.
- The Reflective Assignment will be submitted with the student's name. The final or midterm exam number should not be used.

Students will be in touch with their Supervising Judge if they have specific questions about the scope of their duty of confidentiality as they prepare their Reflective Assignment.

Matching Students with Placements

Windsor Law issues a call for applications for the Judicial Internship Program and collects all application materials. The Externship Program Director reviews the applications, preliminarily interviews, and matches students with each placement. The Externship Director recommends students for positions and offers are made after consultation with the court.

Program Timeline (Approximate)

Event	Fall Term Timeline	Winter Term Timeline
Collect Judicial Internship Applications	Spring	Fall
Students are selected for internship positions.	Summer	Fall
Students complete orientation session	First week of September	First week of January
Students begin work at the court	Second week of September	Second week of January
Midterm meeting with Externship Director	Mid-October	Mid-February
End-of-Term meeting with Externship Director	End of November	Beginning of April
Students and judges provide feedback in a Program Evaluation	December	April

Registration and Orientation

Students will be given permission and instructions to register in the Judicial Internship program.



Responsibilities of the Supervising Judge

Supervising Judges in the Judicial Internship program are more than supervisors in a typical employment setting. They are mentors, role models, and teachers. Judges are an essential part of the students' education and professional development. Because students receive academic credit for their fieldwork, it is important they have opportunities to observe and participate in the work of the court, receive clear and challenging assignments, and are provided with ongoing feedback. Judges should meet with students to give direct feedback weekly. Judges are experienced and expert enough in their work to guide and counsel students.

Responsibilities of the Students

First, and perhaps most obviously, students are expected to behave as lawyers. The same professional obligations fall on a student as on a supervising judge, *except that* students are not able to provide legal advice or act without instructions from the Supervising Judge. Students might form opinions (particularly after spending some time in one area of law) but should always consult with their judge first. The impact of work in a Judicial Internship is *real*. Students are therefore expected to:

- Demonstrate the highest level of professionalism, which includes arriving on time for designated work, notifying the Supervising Judge of any changes to the established schedule, and dressing to the standards of the organization and the work being performed. Respect the court's reporting structure and follow the policies and procedures of the court.
- Communicate effectively with the Supervising Judge and other staff within the organization. Accept and apply feedback and suggestions to the work.
- Complete 7 hours of service for the court per week for the duration of the term. Students continue their placement during reading week, unless otherwise specified. [Submit hours via the online form](#) on a weekly basis.
- Submit a reflective on the experience as a Judicial Intern. The reflection is assessed on a Pass/Fail basis.
- Communicate with the Supervising Judge about any issues that may affect the performance of assigned responsibilities or the overall success of the experience.
- Uphold the *University of Windsor Student Code of Conduct* and act in an ethical manner when on and off-campus and while representing the court.
- Whether you appear in court in person or by video, you will be required to wear proper court attire (business wear), and that you observe court decorum, such as no eating or drinking of anything but water, during the court sessions.
- If you are attending virtually, please turn your camera on at the beginning of the Court session and have your name noted on the screen. You will be invited to turn your microphone on at some point, but until then it should be muted. There is no recording of any kind permitted during sessions.
- Students may find it helpful to keep a log or a diary of what is observed through the day, to help you remember from day to day, what you have observed and learned.

Policies and Procedures

Payment

The student shall not be financially compensated for their work. Exceptions might include funding for travel or extra expenses incurred by the student.

Previous Employment; Working for Relatives

Students will not be permitted placement at an organization if they have worked there in the past in the same position. Students who wish to complete a placement where they have previously worked *in another role* must be approved by the Externship Director. Students will not be permitted to complete placements with family members in positions of authority (e.g., a parent's law firm, an NGO where an aunt is the Executive Director, working for their spouse, etc.).

Law Firm Placements (Externship Program)

Generally, students will not be permitted to work at private firms, except if the student is working solely on *pro bono* files or in an area approved by the Externship Director. Exceptions will be made for placements with a significant public interest component. The Judicial Internship Program cannot duplicate articling, nor be seen to be taking placements that would otherwise be held by articling students. Similarly, we do not want firms billing for hours completed by students who are working for credit.

Scheduling and Timeline

Students will begin their placements during the second week of the term of enrolment in the Judicial Internship Program and complete their hours by the last week of the term. Please see the Program Timeline above for further details. Externs are expected to work at their placement for 7 hours per week for 12 weeks of the term (for a minimum of 84 hours). Students are expected to work during Reading Week unless other arrangements have been approved by the Supervising Judge. Students may need time off for various reasons. This should be discussed with the supervising judge. Students can arrange to make up hours as per an agreement with the supervising judge.

When arranging students' schedule with the supervising judge, breaks from work hours should be considered. Please note that placements should adhere at least to the minimum requirements of the [Employment Standards Act](#).

Live-Client Legal Cases (Externship Program)

In placements where students are dealing with live-client legal cases, they must have access to an L1 licensed lawyer with LawPro insurance who must be on site. Regardless of where they are placed, students must have access to an L1 licensed lawyer with LawPro insurance. The lawyer must be accessible, although not necessarily on site.

Particularly if students are giving legal advice, the on-site supervisor must hold a valid L1 license to practice law and include the student(s) under their license.

Insurance

The courts have their own insurance requirements.

Activities by student externs participating in academic activities are included in the University of Windsor's General Liability Insurance. Coverage includes all losses that the University of Windsor may become legally obligated to pay as damages due to the following:

- Bodily injury (injury, sickness, disease, disability, shock, mental suffering, etc.)
- Personal injury (false arrest, invasion of privacy, libel, slander, defamation of character, etc.)
- Third party property damage
- Professional and malpractice liability

This coverage applies on a worldwide basis to any officer, director, governor, employee, or volunteer while acting on behalf of the University of Windsor and the coverage extends to students while participating in academic activities.

The Ministry of Colleges and Universities (MCU) provides insurance coverage for workplace injuries incurred by students participating in an unpaid work placement as part of their academic program. Students must submit a signed [Student Declaration of Understanding](#) to the [Clinical and Experiential Learning Coordinator](#).

Space

When students are participating in on-site learning, they should have a space to work made available to them. At home, students should have access to a confidential workspace and a computer with reliable internet access. Students should pay particular attention to the ethical issues that arise from storage of client information on their computer.

Confidentiality

Although students will be asked to reflect on their learning, they will be asked never to reveal confidential information about their clients or workplace in the seminar. Workplaces might choose to have students sign their own confidentiality agreement or adapt a [confidentiality agreement from the sample provided](#) on [the Judicial Internship webpage](#). When in doubt, always ask what you can and cannot share. Confidentiality also encompasses storage of data on your personal computer. If you are using personal devices to communicate with clients, privacy becomes a significant concern. The LSO has general [guidelines regarding use of technology](#).

Law Society of Ontario Rules

All students are expected to have read the [LSO Rules](#) in advance of the placement.

Keeping Track of Hours

Students will report their hours weekly using the online [Attendance Form](#).

Attendance and Missed Shifts

Judicial Internship students should contact their Supervising Judge as far in advance as possible if for some reason they will not be able to be present during a previously scheduled time. Arrangements to make up missed hours should be made.

Dispute Resolution

If students encounter any difficulties with their placements, they should first approach the judge to discuss the issue. If the problem reoccurs or is not something they feel comfortable addressing, please contact the [Externship Director](#) to discuss. Where appropriate, Windsor Law staff will intervene and address the issues with the judge.

Human Rights

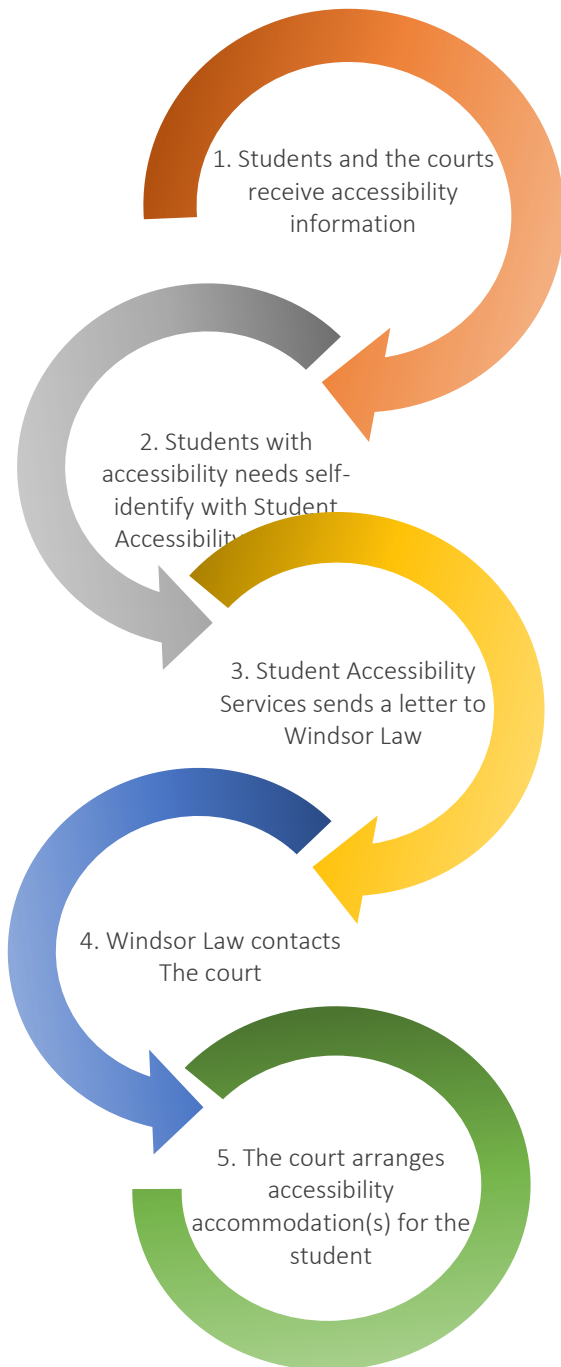
The courts must be compliant with Ontario's *Human Rights Code* and student externs fall under the jurisdiction of this Code. Organizations may have their own additional Human Rights, Diversity, and other policies. Students should become familiar with any important policies.

Legislation on Externs

According to the Ministry of Labour, the Employment Standards Act does not apply to an individual who performs work under a program approved by a College of Applied Arts and Technology or a University, or under a program approved by a private career college registered under the Private Career Colleges Act, 2005. This exception exists to encourage employers to provide students enrolled in a college or university program with practical training to complement their classroom learning.

Accessibility

Organizations are required to accommodate the accessibility requirements of placement students. Student must self-identify with Student Accessibility Services on campus to have an accommodation implemented. Please see the diagram below for information on the Accessibility process for students and the courts.



Windsor Law encourages students in experiential programs to connect with [Student Accessibility Services \(SAS\)](#) if required. Students are supplied with information related to documentation and next steps.

Students meet with an SAS Advisor and review documentation that will be required to support the requested accessibility accommodations. Students are provided with all necessary forms and additional information.

The SAS Advisor sends a letter to the Clinical and Experiential Learning Coordinator outlining the accommodation(s) being sought by the student. The Clinical and Experiential Learning Coordinator forwards the letter to the Externship Director.

The Externship Director and/or Clinical and Experiential Learning Coordinator contacts the judge(s) to discuss the logistics of the accommodation(s) required for the student, as necessary.

The courts are required to accommodate the accessibility requirements of placement students. Costs incurred for accommodations will be reviewed by Windsor Law and the courts.

Professional Written Correspondence

Whenever sending a communication during the Judicial Internship placement or another work-related situation, it is important to ensure the message is professional. The following are guidelines for written messages at work:

- The subject line should concisely convey the purpose for writing.
- Include a greeting for the recipient. Unless explicitly asked to call someone by their first name, call them by their title. (e.g., “Dear Ms. Saad,” or “Good Afternoon Dr. Miller,”)
- Keep correspondences as concise as possible. People tend to skim long emails, so only include essential information.
- Avoid ornate, playful, or colourful fonts that distract from the message. Avoid overusing bold and italics as well, which can make an email look cluttered. Do not write in all capital letters either, as this comes across as angry or overexcited. Do not include emojis in a professional email.
- Edit the email carefully before sending. The message should be distinct and concise. It should also be free of grammar and spelling errors. Avoid texting language and be sure to write in complete, proper sentences.
- Close the message with a “Thank you,” or other simple sign-off and then your name. An email signature listing name, title, and contact information is also very professional.
- Be sure the message is complete. Check that the subject line is filled in, that anyone who needs to be cc’d is included, and that any attachments are indeed attached.
- Check email regularly and acknowledge receipt of messages promptly. File messages for future reference.
- Never assume that email is private. Correspondences can be inadvertently misdirected or may be monitored by the court.
- Each the court will have rules about use of email. For example, the organization might want students to use their email address. Some organizations have mandatory confidentiality statements included on the bottom of all their emails. Others have a notice about how to deal with emails inadvertently sent to the wrong recipient. Please review and abide by these rules.
- There will be confidential information in emails. Therefore, please avoid emailing in a public place or on a server that is not secure.
- Do not forward jokes, spam, chain letters, or advertisements. Students should use their email accounts for legal and ethical purposes only.

What to Expect from Windsor Law

The law school is here to support Judicial Internship students. We are happy to provide further training or information as required. We want to encourage good relationships between the judges and students, to give useful feedback, and otherwise assist. Please contact us should there be any concerns.

We look forward to supporting you!

Contact Information

With any questions or concerns, please contact the Judicial Internship staff:

Windsor Law
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Windsor, ON N9B 3P4

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