

Editorial

Design, development and value

Sarah Morse

Northumbria University, UK

sarah.morse@northumbria.ac.uk

In this second issue of the journal, we look at the potential design, development and value of Public Legal Education (PLE) programmes. We begin with Lee Arbetman's paper, which takes us back to the origins of Street Law Inc. and looks at the potential development, reach and sustainability of a Street Law style programme. This is followed by Richard Grimes' paper, which illustrates how a legal literacy programme might be designed to include methods of evaluating impact.

Both papers complement each other well by considering the opportunities PLE programmes present and providing inspiration to clinicians about how success can be achieved whilst also recognising the challenges we face. Both writers emphasise the importance of sustainability – whether that is through building effective partnerships or the need to provide evidence of the impact of our work to, amongst other reasons, secure financial backing and support. Richard's article concludes with a call for more research in this area and we would welcome contributions to this journal of that nature.

Designing an effective PLE programme is also at the heart of Victoria Roper's article. This provides good insight into the pro's and con's of a blog based legal education project from the perspective of the clinician/academic, student and audience. An 'in conversation' piece with Marilyn Cover and Jennifer Bloom also provides the perspective of two experienced clinicians considering the benefits of Street Law when compared to other Law School classes.

This issue ends with Frances Ridout's review of the second edition of *Street Law: Democracy For All – Learner's Manual* and *Street Law: Democracy For All – Educator's Manual* by David McQuoid-Mason, Lloyd Lotz, and Lindi Coetze. As Frances concludes, the manuals are thought provoking and provide a valuable resource for students and educators alike who are involved in a Street Law programme in and outside of South Africa.

In this issue, there is a great deal to inspire us whether we are designing a new PLE programme or developing an existing one. Do let us hear about your own programmes to share ideas and best practice.

Please also let us know of any upcoming events in the field of PLE. The 3rd Annual Street Law Best Practice Conference will take place at Sheffield Hallam University, UK on 13 and 14 September 2018. This year's theme is 'Impact and Influence' which dovetails nicely with the discussions in this issue.

Street Law, Inc.: Context, History and Future

*Lee Arbetman*¹

Introduction

In 1972, a small group of Georgetown University law students developed a series of practical law lessons for use with public high school students in Washington, D.C. These visionaries recognized that ordinary citizens—not just lawyers—needed a basic understanding of practical law in order to take on civic responsibilities. The lessons were popular with the high school students and with their law student teachers. Responding to their practical nature, the high school students called these lessons “Street Law.” The name stuck.²

A pilot program in two local high schools in 1972–73 launched a movement—first in the United States but eventually around the world—to teach the public about law and public

¹ Lee Arbetman is executive director of Street Law, Inc., a nonprofit, nonpartisan organization located just outside Washington, D.C. Lee is a graduate of Grinnell College (B.A. in history), the University of Massachusetts (M. Ed. in social studies education), and George Washington University Law School (J.D.). He has taught at the elementary school, middle school, high school, college, and law school levels. He is the co-author of *Street Law: A Course in Practical Law* and the developer of many of Street Law’s programs. He has delivered Street Law training and technical assistance in Mexico, Ukraine, Turkey, and Georgia.

² Washington, D.C. and the District of Columbia are used interchangeably in this article to refer to the capital of the United States.

policy using learner-centered, interactive teaching methods. Today, Street Law programs can be found in every state in the U.S. and in more than 40 countries around the world.³

Propelling this global movement to advance justice through practical education about law and democracy is Street Law, Inc., a Washington, D.C. area non-profit organization that is an outgrowth of the early Street Law program at Georgetown University Law Center. That pilot effort has also grown into a full-fledged, credit-bearing experiential education program at Georgetown that has served as a model program for more than 120 law schools across the country and around the world. Nearly 1,000 upper division Georgetown Law students have participated in this program since its inception. Many have gone on to positions as law firm partners, corporate counsel, government officials in the U.S. and abroad, and even members of the federal court bench. They have taken from their law school experience a commitment to public education about law and democracy.

The early pilot at Georgetown Law Center and the D.C. Public Schools has spawned a variety of Street Law programs delivered by teachers, lawyers, law students, judges, justice system staff (e.g., probation officers), youth workers, and police officers. Programs

³ Visit www.streetlaw.org for more information about Street Law, Inc., including a map of its program activities around the world.

worldwide have reached students from elementary schools to community colleges and from classrooms to the justice system and community settings.

All Street Law programs share the following three characteristics:

1. **Teaching practical content:** legal rights and responsibilities, obligations under the rule of law, internationally accepted human rights, and the operation of democratic systems of government
2. **Using interactive teaching strategies to develop important skills:** civic engagement, advocacy, problem solving, critical analysis, and communication
3. **Involving the community in the educational process:** subject matter experts from the legal community visit classrooms, and students go into their communities to both observe and affect law in action

The emergence of Street Law in the early 1970s was not an historical accident—it was a historical necessity. The social turbulence of the 1960s in the U.S. led to passage of laws that affected broad segments of the public. During that decade the Supreme Court of the United States decided cases that implemented their 1954 public school desegregation cases,⁴ nationalized rules affecting police-citizen interaction,⁵ and recognized that public

⁴ *Brown v. Board of Education*, 347 U.S. 483 (1954) and *Brown II*, 349 U.S. 294 (1955)

⁵ *Mapp v. Ohio*, 367 U.S. 643 (1961), prohibited the use of illegally seized evidence in state court criminal trials (the exclusionary rule); *Miranda v. Arizona*, 384 U.S. 436 (1966), required that police warn defendants in custodial interrogation situations that they have a right to counsel and that their testimony could be used against them (self-incrimination)

school students did not leave their First Amendment rights at the door.⁶ Additionally, the U.S. Congress passed important, far-reaching civil rights legislation in 1964, 1965, and 1968.⁷ Taken together these statutes and court decisions presented the American public with many laws that affected them in their daily lives. It was time for the public to become legally literate.

The 1970s: Early Pilot Programs in Washington, D.C.

The Street Law concept—teaching practical law to ordinary citizens—was first proposed in 1971 at Georgetown University Law Center.⁸ A Georgetown Law Center public interest law professor, Jason Newman, and four of his law students—including future Street Law, Inc. executive director Ed O’Brien—collaborated on a plan to teach law in Washington, D.C. public high schools. This group from Georgetown Law drafted the first Street Law lessons, which covered practical aspects of criminal law, juvenile justice, consumer law, family law, housing law, and individual rights and liberties.⁹

⁶ *Tinker v. Des Moines*, 393 U.S. 503 (1969)

⁷ *Civil Rights Act of 1964*, 78 Stat. 241 (July 2, 1964) prohibited discrimination based on race, color, religion, sex, and national origin in employment and in businesses of public accommodation; *Voting Rights Act of 1965*, 79 Stat. 437 (August 6, 1965), prohibited racial discrimination in voting and banned literacy tests that had been used in some southern states in the U.S.; *Civil Rights Act of 1968*, 82 Stat. 73 (April 11, 1968), also known as the *Federal Fair Housing Act*, prohibited discrimination in housing.

⁸ The Georgetown Street Law Program has continued without interruption since 1972.
<https://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/street-law-program/>

⁹ At about the same time that Street Law was starting in Washington, D.C., the American Bar Association in Chicago, Illinois, created its Youth Education for Citizenship Committee (now known as the Division for Public Education) www.americanbar.org. The Constitutional Rights Foundation in Southern California (www.crf-usa.org) and Law in a

The Street Law pioneers successfully promoted the idea of Street Law to Vincent Reed, the District of Columbia's associate superintendent of schools at the time, and the school system approved a pilot project to begin in 1972 at Woodrow Wilson and Eastern High Schools.

The Street Law pilot project culminated in a mock trial in Georgetown Law Center's moot courtroom, with the high school students trained to play the roles of attorneys and witnesses. Students' success in the first Street Law mock trial competition had a major impact on Street Law's future.

Free Society, now the Center for Civic Education (www.civiced.org) also launched. These NGOs continue to operate in 2018, and each has also had experience with democracy education programs outside the U.S.



This was the first interscholastic high school mock trial competition. In short order, the mock trial competition expanded to all the D.C. public high schools. Eventually the concept spread across the country. Today the majority of states in the U.S. have high school mock trial competitions.

As evidence of success, the initial mock trial competition spread quickly to all of the Washington, D.C. public high schools and then to other states. There is now a robust national high school mock trial competition in the U.S. Winners of state competitions compete against each other at a national event that is held in a different city each year. All states and most U.S. territories send teams, and, in recent years, South Korea has also participated.¹⁰

¹⁰ National High School Mock Trial Championship: www.nationalmocktrial.org

Equipped with the mock trial competition, a series of tested, engaging learner-centered lessons, and inquiries from other law schools and school systems, a separate organization was formed to pursue the education of lay people about law and democracy. Throughout the 1970s, Street Law staff took the pilot program model to other U.S. law schools with much success. The early adopters of this model were the law schools at University of Notre Dame (Indiana), Cleveland State University (Ohio), University of Denver (Colorado), University of San Francisco (California), University of Tennessee (Tennessee), and University of California-Davis (California). Street Law programs can now be found at more than 70 law schools in the U.S. and more than 50 more around the world.¹¹ Street Law, Inc. pioneered the concept of law student teaching programs and of having law schools award academic (or pro bono) credit for these programs. In the U.S. these efforts were often called Street Law, practical law, youth and the law, or civic education programs. Outside the U.S., the term Street Law term was sometimes used, but because it frequently suffered in translation into other languages, the general term “public legal education” was often used. Today, the term public legal education is widely used to describe programs that teach non-lawyers about law.

The 1970s also brought Street Law programs into prisons. The Georgetown Street Law Program began a new, parallel program model in which law students taught practical

¹¹ Some, but not all, of these programs are identified on Street Law’s map of program activities around the world at www.streetlaw.org

law lessons to inmates in local jails and prisons. After correctional officers noted that they, too, needed to learn their rights, Street Law expanded the clinic to ensure that prison officials and correctional officers also understood the law. Street Law co-published a textbook to use in the program.¹²

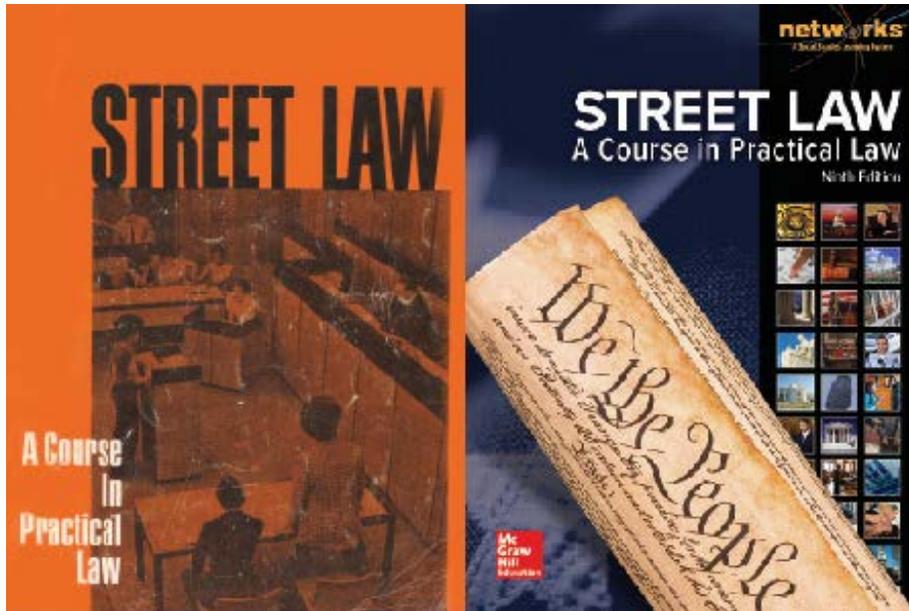
Street Law in the Classroom

In the late 1970s, Street Law expanded its programming to provide professional development to high school social studies teachers. With funding from the Law Enforcement Assistance Administration at the U.S. Department of Justice, Street Law and four other organizations¹³ began the process of introducing what was called law-related education to the nation's schools. With consistent bipartisan support from the U.S. Congress, this program continued for nearly three decades and resulted in substantial curriculum development, training, and support for teachers, lawyers, law students, and police officers throughout the U.S.

¹² O'Brien, Edward, Margaret Fisher, and David T. Austern. *Practical Law for Correctional Personnel*. St. Paul, MN: West Publishing Company, 1981. This publication is now out of print, and Street Law, Inc. no longer works with correctional officers. Co-author Margaret Fisher, former Street Law Inc. staffer and now Distinguished Practitioner in Residence and director of the Street Law program at Seattle University School of Law, has decades of experience working with correctional officers. She can be reached at mfisher130@gmail.com.

¹³ American Bar Association, Youth Education for Citizenship; Law in a Free Society; Constitutional Rights Foundation; and Phi Alpha Delta Law fraternity

As this national process began, Street Law staff members were encouraged to develop their lessons into a textbook. In 1974, in tandem with West Publishing Company, Street Law published a small run of textbooks for use in the Washington, D.C. program; the first national edition of *Street Law: A Course in Practical Law* was published in 1975.¹⁴



Together, Street Law and West Publishing pioneered the idea of a high school practical law textbook. Street Law's current publisher is McGraw-Hill Education and the 9th edition of the text was released in summer 2015. The various editions of Street Law have sold nearly one million copies in the United States.

The national law-related education program led to the creation of statewide civic learning programs in almost every state. Some of these were housed at state bar associations, some at law schools, while others became independent nonprofit organizations. These statewide organizations became the backbone of law-related and civic education in the

¹⁴ The early editions of *Street Law: A Course in Practical Law* were published by West Publishing Company. The current ninth edition, © 2016, is published by McGraw-Hill Education.

United States. From early on, the U.S. Street Law experience was importantly grounded in a multitude of effective partnerships with law schools, governments, legal practitioners, and community groups, which contributed to its scale, sustainability and ongoing success.

Street Law in the Juvenile Justice System

By the end of the 1970s, Street Law had expanded into the juvenile justice system. The Honorable Norma Holloway Johnson, a District of Columbia Superior Court judge who later became chair of Street Law's National Advisory Committee, observed a need for Street Law programming among the young people who came before her in court. She initiated a Street Law court diversion program to ensure that the young people involved in the court system understood what was happening to them in court, while also learning some legal basics. Youths attended Street Law classes every Saturday for 12 weeks. If they succeeded in the course, the charges against them were dropped. This program began with first offenders for non-violent acts, but was later expanded to juveniles charged with weapons offenses.

Street Law promoted the use of its empowering teaching strategies in juvenile justice systems nationally, and Street Law lessons have become a part of probation services in many other states. A study of the Washington, D.C. diversion program found that

students who completed the program reduced their recidivism rate dramatically relative to other similarly situated youth who had not participated in Street Law.

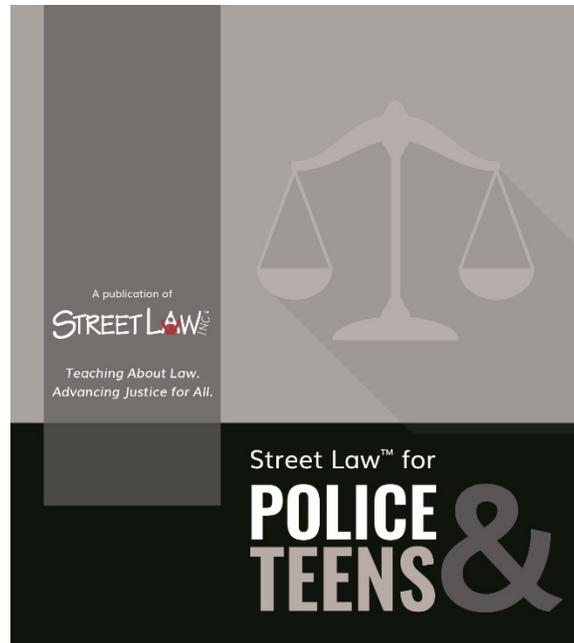
The 1980s: National Expansion and International Beginnings

Teens, Crime, and the Community

In 1986, Street Law, along with the National Crime Prevention Council,¹⁵ initiated an innovative approach to crime prevention through the development of the Teens, Crime, and the Community program. This program taught middle school students about criminal and juvenile justice and how to avoid violent crime, substance abuse, child abuse, acquaintance rape, shoplifting, and property crime. Students also developed and implemented a wide range of crime prevention projects.

This crime prevention education program naturally led to the involvement of police officers. In response, Street Law developed a separate set of lessons so that these school-based police officers could benefit from Street Law's proven classroom pedagogy.

¹⁵ National Crime Prevention Council: www.ncpc.org



The first set of Street Law lessons for use by school resource officers was published in the late 1980s, and in 2001, Street Law received the Presidential Citation from the National Association of School Resource Officers in recognition of the classroom materials developed for SROs. In 2016, Street Law updated and expanded its lessons for school- and community-based police officers in a new publication: *Street Law for Police & Teens*.

This program was important to Street Law's development for two reasons: it provided the organization with an early and positive experience with project-based learning (sometimes called action civics in the U.S.), and it began a long and fruitful series of partnerships between Street Law and law enforcement officers, in particular school resource officers whose "beat" was in and around schools.¹⁶

¹⁶ In 2002, Street Law was awarded a Presidential Citation from the National Association of School Resource Officers: www.nasro.org. In 2017, Street Law completed a revised set of lessons for police officers: www.streetlaw.org/policemanual.

Street Law in South Africa

In 1986, Street Law began to expand its work internationally. Professor David McQuoid-Mason, dean of the law faculty at the University of Natal in Durban, South Africa, met with Street Law, Inc.'s executive director, Ed O'Brien, to discuss starting a Street Law program in his country. Professor McQuoid-Mason secured funding and brought O'Brien to South Africa for a month to run workshops and share Street Law's philosophy.

Despite operating during Apartheid, the Street Law program was almost universally accepted in South Africa. Professor McQuoid-Mason worked to adapt the U.S. Street Law textbook for South Africa and convinced local high school principals to allow Street Law courses to be taught by law students. McQuoid-Mason even met with Nelson Mandela upon his release in 1990. McQuoid-Mason reported that Mandela was a big supporter of Street Law. The program expanded to 17 of the 21 law schools in South Africa and eventually added new components like a space colony simulation and mock youth parliament.¹⁷

¹⁷ Street Law South Africa: www.facebook.com/StreetLawSouthAfrica



The success of the South Africa Street Law program marked the beginning of Street Law's international expansion, demonstrating that Street Law's practical law approach could work outside the U.S.—even in the most challenging of circumstances.

The 1990s: International Expansion and Training U.S. High School Teachers

The 1990s were a critical decade for Street Law. New curricula were developed, Street Law's premier professional development program for teachers—the Supreme Court Summer Institute for Teachers—began, and significant developments were made in Street Law's international programs.

Expanded Educational Programming

Over the course of the decade, Street Law made it a priority to address the weak treatment of the U.S. Supreme Court and its cases in high school history, government, and civics textbooks. Knowing that high school students respond enthusiastically to studying real

cases about real people, Street Law collaborated with the Supreme Court Historical Society to develop a summer institute for teachers to help them expand and improve their instruction about the Court and its role in students' lives. As the nation's leading Supreme Court advocate, John Roberts, later to become Chief Justice of the United States, worked closely with Street Law staff to create the institute. Roberts also taught in the program annually until becoming a member of the Supreme Court. Street Law has turned this opportunity into one of the nation's premier professional development programs for high school social studies teachers.



The Supreme Court Summer Institute has been conducted annually since 1995 and more than 1,200 teachers from all 50 states and the District of Columbia have participated. Each year, the Institute concludes with a visit to the Court to hear decisions and attend a reception hosted by a justice.

Street Law and the Supreme Court Historical Society have also collaborated to develop the popular LandmarkCases.org, which provides materials that help teachers deliver engaging instruction about the Court's cases that are most often required in state social studies content standards.

In 1995, Street Law developed an innovative program to teach young parents about the law. The lesson topics covered important topics including child abuse and neglect, family law, government benefits, and rights and responsibilities of tenants. Parents and the Law classes were held in community settings and in school-based parenting education programs.

In 1993, Street Law developed a set of activities for teaching conflict resolution to young people called *We Can Work It Out!*¹⁸ It featured classroom lessons and mediation simulations in which students practiced their mediation skills. An adaptation of this text was published for upper elementary school students in 1998.¹⁹

Throughout the 1990s there was an expansion of high school social studies elective courses that focused on law, the majority of which used the Street Law textbook as their

¹⁸ Zimmer, Judith A. *We Can Work it Out!: Problem Solving Through Mediation*. Culver City, California: Social Studies School Service, 1993.

¹⁹ Zimmer, Judith A. *Let's Say: "We Can Work it Out!": Problem Solving Through Mediation*. Culver City, California: Social Studies School Service, 1998.

primary instructional resource. After the first edition's publication in 1975, subsequent editions of *Street Law: A Course in Practical Law* were published every five years.²⁰

International Expansions

In 1996, Street Law leaders in South Africa and the United States began to collaborate on a human rights textbook that could be used across borders. The result was *Human Rights for All*, a text that was adapted and used in a number of other countries; it was translated into Russian, Romanian, Hungarian, and Spanish.²¹

Encouraged by the first democratic election in South Africa in 1994, Street Law staff in South Africa and the United States collaborated to create a text that explored the components of a successful democracy in South Africa and the United States. This partnership resulted in *Democracy for All*, which has also been adapted and translated for use in many countries. A second edition of *Democracy for All*,²² completed by the South African writing team in 2017 and focused on South Africa, is available as a free online resource for educators to translate and adapt for use around the world.²³

²⁰ Arbetman, Lee and Edward L. O'Brien. *Street Law: A Course in Practical Law (First Edition)*. St. Paul: West Publishing Company, 1975; and Arbetman, Lee and Edward L. O'Brien. *Street Law: A Course in Practical Law (Ninth Edition)*. Columbus: McGraw-Hill Education, 2016.

²¹ O'Brien, Edward L., Eleanor Greene, and David McQuoid-Mason. *Human Rights for All*. Lincolnwood, IL: National Textbook Company, 1996.

²² McQuoid-Mason, David, Mandla Mchunu, Karthy Govender, Edward L. O'Brien, and Mary Curd Larkin. *Democracy for All*. Kenwyn, South Africa: Juta & Co Ltd, 1994.

²³ Street Law South Africa. *Street Law: Democracy for All – Learner's Manual (Second Edition)*. Kenwyn, South Africa: Juta & Co Ltd, 2017. <https://juta.co.za/support-material/detail/street-law-democracy-for-all-learners-manual>

The success in South Africa led to a Street Law expansion into Central and South America, where programs were established in Chile, Ecuador, Bolivia, and Panama. Street Law staff partnered with local communities and organizations to visit program sites and edit curricular materials to fit local cultural contexts.

In 1997, Street Law received a large international grant from the Open Society Institute (Soros Foundation) to expand the Street Law experience to 17 countries, including Russia and other countries in Central and Eastern Europe and Central Asia. Street Law partnered with local NGOs and provided training to local teachers and law students. Street Law collaborated with program sites to adapt *Human Rights for All* and *Democracy for All* to fit the needs of local programs and also helped NGOs create practical law textbooks that used Street Law's learner-centered methodology. In many of those countries, Street Law staff worked with law faculty to establish legal clinics which included a law student teaching component.

In 1999, Street Law became a founding member of the Global Alliance for Justice Education (GAJE)²⁴—a global organization committed to achieving justice through education. GAJE sponsors biennial worldwide conferences that provide networking opportunities for like-minded justice educators, in particular law school clinicians, as

²⁴ Global Alliance for Justice (GAJE): www.gaje.org

well as a chance to learn about new Street Law programs that have taken root around the world.

By the 1990s the term Street Law was being used globally as a generic term covering a very particular aspect of public legal education. Some people ran Street Law programs that had never had any interaction with an existing program in the U.S., U.K. or South Africa. The popularity of the term presented both opportunities and challenges. The opportunities focused on the rapid spread of these programs; the challenge was that in some instances programs “reinvented the wheel” and, as might be expected, program quality was somewhat uneven.

The Founding of Street Law, Inc.

From its inception in the early 1970s until 1998, Street Law had been a project of the Consortium of Universities of Metropolitan Washington. This organization had been Street Law’s legal “parent.” Street Law had a prominent national advisory committee during that time, and several of the chairs of the committee had been past presidents of the American Bar Association.

In 1998, Street Law was incorporated as Street Law, Inc., a 501(c)(3) tax-exempt organization registered in the United States with a governing board of directors.



The 2000s: Diversity Pipeline Work with Companies and Law Firms

Street Law's Corporate Legal Diversity Pipeline

In 2001, Street Law collaborated with lawyers at DuPont and the Association of Corporate Counsel (ACC) to support increased diversity in the legal profession, through the development of Street Law's Corporate Legal Diversity Pipeline Program.²⁵

The program, which is active today, connects diverse high school students with corporate law department volunteers. The volunteers, trained by Street Law staff, teach a series of lessons in high school social studies classrooms and then bring participating students and their teachers to the corporate headquarters for a day-long series of legal simulations and a career fair. The program is designed both to teach civil law topics and to encourage young people of color to consider law as a career option.

The Legal Diversity Pipeline Program has also been implemented with law firms in partnership with NALP (National Association for Law Placement). Nearly 2,000

²⁵ Learn more at www.streetlaw.org/acc (the program with corporate law departments) and www.streetlaw.org/nalp (the program with law firms). In a number of instances hybrid programs arose with law departments working with their law firm partners.

American lawyers devoted an average of 10 volunteer hours each to this program in 2016.



By 2016, more than 1,400 lawyers from across the U.S. were volunteering an average of 10 hours per year in Street Law's Pipeline Programs. Program evaluations have shown that participating students learn civil law and increase their interest in a legal career as a result of participation.

International Street Law Programs in the 2000s

The U.S. Department of Education recognized the value of Street Law-style programming in international education settings when it funded the Democracy Education Exchange Program and Deliberating in a Democracy—two partnership programs among Street Law, Constitutional Rights Foundation, and Constitutional Rights Foundation Chicago.

The programs promoted civic education and democratic institutions in Eastern and

Central Europe and Latin America. Groups of teachers and program staff traveled between countries to conduct workshops and classroom visits. Students connected across borders through video conferences to deliberate practical law and democracy issues.²⁶

In 2004, Street Law partnered with the Center for the Study of Islam and Democracy²⁷ to create an adaptation of *Democracy for All* that included excerpts from the Koran to illustrate how Islam and democracy are compatible. The resulting text, *Islam and Democracy: Toward Effective Citizenship*, published in Arabic, has been used successfully in a number of countries including Morocco, Tunisia, Jordan, and Egypt.²⁸

In 2008 Street Law's longtime executive director Ed O'Brien retired; he was succeeded by the organization's associate director and Street Law textbook co-author, Lee Arbetman. In the years following his retirement, O'Brien was frequently honored for his visionary work in the areas of human rights education and global democracy building.

Street Law's Continued Success with American Teens

In 2004, Street Law began its Youth in Transition program, providing lessons for teens aging out of the foster care system. Several of the companies and law firms involved in the Legal Diversity Pipeline Program also provided volunteers to teach these lessons in

²⁶ Deliberating in a Democracy specifically focused on using the deliberation teaching strategy, and the project's website is a rich resource of deliberation materials in English, Spanish, and Russian: www.deliberating.org

²⁷ Center for the Study of Islam and Democracy: www.csidonline.org

²⁸ Center for the Study of Islam and Democracy and Street Law, Inc. *Islam and Democracy: Toward Effective Citizenship*. 2005.

community settings. In 2015, Street Law brought its programs for vulnerable youth—Parents and the Law, Youth in Transition, and programs in the justice system—under the curricular umbrella of Legal Life Skills, and a revised set of practical, learner-centered lessons was completed.

The 2010s: New Programs and Practices

During the first half of the 2010s, Street Law continued to grow its partnership programs with corporate law departments and law firms. International work continued in Turkey, Indonesia, Haiti and Ukraine. Strategically, Street Law developed promising partnerships with larger international development organizations enabling its democracy and rule of law programming to be delivered in the context of broader civil society building efforts.

In 2013, Street Law began work with its publishing partner, McGraw-Hill Education, to co-author a new version of *United States Government: Our Democracy*.²⁹ This high school textbook, published in 2016, incorporated the best in Street Law pedagogy. It is designed to help students “do” democracy, not just learn about it. Completion of a government course is a high school graduation requirement in most states in the U.S.; therefore, this

²⁹ Remy, Richard C., Donald A. Ritchie, Lee Arbetman, Megan L. Hanson, and Lena Morreale Scott. *United States Government: Our Democracy*. Columbus, OH: McGraw Hill Education, 2016.

new publication has tremendous potential for reaching young people and advancing Street Law's mission.

In the initial issue of the new *International Journal for Public Legal Education* a critical, early step was taken toward addressing the need for proof of concept for Street Law programs. Dr. Sean Arthurs and a number of Street Law colleagues published "Is It Possible to Go from Zero to 60? An Evaluation of One Effort to Build Belief, Capacity and Commitment to Street Law in One Weekend."³⁰ This article details the power of Street Law training to prepare law students in Ireland and Scotland to deliver interactive practical law lessons to teenagers. The article also summarizes earlier proof of concept work and (hopefully) sets the stage for further research on the impact of Street Law programs.

In 2017, Street Law began an ambitious project in collaboration with PACT and a consortium of Ukrainian NGOs to develop civic education materials, teacher education, and a new required 10th grade civics course for Ukrainian high school students.

Street Law's Future

What accounts for Street Law's staying power in the U.S. and around the world after 45 years, and why does this program continue to appeal to new audiences? The answer

³⁰ Arthurs, Seán, Melinda Cooperman, Jessica Gallagher, Freda Greal, John Lunney, Rob Marrs, and Richard Roe. "Is it possible to go from Zero to 60? An evaluation of one effort to build Belief, Capacity, and Community in Street Law Instructors in One Weekend." *International Journal of Public Legal Education*: Vol. 1, No. 1 (2017). www.northumbriajournals.co.uk

likely lies in a combination of Street Law's practical, accessible content (adjusted for each country and culture); interactive pedagogy, which helps people develop their civic voice; and deep community involvement that brings professionals from the education, law, and law enforcement fields together to deliver programs.

In 2018, Street Law, Inc. and its many partners around the world are poised for continued success. Despite some (hopefully only temporary) backsliding in terms of human rights in the U.S. and abroad, the arc of history bends toward democratic development, and Street Law programs are a critical element of establishing a just and fair world.

Evaluating legal literacy programmes – aims, challenges, models and a call to action

*Richard Grimes*¹

Building ‘best practice’²

Generally speaking, if one asks most people whether improving public understanding of the law and legal system is a good thing, most hands will go up. This is perhaps no surprise. An improved level of legal literacy should not only raise awareness of rights and responsibilities but may well provide people with more of an informed choice about what to do if they encounter legal issues. It might give those concerned the tools and confidence to address some of these problems themselves through self-help and it may, address, at least to some degree, inequalities that otherwise exist. Overall, improving levels of legal literacy could enhance access to justice more generally. The generic term often ascribed to raising legal awareness amongst the wider population is public legal education (PLE).

¹ Formerly Director of Clinical Programmes, York Law School, University of York, UK and now a legal education and access to justice consultant, and contactable at: richard.grimes@hotmail.co.uk

² This contribution is based on a presentation and discussion that took place at the Ed O’Brien memorial workshop on Street Law best practice in Durban, South Africa in April 2016. I am grateful for all who attended that session and for their insights. Thanks must also go to David McQuoid-Mason and the other staff at the School of Law, KwaZulu Natal University and the South African Street Law movement more generally for their vision, organisation and commitment in setting up the event and in following through with the publication of which this is a part. ‘Best practice’ is used here in the sense of not what is best *per se* but rather what models, techniques and approaches can be devised, adapted and implemented through proven work elsewhere.

There is a wealth of anecdotal material suggesting that all of the above is highly relevant and impactful³ but there is little by way of clear empirical evidence to substantiate such claims.⁴

This article will look at the need for, and means of, developing such an evidence base and ends with a plea for more research, sharing of ideas and collaboration in terms of evaluating PLE. The article will be presented in the format of an introductory section looking at the background and history of PLE (in particular Street Law) in terms of aims, challenges and models from the perspective of evaluating impact.

This is followed by a 'lesson plan' in which a sample set of possible PLE options are set out with the means of evaluating impact incorporated in the model used. It is hoped that this might provide a guide for those wishing to devise (or revise) their legal literacy programmes from an evaluative viewpoint.

As will be seen below the starting point is that those responsible for design and delivery must identify what it is they are expecting to achieve from any planned session and whether those outcomes are in fact reached. This type of evaluation, formative evaluation, measures whether the objectives of any particular lesson are

³ There is a great deal of published work on the perceived benefits of PLE – see for example: the collection of articles in J. Robins (Ed.), *Waking up to PLE : Public legal education, access to justice & closing the justice gap*, Justice Gap series, Solicitors' Journal, 2013 and, more jurisdictionally and community-specific: J. Krishnan, S. Kavadi, A. Girach, D. Khupkar, K. Kokal, S. Mazumdar, Nupur, G. Panday, A. Sen, A. Sodhi, and B. Shukla, *Grappling at the Grassroots: Access to Justice in India's Lower Tier*, Harvard Human Rights Journal, Vol. 27, 2014, 151.

⁴ A recently published study in the USA does however highlight the impact of one prominent PLE approach – Street Law – on school pupils although even this study highlights the need for further research. See: Sean G. Arthurs, *Street Law: Creating tomorrow's citizens today*, Lewis and Clark Law Review, 19:4, 925.

achieved and provides sign posts for how to revise instruction to ensure objectives are achieved.

The template should enable those using it to replicate and, as necessary, adapt an evaluable model for use in the field.

This paper then has a sample form appended as an example of how PLE sessions might be evaluated.

Aims

Before turning to the models and impact measurement what specifically are the purposes of evaluation? Evaluation is important for several related reasons. First and foremost if planned outcomes and actual achievements are not clear how can the value of what is being carried out be assessed – with a view to monitoring progress, awarding possible credit and making improvements in future delivery? More strategically perhaps, and as will be seen, many PLE initiatives rely on either public funding, the backing of foundations and other charitable bodies and/or the input of voluntary and not for profit personnel and initiatives. The relative lack of impact evidence is surely an obstacle to securing financial and other resource backing? The aim therefore of this article is to raise the importance of evaluation and to identify the means by which any assessment may be carried out.

In a nutshell, can we identify:

- whether outcomes set for a particular PLE session or event have been achieved?

- if future planning and delivery can be improved?
- whether there is impact – what difference does an improvement in legal awareness actually make in the immediate, short-term or longer-term contexts?
- if and how the evidence can be used for development purposes – for example funding, curriculum design, policy change?
- if findings of an empirical nature match what instinct and anecdote suggests – thus building a body of evidence that has consistency and resonance.⁵

Challenges

First, what is meant here by PLE? At its most general, it is the raising of awareness of law and the legal system through a variety of techniques and methods including the provision of information (hard copy, electronic and face to face) as well as through a more formal education interface such as one-off presentations or structured courses and programmes. This takes into account the Street Law approach where target audiences are introduced to a range of legal rights and responsibility issues through interactive learning and teaching techniques often lead by lawyers, judges, and trained law students under professional supervision.⁶

⁵ For example the claims made by the Bethel Institute through their learning pyramid – as discussed in A. Kumar, Personal, *Academic and Career Development in Higher Education - SOARing to Success*, Routledge Taylor & Francis, 2007

⁶ Some Street Law programmes are delivered by in-house teams largely based in NGOs, the initiators and probably the most prolific in the USA and internationally being Street Law Inc., Washington DC. Others are law-school based. For a discussion on the history and current prevalence of Street law programmes see: R. Grimes, E. O'Brien, D. McQuoid-Mason and J. Zimmer, *Street Law and Social Justice Education*, in *The Global Clinical Movement: Educating Lawyers for Social Justice*, F. Bloch (ed.), OUP, 2010. I do not suggest here that students

There seems to be a degree of consensus that PLE should include, but not be limited to, the dissemination of information. A point often made is that in addition to the acquisition of knowledge, PLE involves fostering understanding and the development of skills. It is also argued that PLE should aim to influence attitudes, and build confidence. Distinctions need to be drawn between information per se and education more generally. The latter commonly involves custom made and subject specific material, delivered more than likely in an interactive way, whereas the content of the former tends to be generic, with the direction of flow largely being one way, from 'expert' to recipient. It also is inclined to treat the audience as a passive receiver of that information. Street Law is probably the best example of the education model and one that shapes part of the evaluation template examples given below.

The quest for robust evaluative evidence is, however problematic. This is on a number of levels. First, what is being measured and secondly, how might that measurement be reliably and consistently done? It should also be remembered that studies involving sensitive data may need ethics approval from professional or other institutional bodies (such as universities whose staff or students carry out research) and that there may be legislative requirements over the handling of such data.

One way to measure social impact is to study widespread changes over time. However, the literature suggests that neither the measures nor the tools appear to exist

are or necessarily make, good teachers, but their use in many PLE programmes is a model that can have multiple beneficiaries including the students themselves.

in the PLE context (although there have been a number of evaluative studies in other disciplines using defined methodologies).⁷

In UK Ministry-led task force on PLE in 2007, PLE presented the following challenges that affect both planning and evaluation:

- PLE sessions or materials are typically part of some larger curricula
- PLE is unlikely to be clearly recognised by practitioners
- PLE is frequently tailored to achieving goals for users
- target 'audiences' for PLE initiatives vary widely by age, background, ability and needs
- participants in PLE-related work are unlikely to recognise its nature or scope
- the goals of PLE may focus on different outcomes including changes in behaviours, skills and attitudes.⁸

In addition, the lack of a 'like with like' comparison and the nature of learning as process rather than product make evaluation challenging to say the least.⁹ By way of

⁷ For example see: C. Brennan and K. Gallagher, *Consumer Support Networks: improving consumer advice in the UK*, International Journal of Consumer Studies, 26 (3), 227, 2002; and Financial Services Authority, *Measuring financial capability: an exploratory study*, FSA, 2005

⁸ PLEAS Task Force, *Developing capable citizens: the role of public legal education*, Department for Constitutional Affairs, Russell Press, 2007

⁹ For the product vs. process debate see: S.J. Lachman, *Learning is a process: toward an improved definition of learning*, The Journal of Psychology: interdisciplinary and applied, 131 (5), 1997, 477

contrast few ask for the learning legitimacy of other forms of education to be proven. Judging by the number of students reportedly disinterested in lectures, a similar study on impact and the value-added component of learning passively might be usefully called for!¹⁰

All of these factors or characteristics have measurable dimensions and may be inter-related. The measurement of impact is therefore complex and difficult.

Measuring how and when improved awareness rises to the level of impacting a participant's ability to implement the newly acquired knowledge or skill is also difficult to establish – particularly in trying to identify cause and effect. This has previously been shown to be the case in legal self-help situations.¹¹

Despite these challenges, it is suggested here that impact can be measured at different moments in time and with different techniques and approaches. A combination of methods and, where relevant, an amalgamation of findings coupled with subsequent analysis can reveal valuable insights on impact and outcomes. Let us turn to this now.

¹⁰ The evidence for this is largely anecdotal but supported by much of the literature on learning and teaching. See for example; G. Gibbs *Twenty terrible reasons for lecturing*, SCED Occasional Paper No. 8, Birmingham. 1981.

¹¹ See: J. Giddings, M. Lawler and M. Robertson, *The Complexities of Legal Self-Help*, in: J. Robins, op cit, 50

Models

Space in this article does not permit a detailed discussion of evaluative research techniques. For those interested there is a wealth of material available elsewhere.¹²

Suffice it to say for present purposes that useful evaluation might consist of a mix of quantitative and qualitative methods. These might start with a simple record of the number of those attending PLE sessions or accessing PLE material. Entry and exit questionnaires might be used to see what the target audience expected and then made of the materials and/or presentations. If a particular PLE project is targeted at a specific issue it may be possible to monitor impact in terms of the resolution of disputes, take up of benefits or incidence of unwarranted activity such as domestic violence, unlawful eviction or anti-social behaviour (in each instance in terms of both number and participant perception). Focus groups could be used to prompt feedback and discussion. Evidence could be gathered from PLE participants (the audience, the

¹² See for example: S. Halliday and P. Schmidt, (Eds.). *Conducting Law and Society Research: Reflections on Methods and Practices*, Cambridge University Press, 2009. There are also important studies in other subject fields that attempt to evaluate impact – for example in youth justice, numeracy and financial literacy and in consumer protection – see: J. Kenrick, *Young People's Social Welfare Need and the Impact of Good Advice*, Youth Access, 2007; Financial Services Authority, *Towards a National Strategy for Financial Capability*, Financial Services Authority, 2003, Financial Services Authority, *Measuring Financial Capability: an Exploratory Study*, Financial Services Authority, 2005 and Financial Services Authority, *Levels of Financial Capability in the UK: Results of a Baseline Survey*, Financial Services Authority, 2006; and, *Individuals' awareness, knowledge and exercise of employment rights*, 2007 and the annual *Competition Act and Consumer Rights survey* Office of Fair Trading (UK), respectively. Citizenship education more generally was the subject of a longitudinal study in the UK, which began in 2001 and ran until 2009. The report on the findings can be found in: A. Keating, D. Kerr, T. Benton, E. Mundy and J. Lopes, *Citizenship education in England 2001-2010: young people's practices and prospects for the future: the eighth and final report from the Citizenship Education Longitudinal Study*, National Foundation for Educational Research, DFE, 2010. For an interesting account of PLE programmes and evaluative methods see: M. Sefton, *Public Legal Education Strategy (PLES) Task Force Scoping Report*, Paper 2/03a, Research Unit, Department for Constitutional Affairs, 2006 (from which the citations to some of the reports referred to in this footnote were taken).

presenters and other stakeholders) before, at, after and following the event of release of material in question. The appendix to this paper contains an example of how session delivery might be evaluated. Of course any evaluation will hinge on what is expected and that might vary considerably, for example if a PLE session was a one-off event looking at a particular issue or was more overtly educational in an incremental sense such as a short course or semester-long module.

Hard evidence may be relatively easily obtained when impact can be measured at the time of or soon after the PLE input. The much more difficult question as to lasting or longer-term significance of an increase in legal awareness inevitably requires longitudinal studies which are, by their nature, time-consuming to carry out, relatively expensive to administer and difficult to firmly establish cause and effect. Some notable examples of highly successful studies in the legal awareness field (rather than impact of PLE as such) can be found and make for interesting reading.¹³ The Pleasance et al Causes of Action studies, based on a rolling programme, for instance show the very high price paid for unresolved legal disputes (some GBP £3.5 million a year and not including the human cost). It begs the question of the extent to which a greater awareness of legal rights and responsibilities might mitigate against such waste and the negative impact on personal well-being.

¹³ For example: H. Genn, *Paths to Justice: What People Do and Think About Going to Law* Hart, 1999 and P. Pleasance, N. Balmer, A. Patel, A. Cleary, T. Huskinson and T. Cotton, *Civil Justice in England and Wales: Report of Wave 1 of the England and Wales Social and Civil Justice Panel Survey* Legal Services Commission and Ipsos Mori, 2011

A suggested template and examples of evaluation in a Street Law context

Let us therefore take the issues and principles identified above and put theory into practice by designing lesson plans that address the need for evaluation.

In order to stress the importance of a clear structure for PLE preparation and delivery and to act as a guide for those developing PLE programmes a common template is used throughout this book. This uses the following format:

Who is the PLE directed towards – audience?

What is covered – topic/subject matter?

What is the purpose – learning outcomes?

Where and when will it happen – location and day/time?

Who is doing what – preparers, presenters and any relevant supervision?

Content – what knowledge, skills and/or values are to be covered?

How will it be done – mode of delivery with timings (focuser, small groups, report back, wind up and evaluation)?

What is needed – resources (materials, equipment, room(s) and people)?

How was it – for you and them?

What next – future progress?

For illustrative purposes we will work with two examples here following a similar template; first, there is a plan for delivery of a typical Street Law session and secondly a plan for the use of hard copy legal information (which could also/instead be delivered as part of a web-based PLE project).

Example 1 - work plan for a 'typical' Street Law session on stop and search provisions under domestic law¹⁴

Institution: a law school running a credit bearing module called 'Law in the community'

Item	Details	Timings	Comments
Target audience	Young people in a 'special' school for pupils with a record of prior poor school attendance.		Check age and capacity of pupils. Do risk assessment.
Topic	Police stop and search – your rights and responsibilities.		Teachers at school have said that some pupils are often subject to stop and search as they have a 'reputation' amongst local police.
Learning outcomes (LOs)	For pupils: 1. To be able to specify when a police officer can insist that a person stops and		The learning outcomes must be SMART¹⁶ and for evaluation purposes need to be linked to the

¹⁴ This example was provided by delegates at the Ed O'Brien Street Law conference, Durban, South Africa, April 2016

¹⁶ Specific, Measurable, Appropriate or Assignable, Relevant or Realistic and Timely or Time-bound – see: G. Doran, *There's a S.M.A.R.T. way to write management's goals and objectives*, Management Review (AMA Forum) 70(11), 35, 1981.

	<p>answers questions</p> <ol style="list-style-type: none"> 2. To know when it is appropriate to co-operate with the police even if the police cannot legally insist 3. To identify what can be done if the police exceed their powers or if a person is arrested. <p>For the law student presenters:¹⁵</p>		assessment methods.
Location/day/time	The stop and search lesson is one of a series of 'know your rights' presentations to be delivered at the school on a set day per week for one hour.	60 minutes plus travel time.	Timings will need to be agreed with the school staff and normally fit into an allotted timetable space.
Preparation/delivery/supervision (who?)	A team of 5 law students will research the law and applicable procedures and will deliver the session at the school. One staff member to supervise preparation and delivery.		The content and delivery format will be checked by the supervisor (an ex-practising lawyer in the law school).
Content	<ol style="list-style-type: none"> 1. Police powers to stop an individual/group 2. Police powers to consequently search persons/property 3. Consequences of refusing to stop or be searched 4. Possible sources of help if arrested 5. Possible action/ route for complaint if police powers exceeded or person otherwise 		

¹⁵ A separate set out learning outcomes are required if the law students are expected to achieve certain educational goals. These will vary according to the module studied and the level at which it is offered e.g. first year or final year of study. For reasons of space limitation these details are not included in the template here.

	unhappy with treatment exceeded.		
Delivery (how, logistics and timings)	60 minutes using interactive techniques.	Arrival and set up <ul style="list-style-type: none"> - Introduction and ice-breaker – 5 mins - Pupils to observe role play of police stopping and searching an individual – 10 mins - Brainstorm what has happened and why? 15 mins - Replay role play (using pupils) using Forum Theatre technique¹⁷ 15 mins - Discussion on what to do if the police are thought to be at fault – 10 mins - Recap through a quiz what the basic legal position is – 5 mins. 	Timings are approximate and flexible but need to be monitored. If the session is likely to overrun additional time may be found in a following session.
Resources	Paper, pens, flip chart, props for role play, room large enough for role-play/discussion, possibly a prize and/or refreshments.		
Outcomes (check if LOs are achieved)	Quiz with prize(s).		
Other evaluation (target audience and/or presenters)	Questionnaire for students to complete before and after the event; follow up session		

¹⁷ A useful device in which observers can stop then action during a role play if they think what is happening is incorrect or could be improved. The objector then assumes the role of the person who was interrupted. For a discussion of this technique see: <http://dramaresource.com/forum-theatre/>, accessed 1 June 2016.

	recapping on subject matter of this presentation; inclusion of stop and search questions in pupils' course assessment.		
Review for further development	Discussion with school staff on value of session; debrief for law students post-event.		
Link with future projects/sessions	Part of on-going set of presentations. Development of similar programmes at other venues.		

Example 2 - work plan for a tool kit on self-representation before courts and tribunals¹⁸

Institution responsible: *Advocacy rights* – an NGO supporting unrepresented litigants¹⁹

Item	Plan	Comments
Target audience	Advocacy groups and their members.	Important to make links with local/regional/national groups and any relevant networks.
Topic	Representing yourself in civil courts and tribunals.	
Learning outcomes (LOs)	For users: <ol style="list-style-type: none"> 1. To know where the local courts and tribunals are located 2. To know how to start or respond to the issue of legal proceedings 3. To be able to recognise what will happen next once proceedings are issued 4. To be able to gather and present relevant evidence 5. To know how to address the court or tribunal 6. To know where to go to for help if required. 	The purpose of the toolkit is to provide an overview of legal proceedings so that a non-lawyer can recognise what happens and why in legal proceedings before courts and tribunals.

¹⁸ This example is included to contrast with the more typical Street Law presentation

¹⁹ This is a fictional NGO but based on various manifestations in the UK and other countries for example – the Rotherham Advocacy Partnerships. More information on this can be found at: <http://www.rotherhamadvocacy.org.uk/>, accessed 1 June 2016.

Location/day/time	Not relevant	
Preparation/delivery/supervision (who?)		The preparation will be supervised by an experienced practising lawyer.
Content	<ol style="list-style-type: none"> 1. Overview of jurisdiction of courts and tribunals 2. Issue of proceedings 3. Preliminary hearings and orders 4. Evidence 5. Trial 6. Remedies and other court orders 7. Settling cases out of court 8. Sources of help for litigants in person. 	
Delivery (how, logistics and timings)	Booklet available in hard copy or in an e-version and available on NGOs' websites.	
Resources	Distribution points in publically accessible places (e.g. libraries and schools). Links to websites.	
Outcomes (check if LOs are achieved)	A questionnaire to be incorporated in the booklet/on website.	
Other evaluation (target audience and/or presenters)	Focus groups of users and court/tribunal staff.	
Review for further development	Informed by focus group. A suggested template for user/other stakeholder feedback is appended to this article. Possible link with an academic institution/government department to conduct empirical and longitudinal 'impact' study.	
Link with future projects/sessions	Future plans depend on nature of feedback.	

Summary of evaluation ‘best practice’

Potential roles for PLE include the raising of awareness of rights and responsibilities generally, preventing problems from arising or escalating and assisting (directly through improving self-help capacity or indirectly through enhancing the ability to identify a problem) and then recognising routes through which further assistance can be sought, such as referral to another agency (including a lawyer).

In any version in which PLE is targeted at individuals or groups with problems and issues, PLE might also focus on those who assist others – for example a training of trainers or development of para-legal model.²⁰ In either case when working with the target audience evaluation is still critical in order to monitor the educational process as well as to allow for fine-tuning and other future development.

Whilst evaluation is problematic, particularly in terms of robust methodologies and the inevitably long-term nature of impact studies, a careful review of expected outcomes and utilisation of a range of research techniques may enable the impact of PLE to be monitored and analysed for the long-term benefit of wider community.

Clearly there is much work to be done on developing, funding and conducting PLE impact research. This brief paper is intended to help kick-start that process. If anyone is interested in working on PLE evaluation please contact the editors of this journal.

²⁰ See for example: P. Patel, Z. Douglas and K. Farley, *Learning from a ‘paralegals’ intervention to support women’s property rights in Uganda*, international Centre for Research on Women, 2014, available at: http://www.icrw.org/sites/default/files/publications/ICRW%20Uganda%20Paralegals_final.pdf, accessed 1 June 2016

Appendix

Evaluation Template Form

Please complete the following set of questions in **as much detail as possible** for your **PLE project** Please return completed forms, via e-mail, to XXXXX, by XXXXX.

Project Reference:	
Project Title:	
Lead Organisation:	
Project Start Date:	

<p>a. Please provide a brief summary of the aims of the project and state how these will be, or have been, achieved:</p>
<p>b. Which of the sub-themes does the project fall into? (please refer to guidance attached but please amend if these are incorrect and add the groupings by client and category.)</p> <p>Client Group:</p> <p>Category:</p> <p>Project objective:</p>
<p>c. How has the project provided concrete and material help for targeted clients (this should be based on real examples and should include the number of clients helped and the level of help delivered)?</p> <p><u>Example(s)</u></p>
<p>d. What have been the long-term impacts of the project, if any, and how has the project secured these improvements?</p>
<p>e. Are there aspects of the project that could be replicated elsewhere, if so, what are they and under what circumstances would it be appropriate to replicate these (this could include information materials that have been produced by the project, for example)?</p>
<p>f. What impact has any funding (including matched funding) had on the project? Has it added value to the project, is so, how</p>

g. What links, if any, has the project had or made to other initiatives (government/council/otherwise)?

--

h. What difficulties, if any, has the project experienced?

--

i. What plans are there for this or related projects in the future and what is required to achieve these?

--

Blogs as a Teaching Tool and Method of Public Legal Education: A Case Study*

Victoria Roper

Key Words: blog, business clinic, clinical legal education, legal education, public legal education, social media

Introduction

Social media, and blogs specifically, can potentially have a dual raison d'être: enriching a law student's educational experience whilst simultaneously educating the general public. Through a case study analysis of a blog project employed in a clinical legal education module at Northumbria University, the opportunities, challenges and limitations of using blogs in this way will be explored from both a pedagogical and public legal education perspective.

1. The Opportunities

Social media and blogs

The Law Society of England and Wales describes social media as 'websites and applications that enable users to create and share content or to

participate in social networking'.¹ It comes in a wide range of forms including social networking sites (e.g. Facebook, LinkedIn), weblogs, micro-blogging sites (Twitter, Tumblr etc.) and other interactive forums and discussion boards. Facebook² continues to be the largest social networking service in the UK followed by Twitter³ and then LinkedIn⁴. Facebook has 40.7 million users, Twitter 21.6 million users and LinkedIn 20.7 million users respectively.⁵ Blogs are also very popular (being regularly updated web pages 'consisting of several posts or distinct chunks of information per page, usually arranged in reverse chronological order').⁶ There are many legal blogs, sometimes referred to as 'blawgs, covering matters relating to the law.⁷ Services like WordPress⁸ allow people to set up and maintain blogs with relative ease. WordPress has grown to be the most used blogging tool in the world with over 60 million websites, its

* Victoria Roper is a Senior Lecturer at Northumbria University in the United Kingdom.

¹ See <http://www.lawsociety.org.uk/support-services/advice/practice-notes/social-media/> (accessed 24 November 2017).

² Facebook is a free website that allows users to create profiles and share photos and videos and socialise with friends and family members.

³ Twitter is a micro-blog. Registered users can make posts, referred to as 'tweets', of up to 280 characters in length. It is possible to follow other registered users.

⁴ LinkedIn is a social networking site designed primarily for business networking. Users create profiles and can then connect to their contacts through the site.

⁵ Ofcom, *The communications Market Report* (2015) at p.361 available at http://stakeholders.ofcom.org.uk/binaries/research/cmr/cmr15/CMR_UK_2015.pdf (accessed 27 November 2017).

⁶ P. Bausch, M. Haughey and M. Hourihan, *We Blog* (Wiley Publishing, 2002) at p. 7.

⁷ P. Black, 'Uses of blogs in legal education' (2006) 13 *James Cook University Law Review* 8 at p.13.

⁸ See <https://wordpress.com/> (accessed 24 November 2017).

popularity no doubt attributable in part to the fact it does not charge for most of its services.⁹

How can blogs be used in legal teaching?

Blogs are quite a flexible tool and can be adapted to suit a user's requirements. They may be created and maintained by one person (such as a lecturer) but they can also be managed by a small group of people or involve large communities of contributors.¹⁰ A lecturer might set up and maintain a blog as a way of communicating with students, posting relevant material to the blog site (legal updates, links to relevant webpages etc.) and giving students the ability to make comments and ask questions.¹¹ It is also possible to set up blog networks, where, for example, the lecturer and each student has their own blog for teaching and learning purposes.¹² In addition to the content and functionality envisaged with a lecturer maintained blog, the additional purpose of the blog network is to allow students to develop a reflective journal of sorts and to receive comments from their lecturer and their peers.¹³ These types of blog have a learning and teaching focus and accordingly the intended readers of the blog(s) are primarily all part of the relevant teaching module. However, as the following Northumbria

⁹ See <http://www.forbes.com/sites/jicolao/2012/09/05/the-internets-mother-tongue/#53e6734055fe> (accessed 17 February 2016).

¹⁰ P. Black, 'Uses of blogs in legal education' (2006) 13 *James Cook University Law Review* 8 at p. 9.

¹¹ *Ibid.*, p. 16.

¹² *Ibid.* p. 17.

¹³ *Ibid.*

University case study will illustrate, another form of blog is where law students are the primary content creators, writing posts with the specific intention of these being read by individuals external to the university. As well as potentially being of educational value, this type of blog is also more aligned to a public legal education agenda (discussed further below).

2. Northumbria University Case Study

The Student Law Office

Northumbria University has one of the longest running live-client law clinics in the United Kingdom (UK)¹⁴. All students enrolled on the four-year M Law Exempting law degree¹⁵ must undertake a year-long assessed clinical module, known as Student Law Office (SLO), in their final year. The students provide a free advice service to members of the public under the supervision of qualified practitioners. Approximately 20 solicitors, barristers and caseworkers supervise an average of 170 students each academic year in the SLO who provide advice and representation to the general public. Students work in teams of six, referred to as 'firms' which

¹⁴ J. Hall, C. Sylvester and E. Hall, 'Problem-based learning and clinical legal education: What can clinical educators learn from PBL?' (2004) *International Journal of Clinical Legal Education* 4 at p. 40.

¹⁵ This degree incorporates a qualifying law degree, a Master's degree, and exemption from the Legal Practice Course allowing a student to progress straight to their period of recognised training.

specialise in their supervisor's area of expertise: civil litigation, crime, welfare benefits, employment, family etc. In 2007, the SLO established a specialist Business and Commercial Law Clinic.¹⁶ In the current academic year (2017-2018) twenty nine students worked in the Business and Commercial Law Clinic offering a range of advice and assistance to entrepreneurs, companies, charities and social enterprises. Typical enquiries include requests for advice in relation to corporate governance, intellectual property and contracts. The work is predominantly non-contentious. The blog project has been running in the Business and Commercial Law Clinic since autumn 2014.

Blog project overview

In the summer of 2014, the author and a colleague registered with WordPress, the free blog publisher discussed above, and created a blog using the web address <https://wetakereofbusiness.wordpress.com> (the 'Blog'). The author and her colleague are the only people who have administrative rights to the Blog. They occasionally produce short editorial posts when the students are absent from the university, but it is the students themselves who mainly produce and direct the content. Constructivism suggests that students learn best when they are given the opportunity to

¹⁶ E. Campbell, 'A dangerous method? Defending the rise of business law clinics in the UK' [2015] *The Law Teacher* 49:2, 165 at p 168.

build their own knowledge.¹⁷ In line with this theory, students are encouraged to decide for themselves what would be appropriate to write about and to build their knowledge by researching and writing their Blog posts without any significant lecturer input. Lecturers provide editorial oversight to ensure that any legal content is accurate however, a Blog post or idea has never been rejected and students are given a lot more creative freedom than they usually have in traditional teaching which is ordinarily more lecturer-led.

The Blog has the functionality to allow readers to make comments but we decided to disable this feature because we were concerned about having to constantly monitor comments. Whilst the SLO module is compulsory for all fourth year law students, the Blog is voluntary for those students who work in the Business and Commercial Clinic. Students are encouraged to get involved, they do not have to. The Blog itself is not credit-bearing but as students are assessed widely on activities undertaken in the SLO, with marks being given for their personal contribution to the SLO as well as their academic skills, any contribution towards the Blog can be taken into account in the overall mark they receive.¹⁸

¹⁷ K. Exley and R. Dennick, *Small Group Teaching: Tutorials, Seminars and Beyond* (London, Routledge, 2004) at p.5.

¹⁸ Students are assessed on their practical work evidenced by a portfolio (70% of the overall mark) and by two reflective essays (30% of the overall mark).

When we set up the Blog we hoped that it would have a pedagogic value and encourage the collaborative and constructivist learning environment discussed by Rambe and Nel, as students are responsible for choosing the topics they want to write about and for developing their own learning.¹⁹ We also hoped they would gain an appreciation of the importance of maintaining a good social media image and the role social media can play in marketing and business development.

Blog content

When we set up the Blog we thought that students would predominantly write about legal topics they encountered in advising clients and this has proven to be the case. There is an 'Information for Businesses' tab on the Blog which helps direct readers to business related content. Topics students have chosen to write about include: choice of business ownership²⁰; limited liability partnerships²¹; trade marks²²; copyright²³; the Small Business, Enterprise and Employment Act²⁴; and the Consumer Rights Act²⁵. As well

¹⁹ P. Rambe and L. Nel, 'Technological utopia, dystopia and ambivalence: Teaching with social media at a South African university' (2015) 46 *British Journal of Educational Technology* 629 at p. 630.

²⁰ See blog post dated 29 January 2016, 'Which Business Medium is Best for You?' available at <https://wetakereofbusiness.wordpress.com> (accessed 27 November 2017).

²¹ See blog post dated 11 January 2017, 'Limited Liability Partnerships: A New Way Forward'. *Ibid.*

²² See blog post dated 5 April 2016, 'Trade Marks 101: Part 2' and blog post dated 23 March 2016, 'Trade Marks 101: Part 2'. *Ibid.*

²³ See blog post dated 20 April 2015, 'Keeping Yourself Informed in the Information Age: A Quick Guide to Copyright'. *Ibid.*

²⁴ See blog post dated 24 February 2016, 'The Small Business, Enterprise and Employment Act – How Will it Affect You?'. *Ibid.*

²⁵ See blog post dated 19 January 2016, 'The Consumer Rights Act: Some Key Issues'. *Ibid.*

as helping to consolidate and reflect on the knowledge the student has gained in the clinic, the Blog posts are available to the public and therefore have a public legal education aspect too. Some might question whether businesses and business people need educating about legal matters, but the author firmly believes that there is unmet legal need for businesses as there is for individuals. Small businesses in England and Wales often cannot afford to obtain legal advice and Business Link, the government funded network of local business advisors, was axed in 2011.²⁶ The Solicitors Regulation Authority has reported that the majority of small businesses in England and Wales have little contact with legal providers and that over half of businesses that experienced a problem tried to resolve it on their own.²⁷

The Blog is also designed to promote the work of the Business and Commercial Clinic in the same way a law firm might use social media to help attract clients²⁸ and on occasion clients have been happy to take advantage of the free publicity and to feature in Blog posts with our students. When a new Blog post becomes available, we promote it through Twitter.

²⁶ See <http://www.telegraph.co.uk/finance/yourbusiness/8093448/Business-Link-scrapped-and-replaced-by-call-centre.html> (accessed 27 November 2017).

²⁷ Solicitors Regulation Authority, *The Changing Legal Services Market* (2015) at p. 16 available from www.sra.org.uk/risk/resources/changing-legal-services-market.page (accessed 27 November 2017).

²⁸ See, for example, the blog post dated 11 September 2017, 'Can We Help You?' available at <https://wetakereofbusiness.wordpress.com> (accessed 27 November 2017).

As well as writing about legal topics, students sometimes also choose to write about networking events they have attended and visits of important guests. Unexpectedly, students have also chosen to produce content which is aimed more at other students or legal practitioners. We have been impressed by our students' ability to be creative and to reflect on their studies and the wider legal profession. See for example the post entitled 'The Legal Hunger Games' (reflecting on the competitive nature of university generally)²⁹ or 'How is Artificial Intelligence Affecting the Legal Profession?'³⁰. Commercial awareness, and how to acquire it, has also been a recurring theme.³¹ Acting on their own initiative, students have often worked collaboratively to produce posts, even on occasion working with students outside the Business and Commercial Clinic.

Blog statistics

To date the Blog has had over 7,000 views from people in over 100 countries so it is also clearly reaching an audience outside of the SLO and the wider University.³² As would be expected, the majority of viewers have been from the UK (approx. 78%), followed by other English speaking countries such as the United States (approx. 9%) and Australia (approx. 2%). Whilst the

²⁹ See the post dated 17 March 2015. *Ibid.*

³⁰ See the post dated 23 March 2017. *Ibid.*

³¹ See, for example, the post dated 2 March 2016, 'Are You Commercially Aware'. *Ibid.*

³² Data correct as at 11 June 2018. WordPress automatically collects visitor data and it can be viewed by the relevant webpage administrator(s).

limitations of this data are acknowledged below, the number of views and geographical spread support the view that blogs can potentially reach a very wide audience. This is potentially very useful from a public legal education perspective.

Student engagement

Despite the voluntary nature of the Blog, students have generally engaged well with it and to date we have worked with over 50 students. Informal student feedback from those who have engaged has been positive and indicates that students found it to be of value from both an educational perspective and also in terms of commercial awareness and employability (discussed further below). However, the author regrets not collecting data in a more systematic way, or specifically collecting data from those who did not engage to find out the reasons why. In subsequent projects the author has used an online survey to collect data.³³ This has the advantage of automatically collating and displaying the survey results, allowing the researcher to avoid having to do this manually.

Other impact and success

In 2016 the Blog was shortlisted for the Routledge/ALT Teaching Law with Technology Prize 2016, a prize which 'rewards and champions innovation

³³ The author's university has a subscription with Bristol Online Surveys - <https://www.onlinesurveys.ac.uk/> (accessed 27 November 2017).

in teaching and learning'.³⁴ Following the success of the Business and Commercial Firm Blog, the family law firms in the SLO have recently launched their own blog, 'A Family Affair' also using WordPress.³⁵ At a recent legal clinic conference in Poland³⁶, at which the author spoke about the Blog project, a number of delegates expressed an interest in starting to use blogs in their teaching.

Reflection is not just for students...

Whilst the author regards the Blog as an overall success, analysis of the project has highlighted a number of lessons to be learnt. The author acknowledges that a more formal method of gathering feedback should have been employed at the outset. Secondly, thought also needs to be given to the ethical considerations involved in adopting social media in teaching. A large-scale 2013 study of 251 colleges and universities students in the United States concluded that learners are sensitive to the boundaries between their personal and academic lives and using technology with them has its limits.³⁷ This suggests that academics should avoid incorporating social media into legal education in a way that students may view as

³⁴ See <https://www.routledge.com/law/posts/9620> (accessed 27 November 2017).

³⁵ See <https://afamilyaffairsite.wordpress.com> (accessed 27 November 2017).

³⁶ XXVIII Conference of Academic Legal Clinics, '20 years of Academic Legal Clinics in Poland - achievements, future goals and development opportunities' (2017) Krakow, Poland.

³⁷ Educause Center for Analysis and Research, *ECAR Study of Undergraduate Students and Information Technology* (2013) at p.6 available at <https://library.educause.edu/resources/2013/9/ecar-study-of-undergraduate-students-and-information-technology-2013> (accessed 28 November 2017).

intrusive. Having considered privacy issues, the author is of the view that that such concerns are valid and need to be addressed at the design stage of any teaching incorporating social media. The fact that such issues were not considered initially when the Blog project was implemented, highlights the importance of institutions adopting best practice policies and guidance. The voluntary nature of our Blog perhaps mitigates some of these concerns. However, any teaching design requiring students to set up their own social media accounts and/or with compulsory participation is potentially problematic. Thought also still needs to be given to privacy issues even if the use of social media is voluntary. Is it clear to the student that it really is voluntary? Might they be penalised in any way for not engaging?

3. Potential Advantages of Using Blogs as a Teaching Tool and Method of Public Legal Education

Student learning and development

As long ago as 2006 Black, writing from an Australian legal educator perspective, argued that 'blogs as an educational tool promote deep learning and critical, analytical and analogical thinking'.³⁸ There is a body of literature exploring the pedagogy of social media in education and Black's views could therefore be regarded as grounded in educational

³⁸ P. Black, 'Uses of blogs in legal education' (2006) 13 *James Cook University Law Review* 8 at p. 29.

theory.³⁹ Cao *et al.* cite, amongst others, Bosman & Zagenczyk who argue that social media can help achieve learning objectives.⁴⁰ Evans has suggested that social media has many qualities that make it suitable for use in higher education including the fact it can promote knowledge sharing, collaboration and participation.⁴¹ Rambe and Nel point to various studies which appear to confirm that social media can have a positive impact on active learning and performance and state that social media's ability to support collaboration and social constructivist teaching is 'well-documented'.⁴² Whilst a number of academics appear convinced, it is worth noting that some academics like Tess have suggested that the research on the effectiveness of social media in higher education, which would include blogs, is not fully supported by empirical data.⁴³ The educational value of any learning and teaching activity will of course vary

³⁹ For a more detailed review of the relevant literature see for example Y. Cao, H. Ajjan and P. Hong, 'Using social media applications for educational outcomes in college teaching: A structural equation analysis' (2013) 44 *British Journal of Educational Technology* 581 or P. Rambe and L. Nel, 'Technological utopia, dystopia and ambivalence: Teaching with social media at a South African university' (2015) 46 *British Journal of Educational Technology* 629.

⁴⁰ Y. Cao, H. Ajjan and P. Hong, 'Using social media applications for educational outcomes in college teaching: A structural equation analysis' (2013) 44 *British Journal of Educational Technology* 581 citing L. Bosman and T. Zagenczyk, 'Revitalize your teaching: creative approaches to applying social media in the classroom. Social media tools and platforms in learning environments' in B. White, I. King, P. Tsang. (eds) *Social Media Tools and Platforms in Learning Environments* (Springer-Verlag Berlin Heidelberg, 2011).

⁴¹ C. Evans, 'Twitter for teaching: Can social media be used to enhance the process of learning?' (2013) 45 *British Journal of Educational Technology* 902 at p. 902.

⁴² P. Rambe and L. Nel, 'Technological utopia, dystopia and ambivalence: Teaching with social media at a South African university' (2015) 46 *British Journal of Educational Technology* 629 at p. 630.

⁴³ P. Tess, 'The role of social media in higher education classes (real and virtual) – A literature review' (2013) 29 *Computers in Human Behavior* A60 at A60.

according to what students are required to do, the extent they engage, and how well tasks align with the lecturer's intended learning outcomes.

Our view, based on our experiences of the Blog project and student feedback, is that blogs can be of educational value to students. For example, some of our students have commented that writing blog posts helped them to understand the relevant legal issue more fully because it required them to concisely summarise the key issues. A recurring theme in the Student Law Office is that students find it difficult to adjust their academic writing to a style which a layperson, such as a client, would find accessible. As students know they will need to be able to master this skill if they wish to become a solicitor, some have commented that writing blog posts was useful practice in this regard.

Students have also told us that the blog has been something which they felt helped them to stand out in training contract and paralegal interviews. Law firms are very image conscious and increasingly use social media, blogs and newsletters to promote their services. The Law Society practice note on social media acknowledges that "social media is an increasingly popular and growing area...that can offer many professional...benefits".⁴⁴ It suggests that social media can be used to engage with clients and to

⁴⁴ See <http://www.lawsociety.org.uk/support-services/advice/practice-notes/social-media/> (accessed 17 February 2016).

facilitate marketing and professional networking. Law firms are likely to value applicants who can demonstrate that they recognise this as an aspect of commercial awareness and can contribute to the production of promotional materials.

Public legal education value

The disadvantages and limitations of the use of blogs as a method of public legal education are explored in part 4, but let us first consider some of the advantages. The public legal educational value of a blog is that, like Street Law and similar initiatives, it can be used to educate the public about the law and how it affects them. Students, under the supervision of a lecturer, can write about legal issues, and legal updates. Blogs tend to be written in an informal, concise style, avoiding jargon and legalese. This style is complimentary to a public legal education mission that is driven by the need to make legal issues and information as accessible as possible to lay people. Also, as demonstrated by the Northumbria case study, blogs published on the internet and available for anyone to access can potentially reach a very wide audience. Rather than being limited to a particular geographic area or even a specific country, a blog post can be read by anyone, anywhere in the world who has access to an internet enabled device or computer. The United Nation's agency for information communication technology, the ITU, suggests that in developed countries

81% of the population use the internet (94.3% of 15-24 year olds) and in developing countries 41.3% (67.3% of 15-24 year olds) use the internet.⁴⁵ In the UK, the most recent Office of National Statistics data suggests that 89% of people use the internet regularly putting the UK slightly above the average for a developed country.⁴⁶

Blogs also appear to be cost effective from a university perspective. The Blog project discussed in our case study did not involve any costs and one of the advantages of blog sites like WordPress are that they are free and easily accessible.⁴⁷ A blog which is truly student-led should also be time efficient, likely involving less hours and resources than face-to-face public legal education. Students do not need to undergo any training to write a blog post (our students normally find it sufficient to read prior posts) and they can choose when they want to get involved, making it easier to fit around their other commitments.

4. Challenges and Limitations of using Blogs as a Teaching Tool and Method of Public Legal Education

Staff development and time constraints

⁴⁵ See <http://www.itu.int/en/ITU-D/Statistics/Documents/facts/ICTFactsFigures2017.pdf> (accessed 24 November 2017).

⁴⁶

<https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/bulletins/internetusers/2017> (accessed 24 November 2017).

⁴⁷ Whilst all are free to establish a basic account some do charge for premium services or functionality.

Whilst social media may have a range of pedagogical uses, Rambe and Nel have highlighted that any 'utopian' views about social media do not necessarily reflect the reality facing educators.⁴⁸ Interaction with technology is more complex than this and there are possibly a number of barriers, or perceived barriers, to the incorporation of social media within teaching.⁴⁹ An obvious challenge in using social media as a teaching tool is that some staff may not be familiar with the technology or, to use Prensky's terminology, they may be 'digital immigrants' rather than 'digital natives'.⁵⁰ Whilst Black suggests it does not take long to master the requisite technology⁵¹ and we have found applications like WordPress easy to use, it is acknowledged that this is a valid concern. The author agrees with Kukulska-Hulme though who argues that academics should commit to their own life-long learning and try to adapt to a world saturated with social technologies.⁵² It is clear to do so they will need institutional support and guidance. One issue is that institutions may be reluctant to provide such

⁴⁸ P. Rambe and L. Nel, 'Technological utopia, dystopia and ambivalence: Teaching with social media at a South African university' (2015) 46 *British Journal of Educational Technology* 629 at pp. 644-645.

⁴⁹ *Ibid.*

⁵⁰ M. Prensky, 'Digital Natives, Digital Immigrants' (2001) 9(5) *On the Horizon* 1, p. 2.

⁵¹ P. Black, 'Uses of blogs in legal education' (2006) 13 *James Cook University Law Review* 8 at p. 21.

⁵² A. Kukulska-Hulme, 'How should the higher education workforce adapt to advancements in technology for teaching and learning?' (2012) 15 *The Internet and Higher Education* 247 at p. 253.

support and guidance due to concerns about the lack of control the institution might have over such open platforms.⁵³

Academics also face increasing pressure on their time and, unsurprisingly, the time required to effectively incorporate social media enhanced tasks into teaching was raised as a concern in a 2015 study of educators' experiences of using various social media.⁵⁴ As the amount of time involved will depend on the type of social media employed and how much interaction/maintenance is required from the relevant academic, it is important to bear these practical considerations in mind at the design stage. Although, as noted above, once familiar with the relevant technology, a student-led blog should not be overly time consuming to maintain. Perhaps having assessed, rather than voluntary, projects may be preferable as well because at least then the lecturer should be formally allocated teaching hours.

Student acceptance

Another related issue identified by Krause and reiterated by Black is that just because you give students the opportunity to use technology does not

⁵³ As suggested in D. Ng'ambi, 'Effective and ineffective uses of emerging technologies: Towards a transformative pedagogical model' (2013) 44 *British Journal of Educational Technology* 652 at p. 660.

⁵⁴ P. Rambe and L. Nel, 'Technological utopia, dystopia and ambivalence: Teaching with social media at a South African university' (2015) 46 *British Journal of Educational Technology* 629 at 641.

mean they will want to use it.⁵⁵ Whilst many of our students have engaged with the Blog, a significant number who have been given the opportunity to participate have not done so. To ensure the teaching remains as inclusive as possible, it is probably best not assume all students will be familiar with blogs. Academics need to bear in mind that there may be cost implications for students too in terms of equipment and access to the internet, particularly where students are expected to participate off campus. This is likely to be a greater issue for institutions in resource-poor settings as Rambe and Nel have highlighted.⁵⁶ This is not a concern if, as we do, lecturers deal with the maintenance of the blog.

Slipping standards?

Selwyn and Grant suggest that some academics may resist the use of social media out of a belief it could have negative effect on traditional skills and literacies.⁵⁷ It is probably correct to say that the language used in social media is generally more informal than that used in academic writing. We have not found this to be an issue with the Blog because, as Black suggests, we provided clear guidelines to students about tone and style and act as

⁵⁵ P. Black, 'Uses of blogs in legal education' (2006) 13 *James Cook University Law Review* 8 at p. 21 referring to S. Krause, 'Blogs as a Tool for Teaching' (2005) 51(42) *The Chronicle of Higher Education* B33.

⁵⁶ P. Rambe and L. Nel, 'Technological utopia, dystopia and ambivalence: Teaching with social media at a South African university' (2015) 46 *British Journal of Educational Technology* 629 at p. 640.

⁵⁷ N. Selwyn and L. Grant. 'Researching the realities of social software use—an introduction'. *Learning, Media and Technology*, 34 (2), 79 at pp. 80-81.

editors.⁵⁸ Plagiarism has also been raised as a potential fear with students 'research[ing] by google' or to plagiarise by copying and pasting material from elsewhere.⁵⁹ Again, the author agrees with Black that a lecturer can counter this by outlining a clear policy as to what is expected in terms of research and referencing.

From a public legal education perspective the informality referred to above, is actually likely to be beneficial. The intended audience is far more likely to relate to, and understand, information written in an unfussy, plain English style after all. Some caution is needed though as over simplistic explanations could lead to confusion. This is why we take the view that, even where a student has followed referencing policies, it is prudent for us to act as editors and check the law and the clarity of the explanations.

A poor substitute for Street Law?

It is acknowledged that educating others through face-to-face interactions, such as is advocated in traditional Street Law programmes, has a number of advantages over online content in blogs. Firstly, when teaching is delivered in person, there is much greater scope for judging understanding, modifying delivery if things are not working, and making changes to future delivery according to past experience. None of this is really possible with a

⁵⁸ P. Black, 'Uses of blogs in legal education' (2006) 13 *James Cook University Law Review* 8 at p. 22

⁵⁹ *Ibid.*

blog. A blog is also perhaps less interactive than some other forms of social media and there are limited opportunities to obtain feedback (discussed further below). On the other hand, a blog could complement other forms of public legal education or clinical work, and might be useful where these other types of programme are not possible due to time or budgetary constraints.

A poor substitute for bespoke legal advice?

Like some other forms of public legal education, a blog is not, nor intended to be, a substitute for advice from a qualified legal professional and there will be times when a person or business needs to obtain bespoke advice. Our Blog includes a statement confirming that it is intended for general information only and that readers should obtain professional advice before taking, or refraining to take, any action. Arguably though, public legal education can still have an important role in educating people about legal matters on a more general level, informing them about their legal rights and responsibilities, and helping them to identify legal issues they need to seek help with.

How effective is this form of public legal education?

Whilst the data cited above suggests the majority of people in the UK regularly use the internet, not everyone uses the internet in the same way and some groups will be far more adept at searching and locating useful

information than others. A blog, promoted using social media, might be a good way of getting information to school children, but much less effective at educating the elderly or targeting groups with low levels of literacy. Additionally, while a blog post can be read by anyone in the world who has access to the internet, the legal information in question may be jurisdiction specific and therefore not relevant, or even misleading, to some readers if this is not made clear.

The nature of a blog also makes it difficult to evaluate its effectiveness as a method of public legal education. It is not possible to physically hand out questionnaires to people who read a blog post in the way that you might after face-to-face teaching. Whilst we know how many views the Blog has had, and how many views each post has had, we do not know how useful readers find the blog or what kind of background they come from (student, business person, academic etc.). In fact, geographic location of visitors aside, we know nothing about who is reading the Blog unless someone contacts us directly after a reading a post (which has happened on occasion). More information might be gleaned from activating the comments function of a blog, but this is still an unreliable way of collecting data. The best way of collecting data would probably be to include some kind of survey on the Blog itself, a link to such a survey, or a downloadable questionnaire with instructions to send it to a specific email address. The response rate would

likely be significantly lower than in a face-to-face environment though, so the data obtained might not be representative of the blog readers as a whole.

Conclusions

The author regards the Blog project as a success from the perspective of building a collaborative learning environment which allows students to select their own learning topics and build their own knowledge. A number of academics believe that blogs and social media more generally can have an educational value for students but further empirical studies are perhaps required to test this hypothesis further. Blogs should never replace face-to-face teaching but they may be able to complement more traditional forms of learning. Likewise, blogs should not replace valuable public education initiatives like Street Law, but they could supplement such projects or be employed where such projects are not possible. The principal advantages of blogs are that they are relatively cheap and easy to set up and maintain and can reach a wide audience.

The use of blogs warrants careful planning and consideration. Academics should ensure that the teaching design is inclusive and does not inadvertently invade a student's privacy. Particular thought needs to be given to any use of social media where participation is mandatory and students are required to have a public profile they may not be comfortable

with. It is recommended that lecturers spend time planning and considering the time required to set up and maintain teaching involving blogs. Where a teaching team involves a number of lecturers, it must be remembered that some may not be comfortable with the technology and this form of teaching. A successful project will require buy in from all involved. The author also recommends that consideration is given at outset to what the project's aims are and how its success will be measured. It seems sensible to ask students to provide feedback, including those who did not engage to find out the reasons why. Obtaining data from the readers of the blog, and measuring the value of the blog in furthering public legal education, is particularly tricky. Discussion needs to revolve about how such data might be gathered and whether enough responses are received to make the data useful.

Ideally, best practice exemplars for working with blogs and other social media should be disseminated by institutions⁶⁰, training provided and policies dealing with ethical matters published. If institutions are reluctant to endorse the use of social media, the author suggests that it would still be better to introduce policies and guidelines rather than ignore it. To do so risks piecemeal and inconsistent adoption, and risks unexpected problems arising. Perhaps both institutions and lecturers might heed the advice of

⁶⁰ P. Rambe P and Nel L, 'Technological utopia, dystopia and ambivalence: Teaching with social media at a South African university' (2015) 46 *British Journal of Educational Technology* 629 at p. 644.

Siemens and Tittenberger that teaching with technologies requires ‘a spirit of experimentation’ and a ‘tolerance of failure’.⁶¹

⁶¹ G. Siemens and P. Tittenberger, *Handbook of emerging technologies for learning*. (University of Manitoba, 2009) at p. 15.

Street Law – It Is More than Just Another Class

An Interview with Marilyn Cover and Jennifer Bloom

Marilyn Cover, JD, a 40-year veteran of teaching the Street Law Seminar class at Lewis & Clark Law School.

Jennifer Bloom, JD, 16-year-veteran of teaching Street Law at the University of Minnesota Law School, following 15 years teaching Street Law at Hamline University School of Law

Q: How is Your Street Law Course Organized?

A-Marilyn: The Street Law program at Lewis & Clark includes not only the weekly classes between law professor and students, but also weekly meetings with law students teaching in high school classes. The law school class is offered as a credit/no credit class. We use the Street Law text covering Intro to Law, Criminal & Juvenile Law and Individual Rights and Liberties in the fall semester and the civil law units- torts, consumer and family law in the spring semester. Between 30-40 law students participate each year.

A-Jennifer: Like many other Street Law courses in the United States, the Minnesota Street Law seminar consists of a small class of 14 students gathering for a weekly two-hour seminar. During this time, law students explore the history and goals of Street Law and participate in engaging teaching strategies (mock trial, moot courts, continuums, small group, ranking, and many others). Every teaching strategy is layered over legal content (first amendment, rights of the accused, employment, sexual harassment, consumer, etc.) to create effective and interesting lessons. As we proceed through the semester, the students build their collection of tried and true law-related education tools. Students share their engaging lessons when they teach 10 hours in area high schools. They are paired with experienced law and civics teachers and together select topics that complement the teacher's curriculum. Law students review the available lessons in the Street Law collection and elsewhere, revise as needed, present, and share reflections on the lesson's success or need for improvement. Every law student also creates an original lesson that is tried with classmates during the weekly seminar.

Q: How is Street Law Different from Other Law School Classes?

A-Marilyn: I have seen a lot in my 40 years. Street Law is very different from other law school classes and those differences have far-reaching benefits.

Street Law tends to attract law students who are interested in the practical application of the law, being out in the community, and interacting with youth. My sense is that the law students have a pre-existing sense of altruism. In my Street Law program, law students have the unique opportunity to have hands-on classroom experiences with youth in their communities, and that helps fill their need to do good works.

A-Jennifer: When Street Law students walk out of their first class of the Street Law Seminar at the University of Minnesota Law School, they know at least one goal of the course¹. After learning the course components and requirements through an “Each One Teach One” and a “Jeopardy” game², they usually can correctly answer the final Jeopardy question: “Street Law is different from most other law school courses for this reason.” Answer: “What is fun?”

¹ These goals are:

- 1) Understanding of substantive law;
- 2) Knowledge of legal procedures;
- 3) Ability to Communicate;
- 4) Skills in solving legal problems and client-centered lawyering;
- 5) Planning and Preparation;
- 6) Skills in Self-Assessing and Evaluating;
- 7) Development of a Sense of Professionalism;
- 8) Development of an Appreciation of the Role of the Lawyer in the Community.

² “Each One Teach One” is an activity that asks students to teach other students about the facts of the course. Jeopardy game is similar to a television show of that name. Students compete in teams to be the first to answer a question correctly. The questions concern facts of the course. These two strategies are more fun and more effective than a lecture teaching basic information about the course. The final question reinforces the commitment to make learning fun.

Q: Teaching is Hard. How do you prepare students to be successful in the classroom?

A-Marilyn: Unlike the typical law school class, the seminar setting of my weekly class is an intimate one. Our discussions focus on how to convey legal concepts in lesson plans and how students learn. One student may describe an enormously successful teaching strategy in one class only to find that it falls flat in another. Conversations around situations like this are layered and insightful. I also observe law students teaching in their high school classes.

When in high school classrooms, law students' lessons focus, for example, on search and seizure of students' backpacks, or reading one's first apartment lease. Whatever the topic, law students experience real dialog about real issues in the daily lives of high school students. In doing so, they gain skills that are easily transferrable to the workplace. The seminar discussions include public policy, trial practice, and communication skills with clients as part of the lessons the law students prepare for their high school students. When law students discover that they are able to convey complex legal content to the lay public – high schools students are, after all, the perfect petri dish for communication – they gain incalculable confidence. That ability to clearly communicate, and to do so with confidence, serves them well in their legal careers.

A-Jennifer: “To teach is to learn twice.” Joseph Joubert

There is nothing like preparing for a presentation that inspires a person to update their subject matter knowledge. Street Law students take their responsibilities seriously to provide accurate information to their high school students. The risk of getting it wrong is stressed in the weekly Street Law seminar. For example, when high school students participate in a misleading lesson on what to do when stopped by the police, a misunderstanding of their rights can be devastating. Street Law students frequently discuss how their understanding of the law increased when they prepared to teach it. Students research, write and present lessons to their Street Law classmates where content is reviewed and potential misunderstandings or mistakes about the law are identified and corrected. Street Law faculty, both lawyers, review the final lesson. In addition to the lesson students write, they have access to hundreds of lessons written by other Street Law students over the years. Students are asked to update the law before they use the lesson and are asked to share the updated lesson for others to use.

Another requirement of our Street Law seminar requires small groups of law students to develop and present a lesson to the other Street Law students. These lessons include an expanded presentation of the law designed for law students shy

in content knowledge. After each lesson, all law students share ideas for improving the lesson and using it in different settings including with high-needs students. Insights learned during this informal discussion build skills for teaching law to their high students and with future clients.

Students also learn the importance of preparation and practice. We all enjoy watching the delivery of a television show's awe-inspiring closing argument. It looks so easy. We also know it's not. When a high school class meets for 50 minutes, law students cannot be scrambling to figure out the next step. It is important for them to plan how they will describe the law to people unfamiliar with the law, checking for understanding and making adjustments as they go.

Q: How Else Do Law Students Benefit from Street Law Beyond the Classroom?

A-Marilyn: Many law students leave Street Law with an indelible connection to the high school where they taught. Some develop a predisposition to seek other opportunities to serve their communities. The seed for giving back to the community is sown in the Street Law seminar. Many of my former students practice in the Portland area. I see them working in an array of non-profit organizations and public entities.

My role as professor expands, therefore, to that of advisor, counselor, and confidante. As a result of our interactions through papers, classes, lessons, observations and discussions, by the semester's end I *know* these students. I am often, even years later, sought out for purposes of a reference or recommendation for potential employment. These are rich relationships and worth nurturing.

A-Jennifer: Much of the law school experience in other courses consists of individual work. Friendships develop and some students study together, however so often the law students' success in law school depends on themselves alone. This is not the case in Street Law. Street Law students usually teach together. They work in partnership with the classroom teachers to select topics that are interesting to the high school students and support the teacher's curriculum plan. They select dates and times. They meet the students before they begin teaching, introducing themselves. They are professionals. My law students have often said that Street Law lets them do what they came to law school to do. It restores them. They want to help solve problems and Street Law provides an avenue for them to share what they know to improve the lives of the students they teach.

Q: How Does the Community Benefit from Street Law Students?

A-Marilyn:

In my day job, I run Classroom Law Project (CLP), a statewide non-profit organization dedicated to civic education for kindergarten through 12-grade (ages 4-18 year olds). The Street Law seminar class and its students are the lynchpin of CLP. CLP has eleven different programs ranging from the statewide high school mock trial competition, to courthouse tours for 4,000 students annually, to weekly online current events viewed by thousands of educators. All programs rely on volunteers. When I assign law students to local high schools, the equation is greater than 1 + 1. Benefitting from the connection are not only the law school and high school students, but also the high school teachers and administrators, the law school, Classroom Law Project, and the broader legal community.

When my wet-behind-the-ears law students eventually evolve into seasoned law professionals, there is meaningful citizen engagement to be found. Among my former students are lawyers and civic leaders. They are judges on Oregon's circuit and appellate benches. They are in the state legislature. They are members of Classroom Law Project's board of directors. When I need volunteers for our next event – speakers, scholars, judges, guides – I know who to call.

I have taught two semesters of Street Law every year for the past 40 years. At roughly 30 students per year, there are about 1200 alumni. They are ambassadors for Classroom Law Project, the law school, the high school, the community, or all of the above. In any case, another 30 potential new volunteers are added to my list every year.

A-Jennifer: One of the more significant Street Law goals is contribution to the community. Law students enroll in Street Law because they want to give back and the best way to do that is to share their new knowledge with others in need.

Q: Any Final Thoughts?

A-Marilyn: Classroom Law Project's mission statement is, "...individuals, educators, lawyers, and civic leaders building strong communities by teaching students to be active citizens." Street Law serves that mission. From law student to high school student to teacher, from lawyer to volunteer to legislator, communities are strengthened. Street Law is making a difference.

A-Jennifer: I am also the executive director of Learning Law and Democracy, a Minnesota non-profit organization that sponsors programs to foster civic learning, teaching what it takes to tackle the most important role of citizen. Because in a self-governing society, we all must step to the plate to do our part to advance the constitutional experiment. Street Law helps build the leaders we need. At the end of every Street Law course, I ask the students to reflect on what they have learned that will help them be a better lawyer. Without exception over the many years, they talk about how they want to be leaders in their communities. They want to get involved in improving civic education in their schools. They want to make a difference.

Book Review

Street Law: Democracy For All – Learner’s Manual (2nd Edition 2017, ISBN 9871485119692)

Street Law: Democracy For All – Educator’s Manual (2nd Edition 2017, ISBN 9781485119708)

David McQuoid-Mason, Lloyd Lotz, and Lindi Coetze

Price: Free Download. Hard copy R240 (approx. conversion of £14.10 at time of publication)

Frances Ridout

Acting Director of the Legal Advice Centre and Barrister, Queen Mary University of London.

Street Law may have originated from the East Coast of America, but there is no doubt its growing popularity and effectiveness as a public legal education tool spans the globe. This Learner’s Manual and accompanying Educator’s Manual is aimed at young people, students and teachers. The combination of books serve as a functional Street Law tool far wider than the jurisdiction of its South African authors. It explains how democracy is widely viewed, the formation of governments, abuse of power, elections and the concepts and practices in citizenship. The refreshing simplicity and user friendliness of this manual is its strength. Far from undermining it’s depth as a

resource, this straightforwardness is an asset allowing the text to be given to a diverse age range of learners and a diverse experience range of educators. The book aims to improve the understanding of the reader on principles of democracy and it certainly does this in a beautifully simplistic way using pictures, diagrams and examples from South Africa and at times other jurisdictions.

At the heart of this publication is a series of interesting activities in every chapter, which can be tailored to suit the students. It is easy to think of simple adaptations which would make these exercises suitable for students from 11-21 years of age. The accompanying Educator's manual takes each exercise in the Learner's manual and provides a detailed breakdown of the objectives of the exercise, the procedure to run the exercise, the timings of doing so, and what materials are needed.

Chapter 1 focuses on the different types of democracy and the fundamental principles behind it. The exercise ideas for students in this chapter go beyond thinking about constitutional situations. They look at people's actions and whether they are considered to be a feature of democracy (e.g. exercise 10: do you think democratically?). This is also an example of the book subtly attempting to foster justice tolerance and fairness within its readers.

Chapter 2 describes the workings of a government in a democratic society including the role of constitutional legislation, and the structure of the court system in South Africa. The section on courts was one of the few sections where the manual was less transferrable between jurisdictions. However, one student exercise gives a valuable

set of guidelines for setting up a mock parliamentary debate on the death penalty and it is easy to see how university students running a Street Law project could adapt the topic but follow the structure of this exercise.

Chapter 3 looks at abuse of power, what it is, and domestic and international methods of keeping it in check. What is particularly timely in this chapter is the role of media in highlighting and potentially preventing that abuse.

Chapter 4 is about human rights (what they are and what categories they may fall into). There are also interesting sections on how they fit into a democracy, whether they should appear in a bill of rights and how to resolve situations where they conflict. There are a number of good situational exercises for students to consider whether it is ever justified to suspend a human right.

The focus of chapter 5 is voting and elections. The different types of voting, and principles and practices of free and fair elections are outlined. The interesting topic of funding political parties is brought into exercise 8 of this chapter. This chapter promotes political tolerance including an exercise asking students to consider the benefits of a multi-cultural society.

The final chapter in the manual is dedicated to citizen participation; how to be an informed citizen, participation, changing policies and responsibilities to other citizens. There is a great exercise asking students to think about how they would obtain further reliable information on a range of topics / rumours they hear, as well as more ideas for students to role play debates.

The manual also contains a useful glossary of terms and appendices which include an abbreviated version of the Universal Declaration of Human Rights, The African Charter on Human and People's Rights, the South African Bill of Rights, and part of the Electoral Code of Conduct.

This book lists as two of its aims; 'fostering justice, tolerance and fairness and developing students' willingness and ability to resolve disputes and differences without resorting to violence.'¹ While giving the appearance of being neutral, this book has a graceful undertone which leads the reader to a place grounded in the ethical principles of fairness and tolerance. At times the student exercises and answers in the corresponding manual may feel too prescriptive. However, they can be easily adapted and do provide a nice base to be used by a clinical legal education student perhaps lacking in confidence or experience. The book is unsurprisingly rooted in South African examples, situations, and documents but this can also serve to enhance the learning of clinicians and clinical legal education students outside this jurisdiction. Overall, these manuals are succinct, clear, and thought provoking. They will make a valuable contribution to any student group who are considering running Street Law programmes on issues of citizenship, democracy, constitutions or other matters of public law. At a reasonable cost, it is a worthwhile edition to any Street Law library collection.

¹ <https://juta.co.za/products/street-law-democracy-for-all-educators-manual/> (as of 12.01.18)