

Conference Report

**THE ED O'BRIEN STREET LAW AND LEGAL LITERACY
INTERNATIONAL BEST PRACTICES CONFERENCE, DURBAN,
SOUTH AFRICA , APRIL 2016**

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Background

South Africa has been the home of a vibrant public legal education (PLE) programme for many years². Indeed its Street Law initiative has been described as one of the strategic responses to and a catalyst for change during the apartheid era³. The focus on democracy and human rights for all in the lead up to and following the 1994 election has aided the transition from the old regime to the new⁴.

Ignorance of the law and legal process is of course a problem in many developing and developed countries⁵ and an international conference was therefore planned last year to bring the ever-expanding international legal literacy scene to Durban in order to identify

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² The history of this and Street Law's wider international presence is set out in 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.

³ See the Preface to *South Africa Street Law: Practical Law for South Africans*, L. Coetzee and D. McQuoid-Mason (Eds.), Juta Law 2004.

⁴ At the beginning of 1994, Street Law South Africa and Street Law, Inc. published the *Democracy for All* manuals for learners and educators in time for the run-up to South Africa's first democratic elections in April.

⁵ See Arthurs, Sean, G., 'Street Law: Creating Tomorrow's Citizens Today' (2015) *Lewis & Clark Law Review* Vol 19:4 925-960 for a recent US perspective on civic knowledge among high school students.

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and share best practice - an attempt to promote and support a better understanding of rights and responsibilities under the law.

The untimely death of the Street Law co-founder, Ed O'Brien⁶, in July 2015 gave the event even greater poignancy. The conference was not only a global sharing of experience but also an important reminder of how this movement began and of Ed's (and others') role in that process.

INTRODUCTION

The conference took place from 1 to 3 April 2016 hosted by the School of Law University of KwaZulu-Natal (UKZN) and Street Law South Africa in Durban, South Africa and was preceded by a three-day Ed O'Brien memorial safari (29-31 March) at the Hluhluwe-Imfolozi game reserve. Those who attended will recall the tranquil surroundings, the many and varied game sightings (including the once near-extinct white rhinoceros) and, of course, the impromptu monkeys' picnic!

This was a conference to honour Ed O'Brien and celebrate the 30th anniversary of the first international Street Law programme established at the University of KwaZulu-Natal (formerly the University of Natal), South Africa.

The conference intended to provide a platform for the sharing of best practices in public legal education through Street Law and other legal literacy and community outreach

⁶ Edward Lee O'Brien, 21 September 1945 – 2 July 2015. Former (and emeritus) CEO of Street Law Inc, Washington DC, USA.

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programmes and was attended by law teachers, law clinicians, law educators, law school staff and NGO co-ordinators and representatives.

CONFERENCE PROGRAMME/THEME

The main theme of the conference was *best practice lessons*. The conference timetable was structured to incorporate a number of strands, based on this theme. They were:

- Street Law curriculum development
- Building capacity for Street Law programmes
- Youth-based Street Law programmes
- Using Street Law as a pathway to Law School
- Street Law and democracy education
- Street Law and human rights education
 - general human rights education
 - the protection of the rights of vulnerable groups
- Using Street Law to teach about commercial and labour law

The conference consisted of a series of sessions/workshops in which best practice approaches addressing these themes were presented. Delegates from over 25 countries were represented and interactive papers (many incorporating the interactive Street Law methodology⁷) were given looking at the design, delivery and evaluation of Street Law programmes worldwide.

⁷ Street Law originated at Georgetown University, Washington DC in 1972 where groups of law students went into local schools to teach pupils about basic rights and responsibilities. The idea was that both the pupils and the students would learn in the process. A structured methodology now

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Day one

The start of the conference set the scene for the origins of Street Law and Ed O'Brien's unique contribution⁸, the development and key contribution of Street Law in South Africa and subsequently the range of Street law programmes and PLE initiatives world-wide.

Presentations under 'curriculum development' provided delegates with an insight into a number of innovative established and proposed PLE initiatives spread across four continents.

The first⁹ introduced the juvenile justice programme in the USA which has expanded from 94 youth courts in 1994 to more than 16,000 by 2015. These are voluntary process courts which involve young people, working with adults, to sentence their peers for a range of youth misconduct or juvenile offences. Sentences can include, inter alia, community service, jury duties in future youth courts and writing apologies to victims. The session highlighted how the widely accepted benefits of many Street Law programmes - active learning experiences that allow young people to: explore rights and responsibilities under the law; appreciate the legal system; confront and resolve disputes, and discuss and analyse public issues - are also acquired through youth court in a very real setting.

exists that has been developed by Street Law Inc. also of Washington DC and the Street Law approach or adaptations of it is now being used in over 50 countries of the world to promote a better understanding of law, democracy and human rights.

⁸ Ed's widow, May Gwynne O'Brien; Margaret Fisher, Seattle University School of Law (USA); Commissioner Mahomed Ameerma, South African Human Rights Commission (South Africa) and David McQuoid-Mason were amongst those who provided addresses and tributes.

⁹ M. Fisher, Seattle University School of Law, *Youth delivering justice through restorative justice peer courts*, Street Law Conference, Durban 2016.

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A vision for the Middle East followed which, if realised, would be a progressive achievement. This was to develop a Street Law programme that might potentially harmonize rules of Islamic law with human rights principles and tackle disputed or debated interpretation of the Quranic verses that could precipitate exploitation of young and vulnerable people.¹⁰ This contrasted with the presentation of an embedded Street Law programme in a compulsory legal practice module that addressed the challenge of supervisor-student ratio in a live-client clinic. The developed structure allows a relatively large number of students to experience community engagement and providing a legal knowledge service in different settings over 2 semesters.¹¹ The penultimate workshop in this strand demonstrated part of a lesson incorporating an investigative crime approach and using a real-life murder case to introduce students to the criminal justice system and enhance reasoning and critical thinking skills.¹²

Based on the premise that it is assumed that raising public awareness and understanding of the law and legal system should arm and empower people to tackle legal problems and contribute to addressing existing inequalities, this strand concluded with a call for empirical research to substantiate anecdotal evidence that improving levels of legal literacy could enhance access to justice more generally. The workshop highlighted the need for and

¹⁰ Mohamed Y. Mattar, Qatar University College of Law, *Utilizing the 'Street Law' mechanism in raising awareness about the true principles of Islamic Law*, Street Law Conference, Durban 2016.

¹¹ M. Welgemoed and D. David, Nelson Mandela Metropolitan University, *The incorporation of Street Law into the Legal Practice module at the Nelson Mandela Metropolitan University*, Street Law Conference, Durban 2016.

¹² J. Lunney, The Law Society of Ireland, *Dead bodies and live minds – the Michael Morton story: Street Law students as detectives*, Street Law Conference, Durban 2016.

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challenges faced by this proposal as well as possible means of developing such an evidence base.¹³

A lively participatory presentation launched the 'building capacity' theme. This featured a history of establishing community legal education (Street Law) programmes across the Asia region utilising common interactive approaches¹⁴. A focus on methods and paths to monitoring and evaluating the programmes linked effectively to the previous session.

The first day concluded with a workshop looking at the role Street Law can play in assisting those whose focus it is to provide services to others such as law centres, advice agencies and varied community-based organizations from a UK perspective. The group proposed possible solutions or strategies to the challenges inherent in delivering PLE to professional audiences.¹⁵

Day two

Again, four continents were represented on the second day.

A local organization set off the youth-based Street Law programmes strand with a presentation focusing on an initiative that includes law students trained to facilitate lessons and other activities based on the South African Constitution for schools and other

¹³ R. Grimes, University of York, *Developing and evidence base for measuring the outcomes of Street Law lessons*, Street Law Conference, Durban 2016.

¹⁴ B. Lasky and W. Moorish, Bridges Across Borders South East Asia Community Legal Education (BABSEACLE), *Street Law and interactive teaching methods – the South East Asia model*, Street Law Conference, Durban 2016.

¹⁵ R. Grimes, University of Northumbria, Newcastle, *Training the trainers – a lesson for capacity building*, Street Law Conference, Durban 2016.

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community groups.¹⁶ A main aim is to inspire and empower people to see and make use of the Constitution and move towards making its promises more of a reality in society in general.

The second and final workshop in this strand described a pilot project in community colleges in California designed to create a pathway to six of the state's most prestigious undergraduate institutions and their affiliated law schools intended particularly for groups traditionally under-represented in the legal profession. Each college is required to provide a 'Street Law-based' course as part of the core curriculum and a 'taster' Street Law lesson used as part of the initiative was demonstrated.¹⁷

The first 'democracy education' workshop gave an insight into the key role of Street Law in preparing South African citizens to vote in the country's first democratic elections in 1994.¹⁸ Delegates participated in one of the 'road to Democracy' exercises from the *Democracy for All* manual.¹⁹ This contrasted with an interactive session highlighting the compulsory voting system in Australia and a lesson on democratic participation and the importance of voting delivered by students to schools and community groups.²⁰ The final interactive session in this stream focused on developing students' understanding of key democratic principles²¹

¹⁶ C. Bruintjies, South African Constitutional Literacy and Service Initiative (CLASI), *Using law students as 'teaching fellows' to promote the South African Constitution*, Street Law Conference, Durban 2016.

¹⁷ E. S. Quinlan, Saddleback College, California, *Using Street Law to create pathways to law school from community colleges*, Street Law Conference, Durban 2016.

¹⁸ D. McQuoid-Mason, University of KwaZulu-Natal, *The genesis of the Democracy for All Street Law programme*, Street Law Conference, Durban 2016.

¹⁹ See note 4.

²⁰ J. Giddings, Griffith University, *Democratic participation and making your vote count*, Street Law Conference, Durban 2016.

²¹ L. Madlenakova, Palacky University, *Democratic Banana Republic*, Street Law Conference, Durban 2016.

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once again demonstrating the value of Street Law in raising citizens' awareness of and promoting active participation in democratic institutions.

A number of varied and vibrant presentations reiterated and confirmed the vital part PLE and Street Law plays in promoting and developing human rights awareness and education world-wide often through law school engagement and particularly working with other organizations.

Some highlighted inherent challenges to student and lawyer participation in PLE programmes²² and others the benefits students themselves derive from their own developed understanding of human rights in practice through working with sufferers of human rights violations.²³ Delegates were also introduced to Street Law programmes targeting specific marginalized and vulnerable groups and communities which provide both students and participants with understanding and empowerment. These included work with a range of people and human rights issues: disability groups;²⁴ gender-based violence²⁵ and violence against women and children.²⁶ Resources have also been developed to support the multi-

²² A. S. Mizan, North South University, *Challenges of Street law in developing countries: lessons from Bangladesh on promoting human rights and legal literacy amongst common citizens*, Street Law Conference, Durban 2016.

²³ U. Aydin, K. Turani and E. B. Demirayak, Anadolu University, *How to start the first ever law clinic promoting human rights in a state university: lessons from Turkey*, Street Law Conference, Durban 2016.

²⁴ L. Ernst, University of Hong Kong, *Engaging persons with intellectual disabilities: transforming communities through Street Law*, Street Law Conference, Durban 2016.

²⁵ C. Ojiaka, Imo State University, *Gender-based violence outreach programme: Best practices*, Street Law Conference, Durban 2016.

²⁶ L. Coetzee, Nelson Mandela Metropolitan University, *The 'Crimes against Women and Children' Street Law programme*, Street Law Conference 2016.

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disciplinary Street Law training programme (in South Africa) focused on effective evidence collecting in domestic violence cases.²⁷

Day three

Following the conclusion of the human rights sessions, the final stream focused on how Street Law can be used in teaching about commercial and employment law through novel and exciting initiatives.

Delegates were introduced to one such programme in the UK that involves postgraduate law students providing classes to school pupils on law and entrepreneurship and associated legal issues with the opportunity to pitch their own technology or enterprise business ideas to a large technology law firm.²⁸ Another is aimed at supporting self-represented parties at employment tribunals by providing guidance on tribunal procedure. The programme also allows students to work with the tribunal service to try and address some of the effects on the justice system of cuts to public funding.²⁹ In the Caribbean, the focus is on the development of a community project to inform ordinary citizens about basics of contract and commercial law that affect daily personal and business transactions and how this impacts on sustainable economic development.³⁰

²⁷ The training manuals are: *Crimes against Women and Children: A Medico-legal Guide and Forensic Medicine and Medical Law*.

²⁸ P. Cahill, Queen Mary College, University of London, *Teach Tech Law: An entrepreneurship Street Law programme in East London, UK*, Street Law Conference, Durban 2016.

²⁹ L. Thomas, University of Birmingham, *The Employment Tribunal procedure in England and Wales: Developing a Street Law programme to assist litigants in person in the wake of cuts to legal aid*, Street Law Conference 2016.

³⁰ C. Malcolm, Mona Law Institutes, University of the West Indies, *Taking law to the streets: Fostering a new form of engagement in support of economic development through community-centred legal education*, Street Law Conference, Durban 2016.

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Overall, the sessions/workshops highlighted the range of ever-expanding³¹ programmes and approaches and the power of public legal education in general and Street Law in particular in reaching many communities and groups in developing and developed countries who are unaware of their legal rights and responsibilities.

As well as the public benefit, it was also clearly shown that law students can be closely involved in preparing and delivering presentations/workshops and in doing so can gain considerably in terms of their own education, appreciating both substance and context. Knowledge, skills and wider ethical considerations can all be effectively studied through involvement in PLE in general and Street Law in particular. For all (the law student and the wider public) to realise that law involves not just individual rights and responsibilities but choices and values is, it is suggested, an important lesson.

PLE can, as demonstrated in South Africa, also see greater community involvement and empowerment in daily life, in the democratic process and in the shaping of law and policy.

CONCLUSION & OUTCOMES

Apart from the informative value of the 3-day conference it is anticipated that the event is likely to have longer term impact. A book is to be published setting out models for public legal education and practical guidance on the development of Street Law and other legal literacy programmes including best practice lessons³². A Street Law Global Network group has been set up for individuals involved in supporting Street Law or public/community

³¹ For example, the Jamaican Street Law initiative is due to be launched by the Mona Law Institute in early June 2016.

³² D. McQuoid-Mason (Ed.), *Street Law: best practice from around the world*, Juta Law, forthcoming, 2017.

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legal education programmes across the globe to link up.³³ It is also planned that an international journal will also now follow to enable the sharing of ideas to continue into the future and to provide a conduit for serious discussion on the nature, role and impact of public legal education.

The legacy left by Ed O'Brien is profound and likely to have a lasting and positive effect.

Thanks are due to David McQuoid-Mason and his team at the University of KwaZulu-Natal and Street Law South Africa³⁴ for organising such an important event.

³³ For further information or to join the Network please contact: streetlawglobal@googlegroups.com

³⁴ In particular to Melanie Reddy, Melissa Murray, Eban van der Merwe & Lloyd Lotz.