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## The Binary Value of Law School Based Public Legal Education Programs

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# Public Legal Education

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## The Role of Law Schools in Building a More Legally Literate Society

Richard Grimes

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Summary: "This book makes the case for a more legally literate society and then addresses why and how a law school might contribute to achieving that. As well as examining what public legal education (PLE) is and the forms it can take, the book looks specifically at the ways in which a law school can get involved including whether that is as part of an academic, credit-bearing, course or as extra-curricular activity. Divided into 5 main chapters the book first examines the nature of PLE and why its provision is so central to the functioning of modern society. Models of PLE are then set out ranging from face to face tuition to the use of hard-copy material including the growing importance of e-based technology. One model of PLE that has proven to be very attractive to law schools - Street Law - is described and analysed in detail. The book then turns to look at the considerations for a law school wishing to incorporate PLE into its offerings be that as part of the formal curriculum or not. The subject of evaluation is then raised - how might we find out if what we do by way of PLE is effective and how it might be improved upon? The final chapter reaches conclusions, some penned by the book's author and others drawn from key figures in the PLE movement. This book provides a thorough examination of PLE in a law school context and contains a set of templates that can be implemented and/or adapted for use as the situation and jurisdiction dictates. An accessible and compelling read, this book will be of interest to law students, legal academics, practising lawyers, community activists and all those interested in public legal education" - Provided by publisher.

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The Human Rights Wall, Durban, South Africa. For a detailed account of the history and significance of this mural see: D. McQuoid-Mason, *Phansi: the birth of the Bill of Rights and Human Rights Wall*, Centre for Socio-Legal Studies, University of KwaZulu Natal, 2017. Photographer: Richard Grimes, 2015.

# Conclusions

Don't just take my word for it!

*With contributions from Scott Walsh,  
Margaret Fisher, John Lunney, Michal Urban,  
Sarah Morse, Amy Wallace, Ben Perdue,  
Sean Arthurs, Jeff Giddings and David McQuoid-Mason*

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I hope that this book has provided a sufficiently in-depth look at PLE and law school involvement, actual and potential, to enable those wishing to move into or further develop this form of legal education to have the means, confidence and tools with which to do so.

If one asks those who do public legal education (PLE) on a regular basis, there is, perhaps predictably, a belief that not only is PLE an important component of socially relevant education but that it is worth doing in terms of its impact. As we have seen at numerous junctures in the book, this is hard to prove evidentially, but the studies we do have in this and other subject matter of relevance to the wider community, such as health and financial literacy, support the view that it can make a difference.

In addition, the sheer bulk of anecdotal reporting along with the supportive if limited empirical findings also lends credence to this perception. In the Foreword to the recently published book *Street Law and public legal education*, edited by David McQuoid-Mason, the Human Rights Commissioner for South Africa says (in relation to one particular form of PLE, but I suggest equally applicable to others):

The question one asks about the Street Law journey is: Did Street Law make a difference? The answer must be a resounding yes. Indeed through ... strategic collaborative partnerships in Southern Africa, we have touched the lives of over 10 million school-learners, and empowered over 360,000 teachers in the ... region. In 2018 we were recognised by the United Nations Human Rights Council in Geneva ... as leaders and pioneers in the global human rights education space.<sup>1</sup>

Whilst not every country and law school may have operated in the unique circumstances and on the scale that South Africa has experienced over the past 30 years or more the reported experience is very similar elsewhere. It seems to make little or no difference as to which jurisdiction PLE is found nor whether the legal system has its origins in the common, civil or Shari'a law.<sup>2</sup>

The UK Task Force report widely referred to in this book also highlights a comparable recognition of the importance of PLE and of the significant opportunities that exist for developing and delivering it.<sup>3</sup>

Even if one is somewhat doubtful of its impact, given the relative paucity of empirical evidence, the very cost of having unresolved legal disputes, in the United Kingdom alone estimated at over £3.5 billion pounds a year, would suggest that improving levels of legal literacy might reduce the negative impact, both financial and human.<sup>4</sup> Even if the expense involved in what I believe is necessary longitudinal research is relatively high the prospect of limiting the cost, in every sense, of a lack of legal awareness may well be a price worth paying. In basic human rights terms, I suggest that it is a moral imperative.

For law schools, there are, of course, challenges. If PLE is to form part of the overall portfolio, whether for credit or not, then space must be found, resources must be allocated and programmes must be supervised and monitored. The analysis provided here along with the suggested templates for creating, delivering and evaluating PLE provision should assist law school staff and students. Of course this guidance can be used as a starting point as nothing is prescribed, save for any regulatory requirement on teachers and practising lawyers. What is included is an attempt to provide a summary of 'best' practice based on many years of experience – personal and otherwise.

I thought it might be helpful in conclusion to ask others for their take on the value of PLE generally and the relevance of this to law schools in particular. What follows is a brief account of the views of a small number of highly experienced and influential colleagues. I think their words speak volumes and underpin much of what has been said so far in this volume.

Here they are:

**Amy Wallace<sup>19</sup>: *The binary value of law school-based PLE programmes***

PLE is fundamental to equal and effective civic participation. Community members must be able to access information about their rights and responsibilities, how government functions and how to effectuate change in order to empower them to be actively involved. We cannot complain that large segments of the population do not participate in civic society when we have not shown them how to engage. For decades, PLE programmes like Street Law have been filling educational gaps in civics instruction.

Most Street Law programmes target underserved communities where educational inequities can be the most severe. These programmes focus on developing critical thinking, analytical problem solving, advocacy, and communication skills. These competencies are essential for the development of a college or even law school pipeline, and they are also life skills essential for successful civic engagement.

The law school-based clinical or experiential programmes can not only lead to more informed constituents but also to culturally competent and public interest-oriented attorneys.

Law school-based Street Law programmes in the United States vary significantly from school to school. Some are taught by faculty and are credit-bearing. Others exist as or are coordinated through student organisations. Still

others are run through law school diversity or pro bono offices. The 'clients' differ as well. Although most programmes place law students in high schools, other programmes work in shelters with the homeless or survivors of domestic violence, or in correctional facilities. The subjects taught include criminal law and procedure, constitutional law, housing law, family law, intellectual property, consumer law and financial responsibility.

Law students who participate in these programmes are overwhelmingly positive about their experiences. Not only do they generally enjoy teaching but they also develop significant professional lawyering skills. Skills developed by law students can be divided into five broad themes:

- explaining legal concepts to non-lawyers,
- public speaking,
- development of substantive legal knowledge,
- research and preparation and
- cultural competency and community connection.

As practicing lawyers, our clients are typically non-lawyers, so being able to explain legal issues clearly for lay audiences is an invaluable skill and one not frequently practiced in law school. Although public speaking is a regular component of a law school curriculum, Street Law allows law students to practice in a non-traditional academic setting. Participation in Street Law type clinical or experiential programmes develops existing and new substantive legal knowledge. Students review and refine topics they have already studied in law school in order to prepare to teach. They must also learn new legal topics of interest to their students. Teaching requires law students to develop research and preparation skills. They must examine issues from all angles including public policy concerns and community impact in order to address questions that may arise in class. Finally Street Law connects law students with the community. Law students interact with and hear the viewpoints of their students and are therefore more likely to be thoughtful about the effect of the law on those in different circumstances.

PLE programmes are an invaluable component of both the law school and wider communities. They empower law students and constituents with knowledge and skills to magnify their impact.