

Editorial

Approaches and Impact

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With the start of the new academic year, many of us will have hoped for a return to some 'normality' in terms of our teaching and ways of working. Unfortunately, however, in light of the continuing pandemic, this is likely to look different for some further time to come and whilst some will be experiencing a move back to predominantly face to face teaching, others might be taking a more blended approach or seeing a continuation of online work. Regardless, and despite the many challenges, it is evident that invaluable and innovative teaching and research in the field of PLE has continued over the last 18 months. I anticipate that others, like myself, might be considering how what we have learnt over this period can potentially benefit or translate to our teaching and research this year and beyond. With that in mind I hope that this issue of the journal provides food for thought and encourages you to continue to share details of your work- something which is so important for development in the field.

Our first article is a fascinating exploration of the relationship between legal capability and the capabilities approach. The concept of legal capability (with its focus on

possessing knowledge, skills and attitudes to recognise, deal with and resolve law related issues) is central to our understanding of PLE. Professor Dawn Watkins reflects upon the commonly held view that this is closely linked to the capabilities approach (which, in broad terms, is stated to evaluate human wellbeing with reference to individual freedoms rather than in monetary or material terms) and examines the history of this, the true nature of the relationship and, in concluding that the relationship is in fact more disparate, considers the pros and cons of 'reimagining' the relationship to bring these two fields closer together. There is much for the reader to ponder here including the desirability of this, with potential scope for further discussion and exploration.

Our second article provides an evaluation of the impact of Street Law programmes on the law student instructors. Brandon Golob explores whether participation impacts upon students' mastery and performance orientated goals as well as providing evidence of the impact on law students self-efficacy for communicating legal information to non-lawyers, public speaking, developing lawyer/client relationships and soft skills (such as empathy). Evaluation relating to the impact of PLE is of interest and importance to us all- potentially providing an evidence base upon which to sustain and develop our programmes and work -so this article is a welcome addition to that.

Further discussion regarding the benefit of PLE programmes for law students is found in our third article. Here, Keren Lloyd Bright, with Maria McNicholl, reflect upon the PLE in prisons programmes operated by the Open University (through its Open Justice Centre). As well as providing insight into the benefit for law students the authors also explore the benefit for prisoners in the context of rehabilitative prison culture. The article considers why these opportunities have been offered to students, why the projects are designed as they are, what has been achieved and scope for future development. A variety of methods and programmes are explored here - the prison radio project and charity collaboration will, I'm sure, generate interest and ideas for those who work in this environment or are considering doing so.

Finally, Amy Wallace provides a review of *Public Legal Education: The Role of Law Schools in Building a more Legally Literate Society* authored by Richard Grimes and published by Routledge in May 2021. This thoughtful review will undoubtedly leave you wanting to read more and the information and resources provided within the book will prove useful to many of our readers.

Reimagining the relationship between Legal Capability and the Capabilities Approach

Professor Dawn Watkins¹

Abstract

Within the literature on public legal education and legal capability, it is commonly stated that the concept of legal capability is closely related to the capabilities approach pioneered by economist and political philosopher Amartya Sen. This paper critically examines this assertion. Part I seeks to demonstrate that whilst they share some broad affinity, the relationship between legal capability and the capabilities approach is currently disparate in both conceptual and practical terms. In Part II, the paper goes on to consider what might happen if this relationship is reimagined and the two fields brought closer together. Aspects of this reimagining are then considered in turn. The paper concludes by summarising the potential advantages and disadvantages of this proposed reimagining, and by raising questions as to whether the implications of establishing a closer relationship between legal capability and the capabilities

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approach warrant further exploration, or whether it is preferable for the distance to be maintained.

Introduction

Legal capability has been described variously as ‘the personal characteristics or competencies necessary for an individual to resolve legal problems effectively’;² ‘the ability of individuals to recognise and deal with law-related issues that they might face’³ and ‘the abilities that a person needs to deal effectively with law-related issues.’⁴ The latter description was provided by Jones in a 2010 publication for the Public Legal Education Network (Plenet); one of the first organisations to develop a conceptual framework for legal capability. This framework focused on knowledge, skills and attitudes, and provided a model for informing its work in public legal education (PLE) in the UK.⁵ Since then, further frameworks and matrices of legal capability have been advanced in the UK and elsewhere. These vary in terms of content, but overall tend to adhere to the idea of knowledge, skills and attitudes as constitutive elements.⁶

² C Coumarelos, D Macourt, J People, HM McDonald, Z Wei, I Iriana and S Ramsey, 2012, Legal Australia-Wide Survey: legal need in Australia, Law and Justice Foundation of New South Wales, Sydney, 29.

³ S. Collard, C. Deeming, L. Wintersteiger, M. Jones, J. Seargeant, Public Legal Education Evaluation Framework, Public Legal Education Network, 2011, 3.

⁴ Martin Jones, Legal Capability. London: Plenet, 2010, <http://lawforlife.org.uk/wp-content/uploads/2013/05/legal-capability-plenet-2009-147-1-147.pdf> p.1 (accessed 05.10.21) Plenet was established in 2007 with funding from the Ministry of Justice to take forward recommendations of a Public Legal Education and Support (PLEAS) Task Force.

⁵ Community Legal Education Ontario (CLEO), Building an understanding of legal capability: An online scan of legal capability research, (CLEO, 2016)

⁶ See for example, Collard et al. (n 3); L Mackie, Law for Life Legal Capability for Everyday Life Evaluation Report, (London: The Gilfillan Partnership, 2013); CLEO, *ibid*.

The capabilities approach (also commonly referred to as the *capability* approach) was pioneered by economist and political philosopher Amartya Sen, an Economics Nobel prize winner who has been described as ‘one of the key thinkers and commentators of the late twentieth and early twenty-first centuries.’⁷ Sen’s ideas were presented initially in his 1979 Tanner Lectures, and developed in subsequent publications by Sen and by others, most notably Martha Nussbaum. As now developed, the approach has been described as ‘open-ended and underspecified’⁸ in nature. Hence it is impossible to provide a precise definition, but a central feature of Sen’s capabilities approach is its concern to measure or evaluate human wellbeing according to the freedom or real opportunity each person has to live a life that she or he values, and has reason to value.⁹ Because of this focus on individual freedoms, the capabilities approach necessarily represents a challenge to established ways of thinking about or evaluating human wellbeing where the traditional focus has been on purchasing power or the material standard of living.¹⁰ It has been applied to varying degrees in a range of fields; notably it has contributed directly to the United Nations Human Development approach and the establishing of the Human Development Index ‘to emphasize that

⁷ M Walker and E Unterhalter, ‘The Capability Approach: Its Potential for Work in Education’ in M Walker and E (eds), *Amartya Sen’s Capability approach and Social Justice in Education* (Palgrave Macmillan, 2007), 1-18, at 1.

⁸ I Robeyns, *Wellbeing, Freedom and Social Justice - The Capability approach Re-Examined* (Open Book Publishers, 2017) 24.

⁹ S Alkire and S Deneulin, ‘The Human Development and Capability Approach’ in S Deneulin and L Shahani (eds), *An Introduction to the Human Development and Capability Approach: Freedom and Agency* (Earthscan, 2009), 22-48, at 32.

¹⁰ Walker and Unterhalter (n 7) 1

people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone.’¹¹

Within the literature on PLE and legal capability, it is commonly stated that the concept of legal capability is closely related to the capabilities approach. This paper critically examines the nature of this relationship. Part I seeks to demonstrate that whilst they share some broad affinity, the relationship between legal capability and the capabilities approach is currently disparate in both conceptual and practical terms. In Part II, the paper goes on to consider what might happen if this relationship is reimagined and the two fields brought closer together. Aspects of this reimagining are considered in turn under three headings: emphasising choice and opportunity, broadening perspective, and promoting participatory approaches. The paper concludes by summarising the potential advantages and disadvantages of this proposed reimagining, and by raising questions as to whether the implications of establishing a closer relationship between legal capability and the capabilities approach warrant further exploration, or whether it is preferable for the distance to be maintained.

¹¹ UN Development Programme, Human Development Index, available at <http://hdr.undp.org/en/content/human-development-index-hdi> (accessed 05.10.21).

Part I – the current nature of the relationship

In his 2010 publication for Plenet, Jones explicitly attributes the origins of legal capability to Sen's work.¹² Subsequently, in their 2011 evaluation framework for PLE, Collard et al. describe legal capability as 'drawing from wider capabilities theory'¹³ and in their 2016 overview of legal capability research, CLEO describe the concept of legal capability as being 'rooted in the "capabilities" approach developed by economist Amartya Sen'.¹⁴ More recently, writing in 2019, Pleasence and Balmer maintain legal capability 'can best be understood as an aspect of economist Amartya Sen's idea of capability as "the substantive freedom to achieve alternative functioning combinations (or, less formally put, the freedom to achieve various lifestyles)."'¹⁵ So from the perspective of legal capability, it is possible to state with some certainty that a relationship exists between legal capability and the capabilities approach. The focus of legal capability is on measuring/improving an individual's ability to deal with law-related problems; so contributing to his or her wider wellbeing.

The nature of this relationship from the perspective of the capabilities approach is more challenging to describe, but can be made more simple through analogy. If we imagine legal capability and the capabilities approach as two human families; we can say that most members of the legal capability family consider themselves to be related

¹² Jones (n 4) 1, citing A Sen, *The Idea of Justice* (Allen Lane, 2009)

¹³ Collard et al. (n 3) 3, citing A Sen, *The Idea of Justice* (Penguin, 2010)

¹⁴ CLEO (n 5) 2, citing A Sen, *The Idea of Justice* (Harvard University Press, 2009)

¹⁵ P Pleasence and N Balmer, 'Justice & the Capability to Function in Society' *Dædalus*, the Journal of the American Academy of Arts & Sciences, 140-149, at 141; citing A Sen, *Development as Freedom* (Oxford University Press, 1999), 75.

to the capabilities approach family; and that they share a common ancestor in Amartya Sen. However, as will be discussed further below, members of the (relatively small) legal capability family have not developed relationships with members of Sen's larger and ever-increasing extended family. Conversely, and perhaps more controversially, Sen's extended family members have never made contact with any of their legal capability relatives and – if asked – may question that any relationship exists between them.

The lack of relationship is evidenced by its absence in the capabilities approach literature. In her 2017 review and consolidation of the capabilities approach, Ingrid Robeyns provides an overview of the diverse range of fields in which the capabilities approach has been applied.¹⁶ Whereas Robeyns recognises that the extent to which the approach has been applied and/or developed in different fields varies widely, she makes no reference to work on legal capability in this influential text. To cite a more specific example, apart from the author, the only participant presenting on the subject of legal capability at the Human Development and Capability Association Conference in 2019 argued:

'The current attempts at defining legal capabilities... have one major disadvantage. Even though they refer to the capability approach of Sen, none of them offers a strong theoretical reference to it... The idea of capabilities is taken

¹⁶ Robeyns (n 8) 9, 16-18.

as a starting point without paying much attention to further implications of this approach.¹⁷

The disparity is evidenced further by the different customs and terminology that the legal capability and capabilities approach families have adopted. Put simply – they do not speak the same language. For example, ‘functionings’ and ‘capabilities’ are key concepts within the capabilities approach and ‘the most important distinctive features of all capabilitarian theories.’¹⁸ This distinctive language of functionings and capabilities, and the emphasis on agency and freedom to choose, is discernible in discrete elements of legal capability scholarship.¹⁹ However, predominantly the terminology of legal capability relates to the three elements of knowledge, skills and attitudes identified by Jones in 2010; with knowledge and skills continuing to be presented as two underlying dimensions, and the third category of ‘attitudes’²⁰ being either retained or modified to refer to alternative terms such as ‘psychological readiness to act’²¹ or ‘confidence’.²² Pleasence et al. extended this underlying structure

¹⁷ Ann-Katrin Habbig, HDCA conference presentation, unpublished, September 2019. The HDCA was established in 2004 ‘to promote high quality research in the interconnected areas of human development and capability’ and its first President was Amartya Sen. See <https://hd-ca.org/about/hdca-history-and-mission> (accessed 05.10.21)

¹⁸ Robeyns (n 8) 38.

¹⁹ See for example, Pleasence and Balmer (n 15) 140-149 and P Pleasence, C Coumarelos, S Forell and H McDonald, *Reshaping Legal Assistance Services: Building on the Evidence Base* (Law and Justice Foundation of New South Wales, 2014) 130-137

²⁰ Pleasence et al. *ibid.* 122

²¹ H.M. McDonald and J. People, ‘Legal capability and inaction for legal problems: knowledge, stress and cost’ *Updating Justice* No.41, June 2014, 2.

²² Mackie (n 6) 28.

to include resources,²³ but other key capabilities approach terms, such as conversion factors (each person's ability to convert resources into functionings)²⁴ and structural constraints (factors *external* to each person, such as institutions, social norms and environmental factors)²⁵ do not feature in the literature.

Tracing the disparity in relationship

The disparity in the relationship between legal capability and the capabilities approach can be attributed to the fact that the development of the concept of legal capability has been influenced by two major factors outside of the capabilities approach. To revert to the earlier analogy; the legal capability family considers itself related to Sen, but it has other significant relationships. It has strong connections with the access to justice agenda and associated legal needs-based research. In terms of its conceptual development, it also has a less obvious but important association with work in the field of financial capability.

Dealing first with financial capability. The significance of Jones' 2010 publication for Plenet and its influence on subsequent work has already been stated in this paper and we already know that Jones attributes the origins of legal capability to the capabilities approach; emphasising 'functional capabilities or 'substantive freedoms', looking at what human beings need to be able to do or be to effectively assert choices over their

²³ Pleasence et al. (n 19) 126-7, drawing on R McLachlan, G Gilfillan and J Gordon, Deep and Persistent Disadvantage in Australia (Australian Government Productivity Commission, 2013).

²⁴ Robeyns (n 8) 45.

²⁵ Robeyns (n 8) 45-47 and 83.

own well-being'.²⁶ However, a notable feature of Jones' publication is its discussion of steps taken by the Financial Services Authority (FSA) to establish a model for financial capability. The result of the work undertaken by the FSA was 'a conceptual model based on Knowledge, Skills and Attitudes.'²⁷ Jones explains how this model informed foundational work by Plenet, based on the view that 'the capabilities approach of knowledge, skills and attitudes clearly has relevance in a civil law context.'²⁸ He reports that in 2008 and 2009, Plenet ran a number of exercises to explore what capabilities people need to be able to deal with law-related issues; 'What knowledge do they need? What skills do they require? What attitudes should they have?' Their conclusion was that 'the troika of knowledge, skills and attitudes *does work* [emphasis added] for legal issues and provides a useful conceptual framework to guide our PLE work.'²⁹

It is argued that Jones' reference to 'the capabilities approach of knowledge, skills and attitudes' evidences a fundamental disparity in the relationship between legal capability and the capabilities approach. At a broad, aspirational level, a concern to measure and improve people's ability to deal effectively with law-related problems certainly aligns with Sen's focus on personal capabilities. But the more detailed and sustained focus on knowledge, skills and confidence comes from somewhere else; from financial capability and its own antecedents.³⁰ The disparity is demonstrated

²⁶ Jones (n 4) 1.

²⁷ Jones (n 4) 2.

²⁸ Jones (n 4) 3.

²⁹ Jones (n 4) 4.

³⁰ Exploring the background of the FSA's work on financial capability is beyond the scope of this paper.

further in the work of Collard et al. Again at an aspirational level, Collard et al. refer to Sen and the role of PLE as enabling people to 'become more legally capable... to take more control of their lives and so improve them...to incorporate functional capabilities or 'substantive freedoms' that individuals need to assert effective choices over their own well-being.'³¹ But when taking steps to conceptualise legal capability in more detail, the authors rely on four domains of financial capability modelled by the FSA in 2006.³² Through engagement with PLE literature and with feedback from PLE experts, Collard et al. identify four analogous domains of legal capability; 'recognising and framing the legal dimensions of issues and situations; finding out more about the legal dimensions of issues and situations; dealing with law-related issues and situations; engaging and influencing.'³³ The value of this work is not disputed. However, it does demonstrate that developments in the concept of legal capability have been significantly influenced by analogous work in financial services and not just by a broad allegiance to Sen's capabilities approach.

The second key relationship for legal capability is its historical and ongoing connection with legal needs research and the global access to justice agenda. Coumarelos et al. explain that surveys of the general public to assess their legal needs date back to the 1930s. Initially these surveys focussed on a narrow interpretation of legal need; assessing how far people were able to access legal professionals and the

³¹ Collard et al. (n 3) 3.

³² These are: managing money, planning ahead, choosing financial products and staying informed. See Collard et al. (n 3) 4.

³³ Collard et al. (n 3) 4.

justice system.³⁴ But they demonstrate that within some legal systems and systems of government, there has been a long-standing concern to explore the experiences of non-lawyers as they engage in the legal world. More specifically to the concept of legal capability, Marc Galanter argued as far back as the 1970s that ‘...lack of capability of parties poses the most fundamental barrier’ to their access to ‘legality’ and citing contemporary scholarship he proposes that as well as modifying systems and institutions, research should be conducted into how the ‘personal competence’ of parties might be enhanced.³⁵ He states: ‘We need research on party capability. Let’s begin from the question of personal competence. What makes parties competent and effective at securing remedies or participation or whatever? Does it depend on personal characteristics like poise, confidence, education, information, proclivity and ability to bargain?’³⁶ The narrow focus on formal legal proceedings (and so ‘parties’ for Galanter) was expanded in subsequent years, and legal needs surveys conducted by the American Bar Association in 1994, and in England and Wales by Hazel Genn in 1999 are described by Coumarelos et al. as ‘ground-breaking’ in their shifting away from narrow focus on formal justice, looking instead at a broader notion of ‘justiciable problems’ – a wide range of problems for which a legal remedy exists.³⁷ Since then,

³⁴ Coumarelos et al. (n 2) 3. See for example Charles E Clark and Emma Corvet (1938) *The Lawyer and the Public: An A.A.L.S. Survey*, 47 *YALE L.J.* 1272

³⁵ M Galanter, 'Delivering Legality: Some Proposals for the Direction of Research' (1976) 11 *Law and Society Review* 225, 242. Galanter cites J Carlin and J Howard *Legal Representation and Class Justice* (1965) 12 *University of California Los Angeles Law Review*, 381; Philippe Nonet, *Administrative Justice: Advocacy and Change in a Government Agency* (Russell Sage Foundation, 1969) and Douglas Rosenthal, *Lawyer and Client: Who's in Charge* (Russell Sage Foundation, 1974) in relation to the notion of ‘personal competence’.

³⁶ Galanter, *ibid.* 242.

³⁷ H Genn, *Paths to Justice: What People Do and Think about Going to Law* (Bloomsbury, 1999) 5.

multiple legal needs surveys have been conducted across different jurisdictions; providing vast amounts of valuable information on the nature of legal problems people encounter and how people's needs are met or not met when they encounter these problems.³⁸

Concerns expressed by Coumarelos et al. that this research 'has often proceeded without explicit, detailed definitions of the concepts of legal need and access to justice'³⁹ have been addressed to some extent in a guide published by the Organisation for Economic Co-operation and Development (OECD).⁴⁰ Whilst recognising the term is contested, the OECD guide defines access to justice as

'broadly concerned with the ability of people to obtain just resolution of justiciable problems and enforce their rights, in compliance with human rights standards...if necessary, through impartial formal or informal institutions of justice and with appropriate legal support.'⁴¹

The guide goes on to explain that whilst it is an elusive concept, legal need is closely linked to (and a constitutive element of) access to justice. Broadly:

'legal need arises whenever a deficit of legal capability necessitates legal support to enable a justiciable issue to be appropriately dealt with. A legal need is unmet

³⁸ Detailed information on the range and extent of these surveys is available in the OECD Guide authored by P Pleasence, P Chapman and N Balmer, *Legal Needs Surveys and Access to Justice*, (OECD/OSJI, 2019), 25-28

³⁹ Coumarelos et al. (n 2) 3.

⁴⁰ OECD Guide (n 38). This guide has directly informed the most recent legal needs survey in England and Wales: *Legal needs of Individuals in England and Wales Technical Report 2019/20* (YouGov, 2019).

⁴¹ OECD Guide (n 38) 24.

if a justiciable issue is inappropriately dealt with as a consequence of effective legal support not having been available when necessary to make good a deficit of legal capability. If a legal need is unmet, there is no access to justice.⁴²

The OECD guide notes there is no precise definition of legal capability, but identifies ‘much agreement among recent accounts of the concept.’⁴³ Citing some of the frameworks already referenced in this paper (e.g. Parle, Collard et al., Coumarelos et al.) the guide identifies as agreed constituents of legal capability: ‘the ability to recognise legal issues; awareness of law, services and processes; the ability to research law, services and processes; and the ability to deal with law related problems (involving, for example, confidence, communication skills and resilience).’⁴⁴ In keeping with the wider literature, brief reference is also made to the links between the concept of legal capability and ‘Sen’s (1980, 1999) capability approach to disadvantage.’⁴⁵

Summary to Part I

Whilst acknowledging it as a consistent feature in the legal capability literature, Part I of this paper has sought to contest the idea that legal capability has its origins in the capabilities approach and/or that it continues to be linked to the capabilities approach

⁴² OECD Guide (n 38) 24.

⁴³ OECD Guide (n 38) 86.

⁴⁴ OECD Guide (n 38) 86.

⁴⁵ OECD Guide (n 38) 41.

in any meaningful way. Rather, it is argued that as the legal capability and capabilities approach families have developed, the legal capability family has adopted Sen as a kind of 'honorary uncle' – someone originally unrelated to the family, but now embraced and respected by it. Sen's ideas may be said to have influenced the development of the concept of legal capability in very broad terms, but in terms of the detail, particularly in the development of legal capability frameworks, the influence of the capabilities approach as espoused by Sen and developed by others is much harder to discern (hence Habbig's criticism cited earlier).

But does this matter? From the perspective of legal capability scholars, it may be argued that there is no need for the capabilities approach to assert more than a broad influence over their work. The three categories of knowledge, skills and attitudes may not have descended directly from Sen, but they have provided an effective basis for further developing the concept of legal capability. Legal capability scholars may also point out that Sen has never formulated any specific list of capabilities, and so the broad but unspecified nature of his influence is entirely appropriate. Equally, from the perspective of the capabilities approach, it might be argued that there is no major problem. As already stated, the capabilities approach is described as 'open and underspecified' in nature, and it is 'generally conceived as a flexible and multi-purpose framework, rather than a precise theory.'⁴⁶ This creates potential for broad

⁴⁶ Robeyns (n 8) 24.

influence, and the risk of inflation expressed by Robeyns (that any theory can claim to be a 'capability theory' because of an affinity with the broader approach)⁴⁷ can be dealt with simply by preserving the status quo; i.e. a lack of acknowledgment from capabilities scholars that the two families are related.

It is tempting to leave it at that. But because there is at least a potential benefit, the second part of this paper seeks to explore whether it *might* matter. And here the author's intention is to raise questions and promote discussion, rather than to provide definitive answers. What might be the implications of establishing a closer relationship between legal capability and the capabilities approach? Might they warrant further exploration? Or is it preferable for the two families to maintain a distant relationship? Drawing particularly on Robeyns' text, Part II of this paper sets out a tentative reimagining of the relationship between legal capability and the capabilities approach, focusing on three main areas; emphasising choice and opportunity; broadening perspectives and promoting participatory approaches.

⁴⁷ It is partly to counter this risk that Robeyns sets out a very clear, modular interpretation of the capabilities approach in her 2017 text.

Part II – Reimagining the relationship

Emphasising Choice and Opportunity

As explained in Part I, ‘functionings’ and ‘capabilities’ are key concepts within the capabilities approach. Sen describes functionings as ‘the various things a person may value being or doing’⁴⁸ and capabilities are the freedoms or opportunities a person has to enjoy or exercise these functionings. Robeyns explains the distinction as follows:

‘...while travelling is a functioning, the real opportunity to travel is the corresponding capability. A person who does not travel may or may not be free and able to travel; the notion of capability seeks to capture precisely the fact of whether the person *could* travel *if* she wanted to. The distinction between functionings and capabilities is between the realized and the effectively possible, in other words, between achievements, on one hand, and freedoms or opportunities from which one can choose, on the other.’⁴⁹

So when referring to someone’s ‘capability’ within the capabilities approach, this refers to a combination or set of functionings that a person is free to achieve, or *choose* to achieve. What is valued, is the real freedom for the person to choose to exercise them.

This is a subtle but important point when applied in the context of legal capability. Arguably, as currently presented, frameworks of legal capability and descriptions of

⁴⁸ A Sen, *Development as Freedom* (Oxford University Press, 1999) 75.

⁴⁹ Robeyns (n 8) 39.

legal capability as ‘the personal characteristics or competencies necessary for an individual to resolve legal problems effectively;’⁵⁰ ‘the ability of individuals to recognise and deal with law-related issues that they might face’⁵¹ and ‘the abilities that a person needs to deal effectively with law-related issues’⁵² implicitly place value on specific abilities, rather than valuing a person’s freedom to choose whether or not to exercise them.

Related to this, a closer engagement with the capabilities approach reminds us that *persons* and the real opportunities each person has to live a life that she or he values are the central concern. As Robeyns summarises; ‘we should always be clear, when valuing something, whether we value it as an end in itself or as a means to a valuable end. For the capability approach...the ultimate ends are people’s valuable capabilities.’⁵³ So to articulate legal capability in capabilities terms, these are the ‘beings and doings’ that contribute to a person’s well-being when they encounter law-related problems. These should not be considered as any kind of benchmark qualification for all people to achieve.⁵⁴ Rather, they represent a sort of baseline of opportunity, or a means to the end of facilitating a person’s freedom to choose.

As stated earlier, Sen has never formulated any specific list of capabilities. However, Nussbaum has published a list of capabilities, referred to extensively in the wider

⁵⁰ Coumarelos et al. (n 2) 29.

⁵¹ Collard et al. (n 3) 3.

⁵² Jones (n 4) 1.

⁵³ Robeyns (n 8) 47.

⁵⁴ See further Walker and Unterhalter (n 7) 1-18.

literature, which she argues are the capabilities 'that can be convincingly argued to be of central importance in any life.'⁵⁵ For the sake of space, a shortened, paraphrased version of the list is presented below:

- *Life*: being able to live a life of normal length, and a life worth living.
- *Bodily health*: being able to enjoy good health, and have adequate food and shelter.
- *Bodily integrity*: being free to move freely, and being free from assault and violence.
- *Senses, imagination and thought*: being able to imagine, think and reason.
- *Emotions*: being able to have attachments to people and things outside ourselves.
- *Practical reason*: being able to form a conception of the good and engage in critical reflection about the planning of one's life.
- *Affiliation*: being able to live with others and engage in social interaction; being able to be treated as a dignified being with equal worth to others.
- *Other species*: being able to live with concern for and in relation to animals, plants and nature.
- *Play*: being able to laugh, play and enjoy recreational activity.

⁵⁵ M Nussbaum, *Women and Human Development* (Cambridge University Press, 2000) 74.

- *Control over one's environment*: being able to participate in political choices and being able to own property.⁵⁶

Taking this list as a kind of template, what happens if we reimagine legal capability in similar terms? What can we agree on as being central capabilities, or what a person is actually able to do and to be when encountering a law-related problem?

So where to begin? The capabilities literature supports the drawing on existing expertise as an appropriate starting point.⁵⁷ A legal capability framework published in 2019 by Balmer et al. is arguably most appropriate.⁵⁸ As well as being the most recently published framework, it is also the most comprehensive; taking into account and further developing the frameworks and matrices published internationally since Jones' initial work in 2010.⁵⁹ The vertical elements reflect the familiar dimensions of knowledge, skills and attitudes, but are expanded to include resources/environment, as identified by Pleasence et al. in 2014.⁶⁰ The horizontal dimensions draw on Collard et al.'s 2011 framework, discussed above, but are amended to take into account aspects of the 2019 OECD guide. The result is the identification of the following four broadly defined stages of dealing with a legal problem:

⁵⁶ The list can be read in full in Nussbaum, *ibid.* 78-80.

⁵⁷ See further I Robeyns (2003) *Sen's Capability Approach and Gender Inequality: Selecting Relevant Capabilities*, *Feminist Economics*, 9:2-3, 61-92; M Biggeri and S Mehrotra, *Child Poverty as Capability Deprivation: How to Choose Domains of Child Well-being and Poverty*, in M Biggeri, J Ballet and F Comim (Eds.) *Children and the Capability Approach* (Palgrave Macmillan, 2011), 46-75

⁵⁸ The framework is published in Appendix A of N Balmer, P Pleasence, T Hagland and C McRae, (2019). *Law...What is it Good For? How People see the Law, Lawyers and Courts in Australia*. Melbourne: Victoria Law Foundation, at 60-61. Available at <https://victorialawfoundation.org.au/research/research-reports/law-what-is-it-good-for-how-people-see-the-law-lawyers-and-courts-in-australia/> (accessed 05.10.21)

⁵⁹ See for example, Collard et al. (n 3); Mackie (n 6); CLEO (n 5).

⁶⁰ Pleasence et al. (n 19)

- Recognition of Issues
- Information/assistance
- Resolution
- Wider influence/law reform

The table is then populated to produce multiple discrete dimensions; identifying specific knowledge, skills, attributes and resources relevant to each stage.

Notably, Nussbaum emphasises her list ‘represents years of cross-cultural discussion’⁶¹ and is open to further amendment in the future. With this in mind, the list below should be considered merely a starting point for discussion, and certainly not an attempt to produce a definitive list. And as will be discussed further in the following section, some elements included in Balmer et al.’s list as dimensions of legal capability have been recategorised and removed altogether. With these caveats, some suggestions as to what is a legally capable person might actually be able to do and be are set out below:

- *Knowledge/Education*: be able to acquire knowledge about the nature and existence of law and rights (both general and specific to a situation).
- *Recognition*: be able to recognise the relevance of law to an issue or situation, and frame in legal terms.

⁶¹ Nussbaum (n 55) 76.

- *Research*: be able to find out more about the relevance of law to a situation; able to understand what information is required and locate it; able to assess reliability/credibility.
- *Assistance*: be able to seek and secure assistance from others.
- *Reasoning*: be able to think and imagine how law might apply to a situation and recognising the importance of the whole story.
- *Assessing*: be able to imagine and weigh up possible courses of action and possible outcomes; aware of own limitations and able to assess sources of help.
- *Planning*: be able to plan a course of action and anticipate potential barriers.
- *Fortitude*: be able to push for a desired outcome with firmness of purpose; legal confidence.
- *Influence/communication*: be able to engage and influence others.

This list represents a dramatic simplification of the Balmer et al.'s comprehensive framework and scholars working in the field of practical empirical measurement will justifiably call for the identification of more specific, discrete elements. Nevertheless, it is possible to argue that in this simplified form, the list represents a workable model for communicating the concept of legal capability to a wide variety of stakeholders; and particularly those people whose legal capability we are seeking to either measure or improve. As will be discussed further below, this increased accessibility is of importance if or when we seek to promote participatory approaches.

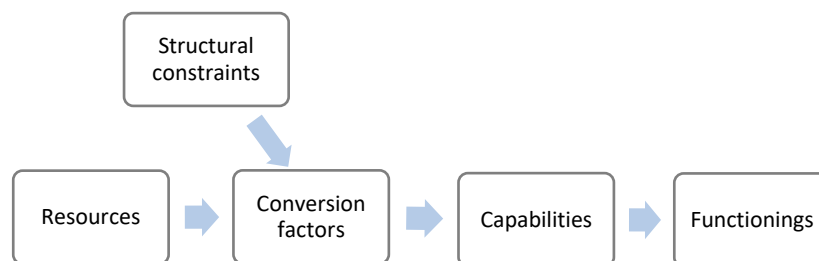
Broadening Perspective

In this section it is proposed that a reimagining of the relationship between legal capability and the capabilities approach leads to a broadening of perspective and a separating out of factors. In particular, this shift in perspective causes factors currently included as elements or aspects of a person's legal capability to be reimagined as factors highly relevant to but separate from them. Again, this is a subtle but potentially important shift which may be best demonstrated by focusing on specific elements. Beginning with resources: as stated elsewhere in this paper, Pleasence et al. have added resources to the troika of knowledge, skills and attributes that inform frameworks of legal capability and in Balmer et al.'s comprehensive framework, these resources are stated to include time, money, social capital, availability of services and availability of processes. As aspects of legal capability, the extent to which these resources are available to a person in any given situation – together with a range of other factors included in the framework - will determine the extent to which a person is or is not able to deal with a law-related problem they encounter.

If we refer back to the origins of the capabilities approach, then we recall that Sen's ideas were presented in opposition to the traditional methods of evaluating human wellbeing by reference to purchasing power or the material standard of living. Hence Robeyns describes capabilities as 'real freedoms or real opportunities, which do not

refer to access to resources or opportunities for certain levels of satisfaction.’⁶² At first sight, this may indicate that resources are not relevant to the capabilities approach. However, as Robeyns later makes clear, it is in the framing and conceptualising of capabilities that this separation from resources must take place. The importance of resources is recognised but they are situated ‘behind’ a person’s capability set; in recognition that a person’s capabilities are often determined by the resources available to them, combined with their ability to convert these resources into functionings (so-called conversion factors).⁶³ This is modelled below in Figure 1, in a much simplified version of Robeyns’ own visualisation of the core concepts of capability theories.⁶⁴

Figure 1 Modelling core concepts



Modelled in this way, the significance of resources as determinative of capabilities is emphasised but separated from a person’s capabilities, or their ‘beings and doings’. Arguably, this shifts the responsibility for the provision of resources away from the individual, and emphasises the potential for a person’s opportunities to be realised

⁶² Robeyns (n 8) 39.

⁶³ Robeyns (n 8) 45 and 145-6.

⁶⁴ Robeyns (n 8) 83.

via third-party interventions at the resources stage. Related to this, resources are viewed very broadly under the capabilities approach and so the resources specified by Balmer et al. could be augmented to include, for example, provision of and/or access to public legal education.

The issue of accessibility is highlighted through the recognition that capabilities are not only often determined by the resources available to a person, but also by their ability to convert these resources into functionings; so-called conversion factors. This means different types of resources and support are required to enable diverse populations to reach similar thresholds of functioning. In the context of the capabilities approach, Robeyns provides the following examples:

- *Personal conversion factors*: internal to the person; such as metabolism, physical condition, sex, reading skills, intelligence.
- *Social conversion factors*: stemming from society, such as public policies, social norms, practices that unfairly discriminate, societal hierarchies, or power relations related to class, gender, race, or caste.
- *Environmental conversion factors*; emerging from the physical or built environment in which a person lives, such as geographical location, climate,

pollution, the built environment, means of transportation and communication.⁶⁵

Whilst they are not described as ‘conversion factors’ many of these factors feature in analyses of legal needs surveys; which present evidence not only of the range and prevalence of law-related problems populations face, but also how particular problems are experienced by people or groups of people with different characteristics and from different environments. For example, from these we know that ‘disadvantaged people draw on fewer resources and are less able to avoid or mitigate problems.’⁶⁶ However, as with resources, many of these conversion factors feature *within* Balmer et al.’s comprehensive legal capability framework.

For example, literacy (in its various forms, including digital and information literacy) is identified as a dimension within the framework. And literacy is recognised in the capability approach literature as ‘a key determinant of wellbeing’ and ‘an important social entitlement.’⁶⁷ As Maddox identifies, in his writings Sen recognises ‘the *intrinsic* value of literacy’ at the same time as highlighting ‘its *instrumental* value in enhancing people’s wider agency, freedoms and capabilities’⁶⁸ and it is this instrumental value that Robeyns recognises in citing reading skills as a personal conversion factor. Applying this to the context of legal capability, it can be argued that literacy could be

⁶⁵ Robeyns (n 8) 46.

⁶⁶ OECD Guide (n 38) 31-33.

⁶⁷ B Maddox, (2008) ‘What Good is Literacy? Insights and Implications of the Capabilities Approach’ *Journal of Human Development*, Vol. 9, No. 2, 185

⁶⁸ Maddox *ibid.* 189

viewed as a conversion factor, rather than as an aspect of legal capability.⁶⁹ This would then require legal services and processes to be designed in ways accessible to people with varying degrees of literacy, as seen in the emerging field of legal design;⁷⁰ so increasing the opportunities for people with limited literacy to convert these resources into functionings if they choose to do so.

More generally, as Robeyns states, an advantage of clarifying resources and conversion factors (and in the case of legal capability, separating these out from capabilities) is that this provides valuable information as to where interventions can be made or targeted, to increase or expand capabilities.⁷¹ Adding a further and final dimension to this reimagining of the relationship between legal capability and the capabilities approach, the modelling of core concepts set out in Figure 1 requires us also to recognise that ‘the structural constraints that people face can have a great influence on their conversion factors, and hence on their capability sets’.⁷² As stated earlier, much of this information is already known via the results of legal needs surveys, and their findings can and do prompt governments or organisations to adapt or implement policies and improve services.⁷³ This raises the question of whether this

⁶⁹ Although the dichotomy between a conversion factor and a capability is emphasised here, it is important to note that because of the flexibility and open nature of the capabilities approach, it is possible for something to be categorised as *both* a personal conversion factor, as well as a very narrow and specific capability. Robeyns explains that ‘while reading skills can be modelled as a conversion factor (and for some contexts this is the most fruitful way), one can conceptualise the very same situation as ‘people being able to read’ and then it becomes a (very specific) capability.’ I. Robeyns, Correspondence with author, 6 May 2021.

⁷⁰ See further <https://www.legalgeek.co/learn/legal-design-wtf/> (accessed 05.10.21)

⁷¹ Robeyns (n 8) 47.

⁷² Robeyns (n 8) 65.

⁷³ OECD Guide (n 38) 11.

broadening of perspective, proposed here as one result of strengthening the relationship between legal capability and the capabilities approach, is worthwhile. And this paper does not claim to have the answer. But certainly there seems to be something more hopeful in taking personal factors such as literacy out of the realm of legal capability, where lack of literacy has an inevitable limiting effect, and seeing the legal capability of any person as capable of improvement via the provision of accessible resources and by the adaption of external constraints.

Promoting Participatory Approaches

As Robeyns observes, a wide range of approaches have been adopted to selecting capabilities. Nussbaum's list of central capabilities can be considered to be at one end of the spectrum of possible approaches because it was determined at an entirely abstract level.⁷⁴ But for many other scholars in the field, participation is a central concern and the capabilities approach 'relies on the agency and involvement of people...to specify which capabilities to focus on.'⁷⁵ Indeed, Nussbaum's list has been criticised for its failure to do this.⁷⁶

However, the capabilities approach literature also recognises that people's own views as to opportunities they value cannot be relied upon as the only evidence for

⁷⁴ I Robeyns, 'The Capability approach in Practice' (2006) *The Journal of Political Philosophy*, 14, 3, 351–376, at 355

⁷⁵ Alkire and Deneulin (n 8) 43. For an in-depth consideration of this topic see DA Clark, M Biggeri and A Frediani (eds) *The Capability Approach, Empowerment and Participation : Concepts, Methods and Applications* (Palgrave, 2019).

⁷⁶ See further Walker and Unterhalter (n 7) 13.

formulating a list of capabilities. Indeed, within the capabilities approach, any theory which relies solely on people's subjective views of what contributes to their well-being is problematic. This is partly because it is recognised that all people's views are inevitably shaped by societal constructs and norms, so cannot be relied on strictly as their own views.⁷⁷ More particularly, it is due to concerns about adaptive preference. As Robeyns points out, a large body of literature exists in relation to adaptive preference, but within the context of the capabilities approach, the concern is that people whose freedoms and opportunities are limited can (and do) adapt to their circumstances over time, and so when asked to comment on their own well-being, their report 'is out of line with the objective situation.'⁷⁸ To put this another way, Walker and Unterhalter explain 'our choices are deeply shaped by the structure of opportunities available to us so that a disadvantaged group comes to accept its status within the hierarchy as correct even when it involves a denial of opportunities.'⁷⁹

The resulting 'middle ground' is that so long as the method by which a list of capabilities has been generated can be explained and justified as appropriate; then once an explicit list is created – and the dimensions to be measured identified – then this should be openly discussed and defended, and adapted in light of new understandings.⁸⁰ Applying this to the context of legal capability, the process through which frameworks of legal capability have been developed was discussed in Part I of

⁷⁷ Robeyns (n 8) 123.

⁷⁸ Robeyns (n 8) 137.

⁷⁹ Walker and Unterhalter (n 7) 6.

⁸⁰ See further I Robeyns, 'Sen's Capability approach and Gender Inequality: Selecting Relevant Capabilities' (2003) *Feminist Economics*, 9:2-3, 61-92

this paper. Whereas the potential limitations of exploring only knowledge, skills and attributes were highlighted as incongruous with the capabilities approach, the empirical approach adopted by Plenet in its 2008 and 2009 foundational work is noteworthy and in keeping with the capabilities approach insofar as it opens up the discussion as to what constitutes legal capability, and takes into account the views of non-experts in determining this.⁸¹ Since then, legal capability frameworks appear to have been developed primarily by experts in the field. So whilst people's own views as to opportunities they value cannot be relied upon as the only evidence for formulating a list of capabilities, a closer engagement with the capabilities approach could prompt scholars in the field of legal capability to engage with the non-legal public as a means to testing out and potentially reviewing assumptions. As stated earlier, a reformulated, accessible list of attributes of legal capability lends itself to this participatory approach.

Conclusion

In the summary to Part I of this paper, the following rhetorical questions were posed: What might be the implications of establishing a closer relationship between legal capability and the capabilities approach? Might they warrant further exploration? Or is it preferable for the two families to maintain a distant relationship? Taking the first question first, some of the possible implications have been considered in Part II, and

⁸¹ Jones (n 4) 4.

some possible advantages and disadvantages of these implications are considered below. This leaves the latter two questions, on which the paper concludes.

Taken together the most apparent advantages arising from a closer relationship between legal capability and the capabilities approach relate to the person or persons whose legal capability we are seeking to measure and/or improve. An unavoidable consequence of a closer engagement with the capabilities approach is a focus on the freedom or real opportunity each person has to live a life that she or he values, and has reason to value. This language of choice and opportunity features in Jones' 2010 publication for Plenet⁸² but the implications of placing such value on opportunity and choice in the context of legal capability have never been fully worked through. Rather, value has been placed on those dimensions of legal capability seen as 'necessary for'⁸³ or needed by a person 'to deal effectively with law-related issues.'⁸⁴

A reformulation of legal capability as 'beings and doings' results in a simplified, accessible list; which potentially provides a basis for meaningful participation. And this meaningful participation is suggested as necessary to informing and potentially revising expert opinion on what constitutes legal capability. Arguably, this elevates the position of the person whose legal capability we are seeking to measure and/or improve; either generally or in discrete contexts. More generally, it was argued in Part II that one consequence of taking a broader perspective and separating out resources

⁸² Jones (n 4) 1.

⁸³ Coumarelos et al. (n 2) 29.

⁸⁴ Jones (n 4) 1.

and conversion factors from capabilities, was to reimagine the idea that a person's characteristics (e.g. literacy) will inevitably influence their legal capability. In the proposed remodelled approach, the legal capability of a person with limited literacy can be improved by the provision of accessible resources.

The disadvantages relate firstly to those working in the field of practical empirical measurement of legal capability, for whom this suggested approach will be overly vague, idealistic and impractical. The second disadvantage relates to scholars working in the fields of PLE and legal capability more generally. This paper has relied heavily on Robeyns' 2017 text as providing a respected and convenient summary of the capabilities approach. This has been sufficient for and appropriate to its purpose. But a deeper exploration of the capabilities approach, and any further steps taken towards strengthening the relationship between the approach and legal capability, will require engagement with unfamiliar literature, spanning multiple disciplines.

And so this takes us to the final two questions: Might the implications of establishing a closer relationship between legal capability and the capabilities approach warrant further exploration? Or is it preferable for the distance between the two families to be maintained? Given the tentative tone of this paper, readers will not be surprised to find no definitive answers here. The potential for renewed emphases on choice and participation certainly seem attractive in principle and worthy of further attention; but the practical implications seem over-whelming. Perhaps it is possible for the capabilities approach to be allowed some greater influence on aspects of work and

research in the fields of PLE and legal capability in the future, but the extent of this influence will depend on the willingness of scholars and practitioners to accommodate this.

Author Postscript

During the time when this paper was undergoing peer review, Ann-Katrin Habbig and Ingrid Robeyns sent me their draft paper entitled 'Legal Capabilities', which is currently under peer review. It is notable that writing independently from me, and from a different perspective, Habbig and Robeyns draw very similar conclusions to those presented in Part I of this paper. They then go on to offer their own proposals for a new underlying theory of legal capability. These proposals affirm some of my thinking set out in Part II – particularly with regard to broadening perspectives – but do so in a way that is further rooted in the capabilities approach; drawing especially on the work of Martha Nussbaum.

In light of the fact that there is a forthcoming publication on the subject of legal capability in the capabilities field, the practical implications of advancing discussions concerning the relationship between legal capability and the capabilities approach now seem less over-whelming. Habbig and Robeyns' expertise in the capabilities approach⁸⁵ is accompanied by a concern to engage with PLE scholarship. Returning

⁸⁵ Robeyns is recognised as a leading scholar in the field. Robeyns' PhD was supervised by Amartya Sen, and she is supervising Ann-Katrin Habbig's PhD studies.

to the overall theme of this paper, this represents an opportunity for cultivating a new relationship between the two 'families'. This in turn creates potential for fruitful and open discourse, which I anticipate will be of interest and concern to this journal's readership.

Student in the Seats, Teacher in the Streets: Evaluating the Impacts of Law Students

Becoming “Street Law” Teachers

*Brandon Golob*¹

Abstract

The need for public legal education is at an all-time high. From constitutional law issues raised by the 2020 United States presidential election to increased media coverage of police brutality, there are numerous examples of why it is crucial to teach practical law to non-lawyers. Street Law programs, administered by law students to teenagers, are a prominent type of public legal education. Despite the urgent importance of Street Law programs, there is limited research on their pedagogical effectiveness, or how they affect those who administer them. This project helps to close that gap through its multimethod research on the course instructors. In addition to completing this program evaluation, the project also (1) develops a theoretical framework that will enable law school administrators and scholars from a variety of disciplines to understand how law students are impacted by Street Law programs, and (2) lays the foundation for future assessments of Street Law and other public law education programs. The importance of

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understanding the impacts of these programs, which the results of this study show to be overwhelmingly positive, cannot be overstated because they have broad potential to affect law students' transition to practice and society at large.

Keywords: public legal education, law school, program evaluation, street law, self-efficacy

INTRODUCTION

In 1972, a small group of law students and professors from Georgetown University Law Center (GULC) piloted a clinical legal education program called "Street Law." Based in two District of Columbia public high schools, the purpose of the program was to educate these teenagers about laws and legal systems that impact their daily lives. Due to the success of GULC's program, a national organisation began to form. Formalised in 1975, the National Institute for Citizen Education in the Law spread the news of the GULC program's successes and sought to help launch similar programs across the nation (Alexander, 1993). Over the last half century, Street Law has grown substantially: there are currently more than 120 iterations of this program at law schools in the United States and beyond (Arbetman, 2018). However, despite the growth of such programs, there has been limited research on them (Arbetman, 2018; Arthurs, 2015; O'Brien, 1977; Pinder, 1988; Roe, 2012). Moreover, research that focuses on the teenagers' learning outcomes

(Arthurs, 2015) does not account for a crucial aspect of the Street Law programs that distinguishes them from other public legal education programs – namely, that they are also part of law students’ training and education. This project helps to close that gap through its multimethod research on the course instructors: law students. The focus of this project is on how their participation in Street Law can impact their law school experience, transition to practice, and subsequent careers. Specifically, it measures how Street Law impacts law students’: (1) approaches to learning, and (2) self-efficacy for a variety of lawyering skills.

BACKGROUND

Program Evaluation of Street Law

Street Law programs are a type of public legal education programs, institutionalised in law schools and administered to teenagers. Some scholarly assessments of these programs have been undertaken (Arbetman, 2018; Arthurs, 2015; MacDowell, 2008; Montana, 2009; O’Brien, 1977; Pinder, 1988; Roe, 2012), but they are largely descriptive and lack common approaches to program evaluation. Moreover, although some programs have set up internal mechanisms for evaluation on a non-empirical level, most of them have not done this. For example, the GULC program has evaluated its effectiveness by asking law students who completed the course to journal about their

experiences, and some of the law students claimed that high school students were highly involved and receptive to the legal concepts taught (Pinder, 1988). UCLA Law's program follows a similar practice, requiring law students to submit bi-weekly journals chronicling their experiences teaching in K-12 schools throughout Los Angeles (Tolbert, 2018).

Law Student Instructors

At first blush, it makes sense to focus research on the teenagers' learning outcomes; after all, they are the population that is being served. However, one who dives beneath the surface of analysis discovers that from a higher education perspective, Street Law programs are also intended to benefit the law students who participate in them. Some Street Law literature touches on this point (Kovach, 1998; MacDowell, 2008; Montana, 2009; O'Brien, 1977; Pinder, 1988; Roe, 2012), but does not empirically assess the impacts on law students. Other evaluations analyse programs that train Street Law teachers before they enter the classroom, but do not look at the effects on law students after they have taught (Arthurs et al., 2017).

Moreover, it is important to note that Street Law programs are not administered in a standardised way. A review of Street Law programs across the nation reveals several

structural, curricular, and population differences.² Thus, this dearth of rigorous evaluation can perhaps be attributed to the fact that evaluation of Street Law may seem unduly complex. However, regardless of the countless differences, there is one constant of all Street Law programs: law student instructors. Thus, this project capitalises on that similarity by conducting a program evaluation that analyses how Street Law programs function in the higher education of law students.

Self-Efficacy in Educational Contexts

In 1977, social psychologist Albert Bandura developed the construct of self-efficacy as a clinical tool. Simply put, “perceived self-efficacy refers to beliefs in one’s capabilities to organize and execute the course of action required to produce given attainments” (Bandura, 1997, p. 3). Such beliefs are critically important because peoples’ beliefs in their abilities to achieve certain actions can have widespread and lasting impacts on their aspirations, motivations, performance, and so forth (Bandura, 1997; Bouffard-Bouchard, 1990; Zimmerman, 2000). This project focuses on the theoretical and methodological application of the construct in the education field.

Specific to the education context, self-efficacy has been shown to impact students’ interests and goals, choices for majors and other activities, persistence in the face of

² A review of numerous Street Law programs’ syllabi and course descriptions (in addition to conversations with Street Law directors and students from across the nation) revealed the varied nature of Street Law curriculum.

adversity, level of effort exerted, and ultimately, their overall academic achievement (Bandura, 1997; Lent et al., 2008; Multon, Brown, & Lent, 1991; Pajares, 1996; Schunk, 1995). In short, students with higher self-efficacy achieve at a higher level (Lent, Brown, & Larkin, 1984; Schunk, 1991). It follows, then, that since self-efficacy has such a large impact on student achievement, education scholars have taken great interest in determining the sources of students' self-efficacy beliefs (Hampton, 1998; Matsui, T., Matsui, K., & Ohnishi, 1990; Usher & Pajares, 1998).

Self-Efficacy in Law School

Although the self-efficacy construct has been applied in a myriad of educational contexts (Rosen, Glennie, Dalton, Lennon, & Bozick, 2010; Usher & Pajares, 2008), there is a paucity of literature exploring how the construct of self-efficacy may predict achievement outcomes for law students (Christensen, 2009; Diaz, Glass, Arnkoff, & Tanofsky-Kraff, 2001; McKinney, 2002; Palmer, 2015). Bearing in mind the lack of rigorously methodological instruments for measuring the self-efficacy of law students, there is much room for improved scholarship in this context. Returning to Bandura's (1977) seminal work on self-efficacy and behavior change, he cites an individual's personal mastery as the most important influence on self-efficacy. Thus, this project measures personal mastery as the first dependent variable of interest.

Many scholars have explored the connection between students' self-efficacy and academic achievement in a variety of contexts (Multon, Brown, & Lent, 1991; Pajares, 1996; Schunk, 1984). Most germane to this project, some scholars have even studied how the pedagogical structure of law schools need to be reformed to improve law students' self-efficacy (Palmer, 2015; Schwartz, 2003). A pervasive criticism of the pedagogical structure of law schools is that it tends to emphasise performance-oriented learning instead of mastery-oriented learning (Christensen, 2009; Fines, 1996; Palmer, 2015; Schwartz, 2003). Performance orientation means focusing on competition and comparison to others, while mastery orientation means focusing on learning and self-improvement. However, despite the fact that law school curriculum conditions students to be performance-oriented, previous research has shown that the most successful law students are those who are mastery-oriented learners (Christensen, 2009). Since Street Law programs that are built into the law school curriculum do not follow the traditional, curved grading system and allow students the opportunity to collaborate and learn from one another, they may be a critical breeding ground for developing mastery-oriented goals. Therefore, it is important to determine whether these programs empower students to approach learning from a more mastery-oriented (versus performance-oriented) perspective:

RQ1: Does participation in Street Law impact law students' mastery-oriented goals?

RQ2: Does participation in Street Law impact law students' performance-oriented goals?

Even beyond academic success, developing mastery-oriented goals has also been shown to help increase a student's self-efficacy (Dweck & Leggett, 1988; Palmer, 2015). One skill set that is particularly important for law students to believe is within their capacity is communicating legal concepts to non-lawyers; after all, effective client communication is the cornerstone of many legal industries (Cunningham, 1998). Foundational literature on Street Law programs claims that these programs help law students cultivate this skill set because the programs train their students how to communicate complex legal concepts to people not familiar with the legal language – a necessary skill for those who aspire to advocate effectively (Roe, 2012; Pinder, 1988). However, there is only anecdotal evidence (i.e., law student journals collected by certain law schools and course objectives listed in Street Law syllabi) in support of this contention. Thus, this project translates such anecdotal evidence into empirical data by measuring whether participation in Street Law impacts law students' self-efficacy for communicating material to non-lawyers (see Figure 1 below):

RQ3: Does participation in Street Law impact law students' self-efficacy for communicating legal material to non-lawyer audiences?

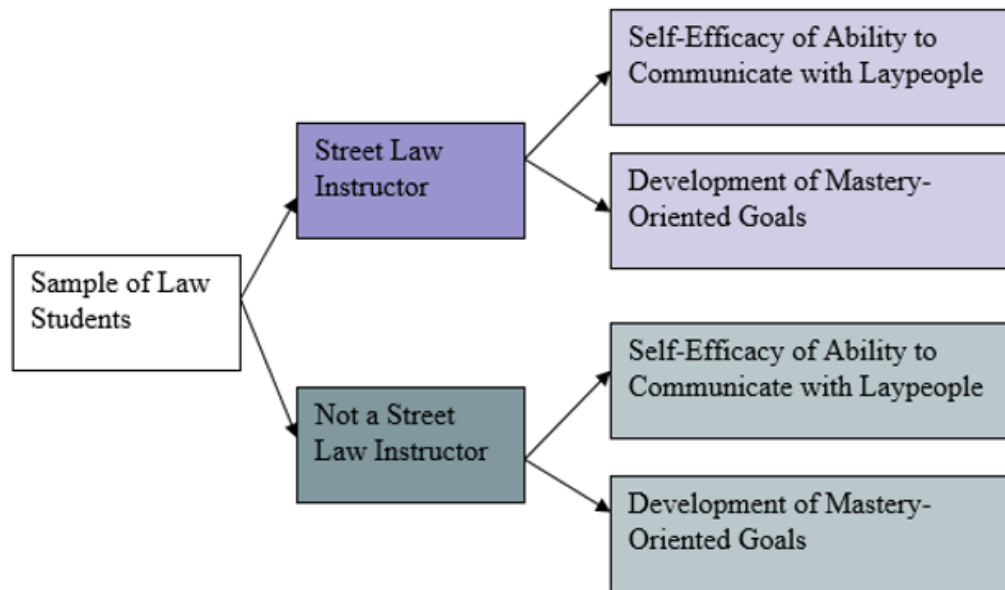


Figure 1 *Program Evaluation Research Design*

However, translating legal material for non-lawyers is merely one of many competencies that law students are supposed to develop during their legal education. Scholars have identified numerous technical skills that are critical for being a lawyer (Binder, 2003; Boccaccini, Boothby, & Brodsky, 2002; Maughan & Webb, 2005; Shultz & Zedeck, 2011), and a review of Street Law syllabi reveals that the development of many of these skills are often the pedagogical objectives of Street Law programs. Since attempting to measure all the technical skills that are important to lawyering would be unduly burdensome for this project, the focus is placed on one that appears frequently across the literature and is clearly executed in the Street Law context: public speaking. Thus, this project also measures whether participation in Street Law impacts law students' self-efficacy for this skill:

RQ4: Does participation in Street Law impact law students' self-efficacy for public speaking?

Lastly, it is crucial to acknowledge that scholars have long argued that lawyering effectiveness depends on more than technical competence such as translation of complex legal material and public speaking. Rather, they have found that lawyers who blend technical competence with soft skills (e.g., people skills) are the most effective (Araujo, 1999; Barkai & Fine, 1982; Smith, 2015; Sternlight & Robbennolt, 2007). Therefore, this project also measures whether participation in Street Law impacts law students' self-efficacy for soft skills such as developing positive client-relationships:

RQ5: Does participation in Street Law impact law students' self-efficacy for developing lawyer-client relationships?

Granted, measuring some of the most crucial soft skills for lawyers, such as empathy (Barkai & Fine, 1982; Sternlight & Robbennolt, 2007), is complex and beyond the scope of this project. Moreover, what specifically constitutes a soft skill is debatable. Thus, the researcher took an inductive approach to this question and relied on interviews, a focus group, and a waiting room survey to assess the soft skills that Street Law participants and alumni contend they develop:

RQ6: Does participation in Street Law impact law students' self-efficacy for developing a variety of soft skills?

METHOD

Participants

Survey

Street Law Inc., the national organisation, keeps a database of active Street Law programs. This database was used for participant recruitment via email. Since it was not possible for the researcher to gain direct access to Street Law instructors in these programs (i.e., the database only lists Street Law program names), the researcher requested that the faculty or student director of each program distribute the survey to the instructors. This also maintained the anonymity of survey respondents. Ultimately, 49 law students completed both the pre-survey and post-survey. Thirty-seven of the respondents were Street Law participants (treatment group), while 12 respondents comprised the comparison group. In total, respondents represented 10 law schools from across the nation:

Table 1. *Street Law Programs Where Respondents Completed Pre-/Post-Survey*

Law School	Number of Respondents
Creighton Law School	7
LSU Paul M. Hebert Law Center	2
Mitchell Hamline Law School	3
University of Minnesota Law School	12
University of St. Thomas Law School	3
Rutgers School of Law - Camden	4
Seattle University School of School of Law	3
Southwestern Law School	7
UCLA School of Law	4
Vanderbilt University Law School	4

In addition to representing different law schools, the respondents' demographic backgrounds varied. In terms of gender identity for the treatment group, 62.2% ($n = 23$) selected female, 35.1% ($n = 13$) selected male, a 1.3% ($n = 1$) selected genderqueer/gender non-conforming. As for the comparison group, 75% ($n = 9$) selected female, while 25% ($n = 3$) selected male. In the treatment group, 73% ($n = 27$) selected White (six of which selected Hispanic or Latino), 2.7% selected ($n = 1$) selected Asian, 2.7% ($n = 1$) selected Black or African American, 2.7% ($n = 1$) selected American Indian or Alaska native, and 18.9% ($n = 7$) selected Other. As for the comparison group, 75% ($n = 9$) selected White,

8.3% selected ($n = 1$) selected Asian, and 16.7% ($n = 2$) selected Other.³ The mean age for the treatment group was 25.4 years old (with a range of 16 years), while the mean age for the comparison group was 25.5 years old (with a range of 7 years).

Interviews

Following collection of survey data, the researcher conducted seven semi-structured interviews with respondents who completed the pre-/post-survey. Five of these were in-depth interviews with Street Law alumni and two were interviews with law students from the comparison group. Interviews were conducted with individuals who were still enrolled in law school. These respondents were selected because one of the primary purposes of the interviews was to assess more immediate impacts of Street Law participation on individuals continuing to work on their law degree. These interviews can be contrasted with the focus group, which selected law school alumni as participants to assess the long-term impacts of participation in Street Law. In order to represent all of the law schools that participated in this study, one student from each of the 10 law schools that had respondents for both the pre-/post-survey was invited for a follow-up interview. The participants were also selected because their demographic backgrounds varied. 42.9% ($n = 3$) selected female, 42.9% ($n = 3$), selected male, and 14.3% ($n = 1$) selected

³ This lack of racial and ethnic diversity is reflective of the legal profession as a whole. According to Bureau of Labor Statistics (2020), 83.5% of all people employed in legal occupations identify as White.

genderqueer/gender non-conforming. In terms of racial and ethnic identity, 85.7% ($n = 6$) selected White (one of which selected Hispanic or Latino) and 14.3% ($n = 1$) selected Other. The mean age was 26 years old, with a range of eight years. Lastly, the participants were a nearly even split in their year in law school: 42.9% ($n = 3$) were first-year law students when they completed the survey, while 57.1% ($n = 4$) were second-year law students when they completed the survey. It is important to note that all respondents showed a measurable difference in their pre-/post-survey responses and participated in the interview approximately one year after the survey. This timeline was used so that interview data could reflect the respondents' development as law students since first participating in the study.

Focus Group

A focus group was conducted with nine alumni of the Southwestern Law School Street Law Clinic. The survey and follow-up interviews focused on currently enrolled law students, while the primary purpose of the focus group was to analyse potential long-term impacts of participation in Street Law. The recruited participants help reflect the history of the clinic because their program completion dates span over a decade. In terms of gender identity, 66.7% ($n = 6$) selected female and 33.7% ($n = 3$) selected male. In terms of racial and ethnic identity, 44.4% ($n = 4$) selected White (2 of which selected Hispanic or

Latino), 22.2% ($n = 2$) selected Black or African American, 22.2% ($n = 2$) selected Asian, and 11.1% ($n = 1$) selected Other. The mean age was 34.9 years old, with a range of 12 years. Lastly, the participants represented a wide array of careers: 22.2% ($n = 2$) work in the private sector; 22.2% ($n = 2$) work for the government; 22.2% ($n = 2$) work for nonprofit organisations; 33.3% ($n = 3$) work in higher education and administration.

Procedures

Quantitative Data Analysis

The survey included: (1) a questionnaire asking law students about their achievement goals (adapted from Elliot and McGregor, 2001) and (2) a questionnaire measuring law students' self-efficacy for several crucial lawyering skills, such as communicating legal material to non-lawyers (which follows Bandura's (2006) guidelines for constructing self-efficacy scales). These surveys were given twice: (1) at the beginning of the semester, before law students had Street Law teaching experience, and (2) after the law students finished teaching at their respective sites. This pre-test/post-test was also administered to comparison groups who were not participating in the Street Law program.

In total, there were five dependent variables of interest measured by the survey, corresponding to the first five research questions: (1) mastery-oriented goals; (2) performance-oriented goals; (3) self-efficacy for communicating legal material to non-

lawyers; (4) self-efficacy for public speaking; (5) self-efficacy for developing lawyer-client relations. Dependent variables (1) and (2) were measured by responses to the achievement goal questionnaire. Dependent variables (3), (4), and (5) were measured by responses to the self-efficacy questionnaire. Results of the survey were analysed using paired samples t-tests to assess mean differences between pre-/post-survey responses for each dependent variable of interest. Paired samples t-tests were conducted on: (1) the treatment group to assess mean differences from pre-test to post-test, and (2) the comparison group to assess mean differences between pre-test to post-test. Mean differences between the treatment group and comparison group were then compared to see which group had the greater change score. Independent samples t-tests were also conducted to check if the change scores of the treatment group versus comparison group were significant. All alpha levels were set at $p < .10$ due to the relatively small sample size.

Qualitative Data Analysis

Interviews. Semi-structured interviews were conducted with recent Street Law alumni instructors who completed the pre-/post-survey. The interview protocol built upon questions asked in the survey and took into account additional skills that make lawyers effective (adapted from Shultz & Zedeck, 2011). The interviews were conducted virtually

by the researcher. Each interview was approximately 45 minutes and was transcribed from a recording afterwards.

Focus Group. The focus group protocol followed a similar format to the interview one but also included questions about alumni's post-law school experiences. Directly prior to participating in the focus group, participants completed a waiting room survey. The purpose of this waiting room survey was twofold: (1) to allow participants (especially those who had completed Street Law several years prior) the opportunity to begin remembering and reflecting on their Street Law experiences; and (2) to serve as a check against groupthink, which may occur during focus groups (MacDougall & Baum, 1997). Thus, the waiting room survey included some similar questions to those asked during the focus group (e.g., What skills did you develop through your work with the Street Law Clinic?) to check for consistency.

RESULTS

Mastery-Oriented versus Performance-Oriented

To address the first two research questions (*RQ1: Does participation in Street Law impact law students' mastery-oriented goals?* and *RQ2: Does participation in Street Law impact law students' performance-oriented goals?*), results of the survey were analysed using paired t-

tests to assess mean differences between pre-/post-survey responses for the dependent variables of interest. These variables were: (1) mastery-oriented goals (*RQ1*; measured by a composite variable created from the six mastery-oriented items in the achievement goal questionnaire); (2) performance-oriented goals (*RQ1*; measured by a composite variable created from the six performance-oriented items in the achievement goal questionnaire). The results of these tests, for both the treatment group (Street Law students) and comparison group (non-Street Law students) were not significant.

Granted, this binary framework that defines law students as either mastery-oriented or performance-oriented may be limited for measuring how Street Law impacts their approach to legal education. In fact, interviews with Street Law alumni still in law school and Street Law alumni at various stages of their careers revealed that program participation affected the way they learn in complex, difficult to measure ways. Thus, a general inductive approach was taken to condense raw data from these interviews and allow for new themes that describe the ways law students learn to emerge. Throughout these conversations about learning, four subthemes emerged about how Street Law participation can reshape law students' approaches to learning: (1) Street Law improves law students' retention of legal material; (2) Street Law provides law students with practical lawyering experiences; (3) Street Law reminds law students that learning is enjoyable; and (4) Street Law helps law students redefine success in academic and professional environments.

Retention of Legal Material

Several individual interviewees and focus group members contended that participation in Street Law helped them retain legal material. Specifically, they contrasted their experiences with Street Law against other law school experiences and classes to explain why mastering material was necessary in Street Law. For example, one law student stated that prior to Street Law, she “was not retaining information. It was not learning. It was just like memorizing for the exam and then it was out the window.” However, “once Street Law came along...it was very apparent that explaining to someone that is not in law school...was much better and I retain things better than if I studied with my law school buddies.” Arguably most importantly, she concluded this point by stating “so that’s what I do now. ... That’s something I got from Street Law ‘cause I don’t think I would have tried that otherwise” (Southwestern Law student, personal communication, March 18, 2018). Thus, Street Law helped this student discover a method for mastering law school material (i.e., teaching the concepts to a non-lawyer), which no other law school class or opportunity would have provided. Law school alumni confirmed this point by current students that most classes are about “just keeping [information] in my brain for that few months and then spit[ting] it out on the test.” Conversely, “Street Law was more consuming the material, feeling it” (Southwestern Law 2011 alumnus, personal communication, February 12, 2018). In short, Street Law was continually described as a

singular space in the law school environment – a space where the importance of mastering material, in lieu of simply learning it to perform well on an exam, became clear.

Practical Lawyering Experiences

Related to retention, Street Law participants emphasised that having opportunities to apply the material they learn in practical contexts motivates them to master the legal concepts. Again, alumni focused on how Street Law is different from other experiences and classes in law school because it provides “that practical lens to look at things through” (Southwestern Law 2013 alumnus, personal communication, February 12, 2018). This practical component came from being able to share what one learns in law school outside that academic environment:

In Street Law it really was more practical. You know, things that make sense in the real world that you’re going to use and that you can teach to other people. I don’t think I’ve ever had the opportunity to teach what I’ve learned in my other classes to anyone. (Southwestern Law 2011, personal communication, February 12, 2018)

Some alumni extended this point by connecting Street Law experiences to their current careers. According to one alumnus who practices as a constitutional lawyer, “Doing Street Law helped me see ‘oh, I’m gonna learn constitutional law really well so that I could later advocate for my client’” (Southwestern Law 2008 alumnus, personal

communication, February 12, 2018). Of particular note is this alumnus' comment as to how Street Law made her want to learn the material from other law school classes (i.e., constitutional law). Importantly, the goal for learning was not performance-oriented (i.e., to do well on an exam), but rather, mastery-oriented (i.e., learn that material really well in order to be able to retain it and advocate for future clients). A UCLA Law student made explicit this connection between participation in Street Law and decreased concern with performance in individual classes:

There's like this practicality that comes from Street Law that you don't get through any of law school... It really doesn't matter if you got an A in contracts, like can you figure out...when you're reading a contract [if it sounds] right... Is your client gonna understand why their firing was [or was not] chill? Can you help them figure that out?... (UCLA School of Law student, personal communication, March 16, 2018)

However, although Street Law helped students see the importance of thinking beyond grades, that did not mean their academic performance suffered. In fact, many law school alumni contended that they believe Street Law had a positive impact on their performance. According to one alumnus during the focus group, who several other participants agreed with, when "I think about looking at my GPA, before Street Law and after Street Law, it kind of went up a bit. Because now I see, 'well ok this is where all this

is going'...and I really loved it" (Southwestern Law 2013 alumnus, personal communication, February 12, 2018).

Learning is Enjoyable

Law students across the nation stressed that participating in Street Law helped them rediscover what they like about learning in general, and specifically in the law school context. One Seattle University law student explained how "a lot of times [in law school] you're just focusing on what's important to like learn for the course" but "Street Law makes you think a little bit more like what's interesting to you" as an individual. This student argued that this self-discovery process is wrapped up in the act of teaching:

When you have to actually sit down and think to yourself, "Okay, well what do I find really interesting about the law? What would I want to share with somebody else? What do I think that they have to know to be a good citizen?" When you start asking yourself those questions, I guess you start reaffirming to yourself what you find interesting in the law. (Seattle University School of Law student, personal communication, March 16, 2018)

Students also emphasised that Street Law offered a refuge from the typical, performance-oriented approach to learning in law school. As one University of Minnesota law student stated, the "first year of law school is very competitive" but Street Law was different

“because we were working with a team. We got a partner. We were all working towards the same goal. It’s fun talking with students, it’s fun helping clients” (University of Minnesota Law School student, personal communication, March 13, 2018). A law student at Mitchell Hamline took this point a step further, stating that it is not only first year that is competitive, but that legal education in general forces students to constantly compare themselves to their colleagues:

When you interact with youth it reminds you how fun it is to learn, especially when something is new. Like it’s important to be a civically engaged person and feel like someone who has efficacy. So, I think interacting with people who get genuinely excited about it helps remind me like “oh yeah, you also fundamentally are like that and it’s unfortunate that you’re being compared,” but that’s what you are doing for three years. (Mitchell Hamline School of Law student, personal communication, March 16, 2018)

Thus, the law school environment often breeds a competitive environment that stifles students’ enjoyment for learning (Dolovich, 1998). Street Law, on the other hand, is seen as an antithesis of this performance-obsessed approach to learning and can renew student interest in legal material.

Redefine Success

Related to decreasing students' performance-oriented approach to learning, Street Law alumni asserted that their participation in the program helped them redefine what success in law school meant for them. As one law student said, "I think the first year coming into law school, I was completely obsessed with [performance]. My goal was to be like top ten percent" but "come Street Law, it was the whole teaching students thing that changed it for me." While her original goal was to focus on class performance, "Street Law put that pause for me or slowed me down if you will... It just kind of made me reflect on what it is that I really want to do." Ultimately, her new definition of success is "end[ing] up somewhere where I really want to be rather than having that thought that I did before like 'oh I just want to make money and not be happy'" (Southwestern Law student, personal communication, March 18, 2018). Other Street Law alumni echoed this point about changing their notions of success, but were more explicit about how their experiences as teachers is what moved them away from a performance-oriented approach to learning. Several interviewees mentioned that it was the act of "failing" in front of their students (e.g., having a lesson that did not engage students) that made them redefine success. As one alumni described it, the law school "system is set up in a way that you are seeking the A by somebody else," but Street Law was different because you do not get assessed by some objective measure. Rather, as this interviewee said, each new Street Law teaching session created a "challenge for me to try and figure out what success will

mean in this scenario.” In short, “the experience of failure helps you redefine success” because it forces you to “find what your own A looks like” (Southwestern Law 2017 alumnus, personal communication, February 12, 2018).

Self-Efficacy

To address research questions three, four, and five (which all tied to self-efficacy for technical lawyering skills), results of the survey were analysed using paired t-tests to assess mean differences between pre-/post-survey responses for the dependent variables of interest. These variables were: (1) communicating legal material to non-lawyers (*RQ3*; measured by items 1, 5); (2) public speaking (*RQ4*; measured by items 3, 8); (3) developing lawyer-client relationships (*RQ5*; measured by items 2, 4, 6, 7, 9, 10).⁴ The results of these tests, for both the treatment group (Street Law students) and comparison group (non-Street Law students) are reported below:

⁴ The dependent variable of developing lawyer-client relationships was measured through more items than the other self-efficacy variables were. This is because lawyer-client relationships are multifaceted and can thus be analysed several ways. See *RQ5* results below for further explanation.

Table 2 Paired Samples T-Tests for Treatment Group's Self-Efficacy Variables

Variable	Mean	Standard Deviation	t	df	Sig. (2-tailed)
Item 1: Explain legal concept to non-lawyer	-.51	1.17	-2.67	36	.011**
Item 2: Develop positive relationship with clients	-.24	1.34	-1.10	36	.277
Item 3: Speak to small group of non-lawyers	-.27	1.09	-.15	36	.881
Item 4: Think on feet while communicating with clients	.08	1.14	.43	36	.668
Item 5: Teach non-lawyers about their rights	-.30	1.27	-1.43	36	.162
Item 6: Adapt to an unexpected occurrence with clients	.00	1.45	.00	36	1.000
Item 7: Develop positive relationship with difficult clients	-.38	1.36	-1.70	36	.100*
Item 8: Speak to larger group of non-lawyers	-.17	1.32	-.76	35	.454
Item 9: Describe your role as lawyer/advocate to clients	-.54	1.68	-1.96	36	.058*
Item 10: Continue to work with clients after disruptive experience	-.16	1.37	-.72	36	.474

*p < .10, **p < .05

Table 3 Paired Samples T-Tests for Comparison Group's Self-Efficacy Variables

Variable	Mean	Standard Deviation	t	df	Sig. (2-tailed)
Item 1: Explain legal concept to non-lawyer	.083	1.38	-.21	11	.838
Item 2: Develop positive relationship with clients	-.25	1.55	-.56	11	.586
Item 3: Speak to small group of non-lawyers	-.33	1.61	-.72	11	.489
Item 4: Think on feet while communicating with clients	-.33	2.10	-.55	11	.594
Item 5: Teach non-lawyers about their rights	-.08	1.56	-.19	11	.857
Item 6: Adapt to an unexpected occurrence with clients	.17	1.64	.35	11	.732
Item 7: Develop positive relationship with difficult clients	-.33	1.37	-.84	11	.417
Item 8: Speak to larger group of non-lawyers	-1.08	2.31	-1.62	11	.133
Item 9: Describe your role as lawyer/advocate to clients	-.67	1.72	-1.34	11	.207
Item 10: Continue to work with clients after disruptive experience	-.58	1.51	-1.34	11	.206

*p < .10, **p < .05

The comparison group did not show a significant increase for any of the items. However, the treatment group did show a significant increase for items 1, 7, 10, which measure the following dependent variables of interest: (1) communicating legal materials to non-lawyers (item 1), and (2) developing lawyer-client relationships (items 7, 10). These survey results are discussed in further detail below, along with qualitative data results.

Communicating Legal Material to Non-Lawyers

To address the third research question (*Does participation in Street Law impact law students' self-efficacy for communicating legal material to non-lawyer audiences?*), results of the survey were analysed using a paired t-test to assess mean differences between pre-/post-survey responses for the dependent variable of communicating legal material to non-lawyers. To measure this dependent variable, respondents were asked: "How confident are you that you can explain a legal concept to a non-lawyer, regardless of their familiarity with the topic?" (Item 1).⁵ There was a significant increase in this confidence level for the law students after participation in Street Law ($M = 7.84$; $SD = 1.39$) when compared with before they taught ($M = 7.32$; $SD = 1.31$); $t(36) = 2.67$; $p = .011$). Conversely, there was not a significant increase in the confidence level for the law students who did not participate

⁵ Respondents were also asked, "How confident are you that you can teach non-lawyers about their rights, regardless of their familiarity with those rights?" (Item 5). Although results for this item were not significant (see Table 2), Street Law participants showed a nominal average increase in confidence for this skill between pre-test ($M = 7.59$; $SD = 1.59$) and post-test ($M = 7.89$; $SD = 1.35$).

in Street Law at the post-test ($M = 8.33$; $SD = 1.30$) compared with the pre-test ($M = 8.42$; $SD = 1.56$); $t(11) = .209$; $p = .838$). Thus, Street Law students showed an increase in confidence for explaining a legal concept to non-lawyers after teaching their classes, while the comparison group did not show a positive change during the same time period.

Consistent with these results, Street Law alumni that were interviewed individually and in a focus group setting cited communicating legal material to non-lawyers as the skill they most developed through participation in Street Law. During interviews, several individuals contrasted Street Law with traditional law school experiences to describe how the law school setting rarely gives you the opportunity to learn how to explain legal material to non-lawyers. As one Seattle University School of Law student explained,

When you just use the concepts in school with other lawyers, you know law students and lawyers, you kind of take for granted certain pieces of these concepts and [in Street Law] you have to actually break them down and pull them apart to see how the best way to explain it is. I think that kind of made me feel more confident in taking some of these law school concepts or legal concepts and breaking those down a little bit in more simple terms. (Seattle University School of Law student, personal communication, March 16, 2018)

Law school alumni contended that this ability to speak to lawyers and non-lawyers differently is integral to professional success. One 2011 alumnus of the Southwestern

Street Law Clinic explained how at her current job as an employment defense attorney, the firm has all these “brilliant attorneys but... no one’s gonna understand what they’re saying unless you’re an attorney.” This made her reflect on the benefits of her Street Law experiences, which “helped [her] learn how to kind of talk to lay people or children about law and try to explain it to them” (Southwestern Law alumnus, personal communication, February 12, 2018).

Although the respondents utilised different language, this core theme of learning how to communicate “in more simple terms” with non-lawyers arose consistently throughout interviews. Time and again, interviewees contended that Street Law taught them how to: (1) “tone things down” (Southwestern Law student, personal communication, March 18, 2018); “just boil it down to a couple key points that they can take back and remember and like make useful at some point” (UCLA School of Law student, personal communication, March 16, 2018); “get right to the point” by thinking “what do these people care about, and how can I make it as clear as possible” (University of Minnesota Law School student, personal communication, March 13, 2018).

Public Speaking

To address the fourth research question (*Does participation in Street Law impact law students’ self-efficacy for public speaking?*), results of the survey were analysed using a

paired t-test to assess mean differences between pre-/post-survey responses for the dependent variable of public speaking. To measure this dependent variable, respondents were asked: “How confident are you that you can speak to a small group of non-lawyers (5-10 people)?” (Item 3), and “How confident are you that you can speak to a larger group of non-lawyers (more than 10 people)?” (Item 8). Although the results were not significant (see Table 2 above), Street Law participants did show a nominal average increase in confidence for public speaking. This increase can be seen between pre-test ($M = 8.35$; $SD = 1.34$) and post-test ($M = 8.38$; $SD = 1.34$) for confidence speaking in front of small groups, as well as between pre-test ($M = 7.89$; $SD = 1.41$) and post-test ($M = 8.06$; $SD = 1.59$) for confidence speaking in front of larger groups.

Granted, closed-ended questions on a survey may not be the ideal item format for measuring respondents’ confidence for a complex skill like public speaking. In fact, when Street Law alumni were asked the open-ended question of “What skills did you develop through your work with the Street Law Clinic?” in a waiting room survey, half ($n = 4$) of respondents specifically identified public speaking/oral presentation. Moreover, during the focus group, several alumni expanded upon how Street Law was their primary opportunity for developing public speaking skills during their legal training. According to a 2007 alumnus of the Southwestern Street Law Clinic, “Street Law was sort of the first segue for me where I felt like I can be a confident speaker and I can communicate an idea and people will listen to me. So that really helped [my] confidence” (Southwestern Law

alumnus, personal communication, February 12, 2018). This contention that Street Law was the foundational space for becoming a more confident public speaker was echoed by not only alumni, but also current law students across the nation. One student pointed out that Street Law helped him “improve [his] public speaking skills and there’s not a huge opportunity to do that in law school” (University of Minnesota Law School student, personal communication, March 13, 2018).

Through interviews with both law school alumni and law students, it was clear that their increased confidence in public speaking had application beyond the Street Law program. Two distinct contexts arose where Street Law alumni frequently apply their public speaking skills: (1) in other law school classrooms, and (2) in professional settings. In terms of context one, law school classes are often driven by student participation (Madison III, 2007). Thus, developing the ability to speak confidently in front of your colleagues is a necessary part of integrating into the law school environment. Law students at several schools cited Street Law as the reason they feel comfortable voicing their opinions in other classes as well. One student mentioned how before Street Law “[I] rarely if ever voluntarily raised my hand” in class (Mitchell Hamline School of Law student, personal communication, March 16, 2018), while another explicitly stated that because of Street Law “I feel a lot more confident just like speaking about whatever topic we’re talking about in class” (UCLA School of Law student, personal communication, March 16, 2018).

In terms of context two, law school alumni expressed how they continue to use the public speaking/oral presentation skills that they developed in Street Law in their current careers. Importantly, the alumni interviewed represented a wide range of careers, including the private sector, the government, and nonprofit organisations. Thus, public speaking skills were described as critical for a variety of professional fields. An alumnus of the Southwestern Street Law Clinic, who works for the Office of the Los Angeles County Counsel, explained how she still uses skills she developed during Street Law:

I work with a lot of non-lawyers and ... I use those skills for presenting big projects, and [explaining] what the purpose is and what the goal is, and keeping these folks all engaged. You know I use those skills now and I'm sure I would have gotten there eventually but I think that [Street Law] really forced me to do it and I don't know if I would have been forced to do it until I took on this job essentially.

(Southwestern Law 2008 alumnus, personal communication, February 12, 2018)

Developing Lawyer-Client Relationships

To address the fifth research question (*Does participation in Street Law impact law students' self-efficacy for developing lawyer-client relationships?*), results of the survey were analysed using a paired t-test to assess mean differences between pre-/post-survey responses for the dependent variable of developing lawyer-client relationships. To measure this

dependent variable, respondents were asked: “How confident are you that you can describe your role as an advocate/lawyer to clients?” (Item 9) and “How confident are you that you can develop a positive relationship with the most difficult clients?” (Item 7).⁶ In terms of describing their role, there was a significant increase in this confidence level for the law students after participation in Street Law ($M = 8.35$; $SD = 1.32$) when compared with before they taught ($M = 7.81$; $SD = 1.54$); $t(36) = 1.96$; $p = .058$). Conversely, there was not a significant increase in the confidence level for the law students who did not participate in Street Law at the post-test ($M = 8.50$; $SD = 1.51$) compared with the pre-test ($M = 7.83$; $SD = 1.85$); $t(11) = 1.34$; $p = .207$).

Similarly, in terms of developing a positive relationship, there was a significant increase in this confidence level for the law students after participation in Street Law ($M = 8.14$; $SD = 1.64$) when compared with before they taught ($M = 7.76$; $SD = 1.52$); $t(36) = 1.69$; $p = .100$). Conversely, there was not a significant increase in the confidence level for the law students who did not participate in Street Law at the post-test ($M = 8.33$; $SD = 1.44$) compared with the pre-test ($M = 8.00$; $SD = 1.65$); $t(11) = 0.842$; $p = .417$). Thus, Street Law students showed an increase in confidence for developing lawyer-client relationships

⁶ Respondents were also asked, “How confident are you that you can teach non-lawyers about their rights, regardless of their familiarity with those rights?” (Item 5). Although results for this item were not significant (see Table 2), Street Law participants showed a nominal average increase in confidence for this skill between pre-test ($M = 7.59$; $SD = 1.59$) and post-test ($M = 7.89$; $SD = 1.35$). Additional items showed no relevant results.

after teaching their classes, while the comparison group did not show a significant change during the same time period.

Consistent with, and expanding upon, these results, Street Law alumni interviewed individually and in a focus group setting highlighted how participating in Street Law increased their confidence for developing lawyer-client relationships. In fact, one interviewee even directly asserted before the focus group began that Street Law is where she “learned how to connect with my clients [that she has] now” (Southwestern Law 2014 alumnus, waiting room survey, February 12, 2018). Throughout these interviews, three key subthemes that emerged were: (1) Learning how to engage Street Law teenagers in the classroom is a skill that directly translates to engaging clients; (2) Street Law trains law students to bridge the professional divide between them and non-lawyers; (3) Street Law prepares law students to interact with diverse client populations.

Directly Translates to Engaging Clients. In terms of subtheme one, a law school alumnus who works as an employment defense attorney explained the connection between engaging Street Law teenagers and engaging clients:

So in Street Law, first of all you gotta get the kid engaged. You got to get them to like pay attention to you and then once you get them to pay attention you have to feed them the information in a way they’re gonna understand. Similarly, with your

client, you have to get them to understand the information or you're gonna go nowhere. (Southwestern Law 2011 alumnus, personal communication, February 12, 2018)

Numerous focus group participants echoed this sentiment, arguing that they were constantly figuring out "how we were going to keep the kids engaged" (Southwestern Law 2008 alumnus, personal communication, February 12, 2018) and how to "really engage and talk with them...and I think that's like probably one of the best skills you can get" (Southwestern Law 2017 alumnus, personal communication, February 12, 2018). In short, law school alumni expressed a clear connection between the skills they developed to engage Street Law teenagers and the skills they currently use to engage clients.

Bridge the Professional Divide. In terms of subtheme two, law students from a variety of schools noted that Street Law was critical in helping them bridge the professional divide between them and non-lawyers. A UCLA Law student explained how she had trouble connecting with her Street Law teenagers at first, but through the program, she learned to "knock off most of the formalism and just be like a normal person who's helping [them] learn about the law" (UCLA School of Law student, personal communication, March 16, 2018). Similarly, a Mitchell Hamline Law student explained how legal concepts and terminology are often "a little bit pretentious" and she needed to

deformalise the conversations in order to “feel more comfortable” working with students and clients. For example, during one lecture on pro se legal representation, students remarked, “that’s just made up language to say that you represent yourself” and she used this as an opportunity to have socioeconomic “class conversations...about the law” (Mitchell Hamline School of Law student, personal communication, March 16, 2018). As one Seattle University law student stated so simply, Street Law taught him how to not only “talk about the law stuff” but also how to “make small talk and just be friendly” with non-lawyers (Seattle University School of Law student, personal communication, March 16, 2018).

Diverse Client Populations. In terms of subtheme three, law students who participated in Street Law noted how the program was a unique opportunity to interact with diverse populations. As one interviewee made explicit, Street Law trained him “how to approach dealing with diverse populations” that are “different than law school [populations]” (University of Minnesota Law School student, personal communication, March 13, 2018). This exposure to different populations is important because as this interviewee suggested, his law school colleagues are not demographically diverse – a point that is in line with the fact that the legal profession has a lack of racial and ethnic diversity (see footnote 2). Thus, without programs such as Street Law, law students would be more limited in their opportunities to discuss legal concepts with a diversity of populations.

Some Street Law alumni were more specific about the benefits of teaching to diverse populations. For example, one interviewee explained that having “a pretty diverse class” that was “not shy about getting into some political discussions” helped him learn how to “wade through those different issues [and] different viewpoints.” He ultimately concluded that it made him more confident about his future interactions with clients because “if you can manage that with like ten different people and different mindsets than it’s a little easier when you have maybe a smaller group in front of you” or even a “one-on-one client meeting” (Seattle University School of Law student, personal communication, March 16, 2018). Lastly, alumni credited Street Law with not only giving them the opportunity to interact with diverse populations, but also teaching them to pay attention to the differences within these populations. As one interviewee explained, participating in Street Law “provided nuance to the community which there always was and I just didn’t know... And [it showed] how important it is to get the diverse perspectives of a group that you might lump together” (Mitchell Hamline School of Law student, personal communication, March 16, 2018).

Developing Soft Skills

To address the sixth research question (*Does participation in Street Law impact law students’ self-efficacy for developing a variety of soft skills?*), I took an inductive approach that relied

on (1) semi-structured interviews with law students from across the nation, and (2) a focus group and waiting room survey with Street Law alumni. The most commonly identified soft skills that emerged were: (1) Able to see the world through the eyes of others; (2) Community involvement and service; (3) Listening.

Able to See the World through the Eyes of Others. Shultz and Zedeck (2011) identify wanting to understand other people's views and experiences as a central factor for effective lawyering. Throughout my interviews with Street Law alumni, this is the soft skill that they mentioned most frequently when discussing how the program impacted them. As one 2007 alumnus of Southwestern Law explained, Street Law "was so eye-opening to me – how little I know and how little I can appreciate about other people's experiences... And so it made me much more empathetic and it's forced me to look at life with eyes wide open" (Southwestern Law 2007 alumnus, personal communication, February 12, 2018).

Others categorised this quality as "empathy," but expressed a similar sentiment. Another Street Law alumni from Southwestern, who participated in the program a decade after the previous interviewee, stated that Street Law is a reminder that when interacting with non-lawyers of any age, "what you need to be is human. So I think one of the qualities teaching brings back to you is empathy and building empathy. Something that the world

seems to be lacking nowadays” (Southwestern Law 2017 alumnus, personal communication, February 12, 2018). Importantly, alumni also explained how they have applied this skill that they learned in Street Law to their current careers. According to one alumni who works for the Office of the Los Angeles County Counsel, Street Law “helped me realize on a very granular level the needs of this underserved population” (Southwestern Law 2008 alumnus, waiting room survey, February 12, 2018):

I grew up knowing that I had rights. I grew up knowing that I could challenge the system right. And so much of this juvenile community, they didn’t realize that... Forwarding into what I do now, [Street Law] really helped me to see both sides. I’m very kind of centrist viewpoints on a lot of things and...learning the granular aspects of what this population does know makes me rethink the decisions that I make currently because I work with a [similar] underserved population. (Southwestern Law 2008 alumnus, personal communication, February 12, 2018)

Community Involvement and Service. Shultz and Zedeck (2011) also discuss applying one’s legal training and skills to community issues as another critical lawyering effectiveness factor. With regards to this factor, Street Law is an important program because it gives law students an opportunity to begin using their legal skills to benefit their local communities. Several interviewees highlighted how being involved with Street

Law was a meaningful way to bridge the academy-community divide. As one law student, who worked in after-school programming prior to entering the legal academy, expressed, “When I heard about Street Law, at that point I was like feeling really irrelevant in the ivory tower. I was missing having that day-to-day interaction with youth.” She went on to explain how participating in Street Law was the perfect balance between an activity that was “self-interested” but also an opportunity “to feel like I was doing something” for others (Mitchell Hamline School of Law student, personal communication, March 16, 2018). However, even beyond the initial opportunity to connect with local communities that Street Law creates, numerous Street Law alumni contended that the program made them want to serve their communities in other ways both during law school and after graduation. A University of Minnesota Street Law student contended that “Street Law definitely made me continue to care about those issues and continue to care about people who need access to the legal system that, you know, may not readily have it as easily as others.” In short, “it made me want to continue to do pro bono work for sure in some capacity... in law school and then afterwards as well” (University of Minnesota Law School student, personal communication, March 13, 2018). Of particular note is that even for students who intended to pursue jobs in the private sector, Street Law cultivated in them a desire to engage in pro bono and public service work whenever possible. Some of the law students expressed a desire to continue working with a population similar to the youth they served through Street Law. As one

UCLA Law student who has committed to work at a private firm after graduation explained, “I could definitely see myself wanting to work with that particular community again which I hadn’t expected... Kids in school are an important point that we’re missing in the legal profession. We don’t work with them and maybe we should” (UCLA School of Law student, personal communication, March 16, 2018).

Law school alumni who currently work in a variety of legal careers echoed the perspective that Street Law developed their desire, as well as their ability, to apply their legal skills to community issues. As one alumnus who works with underserved populations reflected, “Street Law, you know, reminded me of like what my little, you know, five minutes did with this kid” before ultimately concluding that “it makes me want to continue to give back to this population” (Southwestern Law 2008 alumnus, personal communication, February 12, 2018). However, even those alumni whose careers are in the private sector and do not directly relate to any public service work, still felt that their professional choices have been shaped by Street Law. According to one alumnus who runs his own estate planning and personal injury firm, “I always give back no matter what... I always want to have that one person who I can help... and for me that’s just kind of something that I picked up from Street Law” (Southwestern Law 2013 alumnus, personal communication, February 12, 2018). Perhaps one alumnus said it best when he simply remarked that Street Law makes it so you are “always looking for a way that you can help other people” (Southwestern Law 2010 alumnus, personal communication,

February 12, 2018), or in the words of a law student, “Street Law just makes me want to help out” (Seattle University School of Law student, personal communication, March 16, 2018).

Listening. Shultz and Zedeck (2011) also emphasise that effective lawyers have the ability to correctly perceive what others are saying, which requires active listening. Street Law alumni emphasised that in order to become successful teachers they had to listen to their students’ opinions and experiences, and incorporate those into their pedagogy. As a Seattle University law student explained, he learned through Street Law to “try not to lecture for too long” and instead build in time for students to “tell me about themselves in a way that was connected to the material. Just because I felt like in that way they were able to tell a little bit about their own personal life and personal experience” (Seattle University School of Law student, personal communication, March 16, 2018). For many alumni, they have translated this experience of “getting them involved in the conversation” to their current work with clients by “talking with them, instead of talking at them” (Southwestern Law 2011 alumnus, personal communication, February 12, 2018). One alumnus noted how time is limited during client meetings, but “you’re gonna listen to them” if you want to “build a relationship” (Southwestern Law 2008 alumnus, personal communication, February 12, 2018).

Thus, alumni established a clear connection between the importance of listening and developing positive relationships with students and clients alike. Most poignantly, an interviewee extended this point about relationship-building by asserting that the byproduct is a mutually beneficial relationship through which both parties learn:

The question [each class] was like, “What do I have to offer that is different from just repeating what you already know?” I think that part of the learning is that you are as much a student as they are, and it’s like a two-way process where you teach and you’re getting a learning experience also unique for yourself. (Southwestern Law 2017 alumnus, personal communication, February 12, 2018)

Notably, this interviewee made an effort to emphasise that this two-way process of being both a teacher and student is not limited to the classroom setting. Rather, it is “something that if you can really grasp...you can take it anywhere” (Southwestern Law 2017 alumnus, personal communication, February 12, 2018).

DISCUSSION

Programs that improve a law students’ self-efficacy are a crucial part of higher education. In addition to the ways that self-efficacy may impact a law students’ academic performance and transition to practice, a law student instructor’s self-efficacy in teaching in Street Law programs will also likely impact student outcomes in the classrooms in

which those law students teach. After all, education research has demonstrated extensively that a teacher's level of self-efficacy is related to student outcomes, such as achievement and motivation (Armor et al., 1976; Ashton & Webb, 1986; Protheroe, 2008; Tschannen-Moran, Hoy, A.W., & Hoy, W.K., 1998). Thus, developing an understanding of Street Law instructors' self-efficacy is a necessary first step for assessing the broader impacts of Street Law programs.

Although this project serves as the premier rigorous analysis of Street Law programs' instructors, it is not without its limitations. For example, there were several other variables (e.g., whether a full-time faculty member directs the Street Law program) that were collected in the survey to test for potential moderating or mediating effects on the dependent variables of interest. The small sample size precludes being able to make any concrete conclusions about significance at this point, but exploratory analysis reveals that a number of these variables may impact the effectiveness of Street Law programs. For example, consider the following preliminary data comparing participants in Street Law programs with a faculty advisor ($n = 21$) versus those without a faculty advisor ($n = 14$). Street Law participants with a faculty advisor showed a higher average change score⁷ for several items of interest:

⁷ Paired samples t-tests to assess mean differences between pre-/post-survey responses were computed for both conditions. The reported means represent the average change between pre-survey and post-survey for all respondents in each condition.

Table 4 *Change Scores on Self-Efficacy Variables by Faculty Advisor Condition*

Variable	Directed by faculty member?	Mean	Standard Deviation
Item 2: Develop positive relationship with clients	Yes	.33	1.15
	No	.07	1.38
Item 3: Speak to small group of non-lawyers	Yes	.10	.95
	No	-.14	1.35
Item 5: Teach non-lawyers about their rights	Yes	.52	1.40
	No	.14	.95
Item 7: Develop positive relationship with difficult clients	Yes	.62	1.36
	No	.00	1.41
Item 10: Continue to work with clients after disruptive experience	Yes	.29	1.19
	No	-.14	1.61

In short, Street Law participants in a program with a faculty director reported a greater increase of confidence for several skills between pre-test and post-test. Thus, further research should explore the potential benefits of having a faculty director for Street Law programs. In fact, other scholars have already begun to argue that “any law school that currently has a student-run or voluntary Street Law Program should seriously consider making it part of its credit-bearing curriculum to ensure that it is effective in its mission and provides a rigorous academic experience” (Montana, 2009). Moreover, building

Street Law into the curriculum may alter law students' professional trajectory. As argued by law professor Sharon Dolovich, "the law school course catalogue is not just the place where students look to decide what to study next semester"; rather, "[i]t is where future lawyers are exposed to the range of possible practice areas, where they discover interests they did not know they had, and where they begin to imagine their professional lives" (2012, p. 218). As an alumnus aptly stated, participating in a Street Law class during law school

showed me that there are lots of cool and alternative ways to use your J.D., and you don't just have to go straight to some firm in LA and be miserable. It was definitely one of the classes that helped me take a less streamlined approach to my career and what it means to be a lawyer. (UCLA Law alumni, personal communication, February 23, 2018)

Expanding the types of careers law students envision has great value, especially when Street Law instructors could also become a crucial resource for society. As evidenced by the results to RQ6 (*Does participation in Street Law impact law students' self-efficacy for developing a variety of soft skills?*), Street Law often builds a connection between future lawyers and members of the community. Thus, investment in public interest programs such as Street Law is not only a valuable pedagogical decision but could also lead to a cornucopia of socio-cultural benefits that research projects such as this one only begin to unveil.

Program evaluation literature consistently recognizes that real-world constraints limit evaluation efforts (Berk & Rossi, 1999; Fisher, Laing, Stoeckel, & Townsend, 1991; Valente, 2002). In other words, any study design will face administrative, fiscal, political, practical, etc. constraints. Thus, the goal is to design and execute the best evaluation possible given the restraints. My program evaluation sought to do just that; these initial findings will serve as the basis for further program evaluations of Street Law and other public law education programs by me, and ideally other scholars as well. But, as we must remember,

there is no fixed recipe. Prescriptions for ‘successful’ evaluations are, in practice, prescriptions for failure. The techniques that evaluations may bring to bear are only tools, and even the very best of tools does not ensure a worthy product. Just as for any craft, there is no substitute for intelligence, experience, perseverance, and a touch of whimsy. (Berk & Rossi, 1999, p. 107)

Ultimately, although Street Law is a relatively nascent part of the legal academy, it is a prominent public law education program that serves a potentially crucial role in helping law students prepare to practice. However, evaluations of iterations of this program have employed varied and inconsistent metrics, thereby leaving us with limited understanding about their effectiveness. This project marks the first multimethod empirical, standardised program evaluation of Street Law instructors from law schools across the nation. In addition to completing this program evaluation, the project also (1)

develops a theoretical framework that will enable law school administrators and scholars from a variety of disciplines to understand how law students are impacted by Street Law programs, and (2) lays the foundation for future assessments of Street Law and other public law education programs. Such assessments should be undertaken with rigor because these programs have broad potential to affect law students' transition to practice and society at large.

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The Open University Law School's Public Legal Education in Prisons: Contributing to Rehabilitative Prison Culture

Keren Lloyd Bright¹ with Maria McNicholl²

Abstract

There is a massive unmet need for legal knowledge in prisons. The Open University Law School, through its Open Justice Centre, has trialled various ways in which to meet this unmet need. Most prison-university partnerships in England and Wales follow a model of prisoners and university students being taught together as one group in a traditional higher education learning format. The Open University Law School's public legal education in prisons follows instead the Street Law model to disseminate knowledge of the law throughout a prison, either through prison radio or through the work of the charity St Giles Trust. While this article confirms other research findings which evidence the personal benefit law students derive in researching and delivering audience-appropriate public legal education, it also considers the benefit for those imprisoned in the context of rehabilitative prison culture.

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Introduction

Since 2017, The Open University Law School through its Open Justice Centre has undertaken fifteen projects in eleven prisons across England and Wales.³ Most of these projects are in partnership with the charity St Giles Trust and one is in collaboration with prison radio at HMP Altcourse. This article considers the piloting and evolution of the Open Justice Centre's prison projects over four years. The prison projects are placed in the context of both other models of prison-university partnerships and the development of rehabilitative prison culture.

In mid-March 2020, some of the Open University Law School's prison projects had completed and more were due to conclude in the following week. Then a national lockdown was declared. The education departments of prisons were closed and prisoners could not be visited owing to the risk of COVID 19 transmission in crowded prison environments.⁴ Our law students were fully prepared for their final session with the men and women in prison: presentations, learning materials, handouts and leaflets were all complete. The projects were then peremptorily cut short. As the months passed, it became clear that the Open Justice Centre would not be able to run these prison projects in the spring of 2021 either. However, this interlude does allow a period of reflection. Why we offer this opportunity to law students; why we have

³ These prisons are: HMP Altcourse, HMP Cardiff, HMP Dovegate, HMP Oakwood, HMP Sudbury, HMP Leicester, HMP Foston Hall, HMP Send, HMP High Down, HMP Wandsworth and HMP Wormwood Scrubs.

⁴ See, for instance, Gaetan Portal, 'Prisoners like 'caged animals in lockdown jails' *BBC News* (11 February 2021) <www.bbc.co.uk/news/uk-55957048>

shaped the prison projects in the way that we have; what we have achieved so far; and how we can make the projects better in the future. Meanwhile, the impact of the pandemic on the four nations' prisons continued. Much face-to-face tuition in prisons was curtailed, but distance learning courses delivered by The Open University and other institutions continued.

Rehabilitative prison culture

An initial point which needs to be considered is the reason why prisons should allow law students and their tutors into prisons in the first place. Such initiatives involve extra work for hard-pressed prison staff in organising permissions and security clearances, booking rooms and equipment, and ensuring the prisoners can move from their cells to the places set aside for the prison projects. An important motivation for prison governors and their staff is the promotion of a rehabilitative culture – an idea which has particularly gained traction over the last decade in the UK.

It is commonly understood that prisons and those who administer them may exercise to varying degrees both punitive and rehabilitative aims – which at best seem competing or at worst even diametrically opposed.⁵ Custodial punishment for those convicted of breaking the criminal law entails suffering of various sorts, including the stigma of imprisonment, privation and the removal or reduction of autonomy in every

⁵ See Karen Bullock and Annie Bunce, 'The prison don't talk to you about getting out of prison' (2018) *Criminology & Criminal Justice* <'The prison don't talk to you about getting out of prison': On why prisons in England and Wales fail to rehabilitate prisoners - Karen Bullock, Annie Bunce, 2020 (sagepub.com)>

part of their lives. Rehabilitation, on the other hand, aims to transform the thinking, behaviour, skills, employment prospects, and life chances of those imprisoned. The regimes in different prisons - even within the same security category - strike their own singular balance between punitive and rehabilitative aims.

It is also well known that prisons generally do not reduce criminality and that the rate of reoffending amongst those released from prison is high, particularly for those adults serving prison sentences of less than twelve months.⁶ Many spend their lives passing in and out of prison; an iterative process often described as the revolving prison door.

In recognition of this, in recent years there has been a shift in focus towards the creation of a rehabilitative culture in prisons by the Ministry of Justice and HM Prison and Probation Service (which was previously known as the National Offender Management Service). The rhetoric at least is moving in a promising direction.

Recently released Prison Service Instructions have been designed to foster rehabilitative culture and include references to academic research on the subject.⁷

⁶ See Ministry of Justice, 'Proven reoffending statistics quarterly bulletin, England and Wales, January 2018 to March 2018' (30 January 2020) <<https://www.gov.uk/government/statistics/proven-reoffending-statistics-january-to-march-2018>>

⁷ National Offender Management Service, 'Rehabilitation Services Specification – Custody' PS1 04/2015, PI 01/2015 para 4.4 <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/913326/pi-01-2015-psi-04-2015-rehabilitation-services-custody.pdf>

This research has shown that for rehabilitative prison culture to be effectively created, it needs to take a holistic, whole prison approach. Everyone in the prison environment, whether they live, work or volunteer within it, is viewed as having a positive role to play. Rehabilitative prison culture should aim to be thoroughly pervasive and permeate all aspects of prison life.⁸ It includes treating people with respect and courtesy;⁹ applying rules fairly and consistently; engendering trust in authority; and fostering a sense of hope for a positive future.¹⁰

Rehabilitative cultures are respectful and hopeful environments, places where staff can experience greater job satisfaction and prisoners can experience support and encouragement to make personal and lifestyle changes.¹¹

Those writing on rehabilitative prison culture ascribe greater or lesser importance to the role which education plays in prisoner rehabilitation. For some, education holds a critically pivotal role: 'If education is the engine of social mobility, it is also the engine

⁸ See Benjamin Crewe, Alison Liebling and Susannah Hulley, 'Heavy-light, absent-present: re-thinking the "weight" of imprisonment' (2014) *British Journal of Sociology* 65, 3; Alison Liebling with Helen Arnold, *Prisons and their moral performance* (2004) Oxford University Press; Benjamin Crewe, Alison Liebling and Susannah Hulley, 'Staff culture, use of authority and prisoner quality of life in public and private sector prisons' (2011) *Australian and New Zealand Journal of Criminology* 44, 94-115.

⁹ Susannah Hulley, Alison Liebling and Benjamin Crewe, 'Respect in prisons: Prisoners' experiences of respect in public and private sector prisons' (2011) *Criminology and Criminal Justice* 12, 3-23.

¹⁰ The development of a rehabilitative culture in prisons can be seen in initiatives such as Prisoners' Active Citizenship. See: Prisoners' Education Trust, 'Active citizenship in prisons' <Active citizenship in prisons - Prisoners' Education Trust>

¹¹ Ruth Mann, Flora Fitzalan Howard and Jenny Tew, 'What is a rehabilitative prison culture?' (2018) *Prison Service Journal* 235, 3.

of prisoner rehabilitation'.¹² For others, interventions such as education, training and therapeutic treatment for substance abuse or behavioural issues are seen more as isolated pockets of transformational practice. Valuable though these interventions may individually be, they are perceived as being more effective when the culture of a prison is rehabilitative in entirety.¹³

Prisoners in many prisons in England and Wales are supported by a patchwork of charities which play an important role in ameliorating the funding shortfall. They too contribute to the development and embedding of rehabilitative prison culture, as do prison-university partnerships, to which we now turn.

Prison-university partnerships in the UK

Prison-university partnerships of various sorts contribute to the development of rehabilitative culture in prisons. The partnership between The Open University and prison services in the UK has been particularly significant in this regard.¹⁴ Since the

¹² Sally Coates, *Unlocking Potential: A review of education in prison* (May 2016) Ministry of Justice, Foreword < [Unlocking potential A review of education in prison \(publishing.service.gov.uk\)](#)> ; see also: Prisoner Learning Alliance, 'What is prison education for? A theory of change exploring the value of learning in prison' (June 2016) < [Theory-of-Change-Report-FINAL.pdf \(prisonerlearningalliance.org.uk\)](#)>

¹³ See 'Special Edition: The Transformational Potential of Prison Education' (May 2016) *Prison Service Journal* 225, 2 < [Prison Service Journal \(crimeandjustice.org.uk\)](#)>

¹⁴ See The Open University, 'Supporting Students in Secure Environments' <<https://www.open.ac.uk/secure-environments/>> For a full account see: Rod Earle and James Mehigan (eds) *Degrees of Freedom: Prison Education at The Open University* (2019) Policy Press, Imprint of Bristol University Press. For a conversational treatment of the subject see: The Open University, 'Transforming Lives: Stories from Prison' (13 May 2019) <[Transforming Lives_ Stories from Prison - 13th May, 2019.pdf \(open.ac.uk\)](#)> For an explanation of The Open University tuition model in prisons see: The Open University, 'Students in Secure Environments' (9 May 2019) <[SISE - May 9th, 2019 - YouTube](#)> For a particularly striking example of prisoner rehabilitation, see the story of Stephen Akpabio-Klementowski, who studied for an OU degree while in prison and is now an OU member of staff: BBC Ideas, 'I went from prisoner to PhD' (4 August 2020) < ['I went from prisoner to PhD' - BBC Ideas](#)>

1970s, the university has provided courses to students in prison ranging from short access modules to full undergraduate and postgraduate degree programmes. Before the pandemic, The Open University had around 1800 students across much of the custodial estate in the UK and the Republic of Ireland. Each student in prison is supported by an Open University tutor and tutorials are delivered either in person or by telephone. Each student is often supported by their prison education department and by their more experienced peers who are also studying with The Open University.¹⁵ Module learning materials are provided in hard copy as well as being available digitally via a secure intranet called the Virtual Campus. The Virtual Campus was developed by HM Prison and Probation Service, The Open University and other partner institutions.¹⁶

The Open University (OU) has another partnership with the Prisoners' Education Trust (PET). Through this partnership, PET provides grants to prisoners to study for OU access modules (as well as grants for other academic and vocational courses provided by other institutions).¹⁷ A statistical analysis undertaken by the Ministry of Justice published in 2021, evidenced the positive and rehabilitative impact of PET

¹⁵ In a recent initiative, the OU Library in collaboration with the OU Students Association, set up a student volunteer scheme. This allows a student in prison to send an anonymised request outlining the Library resources they need, and a volunteer student carries out the research on their behalf.

¹⁶ The Open University, 'The Virtual Campus (England and Wales only)' <<https://www.open.ac.uk/secure-environments/students-prison/virtual-campus-virtual-learning-experience>>

¹⁷ Ruth McFarlane, 'The Open University at 50: we recognise the need to play to our strengths' (22 May 2019) Prisoners' Education Trust <<https://www.prisonerseducation.org.uk/2019/05/the-open-university-at-50/>>

grants.¹⁸ This analysis compared the employment and reoffending rates of around 9000 ex-prisoners who had received PET grants between 2001 and 2017 with those of a group of similar offenders not in receipt of the grants. The results of the analysis are statistically significant. Those former prisoners who received a grant for an Open University course were more likely to be employed during the first year after release from prison than those who did not (46% as compared with 36% in the control group). Whether they were in employment or not, they were also less likely to reoffend (reoffending while in employment: 13% as against 17%; reoffending while not in employment 19% as against 24%).¹⁹

Turning now to other universities in the UK, the number of them which have chosen to form educative partnerships with prisons has increased markedly over the last ten years – although these are typically small-scale and non-credit bearing short courses. The increase in the number of prison-university partnerships has occurred in parallel with the increased focus the Ministry of Justice and HM Prison and Probation Service have brought to bear on developing rehabilitative culture within prisons. PET has recorded the details of those prison-university collaborations made known to them in their Partnerships Directory.²⁰ While it is probable that there are other prison-

¹⁸ Ministry of Justice, 'Justice Data Lab Experimental Statistics; Employment and reoffending behaviour after support from Prisoners' Education Trust (PET) – 4th Analysis' (January 2021) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954465/Prisoners_Education_Trust__PET__4th_analysis_report.pdf>

¹⁹ *ibid* 19, 21 and 24.

²⁰ See: Prisoners Education Trust, 'Partnerships Directory' <<https://www.prisonerseducation.org.uk/what-we-do/work-with-universities/prison-university-partnerships-in-learning/partnerships-directory/>>

university partnerships which exist that are so far unrecorded by it, an interesting picture nonetheless emerges from the Partnerships Directory.

There are 133 prisons²¹ in the UK and 165 higher education institutions²². The PET's Partnerships Directory in January 2021 recorded that in the years before the pandemic, universities had formed 33 prison-university partnerships, comprising some 20% of the total number of higher education institutions, which is a significant figure. Moreover, some of these universities had multiple partnerships, either within or between prisons, such as the universities of Edinburgh, Durham, Westminster, Cambridge and The Open University. Clearly the pandemic has significantly curtailed the number of operative prison-university partnerships, but it is to be hoped that this will be only in the short-term.

Of the prison-university partnership models described in the Partnerships Directory, the 'Learning Together' model is the most numerous by far (over half of all partnerships) and dominates a similar model called 'Inside-Out' which was first developed in the United States in the 1990s. Both partnership models are discussed in the following section. The Street Law model does not feature in any of the recorded

²¹ 117 prisons in England and Wales: Institute for Government

<www.instituteforgovernment.org.uk/publication/performance-tracker-2019/prisons>

13 prisons in Scotland: Scottish Prison Service <www.sps.gov.uk/Corporate/Prisons/Prisons.aspx>

3 prisons in Northern Ireland: Northern Ireland Prison Service <www.justice-ni.gov.uk/articles/about-northern-ireland-prison-service>

²² In the academic year of 2018-19, there were 165 higher education institutions in the UK: Universities UK, 'Higher education in numbers' <www.universitiesuk.ac.uk/facts-and-stats/Pages/higher-education-data.aspx>

partnerships (although BPP University, as noted below, has provided Street Law programmes in custodial environments since 2004).

Of the subjects listed by the partner institutions as taught in their respective prisons, criminology is particularly prominent and outweighs the other subjects by some distance (around a half of all partnerships). Other partnerships offer diverse subjects such as philosophy, psychology, drama, the creative arts, sociology, education, science and law. Those universities which have had partnerships involving law students are the University of Central Lancashire,²³ the University of Cambridge²⁴ and The Open University.

The Inside-Out and Learning Together Models

The Inside-Out Model

This model, which is more formally known as the 'Inside-Out Prison Exchange Program', originated in the United States in 1997 and has as its tag line 'Social change through transformative education'.²⁵ The idea for Inside-Out originally came from an

²³ This is a Learning Together programme at HMP Kirkham open to UCLAN's criminology and law students. See also: Helen Codd et al "'The Best of Times and the Worst of Times": Reflections on Developing a Prison-Based Business Law and Tax Clinic in the Midst of a Global Pandemic' (2020) *International Journal of Public Legal Education* 4, 2 <'The Best of Times and the Worst of Times': Reflections on Developing a Prison-Based Business Law and Tax Clinic in the Midst of a Global Pandemic | International Journal of Public Legal Education (northumbriajournals.co.uk)>

²⁴ This was the Butler Law Course at HMP Warren Hill which was led by the late Jack Merritt (see: n 35). It involved the teaching of legal research and the production of resources explaining key legal issues in the criminal justice system.

²⁵ The Inside-Out Prison Exchange Program <<http://www.insideoutcenter.org/>>

inmate following a visit to his prison (Dallas State Correctional Institution in Pennsylvania), by Professor Lori Pompa and a group of her undergraduate students.²⁶

The model has proved to be both inspirational and effective:

An idea conceived in a prison classroom 25 years ago has now grown into an international movement comprised of more than 200 correctional and higher education partnerships, 1,100+ trained instructors ... and more than 60,000 students worldwide who have benefitted from these life-changing courses.²⁷

Each programme consists of inside (prisoner) and outside (university) students being taught together in the same class on a weekly basis over a term or semester. The teaching and learning strategy typically follows a higher education model: lectures, debates, group work, and the provision of the same reading materials and assessments to all participants. While the first programme delivered by Professor Pompa explored issues of crime and justice, subsequent programmes have covered subjects across the curriculum. Inside-Out is predicated on the idea that participants mutually benefit from learning in the same collaborative space. The model is evidently transformative as it informs and shifts individual perspectives.²⁸ A particular feature of this

²⁶ The Inside-Out Prison Exchange Program, 'The Story of Inside-Out' <<http://www.insideoutcenter.org/history-inside-out.html>> See also Lori Pompa, 'One Brick at a Time: The Power and Possibility of Dialogue Across the Prison Wall' (June 2013) *The Prison Journal Special Issue: The Inside Out Prison Exchange Program* 93, 2, 127 - 134.

²⁷ The Inside-Out Prison Exchange Program (n 26).

²⁸ For further information about and analysis of the Inside Out model, see Simone Weil Davis and Barbara Sherr Roswell (eds), *Turning Teaching Inside Out* (2013) Palgrave Macmillan.

programme is the rigorous training provided to both participating university teachers and to their students.

Durham University in the United Kingdom established the first Inside-Out programme outside the United States in 2014.²⁹ The initiative was led by Fiona Measham, a professor of criminology, and the partnership between HMP Frankland and Durham University was featured in a BBC News item in 2016.³⁰ Other universities in England and Wales have since followed suit and developed their own Inside-Out programmes of study.³¹

The Learning Together model

In 2015, the first 'Learning Together' programme was piloted in HMP Grendon by Drs Amy Ludlow and Ruth Armstrong of the University of Cambridge. It has been described as similar to the Inside-Out model as it includes many of the same elements.³² The model has the same format and blend of pre-session reading, lectures, small group work and assessment. The pilot of ten sessions was again grounded in the discipline of criminology.³³ The founders of Learning Together have been

²⁹ Durham University, 'Durham University launches Europe's first prison exchange programme' (29 October 2014) <Durham University launches Europe's first prison exchange programme - Durham University>

³⁰ BBC News, 'Durham University's Inside-Out scheme sees students study with prisoners' (30 January 2016) <www.bbc.co.uk/news/uk-england-tyne-35409927>

³¹ These include the universities of Kent, Teesside, Greenwich, and Salford.

³² Coates (n 12) 43.

³³ For more information see: Ruth Armstrong and Amy Ludlow, 'Educational partnerships between universities and prisons: how Learning Together can be individually, socially and institutionally transformative' (2016) *Prison Service Journal* 225, 9-17 <Prison Service Journal (crimeandjustice.org.uk)>

immensely successful in publicising their model, in generating funding and enthusiastic interest across the criminal justice and higher education sectors, and in fostering the rapid growth of a network of Learning Together prison university-partnerships across the UK.^{34 35}

The Inside-Out and Learning Together models have both been described as examples of good practice in promoting higher level education opportunities in prisons.³⁶ (Although, as indicated above, other forms of valuable prison-university partnerships have been created across the custodial estate.) The literature generated by these programmes of study indicates that they are transformational for many of the inside and outside students taking part. They challenge perceptions, break down barriers and participants learn from each other. They may also provide the inside students with the confidence, self-belief, and encouragement to seek other educational opportunities.³⁷

³⁴ Further details about the Learning Together network can be found in the Prisoners' Education Trust Partnerships Directory <Partnership directory - Prisoners' Education Trust>

³⁵ In December 2019, Learning Together suffered an appalling tragedy at their conference at Fishmongers Hall in London, when an ex-prisoner who had previously participated in a Learning Together programme, killed two from the University of Cambridge and injured a further three people. Whether the event and the consequential inquests will have a chilling effect on the leadership and development of the Learning Together Network over the longer term, remains to be seen.

³⁶ Coates (n 12) 42-43.

³⁷ For further detail, see: Jenny Fogarty, Natalie Gray and Jennifer Ward, 'Transformative Learning Through University and Prison Partnerships: Reflections from "Learning Together" Pedagogical Practice' (2019) *Journal of Prison Education and Reentry* 6, 1, 7 - 24 <Transformative learning through university and prison partnerships: reflections from 'Learning Together' pedagogical practice - Middlesex University Research Repository (mdx.ac.uk)>

It has been noted above that criminology is a commonly chosen vehicle for these programmes. It may be that this subject is especially powerful and affective in the custodial environment as all participants, whatever their social and educational background, will have knowledge, opinions and something valuable to contribute from both experiential and theoretical perspectives. Although a strong case could also be made for psychology, sociology, creative writing and law.

Relatively few, however, can benefit from the Inside-Out and Learning Together programmes as those prisoners taking part altogether number in the hundreds – while there are around 90,000 – 100,000 prisoners across the custodial estate in the UK at any one time. Moreover, most prisoners lack the level of educational attainment needed to participate successfully in a university-level programme of study. Many prisoners present with learning difficulties and primary school levels of achievement; many were excluded from school. They would therefore be unable to complete the pre-reading or assessment tasks required by these programmes.³⁸

It is difficult to evaluate quantitatively the long-term effect of these programmes of study as there are so many variables at play. Qualitatively and anecdotally, the Inside-Out and Learning Together programmes may be intense, immersive and affective

³⁸ See 'Key Facts' in Coates (n 12) iii. One third of prisoners self-identified as having a learning difficulty and/or a disability; many prisoners have primary school levels of attainment in English and Maths; 42% of adult prisoners report as having been permanently excluded from school.

experiences for many of the participants,³⁹ but to what extent do these experiences extend beyond the classroom walls once the programmes have reached their conclusion? Inside students may be encouraged to seek pipeline educational opportunities through prison education departments, although many of them may already be benefitting from these opportunities and some have already completed degrees whilst inside prison.⁴⁰ Inside students may be able to use their participation in these programmes to evidence their rehabilitation and support a move to open conditions, an application for parole or a release on temporary licence. Acceptance on these programmes can therefore be seen as an important motivation in itself. Undoubtedly, outside students become more knowledgeable about the nature and reality of the custodial environment, which informs both their academic studies and their career choice.

The Street Law model in prison settings

Street Law is another teaching and learning model which is used to disseminate knowledge – but specifically legal knowledge - in prisons. The Street Law model began in 1972 when law students from the Georgetown University Law Centre taught sessions on practical law that were age, knowledge and experience-appropriate in

³⁹ Although this is the case for many entering the prison environment in other contexts for the first time.

⁴⁰ For example, John Crilly, who was present at the Learning Together conference at Fishmongers Hall in December 2019, studied for a law degree with The Open University whilst in prison.

nearby secondary schools in Washington DC.⁴¹ ‘Street Law’ is then a very apt description of what the sessions are designed to do: to provide relevant legal knowledge in an easily assimilable form which is of direct benefit to the recipients.

The premise underpinning PLE [public legal education] is that people who have even a basic understanding of their legal rights and duties, the way the legal system works and how to access legal advice will be better able to identify and resolve the legal problems they may encounter in the future.⁴²

Since its origin in the 1970s, the model has been adopted by hundreds of university law schools across the world, either as a pro bono element of an experiential learning module or as a university law clinic offering for volunteer law students. It has also been extended beyond secondary schools to community settings, including prisons. The teaching model ideally consists of highly interactive sessions which are rich in activities and resources.

Street Law in prisons has been undertaken in England and Wales by, for example, BPP University Law School.⁴³ BPP has been active in this area since 2004 and works mostly

⁴¹ For general information about Street Law including its history, see: Street Law <Street Law, Inc. | About> and Francine Ryan, ‘Streetlaw: What is that all about?’ (22 March 2018) *Lawyer Monthly* <<https://www.lawyer-monthly.com/2018/03/streetlaw-what-is-that-all-about/>>

⁴² The Open University Law School’s Open Justice Centre < Open Justice & Middlesex University Street Law Weekend – two blog posts | Open Justice>

⁴³ See: ‘Streetlaw: Prisons’ BPP University Law School Pro Bono Centre 1 <Streetlaw-Prisons-Brochure-Aug-2018.pdf (bppsuniversity.ac.uk)>

in the field of youth justice. Street Law in prisons has also been delivered in recent years by the Law Society of Ireland⁴⁴ and the Law Society of Scotland as a pro bono opportunity for their trainee solicitors.

Street Law programmes may typically deliver one or more sessions inside a prison, but as many as ten sessions over a period of months, as is the case with the Inside-Out and Learning Together models, would be less likely. Prisoners often have a say in the subject of the sessions, commonly choosing from a list of topics provided by those delivering the sessions and which are usually highly relevant to their circumstances. While in the Inside-Out and Learning Together programmes there is some hierarchy between those who deliver the sessions and the students, the inside and outside students are placed on the same footing in the learning environment. In Street Law programmes, it is the law students who are delivering the sessions, under the supervision of law tutors and practising lawyers. In this sense, there may appear to be more of a hierarchy between the inside and outside students. However, while each law student or trainee solicitor researches the law and prepares learning materials, the inside students invariably contribute a practical understanding of the application of the law, real-world examples and the reality of life both inside prisons and outside them as ex-offenders - often in stark contrast to the theory of statutory provisions.

⁴⁴ Law Society of Ireland, 'Street Law' < Street Law (lawsociety.ie)> See also: Evelyn O'Rourke, 'Street Law classes in Mountjoy Prison' (19 February 2019) *RTE Radio 1* < Today With Sean O'Rourke Tuesday 19 February 2019 - Today with Sean O'Rourke (rte.ie)>

Street Law in prisons may thus be mutually beneficial for inmates and university students alike.

The Open University Law School and Public Legal Education in Prisons

The Open University Law School through its Open Justice Centre first piloted three different approaches of public legal education in prisons in 2017 and 2018. Since then, fifteen projects in eleven prisons in England and Wales had been undertaken by 2020.⁴⁵ Most of the law students involved in these projects are studying The Open University module W360 'Justice in action'. This level 3 module is built around students working together in a group under the supervision of law tutors and solicitors to provide members of the public with legal advice. The central themes of the module comprise professional identity, legal values, legal ethics and social justice, and the module is designed to foster legal, employability and personal skills.⁴⁶ While the prison projects are one of the pro bono opportunities provided by the module, they are also open to other law students studying Level 3 modules.⁴⁷ The different types of public legal education undertaken by The Open University Law School in prisons are discussed in successive sections.

⁴⁵ See n 3 for a list of these prisons.

⁴⁶ For further detail, see the description of the module 'Justice in action' <Module Description - W360 - Justice in action (open.ac.uk)> See also: Hugh McFaul et al, 'Taking Clinical Legal Education Online: Songs of Innocence and Experience' (2020) *International Journal of Public Legal Education* 4, 2.

⁴⁷ For the full range of pro bono opportunities open to the students, see the latest Open Justice Centre Annual Report <<http://www.open.ac.uk/open-justice>>

Prison radio project at HMP Altcourse

The format of this prison project has been little changed since its pilot in 2018 as it worked effectively for all involved from the beginning. HMP Altcourse is a category B local prison on the outskirts of Liverpool for sentenced and remanded prisoners and is run by G4S. It was opened in 1997 and was the first prison in England to be privately designed, constructed and administered. A rehabilitative prison culture is strongly in evidence at HMP Altcourse.⁴⁸ In a recent prisons' inspectorate report, staff/prisoner relationships are assessed as very good to excellent and 'purposeful activity' through extensive education and vocational training opportunities is regarded as excellent for a local prison.⁴⁹

Since 2007, HMP Altcourse has had its own prison radio - which both contributes to and reinforces the prison's rehabilitative prison culture. The prison radio is led and managed by a prison officer, with prisoners taking on a range of roles, from production to presentation. Five hours of content is produced each day and replayed over a twenty-four hour period.

⁴⁸ HMP Altcourse is named after a local river, although one of the inmates working on prison radio said that he had previously believed it to be an abbreviation of 'alter course'.

⁴⁹ See HM Chief Inspector of Prisons, *Report on an unannounced inspection of HMP Altcourse 13-23 November 2017* HM Chief Inspectorate of Prisons (2018) 3-4, 13 < Report on an unannounced inspection of HMP Altcourse by HM Chief Inspector of Prisons 13-23 November 2017 ([justiceinspectorates.gov.uk](https://www.justiceinspectorates.gov.uk))>; and Independent Monitoring Boards, *Annual Report of the Independent Monitoring Board at HMP Altcourse* (November 2020) 7 < AR-Altcourse-2019-2020-for-circulation.pdf >

In this public legal education project, OU law students work with the prison radio production team to produce and broadcast a law-themed programme.⁵⁰ In the words of prison staff:

We call this project 'Legal Eagles'. Last year's pilot was so successful that we decided to continue. It can be hard for prisoners to find answers to ... legal questions – we have law books in the library, but it can be daunting for many of the prisoners. The Legal Eagles are able to clear up their queries. It's a positive experience for the students as well – coming into the prison challenged their perceptions of what prisoners are like.⁵¹

⁵⁰ For more information about the prison radio project at HMP Altcourse, see: The Open University Law School, 'OU Law students collaborate with prison learners' (28 May 2019) < News | Page 14 | The Open University Law School >

⁵¹ Pete Tinsley, NOVUS Information, Advice and Guidance Worker, and Dave McAlley, NOVUS Tutor and Prison Custody Officer, HMP Altcourse (n 50).

Figure 1: A publicity poster displayed in prison wings at HMP Altcourse



In the words of an OU law student:

Our task was to help provide content for the prison radio service by researching answers to legal questions put to us by the inmates. Our hosts on the prison staff first contacted the mentors – the more senior prisoners on the wings. These mentors then queried the general prison population and a couple of weeks later a long list of intriguing questions were returned to us.⁵²

The legal queries which the students research are general questions which would be of interest to many prisoners listening: they are not case-specific. Examples of

⁵² Henry Lambert, OU Law student, 'HMP Altcourse visit' (14 January 2019) *Open Justice Blog* <Open Justice | Law, pro bono and social justice | Page 4>

questions selected for research have included making child arrangements, Home Detention Curfew and the Proceeds of Crime Act 2002. The students prepare talks of about fifteen minutes on each research question and answer questions put to them by the radio presenter. The students are also asked to choose their 'desert island disc' and the story behind it, which adds a touch of light relief.

An OU law student has commented on the prison radio project as follows:

This experience at Altcourse, working with both the staff and inmates who were producing a very high standard of radio programming and the team from the OU, has been entirely unique in my academic and professional life. It was fascinating to collaborate with such a diversity of personal and professional backgrounds. It was gratifying to be part of a project where it genuinely felt as if everyone participating came away with something valuable: the inmates running the radio program[me] and the prison staff working on production, the general prison population that might benefit from the information presented, and the OU students being given this opportunity ... It was my first experience seeing how the law operates in practice: with all sorts of people coming together to ask questions, try to find answers, and communicate them effectively.⁵³

⁵³ *ibid.*

The advantage of this project is the dissemination of legal knowledge throughout the prison population. Those prisoners involved in the production of the radio programme and those listening to it, are then able to pass that legal knowledge on to other prisoners. HMP Altcourse, its prison radio and the Legal Eagles featured on BBC Radio 4's *Law in Action* programme in November 2019. Prison staff, inmates, OU law students and an OU member of staff were all interviewed for the programme.⁵⁴

Learning Together (law) in a London Prison

This public legal education pilot at a local category B prison in London was made possible by the facilitation of the National Offender Management Service (now known as HM Prison and Probation Service) and the Learning Together network. This project consisted of five 'Law and Society' seminars. After the first seminar on human rights, the subjects for the seminars were chosen by the prisoners themselves and included knife crime, employment law issues after prison, the criminal courts, and trial procedure taught via a mock trial involving both the inmates and students taking on different roles. We trialled the award of certificates of participation at the end of the project, as suggested by the Learning Together network. These were very clearly appreciated by the prisoners, as many are without qualifications. However, while this project provided worthwhile experiences for the prisoners and students involved, it

⁵⁴ Joshua Rozenberg, 'Law in Action' (14 November 2019) *BBC Radio 4* <BBC Radio 4 - Law in Action, Abusive parents>

did not operate as originally intended and agreed with the prison's education department.

Overall, the prison regime in question was chaotic, dysfunctional, and not conducive to the running of the project. There were pockets of rehabilitative practice in the prison, but these were sparse and isolated. There was dysfunction and inadequate communication between the prison officers on the wings and the education department and between the senior managers of the education department and the education tutors on the ground. The lesson learned here is to exercise extensive and robust due diligence and choose with immense care the prison to partner with. Although it is difficult and probably impossible to anticipate all the issues that might arise and probe the likelihood of them occurring in advance of project start: you simply do not know what you do not know. For instance, it was originally intended and agreed that we would work with the same cohort of prisoners for all five seminars. This did not turn out to be the case: there were new prisoners at every seminar due to a range of factors which are outlined below. To enable the project to continue, we decided to treat each 'Law and Society' seminar as a standalone session. It also became clear that the Street Law model was better suited to the circumstances than Learning Together owing to the level of educational attainment of the prisoners originally allocated by the education department to take part in the project. This again was not as originally agreed. Our experience was not unique however: another Learning

Together project at a similar type of London prison encountered the same chaotic and non-rehabilitative prison conditions.

OU law students involved in the project commented as follows:

As we were running the sessions for an established class, we were working with one teacher and her group of inside students in particular. However, that didn't mean that we had the same people every time, as was initially assumed. A lot of the time, [the] inside students we expected didn't come, maybe because they'd been released, because their names weren't on the register or because no guard was available to take them up [from the cells on the prison wings to the education department], so we were forced to go with the flow, but I think it worked out quite well.⁵⁵

The response to the sessions by those attending however, was impressive. Prisoners were encouraged to challenge views and perceptions relating to legal topics ranging from ... knife crime, and privacy through to self-defence. Even those initially hesitant about working alongside undergraduates developed confidence to get involved, in a not too dissimilar way to the OU students who worked with a prisoner for the very first time ... Maintaining an open mind is

⁵⁵ Anna Aitchison, OU law student, 'Public Legal Education at HMP Wormwood Scrubs' (24 May 2018) *Open Justice Blog* < Public legal education at HMP Wormwood Scrubs | Open Justice> <Blog | Page 8 | Open Justice>

crucial – expect the unexpected and refuse to stereotype anybody who finds themselves in detention, without a knowledge of their circumstances ... If you believe everybody deserves an opportunity to move on from past wrongs and you are open enough to develop in unexpected ways, then I would not hesitate to recommend embracing opportunities of this nature.⁵⁶

To conclude, while The Open University Law School may deliver the Inside-Out or Learning Together model against strict operative criteria in another prison in the future, this is not part of current plans.

Street Law in partnership with St Giles Trust in nine prisons

Most of The Open University Law School's public legal education projects in prisons have been in partnership with the highly respected charity St Giles Trust. The work of St Giles in prisons is thoroughly rehabilitative in its aims, modus operandi and outcomes. The Open University Law School through its Open Justice Centre has provided legal support for this work in nine prisons using the Street Law model. The partnership between the two organisations has proved to be effective and beneficial: it was nationally recognised in 2019 when the partnership was selected as a finalist for the annual LawWorks Pro Bono Awards for 'The Most Effective Pro Bono Partnership.'⁵⁷

⁵⁶ Phil Patterson, OU Law student (n 55).

⁵⁷ LawWorks, 'Pro Bono Awards 2019' (2019) 36 <LWPBA19-Brochure-draft1.indd (lawworks.org.uk)>

St Giles Trust is an award-winning charity which provides support and services for the vulnerable and those facing poverty, both in wider society and in the criminal justice system.⁵⁸ Their work includes the provision of prison-based support. St Giles Trust trains peer advisors to become qualified at NVQ Level 3 in Advice and Guidance,⁵⁹ which is a highly transferable qualification. St Giles first developed the peer advisor programme in a prison setting in HMP Wandsworth in 2002, training serving prisoners to offer resettlement support to fellow prisoners. At first, this peer-led approach was met with scepticism and resistance as prison staff and agencies did not trust serving prisoners to be able to offer support services. This programme has since been robustly evaluated by many organisations, which have uniformly found that there is a reduction in re-offending by those prisoners who have been supported by the peer advisors.⁶⁰ Unlike many other rehabilitative initiatives in prison, the peer advisors are also supported by St Giles Trust on release into voluntary or paid employment, including with St Giles.

While the peer advisors use their lived experience and expertise to support people in prison facing situations similar to those which they have encountered, this process

⁵⁸ St Giles Trust, 'Awards For Our Work' <AWARDS FOR OUR WORK (stgilestrust.org.uk)>

⁵⁹ This is a National Vocational Qualification accredited by City & Guilds.

⁶⁰ The St Giles Trust Peer Advice Programme has been assessed by wide range of independent evaluators such as Frontier Economics; University of Kent; Southwark Council; The Social Innovation Partnership; Institute of Crime & Justice Policy Research, Kings College, London University; PWC; and New Philanthropy Capital.

also positively changes their own identity. Mann, Fitzalan Howard and Tew have commented that:

The underlying principle of 'Do Good be Good' has a strong evidence base, confirming that working for the good of others is identity changing.⁶¹

The consequential impact of the 'Do Good be Good' principle within a prison context is that the peer advisors typically promote desistance and assist in the creation of a non-offending (or pro-social) identity across the prison through being positive role models who are seen as responsible, reliable and trustworthy. One nurturing aspect of rehabilitative prison culture, as noted in a section above, is the creation of hope. One way of engendering hope is receiving the advice and support of others who have overcome similar challenges.⁶² The peer advisors also help to create a safer, less stressful and more rehabilitative prison environment because their presence means more prisoners can access support and information around the clock, which reduces frustration and a sense of helplessness.

Before the pandemic, St Giles worked in 31 prisons across England and Wales and their peer advisors supported other prisoners in all areas and departments, such as reception, induction, diversity, healthcare, education and resettlement (that is, basic

⁶¹ Mann, Fitzalan Howard and Tew (n 11) 9. See also: Timothy Wilson, 'Redirect: The surprising new science of psychological change' (2011) Allen Lane.

⁶² Mann, Fitzalan Howard and Tew (n 11) 5.

housing advice prior to release). However, there is a massive unmet need for generic legal knowledge and advice amongst those imprisoned and these are not within the expertise of the peer advisors. Therefore, a partnership with The Open University Law School and the opportunity to be part of its Open Justice Centre pro bono programme is seen by St Giles Trust as being of real benefit. Projects have been implemented across a range of prisons, including men's and women's prisons, prisons in different regions and with various levels of security ranging from local B category prisons to more open C category.

The prison projects operate by inviting level 3 law students to work with the peer advisors to inform and develop an area of legal knowledge that would be relevant and useful to serving prisoners. It is very much a collaborative and empowering process with both the peer advisors and law students contributing and learning from each other. Each session additionally provides opportunities for reflection and discussion on broader issues relating to peer advice work which both the peer advisors and the law students find stimulating.

The project sessions take place in any available space in a prison: the library, the education department, or a room set aside for use by St Giles. As may be expected, the facilities are far from ideal. Standard classroom equipment such as whiteboards and PowerPoint facilities, are usually absent and occasionally the length of a session is

compromised by a prison lockdown beforehand (these are imposed when a prisoner or prisoners cannot be accounted for).

OU law tutors work with their students on creating presentations, activities, handouts and leaflets on the various legal topics researched. These are thoroughly shaped, reviewed, and quality assured before delivery in the project prisons. This is a time-consuming and demanding process for students (who are often time-poor) and tutors alike. The resources developed by OU law students that the peer advisors use and refer to when providing advice to other prisoners, have included housing law, release on temporary licence, deportation, joint enterprise, family law issues and legal issues concerning employment after prison. For example, in HMP Send the OU law students developed a practical housing law toolkit that the peer advisors use to provide specific and in-depth housing advice to other prisoners. Prisoners do not have access to the internet so a toolkit like this is especially useful. In HMP Cardiff, resources were created on family law matters such as family visiting rights and the removal of restraining orders – again very relevant as many male prisoners are estranged from their families and need advice and support to re-connect. In HMP High Down, the OU law students concentrated on producing resources that enabled the peer advisors there to give advice on IPP sentences, licence conditions and the parole process: all areas of legal knowledge very much in demand in prison.

There was much learning for The Open University Law School from the first pilot project in 2017 about both the sensory intensity of the experience for staff and students in prisons and nuancing and deepening the training given to students before entering the custodial environment. There has also been the additional challenge of preparing students for the prison projects online, as The Open University is a distance learning institution. Invariably, the first time the law students and their law tutor meet each other is at the prison gate immediately before the first project session. The various modes of preparatory induction, training, facilitation and support which are provided for students online have been set out in another article.⁶³ In the second year of the prison projects, we introduced a celebratory final event following a successful trial in a London prison – presenting certificates of participation to the peer advisors and inviting prison staff to share the success of the project.⁶⁴ For future projects, we plan to develop further our training on Street Law methodology and practical legal research by increasing the number of training sessions.

The programme has had a positive impact in numerous ways. The resources produced to support the work of the peer advisers have enabled more prisoners to access a wide range of effective practical legal advice. One peer advisor in big prisons such as HMP High Down and HMP Cardiff, can provide advice to as many as 250 other prisoners in a month. The impact also reaches beyond the prisons hosting each project as St Giles

⁶³ McFaul et al (n 46).

⁶⁴ The idea for this came from the Learning Together Network.

can use the resources developed by OU students in all the prisons they work in. Therefore, the impact of the Open Justice programme is multiplied across the prison estate and the OU law students' expertise can be widely disseminated. St Giles provides 'Through the Gate' support for peer advisors, opening opportunities for them to work in support roles in the community on release from prison. The peer advisors who have been involved in the OU Law School prison projects can then use the knowledge and expertise they gained in the wider community, thereby creating impact beyond the prison walls.

Here are voices of some who have been involved in the OU Law School and St Giles Trust prison projects:

'In this time of austerity and cuts there is little access for prisoners to specialist support and advice which makes this project even more vital. It is providing an essential service for many prisoners.' (Director of St Giles Trust)

'The Open Justice students have given our peer advisors in the prisons a real opportunity to develop, learn and become more professional but more than anything they have provided a forum where students and prisoners can meet as equals, learn from each other and discuss a whole range of relevant issues. The sessions I have observed have been the liveliest and most stimulating I have ever witnessed inside a prison.' (St. Giles Senior Manager)

'I gave up a ROTL⁶⁵ day to attend the OU session! Best thing ever after the St Giles NVQ.' (Prison Peer Advisor)

'The tutor and the OU students listened well to our doubts and concerns and were able to come back with lots of answers and information.' (Prison Peer Advisor)

'Frank and candid two-way discussion about topics such as IPP⁶⁶ and its impact on mental health and wellbeing.' (Prison Peer Advisor)

'Useful insight into various legal topics relevant to prisoners and the community.' (Prison Peer Advisor)

'I just wanted to say thank you to the OU Students who made a massive difference to the peer advisors here with the information and kindness shown to what they do. I know how much effort it took for [the OU students]

⁶⁵ ROTL is an acronym for 'Release on Temporary Licence'. The St Giles Trust peer advisor sacrificed this privilege of day release from prison to visit his family because he did not want to miss the session with OU law students.

⁶⁶ IPP (Imprisonment for Public Protection) is an indeterminate prison sentence without a finite length. While it was abolished in 2012, thousands remain in prison serving such a sentence.

individually and as a group to manage this process. The peer advisors ... were happy to be given a voice on these issues that affect their daily jobs.' (St Giles Prison Trainer)

'The prison visit itself can be nerve-racking. I was nervous about arriving at the prison late, thereby missing the visit entirely. I was worried about forgetting my ID which would have been disastrous seeing as entrance to the prison was completely prohibited without it and then I was also incredibly nervous about meeting the prisoners and presenting the information to them. I suppose I was mostly worried about embarrassing myself by forgetting key aspects of my research or worse, not being able to answer the prisoners' questions. However, as it turned out, I had nothing to be nervous about. The prisoners were incredibly intelligent, intuitive, engaging and also very enthusiastic, which made the visits and the presentations incredibly successful.'⁶⁷

'The legal information that you may be required to provide to the prisoners varies from the Sentencing Guidelines, especially issues affecting custodial sentences such as licence conditions, early release and imprisonment for public protection (IPPs), to joint enterprise cases ... to extradition law, particularly on

⁶⁷ Roseline Egbejimba, OU law student, 'HMP High Down prison project 2020' *Open Justice blog*: <HMP High Down prison project 2020 | Open Justice>

issues affecting foreign nationals in prison facing deportation and criminal defences such as insanity, automatism and diminished responsibility. Topics are based wholly on what interests and matters to the prisoners. You will find that providing prisoners with any legal information is invaluable, especially to those prisoners who have been incarcerated for a number of years and unaware of changes to the law and for those prisoners who for a number of reasons are incapable of accessing the legal help they require, themselves.’⁶⁸

‘I am incredibly appreciative to have been given the opportunity to study this module [W360 Justice in Action] as it has helped me to develop personally and professionally. I must admit that I was not expecting the prison project to benefit me in the way that it did. I feel privileged to have met the prisoners we worked with ... The prison projects have the ability to help your legal development in ways that you cannot imagine and at the same time, it gives you the opportunity to make a difference in prisoners’ lives ...’⁶⁹

‘Programmes like this are helping to break down social barriers and create positive social change. They help change people’s attitudes towards different people, help to shatter incorrect preconceived ideas about prisons, and benefit both students and prisoners alike.’ (OU law student)

⁶⁸ *ibid.*

⁶⁹ *ibid.*

'I have thoroughly enjoyed working on this project. The skills I have learnt in this short period of time could not be taught in a classroom or an online tutorial. The direct interaction with prisoners at a vulnerable stage in their lives, working together with fellow students to achieve a common goal and being led by a tutor in a managerial role is [an] experience that is a must for any law student. This project has provided me with a first-hand insight into my achievable aim of becoming a solicitor.' (OU law student)

'... I also feel I have contributed to helping these men by taking the time to research issues of huge importance to them. But they have changed me, my views on prisoners and prison life are now much [better informed]. I no longer think that we should be locking people up and throwing away the key but that prison should be a fully integrated rehabilitation programme working towards re-integrating these people back into society.' (OU law student)

Conclusion

This article has set The Open University Law School and its Open Justice Centre's prison projects against the context of other prison-university partnerships in the UK. It has described the models of public legal education used by the Open Justice Centre and the benefits they bring to the partnering organisations, the prisoners and law students. The key distinction between The Open University Law School's prison

projects and many other prison-university partnerships is that the intention is to disseminate legal knowledge across a prison population, rather than benefitting the numerically few. These are sustainable projects that support prisons and charities in their rehabilitative aims. This article has additionally sought to view these projects through a pragmatic and realist lens, in addition to considering their role within a rehabilitative prison culture.

It is also important to appreciate the value of projects in prisons beyond imparting legal knowledge which is relevant and useful to serving prisoners. There is much value in prisoners being able to meet people from beyond the prison walls, from a range of cultural and social-economic backgrounds, with different or even sometimes shared aspirations. Working with law students can have a demonstrable impact upon the self-esteem and confidence of prisoners. It is also important to challenge the preconceptions of prisoners that students may have too. The more people outside of prisons who come to witness the conditions inside them, especially the conditions of the Victorian prisons, the better. While this is not easily quantifiable, programmes like these bring future lawyers and possibly future magistrates and judges, inside the prisons of England and Wales and show them first-hand the frequently disproportionate and long-term impact custodial sentences have on the life chances, physical and mental health of both prisoners and their families. These social costs often exceed by far the gravity of the original crime and the actual sentence length.

That understanding will support the work of charities campaigning for both prison education and prison reform and contribute to a groundswell for change.

**REVIEW: PUBLIC LEGAL EDUCATION – THE ROLE OF LAW
SCHOOLS IN BUILDING A MORE LEGALLY LITERATE SOCIETY
(ROUTLEDGE 2021)**

*Amy L. Wallace*¹

I. Introduction

Much has been written about public legal education (“PLE”) since the emergence of the revolutionary idea that all people, not just lawyers, need to know and understand the law. In the United States, civil rights movements in the 1970s underscored the necessity of practical legal knowledge for non-lawyers. Since then, the proliferation of public legal education programs (specifically Street Law² in many countries) has been remarkable. Within this rich context, Richard Grimes’ *Public Legal Education – The Role of Law Schools in Building a More Legally Literate Society*, defines PLE as follows: PLE provides people with awareness, knowledge

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² Street Law is a public legal education methodology that was developed in the early 1970s at Georgetown University Law Center by law students and faculty. In law school-based Street Law programs, law students deliver practical legal lessons to high school students and community members through interactive, student-centered teaching strategies. It is the predominant form of PLE at law schools in the United States and is found in over forty countries. More than 100 U.S. law schools have faculty-taught or student-led Street Law programs. E.g., Amy Wallace, *A Law-Themed Charter High School Born at New York Law School Remains Indelibly Linked*, 4(1) INT’L J. OF PUB. LEGAL EDUC. 4 (2020).

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and understanding of rights and legal issues, together with the confidence and skills they need to deal with disputes and gain access to justice...(and)...recognize when they may need support...and how to go about getting it.”³ This definition recognizes that it is critical in a functioning democracy that people understand their rights and know how to exercise them. Scholars have written reports discussing the types of instruction that are most effective in delivering public legal education lessons.⁴ Studies have been conducted to measure the value of PLE programs for the high school students or community members participating in the sessions.⁵ Public legal education programs now exist on almost every continent and practical books and articles have been written detailing the groundbreaking projects taking place around the world.⁶

What differentiates Professor Grimes’ new book is that he examines public legal education explicitly with law school PLE providers in mind. While he stops short of saying law schools have an obligation to fill the gaps left by most governments to teach public legal education, he hints that law schools have a moral responsibility to teach practical legal information and skills in the community.

³ Richard Grimes, PUBLIC LEGAL EDUCATION – THE ROLE OF LAW SCHOOLS IN BUILDING A MORE LEGALLY LITERATE SOCIETY (2021).

⁴ Steven E. Finkel & Howard R. Ernst, *Civic Education in Post-Apartheid South Africa: Alternative Paths to the Development of Political Knowledge and Democratic Values*, 26 (3) POL. PSYCHOL. 333 (June 2005).

⁵ Sean Arthurs, *Street Law: Creating Tomorrow’s Citizens Today*, 19 (4) LEWIS & CLARK L. REV. 925 (2015).

⁶ David McQuoid-Mason, STREET LAW AND PUBLIC LEGAL EDUCATION (2019).

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Law schools are uniquely situated to fill this critical role.⁷ Faculty experts, resident at law schools, are equipped to explain virtually any legal issue. Law schools are filled with enthusiastic law students anxious to find a way to use their skills to benefit society. Law schools also have an obligation to provide law students with real world clinical experiences. Professor Grimes not only carefully details how law schools can engage in public legal education, he explains why they should.

Few people are as qualified as Professor Grimes to write a guide to public legal education. He is currently a Visiting Professor at Charles University in Prague and at the University of Edinburgh. The very short biography at the front of the book tells the reader that he became a solicitor in 1977 and has been teaching experiential and clinical education for twenty-five years. This biography omits that it was Professor Grimes who first introduced Street Law to the United Kingdom as a pilot project at the University of Derby in 1997.⁸ With his assistance and encouragement, Street Law programs are now found at over sixty percent of U.K. law schools.⁹ The biography also leaves out that Professor Grimes has worked on legal education projects in over fourteen regions.¹⁰ The book is written

⁷ Richard Grimes, PUBLIC LEGAL EDUCATION – THE ROLE OF LAW SCHOOLS IN BUILDING A MORE LEGALLY LITERATE SOCIETY 5-6 (2021).

⁸ Richard Grimes, David McQuoid-Mason, Ed O'Brien, and Judy Zimmer, *Street Law and Social Justice Education*, in THE GLOBAL CLINICAL MOVEMENT – EDUCATING LAWYERS FOR SOCIAL JUSTICE (2011); Richard Grimes, *Legal Literacy, Community Empowerment and Law Schools – Some Lessons from a Working Model in the UK*, 37 LAW TEACHER 273 (2003).

⁹ Richard Grimes, PUBLIC LEGAL EDUCATION – THE ROLE OF LAW SCHOOLS IN BUILDING A MORE LEGALLY LITERATE SOCIETY 2 (2021).

¹⁰ United Kingdom, Argentina, Iran, Ireland, Nigeria, the Philippines, South Africa, Belarus, Czech Republic, Georgia, Myanmar, the Middle East, Turkey, and Viet Nam. The book contains an astonishing

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as a practical guide for law schools and organizations considering implementing Street Law or PLE programs. The PLE community is a wonderful, cooperative group of professors and practitioners who meet regularly to share ideas and lessons in a remarkably un-proprietary way. Professor Grimes' new book is a user-friendly guide that discusses all aspects of a law school-based public legal education program including templates and sample documents and is a testament to the collaborative nature of the PLE community.¹¹

II. Synopsis

The book is divided into six chapters: background; two chapters discussing delivering PLE (the first PLE generally and the second specifically addressing Street Law); incorporating PLE at a law school; evaluating PLE programs; and conclusions and a case study. The conclusions chapter contains short reflections from a number of PLE practitioners.¹²

The first chapter readily makes the case for the need for public legal education programs. Professor Grimes highlights the growth in the number of people with

anecdote where Professor Grimes arrives to deliver a training in West Africa only to discover there are 2000 participants waiting for him to conduct the training in a football stadium.

¹¹ The author would like to thank Lee Arbetman, Professor Richard Marsico, and Professor Andrew Perkins for their review of this paper.

¹² Short reflections from this author and the editor of the International Journal of Public Legal Education, Sarah Morse, together with Scott Walsh, Margaret Fisher, John Lunney, Michal Urban, Ben Perdue, Sean Arthurs, Jeff Giddings, and David McQuoid-Mason are included in the chapter "Conclusions: Don't just take my word for it."

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unresolved legal issues and unrepresented litigants as evidence of the critical importance of PLE programs. The book briefly discusses government efforts to address the lack of legal knowledge and skills in communities. Professor Grimes notes that few government efforts have led to real growth of PLE programs. Most government initiatives to date seem aspirational as opposed to attainable.

Professor Grimes also uses this chapter to outline why law schools have a vast role to play in building a more legally literate society. The book identifies many different settings (schools, prisons, community centers) that can work with a law school-based PLE program. Public legal education programs can include a large number of law students with a relatively small number of faculty supervisors. As Professor Grimes highlights in later chapters, PLE programs are an excellent complement to existing doctrinal courses and clinical offerings. Street Law and other PLE programs are usually enthusiastically welcomed by law students. Finally he identifies that PLE programs can aid law schools in fulfilling a broader commitment to the well being of society.

The second and third chapters focus on delivering public legal education programs. The second chapter addresses PLE generally and the third chapter discusses Street Law specifically. The book is well-organized and includes all the main issues and questions that arise when designing a law school-based program. Choosing an audience or a location for a PLE program is one of the first decisions

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a faculty member must make. Professor Grimes recognizes the importance of assessing the specific needs of the community and including legal issues that frequently arise for those participants. The book informs readers that programs in the U.K. and some other countries are often delivered to adults in community settings. In the United States, the vast majority of law school-based Street Law programs are paired with high school students. Topics are generally chosen in consultation with the cooperating classroom teacher based on student interest and existing school curriculum.

The book outlines in detail a number of interactive teaching strategies for face-to-face PLE instruction including cases studies, mock trials, and moot courts. These strategies are carefully outlined for new programs unfamiliar with student-centered teaching. Professor Grimes also discusses a form of PLE, which is relatively unknown to U.S. law schools – hard copy pamphlets, leaflets, and posters. This form of PLE, although very different from the traditional Street Law model known to most U.S. law schools, is very interesting. Professor Grimes discusses circumstances in parts of the world where holding face-to-face classes may not be possible or safe but that printed materials can be used to teach people about their rights. Some American law schools are located in wealthy neighborhoods and faculty and law student leaders are not able to physically reach the communities that would most benefit from PLE programs. Other law schools

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are located in remote regions and have similar problems. Those schools could work on hard copy materials that could be sent to and posted in underserved communities. The law student instructors practice different skills when preparing written materials rather than when facilitating interactive sessions but both skill sets are beneficial for the law students and the community members. The growth of virtual/online instruction has allowed law students to reach community members beyond their geographic area but hard copy materials could still be helpful in communities without reliable access to internet or technology.

Finally Professor Grimes discusses virtual PLE sessions. This form of delivery became the norm during the global pandemic¹³ and he identifies that some programs may choose to remain online or develop a hybrid program that offers both in-person and virtual instruction. Technology has enabled some programs to reach far more people than before. Online programs have also aided people with disabilities who may face challenges in attending in-person meetings. In the U.S., many information sessions and “know your rights” meetings for adults may choose to remain virtual. In contrast, many programs working with children and young adults are likely to return to in-person instruction.

¹³ Amy Wallace, *Classroom to Cyberspace: Preserving Street Law's Interactive and Student-Centered Focus During Distance Learning*, 27(4) INT'L J. OF CLINICAL LEGAL EDUC. 83 (2020); Amy Wallace, *Cyberspace Back to the Classroom: Taking Lessons Learned from Teaching Street Law During the Pandemic Back to In-Person Instruction*, INT'L J. OF CLINICAL LEGAL EDUC. (forthcoming).

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Chapter Three is devoted to Street Law. Professor Grimes discusses the history and methodology of the program that was founded at Georgetown University Law Center fifty years ago. This chapter also contains a detailed and practical program handbook. This thorough template walks the reader step-by-step through the process of creating a program and supervising the law student participants. Although Professor Grimes previously published this handbook,¹⁴ the guide is particularly useful in conjunction with the comprehensive discussion of PLE in this book. American programs may note that the handbook addresses indemnity insurance. Because most U.S. programs discuss the law and legal issues in generalities and do not give advice on specific legal problems, insurance is not required. If U.S. law students offer legal advice during a Street Law session, they could be in violation of strict rules prohibiting the unauthorized practice of law because they have not yet been admitted to the bar.

Next Professor Grimes turns his attention to incorporating PLE into the law school. Again, this chapter provides a thorough blueprint for any faculty member looking to start a PLE program at their law school. He acknowledges that individual schools have their own policies and procedures in place for approving these types of projects. The book includes a discussion of learning outcomes or things instructors want participants to be able to “do” at the end of a session. While it is

¹⁴ Richard Grimes, *Sample Handbook for Street Law Clinic*, 4(1) INT’L J. OF PUB. LEGAL EDUC. 4 (2020).

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common to teach law students the importance of including thoughtfully constructed learning outcomes in a lesson plan, Professor Grimes also highlights the importance of learning outcomes for the seminars conducted by law faculty for the law student instructors. Throughout the book, he considers how to maximize the benefits for both the law student instructors and the community participants.

Evaluating PLE programs is addressed in the next chapter. Professor Grimes identifies the challenges for effective evaluation of PLE programs. Measuring changes in behavior including civic engagement and the effective exercise of rights requires costly long-term studies. He discusses the value of anecdotal evaluations that provide a “snapshot in time” and he references some recent studies. Professor Grimes cites to the accepted draft of a study Ben Perdue and I prepared. We asked law students who had participated in a Street Law program what benefits, if any, they derived from their involvement in their program. We studied responses from almost seventy law student participants from twenty law schools in six countries.¹⁵ The participants overwhelmingly responded that they benefitted personally and professionally from participating in their Street Law program and although only a snapshot of those law students in that moment, one hundred percent of the

¹⁵ *Preparing Lawyers for Practice: Developing Cultural Competency, Communication Skills, and Content Knowledge through Street Law Programs*, 70(2) J. OF LEGAL EDUC. (Winter 2020) (forthcoming).

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respondents answered positively about their experience and stated that they believe they developed critical lawyering skills from their PLE experience.

When assessing PLE programs, Professor Grimes emphasizes that it is important to evaluate all three components of a project: benefits to society, benefits to the law student instructors; and benefits to the law school or institution. The third prong is the most neglected part in terms of studies done to date and this area is ripe for investigation as this information would be persuasive for a law school considering whether to implement a PLE program.

The final two chapters of the book are devoted to conclusions and a case study. The conclusions section contains reflections from ten public legal education practitioners.¹⁶ The case study includes all the documentation and completed forms and templates for the PLE program at North Yorkshire Law School. This appendix will help new programs visualize a PLE program from inception to completion.

This thorough PLE textbook will be helpful for any faculty member starting a program at their law school. The requirements set forth in Professor Grimes' guide indicate that most if not all U.K. Street Law or PLE programs are faculty taught. That is not true of Street Law programs in the United States. Over half of the

¹⁶ Short reflections from this author, and Sarah Morse, editor of the *International Journal for Public Legal Education*, are included in this section. Also included are reflections from Scott Walsh, Margaret Fisher, John Lunney, Michal Urban, Ben Perdue, Sean Arthurs, Jeff Giddings, and David McQuoid-Mason.

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approximately one hundred programs at U.S. law schools are led by law students. Many of the programs are run through a Street Law student group and others are the community service project of an affinity group like a Black Law Students Association chapter. Many of these groups have minimal faculty supervision and would find it difficult to meet the benchmarks set forth in Professor Grimes' text. Faculty-led programs have greater longevity, reliability, and guidance and for those reasons we hope that some U.S. law schools see the value of the work being done in student-led programs and decide to convert them to credit-bearing courses.

III. Looking Forward

I cannot end this review without acknowledging this important question alluded to by Professor Grimes in the first chapter - why is it that local, state, and national governments are not being held responsible for providing access to PLE? Should it not be the duty of the government to educate its citizens and residents on the laws that govern them? Professor Grimes briefly discusses efforts by governments to support PLE and he acknowledges that governments ought to do more but the focus of this book is the role of law schools. Further study is required to examine actions and failures to act by government leaders. The rapid development of public legal education programs in Uzbekistan may be a good case study.

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Uzbekistan's PLE journey began when one law school, Tashkent State University of Law (TSUL), began working with Street Law, Inc. in 2018.¹⁷ In January 2019, Uzbekistan's President Shavkat Mirziyoyev issued a decree declaring the importance of public legal education programs.¹⁸ Street Law, Inc., together with an American law firm partner, and the Uzbekistan Minister of Justice worked with the law school to develop a program that could be replicated throughout the country. In 2020-2021 TSUL and all fourteen law colleges had active Street Law programs and over five hundred student instructors worked with 131 schools reaching over eight thousand students.¹⁹ This meteoric progress is indicative of the amazing things law schools can accomplish with government support. It is remarkable that the government of this opening democracy has embraced PLE in ways the governments of many longstanding democracies have not.

The social justice movements of the last few years, including women's rights, racial justice, environmental protection, and LGBTQ rights have underscored the necessity of public legal education. Every person needs to understand their rights and how to exercise them. But the question remains – who is equipped to assume the responsibility for public legal education? This book makes a strong case that

¹⁷ "Street Law Program at Tashkent State University, Uzbekistan Enters Third Year," November 10, 2020, Street Law, Inc. <https://www.streetlaw.org/articles/street-law-at-tashkent-state-university-uzbekistan> (accessed Oct. 4 2021).

¹⁸ Decree – *On the Radical Improvement of the System for Raising Legal Awareness and Legal Culture in Society*, President Shavkat Mirziyoyev, Jan. 9, 2019. <https://lex.uz/docs/4149770>.

¹⁹ Email from Botirjon Kosimov, Senior Lecturer, Tashkent State University of Law, Oct. 7, 2021.

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law schools are best-suited to fill the gaps left in addressing PLE. Law schools have on-site faculty experts often excited to contribute to social justice. Law schools also have an overabundance of law students who need practical real world clinical experience. Public legal education programs provide law students with the opportunity to study substantive legal topics while developing public speaking skills and the ability to break down legal concepts for non-lawyers. The high school students and program participants gain access to enthusiastic, knowledgeable members of the legal community. Law schools secure rigorous, practical, clinical/experiential programs that law school students enjoy. Law school-based public legal education programs are the definition of a “win-win-win” scenario and this book by Richard Grimes is a wonderfully thorough roadmap for any interested law school, faculty member or law student.