

How do we teach about the law? by Tara Mulqueen and Tony Thorpe

Law is a system which is both incredibly near to us, affecting and shaping more aspects of daily life than many would imagine, and incredibly distant as a form of knowledge that generally requires the skills of a highly educated professional. In spite of how profoundly law impacts our day to day lives, developing legal knowledge and capability in dealing with law-related issues amongst the general public remains a difficult proposition. While organisations and communities around the world have been doing public legal education for decades, there is relatively little available in terms of an articulated pedagogy. We offer this initial reflection on our own methods as a contribution to what may hopefully become a rich discourse on teaching methods in public legal education and a resource for others wishing to teach PLE in their communities.

At Law for Life, we have been developing our approach to teaching public legal education over the past several years through our work with a wide range of community groups. Our approach is premised on the belief that while law is practised primarily by a highly skilled group of professionals, this does not mean that it must in turn be inaccessible to the lay person. This requires believing that even the most complicated or mundane things can be made understandable and interesting. In doing this, we are attempting to address the limited legal understanding amongst many groups within the UK, reduce the negative social and personal consequences of misunderstandings, combat the effects of the reduction in advice services and representation, and also help individuals take greater control of their lives. We work most often with ‘intermediaries’ – people who are associated with community organisations, and in the context of reduced funding for legal aid and advice, find themselves under increased pressure to

support people with law-related issues. These intermediaries will usually not have any formal legal training themselves.

The groups we work with tend to be primarily from vulnerable or marginalised communities and the areas of law that most impact their day to day lives are those which fall under the traditional heading of social welfare law – areas of law such as housing, employment and welfare benefits, which are known for their level of complication and technical detail. This would presumably preclude teaching very much of it to the general public. However, rather than focusing on teaching the technical detail of the law, we emphasise developing a generalisable skill set that enables people to prevent and deal with issues as they arise. With laws and regulations often changing rapidly, it is these skills that are most important.

We address these skills with the support of a framework we created with the University of Bristol several years ago. The framework articulates four overlapping domains of what we refer to as ‘legal capability’ – the knowledge, skills and confidence needed to deal with everyday law-related issues:

- Recognising and framing the legal dimensions of issues and situations

This would include, for instance, being able to identify when a problem has a legal dimension and is more than just ‘bad luck’.

- Finding out more about the legal dimensions of issues and situations

This strand is concerned with being able to frame questions about the law and identify accurate and accessible sources of information.’

- Dealing with law-related issues

This encompasses a range of skills and attitudes needed to pursue a course of action to resolve a law-related issue, such as organisational skills and

perseverance.

- Engaging with and influencing the law

This final strand moves from being able to identify and deal with law-related issues, to having the skills and abilities needed to organise for changes in law and policy.

With this framework as a guide, we situate our teaching of law in terms of the experiences of our students, which are inevitably diverse. We conduct extensive needs assessments and consult with the groups we teach before we begin in order to find out not only the particular issues they may struggle with but also the specific difficulties they tend to face (i.e. not assuming what is difficult for one group will necessarily be what is difficult for the next), as well as how their experiences of law have shaped their perceptions and expectations of law. We develop activities and curricula that reflect real situations and the coincidence of life events and legal problems.

How does this work in practice? One of our first exercises, Draw the Law, invites group members to share their perceptions of the law, and how it arises in their day to day lives. Thereafter, the structure of most of the courses we have run is made up of three elements, which overlap over the duration of a course or lesson. The first is designed to help group members understand and use a small number of legal principles that tend to arise in many everyday situations and have wide applicability. These include the distinction and differences between civil and criminal law, the meaning of the term “contract”, and the notion of “duty of care”. During the course we also stress the significance of other aspects of law, including the provision of evidence, and the notion of reasonableness. These are not necessarily presented as they would be in a law school curriculum, but instead reflect how legal issues are experienced and what makes the most sense from a practical perspective.

Having developed an awareness of some of the basic legal concepts, we tend to turn the focus to specific areas of law groups wish to cover and where these concepts can be applied. Commonly these may include consumer, employment, housing, and welfare benefits. Rather than taking each of these areas as a whole, we tend to cover elements of each area that are key to understanding a range of issues that may arise, for instance the importance of the tenancy agreement in housing, and a few specific issues, such as disrepair, unfair dismissal or benefit sanctions.

Although there is some focus here on what the law says, it tends to be limited to what group members can discover and understand for themselves. We very rarely simply tell people what the law is, nor do we rely on summary handouts. This is partly because, as mentioned above, much of the technical detail of the law is beyond what we are able to teach in the limited time available, but also because it is incredibly easy to for such detail to overwhelm students and distract from the development of a more durable set of skills. In our approach to teaching, we actively mitigate against a false sense of security associated with ‘knowing the law’ as opposed to developing the skills necessary to find out the law and make sense of it in the context of everyday situations—particularly when the law changes so rapidly.

We will often begin with a case study and a group discussion about what is happening. We may then also ask group members to think about what is potentially legally relevant, working toward identifying a set of questions about the law. This is always impressive, as groups are often readily able to identify the most significant details for legal purposes. From there group members generate a set of questions which will inform basic internet research about the relevant law. This research is supported by earlier sessions on how to identify reliable, applicable and accessible information about the law. We then come back together to discuss what group members found in their research, and how

they might apply it to the case study. We compare different approaches and discuss the reasons why one might be more accurate or likely than the next. Once we've agreed on a viable strategy, we then think about the practical implications for a range of potential community members.

This last point brings us to the third strand of the work which is focussed on the interaction between a group member and their client. Here we stress the important difference and the boundaries between giving information and advice, supporting them in knowing how to identify the limits of their own capacity to help someone and when specialist help may be needed. Here we tend to focus on a range of practical ways to support someone to deal with a law-related issue, which can range from simply listening and helping them to make sense of a problem to supporting them to fill out a complicated form or draft a letter. We use multiple forms of role play to highlight different types of situations that can arise, and strategies for working through them.

One of the main consequences of our approach is that our sessions involve very little direct instructional teaching—instead, learning happens primarily through activity and discussion which directly places value on group member's ideas and contributions. We recognise and that we are not the sole or necessarily even the main repository of skills and competence in the room—those we train come with a diverse array of prior experience. We draw out key points through questions and answers rather than didactic explanation. We foster participation and engagement, with attention to difficulties some may face, and aim to see that group members feel more informed and confident about a particular topic or area of law at the end of the session than they were at the beginning.

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