



## **Developing Capable Citizens: Civil Justice and Public Legal Education 13 November 2008**

### **MINUTES**

#### **Chair's Welcome**

Martin Partington CBE, expressed delight at having been invited to chair the event and introduced himself as a former member of the Civil Justice Council (hereinafter "CJC") and author of the book, "Introduction to the English Legal System". He ran through the format of the event and spoke of a previous CJC workshop on citizenship and civil justice education. The Chair spoke of the establishment of the Public Legal Education and Support (PLEAS) Task Force and touched upon the report that followed its creation. The Chair spoke positively about some public legal education projects currently in existence but mitigated this with concern at the lack of coordination and lack of knowledge regarding their impact. He took encouragement from Lord Bach's expression of support for public legal education the previous evening, spoke of a successful case of developing a capable citizen, and then invited Mike Napier to address the delegates.

#### **Keynote speech – Mike Napier CBE QC**

Mike Napier, Pro Bono Envoy to the Attorney General, began his address by speaking of the domestic and international support for pro bono. He expressed his gratitude to Lisa Wintersteiger for her industry and vision in organising the event, and also thanked delegates for their attendance. He positioned the event within the context of the 7<sup>th</sup> National Pro Bono Week (hereinafter "NPBW"), and spoke of its themes and related events.

## **Plenary Session: Building Legal Capability**

### **Howard Gannaway**

Howard Gannaway introduced himself as Research Fellow in Financial Education at NIACE, an organisation whose mission is to promote adult learning. He referred to parallels between financial learning and public legal education (hereinafter "PLE"), the more advanced journey of the former and the possibility of the legal literacy movement drawing lessons from its financial equivalent. Howard Gannaway then remarked upon how adults learn, the history of the financial literacy movement and the achievements of NIACE in this field. He observed that the development of financial learning was hindered at first through the lack of an academic framework within which it could be located, and he contrasted this to the rich jurisprudential background of public legal education. Howard Gannaway commented on the absence of an equivalent to the Financial Services Authority (hereinafter "FSA") in the legal arena. Given the potential cross-governmental interest in this field, he cautioned against interaction solely with the Ministry of Justice (hereinafter "MoJ"). He cast a positive light upon the inverse proportion between a movement's success and a founder's control of ideas. He also stressed the importance of establishing an agreed terminology as a way of progressing discussions. Howard Gannaway argued that a citizen-centred approach was critical to success and emphasised the need to establish a community of practitioners and the importance of vision. He closed his address by suggesting delegates consider how they may incorporate the principle of the legally capable and empowered citizen into their work?

The Chair thanked Howard Gannaway for his introduction to the challenges faced in legal education. He added that although the legal world does not have an equivalent of the FSA, the Legal Services Board has PLE as its focus.

### **Martin Jones 'What does a legally capable citizen look like'**

Martin Jones informed delegates of the work of the Public Legal Education Network (hereinafter "Plenet"), including the establishment of a website, newsletters, events and research. He considered the meaning of "legal capability", looking at the PLEAS Task Force Report for guidance and then referring to it as the combination of knowledge, skills and attitudes that people need in order to deal effectively with the law-related issues that they are likely to meet in the course of their lives. Martin Jones added that this extended beyond problem solving and self-help for litigants in person. He set out two scenarios regarding fictional characters and asked delegates to consider the different capabilities that each would require in terms of knowledge, skills and attitudes. Following this exercise, he explained that the Seven Steps guide (used in

Streetlaw activities during NPBW) contains a generic approach built upon this framework to guide people on how to deal with issues.

## **Presentations of public legal education models**

### **Ruth Cohen**

Ruth Cohen gave an account of the Lawyers in Schools scheme operated by the Citizenship Foundation. She explained that it began ten years ago as a cooperative effort with Linklaters to help teachers who were struggling to deliver the legal component of the citizenship curriculum. Ruth Cohen informed delegates that 18 law firms, 250 lawyers and 600 pupils now participate in the scheme whereby lawyers go to schools six times a year to deliver the legal element of the citizenship curriculum through active, discussion-based sessions on areas of law as diverse as employment, consumer law, police powers and human rights. At the conclusion of the six sessions, pupils, teachers and lawyers undertake an evaluation. Ruth Cohen also touched upon the Young Citizen's Passport, a publication in its 13<sup>th</sup> edition worked on by law firms and educational experts and which looks at various legal issues.

The Chair remarked upon the importance of interaction between solicitors and schools and how that links in with NPBW activities.

### **Martin Curtis**

Martin Curtis gave an overview of the Streetlaw project which arose out of the U.S. civil rights movement but which engages students rather than lawyers in pro bono projects of varying duration. He explained that over 40 law schools in England and Wales operate Streetlaw projects and that he has received an increased number of enquiries from others of late. LawWorks helps students to come together, form links with community groups, establish their needs, and then put together and deliver an interactive engaging session with immediate evaluation afterwards. Martin Curtis spoke of examples of Streetlaw projects as well as the difficulty of measuring their impact.

### **Taslima Yasmin**

Taslima Yasmin shared her experiences as a street lawyer and trainer of street lawyers in Bangladesh. She related details of a training programme she helped deliver to 1500 students, explaining how information was imparted through lessons, activities and written material. Taslima Yasmin informed delegates that the impact of the programme was assessed through an evaluation sheet at the end of every session. She also described the wider positive impact of public legal education upon teachers and parents.

## **Katy Archer**

Katy Archer gave her perspective on the issues and challenges faced by public legal education, how the NCCL currently works and how it would like to work in future. Although the emphasis of NCCL projects is on criminal law and crime prevention, she explained that some programmes are starting to look at civil law. Katy Archer spoke of the NCCL's clients and users, how it measures the outcomes of its work, and the types of projects it currently runs (including mock trials on historic and contemporary issues). She considered the balance between inserting the right amount of legal detail into material while maintaining its attractiveness. Katy Archer also addressed the role of public legal education in raising career aspirations. She explained that civil law resources have been developed with an independent consultant and touched upon how change may be effected to empower others through a curriculum-based resource which can be delivered flexibly on a national basis. Katy Archer then expressed her thoughts on individual and partnership work, developing capable citizens and motivations for performing this work.

## **Panel discussion**

The Chair expressed the main themes that emerging from the presentations and opened the floor. Delegates first addressed the question of restorative justice work in Liverpool. Katy Archer referred to Liverpool-based educational projects and Martin Jones informed delegates of collaborative discussions with an organisation working with gang members that is interested in discrimination-related issues. Howard Gannaway emphasised the importance of tackling adult education given that over 70% of the workforce in 2020 have already passed through the formal education system. Delegates considered difficulties in getting some lawyers to appreciate the significance of PLE. They also touched upon the success of citizenship education and the delivery of its legal component, taking heart from a comparison with performance in more traditional subjects such as mathematics and English. Joyce Connell of the Ministry of Justice updated the delegation on the Your Justice, Your World website which is to pilot on 24 November, adding that a Welsh version of the website is to be considered. Cerys Furlong of NIACE Cymru asked what could be learned from Scotland in the context of devolved policies. Martin Jones spoke of discrimination work with the Scottish Legal Aid Board while Lisa Wintersteiger spoke of parallel projects and the opportunity of learning from the Welsh experience. John Gillies of Citizens Advice asked whether a particular Streetlaw project involving prisoners had been followed up. Martin Curtis replied that as Streetlaw projects have grown organically he was neither able to answer this nor to confirm whether a genuine outcome had been reached from intervention. The Chair considered the difficulty of evaluating the success of PLE projects. Dr Theo Gavrielides raised his concern

at the use of the term “public legal education” and other delegates voiced the need to address definitional issues. Rebecca Wilkie of the Bar Pro Bono Unit stressed the importance of exploring adult learning needs given Howard Gannaway’s earlier words of caution. In response to a question from Kate Walmsley of the Law Society as to what the barrier to getting PLE more widely delivered was, panel members replied that the argument for PLE had not been won and that this proved an obstacle to securing resources to fund projects, they cited the problem of duplication and the need for branding.

### **Closing remarks by the Chair**

The Chair invited leaders of the syndicate sessions to summarise the main messages emerging from their groups.

### **Lisa Wintersteiger**

Lisa Wintersteiger explained that the key messages which emerged from her session were that a considerable number of people with civil justice issues were unaware of the relevant rights processes; that a reassessment of the lens through which PLE issues are looked at was required; and that collaboration between the arenas of theory and practice was also needed.

### **Essi Lindstedt**

Essi Lindstedt remarked upon the perceived utility of working on an agreed terminology for PLE work and the need for better coordination to avoid tension and duplication. She also considered the location of PLE within the Welsh curriculum and was heartened by the fact that progress in Wales is more fast-paced than it is in England.

The Chair drew out key strands emerging from the syndicate groups, he spoke of the possibility of offering a clearing house of information and suggested how the Attorney General’s Pro Bono Envoy could take matters forward. Lisa Wintersteiger urged delegates to join Plenet if they had not already done so. Howard Gannaway suggested that delegates share their contact details. The Chair expressed his gratitude to Lisa Wintersteiger for her enthusiasm and vision in developing and planning the conference and he thanked the Civil Justice Council secretariat for its administrative support.