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University of
New England

Taking Street Law to Regional and Rural Towns

A Rural Resurgence Initiative Project

Associate Professor Brian Simpson

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‘Community education projects such as Street Law are an opportunity for the lawyer to re-envision the possibilities of legal education and the law, and develop the tools necessary for the project of social change.’

(Elizabeth L. MacDowell ‘Law on the Street: Legal Narrative and the Street Law Classroom’ (2008) 9 Rutgers Race and Law Review 285-333, at 333)

TABLE OF CONTENTS

Acknowledgments	4
Chapter 1: Introduction	5
1.1 The UNE Rural Resurgence Initiative	5
1.2 Clinical Legal Education and Law Schools	5
1.3 Legal Services in Regional and Rural Communities	7
1.4 The Potential of Street Law	8
Chapter 2: Street Law	10
2.1 What is Street Law?	10
2.2 Benefits	13
2.2.1 Communities	14
2.2.2 Students	14
2.3 Adapting Street Law for Regional and Rural Settings	14
Chapter 3: Researching the Potential of Street Law in New England	16
3.1 Identification of Potential Partners	16
3.2 Meetings	16
3.2.1 Glen Innes	16
3.2.1.1 Glen Innes High School	16
3.2.1.2 Glen Innes Severn Council	17
3.2.1.3 Glen Innes Correctional Facility	17
3.2.1.4 Glen Innes Youth Council	18
3.2.2 Tamworth	18
3.2.2.1 Tamworth Regional Council	18
3.2.3 Armidale	19
3.2.3.1 Armidale Dumaresq Council	19
3.2.3.2 Armidale Dumaresq Council Youth Services Network	20
3.2.3.3 North and North West Community	

Legal Service	20
3.3 Other Potential Partners	20
3.3.1 Aboriginal Legal Service	21
Chapter 4: Modelling Street Law for Regional and Rural Communities	22
4.1 Models	22
4.2 Pilot Project	22
4.3 Student Preparation	23
4.4 Other models	23
Chapter 5: Conclusions and Recommendations	25
Bibliography	26
Letters of Support	28

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Chapter 1

Introduction

1.1 The UNE Rural Resurgence Initiative

The UNE Rural Resurgence Initiative was established in 2008 to focus research undertaken in the Faculty of the Professions at UNE on the needs of rural communities. It is described in one of the founding documents as 'designed to deliver significant improvements in rural access to knowledge, by creating new techniques for managing knowledge, and by reducing fragmentation in how knowledge is acquired and provided.'¹ As part of this program the Dean of the Faculty of the Professions announced calls for expressions of interest for seed funding in late 2008 to support projects that could form part of the Rural Resurgence Initiative. An expression of interest was subsequently lodged to fund this Street Law project, and the application was successful.

Part of the aims of the Rural Resurgence Initiative is to identify potential collaborators with UNE for related projects. This formed one aspect of the application for the Dean's funding and is further explained and discussed below. The application also had the following key aims for the project either as part of this initial research or if further funding could be acquired:

- to establish how the Street Law approach might be adapted for rural and remote communities;
- to identify potential collaborators in the community;
- to pilot the program in a rural town;
- to design a Street Law curriculum handbook for rural and remote Australia as a consequence of this research.

The longer term aim is to establish a Street Law unit as part of the Law degree at UNE and this is one of the central recommendations of this Report.

1.2 Clinical Legal Education and Law Schools

Many Law Schools now have clinical legal education programs as part of their curriculum. Giddings has noted that 'clinical legal education has been identified as having considerable scope for enlivening the education of future generations of lawyers.'² Importantly for any discussion of Street Law as part of a package of clinical legal education units he notes that:

¹ University of New England *Briefing: The UNE rural resurgence initiative: improving rural health and welfare through access to knowledge* (3 February, 2009), p.6.

² Jeff Giddings, 'Contemplating the Future of Clinical Legal Education' 17 *Griffith Law Review* (2008) 1, p. 2.

The key challenge to greater use of clinical teaching remains its resource-intensive nature. Multiple strategies can be applied in seeking to effectively meet the resourcing challenge (in terms of fortifying existing support as well as providing new forms), along with making the best use of those resources, providing valuable learning experiences to as many students as possible. This will require the development of new partnerships both within and beyond law schools, as well as the enhancement of our collective understanding of different clinical methodologies, from simulations and externship arrangements to various forms of real client experiences.³

Giddings traces the global development of clinical legal education in the 1960s and 1970s in countries such as Australia, Canada, Chile, England, India and South Africa.⁴ As he points out much of that development occurred in '[n]ew law schools with young academics and socially active students.'⁵ But Giddings also describes the shifts in the form of clinical legal education in law schools. While initially many of the clinical legal education programs were established through the law school creating their own clinic, more recent clinics are being 'grafted on to existing community and government agencies.'⁶

Clearly this has much to do with the need to focus resources in the law school and university context but it also creates the opportunity to contribute to community building and develop a sense of service on the part of the next generation of lawyers while they are still law students. However, this creates tensions. As Giddings notes the first problem is the extent to which the clinical experience is utilized across the broader law school experience of students.⁷ Another tension is that between the aims of student learning, community service and the need for supervision.⁸ While many students may be highly motivated, others may not be and the extent to which the aims of learning (perhaps at times by making mistakes) should be placed above the needs of the client is at the very least contentious.⁹

Giddings cites the experience of Grimes who remarks that 'one of the hardest aspects of clinical work with real clients is "turning away a client in need."¹⁰ Giddings then comments that:

[t]urning away cases is particularly difficult for many students, as they tend to have limited experience of prioritising different claims on scarce resources, and often are the ones expected to explain unwelcome decisions to clients.¹¹

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid., p. 3.

⁷ Ibid.

⁸ Ibid., p.7.

⁹ Ibid., p.8.

¹⁰ Ibid., p.9, citing R. Grimes "Reflections on Clinical Legal Education' (1995) *Law Teacher* 169, 182.

¹¹ Ibid., p.9.

As Giddings notes the development of clinical programs in Australia has probably been more influenced by a commitment on the part of those who have staffed them to community service and law reform, than it has to any strong emphasis on teaching.¹² This has led to clinical legal education being seen to be something that ‘adds to’ rather than forms the core of legal education, particularly in developing ethical awareness and a commitment to service.¹³ However, Giddings claims that the teaching aspect of clinical legal education has improved and received greater focus by many who work in the area.¹⁴

Evans and Hyam¹⁵ also note the increasing interest in clinical programs in law schools in Australia with 20 of 29 law schools delivering some form of clinical program. They suggest the majority of law school Deans believe practical programs achieve the educational and social aims of law schools.¹⁶ Law students have been found to be generally dissatisfied with the dissociation of law from context in their law school experience when traditional methodologies of lectures delivering positivistic views of law are employed.¹⁷

The relevance of this discussion for the present project is that it cannot be assumed that clinical programs are just about the student experience by ‘broadening the law curriculum’ through making it more ‘practical’. While they have that as one purpose, they are also about meeting the needs of the clients and the community. These aims may not always sit together easily. For example, if a clinical program discovered that the needs of the community required a strong focus on the legal rights and needs of the elderly, then this might create pressure to include an elder law unit in the law school curriculum. This may well cause tension for academic staff who are comfortable with present offerings but who are then faced with a student body who might argue that the law being taught lacks context or practical use.

Of course, what is ‘practical’ must also be open to question and critique by the law school. Indeed, this may well have been the initial catalyst for the creation of clinical legal education offerings. In this sense, a clinical program that does not constantly reflect on that experience and contextualise it theoretically, as well as practically, is likely to fail to address the tensions identified by Giddings.

1.3 Legal Services in Regional and Rural Communities

It is often said that there is a shortage of professional services within rural and regional communities as compared with metropolitan areas in Australia that leads to ‘locational disadvantage’ for people living in those communities. However, this disadvantage is magnified for those who may be referred to as

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid., p.10.

¹⁵ Adrian Evans and Ross Hyams, ‘Independent Evaluations of Clinical Legal Education Programs – Appropriate Objectives and Processes in an Australian Setting’ 17 *Griffith Law Review* (2008) 51.

¹⁶ Ibid.

¹⁷ Elizabeth MacDowell ‘Law on the Street: Legal Narrative and the Street Law Classroom’ 9 *Rutgers Race & Law Review* 285 (2008).

'marginalised' people in rural and regional communities. Children and young people are one example. The Australian Law Reform Commission in its report *Seen and heard: priority for children in the legal process* (ALRC Report 84, 1997) commented:

'Rural and remote children involved with legal processes also experience problems such as access to appropriate and timely legal services, detention facilities that are not designed to accommodate young people and children's detention or care facilities that are hundreds of kilometres away from their families.'¹⁸

These remarks were placed in the context of rural and remote children experiencing disadvantage in accessing transport, health care, charity organisation, public housing, social work and financial support which are available to metropolitan young people.¹⁹ No doubt other groups within regional and rural communities will have similar claims. Women, indigenous people, people with disabilities, and the elderly may also have difficulty in accessing professional services that specifically and expertly address their particular needs.

Clearly use of the law, legal system and legal advocacy is one way for marginalised people, including children and young people, to claim their right to transport, health care, housing, etc. To the extent that this depends on the legal profession to assist there are recognised problems. First, legal education is usually lacking in addressing the legal issues as they affect the non-rich, let alone the specific legal needs of such groups as children and young people. Second, the private profession tends to work in areas of law that attract high fees and not those areas that concern the non-wealthy. Third, legal aid and pro bono work which might assist groups such as children and young people is often less well funded and so less likely to retain skilled lawyers in the area. Fourth, legal services generally, as well as those which address the needs of the non-rich, tend to be concentrated in metropolitan areas.

Thus to rely on strategies that seek to provide increased access to professional legal services for marginalised members of rural and remote communities is unlikely to completely address the disadvantage of such people. The problem is greater than simply a shortage of lawyers in regional and rural communities. Law Schools need to be proactive in teaching units which will provide the next generation of lawyers with the knowledge base to address the needs of *all* people living in regional and rural communities. They also need to devise programs which - while meeting that objective - also build alternative ways for regional and rural communities to access legal information and the law.

1.4 The Potential of Street Law

As the next chapter explains, Street Law offers a different type of clinical experience for students and also a more flexible means of accessing law for

¹⁸ Australian Law Reform Commission *Seen and heard: priority for children in the legal process* (ALRC Report 84, 1997), para. 4.53.

¹⁹ *Ibid.*

communities. It is primarily educative, but it is also about empowering communities to recognise legal problems for themselves. While legal advice and assistance provided by trained lawyers may be desirable, at times this may not always be required. The advent of 'do-it-yourself' kits in areas such as divorce and wills indicate this, as do those forums and tribunals which either prohibit or discourage legal representation. But more significantly, the dearth of lawyers in some regions - especially those who are skilled in areas of law of most concern to non-rich people - suggests the simple reality that unless individuals gain some legal knowledge they will simply miss out on their legal rights.

Chapter 2

Street Law

2.1 What is Street Law?

Street Law aims to educate ordinary people about their legal rights so that they are empowered to use the law to benefit themselves and their communities. A better understanding of legal rights and the legal processes in a democracy can equip people to access support and services that they are entitled to, and in so doing build a fairer, stronger and more peaceful community. For example, a knowledge of dispute resolution processes and services may prevent a resort to violence or infighting in a neighbourhood dispute. Participation in the legal system can lead to community action and lobbying that results in changes to the law and further benefits to the community. In the context of regional and rural Australia Street Law may go some way to alleviate the difficulty of access to legal services in rural areas caused by distance and the lower numbers of lawyers per capita through educating people about their legal rights, thus increasing their self-reliance.

Street Law began in the United States at Georgetown University Law School in Washington, DC, in the early 1970s. In that program, four students taught members of the community about aspects of the law that affected them. Kamina Pinder, in writing on the 25th anniversary of Street Law in 1998, noted that the Street Law concept grew from a foundational program at Georgetown University Law Centre in Washington DC in 1972 begun by Professor Jason Newman and law student Edward O'Brien.²⁰ A pilot group of four students attended two public high schools in the local district to teach practical law in areas that affected the high school students. By 1997 Street Law programs were running in over 40 law schools in the United States. Street Law programs are also currently running in the United Kingdom as well as parts of Europe, South America, and South Africa.

Pinder describes the purpose of Street Law programs thus:

The Street Law programs are designed to teach Law Related Education (LRE). LRE is the term used to describe legal education for non-law students. Although teaching substantive law is one of the goals of LRE, the primary objective of such a curriculum is to promote critical thinking and analysis of complex topics through the study of law and justice. In addition to meeting its goals, such a program provides the legal community with numerous opportunities for community development.²¹

At that time the program at Georgetown University involved twenty four law students teaching over twenty classes at sixteen public high schools in the

²⁰ Kamina Pinder 'Street Law: Twenty-Five Years and Counting' (1998) 27 *Journal of Legal Education* 211-233, p. 211.

²¹ *Ibid.*, p. 212.

District of Columbia.²² In preparation for the actual teaching they do in the high schools, the law students are required to complete orientation, introductory classes and practice teaching.²³ They are encouraged to exercise creative autonomy but must also prepare lesson plans for each class they teach.²⁴ They are also required to keep a journal for reflection on their experience.²⁵ The role of the supervisor is to note the substantive legal content of the lessons delivered by the law students, teaching methodology, and to debrief the students after the classes they teach.²⁶ The culmination of the program is a city-wide mock trial competition amongst the high school students who have participated in the Street Law program. As Pinder notes:

The high school students' finished work product often surpasses the expectations of others and themselves, resulting in a sense of accomplishment and pride that many of them have never before experienced.²⁷

Pinder also noted the resistance to programs such as Street Law in the law school curriculum based on the usually conservative approach on the part of law schools to the 'traditional legal curriculum'²⁸:

Despite their exponential growth at law schools nationwide, clinical programs have historically encountered resistance from defenders of what is now considered more traditional legal studies. The Street Law program finds no exception to this sentiment, and its very existence in law school is frequently called into question. Indeed, Street Law encounters the same impediments to funding and challenges to its value to the law school curriculum that clinics encountered during their escalation in the 1960s and 70s, and to some extent, today.²⁹

However, Pinder also notes that in terms of preparing students for practice, Street Law was stated by those law students who undertook it as being a reason for improved performance in their legal jobs.³⁰ She comments on how the high school students participating in Street Law are often much more demanding than future clients,³¹ and that the whole process is invaluable for the law students as a means of learning the law and explaining it to non-lawyers in clear, simple language – a handy skill when later addressing juries or dealing with clients.³²

Edward O' Brien and Lee Arbetman, writing in 1978, commented on the benefits of Street Law as both sharpening lawyering skills as well as learning substantive

²² Ibid.

²³ Ibid., p.213.

²⁴ Ibid., pp. 212, 213.

²⁵ Ibid., p.214.

²⁶ Ibid.

²⁷ Ibid., p.215.

²⁸ Ibid., p.225.

²⁹ Ibid., pp.225-226.

³⁰ Ibid., p.226.

³¹ Ibid., p.230.

³² Ibid., p.227.

law.³³ They also mentioned the way in which the Street Law program was the initial step in the law school becoming a legal resource for the community.³⁴

As mentioned above, Street Law has developed globally and been introduced into other law schools around the world. For example, Street Law was introduced as a credit course at the University of Natal, Durban in 1987 following the American model. David McQuoid-Mason has written about his experience in running Street Law in the University of KwaZulu-Natal in South Africa involving law students teaching school children, prisoners and others.³⁵ In that context, a number of student-centred activities have been employed within the Street Law program, such as role-plays, simulations, games, small-group discussions, opinion polls, mock trials, debates and street theatre.³⁶ As he notes:

Street Law students are trained to teach interactively and to draw on the real-life experiences of school pupils, school teachers, prisoners and the communities taught by them when discussing the law. Thus the students obtain first-hand knowledge about social justice issues in the schools and communities where they work.³⁷

McQuoid-Mason describes the centrality of interactive teaching in the Street Law program he has experienced.³⁸ This is premised on the higher rate of memory retention through using that approach.³⁹ He also lists the various outcomes for law students in Street Law programs. These include an ability to communicate law and legal principles in simple language, an increased ability to think on their feet, improved analytical skills, and a better understanding of the legal problems faced by a broad spectrum of the population.⁴⁰

In discussing some of the issues raised by Street Law as part of the law school curriculum McQuoid-Mason mentions the challenge of training law students in using interactive teaching methods rather than lectures. He writes:

This challenge is made difficult by the fact that law students are confronted on a daily basis by law faculty staff using lecture methods. It is necessary to get the students to make a clean break from lectures, and to have the confidence to embrace experiential learning using interactive methods. Students also need to be taught how to think and answer questions on their feet.⁴¹

³³ E.L. O'Brien and L.P. Arbetman 'A New Clinical Curriculum: Teaching Practical Law to High School Students and Inmates' (1978) 29 *Journal of Legal Education* 568-576, p.574.

³⁴ *Ibid.*, p.575.

³⁵ David McQuoid-Mason, 'Street Law as a Clinical Program: The South African Experience with Particular Reference to the University of KwaZulu-Natal' (2008) 18 *Griffith Law Review* 27.

³⁶ *Ibid.*, p.30.

³⁷ *Ibid.*

³⁸ *Ibid.*, p.31.

³⁹ *Ibid.*

⁴⁰ *Ibid.*, p.36.

⁴¹ *Ibid.*, p.45.

He also stresses the need for constant evaluation of Street Law programs in terms of both their impact on the communities they seek to assist as well as their impact on law students who teach them.⁴² McQuoid-Mason also suggests that to make them sustainable, Street Law programs should harness their income producing potential by meeting the training needs of the public and private sector.⁴³

MacDowell writes about the manner in which Street Law creates a different story to the 'standard' law school experience for most law students.⁴⁴ The Street Law experience, according to MacDowell, challenges the law students in many ways. In particular, the 'level of conformity to the assumptions of the law is lower' than that experienced in the law school classroom.⁴⁵ As she observes:

In my experience and the experience of other Street Law teachers I spoke with, the students pepper the teacher with questions based on their own experience, frequently challenging legal frameworks and assumptions head-on in a way I never observed in law school.⁴⁶

MacDowell then recites how students she taught used the concept of discrimination in a particularly 'non-legal' manner which spoke more to the reality of their existence than the lawyer's reliance on anti-discrimination rights.⁴⁷ As a consequence, Street Law presents 'an opportunity for a person in the law to learn how to discuss the limits of the law in ways which uphold the validity of extra-legal perspectives.'⁴⁸

2.2 Benefits

The view embedded in Street Law is that various groups in the community can benefit from being taught about the law and their legal rights. For example, school students, senior citizens, young adults, court involved youth, indigenous youth, the unemployed and prisoners preparing for release may be some of the groups that would benefit from Street Law. It is the case that many Street Law projects have targeted young people as one group who experience marginalization and who as a consequence have difficulty in accessing the law. But clearly other groups will be in a similar position, particularly in regional and rural areas where locational disadvantage affects many groups.

It is also clear from the literature discussed above that another benefit is to produce lawyers of the future who are better able to engage with their communities. This appears to be particularly important in regional and rural communities where there may be specific needs and issues of a legal nature not always covered in the law school curriculum. If Street Law encourages law students to listen to the concerns and perspectives of those they are teaching law, then this augurs well for lawyers who may wish to practice in regional and

⁴² Ibid., p.46.

⁴³ Ibid., p.48.

⁴⁴ E. L. MacDowell 'Law on the Street: Legal Narrative and the Street Law Classroom' (2008) 9 *Rutgers Race and Law Review* 285-333, p.325.

⁴⁵ Ibid., p.328.

⁴⁶ Ibid.

⁴⁷ Ibid., pp.329-331.

⁴⁸ Ibid., p.331.

rural settings where there may be often different experiences of marginalization compared with metropolitan areas. While it is often said those ‘trained in the bush, stay in the bush’, Street Law might be part of a process which seeks to give substance to what exactly that means for the content of legal practice in regional and rural areas.

2.2.1 Communities

A clear aim of the program would be to give community members who may be disadvantaged by lack of access to legal services the knowledge and tools to inform them of their rights and help them benefit from that information. In short it seeks to empower the community to take more control over their legal problems. It would follow that those people would then be able to share the information in their community and use that knowledge to improve their lifestyles and strengthen the community. A successful program could assist those who participate, such as young people, to also have a positive (though still critical) view of the law and legal process and possibly take part in reforming the law. A Street Law program based at the University of New England would aim to aid the rural and regional community surrounding the University through improving access to legal knowledge, harnessing the existing community networks to do so, and utilizing the University of New England Law School as a community legal resource.

2.2.2 Law Students

A number of the benefits to law students are discussed above. Law students participating in a Street Law program would gain a better understanding of how the law affects others by researching and teaching community groups and in doing so building relationships with those groups. It is in many respects about taking law students ‘out of their comfort zone’ while fostering enhanced thinking, speaking and lawyering skills.

As McQuoid-Mason notes, some lessons:

cannot be learned in a conventional substantive law school course. Students do not merely learn about the law as it is reflected in text books and law reports but gain first-hand knowledge as to how the law and legal institutions are working on the ground. In other words they learn about how the law affects the person on the street and not the person in the text book. This is a valuable lesson in legal realism because often the two are poles apart – particularly the law as it is applied to disadvantaged members of society. The latter is the acid test of social justice in any country.⁴⁹

2.3 Adapting Street Law for Regional and Rural Settings

⁴⁹ D. McQuoid-Mason ‘Teaching Social Justice to Law Students Through Street Law’ Paper presented at Commonwealth Legal Education Association (CLEA) Conference, Colombo, Sri Lanka, September 2002 (available at http://snap.archivum.ws/dspace/bitstream/10039/6560/8/David_McQuoid+-+Teaching+ Social+Justice.pdf, p.9).

A major issue for the application of Street Law to the New England region is the manner in which a program that has been principally applied in metropolitan settings will translate to a regional or rural setting. The primary issue, of course, is distance and the consequent difficulty of bringing people together for Street Law sessions as well as getting law students to the locations where such sessions might be held. In the first instance we have focused on Glen Innes – which is approximately 100 kilometres to the north of Armidale, and Tamworth – which is approximately 110 kilometres to the south. Thus to hold sessions in each location will involve a round trip of about 3 hours along the New England Highway (this is not a freeway so average speeds are well below 100 kmh).

In each of those locations it may be that young people, for instance, can access the town centre with relative ease as both towns are far more compact than any metropolitan centre. However, it must be remembered that many young people, for instance, live outside those towns and so to the extent that street law is about reaching out to marginalised groups then many may fall outside the catchment area of the town. This suggests that other tools may need to be considered in delivering a street law program. The Internet is one obvious tool, although it has to also be remembered that many young people in such locations do not have access to the Internet at home. Accessing and engaging with these young people and making Street Law ‘work’ for them will be a particular challenge. Clearly, it will be important to include and converse with such young people in creating a long term design for Street Law in rural and regional settings. The Street Law program must actively involve its community in its delivery and design.

The other more substantive issue raised by applying street law to regional and rural settings is the matter of whether the areas of law to be focused on might be different to those relevant for city dwellers. Preliminary discussions would indicate that there may not be significant differences with respect to the legal issues young people are concerned to know more about. Cyber-bullying, law and sexuality and employment rights have been mentioned to us. But one might imagine that other legal areas will arise which have special application for the geographical setting, or due to the regional or rural location, the application of law has special problems. This will be an area that requires constant evaluation and monitoring in the future of any Street Law program based at UNE. Again, this is another reason why a good Street Law program will actively seek to involve its community in its formulation so that it can address the needs of that community with respect to areas of law that they wish to know about. Evaluation and feedback must be central to the design of a Street Law program in this setting.

Chapter 3

Researching the Potential of Street Law in New England

3.1 Identification of Potential Partners

One of the primary aims of this project has been to identify potential partners for a Street Law Project that would benefit from such a program and so provide a basis for an application for further funding. The first step in that process was to identify possible partners in the region that would be approached to discuss this further. In order to keep the project manageable, and given the funding we did have, it was decided to concentrate this search on Glen Innes, Tamworth and Armidale.

A description of the meetings with these potential partners and the matters raised with them follows.

3.2 Meetings

3.2.1 Glen Innes

3.2.1.1 Glen Innes High School

A meeting was held on 29 May 2009 with Ms Mary-Ann Evans, Head Teacher (commerce and legal studies) at Glen Innes High School. Ms Evans teaches a Year 10 commerce class which has legal studies embedded into the curriculum. Pupils from this class may form a senior legal studies class in 2010. Ms Evans was particularly supportive of the Street Law concept and identified a number of areas that might be discussed in such a program which have relevance for young people at the school. These included areas such as the law relating to cyber-bullying, the legal regulation of social networking sites, and the law of sexual assault. With respect to some of these areas it was acknowledged that teaching of some of these sensitive areas might be more successful where the teachers were a group of law students not much older than the high school students attending.

In terms of pedagogy, a 'cascade' effect was envisaged where a Street Law program might inform a core group of students about certain areas of law. These students might in turn pass on this knowledge base to younger students in the school and beyond. This seems a particularly important point to consider as it addresses the issue of how Street Law might communicate legal knowledge effectively to marginalised youth who may not always attend more formal settings.

Ms Evans also pointed out that the school has a significant indigenous population, and also that a small sector of the school population has a parent in the Glen Innes Correctional Facility. These are important factors in deciding both format and content of a Street Law project.

3.2.1.2 Glen Innes Severn Council

A meeting was held with Robyn Condon, Manager of Community Services, Glen Innes Severn Council and Kerry Byrne, Learning Centre Manager on 29 May 2009. They advised that the Glen Innes community has shown a great deal of interest in legal information days held during Law Week. They were also both very supportive of the Street Law concept and recognized that it was a way to effect community empowerment.

Glen Innes Severn Council has links to various community groups and services and would be willing to partner with UNE in a Street Law project.

Other matters canvassed were the possibility of promoting a potential program through community radio 2CBD, Council's Community Column in the local paper and through the Glen Innes *Profile* magazine. Information could be also distributed through the Learning Centre which has around 1200 people visiting per week. In fact, this represents a large proportion of the town passing through the Library and Learning Centre complex each week, and is an effective way of communicating with the community. It was also noted that a high proportion of residents do not have internet access at home, making such alternative means of communication even more important.

Glen Innes also has a high indigenous population (as noted above in relation to the High School) and Ms Condon and Ms Byrne informed us that a youth worker, Daniel Levy, has recently been appointed for the 2009-10 financial year to run a pilot program with aboriginal youth. It was thought that this could be a group of young people who may be interested in attending Street Law sessions.

In terms of possible areas of law to be covered by a Street Law project it was thought that housing rights for youth, workplace rights, family law and child protection would be priority areas.

3.2.1.3 Glen Innes Correctional Facility

A meeting was held with Steven Rudd, Senior Correctional Educational Officer, at the Glen Innes Correctional Facility on 29 May 2009. He explained that inmates are at the facility for on average four months of their sentence and are receptive to legal education especially in relation to their appeals process. The inmates come to the facility to prepare for release into the community and can get legal aid visits and access to books and DVDs about the law through the library. There is a teaching space for 15 people at the Correctional Centre which indicates the possibilities in terms of numbers and facilities.

Mr Rudd thought that a Street Law program could be a positive program for the facility. He thought it could begin with an information session to identify areas of interest and possible participants. Once the content was decided upon it was acknowledged that the delivery mode would have to be adapted to take into account the literacy needs of the inmates and be presented in an interesting and relevant manner. We discussed the possible structure of a Street Law program in this facility and it was recognized that it would require close supervision by a member of staff from the University Law School, given the context. Inmates are

available for educational programs after 2.00 pm until 5.00 pm on certain days so there is a block of time that could be utilized by a Street Law project.

It was acknowledged that the Law students delivering a Street Law project would be later year, and therefore older, students. This would not be a program where first year law students would deliver the material. The need for students to undertake a two day security course, induction and security check was noted. The security check would take six weeks to complete and would have to be factored into the administrative arrangements of the project. A possible format would be preparation of law students for 7 weeks and then 3 teaching weeks.

We also met Robyn Wilson, Assistant Superintendent, who was also supportive of the Street Law project and a willingness to sit in on teaching sessions to supervise was indicated. Clearly, one function of the UNE co-ordinator of any Street Law project that is partnered with the Glen Innes Correctional Facility would be to liaise carefully with the facility's staff in relation to security, safety and such matters.

3.2.1.4 Glen Innes Youth Council

A meeting of the Glen Innes Youth Council was attended on 24 June, 2009. The Youth Council were enthusiastic in their support for a Street Law project and is willing to partner UNE in presenting Street Law sessions to interested youth in the Glen Innes and surrounding district. At the meeting a number of young people were present and they discussed with us the possible content of Street Law sessions. Particular areas mentioned included law and cyber bullying and the law and the use of the Internet generally.

The concept of multi-disciplinary events was also discussed. This might be where Street Law would be part of a larger event in a particular area, such as mental health. The law students involved in Street Law could prepare and present a session on the legal issues relating to mental health while those with expertise in other aspects of mental health would present related sessions. This would bring a number of benefits as it would connect the law with areas of interest, as well as not suggesting that the law alone has all the answers.

Glen Innes Youth Council also has a Facebook page as a means of communicating with youth in the area. The Street Law project was invited to become a fan on their Facebook page. This raises the possibility of Street Law also having such a Facebook presence as a medium for attracting interest in Street Law sessions and gaining feedback on areas of interest from the community.

3.2.2 Tamworth

3.2.2.1 Tamworth Regional Council

A meeting was held on 18 June 2009 with Patrick O'Connor, Manager Cultural & Community Services and Brooke Spokes, Community Planning and Development Officer, both of the Tamworth Regional Council. The discussion had a particular focus on an initiative to establish a Youth Centre in the Coledale area, a suburban area of Tamworth with a high indigenous population and high crime

and unemployment rates. Tamworth Regional Council has a partnership with a number of agencies which are working on the possibility of developing a Youth Centre. An additional project includes a grant from the Attorney General's Department for \$50,000 to implement Crime Prevention Through Environmental Design (CPTED) principles.

There is a need for indigenous youth in the Coledale area to continue their secondary education and find employment after leaving school. There is a high truancy rate at both primary and secondary school levels particularly among indigenous students. Coledale had the highest level of assault, malicious damage and sexual offences in the Tamworth area in a recent period (1 March 2009 to 31 March 2009). In terms of facilities in Coledale, there is a youth room at the Community Centre which is open to 12-18 year olds. The Coledale area has the greatest concentration of youth in Tamworth with 56% of the community being under 25 years and 40% of the community being under 18 years. Street Law could be one means of reconnecting with some of the youth in the area who may be feeling marginalised.

Mr O'Connor was enthusiastic in his support for the Street Law concept and offered to support funding applications from UNE for the Street Law project. In terms of how it might operate in Tamworth there was a discussion of using a site in Coledale (such as the Coledale Community Centre).

The Coledale Community Centre publishes a newsletter '*The Coledale Grapevine*' which could also be used to disseminate information about the Street Law program to the Coledale community. It was also noted that the North and Northwest Community Legal Service visits the Coledale Community Centre to provide legal assistance to residents and if the Law School forges a closer relationship with the Community Legal Centre then there may be a number of possibilities for students to integrate Street Law into the activities in Tamworth.

In the discussion with Mr O'Connor and Ms Spokes a number of possible topics of interest were mentioned that could be addressed in a Street Law program. These included graffiti, traffic, tenancy, sexual assault and employment law.

3.2.3 Armidale

3.2.3.1 Armidale Dumaresq Council

A meeting with Sally Schofield, Youth Services Co-ordinator at Armidale Dumaresq Council was held on 24 June, 2009. Ms Schofield saw much merit in the Street Law concept and a Street Law presentation was planned for a regular Youth Services Network (YSN) meeting to determine interest from organizations working with youth. In anticipation of this meeting some information about Street Law was circulated to those on the YSN mailing list. Initial expressions of interest were received from EACH Reconnect Armidale, Armidale Police Service, and Alan Brennan from Armidale Youth Refuge.

It was also mentioned that Armidale Dumaresq Council is to hold a Youth Forum facilitated by Peter Slattery in order to establish a Youth Council. The possibility

of Street Law linking with the Youth Council to present legal education workshops to youth in Armidale was mooted.

3.2.3.2 Armidale Dumaresq Council Youth Services Network

The Youth Services Network Meeting held on 14 July 2009 was subsequently attended by Ms Lucinda Noonan, project officer for this project. In attendance at this meeting were representatives of Youth Service Providers including Aboriginal Employment Service worker Wayne Griffiths who provides referral services to indigenous youth and runs programs to assist young indigenous people to gain employment. It was agreed that a Street Law program could make a positive contribution to their work. Possible areas of law of interest were said to be in housing rights, employment rights and health law.

The Manager of Police Citizens Youth Club (PCYC) (Ange Collongues) also attended the meeting and expressed support for a Street Law program being incorporated into the Midnight Basketball program that runs at the UNE Sports Union. Participants in this program are 'at risk' youth and a requirement of playing in the competition is that participants undertake two workshops during each competition. This opened the possibility for Street Law sessions to form part of these workshops. The Midnight Basketball program is open to all youth who are interested in playing and the workshops are aimed at providing life skills. The venue for the program is in close proximity to the University and Colleges which would eliminate transport difficulties for students participating in a Street Law program.

Another possible venue for a Street Law program was thought to be at the Armidale Community Centre in Girraween which provides activities for youth. Justin Flint co-ordinates projects and educational support for school students such as a homework support program for Sudanese and other students. Transport to and from the Centre for youth attending can be provided by Sanctuary, thus this location could provide a venue which is accessible for young people wishing to attend Street Law sessions.

3.2.3.3 North and North West Community Legal Service

A meeting was held with members of the North and North West Community Legal Service on 25 June 2009. The Service's principal solicitor Michael Lalor was keen to establish stronger links with the Law School and said that a Street Law program could be a positive first step in this process. North and North West Community Legal Service currently undertakes community legal education and this could be adapted to incorporate law students presenting Street Law sessions. The possibility of links with community projects such as the Midnight Basketball program was also discussed. As noted above, youth attending the Midnight Basketball program are required to do a workshop and may have an interest in an area of law such as indigenous rights and refugee law. North and North West Community Legal Service also said they would be happy to assume a mentoring role in the Street Law program.

3.3 Other Potential Partners

3.3.1 Aboriginal Legal Service

Philip Hamblin, the Senior Solicitor from the Aboriginal Legal Service was contacted and indicated support for a Street Law project. The solicitors from the Aboriginal Legal Service travel in the Northern Zone of New South Wales which covers Armidale, Walcha, Inverell, Tenterfield and Moree and are currently involved in community education on legal issues.

Chapter 4

Implementing Street Law for Regional and Rural Communities

4.1 Models

A perceived strength of Street Law is its flexibility in terms of content, location and mode of delivery. Although it began in the United States, as it is implemented in different locations it will change and adapt. As David McQuoid-Mason has said of bringing Street Law to South Africa:

We borrowed it from the United States...We took it to South Africa in 1986, changed it around, indigenized it, and we now run it at sixteen of our twenty-one universities. Law students are trained to go into high schools and teach students about their legal rights. We train community people. It is a mechanism that is also used out in the rural areas ...⁵⁰

As was noted earlier in this report Street Law has tended to be located in metropolitan settings. Regional and rural settings present unique problems in terms of access, venue, and possible relevant content. In progressing a Street Law program in New England these issues will have to be constantly reviewed and evaluated. At this stage, there are many positive signs of support coming from potential partners but as some of the discussions have indicated if youth have to travel across town to access a Street Law session then issues of transport immediately arise. And this has not even broached how we might provide access to young people living outside towns.

Perhaps even more substantially, the content of a Street Law program directed towards, say, the legal needs of young people cannot be driven by adult perceptions of what young people 'should' know. It is imperative that a Street Law program for young people is informed by ultimately what young people wish to learn about, albeit with guidance and suggestions from those providing the sessions.

4.2 Pilot Project

The earliest that a Street Law unit could be implemented would be for academic year 2011. It is thus envisaged that in 2010 a Street Law program be piloted with a small group of volunteer students in one or two locations. This would also be subject to gaining additional funding as this will determine where such a

⁵⁰ Excerpt from a transcript of the Eleventh Annual Philip D. Reed Memorial Issue Partnerships Across Borders: A Global forum on Access to Justice April 6-8 2000: An Overview of Civil Legal services Delivery Models, April 7 2000 (2000) 24 *Fordham International Law Journal* 225.

pilot might run and the extent to which it can be supported and evaluated. A pilot program would need a co-ordinator to be employed to provide training and supervision of participant students, evaluate the pilot program and to oversee the logistics of running the sessions. Some funding would also be required to pay for travel costs to the location of the Street Law sessions.

4.3 Student Preparation

Time would need to be allocated for preparation of the students, delivery of the sessions and then feedback, reflection and evaluation. Student preparation seminars would be required to provide training in methods of teaching small groups, and the challenges associated with engaging with an audience. In this regard there are many activities and curriculum resources available from the United States Street Law Inc website www.streetlaw.org.

The precise mode of delivery will depend on a number of factors, but one approach would involve a series of seminars delivered over a few weeks. It was recognized at one meeting attended that this would allow some relationship and trust to be established between the law students delivering the sessions and the participants. In addition it was also mentioned that the use of role plays, discussion and online backup would make the delivery more interesting for participants and be more likely to engage them. Thus student preparation time would be a mixture of learning content as well as preparing the mode of delivery. Clearly, to properly engage the community the delivery of the sessions must be done in a manner that is accessible and interesting for the group attending. Role plays, a quiz format and other innovative teaching formats must be utilized where appropriate.

An important part of the student preparation and delivery will be the support offered by the member of staff with responsibility for overseeing the Street Law program or unit. For this reason it is envisaged that this report is used to support applications for external funds to deliver, research and evaluate a Street Law program based at UNE Law School in partnership with community organizations. A related strategy would be the creation of a position in the Law School of Lecturer/Co-ordinator of Clinical Programs which would include Street Law.

4.4 Other Models

The University of Liverpool began a Street Law program in 2008 and has produced a Street Law Handbook which provides detailed advice, guidelines and requirements for their program, including such matters as advice on preparation and presentations, lesson plans and evaluation. A handbook such as this is a necessary aspect of any Street Law program or unit.

The work of McQuoid-Mason in articulating the pedagogy behind Street Law can also be drawn on to plan, supervise and deliver a Street Law program. For example, he has written about how to teach human rights through a Street Law

program.⁵¹ This could be adapted to teach indigenous and disadvantaged groups in the rural community about their rights. Knowledge of the legal system and legal rights may provide a necessary impetus to transform a negative perception of the law into a positive understanding that the law upholds people's rights and provides protection and assistance to all individuals.

Pommersheim and Remerowski have written a Handbook for indigenous Americans called *Reservation Street Law*.⁵² The book was published to help indigenous reservation residents deal with governmental bodies, explain the criminal and civil judicial processes and inform people of their rights concerning the provision of housing and health care. It is envisaged that the Street Law program could produce a handbook for indigenous Australians to give information on legal rights related to housing, health, employment and legal issues that are of importance to indigenous Australians. This would fit within the parameters of the Rural Resurgence Initiative in enabling the spread of knowledge to those disadvantaged by distance and educational background. A Street Law program may also encourage interested indigenous participants from the program into enrolment in further study at UNE.

There have been successful clinical programs in Chile where law students have assisted the poor to access information on their legal rights. Wilson has noted that legal literacy programs 'for the poor have been adopted, carrying on a long tradition of support for the elimination of poverty.'⁵³ The benefits of a Street Law program at UNE could be far reaching and enrich the students' learning experience while providing valuable practical education and training. The program would also enrich the community and would inform and empower those from groups that would not normally be involved with the University. Wilson notes:

That while no method of adult learning or teaching has been shown to be definitively better than any other, there is some evidence that use of a single method of instruction has a leveling effect on learning. A range of methods allowing individualized interaction between student and teacher, with individually paced mastery of content, have proven to be the most effective means of adult learning. Active teaching and learning – the identification of the student's needs and interests, problem solving, personal expression and co-operation between student and teacher – shows strength across cultures as an effective means of acquiring knowledge.⁵⁴

Street Law programs have been used successfully in developing countries and could be adapted to reach people in rural and regional areas surrounding UNE that have been isolated from information and services.

⁵¹ D. McQuoid-Mason 'Methods of Teaching Human Rights: Some Examples from Street Law Legal Literacy Programmes' (2007) 5 (2) *Journal of Commonwealth Law and Legal Education* 127-143.

⁵² Frank Pommersheim and Anita Remerowski, *Reservation Street Law: A Handbook of Individual Rights and Responsibilities* (1979).

⁵³ Richard Wilson, 'Three Law Schools in Chile, 1970-2000: Innovation, Resistance and Conformity in the Global South' (2002) 8 *Clinical Law Review* 515, 531.

⁵⁴ *Ibid* 571.

Chapter 5

Conclusions and Recommendations

There is much enthusiasm and support for a Street Law program in New England amongst the potential partners identified in this report. In terms of the benefits for the community it is clearly seen as community building and empowering. To the extent that it may initially be directed towards young people, it would link with a number of other projects and programs that connect with young people in the region. It would aim to contribute to improved professional legal education in this region, while also claiming a role for UNE law school as a community legal resource.

A Street Law program would also add value to the experience of UNE law students. At this stage – particularly given the need for physical attendance at the Street Law sessions when delivered - it would only be available to students resident in Armidale. It could also be built upon to grow into part of a package of clinical offerings that would further add value to the experience of being an internal law student.

It is recommended that:

1. a pilot Street Law program be supported in 2010 (subject to required funding being obtained);
2. a new unit called 'Street Law' be considered for adoption in the 2011 academic year;
3. consideration be given to creating a new staff position of Lecturer/Coordinator of clinical programs including Street Law (to be funded either through additional funding or by allocating a current staff vacancy for this purpose);
4. funds be sought to ensure that any Street Law program is evaluated and that possible linkages with other clinical programs are explored and developed;
5. a Street Law Handbook be produced to support the new Street Law unit and that consideration be given to establishing a website to also provide access to Street Law material at UNE, including podcasts of selected sessions where appropriate;
6. if a Street Law unit is established at UNE School of Law that relationships with other programs such as at the University of Liverpool and the University of Western England in the United Kingdom be established with the view to exploring the possibility of collaboration and exchanges in the future. This could be an exciting aspect of Street Law at UNE.

Bibliography

Barry, M., Dubin, J. and Joy, P. 'Clinical Education for This Millennium: The Third Wave' (2000) 7 *Clinical Law Review* 1.

Evans, A. & Hyams, R. 'Independent Evaluations of Clinical Legal Education Programs: Appropriate Objectives and Processes in an Australian Setting.' (2008) 17 *Griffith Law Review* 52.

Giddings, J. 'Contemplating the Future of Clinical Legal Education.' (2008) 17 *Griffith Law Review*.

Genty, P. 'Overcoming Cultural Blindness in International Clinical Collaboration: The Divide Between Civil and Common Law cultures and its Implications for Clinical Education.' (2008) 15 *Clinical Law Review* 131.

Grossman, C. 'Special Event: Celebrating a Centennial: A Proud Past, A Promising Future: Projecting the Washington College of Law Into the Future' (1996) 45 *American University Law Review* 937.

Katz, B.E. 'Street Law 101' (2001) 30 *Student Lawyer* 2.

Maisel, P. 'Expanding and Sustaining Clinical Legal Education in Developing Countries: What We Can Learn from South Africa.' (2007) 30 *Fordham International Law Journal* 374.

MacDowell, E. 'Law on the Street: Legal Narrative and the Street Law Classroom.' (2008) 9 *Rutgers Race and Law Review* 286

McQuoid-Mason, D. 'The Delivery of Civil Legal Aid Services in South Africa.' (2000) 24 *Fordham International Law Journal* 111.

McQuoid-Mason, D. 'Teaching Social Justice to Law Students through Street Law.' Paper presented at Commonwealth Legal Education Association (CLEA) Conference, Colombo, Sri Lanka, September 2002. (available at http://snap.archivum.ws/dspace/bitstream/10039/6560/8/David_McQuoid+-+Teaching+Social+Justice.pdf)

McQuoid-Mason, D. 'Street Law as a Clinical Program - The South African Experience with Particular Reference to the University of KwaZulu-Natal.' (2008) 18 *Griffith Law Review* 27.

McQuoid-Mason, D. 'Methods of Teaching Human Rights: Some Examples from Street Law Legal Literacy Programmes.' (2007) 5 (2) *Journal of Commonwealth Law and Legal Education* 127.

Minow, M. 'Education for Co-Existence' (2002) 44 *Arizona Law Review* 1.

O'Brien, E. & Arbetman, L. 'A New Clinical Curriculum: Teaching Practical Law to High School Students and Inmates.' (1978) 29 *Journal of Legal Education* 568.

O'Brien, E. & Arbetman, L. 'Law School Developments' (1978) 29 *Journal of Legal Education* 568.

Pinder, K. 'Street Law: Twenty-five Years and Counting' (1998) 27 *Journal of Law and Education* 211.

Pommersheim, F. and Remerowski, A. *Reservation Street Law: A Handbook of Individual Rights and Responsibilities* (1979).

Pommersheim, F. 'Broken Ground and Flowing Waters and Reservation Street Law: Two Roadmaps for Reservation Living.' (1981) 26 *South Dakota Law Review* 607.

Wilson, R. 'Three Law School Clinics in Chile, 1970-2000: Innovation, Resistance and Conformity in the Global South' (2002) 8 *Clinical Law Review* 515.

University of Liverpool, Streetlaw Handbook (2009).

'Teaching Law Behind Bars' *Time Magazine* 13 September 1976
www.time.com/time/magazine/article/0,9171,914590,00.html (accessed 8 May 2009).



Armidale Dumaresq Council

Address correspondence to the General Manager

135 Rusden Street
PO Box 75A
ARMIDALE NSW 2350

Phone: (02) 6770 3600
Freecall: 1300 136 833
Fax: (02) 6772 9275
ABN 63 781 014 253

A09/4401 O/2009/06374

4 August 2009

To Whom It May Concern

Re: Street Law in Armidale

Council would like to express its support for the Street Law Program to be established in Armidale.

As the General Manager for Armidale Dumaresq Council, and having been advised about the Street Law Program, Council believes that this program could be of value to the young people of Armidale.

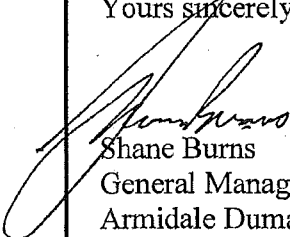
The prospect of young people learning more about their civic rights and responsibilities in a meaningful way from an informed body in an informal setting appears to have significant benefits from both the students involved in disseminating the information and the young people and community members receiving the information.

Whilst this project is not solely aimed at young people it is my understanding that young people are targeted to receive information along with their families and interested community members who may have otherwise not had access to such information.

It is my understanding that through informing and up-skilling those involved in projects it is aimed at reducing the incidents of illegal and anti social behaviors but also at informing possible perpetrators and victims of their rights should an incident occur.

Council appreciates that this project may have great benefits for our community and strongly support the implementation of the Street Law Project.

Yours sincerely


Shane Burns
General Manager
Armidale Dumaresq Council

www.armidale.nsw.gov.au
council@armidale.nsw.gov.au

thrive
in Armidale

Glen Innes Severn Youth Council

Brian Simpson
School of Law
University of New England
Armidale NSW 2351

Dear Brian,

Re: Street Law project.

The Glen Innes Youth Council would like to express its interest in the proposed Street Law project to which we were introduced by you at our recent meeting.

This is an extremely interesting project which we would like to be involved in. Many young people are unaware of their legal rights and how the law works in relation to issues directly affecting them. We believe that this is an important project which can make a significant difference to the lives of young people in our community.

We would like to work in collaboration with the Law School to deliver this as a pilot project. The Youth Council could assist in several ways including providing a forum for discussion of ways in which information could be presented to young people, and promotion of events relating to the project.

Please do not hesitate to contact me on 02 67302600 if you require further information.

Yours sincerely



Shannon O'Brien
Chairperson