



2018

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## Citation Information

Ferrari, Monica and Baglin, James. "Does Community Legal Education Work? Educating English Language Students about Consumer Contracts." *Journal of Law and Social Policy* 29. (2018): 29-46.  
<https://digitalcommons.osgoode.yorku.ca/jlsp/vol29/iss1/2>

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## **Does Community Legal Education Work? Educating English Language Students about Consumer Contracts**

**MONICA FERRARI & JAMES BAGLIN\***

Les gouvernements, les commissions de réforme du droit et les services juridiques plaident depuis longtemps en faveur de l'importance de sensibiliser le public au droit. Même si les bureaux de consultation juridique privés et les organismes publics du secteur de la justice fournissent de l'information et de l'éducation juridiques à leur clientèle et à la communauté, les commissions d'aide juridique sont, quant à elles, tenues par la loi de le faire. Les commissions fournissent de l'éducation juridique communautaire (EJC), ainsi que de l'information, des conseils et une représentation juridiques aux personnes qui n'ont pas les moyens de se payer un.e avocat.e en pratique privée. L'EJC peut aider les gens à régler ou à éviter des problèmes juridiques. Elle a la possibilité de réduire le besoin de recourir à des services juridiques plus poussés et dispendieux, ainsi que d'atténuer le stress lié aux questions juridiques. Pourtant, l'EJC occupe toujours une petite portion du secteur de la justice et des questions ont été soulevées quant à son incidence et à sa valeur relative. En raison de l'insuffisance de preuves montrant son efficacité, l'incertitude plane quant au rôle à long terme de l'EJC dans le secteur de la justice, ce qui pourrait nuire à son évolution. En vue de donner suite au besoin de constituer une base de données probantes, cet article présente les constatations d'une étude qui porte sur l'incidence d'un programme d'EJC sur l'amélioration des connaissances et des attitudes d'élèves anglophones à l'égard de questions juridiques liées à l'achat d'une voiture. Les constatations démontrent à quel point l'EJC peut changer les attitudes et les connaissances de ses participant.e.s à l'égard de la loi.

Governments, law reform commissions, and legal services have long advocated for the value of increasing public understanding of the law. While many private law firms and public agencies in the justice sector provide legal information and education to their clients and the community, legal aid commissions are statutorily required to do so. Commissions provide Community Legal Education (CLE), legal information, advice, and representation to people who cannot afford private lawyers. CLE can help people address or avoid legal problems. It has the potential to reduce the need for more intensive and costly legal services and minimize the stress associated with legal problems. Yet CLE remains a small part of the justice sector and questions have been raised about its impact and relative value. Insufficient evidence regarding the effectiveness of CLE places uncertainty on its long-term role in the justice sector and may hamper its development. In response to the need to build an evidence base, this article presents the findings of a study that investigated the impact of a CLE program for improving English language students' knowledge and attitudes of the legal issues associated with buying a car. The findings demonstrate how CLE can change participants' attitudes and knowledge of the law.

**COMMUNITY LEGAL EDUCATION (CLE)**, or Public Legal Education and Information (PLEI) as it is known in Canada, is a type of education that focuses on legal issues. CLE engages young people or adults in legal issues that are relevant to their lives. It can take place in an educational

setting, in a community setting, or online. CLE can have a preventative focus, to help people avoid legal problems, or it can be designed to assist people manage a current legal problem. As Lindsay Cader notes, the range of CLE “programs and materials is extensive and varies between organizations and regions depending on the surveyed and perceived public need.”<sup>1</sup> The practice of CLE has a long history and, according to Lisa Wintersteiger, may well be “the oldest and most widely used form of legal assistance delivered around the world.”<sup>2</sup> CLE is well established in Canada and the United Kingdom, where there are agencies dedicated to its resourcing and development. In Canada, CLE has been described as a “nation-wide enterprise.”<sup>3</sup> In this context, it is unsurprising that most of the research and published work about the effectiveness of CLE is produced in these jurisdictions. There is, however, increasing interest in CLE in Australia, through its practice in eight legal aid commissions across the country and through research and evaluation undertaken by the Law and Justice Foundation of New South Wales (the Foundation) in 2015.<sup>4</sup>

Despite this history and recent attention, there is little research about the effectiveness of CLE.<sup>5</sup> The study we discuss in this article addresses this gap by examining the effectiveness of a

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<sup>1</sup> Lindsay Cader, *Evaluation of Public Legal Education and Information: An Annotated Bibliography*, online: Government of Canada, Department of Justice <[justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/tr02\\_2/p1.html#sec1\\_3](http://justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/tr02_2/p1.html#sec1_3)> [perma.cc/PVS4-87ZF] at para 1.

<sup>2</sup> Lisa Wintersteiger, *Legal Needs, Legal Capability and the Role of Public Legal Education*, online: Law for Life: Foundation for Public Legal Education <[lawforlife.org.uk/wp-content/uploads/Legal-needs-Legal-capability-and-the-role-of-Public-Legal-Education.pdf](http://lawforlife.org.uk/wp-content/uploads/Legal-needs-Legal-capability-and-the-role-of-Public-Legal-Education.pdf)> [perma.cc/NM4F-GKP8] at 6, para 1.1.

<sup>3</sup> Lois E Gander, “The Changing Face of Public Legal Education in Canada” (Summer 2003) 6 *News & Views Civ. Justice Reform* 4 at 4.

<sup>4</sup> Suzie Forell & Hugh M McDonald, “Beyond Great Expectations: Modest, Meaningful and Measurable Community Legal Education and Information” (2015) Justice Issues Paper 21, *Law and Justice Foundation of New South Wales* at 1-12.

<sup>5</sup> Liz Curren, *A Literature Review: Examining the literature on how to measure the ‘successful outcomes’: quality, effectiveness and efficiency of Legal Assistance Services*, (2012) online: Attorney-General’s Department <[ag.gov.au/LegalSystem/Legalaidprogrammes/Documents/Literature%20review%20of%20legal%20assistance%20by%20Dr%20Liz%20Curran.pdf](http://ag.gov.au/LegalSystem/Legalaidprogrammes/Documents/Literature%20review%20of%20legal%20assistance%20by%20Dr%20Liz%20Curran.pdf)> [perma.cc/5J9R-KKEE] at 5; Melina Buckley, *Evolving Legal Services: Review of Current Literature*, (2015) online: Community Legal Education Ontario <[plearningexchange.ca/wp-content/uploads/2015/01/Appendix-A-Evolving-Legal-Services-Literature-Review.pdf](http://plearningexchange.ca/wp-content/uploads/2015/01/Appendix-A-Evolving-Legal-Services-Literature-Review.pdf)> [perma.cc/GW2M-7R5U] at 31; Forell & McDonald, *supra* note 4 at 2; Public Legal Education and Support Task Force, *Developing capable*

CLE intervention that focuses on consumer contracts, as part of a national program called, *What's the law? Australian law for new arrivals*.<sup>6</sup> The study asks:

- (1) Is there a measurable difference between students' understanding of the legal issues associated with buying a car, borrowing money, and seeking help, after they participate in a class on this topic?
- (2) Did students find the class about buying a car helpful and, if so, how?

The mixed methods evaluation used a pre/post research design, which involved developing and testing a survey, applied in an interview setting. Participants were English language students who were interviewed before and after they participated in a CLE session about the legal issues associated with buying a car. The study builds on research methodology found in the United Kingdom and North America, generating an evidence-base within the Australian context. The study found that the "Buying a car" module in *What's the law? Australian law for new arrivals* was effective for participants by showing a measurable difference in participants' understanding of the legal issues associated with buying a car.

## I. WHAT IS COMMUNITY LEGAL EDUCATION (CLE)?

CLE can and does take many forms. Distinctions are often made between information and education, with information provided via print materials like booklets or fact sheets, and education providing "the mechanism for applying and implementing the information in a contextualised way."<sup>7</sup> This means engaging with people or communities, face-to-face or online. Education strategies are usually based on exchanges of information between people, whereas information strategies provide print or online content to people. Information products are often used to support educative strategies but can also exist as standalone tools. The flexibility and targeting of CLE is important as different people and communities require different strategies. Current emphasis is on more client-focused CLE strategies, with consideration given to targeted and timely approaches that are appropriate to the needs and capabilities of users and are delivered in collaboration with other legal and non-legal services.<sup>8</sup> The Public Legal Education Task Force defines CLE as providing:

... people with awareness, knowledge and understanding of rights and legal issues, together with the confidence and skills they need to deal with disputes and gain access to justice. Equally important, it helps people recognise when they may need support, what sort of advice is available, and how to go about getting it.<sup>9</sup>

The above definition addresses the intended impacts of CLE for individuals. This study tests some of these assertions, generating evidence of a change in attitude about legal issues

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*citizens: the role of public legal education*, online: Law for Life <[lawforlife.org.uk/wp-content/uploads/2013/05/pleas-task-force-report-14.pdf](http://lawforlife.org.uk/wp-content/uploads/2013/05/pleas-task-force-report-14.pdf)> [perma.cc/QSD4-2ARW] at 20.

<sup>6</sup> Victoria Legal Aid, *What's the Law? Australian Law For New Arrivals*, (2016) online: Victoria Legal Aid <[legalaid.vic.gov.au/about-us/community-education-and-projects/whats-law-australian-law-for-new-arrivals](http://legalaid.vic.gov.au/about-us/community-education-and-projects/whats-law-australian-law-for-new-arrivals)> [perma.cc/VKH3-VDTA].

<sup>7</sup> Wintersteiger, *supra* note 2 at 7, para 1.6.

<sup>8</sup> Forell & McDonald, *supra* note 4.

<sup>9</sup> Public Legal Education and Support Task Force, *supra* note 5 at 9.

associated with buying a car and seeking help. While caution needs to be exercised in extrapolating the research findings to behaviours, some of the questions asked of participants in this study link to behaviour, for example, the increased likelihood of seeking help if the participant had a legal problem. CLE is central to the objectives and functions of Victoria Legal Aid, as outlined in the *Legal Aid Act 1978*. The Act specifies that Victoria Legal aid should,

initiate and carry out educational programs designed to promote an understanding by the public, and by sections of the public who have special needs in this respect, of their rights, powers, privileges and duties under the laws in force in the State ...<sup>10</sup>

The Act directs Victoria Legal Aid to do so in “the most effective, economic and efficient manner.”<sup>11</sup> These legislative drivers underpin the CLE program at Victoria Legal Aid and provide further impetus for this study, particularly in relation to the delivery of effective education. As an empowerment tool or preventative strategy, CLE “is sometimes ascribed great, indeed, transformative expectations.”<sup>12</sup> Reports from the Australian Government and the justice sector routinely identify the potential of CLE to address a range of legal problems.<sup>13</sup> Recommendations are also made to improve the quality and better measure the effectiveness of CLE interventions.<sup>14</sup>

There are also economic imperatives associated with CLE, which is sometimes seen as a program that can fill the gaps created by reduced funding of other legal services.<sup>15</sup> The need to demonstrate the effectiveness of CLE arises from these expectations, limited funding for legal aid services generally, and a growing demand for public legal services.

## II. THE DEVELOPMENT OF COMMUNITY LEGAL EDUCATION IN AUSTRALIA

In Australia, legal aid commissions and community legal centres have offered CLE programs since the 1970s.<sup>16</sup> Commentary from the late 1970s and into the 1990s focused on defining and

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<sup>10</sup> *Legal Aid Act 1978*, s 6 (2)(d) at 12 (Victoria, Australia).

<sup>11</sup> *Ibid* s 4(a) at 11.

<sup>12</sup> Forell & McDonald, *supra* note 4 at 2.

<sup>13</sup> Family Court of Australia, *Families and the law in Australia: The Family Court working together with new and emerging communities*, (2008) online: Family Court of Australia <familycourt.gov.au/wps/wcm/connect/fcoaweb/reports-and-publications/reports/2008/> [perma.cc/DT7K-Q835]; Law Reform Committee, *Inquiry into sexting: Report of the Law Reform Committee for the Inquiry into Sexting*, (2013) online: Parliament of Victoria <parliament.vic.gov.au/images/stories/committees/lawrefrom/isexting/LRC\_Sexting\_Final\_Report.pdf> [perma.cc/EM59-DWM9];

Australian Government, *A strategic framework for access to justice in the federal civil justice system*, (2009) online: Attorney-General's Department <ag.gov.au/LegalSystem/Documents/A%20Strategic%20Framework%20for%20Access%20to%20Justice%20in%20the%20Federal%20Civil%20Justice%20System.pdf> [perma.cc/W5HL-SGUS].

<sup>14</sup> Australian Government, *Access to Justice Arrangements*, (2014) online: Productivity Commission <pc.gov.au/inquiries/completed/access-justice/report> [perma.cc/W2LG-3TCL] at 5.3.

<sup>15</sup> Catrina Denvir, Nigel Balmer & Pascoe Pleasence, “When Legal Rights are not a Reality: Do Individuals Know their Rights and How can we Tell?” (2013) 35:1 *Journal of Social Welfare and Family Law* 139 at 156-57; Crispin Passmore, “The Cinderella of legal services” (2013) 157 *Solicitor J Justice Gap series* at 20-25.

<sup>16</sup> Forell & McDonald, *supra* note 4 at 1.

defending the practice of CLE in the face of uncertain funding and to help the wider legal profession understand the place of CLE.<sup>17</sup> In 1982, Allan Nicoll established Community Legal Education at Victoria Legal Aid.<sup>18</sup> Nicoll's work was driven by the foundational questions of how to make the community more aware of their rights and enable them to exercise those rights.<sup>19</sup> The role of CLE was further championed by community legal centres who argued for greater investment in CLE and the value of adopting community development approaches for the delivery of CLE. The view was that community-led initiatives empower people with the skills to make positive change in their communities.<sup>20</sup>

The practice of CLE, and research to inform its development, has evolved considerably in the intervening decades, moving from questions of why and how CLE is practised, to questions about who benefits, when and for what outcome, and how these outcomes can be measured.<sup>21</sup> Since 2003, Australian research produced by the Law and Justice Foundation of New South Wales has focused on identifying the legal needs of the population, with an emphasis on people experiencing barriers to accessing justice.<sup>22</sup> The Foundation has also contributed to discussions about measuring the effectiveness of legal services, including CLE.<sup>23</sup> Further research has helped to guide approaches to CLE,<sup>24</sup> and different CLE resources and methods have been evaluated, such as self-help materials, phone applications, and community engagement practices.<sup>25</sup> These

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<sup>17</sup> Richard Cullen, "Community Legal Education: A Review" (1987) 12:5 *Legal Service Bulletin*; Sue Bruce, Elsie van Moorst & Sophia Panagiotidis, "Community Legal Education: Access to Justice" (1992) 17:6 *Alternative Law Journal* 278-.

<sup>18</sup> Sam Biondo, "Community Legal Education" in Jeff Giddings, ed, *Legal Aid in Victoria: At the Crossroads Again*, (Melbourne: Fitzroy Legal Service, 1998) at 174.

<sup>19</sup> Allan Nicoll, "Community Legal Education: The Current Objectives" (1987) 12:5 *Legal Services Bulletin*.

<sup>20</sup> Robin Inglis, "Community Legal Education: A Luxury we can't Afford?" (1989) 14:2 *Legal Service Bulletin*; Biondo, *supra* note 18 at 210.

<sup>21</sup> Melina Buckley, *Evolving Legal Services Research Project: Research Design Report*, online: Community Legal Education Ontario <plearningexchange.ca/wp-content/uploads/2015/03/ELSRP-Research-Design-Report.pdf> [perma.cc/S3GM-7M3S] at 1-27; Wintersteiger, *supra* note 2; Forell & McDonald, *supra* note 4.

<sup>22</sup> See generally the publications of the Law and Justice Foundation of New South Wales <lawfoundation.net.au/research/publications> [perma.cc/QCV2-V83A]; Catherine Coumarelos et al, *Legal Australia-Wide Survey: Legal Need in Australia* (Sydney: Law and Justice Foundation of NSW, 2012).

<sup>23</sup> Erol Digiusto, "Effectiveness of Public Legal Assistance Services," (2012) Justice Issues Paper 16, *Law and Justice foundation of New South Wales*, online:

<lawfoundation.net.au/ljf/site/articleIDs/550206C336A8DDFDCA257DCB001B37CC/\$file/JI\_16\_Effectiveness\_w eb.pdf> [perma.cc/A5WC-F8RG] at 1-12; Ania Wilczynski, Maria Karras & Suzie Forell, "The Outcomes of Community Legal Education: A Systematic Review," (2014) Justice Issues Paper 18, Law and Justice Foundation of New South Wales, online: <lawfoundation.net.au/ljf/site/articleIDs/18C587ECBD959D50CA257A91001F76F0/\$file/JI18\_Outcomes\_of\_CLE\_FINAL\_web.pdf> [perma.cc/N6H8-JUQZ] at 1-20.

<sup>24</sup> Federation of Community Legal Centres Victoria, *Community legal education made easy - a kit for anyone working in CLE*, online: National Association of Community Legal Centres <naccl.org.au/cb\_pages/cle\_made\_easy.php> [perma.cc/V2JB-C35W]; Suzie Forell & Hugh M McDonald, "Community Legal Education and Information: Model Priorities and Principles," (2017) Justice Issues Paper 25, Law and Justice Foundation of New South Wales, online:

<lawfoundation.net.au/ljf/site/articleIDs/3ECC7E8223A9903A8525816900125DCA/\$file/JI\_25\_CLEI\_model.pdf> [perma.cc/GJH8-48V4] at 1-4; Julie Mathews, Kristina Brousalis & Diana Vazquez, *Building an understanding of legal capability: an online scan of legal capability research*, (2016) online: Community Legal Education Ontario <plearningexchange.ca/wp-content/uploads/2016/09/online-scan-legal-capability.September-2016.final\_.pdf> [perma.cc/698B-S328] at 1-24; Wintersteiger, *supra* note 2.

<sup>25</sup> Julie Mathews, Sarah Rimmington & Diana Vazquez, *Public Legal Education and Information in Ontario Communities: Formats and Delivery Channels*, (2013) online: Community Legal Education Ontario,

evaluations address effectiveness through an exploration of learnings, cost-benefit, and the strengths and weaknesses of different approaches.

### III. HOW CLE IS PERCEIVED

While CLE is generally a small part of a large and sophisticated system of legal services, Crispin Passmore notes that “even where there are statutory duties in relation to professional legal education, it has remained a minority interest.”<sup>26</sup> It is unsurprising that in the face of relentless demand for legal services, CLE has been perceived as “not a good use of the lawyer’s time.”<sup>27</sup> CLE has also been described as “the Cinderella of legal services,”<sup>28</sup> and questions have been raised about its limitations,<sup>29</sup> how to measure its value,<sup>30</sup> and “what works.”<sup>31</sup> Laura Abel identifies the issue of “what works” in CLE as being “the pressing question of our time.”<sup>32</sup>

In considering whether CLE is effective, Ingrid Eagly notes, “[o]ne’s response, of course, depends on how one defines “successful” legal practice... .”<sup>33</sup> While the intention is often to use CLE to prevent problems from arising so as to avoid more costly and stressful legal remedies, there are tensions around its application and measurement. If one of the aims of CLE is to bring about change, the challenge is to determine what has changed for individuals or communities. This study measures “change” and uses this as an indicator of the effectiveness of a specific CLE intervention.

### IV. WHAT DO WE KNOW ABOUT THE EFFECTIVENESS OF CLE?

The limited available research about the effectiveness of CLE may be linked to the relative investment in CLE compared to other legal services or to limited research about the effectiveness

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<cleo.on.ca/sites/default/files/docs/CLEO-Report-PLFI-Formats-and-Delivery-Channels-in-Ontario.pdf> [perma.cc/8ZWC-9H5L] at 1-47; Merran Lawler, Jeff Giddings & Michael Robertson, “Opportunities and Limitations in the Provision of Self-Help Legal Resources to Citizens in Need” (2012) 30 Windsor Yearbook of Access to Justice; Michele Lee, *Case study of Below the Belt phone app: Learning from projects that don’t meet expectations*, online: Victoria Legal Aid <legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-case-study-below-the-belt-phone-app.pdf> [perma.cc/PY33-UVKC]; Monica Ferrari & Angela Costi, “Legal Aid: Learnings from Community Legal Education” (2012) 37:1 Alternative Law Journal at 52-53.

<sup>26</sup> Passmore, *supra* note 15 at 20.

<sup>27</sup> Ingrid V Eagly, “Community Education: Creating a New Vision of Legal Services Practice” (1998) 4 Clinical Law Review 433 at 443.

<sup>28</sup> Passmore, *supra* note 15 at 20.

<sup>29</sup> Hugh M McDonald, Suzie Forell & Julie People, “Limits of Legal Information Strategies: When Knowing What to Do isn’t Enough, (2014) 44 Updating Justice, online: Law and Justice Foundation of New South Wales <lawfoundation.net.au/ljf/site/templates/UpdatingJustice/\$file/UJ\_44\_Limits\_of\_legal\_information\_strategies\_FIN AL.pdf> [perma.cc/9MDU-ZCG3] at 1-7.

<sup>30</sup> Wilczynski, Karras & Forell, *supra* note 23.

<sup>31</sup> Maria Karras & Suzie Forell, “What Works? Learning from the Literature,” (2015) Justice Issues Paper 19 : Law and Justice Foundation of New South Wales, online:

<lawfoundation.net.au/ljf/site/articleIDs/4DB933C5EFC070C6CA257DE900194CE4/\$file/JI19\_What\_Works\_FIN AL\_web.pdf> [perma.cc/W3R2-36KF] at 1-6; Digiusto, *supra* note 23; Forell & McDonald, *supra* note 4.

<sup>32</sup> Laura Abel, “Evidence-Based Access to Justice” (2010) 13:3 Journal of Law and Social Change 295 at 313.

<sup>33</sup> Eagly, *supra* note 27 at 483.

of legal services more generally.<sup>34</sup> Limitations may also reflect the difficulty of the task. Measuring effectiveness is, as Erol Digiusto notes, about “measuring whether or not the program achieved its aim or intended outcome.”<sup>35</sup> Effectiveness has a narrow meaning in this context, as it “refers to a causal link between an activity (or intervention) and a desired outcome whereby it is the activity, rather than any other factor, that has actually made the difference.”<sup>36</sup> The evaluation methods needed to assess effectiveness require resources and expertise not commonly available in the legal assistance sector.<sup>37</sup> For example, in 2009 the use of control groups and extended follow up periods to track the impact of a CLE intervention were identified as “not feasible.”<sup>38</sup> Some agencies have attempted to assess impact and two evaluations were reviewed as part of this study:

- (1) Liz Mackie’s impact evaluation, *Legal Capability for Everyday Life: Evaluation Report*, commissioned by the UK charity, Law for Life: Foundation for Public Legal Information;<sup>39</sup> and
- (2) an evaluation of *Save Our Streets* run by Street Law, an American non-profit organization that teaches people about law, democracy, and human rights.<sup>40</sup>

These two evaluations influenced the design of this study and were the only two pre- and post-studies of CLE that were located. In the United Kingdom, this particular study design has been acknowledged as “especially useful for exploring and mapping changes.”<sup>41</sup>

One of the challenges in generating data about effectiveness is knowing to what degree the results could be broadly applicable to the population and how statistically significant any change in score is.<sup>42</sup> In the *Legal Capability for Everyday Life* evaluation, where descriptive data was presented, the authors did not test the statistical significance of the change score. Statistical significance testing allows us to determine the probability of a mean change score occurring by chance, assuming a program has no effect. In other words, the statistical test can provide quantitative evidence of a program’s effectiveness, assuming sound methodology is used to collect the data. Mackie’s results show the maximum rating for each indicator, which is then averaged. This is applied to data from the pre- and post-interviews. Mackie then looked for a change in the average and presented this as a percentage change. The results for each indicator

<sup>34</sup> Suzie Forell & Hugh H McDonald, “Evaluation of Legal Service Delivery: Challenges, Opportunities and Work Towards a Framework,” conference paper International Legal Aid Group Conference, Johannesburg, June 14-16, 2017 at 3.

<sup>35</sup> Digiusto, *supra* note 23 at 1.

<sup>36</sup> *Ibid* at 1.

<sup>37</sup> *Ibid* at 10; Buckley, *supra* note 5 at 31.

<sup>38</sup> Public Legal Education Network, *Researching and evaluating public legal education: principles and practice*, online: Law for Life <lawforlife.org.uk/wp-content/uploads/2013/04/researching-and-evaluating-public-legal-education-principles-and-practice-plenet-2009-107.pdf> [perma.cc/C5YH-CCXC] at 13.

<sup>39</sup> Liz Mackie, *Legal Capability for Everyday Life: Evaluation Report*, (2013) online: Law for Life <lawforlife.org.uk/wp-content/uploads/Law-for-Everyday-Life-Evaluation-report.pdf> [perma.cc/AD8P-GWDY] at 1-37.

<sup>40</sup> Caliber Associates, *Save Our Streets: Outcome Evaluation Report (1998)*, Washington, Fairfax, VA: Caliber Associates.

<sup>41</sup> Sharon Collard, Chris Deeming, Lisa Wintersteiger, Martin Jones & John Seargeant, *Public Legal Education Evaluation Framework*, (2011) online: Law for Life: <lawforlife.org.uk/wp-content/uploads/2011/12/core-framework-final-version-nov-2011-v2-370.pdf> [perma.cc/5YUL-S37H] at 15.

<sup>42</sup> Digiusto, *supra* note 23; Public Legal Education and Support Task Force, *supra* note 5; Wilczynski, Karras & Forell, *supra* note 23.



demonstrated the degree to which participants' responses changed. What the reader does not know is whether this difference was statistically significant. For example, what does it mean for an average rating to go from 3.6 to 4.0? Another issue related to statistical significance testing is that it does not tell us about the practical significance of a change. Bruce Thompson advocates for the reporting of effect size estimates to overcome this limitation.<sup>43</sup> Standardized effect sizes, such as Cohen's *d*, express the magnitude of the change, which can be used to judge the practical significance of a program and compare the performance of a program to other studies. While the percentage change reported by Mackie is an attempt to standardize the effect, it focuses solely on the average change and does not address the variability in change between participants. Mackie used a control group to determine whether the change could be attributed to the education or to chance. However, a very low response rate meant that comparison was not possible.

Caliber Associates undertook an impact evaluation of *Save our Streets*, a 16-week program for young people to increase participants' understanding of relevant laws, increase their capacity to resolve conflict non-violently, and develop positive attitudes towards law-abiding behaviour.<sup>44</sup> Caliber Associates used pre- and post-research design to measure changes in knowledge as well as behaviours of participants who had been taken into custody for gun possession, but had not yet been convicted of a violent offence. Data was collected via surveys and results were scored and analyzed statistically, using cross-tabulations and t-tests. Street Law applied these techniques in order to "determine if the changes in participant's scores were statistically significant."<sup>45</sup> Caliber Associates used statistical tests and a control group to show that a significantly smaller proportion of graduates were re-arrested for delinquent offences and weapons-related charges than youth who never entered the program or attended fewer than three classes. Young people who attended three or more classes had re-arrest rates that were one-third (33.6 per cent) lower than those who did not enter the program or had limited exposure. Most importantly, youth who attended at least three classes had re-arrest rates for weapons-related charges that were 93.5 per cent lower than youth who failed to attend at least three classes.<sup>46</sup> Like Mackie, Caliber Associates encountered some problems with confounding factors that impacted their results, (*e.g.*, some participants increased their delinquent behaviours). They associated this with participants' reluctance to self-report (*e.g.*, participants did not want to disclose negative behaviour at the beginning of a sixteen-week program.) However, through building relationships and trust over the course of the program, by its conclusion the students felt more able to be honest.<sup>47</sup> This example illustrates both the value and limitations of a purely quantitative approach. It allowed the measurement of difference, but that measurement is somewhat arbitrary and cannot explain why certain results were achieved. While this limitation is present in all quantitative research, it can be mitigated by the use of qualitative methods, such as interviews.

In 2014, the Law and Justice Foundation of New South Wales published a systematic review of research into the effectiveness of face-to-face CLE.<sup>48</sup> The review located published and unpublished studies that evaluated the outcomes of CLE, as reported between 2000 and

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<sup>43</sup> Bruce Thompson, "What Future Quantitative Social Science Research Could Look Like: Confidence Intervals for Effect Sizes," (2002) 31:3 Educational Researcher 25.

<sup>44</sup> Caliber Associates, *supra* note 40 at 1.

<sup>45</sup> *Ibid* at 9.

<sup>46</sup> *Ibid*.

<sup>47</sup> *Ibid* at 16.

<sup>48</sup> Wilczynski, Karras & Forell, *supra* note 23.

2012.<sup>49</sup> Of forty-seven studies, only two were considered methodologically appropriate to include in the systematic review.<sup>50</sup> It is worth noting, however, that the two studies identified by the foundation as providing evidence of effectiveness demonstrated a change in participants' behaviours in the short to medium term as a result of a CLE intervention.<sup>51</sup> More recently, CLE Ontario partnered with York University to start the Evolving Legal Services Research Project. This three-year project funded by the Law Foundation of Ontario "examines the effectiveness of public legal education and information in helping low and modest income people address their legal problems."<sup>52</sup> The research will focus on when CLE is most effective, for example, as a self-help tool, or when it is provided as part of another legal service, such as legal advice. A close examination of these studies and their methodologies is warranted for any future research design undertaken in relation to CLE.

## V. WHAT'S THE LAW? AUSTRALIAN LAW FOR NEW ARRIVALS

*What's the law? Australian law for new arrivals* is a legal education kit designed for use in the Adult Migrant English Program (AMEP) across Australia.<sup>53</sup> The AMEP enables newly arrived migrants to receive up to 510 hours of approved English tuition. The kit assists AMEP providers to meet their contractual requirements to provide legal education and it uses legal content to build English literacy. It is based on ten common legal issues faced by new arrivals in the first years of settlement. Each topic contains:

- (1) a video (digital story) about common legal problems;
- (2) activity sheets to build students' comprehension and reinforce key messages; and
- (3) answer sheets, including notes for teachers about how to use the kit.

The kit uses stories to engage students in issues relevant to their lives and is also a vehicle for increased English language skills.

The *What's the law?* kit was developed in 2010-11 by legal aid commissions across Australia and its distribution started in October 2011. The kit is currently the central educative tool in a national community legal education strategy for new arrivals undertaken by the National Legal Aid CLE Working Group. This working group is made up of representatives from the eight legal aid commissions in Australia and a representative from the National Association of Community Legal Centres. The national strategy was informed by the original work of the

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<sup>49</sup> Note, the Foundation's systematic review was published after this study was completed. Also, the two evaluation studies considered as part of this study, and referenced in this paper, were not included in the Foundation's review as they were outside the review's timeframe.

<sup>50</sup> Desmond Ellis & Dawn Anderson, "The Impact of Participation in a Parent Education Program for Divorcing Parents on the Use of Court Resources: An Evaluation Study" (2003) 21:2 Conflict Resolution Quarterly at 169-; Tamara Fackrell, Allan Hawkins & Nicole Kay, "How Effective are Court-Affiliated Divorcing Parents Education Programs? A Meta-Analytic Study" (2011) 49:1 Family Court Review at 107.

<sup>51</sup> Wilczynski, Karras & Forell, *supra* note 23 at 22.

<sup>52</sup> Community Legal Education Ontario, *Evolving Legal Services Research Project*, online: <[plearningexchange.ca/wp-content/uploads/2015/03/ELSRP-Research-Design-Report.pdf](http://plearningexchange.ca/wp-content/uploads/2015/03/ELSRP-Research-Design-Report.pdf)> [perma.cc/4VV3-NR6H].

<sup>53</sup> Victoria Legal Aid, *supra* note 6.

Footscray Community Legal Centre in 2009.<sup>54</sup> The Centre reasoned that to effectively support new arrivals, agencies in the justice sector needed to work more collaboratively and strategically. This approach was echoed widely in the Australian justice sector, where research and reports identified a pressing need to address preventable legal issues experienced by new arrivals.<sup>55</sup> As a result, legal aid commissions were motivated to work together, engaging the former Department of Immigration and Citizenship to gain endorsement of the kit and support commissions to deliver *What's the law?* to English language students in the AMEP.

## VI. RESEARCH DESIGN AND APPLICATION

This study used a mixed methods research design, involving both qualitative and quantitative methods. Pre- and post-surveys, with open- and close-ended questions, were the main data collection tool. The surveys were administered orally in an interview setting. Students were interviewed before and after they participated in a class about buying a car, using the *What's the law?* content. This topic was chosen because there is an over-representation of new arrivals in the justice system, particularly in civil law matters, such as debt and driving matters.<sup>56</sup> While forty-nine per cent of the participants in this study had not yet purchased a car, most aspired to do so. The decisions associated with buying a car are complex and compounded when there are communication and cultural differences between the seller and the buyer.<sup>57</sup> There can be serious financial implications if things go wrong.

All of the agencies involved in the national strategy were interested in how the content of *What's the law?* might impact the intended audience. This study was designed to test the degree

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<sup>54</sup> Katie Fraser, "Out of Africa and into Court: The Legal Problems Experienced by African Refugees," (2009) online: Federation of Community Legal Centres, <communitylaw.org.au/footscray/cb\_pages/images/African%20Legal%20service%20Report%20Final.pdf> [perma.cc/H9JM-YHSF] at 1-60; Katie Fraser, "Prevention is Better than Cure: Can Legal Education Prevent Some of the Common Legal Problems Experienced by Refugees?," (2011) online: Westjustice <westjustice.org.au/cms\_uploads/docs/westjustice-prevention-is-better-than-cure-report.pdf> [perma.cc/5JPR-CADW] at 1-88.

<sup>55</sup> Australian Government, *supra* note 13; Australian Human Rights Commission, "In Our Own Words: African Australians: A Review of Human Rights and Social Inclusion Issues," (2010) online: Australian Human Rights Commission <humanrights.gov.au/sites/default/files/content/africanaus/review/in\_our\_own\_words.pdf> [perma.cc/6JH2-SDXN] at 1-48; Footscray Community Legal Centre & Australian Communications Consumer Action Network, "Taking Advantage of Disadvantage: Case Studies of Refugee and New Migrant Experiences in the Communications Market," (2011) online: <westjustice.org.au/cms\_uploads/docs/westjustice-taking-advantage-of-disadvantage-report.pdf> [perma.cc/L82E-48PT] at 1-42; In Touch Multicultural Centre Against Family Violence, "I Lived in Fear because I Knew Nothing: Barriers to the Justice System Faced by CALD Women Experiencing Family Violence," (2011) online: Analysis & Policy Observatory <apo.org.au/node/23410> [perma.cc/5PP9-4YHB]; Helen Moore, Howard Nicholas & Julie Deblaquiere, "Opening the Door: Provision for Refugee Youth with Minimal/No Schooling in the Adult Migrant English Program," (2008) online: Adult Migrant English Program Research Centre <ameprc.mq.edu.au/docs/research\_reports/research\_report\_series/Opening\_the\_door.pdf> [perma.cc/6CFC-XYFN] at 1-168; Women's Legal Resources Centre, "A Long Way to Equal: An Update of 'Quarter Way to Equal: A Report On Barriers To Access To Legal Services For Migrant Women,'" (2007) online: Women's Legal Service New South Wales <wlsnsw.org.au/downloads/ALONGWAYTOEQUALWeb\_000.pdf> [perma.cc/A3uD-AKSQ] at 1-52.

<sup>56</sup> Fraser, *supra* note 54.

<sup>57</sup> Karen Cohl & George Thomson, "Connecting Across Language and Distance: Linguistic and Rural Access to Legal Information and Services," (2008) online: The Law Foundation of Ontario <lawfoundation.on.ca/wp-content/uploads/The-Connecting-Report.pdf> [perma.cc/DD5V-4XDV].

to which the *What's the law?* learning experience facilitated a deeper understanding for participants, as represented through a change in participants attitudes about the legal issues associated with buying a car. The design enabled the researchers to determine whether participants' attitudes to buying a car, borrowing money, and getting legal help changed by collecting baseline data from a self-selected group, and measuring the difference between their responses before and after a learning experience. This research project differs from other studies that measure legal knowledge in that its focus is on understanding a change in thinking or actions, in actual or hypothetical situations, and then assesses whether, after the education module, the participant changes their position. Denvir et al caution against relying on tests of knowledge, as these "may just reflect the extent to which respondents guess correctly, rather than reflecting any real knowledge."<sup>58</sup> Self-assessment is not necessarily a reliable means to measure legal knowledge. They found that "asking individuals whether they knew their rights yields a greater number of individuals saying yes than those capable of articulating these rights."<sup>59</sup> To address this concern and to acknowledge that there are strengths and weaknesses in any research design, a mixed methods model was chosen in this study to collect a broader range of data and as a means to reduce error. It also enabled a more flexible and supportive approach with participants.

The quantitative aspects of the research design and data analysis enabled measurement of change. Close-ended questions were used to collect this data, however, using close-ended questions in a survey format would have been ineffective as English as a Second Language (ESL) participants may have selected answers without understanding the question or options. These issues were encountered in Liz Mackie's *Legal capability for everyday life* evaluation, undertaken with a similar audience, which used only paper-based questionnaires.<sup>60</sup> Mackie found that it was difficult for some participants to complete the survey, particularly those "with poor literacy or English language skills."<sup>61</sup> They speculated that this might be "less about English language skill and more to do with being unfamiliar with this type of questionnaire."<sup>62</sup> These challenges were addressed, in part, through group discussion that meant "responses to some questions may perhaps reflect the group response, rather than individual views."<sup>63</sup> Mackie reflects that this may have skewed results, as there were some unexpected data outcomes.

While face-to-face interviews take more time, they provide an opportunity to engage the participants and assess their language skills, build rapport, and provide support to complete the survey. Working patiently and intensively with one participant at a time may increase the likelihood of a "true" response and reduce the likelihood of skewed results. In this study, the inclusion of open-ended questions, which largely mirrored the close-ended questions, also enabled the interviewer to informally validate the responses to the close-ended questions. Again, this approach was important given the English language skills of the participants.

## A. DEVELOPING AND APPLYING THE SURVEY

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<sup>58</sup> Denvir, Balmer & Pleasence, *supra* note 15 at 156.

<sup>59</sup> *Ibid.*

<sup>60</sup> Mackie, *supra* note 39.

<sup>61</sup> *Ibid* at 23.

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid* at 24.

The pre- and post-surveys applied in this study were developed, tested, and refined over eighteen months. This lengthy process was essential to ensure useful data was collected, reflecting and respecting participants' thoughts and time commitment. The final survey was reviewed by the interviewers and tested with volunteers from the target audience, and via role-play with staff. After gaining ethics approval, interviewers recruited participants by visiting English language classes, explaining the research, and inviting student participation. This was important given that the students had limited English skills, many were young adults, and some had an uncertain visa status. The interviewer and research were introduced slowly to ensure comprehension and remove any sense of obligation. No incentives were offered but interviewers outlined the benefits of being involved, including the opportunity to practice English language skills and have their ideas and experiences valued. Students were given a short information sheet, asked to think about their involvement, and talk to their teacher or contact the interviewer if they had questions about the study.

Interviewers were selected based on their experience working with culturally and linguistically diverse communities and were briefed before the interviews commenced. The oral delivery of the survey allowed interviewers to work at a pace that suited participants. Interviewers were debriefed afterwards and experiences from the interview process were shared to inform subsequent interviews.

The study involved sixty-seven participants from Victoria, South Australia, the Northern Territory, and Western Australia. Forty-seven students completed the pre- and post-surveys. All participants were studying a Certificate in Spoken and Written English. Most participants had a follow-up interview within four weeks of the learning experience. A scoring system was developed for the quantitative data based on the educative content in the class about buying a car and expected responses from well-informed and assertive consumers. For example, the question below was designed to assess the degree to which participants agreed or disagreed that people who sell cars tell the truth. The "agree" responses were allocated a score of zero and the "disagree" responses were allocated a score of one.

**People who sell cars always tell the truth.**

- agree a little     agree a lot     disagree a little     disagree a lot

The highest possible total score was thirteen. Responses to thirteen close-ended questions were analysed using IBM SPSS statistical software.<sup>64</sup> A repeated measure analysis of variance (RM-ANOVA) was used to determine if the changes in interview scores before and after the learning experience could be considered statistically significant. The test also allowed the change to be tested after controlling for potential confounding variables such as location, age, gender, level of education, and length of time in Australia.

## **VII. RESULTS**

The quantitative data was summarized using descriptive statistics and graphical summaries. A thematic analysis was performed on participants' responses to the open-ended questions. While participants' overall change score was of primary interest for the quantitative data, responses to

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<sup>64</sup> SPSS is a widely used program for statistical analysis in social science.

individual questions were reviewed as part of an item analysis reported elsewhere.<sup>65</sup> These results show the degree to which participants changed their position in relation to specific questions. For example, in response to the statement shown at Figure 1, “People who sell cars always tell the truth,” the item analysis showed that four (nine per cent) of the participants agreed with this statement “a little” in both the pre- and post-interviews. There was a strong shift in the post-interview with eleven (twenty-four per cent) of the participants changing their responses to “disagree a little” or “disagree a lot.” This was a positive outcome. The qualitative results provided an additional level of detail to help explain the overall change score. The qualitative data was used to pinpoint which aspects of the learning experience were most helpful for participants and how it might influence their actions.

## A. STATISTICAL ANALYSIS

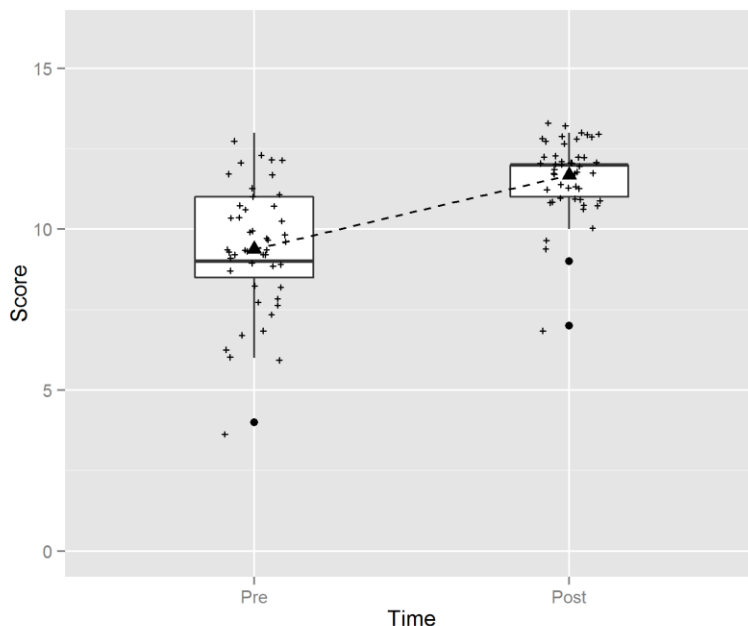
The primary statistical test performed was a repeated measure analysis of variance (RM-ANOVA). This analysis tested the statistical significance of the mean change in interview scores before and after the learning experience. All statistical tests begin with the assumption that nothing has changed or that nothing is different. A statistically significant test is marked by a change or difference that is not consistent with this assumption, thus providing statistical evidence supporting a change. We define statistical significance when a statistical test’s p-value falls below a significance level of .05.<sup>66</sup> It is important to note that statistical tests do not prove anything. They provide probabilistic evidence to support research findings and must be interpreted carefully within the context of the research design and data collection.

The side-by-side boxplots in Figure 1 show the change in pre- and post-interview scores for the entire sample.

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<sup>65</sup> Monica Ferrari “Does Community Legal Education Work? Educating English Language Students about Consumer Contracts” (2015) MA Thesis, RMIT University, Melbourne.

<sup>66</sup> The p-value can be thought of as a probability calculated by a statistical test, which reflects how surprising the results of a study are assuming that nothing has changed. The lower the probability, the more unusual or surprising the results are considered.



**Figure 1.** Side-by-side boxplots

The boxplots show the quartiles of the distributions with the thick horizontal line representing the median (a value where fifty per cent of data sits below and fifty per cent sits above). Also displayed are the individual, jittered data points (indicated by a +), possible outliers (indicated by a •) and the mean (indicated by a ▲). Overall, there is a trend towards improvement on post-interview scores. The mean pre-score was 9.38 (standard deviation = 1.89) and the mean post-score was 11.68 (standard deviation = 1.16). This equated to an average improvement of 2.3 points. The RM-ANOVA tested whether the mean change between pre- and post-interview scores was statistically significant. The results detected a statistically significant mean improvement in participants’ understandings of the legal issues associated with buying a car:  $F(1, 46) = 70.54, p < .001$ . Furthermore, the Cohen’s effect size for the mean change indicated that this was a “strong effect.” The effect size was calculated to be  $d = 1.21, 95\% CI (0.83, 1.58)$ , which indicated an average improvement of 1.21 standard deviations.

Table 1 compares participant demographics between state categories. When compared to other states, the South Australian group were more likely to have previously purchased a car in Australia, with a higher average age and number of years lived in Australia.

**Table 1.** Descriptive characteristics of participants between state categories

Characteristics		State category					
		All other states		South Australia		Total	
		N	%	N	%	N	%
Gender	Female	9	34.6	11	52.4%	20	42.6
	Male	17	65.4	10	47.6%	27	57.4
Have you bought	Yes	7	26.9	17	81%	24	51.1

<b>a car in Australia?</b>	No	19	73.1	4	19.0%	23	48.9
<b>Age</b>	<i>M</i>	23.2		50		35.2	
	<i>SD</i>	8.3		9.1		15.9	
<b>Years in Australia</b>	<i>M</i>	2.3		5		3.5	
	<i>SD</i>	1.2		0.2		1.6	

After controlling for the effect of state category, gender, and time, the difference between pre- and post-scores remained statistically significant ( $F(1,43) = 60.64, p < .001$ ) and was still considered to be a large effect. It is interesting to note that, despite the South Australian participants' length of time living in Australia, and their experience of car ownership, their baseline results were similar to those of newer arrivals. The trend towards higher post-scores was consistent across all states.

## B. THEMATIC AND FREQUENCY ANALYSIS

Qualitative analysis was applied to participants' responses to the questions: "Was the class helpful?" and, if so, "How was it helpful?" There were many consistent themes in participants' responses. These themes were given titles, or coded. Three raters then applied a frequency analysis to identify the most frequently occurring codes. An intra-class correlation coefficient (ICC) was calculated to measure the degree of agreement among the three raters. The ICC can range from 0, no agreement, to 1, perfect agreement. The ICC was found to be .96 (ninety-five per cent CI, .89, .99). This is regarded as a very high agreement among the raters. The most frequently mentioned code in the analysis related to reading and understanding contracts before signing them, which was encouraging as this was the primary message in the "Buying a car" module of *What's the law?* Some codes reflected the acquisition of new ideas or knowledge such as gaining a sense of consequences, being wary of salespeople, and knowing about warranties and cooling off periods. These codes were indicated by comments such as: "It showed me about car sales people, and how they just want to sell their cars. It showed me that the interest is not always told to the customer. It showed me that if you don't pay all the loan, they can take the car off you."<sup>67</sup> Some of the codes, such as "read and understand contract," "shop around," "get car checked," and "can get help," reflected the participants' intentions to take action. These codes were indicated by comments such as: "Reminded me about how important it is to read carefully before I sign" and, "We can get help from legal aid or other services when we have a problem."<sup>68</sup>

## C. WHAT DO THE RESULTS MEAN?

The study results demonstrate that the "Buying a car" module in *What's the law? Australian law for new arrivals* was effective in influencing the self-reported attitudes of the participants. These results show a measurable difference in participants' understanding of the legal issues associated with buying a car. This is demonstrated by the statistically significant change in participants' mean pre-score from 9.38 to a mean post-score of 11.68, with the highest possible score being

<sup>67</sup> Ferrari, *supra* note 65 at 96.

<sup>68</sup> *Ibid* at 95.



thirteen. The effect size calculated in this research project indicates that this was a “strong effect.”

There is some suggestion of gender variation in the South Australian cohort, where the female participants had a lower than expected baseline knowledge. It is useful to note that this cohort was different from the other participants, in that they were part of an ESL class, as opposed to the Adult Migrant English Program (AMEP), which is designed for newer arrivals. This is also confirmed by the demographic data that shows that the average age of South Australian participants was close to fifty compared to participants in all other states, who had an average age of twenty-three. The South Australian participants had lived in Australia for approximately five years, whereas participants in all other states had lived in Australia on average for just over two years. The South Australian interviewers noted that many of their participants had retired after years of working and were taking time to improve their language skills. In contrast, most of the AMEP participants were starting out, wanting to find work or commence study. Unsurprisingly, eighty-one per cent of the South Australian group were likely to have purchased a car in Australia, whereas most of the AMEP participants aspired to car ownership, with only 26.9 per cent having taken this step. As noted earlier, despite the South Australian participants’ length of time in Australia, and their experience of car ownership, their baseline results were similar to those of newer arrivals. This suggests that, for South Australian participants, the experience of buying a car did not necessarily increase their legal knowledge about this process.

The qualitative results provide a level of detail that helps explain the overall change score. Forty-four of the forty-seven participants found the learning experience helpful and most comments related to the importance of reading and understanding contracts before signing them, issues associated with borrowing money and interest, the need to be wary of people who sell cars, the consequences of not taking care, and that help is available. Participants also found the digital story engaging. In talking about the helpfulness of the learning experience, the participants relayed key messages from the “Buying a car” module and, in many cases, indicated intended actions in relation to these messages. For example, one participant noted:

It reminded me, when I buy something I have to be careful. If I don't read the paper and just sign it, you can have trouble, like the lady in the movie ... . They took back the car and she still had to pay money. I also learnt that we could get help from legal aid or other services when we have a problem.<sup>69</sup>

These results are useful when considering Fraser’s point that “many legal problems could be prevented if new migrants were given information that could help them avoid legal problems, as well as recognise a legal problem and seek appropriate assistance in a timely manner.”<sup>70</sup>

While this research project did not test the application of participants’ knowledge or intentions, these results and comments are encouraging and indicate that the CLE in question has worked for these participants. These results add weight and rigour to previous evidence from Law for Life, in which interesting descriptive data was presented but the authors did not test the statistical significance of the change score or look at the magnitude of the effect.<sup>71</sup> Both the Law for Life and Street Law evaluations used a self-administered survey to collect data from

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<sup>69</sup> Ferrari, *supra* note 65 at 141.

<sup>70</sup> Fraser, *supra* note 54 at 8.

<sup>71</sup> Mackie, *supra* note 39.

participants.<sup>72</sup> As discussed, this posed some challenges in gaining accurate data. The results from the qualitative analysis applied in this research project demonstrate the value in incorporating open-ended questions and also in face-to-face interviews, where participants are then able to describe the impact and value of the learning experience through their words and their interaction with the interviewer.

## D. LIMITATIONS

The study had a limited follow-up period and did not assess the long-term stability of the change or what would happen in a real-life situation. While results show that controlling for the time delay of up to eight weeks follow-up did not change the conclusion of the statistical tests, the research methodology does not allow for the impact of longer periods time, for example, how would participants' scores change six months after they had the learning experience? These limitations could be addressed by applying the same survey again and comparing results between data sets as well as undertaking follow up research that looked at if and how participants had applied the learning.

This study attempted to link participants' attitudinal changes to the learning experience by focusing the survey questions on the educative content in the "Buying a car" module of *What's the law? Australian law for new arrivals*. This does not, however, prove a connection between the results and the learning experience or preclude the influence of other learning that may have occurred between the first and second interviews. The use of a control group in future research would strengthen the association between the knowledge acquisition and the learning experience. Our positive findings warrant further application of the research model using different and larger samples. One such study was conducted at Victoria Legal Aid, using a control group and adding a longer follow up period.<sup>73</sup>

## VII. CONCLUSION

Research from the United Kingdom has linked the lack of legal knowledge to a lack of action and poor outcomes for people, and particularly vulnerable groups.<sup>74</sup> Lara Goodwin and Vivek Maru assert that "[c]hanges in knowledge may be a basis for other effects over time, including a willingness to take action...".<sup>75</sup> If nothing is gained, in terms of knowledge, then the status quo remains. If something is gained, then actions may follow. While this study identifies a change in participants' knowledge, the challenge is then to determine what, if any, actions might follow. As

<sup>72</sup> *Ibid*; Caliber Associates, *supra* note 40 at 9.

<sup>73</sup> For more detail about this project see <http://www.legalaid.vic.gov.au/about-us/community-education-and-projects/learning-law> [perma.cc/M7AR-NY3L] and <http://www.legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-resource-does-cle-work-research-report.pdf> [perma.cc/U2G6-UP2A].

<sup>74</sup> Nigel Balmer et al., "Knowledge, Capability and the Experience of Rights Problems: Research Report," (2010) online: Law for Life <[lawforlife.org.uk/wp-content/uploads/2010/05/knowledge-capability-and-the-experience-of-rights-problems-lsrc-may-2010-255.pdf](http://lawforlife.org.uk/wp-content/uploads/2010/05/knowledge-capability-and-the-experience-of-rights-problems-lsrc-may-2010-255.pdf)> [perma.cc/K5NC-D6RD] at 1-72; Pascoe Pleasence, Nigel J. Balmer & Catrina Denvir, "Knowledge as Power: Public Understanding of Legal Rights and Civil Justice Resolution Strategy," (2013) 157 *Solicitors Journal Justice Gap Series*.

<sup>75</sup> Lara Goodwin & Vivek Maru, "What Do We Know About Legal Empowerment? Mapping the Evidence," (2010) online: NAMATI <[namati.org/resources/what-do-we-know-about-legal-empowerment-mapping-the-evidence/](http://namati.org/resources/what-do-we-know-about-legal-empowerment-mapping-the-evidence/)> [perma.cc/EY7F-CX3E] at 31.

the literature suggests this is difficult to evaluate. However, the examples of North American research highlighted by the Law and Justice Foundation's systematic review show that it is not impossible.<sup>76</sup> Likewise, CLE Ontario's Evolving Legal Services Research Project is encouraging for CLE practitioners with an interest in measuring the effectiveness of our work.<sup>77</sup>

Ultimately, this research project cannot fully answer the question of whether CLE "works" or not. It does, however, contribute to a body of knowledge about CLE and its measurement. The study applied research methodology, used to test other CLE activities, which can be re-used and improved upon. The study generated empirical data that contributes to the goal of defining success and demonstrating the value of CLE. The research shows that the CLE engaged in this study impacted positively on the attitudes of participants involved. In providing evidence of effectiveness, this study assists Victoria Legal Aid to fulfil its statutory requirements. It also provides a clear indication of how this evidence can be built upon and strengthened through further research.

The question posed by Eagly about how one defines successful legal practice remains pertinent twenty-six years later. It is increasingly relevant as governments expect more evidence to underpin decisions about how to spend decreasing revenue available to the legal assistance sector.<sup>78</sup> Low cost and early intervention services, such as CLE, are attractive options when considering the allocation of funds and especially when these services can credibly demonstrate efficacy, and fiscal and social value. Increasing attention is being paid to defining "successful" CLE with careful consideration being given to the specificities of an audience, and their legal needs and capabilities, before developing education strategies. These variables mean there is no one version of success, being contingent on a range of factors and, most importantly, a clarity around the purpose of the CLE. While "the success measure for one particular type of CLE may not necessarily be relevant for another,"<sup>79</sup> it is vital that practitioners of CLE consider what success looks like in any given strategy and dedicate time to investigating whether it has been achieved, along with the strengths and weaknesses in the approach. It is possible also to determine high-level indicators of success and apply these across similar types of CLE activity, to "incrementally build the 'what works' evidence base."<sup>80</sup> Working towards these goals and sharing the outcomes of CLE work enables practitioners to learn from each other, building capacity to deliver effective CLE for the communities and people who need it most.

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<sup>76</sup> Wilczynski, Karras & Forell, *supra* note 23.

<sup>77</sup> PLE Learning Exchange, *supra* note 52.

<sup>78</sup> Eagly, *supra* note 27.

<sup>79</sup> Forell & McDonald, *supra* note 4 at 8.

<sup>80</sup> Forell & McDonald, *supra* note 34 at 2.