

## TEACHING ABOUT LEGAL AID IN AN INTERNATIONALISED COURSE

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### The teaching-learning challenge

Access to legal aid represents a way of preventing social-economic discrimination and contributes to social justice and equality before the law. However, the publicly funded civil legal aid system in Slovakia is underfunded and ossified. In the last decade, we can observe substantial cuts in legal funding (see Flynn and Hodgson 2017; Hammerslev and Rønning 2018; Moore and Newbury 2017) and an expanding justice gap worldwide (Legal Services Corporation 2017). Accessibility of legal services for people with no sufficient means to pay for a lawyer is dependent on the goodwill of lawyers to provide their services on a pro bono basis.

Lawyers play an essential role not only in the process of access to justice, but the legal profession enjoys more prominence in all three branches of government than any other occupation (Rhode 2015: 46). Law graduates become attorneys, prosecutors, judges but also civil servants, policymakers and politicians. Therefore, law students have to be aware of the role of their profession in ensuring justice. Future lawyers should be encouraged to understand inequality in society and become acquainted with the pro bono culture and the right to legal aid. Despite the above, the right to legal aid is absent in law school curricula in different parts of the world (Rhode 2015: 58), as well as at the Faculty of Law, Comenius University (UNIBA) in Slovakia. Students who do not select clinical courses—that is, practical course with live clients—may become lawyers without learning about the inaccessibility of legal services and the legal profession's responsibility for providing legal aid.

Furthermore, while the number of international students studying at the Faculty of Law is rising, the number of English-language courses is limited. Because of the domestic focus of administrative law, it has been overlooked as an area for internationalisation. Due to the rather limited pro bono tradition in Slovakia, most of the available teaching materials are foreign. Furthermore, courses taught at the Faculty of Law are often focused on a specific area of law or a particular legal issue with limited attention to soft skills development, even though understanding the principles of and need for pro bono practice is necessary to equip students with the competences to provide legal aid. These conditions offered an excellent opportunity to introduce the new English-language course Legal Aid Studies into the curriculum. This course, built on the principles of internationalisation and student-centred and self-regulated learning, has the potential to provide a quality learning experience for a mixed group of domestic and international students when it comes to studying about legal aid.

The main aim of this chapter is to determine whether learning about the right to legal aid in an internationalised environment via peer and self-regulated learning methods raises students' interest in and sensitivity to providing legal aid. The rest of the chapter describes and evaluates

student learning in the internationalised Legal Aid Studies course.

### **Pedagogical method**

Internationalisation is implemented in two ways in this course. First, internationalising the curriculum was important to provide the most meaningful learning experience for students. The right to legal aid is analysed from a European—rather than a national—perspective, and students learn about different legal aid systems. Assigned material was written by authors from America, Asia, Australia and northern Europe.

Second, internationalisation unquestionably affects academic culture (Benitez 2019: 11) and can contribute to substantial progress in learning. Peer learning—that is, students learning with and from one another (Boud et al. 2013)—offers the best opportunity for an international body of students to share their knowledge, compare legal cultures and traditions and shed light on different local perspectives on the issues of legal aid. Therefore, in this course, students often worked in groups to complete peer exercises during the in-class portion of the class. They moreover offered peer feedback via peer review of presentations. Evidence suggests that peer review exercises are associated with increased student confidence, improved critical thinking skills (Liu 2020), and a better understanding of the relevant subject matter (Dickson et al. 2018). Students have been found to engage more deeply with comments received from their classmates than from a teacher (Nicol and McCallum 2020).

Self-regulated learning refers to ‘the degree to which students can understand and control aspects of their thinking, motivation and behaviour during learning’ which includes ‘the setting of, and orientation towards, learning goals; the strategies used to achieve goals; the management of resources; the effort exerted; reactions to external feedback; the products’ (Nicol and Macfarlane-Dick 2006: 199). These are essential skills for lawyers to succeed in the profession and can be best learned through individual projects such as writing analytical essays and delivering presentations. Writing an essay and presenting results may not sound like a new approach. However, at our law school, the emphasis is on case studies, and the typical assessment is an oral exam. As a result, students get familiar with writing only when working on their final thesis and often struggle to present their own ideas and work with sources.

Pro bono can be described as a professional form of volunteering as it is unpaid work. A correlation between a culture of volunteering and lawyers engaging in pro bono seems logical. Therefore, in the first part of my chapter, I will look at this issue comparatively and expect that, *unlike in the United States, interest in volunteerism in general is low among legal students in Slovakia* (H1). However, volunteering is a learned behaviour and learning about it at school rather than by practice and tradition can build motivation to volunteer. Therefore, I expect that *learning about the right to legal aid based on the above principles of teaching and learning will positively impact student interest in providing pro bono legal services* (H2).

### **The course, the students, and the lecturer**

Legal Aid Studies is an entirely new elective course that teaches students to recognise and explain the importance of the right to legal aid as a basic human right, to get to know the legal aid system in their home countries, compare different legal aid systems and identify their shortcomings. Due to the pandemic, the course was taught entirely online. The course was open for both home and visiting students in their second or third year of studies. Six students enrolled in the course—four from Slovakia, one from Ukraine and one from Romania. They were assessed on activity during classes (30%), essay writing (40%), essay presentation (20%) and peer exercise (10%). The reason for the low student enrolment was twofold. Firstly, due to the pandemic, the number of visiting students dropped dramatically. Secondly, home students are hesitant to attend courses with English-language instruction, as became clear during the enrolment process. Originally, 15 students signed up for the course. However, nine students dropped out when they learned that the language of instruction would be English. Five students fulfilled all the requirements and completed the course.

The twelve weeks of the course were divided into three segments. The first part consisted of four class sessions focused on explaining the right to legal aid as a basic human right, acquaintance with the Slovak system of civil legal aid and the systems of legal aid elsewhere. These included lectures interwoven with such student-centred, peer-learning methods as ice-breakers and group/pair work. For example, as an ice-breaker, all students were asked to introduce themselves and answer one question of their choice from a list of five questions. Students then repeated the name, country of origin and the previous student's answer. The purpose was to provide an opportunity for all students to speak up and illustrate the importance of listening to each other not only in the classroom but also in the courtroom during their future careers. As for pair work, an example of typical classroom tasks was when students were instructed to identify arguments in favour of or against mandatory pro bono. Subsequently, they discussed their arguments in pairs and defended their positions. The aim of the exercise was to illustrate that, as lawyers, they might need to support a position with which they personally disagree.

During the second part of the semester, students worked on their analytical essays individually for four weeks. This way, they had the opportunity to develop the capacity to regulate their own learning as a preparation for learning throughout their professional lives (Nicol and Macfarlane-Dick 2006). Each student could select the topic of their essay according to their interest. They either focused on a legal aid system in a particular country (Canada and Finland) or a specific legal aid issue (social-economic aspects of legal aid, mandatory pro bono, eligibility criteria in the case law of the European Court of Human Rights). To support their writing, I provided them with a template, citation guide, grading rubric and offered consultations. In their essays, students used the knowledge acquired in class as a starting point, which they augmented with their own research.

In the last part of the semester, students presented their analytical essays during ten-minute PowerPoint presentations followed by five-minute discussions. An essential part of the essay presentations was a peer review activity during which students learned with and from each other without the immediate intervention of a teacher (Boud et al. 1999: 414). The students who did not present in a particular week were assigned two papers by their fellow classmates. Their task was to read the papers and write feedback using an assessment form, within which students were instructed to evaluate their structure and logic, writing style and citations. Additionally, they were asked to point out two strong aspects of each essay and one thing the author could improve, and to formulate two questions for the discussion.

### **Collected sources of data and methods**

The primary source of data to evaluate my hypotheses comes from surveys. I used two questionnaires that I designed for these purposes and used descriptive statistics to analyse the results. To test the hypothesis about volunteering experience among law students at UNIBA in comparison to their American counterparts (H1), I prepared a questionnaire with five questions. In the survey, four statements focused on how often students practiced different types of volunteering with five options: 'never' (=1), 'once a year' (=2), 'several times a year' (=3), 'once a month' (=4) and 'twice a month or more often' (=5). Due to presumed differences in volunteering opportunities, the last question asked about their attitudes toward volunteering using a five-point Likert-scale where '1' stood for 'strongly disagree' and '5' for 'strongly agree'. The survey was distributed among the students in the Legal Aid Studies course at the start of the very first lecture. I measured the attitudes of second-year American law students in the last week of the Legal Ethics course at California Western School of Law when I lectured on the benefits of pro bono as a part of my Fulbright research stay in April 2022. Six students completed the survey in both courses.

Since, in the short term, it is impossible to know whether future lawyers will actually practice public interest law or do pro bono, I decided to focus on identifying a possible switch in students' attitudes between the beginning and the end of the course (H2). For this purpose, I used a pre-post survey design with four questions about various aspects of legal aid provision. The opening survey was distributed at the beginning of the very first class and was completed by six students. The closing survey was administered at the end of last class and four students filled it out. Students responded to statements on a five-point Likert-scale with options ranging from 'strongly disagree' (=1) to 'strongly agree' (=5).

Because the hypothesis does not merely refer to a change in attitude about pro bono legal activism but also the effect of teaching methods, I used two other types of data. The first source is the newly designed online end-of-semester evaluation form of the Faculty of Arts at UNIBA. The form was designed to assess peer learning, and thus was ideal for my research. However, since only three students filled out the survey, I use their actual—though anonymised—responses rather

than statistical measures. The second type of data comes from the classroom observation form developed by the Effective Teaching for Internationalisation Programme that I attended, and the follow-up discussion, which also greatly focused on peer learning. The observer visited my course during the second week of teaching.

As for self-regulated learning, I relied on my own observations and the quality of student papers and presentations. To see if the course helped them improve their writing skills, I compared the analytical essay they produced in the self-regulated learning phase of the course with the 300-word reflection they wrote after the second class on an assigned topic.

### Findings

The first hypothesis about volunteerism among legal students in Slovakia and the United States was confirmed. Table 1 shows that the American students were more often involved in various prosocial actions and had a stronger belief that volunteering can be rewarding. For example, while the Slovak students donated goods or clothes only once a year (n=5) or never (n=1), the American students made donations several times a year (n=5) or monthly (n=1). Similarly, while all of the American law students did volunteer work at least once a year (n=3) or several times a year (n=3), most Slovak students never engaged in volunteer work (n=4), or did so only once a year (n=2). The differences between the two groups of students did not exist because one group felt more positively about volunteering: both groups found volunteering very gratifying. Nonetheless, American students (4.67 on a 5-point scale) thought volunteering was more enjoyable for them than did their UNIBA peers (4.17), most likely due to more, and more varied, experiences with volunteering. Hence the difference between the two groups in their attitudes toward volunteering must be due to other—i.e., cultural—factors.

Table 1. Volunteering experience among UNIBA and California Western School of Law students

	UNIBA (n=6)	CWSL (n=6)
I have made financial contributions to charitable, religious or non-profit organisations.	1.67	2.33
I have given money to a stranger.	2.33	3.00
I have donated goods or clothes to a charity, religious or other non-profit organisation.	1.84	3.17
I have done volunteer work for a charity, religious or other non-profit organisation.	1.60	2.50
Volunteering to help someone is very rewarding.	4.17	4.67

When it comes to peer learning, the evidence suggests that this approach fulfilled its role to influence student learning, and thus move attitudes in the desired direction. In their course evaluation forms, all three students strongly agreed that there were enough opportunities for peer learning, the learning atmosphere was encouraging, and that they felt part of a learning community (Table 2). They evaluated their own engagement as being high, too: all of the students either agreed or strongly agreed that they contributed to the learning activities. One student noted that ‘the peer learning system was very interesting and uncommon. We were able to learn from each other’. The observer said that ‘most students were engaged to participate’ and evaluated the level of engagement as medium to high. She also noted that student engagement was higher during peer observation exercises—especially pair work—than in other parts of the class. She also emphasised that I showed awareness of the different backgrounds of the students, and encouraged me to further exploit the educational opportunities therein in the future.

Table 2. Responses from the student course evaluation forms

	Student 1	Student 2	Student 3
There were enough opportunities for discussion and other learning activities.	Strongly agree	Strongly agree	Strongly agree
There was an atmosphere, which I found encouraging for my learning.	Strongly agree	Strongly agree	Strongly agree
I felt part of a learning community.	Strongly agree	Strongly agree	Strongly agree
I contributed to the discussions or other learning activities.	Agree	Strongly agree	Strongly agree

The self-regulated learning aspect of the course was dedicated to essay writing and preparing for the presentations. During this four-week period, students demonstrated their time management skills and sense of responsibility. Five students submitted their papers and peer feedback on time. Most students worked independently, while two students realised that they needed consultation to progress with their essay. The quality of the students’ work also speaks to their mastering of self-regulated learning. However, in comparing the papers of the Slovak and international students, it is clear that the Slovak students initially had less experience with academic writing. When contrasting their later analytical essays with the short reflective papers they wrote early in the semester, I found that the Slovak students improved more notably than their international peers, especially when it came to the ability to build an argument, the depth of their reflections, and the proper use of citations.

The positive effects of peer learning and self-regulated learning created the conditions necessary to confirm the second hypothesis. Indeed, as Table 3 shows, in all areas the students shifted toward valuing volunteerism and pro bono work. The first two statements aimed to verify the students' sensitivity to the importance of access to justice for indigent members of society. In both cases, we can see higher sensitivity after completing the course: the students were less likely to think that helping people would make them abandon self-reliance for free riding and that people who cannot afford paying for legal services should be left to their own means.

The last two questions focused on student attitudes toward legal clinics and their approach to pro bono. In both cases, we can see students changing their perceptions. By the end of the course, their average opinion increased by 0.42 on a five-point scale regarding their willingness to learn more about providing legal assistance to people with financial difficulties. Similarly, compared to the beginning of the semester, the average interest among students to take up pro bono cases during their career increased by 0.77 point. Furthermore, the 4.6 average at the end of the semester suggests that most students felt very strongly about this.

Table 3. Pre-post survey results on the attitudes of students toward pro bono

	Pre survey (n=6)	Post survey (n=4)
Helping people does more harm than good because they come to rely on others and not themselves.	1.83	1.25
A person who does not have the means to pay a lawyer should represent himself.	1.33	1
If possible, I would like to select a practical course (such as Student Legal Counsel or NGO Clinic) to help people in material need.	3.83	4.25
I am planning to accept pro bono cases in my future career.	3.83	4.60

### Replicability in a different context

Due to the pandemic, the Legal Aid Studies course, designed for face-to-face delivery for fifteen students, was attended by only six students and taught entirely online. As a result, several activities needed to be adjusted. For instance, according to the syllabus, students were supposed to analyse the legal aid systems of different countries in several groups. Instead, each student individually prepared an overview of one country, and during the following class, the students compared different countries as a group.

Returning to a face-to-face setting and a larger class size will likely be beneficial in that it will increase students' involvement and active participation. On the other hand, some aspects of the course will need to be adjusted. With six students, there were only two classes dedicated to presentations and peer-learning activity. A much larger group of students would require at least four classes or parallel presentations with more facilitators. This carries the risk that students will find classes monotonous, negatively affecting their interest in the discussion. To limit this risk, the topics of the analytical essays should be diverse, the time reserved for each presentation needs to be controlled scrupulously, and new ways to involve students in the presentations by their peers should be explored. Alternatively, presentations should be made in groups rather than in plenary sessions, mixing students of similar interest.

### **Conclusions**

The main aim of the new Legal Aid Studies course was to spark interest among students in legal clinics and public interest law by educating them about the right to legal aid and pro bono. The course achieved its goals and underlined the importance of learning about legal aid and pro bono in a country with a very short history of volunteerism. Using non-traditional teaching methods such as peer learning, peer assessment and self-regulated learning while using other ways to internationalise the course helped to sensitise students to the issues of unrepresented people and make them more willing to enrol in a practical course that has a societal impact and accept pro bono cases in their future careers. I am thinking of conducting similar research using a larger sample of students and/or paying special attention to changes in student thinking as a result of the war in Ukraine. Because the arrival of refugees gave rise to a wave of solidarity and volunteering among people in Slovakia, it is important to explore whether or not the students' attitudes changed regarding volunteerism.

I also showed that, as expected, American law students engage more frequently in different volunteering activities than their Central and Eastern European peers. I feel that my students would benefit from more international experience and exchanging views with American law students. Therefore, I have decided to modify the syllabus and connect students through the Law Jaw project, using my well-established connections at the California Western School of Law. A Law Jaw session brings together two classes of students from different countries to talk about law-related and non-law-related topics online (for more about Law Jaw, see Heaven 2021). UNIBA students have a sufficient level of English proficiency, but they lack the confidence to speak and opportunities to practice the language, including legal terminology. Law Jaw is an effective platform to develop their communication skills and gain the necessary confidence, too.

Opening an entirely new course on a topic that has never been taught before was an exciting learning experience for me, too. Teaching in English and in an internationalised environment brought new challenges as well as opportunities for peer learning. The experience with the new



methods of teaching while focusing on overlooked areas of legal education prompted me to consider teaching another neglected topic in Slovak legal education: gender, power and leadership in the legal profession. I plan using a similar course structure and peer exercises. I invite readers to adopt peer learning methods as well.

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### Summary

This chapter investigates whether or not learning about the right to legal aid in an internationalised classroom via peer- and self-regulated learning raises students' interest in and recognition of providing legal aid. It evaluates legal students' attitudes to volunteer work and learning in the new Legal Aid Studies course introduced at Comenius University in Bratislava. Combining innovative teaching methods with internationalisation resulted in sensitising students to the needs of unrepresented people, including making them more willing to enrol in a course with a social impact and increasing their interest in taking on pro bono cases in their future legal careers.

### Keywords

legal aid, (peer) assessment, self-regulated learning, student engagement



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