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Legal Education for Non-Lawyers as 'Legal First Aid': A Participatory Inquiry into Law for Social Work Students

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LEGAL EDUCATION FOR NON-LAWYERS AS 'LEGAL FIRST AID': A PARTICIPATORY INQUIRY INTO LAW FOR SOCIAL WORK STUDENTS

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I   INTRODUCTION

Law is very much a discipline unto itself, with its own particular manner of thinking requiring judgement 'according to the artificial reason and judgment of the law.'[1] To those not versed in law, legal reasoning can seem complex and even strange or illogical and law students take many years to master these skills. At the same time, it is

[*]   Mr Stephen Rigby was a social worker and a sessional academic at the University of Newcastle. Stephen was the lead author of this article, but sadly passed away before it could be completed. Stephen cared deeply for the dignity of others and had a scholarly appreciation of the capacity of both law and social work as means of achieving social change. His coauthors have continued the project in his honour and attempted to make it as faithful to Stephen's original vision as possible. We would like to express gratitude to Stephen's next of kin, Beverley Rigby, for her assistance in reviewing the final draft and supporting its publication.

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[1]   Robert J Morris, 'The Teaching of Law to Non-Lawyers: An Exploration of Some Curriculum Design Challenges' (2010) 2 *International Journal of Law in the Built Environment* 232, 236.

said that '[l]aw touches and concerns everything, but it is not any other thing but itself. Other subjects and areas of life are the islands, while the law is the sea that touches them all.'[2] Increasingly, the sea of law has become a component of many university degrees, with foundations of law courses commonly found in business, education, nursing, environmental science and social work degrees.

This article is the outcome of an action research project that took place alongside the introduction of a new core legal subject as part of the Social Work Program of the University of Newcastle, Australia. This research sought to understand how to best to transmit legal competencies and knowledge to students not enrolled in a law degree.

Learning legal content often feels overwhelming for students engaged in non-law degrees who are required to take a law course as part of their curriculum.[3] It is also challenging for the teachers of these courses, especially for teachers accustomed to teaching law students (that is, students undertaking a law degree). Key considerations include how to pitch the course - particularly how to teach complicated principles to students who may have limited background in legal concepts and who may lack the background that is typically acquired through a law degree. Perhaps the most fundamental question, however, goes to the heart of how we pitch and orient the course – what do we want students to learn? Once this question has been answered by the teacher, we can then begin to create learning and assessment activities that align with course objectives and provide well-defined learning outcomes.

As this article explains, our research supports a *legal first aid certificate* approach in teaching a legal subject to social work students. This approach can be summarised as emphasising practical legal skills for social workers as much more important than learning legal doctrinal content and, at the same time, being explicit about situations that might occur in the students' future practice of social work where these skills could be needed. Accordingly, we advocate for a curriculum design that enables students to explore law-related scenarios that might arise in their chosen career and to build up their legal first aid skills for responding to those scenarios. These skills will allow them to triage the seriousness of law-related situations, understand what they can do in the short term and know how and when to usefully engage with legal professionals. In the process of obtaining these skills, the students would also learn a significant amount of legal content and grow in their understanding of how the legal system functions.

Being explicit about situations where legal first aid might be needed in the students' future practice of social work became critical to our approach. It was helpful that we were teaching third-year social work

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[2]   Ibid 236, 239.
[3]   See, for example, Jemma Venables and Tamara Walsh, 'An Interdisciplinary Classroom in Law and Social Work: Can It Be Done?' (2023) 33(1) *Legal Education Review* 1.

students who had completed their first placement and could visualise some situations in which the law impacted them and their clients. A useful first step was exposing students to legal reasoning. Helping students understand the process of identifying the elements of a legal rule, matching relevant facts to those elements, and reaching a conclusion as a matter of deductive logic was useful to help social work students understand they were working within a different paradigm by which general legal rules are applied to people without applying the same theoretical lenses the social work students were accustomed to. We were then able to spotlight and teach specific skills within this paradigm, specifically: how to identify good sources of legal information for different areas of law as a means of identifying legal issues; how to keep factual and appropriately detailed case notes relevant to legal issues and processes; understanding negotiation and alternative dispute resolution through role play scenarios; understanding court processes by observation and reflection; and experiencing cross examination in a mock court scenario. In stimulating students to develop some expertise in these areas, we provided realistic but limited legal content with sufficient scaffolding to allow students to work on *legal first aid* skills that would help them support a client in understanding a legal process and know when to refer a client to free 'legal information' sources or encourage the client to seek a paid lawyer.

Over a few iterations of the course, we realised students benefited from us making our approach very explicit. We therefore developed a graphic summarising the skill objectives and then regularly referenced the course materials and activities against these objectives. This graphic showed as a *bronze legal first aid certificate* the skills of knowing how to support clients' rights to legal privilege and any right of silence, proper note taking, finding public legal information sources and knowing when to refer to a paid solicitor. This certificate was expressed as the primary aim of the course. Students were then encouraged to use future practical placements to work towards a silver level through sufficient understanding of legal issues to be able to help their client gather relevant documentation and assist them to seek relevant legal help. A gold level would then be achievable by continued attention to legal issues while practising as a social worker for long enough to build expertise and develop the ability to act as an experienced guide as their client navigated legal issues.

As well as documenting our experience to give insight into what we believe is a valuable and engaging method for teaching law to non-lawyers,[4] this article also serves to illustrate the value of a participatory inquiry into the experience of both students and teachers when refining

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[4] We prefer not to use the term non-lawyers generally, as it can have a pejorative tone and imply a privileging of the knowledge and ways of lawyers. It is used here due to lack of an alternative term to refer to the students in our course who were not undertaking a degree in law.

course design and objectives. In particular, we describe the rich insights that can be obtained from a participatory inquiry a method that can offer insights far more robust than typical course evaluations, making them much more useful as a foundation for course revisions or redesign.

II   OVERVIEW

In deciding an objective for teaching law into a non-legal degree, there are decisions to be made concerning whether students from other disciplines being taught law subjects will be taught to *think like lawyers*, to *become like lawyers within a limited field*, to experience and reflect upon real engagement with legal issues, to have a general understanding of legal issues and/or to merely study the law relevant to their profession with a view to minimising malpractice lawsuits and the cost of professional indemnity insurance. Considering these course learning objectives leads to decisions on the content and methodology of teaching. These methodological decisions include the extent to which learning focuses on intellectual knowledge (demonstrating the student can attain the traditional legal skills of manipulating the legal vocabulary, symbols and thought processes),[5] or focus on practical skills (such as finding and interpreting legislation and appropriate secondary materials, understanding the basics of gathering supporting evidence and understanding referral pathways), or other emphasis – such as introducing law as part of a foundation for life-long learning (including the ability as part of their non-lawyer professional identity to reflect on how law may impact their role or their clients).

From a content perspective, the broad nature of the legal field requires selection not only of limited areas of law but, even within those areas, decisions about whether to prefer a depth-first approach aiming for competence within a single area or a broader approach looking to raise familiarity across several relevant legal areas. Either way, it is vital when incorporating law into non-legal degrees that an effort be made to keep the content explicitly relevant to the students being taught, as opposed to feeding them some of the usual legal delicacies such as technicalities of appeals and detailed coverage of historic cases.[6] At the same time, some background information about "the law in general is necessary to convey context. For example, we found it valuable to highlight to social work students the inherently conservative nature of the law that depends on general principles applicable to everyone, as contrasted to some of the more person-centred approaches available to social workers that allow for significant flexibility in how they provide guidance and support.

Motivational considerations are also important when teaching law into non-legal degrees. Non-law students often perceive law as being

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[5]   Morris (n 1) 232.
[6]   Chris Gale, 'The Business of Business Law' (2007) 49(1/2) *Managerial Law* 10, 11.

more difficult than their usual subjects and may feel sceptical of their ability to master the new types of content and approach.[7] Problems of motivation are also well-documented and are not surprising if a busy student does not have the time and resources to make the extra effort required to overcome real or perceived difficulties. Some authors have cynically described a perception that teaching law into non-legal degrees is 'the disinterested teaching the disengaged'.[8] Conversely, we believe there is an extraordinary opportunity, one that is highly motivating for teachers and students, to empower non-law students to better understand legal principles, legal processes and legal reasoning in order to round out their professional education and empower them to provide *legal first aid* as part of their role as social workers.[9]

III   CONTEXT

The course teachers, Daniel Toohey and Stephen Rigby, were tasked with creating and administering a new mandatory law course designed specifically for social work students. These teachers had complementary skills and backgrounds, with Stephen being a social worker with extensive experience in the disability sector, and Daniel having been a lawyer in the University's legal clinic where he was responsible for both academic and caseload-related duties.

The Social Work program has long recognised that the practice of social work is influenced and regulated by law and legal processes. It is therefore important for students to gain knowledge and skills about the legal system and legal process in ways that will facilitate their more effective professional practice as social workers. The course was designed to meet the requirements of the Australian Social Work Education and Accreditation Standards (ASWEAS), which requires in standards 1.1 and 5.2 that social workers can recognise the legal rights of individuals, groups and communities.[10] The ASWEAS also adopts

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7   Moy Tow Yoon and Alison Wong, 'Non-Law Students Studying a Law Subject: Their Perception and Engagement with Learning Methodologies' (Conference Paper, *Proceedings of the Sunway Academic Conference,* Sunway College Kuala Lumpur, 25 August 2018) 23.

8   Gale (n 6).

9   While this term is not commonly used in the literature, we acknowledge that there are existing examples of material described as "legal first aid", such as the United States Black Panther Party, "Pocket Lawyer of Legal First Aid," circa 1969, from the Beverly Axelrod papers, Special Collections, University of Delaware Library. Online at <https://exhibitions.lib.udel.edu/everyday-people/exhibition-item/black-panther-party-pocket-lawyer-of-legal-first-aid-circa-1969/>. See also Paula Gerber, 'How to Stop Engineers from Becoming "Bush Lawyers": The Art of Teaching Law to Engineering and Construction Students' (2009) 1(4) *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction* 179 which also refers to legal first aid.

10   Australian Association of Social Workers, Annual Report 2021-2022 (Report,

practice standards that require awareness of legal obligations around record keeping, such as privacy.[11]

The ASWEAS considers that the direct practice of social work requires an understanding of 'macro-level systemic factors impacting psychosocial, physical, *legal* and spiritual wellbeing' [12] [emphasis added]. This presented an interesting additional challenge to designing the course, as it may be seen to present law not just as a regulatory instrument but as a tool that can be used by social workers to achieve holistic wellbeing for their clients. On the other hand, the phrase may also connote the importance of empowering social workers to help their clients avoid legal problems that will impact their wellbeing. We return to this theme below.

The one-semester course, as accredited, required students to meet a broad range of learning objectives including an understanding of the Australian legal system, international law impacts, courts and tribunals, and legal procedures and evidence. In addition, students were expected to understand the impact of law on professional practice, the legal dimensions of professional record keeping and interdisciplinary interactions. Finally, students had to develop an understanding of the legal content in specific practice areas such as adoption, child protection, family violence, elder abuse, mental health, homelessness, out of home care, refugees and social security.

In trying to assist social work students to meet the expectations of accrediting bodies and future employers in having an understanding of law and the legal system,[13] we recognised the challenges of finding a sufficiently rigorous method to inform our pedagogical approach. The methodology used is discussed in significant detail below.

IV   LITERATURE REVIEW

In 2006, Braye, Preston-Shoot, and Johns conducted a systematic review of international literature directed towards research-informed teaching of law into social work degrees, identifying several themes of relevance to this project. [14] One theme was teaching law to social

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ASWEAS March 2020 v2.3 item 1.1 page 24 and item 5.2 page 25. Online at <https://aasw-prod.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2023/04/ASWEAS-March-2020-V2.1-updated-November-2021.pdf>.

[11]   Ibid 26.

[12]   Ibid 22.

[13]   We note also that the problems or challenges of 'learning law' might be defined differently by different social work students but is likely being variations of the theme of "learning enough about law to be an effective social worker" to "learning enough about law as a social work student to be able to satisfy my teachers I have a sufficient understanding to meet the requirements of a degree in social work".

[14]   Suzy Braye, Michael Preston-Shoot and Robert Johns, 'Lost in Translation: Teaching Law to Non-Lawyers: Reviewing the Evidence from Social Work' (2006) 40(2) *Law Teacher* 131.

workers commonly included a desire to impart both technical competence in applying the law and critical thinking that reflects on the underlying rationale for applying the law.[15] Another theme was an emphasis on the need for the teachers to engage with students 'assumptive worlds', perceptions and anxieties and fear of operating in an arena where they might lose credibility.[16] They go on to consider the case study approach used in social work and law as providing potential for studying both perspectives against the same factual background but acknowledge more work needs to be done to study the extent to which law is better taught in discrete modules or infused within other areas of the social work programme.[17] While they noted a consensus in the literature that the aim of learning was not to create legal experts but to enable students to operate effectively in their professional practice worlds using legal concepts and rules,[18] they highlighted unresolved questions about the extent to which student learning should be focussed on knowledge in practice to give skills in applying substantive law, knowledge for practice emphasising the role of law in society, or on ethical aspects.[19]

Braye, Preston-Shoot and Johns suggest several methods for research-informed teaching of law into social work degrees, including focussing on knowledge acquisition and application from the perspective of everyday practice; focussing on skill development; and encouraging deeper learning through active engagement via library tasks, project work, use of case law, real life case studies and debating exercises.[20] They note that students in early stages of learning appear to benefit from tangible information that can be used in a structured way and that they can feel frustrated by the 'twists and turns of more sophisticated interpretation'.[21]

Preston-Shoot and McKimm also engaged in empirical studies of the effectiveness of different approaches to teaching, learning and assessment of law in social work education using twelve focus groups from seven United Kingdom universities.[22] These focus groups highlighted the challenge of teaching a single cohort of social work students representing disparate views ranging from those who 'saw law as complex and complicated' and those who 'found statutory duties clear …[and]… 'knew that they could seek legal advice rather than be expected to know everything themselves'.[23] Further, some students

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[15]   Ibid 134.
[16]   Ibid 137.
[17]   Ibid 138.
[18]   Ibid 139.
[19]   Ibid.
[20]   Ibid 141.
[21]   Ibid.
[22]   Michael Preston-Shoot and Judy McKimm, 'Tutor and Student Experiences of Teaching and Learning Law in UK Social Work Education' (2012) 31(7) *Social Work Education* 896.
[23]   Ibid 906.

emphasised ethics and values, other students focussed on law as providing them with a mandate to provide services and protect vulnerable people, and yet other students focussed on law as a tool for advocacy and the promotion of human rights.[24] In one focus group, reference was made to a lack of time allowed for teaching the content meaning any attempt to integrate these different approaches was undermined and a focus on technical content became dominant[25] and it was common for students to complain of the paucity of curriculum time devoted to legal issues and feeling overwhelmed.[26] Other complaints included the failure to incorporate teaching how to use law databases and how to read statutes and cases, and criticism of the style of teaching such as group work being too infrequent to make sense of the lecture content and seminar groups being too large to facilitate the development of critical thinking and application.[27] Favourable comments referred to the ability to learn the law and the law becoming *real* when able to be practically applied. Teaching techniques that were viewed favourably included the use of role-play that boosted confidence because of perceived realism; problem-based learning that prompted discussion; case study assessments which helped with confidence after prompting detailed research and successful application of the legal rules; and court skills practice as useful and necessary preparation.[28] However, it was noted that students attending the focus groups were self-selecting with students who were more engaged with the subject being more willing to attend the focus groups. Further, even within these self-selecting groups, the feedback did not provide emphatic guidance on how to best teach law into social work degrees given the acknowledgment of a diverse range of student preferences.[29]

   A more targeted approach to teaching law into non-law degrees has been put forward by Gerber in relation to teaching law to engineers.[30] Gerber argues the pedagogical approach employed in teaching law to non-law students should be markedly different from the approach employed in law schools.[31] Specifically, Gerber warns against teaching non-law students too much law, arguing for a focus on the practical skills needed to respond to legal issues as they arise in their professional lives, knowing how to apply just enough *first aid* to manage a crisis until a lawyer is engaged, and not going into complex areas of law where 'a little learning is a dangerous thing'.[32]

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[24]   Ibid.
[25]   Ibid 907.
[26]   Ibid 908.
[27]   Ibid 909.
[28]   Ibid 907-908.
[29]   Ibid.
[30]   Paula Gerber, 'How to Stop Engineers from becoming Bush Lawyers: the Art of Teaching Law to Engineering and Construction Students.' (2009) 1(4) *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction* 1.
[31]   Ibid 180.
[32]   Ibid 179.

Gerber supports Doorey's directive that success of the course will be dependent on both the instructor and students having a clear and common understanding of the reason for teaching law to non-law students.[33] She suggests engineering students not become familiar with legal jargon, not learn to read court judgements, not study theories of law, not learn how to draft legal documents and not learn how to make oral arguments.[34] What Gerber says these students should learn are highly practical skills tailored to their chosen profession. A key recommendation from Gerber is to explain to students they are not going to be taught the law but instead be taught *about* the law so they can identify when there is a legal dimension to an issue and how to deal with that dimension.[35] Gerber's recommendations for the content of the subject are that students: be taught the regulatory regime applicable to their industry;[36] take part in a mock trial to help students learn the process of giving evidence, the unpleasant experience of being cross-examined and the importance of adequate documentation;[37] and be taught the benefits and risks of alternative dispute resolution.[38] Overall, Gerber refers to the challenges of finding reading material that is pitched at the right level and accessible to students lacking a legal background. Given most secondary materials are written for a legal audience it is suggested that the subject lecturers themselves write suitable course materials until an appropriate textbook becomes available.[39] Instead of focussing on content, Gerber describes it as essential that students be given problem-based learning scenarios with a lot of opportunity to learn and practice the skills needed to identify potential legal issues. Gerber suggests breaking down classes to allow for an hour of hands-on practical problem solving for every two hours of lecturing (or alternatively, plenty of small group exercises within the regular lecture).[40]

Workshop-style approaches were also recommended by Ridley to teach law to accounting students.[41] Ridley argues that priority should be given to teaching skills such as navigating a law library; how to identify, analyse and organise relevant facts from a selection of cases; a role play of a dispute resolution situation involving interpretation of an Act of Parliament; a role play of a negotiation; and how to draft a simple agreement and be able to undertake simple legal problem solving.[42]

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[33] Ibid 180.
[34] Ibid180.
[35] Ibid 181.
[36] Ibid183.
[37] Ibid 184.
[38] Ibid 183.
[39] Ibid184-5.
[40] Ibid 184.
[41] Ann Ridley, 'Legal Skills for Non-Law Students: Added Value or Irrelevant Diversion?' (1994) 28(3) *The Law Teacher* 281, 290.
[42] Ibid 287-8.

Richardson, Butler and Holm discuss the challenges non-law students face in learning how to apply legal problem-solving methods, particularly where those students only study one law subject in each year of their degree.[43] Their study advocates teaching non-law students the popular IRAC method[44] on the basis that a single designated problem solving model is a positive and appropriate pedagogy which benefits the students in learning how to develop and apply a single, familiar method to their legal analysis.[45]

The elements of the literature that subsequently resonated as part of our participatory inquiry described below included recognition of the different purposes of assumptions in teaching law to non-law students; the need to engage with students with a range of differing perspectives; the concept of a *legal first aid* approach, and the appropriateness of a focus on skill development and case studies. The relevance of this literature is detailed in our Results and Discussion section below, particularly in phase 3 where we discuss our decision to be very explicit with the students about taking a *legal first aid* approach as recommended by Gerber.

V   METHODOLOGY

The project and associated research was grounded in a wish to improve the way we taught law to social work students. As this was very much a real world project, we selected a participatory action research approach in order to make concrete improvements to the learning experience of the students. We determined also that a qualitative approach would provide the most rich and appropriate data, with quantitative student survey data only amounting to a minor research thread. As discussed in the next section, we included some specific interventions to increase rigour.

The participatory methodology was adapted from Creswell,[46] with a focus on rigour through adapting methods proposed by Levin[47] and by McKay and Marshall.[48] In designing our study, we were aware of

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43   Kristy Richardson, Jennifer Butler and Eric Holm, 'Teaching Law to Non-Law Students: The Use of Problem Solving Models in Legal Teaching' (2009) 6(2) *Studies in Learning, Evaluation, Innovation and Development* 29.

44   The IRAC method is a widely used approach to legal analysis, and involves identifying individual legal issues, stating the applicable rule, analysis of the facts against the rule, and reaching a conclusion on the issue. For further detail, see Marie Bittner, 'The IRAC Method of Case Study Analysis: A Legal Model for the Social Studies' (1990) 81(5) *Social Studies* 227.

45   Richardson, Butler and Holm (n 43), 40.

46   John W. Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (Sage Publications, 2nd ed, 2007).

47   Morten Levin, 'Academic Integrity in Action Research' (2012) 10(2) *Action Research* 133.

48   Judy McKay and Peter Marshall, 'Quality and Rigour of Action Research in Information Systems' (Conference Paper, Proceedings of the 8th European

the diversity of the student population as well as diverse preferences of any sizable student cohort in terms of learning styles and preferences. Given the individual nature of learning and the importance of providing all students with some preferred methods of learning, we decided to use the participatory approach advocated by Heron and Reason [49] to increase perspective taking and seek a broader input containing multiple perspectives. The design of the research project was otherwise largely based on the Qualitative Participatory Advocacy and Theoretical Lens Formats as described by Cresswell.[50]

For action research in general, the closeness of the researchers to the research raises questions about researcher bias. Levin refers to balancing the 'strength of …involvement …with the 'striving for reflective distance[51] as well as the concerns around researcher's bias.[52] McKay and Marshall seek to establish a framework for evaluating the quality of research by comparing *rigour* in interpretivist research with *rigour* in positivist research.[53] Accordingly, we devoted quite a lot of energy to this question in the design phase, choosing to create the following modifications of McKay and Marshall's framework as illustrated in Figure 1 below.

Conference on Information Systems, Trends in Information and Communication Systems for the 21st Century, ECIS 2000, Vienna, 3 July 2000) 38.

[49] John Heron and Peter Reason, 'A Participatory Inquiry Paradigm' (1997) 3(3) *Qualitative Inquiry* 274.
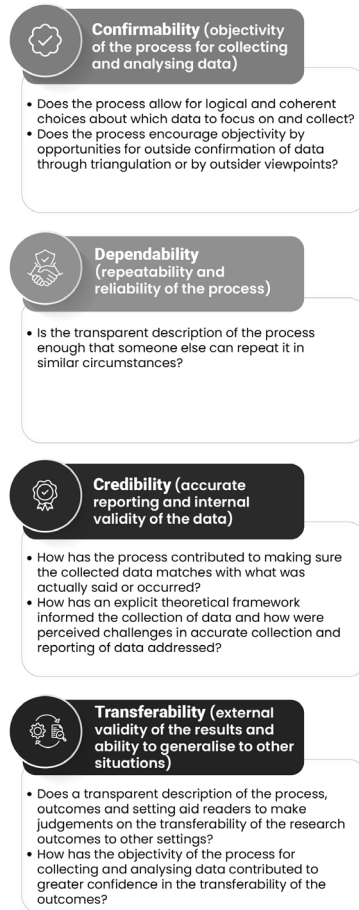
[50] Creswell (n 46) 48-49.

[51] Levin (n 47) 133.

[52] Ibid 144.

[53] McKay and Marshall (n 48) 40.

Figure 1
Mckay and Marshall's Framework, as Modified by the Authors

Confirmability (objectivity of the process for collecting and analysing data)
- Does the process allow for logical and coherent choices about which data to focus on and collect?
- Does the process encourage objectivity by opportunities for outside confirmation of data through triangulation or by outsider viewpoints?

Dependability (repeatability and reliability of the process)
- Is the transparent description of the process enough that someone else can repeat it in similar circumstances?

Credibility (accurate reporting and internal validity of the data)
- How has the process contributed to making sure the collected data matches with what was actually said or occurred?
- How has an explicit theoretical framework informed the collection of data and how were perceived challenges in accurate collection and reporting of data addressed?

Transferability (external validity of the results and ability to generalise to other situations)
- Does a transparent description of the process, outcomes and setting aid readers to make judgements on the transferability of the research outcomes to other settings?
- How has the objectivity of the process for collecting and analysing data contributed to greater confidence in the transferability of the outcomes?

Researcher bias is a concern inherent in action research. To address concerns about unconscious bias, we encouraged deliberate perspective-taking to broaden the contribution of each individual beyond their initial, less reflective, perspective. This entailed adapting Heron and Reason's participatory inquiry approach to assist researchers and participants to move from a subjective to a more objective understanding by cycling through four different ways of knowing:

1. A direct experiential knowing;
2. The presentational/metaphorical knowing each of us develops from our experiences;
3. The propositional knowing we are able to articulate in our shared language; and

4. The practical knowing of our abilities/actions).[54]

This approach was assisted by allowing for triangulation of data with other mixed method research threads. The other significant steps were having a major iteration inclusive of academics who had no involvement in the subject but who had relevant research and teaching expertise, and encouraging participants to have a continuing involvement in the analysis and reporting of results.[55]

For dependability, our focus has been on transparency in following a clear structure for the research and providing thorough reporting of the approach taken. For this reason, we have provided a detailed explanation of our methods.

Regarding confirmability, we have taken several procedural steps to increase objectivity including recognising the potential for bias; encouraging a shared understanding among participants; seeking out of experts who were not involved with the subject; and reassuring participants that negative feedback was an important part of the process.

Regarding credibility and transferability, our focus has been on the quality of our data. From a content perspective, McKay and Marshall speak of *credibility* as being comparable to *internal validity* and *transferability* as being comparable to *external validity.*[56] One focus for *credibility* has been on accurate reporting to provide a fair and faithful description of contributions made. This included recording and transcribing the round table discussion that was a major research iteration, and using the Heron and Reason perspective taking to seek more complete and less biased data. A more novel aspect of our methodology was, at a later stage, encouraging participants to contribute as co-authors and giving them a role in selecting which data should be given prominence in this case study report. For *transferability*, rigour can be improved by triangulation of data from different sources and across cycles of action and reflection. The provision of a sufficiently rich description of the setting, process and outcomes and perspectives is also important in allowing readers to assess the potential transferability of the research into other settings.[57] Use of literature as a theoretical lens to assist in the interpretation of the information gathered in the research was helpful to our interpreting of the content in an academically rigorous manner. It is for these reasons that we have included a detailed description of the background and setting, as well as references to relevant literature.

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[54] Heron and Reason (n 49).
[55] Ultimately no students and only two colleagues chose to continue involvement with the research project. Everyone who met the definition of authorship in the sense of significant scholarly or intellectual contribution has been named on this paper. See further NHMRC & Universities Australia, *Authorship*: *A guide supporting the Australian Code for the Responsible Conduct of Research* (2019) 1.
[56] McKay and Marshall (n 48).
[57] Ibid.

The course teachers were both familiar with action research methodology and considered its *plan, act, reflect* cycles to be well-suited to the development of coursework and improving the rigour of the curriculum development process.[58] While quantitative student survey data was taken into account, the team was aware of the well-established limits of this data to inform curriculum development.[59]

A primary concern with the proposed methodology was whether it would be possible to engage enough students to participate in the research project, and whether sufficiently broad perspectives could be obtained, as there is a tendency for self-selecting student participants to be more engaged with their studies than the average student or indeed the struggling student – neither of whom might be as likely to volunteer. To address this concern, the team decided on a four-phase participatory inquiry described below:

1. The course teachers engaging in multiple informal action research cycles as part of planning and delivering the initial course;
2. A formal *round table* allowing for deep engagement by insiders and outsiders, in a participatory inquiry format adapted from Heron and Reason.
3. The course teachers engaging in multiple informal action research cycles as part of planning and delivering the course for the following year.
4. A participatory review of the study and data as part of the co-authorship of this case report.

The remainder of this article details the results of our project, focussing on each of these phases in turn.

VI RESULTS AND DISCUSSION

A *Phase 1 – Planning for Student Learning*

The first phase consisted of the course teachers following half a dozen *plan, act, reflect* cycles in developing draft curricula and materials for delivery of the course across a twelve-week semester. They reviewed the curricula of similar subjects at their own institution and other institutions, reviewed textbooks in the area, reflected on their own learning experiences in social work and law respectively and reviewed drafts of the proposed curriculum. In doing this they observed, reflected, planned action and took action as appropriate in preparing more advanced drafts of the course structure and materials. The informal nature of discussions had the advantage of being efficient with

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[58] Bob Dick et al, 'The Use of Action Research in Developing Curricula in Law: Convergent Interviews and the Offices Project' (1996) 30(1) *Law Teacher* 28,36-37.
[59] Ibid.

no need for specific ethics approval, although it risked greater bias and subjectivity. Objectivity was assisted by informal comments in conversations with students as they went about their learning and by results from the University's standard student surveys.[60]

From the outset, the course teachers were advised that there would be around 60-80 social work students enrolled. These students would be in the third year of their social work degree and would have completed their first practical placement. The teachers were informed that the standard curriculum for social work students would address: The Australian Legal System; International Law obligations; The Impact of Law on Professional Practice; Courts and Tribunals; Procedures and Evidence; Record Keeping; and relevant areas like Adoption, Child Protection, Family Violence, Elder Abuse, Mental Health, Homelessness, Out of Home Care, Refugees and Social Security. Learning would be via a blended approach containing a mixture of twelve weeks of online materials and twelve two-hour seminars containing all 60-80 students.

The initial reflections by the course teachers were that the broad range of desired topics could quickly overwhelm students in content and make learning intimidating, defeating any objective of learning law in a way that would make them better social workers (or, for that matter, be able to demonstrate enough legal knowledge to meet accreditation requirements).[61]

Our *plan, act, reflect* cycles led us to a course design that would limit the content to small but meaningful modules across the multiple areas with a stronger focus on skills than on content. In particular, the skills of identifying sources of law and the key legal elements; taking file notes with relevant factual observations; becoming aware of appropriate sources for legal advice; and gaining sufficient knowledge of legal processes to be able to support persons undergoing those processes. We planned workshop style seminars to present key content to students and provided worksheets for them to fill out while they listened to the content. We also provided group activity within these workshops and prepare brief video summaries and clarifications for them to watch after the workshops.

From a content perspective, we reflected on the content of other law subjects already offered by the University. This included the content of a subject designed for business students, the content of the introduction to law subjects designed for law students and a child law subject

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[60] No specific ethics approval was required as the conversations with students were not sought out for the purpose of this research or recorded for the purposes of this research, and the surveys were anonymous surveys for administrative purposes of the University.

[61] We note this reflection is consistent with comments in the literature about the challenges of teaching law to social workers within a single module. See, for example, Michael Preston-Shoot and Judy McKimm, 'Perceptions of Readiness for Legally Literate Practice: A Longitudinal Study of Social Work Student Views' (2012) 31(8) *Social Work Education* 1071,1086.

designed primarily for law students. We also reflected on the content of a number of textbooks relevant to social work law. We reflected that existing introduction to law material was already tried and tested and acted to prepare similar materials with a social work emphasis. However, based on our experience and discussions, we reflected that the existing material might lead social work students to struggle in interdisciplinary interactions and apply law on false foundations if they just took the content presented and sought to use it as just another source of information to consider in making a social work intervention. We concluded it was necessary to explain what was unique about a legal approach and focus on practical skills social workers might need to support a client who had legal issues. As part of demonstrating the difference between theories and policies that might inform practice, compared with laws that require particular action, we designed material to help students understand what it is to think like a lawyer. This material on thinking like a lawyer covered the areas of deductive logic to recognise that certain legal elements may need to be established, reasoning by analogy against other cases and applying the objects of the legislation and policy-based considerations.

When reviewing textbooks, we had already planned to limit the content to small but meaningful bite-sized chunks across the multiple areas with a stronger focus on skills than on content, and that we would be providing readings or other online content primarily for use by students after the seminar to clarify those parts they did not understand. We reflected that the Australian resources were too in-depth to be manageable across so many content areas. Many English resources were also too detailed and complex. The popular Law for Social Workers,[62] published by Oxford University Press, was more suited to the style of student learning we were looking for. However, the more practical focus of that particular text made the jurisdictional differences between Australia and the UK all too apparent, meaning it would not be appropriate for our students. In a less than ideal compromise, we decided to use brief extracts from various Australian sources instead of setting a textbook. Our action of selecting very brief extracts, sometimes just a few pages per week, was designed to reduce the risk of students becoming intimidated by technical and challenging content.

At the first workshop, the course teachers were impressed by the engagement of the students. On arrival at the workshop, many students appeared surprised to be allocated into random groups of eight students and assigned a worksheet, but all were willing to participate. After a ten minute presentation on *What is Law?* the course teachers moved among the groups and were satisfied that students were engaged and were able to have reasonable discussions around examples of what would or

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[62]   Helen Carr and David Goosey, *Law for Social Workers* (Oxford University Press, 16th ed, 2017).

would not meet the definition of law that they had just been presented with.

The next twenty-minute presentation on the Legal System seemed to maintain attention and engagement around discussions about our legal system and the worksheet questions. We were pleased to subsequently note that students engaged well with an at-home exercise requiring them to draw a diagram of the legal system – some examples showing excellent effort and attention to detail. However, there was less obvious engagement by students for discussion of more sophisticated content such as the rule of law, ethics vs law, and law vs policy. We had expected most students would struggle with some concepts and had planned to prepare a video review that would be recorded and shared following the seminar. We realised the difference between law and policy was a challenging subject for social work students and made it a key focus of our video review but were disappointed that less than 10% of students would watch these reviews.

The second week focussed on the challenging topic of how lawyers think as a basis for differentiating social work approaches from legal approaches and providing a foundation for an improved skills-based approach for supporting clients who were dealing with legal issues or understanding how to better engage with lawyers. The material covered basic principles of evidence, the logic of law and discussion of the role of policy arguments. The worksheet for this week was shorter and we observed this worked well as students had an opportunity to discuss these foundational principles in depth.

As the weeks continued, we focussed on different areas of law required by the accredited curriculum, highlighting specific areas of content and providing scaffolding to lead students to conclude how the law was likely to be applied in different example situations. We noticed many third-year social work students had developed a worldview and approach that was inquisitive and tailored to the individual circumstances of their client, and students were often uncomfortable with the idea of a court applying general legal principles when those principles were against the interests of that client. We therefore placed significant emphasis on how lawyers think and how courts and lawyers would apply the law to the circumstances. This appeared to be both challenging and of significant interest to the social work students.

It was unsurprising that students became less engaged as the semester went on and other commitments piled up. However, we did reflect that some seminars contained too much content to allow for reasonable discussion of the worksheets and started planning for the reduction of some content in those areas.

Overall, we were impressed with the worksheets students handed in each week. Many students gave the clear impression that they were highly engaged in the worksheet activities, and they displayed a genuine curiosity as opposed to just doing what was necessary to earn marks. This was reinforced by anecdotes from some students about how the

course had been relevant to their work or had even assisted them in dealing with a legal matter personally relevant to them. We were not overly surprised, but nonetheless disappointed, by relatively low utilisation of the online video content and course readings. Anecdotally, it appeared students would use google searches to quickly find an answer they thought relevant in preference to using the curated online materials. At one point we made the video content more prominent on the course site but this did not seem to make an appreciable difference.

Students were especially engaged in the group mock trial assessment. They appeared to gain significant understanding and insight from their engagement with this role play, both of how lawyers might act as an advocate and how social workers and clients may struggle with being in the witness box.

We received very positive feedback from an anonymous mid-term survey, giving very high rating satisfaction with the teachers (overall 4.22 of 5 and 4.4 of 5). Students seemed to be working hard and meeting the objectives, including some strong submissions by students who chose to submit a draft of their final assessment for feedback. To some degree we later reflected that this gave a false view of how students were progressing, as a survey of overall satisfaction with the course (average rating of 3.64 of 5 overall) and a lower than desired overall standard of assessments led us to reflect that many of the students we were engaging with during the subject, and those doing the optional mid-term survey, were the stronger students or students who were more committed to performing the work. We felt there was likely a difference in student experience between highly committed students, and those who were less committed or struggling. We decided that the following year it might be better to give students allocated time to complete the anonymous student survey in class to get more representative feedback including views of the less enthusiastic students. However, to assist in gathering more qualitative information relevant to improving the subject the following year, we decided it would be helpful to hold a round table discussion with volunteer students and with a group of other professional educators.

B   *Phase 2 – The 'Round Table'*

The second phase of our research brought together various interested parties to have a roundtable conversation about the learning and teaching experience. This method was adapted from Heron and Reason's participatory inquiry paradigm[63], and both participant consent and university ethics approval were obtained for the conversation to be recorded and transcribed for more detailed analysis. The goal of the roundtable was to increase the rigour of the study through qualitative data from a broader range of perspectives.

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[63]   Heron and Reason (n 49).

The round table participants were the two co-teachers, three past students, four experienced law academics not involved with the subject and one of the university's learning and teaching experts. Participants to the round table were prompted to engage with four themes or perspectives during the round table: a experiential perspective, a presentational perspective, a propositional perspective and a practical perspective. Each of these is explained and discussed in turn below.

1   *Experiential Perspective*

Round table participants were prompted for their direct experiential knowing, with the facilitator seeking an initial brief gut feel response to relevant questions. This was done to elicit a broad perspective of the sentiment within the group.

Student participants reflected on their experience of finding the course surprisingly interesting but very challenging. Responses from students included 'I actually really enjoyed it' and 'I loved it. But it was, I found it really, really hard'. Comments on the style and amount of content such as 'I found it very, very fast paced' and 'It didn't come naturally for me', appeared to reflect an experience of difference between a law course for social workers in a more content heavy blended style and the typical social work course involving more in-depth but less content and small tutorials with greater discussion time.

Academic participants, based on their understanding of the course overview, expressed some nervousness that some students would find the course too hard and flagged some concerns that the course objectives were not clear enough for students to engage with.

2   *Presentational Perspective*

Participants were prompted for their presentational perspective by being asked to explore any metaphors or analogies for what they felt or heard about the subject.

The dominant analogy arising from academics in this conversation was that teaching a law subject to non-law students was 'like a foreign language' and involved a 'new vocabulary'. This analogy was backed up by comments from one student 'I didn't choose to, you know, be a lawyer…I thought it would be beyond me' and another student 'it didn't come naturally for me' (despite loving the way it was delivered) and another indicating the unfamiliarity meant that "Google was my best friend".

3   *Propositional Perspective*

Participants were then prompted for propositional knowing by being encouraged to explain their thoughts or refer to any relevant literature.

The main written assignment was seen by one student as being difficult 'because it was new and completely different from other

assessments' and students contrasted this larger assessment with smaller bite sized scenarios provided on weekly worksheets that 'really did work' and 'really helped me get my head around the different types of legal logic and the way that you were trying to get us to process [the content]'.

In contrast, student feedback was more positive about the mock trial assessment which was 'a lot of fun and kind of it was a lighthearted way I felt to kind of learn from the course'. Another student spoke of observing real court cases and how that had helped 'kind of understand a little bit more of the mock trial assessment' and helped 'cement the processes'. Another student wrote of how the mock trial was a fun way to increase understanding in that area and indicated that was important given the large amount of content she felt was designed to just give her a 'glimpse into, you know, how things happen and the process and the procedures' without being expected to know everything.

Perspectives from participating academics focussed on the importance of being very explicit in learning objectives when teaching law to students who had not enrolled in a law degree and having clarity regarding the orientation of the course. Comments included, '[m]ake it really explicit early on in the course that it is a difficult course…actually to say to students ..you probably won't have all this stuff making sense in weeks and that is normal […] it's like a foreign language […]a new vocabulary […] and it's going to take a bit of time', '[y]ou're kind of asking students to use an epistemic framework that they're not familiar with to engage with the material' and 'is it the case that you want people to think like a lawyer or is it the case you want them to think like expert social workers?...for me it feels like there are a couple of hurdles that people have to go through – …to grapple with the law and also grapple with the knowledge tools that lawyers use to interpret the law.'

In this interdisciplinary context, participating academics advocated for practical assessments and smaller pieces of authentic work, saying 'I really liked some of the practical aspects', 'the stories […] about students in social work really taking on board some of the lessons and actually putting those ideas straight into action is one of the greatest things I've heard ..it's made my day' and '[t]he first step is for social workers [to] understand what's going on and why […] pushing that even further - …how do they better understand and more empower themselves when they're working […] in a kind of legal context'.

Participating academics also expressed concern about the breadth of content required for the course, advocating for focussing on what 'you choose to put in', what you 'choose to leave out', advocating for 'a smaller piece of authentic work' and continuing the theme of being very explicit to stop students becoming disorientated, saying things like 'making explicit to students what the goals are […]the kind of technical knowledge that you want [the] domains of learning'.

4   *Practical Perspective*

Participants were prompted for practical knowing, primarily by being asked to share what they had found worked in subjects they had attended or were teaching.

Students spoke about 'what really did work was…the small scenarios [in the worksheets]'. Also, one student spoke about being a visual learner and using more visual formats to 'put the information in a very palatable format'.

Participating academics continued with a focus on making learning explicit, saying things like 'It could be helpful if you say "ok, now we're going to give feedback about what just happened"…Sometimes students don't recognise that they are actually getting a lot of feedback until it's labelled feedback'. Regarding assessments, participating academics commented that 'I really liked the idea of putting templates in place for students to support them and help like put those scaffolds in place to help them pass' and 'sometimes you can actually have four or five smaller case studies [instead of one more complex case study]'.

C   *Phase 3 – Planning and delivery of Subsequent Course*

The third phase consisted of further cycles of *plan, act reflect* guided by the feedback from the round table discussion. Based on the phase two outcomes, the course teachers resolved to make significant changes to the course for the following year. Many of these changes were fortuitously assisted by a suitable textbook becoming available just after the initial delivery of the course. This textbook,[64] written by a social worker and lawyer, appeared to be the right resource for the subject. It was written simply, was appropriate for an Australian jurisdiction and covered most topics we wanted to cover in around fifteen pages per topic. Without this textbook, the preference of the course teachers would have been to prepare our own reading materials rather than rely on materials prepared for law degree students.

On reflection, most of the changes led by our participatory inquiry followed the themes highlighted by Gerber, specifically:

1. Support of Doorey's directive that success of the course will be dependent on both the instructor and students have a clear and common understanding of the reason for teaching law to non-law students;[65] and

2. A warning against teaching non-law students too much law, arguing for a focus just on practical skills needed to respond to legal issues as they arise in their professional lives;[66] and

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[64]   Chris Maylea, *Social Work and the Law - a Guide for Ethical Practice* (Red Globe Press, 2020).
[65]   Gerber (n 30) 3.
[66]   Ibid 4.

3. A suggestion that students should learn highly practical skills tailored to their chosen profession, and be given a lot of opportunity to learn and practice these skills as opposed to being taught the content of applicable law.[67]

Similar to Gerber's suggestion that engineers should know just enough *legal first aid* to effectively manage a crisis until lawyers are engaged we agreed that social work students should know how to support clients (or themselves) in adequately documenting problems, understanding legal principles at stake and consulting lawyers in a timely manner.[68] However, unlike engineers who will almost invariably consult paid lawyers, many social workers will be dealing with clients who cannot afford legal representation and will need to manage legal matters themselves with the help of their social support group and community legal centres. The law cannot be so easily separated from the profession of social work, leading us to reflect that the demand for *legal first aid* might be much higher on the average social worker than the average engineer, and we need to place even more emphasis on managing skill development with concomitant limits on the amount of content taught. Other differences might include engineering students not needing to be familiar with legal jargon[69] but social workers, as experienced guides for their clients, being much more likely to benefit from a simple legal dictionary for their own reference or to assist their clients. We therefore located a simple legal dictionary that students could use as a reference.[70]

Reflecting on the importance of building up a common understanding of the reason for teaching law to social workers, and being explicit about a *legal first aid* approach, the course teachers design choices included:

- Moving the legal reasoning class to the start of the course to show from the start what is distinctive of law, at the same time as providing a basis for conversations around the differences between legal support and social worker support; and
- Starting the first class with a scenario demonstrating the additional pathways and options available for a legally informed social worker who is supporting a client, as opposed to a social worker who is uninformed of legal options.

Reflecting on the importance of teaching practical skills over content, the course teachers' choices included:

- Flipping back to a more traditional delivery so students must spend 1-2 hours on individual preparation for each workshop,

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67   Ibid 5.
68   Ibid.
69   Ibid 3.
70   Legal Aid NSW, 'Legal Words' <https://www.legalaid.nsw.gov.au/ways-to-get-help/legal-words#accordion-281dd3ab0d-item-dc54544d13>.

allowing more time for a focus on skill development and practice during workshops;
- Removing some content and providing some simpler content to reduce the risk of students being overloaded and to allow a greater focus on skill development;
- Being more explicit about why we were teaching particular skills; and
- Modifying the assessments to provide more scaffolding for students.

The biggest practical change was our explicit focus on specific skill areas and referencing different learning activities to those skill areas. As we moved through the *plan, act, reflect* cycles and considered students' responses to class activities, we concluded being explicit about the skills focus helped avoid the problems of students' becoming overwhelmed with legal doctrinal content and gave them greater confidence and capacity to focus on the desired skill development.

Aligned with this approach, the major assessment was changed to make it more realistic to social work as well as provide greater scaffolding to avoid the need for skills that would be expected from law students. Specifically, students were asked to assume they were volunteering at a community legal centre and working alongside a law clerk to find out a person's story, identify possible legal issues, and work out what documents they should get the client to bring along to an appointment with a lawyer. Students were provided with a partly written memo, assumed to be written by the law clerk, and were expected to fill in the gaps of this memo to show they had developed skills in understanding the general subject area, finding the key elements of a legislative provision, and understanding what documentary evidence might be relevant. Similarly, a partial script was provided for the mock court exercise and students were assessed more significantly on their reflections on their experience of the mock trial rather than the content of the mock trial dialogue.

As the course teachers reflected on the delivery of the course during the second year, they observed they were being approached by fewer students with additional questions, that students seemed to have a greater overall confidence and that students still really struggled with developing the new target skills and needed time and repeat opportunities to develop these skills. Overall, the course teachers were satisfied the participatory inquiry had contributed to significant improvements in the course between the first year and second year of delivery. Of the changes we made, the explicit focus on skill development seemed the most significant in terms of orienting students towards the desired learning within a paradigm that is foreign in the sense that it is one in which law students typically take years to develop within.

In the third year of the course the course teachers developed a *legal first aid* graphic summarising these skill objectives and regularly referenced the course materials and activities against these objectives. Based on informal feedback, we formed the view that this *legal first aid* approach helped students to visualise the benefits of some legal knowledge in practice and helped the students overcome a sense that laws are merely rules and constraints as opposed to tools that will help them be successful professionals.

D   *Phase 4 – Co-authorship and inclusion of mixed-methods data*

The co-authorship of this report on the outcomes of the participatory inquiry assisted in greater objectivity concerning the conclusion that the participatory inquiry led to changes in pedagogy that were beneficial to student learning. This conclusion was further supported by outcomes of the student satisfaction survey which moved from being significantly below the university average for the first year to being very close to the university average in the second year of the program, and significantly above the university average for the third year of the program under which the legal first aid approach was made even more explicit. It is this explicit approach and associated practical activities that we consider to have been of the most significant benefit in terms of teaching law to students who had not signed up for a law degree.[71]

VII   CONCLUSIONS

This article has argued in favour of a *legal first aid* approach to the study of law by social work students. This approach involved us being explicit in telling students we are teaching them to identify circumstances that might arise in their chosen career and build up skills enabling them to triage the seriousness of particular legal situations, understand what they can do in the short term and know how and when to usefully engage with legal professionals.

Our research-led pedagogy and intentional design allows us confidence in advocating that this approach produces more confident and better-equipped social workers, as well as having a positive impact on student satisfaction. We believe the success of our approach is based in part on being very explicit with social work students about particular law related skills we were wanting them to develop, and reassuring students that they are not required to *be* lawyers but rather giving them confidence to retain their own professional identity and work knowledgably within that domain.

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[71]   In the first year the overall score was 3.64 (compared to university average of 4.10). In the second year the overall score was 4.09 (compared to the university average of 4.10). In the third year the overall score was 4.26 (compared to the university average of 4.13).

In terms of a balance between knowledge building and skills development, it seems the main risk is attempting to teach too much law to non-law students. However, we acknowledge that further work should be done to see if this really is the case within other degree offerings and in other circumstances.

Finally, our experience in this project supports the utility of a participatory inquiry approach. Firstly, this approach led to changes that appear to have improved student satisfaction levels with the subject and the ability of social work students to learn enough legal content to satisfy the requirements of their degree. We found the process itself to also be inherently valuable as a conversation, consistent with the ethos of the participatory inquiry method as providing a positive contribution to human flourishing.[72] We received positive feedback from students about how we ran the process, and their involvement. We have intentionally chosen to provide a detailed explanation of our methodology, not just for the sake of endorsing the rigour of our findings, but in the hope that subsequent researchers may be able to determine if our findings are transferable to their own ends, and how the methodology may be adapted to their own pedagogical challenges.

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[72]   See Heron and Reason (n 49) 10.