

STATEMENT OF PROPOSED STUDY OR RESEARCH

Richard Alan Eppink – Canada – Law

Project Title: “Public Legal Education” in Canada

The U.S. legal profession has something to learn from its counterpart in Canada, where for over thirty years lawyers have led organized, institutional efforts to educate the Canadian public about law. I propose to research these efforts, called “public legal education,” or PLE, in Canada.

From the start of the American experiment, leading authorities have recognized that democracy cannot succeed with a citizenry ignorant of the system of laws that govern it. James Madison, key framer of the United States Constitution, declared that “a people that mean to be their own governors must arm themselves with the power that knowledge brings.” In 1964, the United States Supreme Court wrote that “no system of criminal justice can, or should, survive if it comes to depend for its continued effectiveness on the citizens' abdication through unawareness of their constitutional rights.” And just three years ago, the American Bar Association amended its Model Rules of Professional Conduct—the prevailing code of attorney ethics in the U.S.—to include a new number among “A Lawyer's Responsibilities”: “a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.”

Lawyers in the United States are ill-equipped to meet this responsibility and ensure the continued vitality of republican democracy in the U.S. American law schools train them as advocates for individual clients, not also as specialists in the legal system with knowledge and experience to share with the public. Furthermore, sustained projects to help the American public understand the law are few, scattered and unnetworked, often commercial, and too seldom designed or run by lawyers.

Canada, with its extensive PLE efforts, is an ideal place to learn how to educate citizens about law. Professor Lois Gander, a PLE pioneer since the 1960s, now Canada's leading PLE scholar, and under whom I will conduct my research, describes modern Canadian PLE as “a nation-wide enterprise that enables Canadians to learn more about virtually any aspect of the law through a variety of formats and at varying levels of sophistication.” At least one organization in every Canadian province is devoted solely to PLE. These organizations, along with projects within government agencies, courts, bar associations, and other groups, provide a terrifically diverse range of PLE programming—including publications, radio broadcasts, telephone hotlines, and workshops and classes—to help citizens understand, as Professor Gander has put it, that they are “not just beneficiaries” of government and the justice system, “but the stewards of it.” These efforts have made Canada a world leader in public legal education, and it is shouldering the American public's unmet demand for information about law. New Brunswick's PLE organization, for instance, receives many emails from U.S. residents and in just one month this year tracked thousands of U.S. visits to its website—making up perhaps as much as one fifth of the site's total traffic.

My proposed research on PLE in Canada will focus primarily on PLE programming and also on the structure and management of organizations devoted solely to PLE. Based at the law school at the University of Alberta in Edmonton, I will also work in the university's Faculty of Extension with Professor Gander, a lawyer and the director of the University of Alberta's Legal Studies Program, a center for PLE research

STATEMENT OF PROPOSED STUDY OR RESEARCH

Richard Alan Eppink – Canada – Law

and a working PLE provider. My research will have twin purposes. One, it will be a significant contribution to the field of Canadian PLE, a field where formal research is in its infancy and still sparse. Two, it will help me identify and learn the skills of PLE lawyering—designing and implementing PLE programs and managing the organizations that provide them.

I will conduct my research in three phases. During Phase I, from mid-August through November 2006, I will delve through the University of Alberta's PLE archives, the world's largest collection of materials on Canadian PLE. Having already developed a working knowledge of PLE in Canada from the limited resources available in U.S. libraries, I will use this research phase to abstract and catalog PLE programs dating from the 1960s to today. Professor Gander has offered the expertise of librarians on the Legal Studies Program staff to assist with cataloging and publishing a PLE program database.

As I compile the database, I will identify the most successful PLE programs using data and anecdotes in the archives and the insider expertise of the PLE veterans at the Legal Studies Program. I will complete thorough case studies of each identified program from the extant records and, when possible, conduct phone interviews with the programs' designers and implementers. From among those programs currently ongoing, I will select the most compelling and investigate them in person through site visits in Phase II.

These Phase II site visits will take place from December 2006 to March 2007. I will travel to five PLE organizations across Canada that are providing successful, ongoing PLE programs identified in Phase I. Spending two to three weeks at each organization, I will observe each successful program and interview the program's designers and implementers. I will also use the site visits to study the structure and management of each PLE organization. At each location, I will serve and learn as a volunteer, contributing to each organization's community by helping staff provide PLE on the ground. Outside of my research, I eagerly intend to use my travels as a time to befriend Canadians from throughout the diverse nation. To ensure the feasibility of this phase, I will plan my itinerary during Phase I to reduce cost, travel by the least expensive method, and seek hosted housing at each destination. Many of Canada's provincial PLE organizations have already expressed enthusiastic support for my visits.

For Phase III, I will return to Edmonton to memorialize my research from Phases I and II. Throughout March, April, and May 2007, I will polish the database of PLE programs developed during Phase I and write articles on PLE programming and PLE organization management for publication among Canadian PLE providers and in U.S. and Canadian legal periodicals.

The three phases of my research will take nine months. Most of the sole-purpose PLE organizations in Canada have reviewed an in-depth version of my research proposal. I have tailored it in response to their comments to maximize its promised contribution to PLE in Canada and so that I can comfortably complete it within an academic year. My research will require ethics approval from the University of Alberta, and I expect to secure that approval in fall 2005. Shortly after taking the Idaho State Bar's admission exam, I will depart for Edmonton in mid-August 2006. I will take with me the perspectives of an American J.D. experienced with PLE-like activities in the U.S. at the local, state, and national levels; I will bring back a studied insight into a democracy-rejuvenating, innovative form of lawyering, ready to implement effective public legal education in the United States.