



**ICLEL 2021
(7th International Conference on Lifelong Education
and Leadership for all-ICLEL 2021)**

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**Online Publication: December 12, 2021
ICLEL Publication: ICLEL Conferences
Sakarya University Faculty of Education
54300 Sakarya, TURKEY**



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Experiential Learning in Times of Covid-19 Via Probono Virtual Legal Clinics and Legal Aid Centre

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Plagiarism Rate =20%

Abstract

The right to legal advice is an essential entitlement and imperative step to effective enjoyment of fundamental rights. The UN 2030 SDG recognizes “the need to build peaceful, just, and inclusive societies which provide equal access to justice and are based on respect for human rights.” Goal 16 target 3 highlights the “access to justice for all” in achieving SDG. The pro-bono virtual legal clinics and legal aid center are innovative by ensuring vulnerable communities continuously have access to legal advice and information during COVID-19 pandemic, through social networking tools, collaborations with NGOs, legal firm and SMEs. It is an experiential problem-solving based model where students are immersed in real client/personal interaction or simulation lessons set up to mirror real client/personal scenarios. This model is applicable in professional consultation models irrespective of geographical locations. It promotes pro bono spirit, CSR, intellectual abilities, critical thinking and inculcates social awareness in learners.

Keywords: Experiential, Legal Clinic, Covid-19, Pro bono

Introduction

Access to legal advice empowers individuals and communities, contributes to reducing poverty and promotes the protection of human rights (UNDP Global Legal Aid Report 2016). The 2030 Agenda for Sustainable Development recognizes “the need to build peaceful, just, and inclusive societies which provide equal access to justice and are based on respect for human rights.” Goal 16, and its target 3 in particular, highlight the importance of ensuring “access to justice for all” in achieving sustainable development. That target has a direct impact on progress across other goals, such as Goal 1 on Poverty, Goal 5 on Gender Equality and Women’s Empowerment, Goal 8 on Productive Employment and Decent Work, and Goal 10 on Reducing Inequalities.

With these targets in mind, this student community project via pro-bono virtual legal clinics and legal aid centre is to ensure that communities would continuously have better access to quality legal advice and information during the COVID-19 Movement Control Order, even in the absence of face to face interaction in person. The objectives of this virtual legal clinic and legal aid centre are in line with the module objectives of Community Service Initiatives which are to:

- 1) Inculcate a sense of Social Responsibility in the students.
- 2) Promote the culture of caring and respect towards all members of society
- 3) Make them responsible citizens of this country.
- 4) Understand the community around them.
- 5) Understand themselves in relation to their community and beyond
- 6) To advance clinical legal education through community-based initiatives.
- 7) To empower law students to use their legal knowledge with confidence to inculcate legal awareness and educate the marginalized communities in relation to inherent rights available.
- 8) To provide a platform for life-long learning skills and experiences in bringing about positive changes for themselves and the community at large.
- 9) To mould students to become responsible citizens of the future and advocates for the marginalized communities.



Problem statement

During the pandemic, many communities are adversely affected. This project is carried out by targeting multi-faceted communities. Some of the most negatively impacted communities are identified and the pertinent issues are listed below:

1. Communities Without Tertiary Degrees

Those without a tertiary education, regardless of age or social status. This is because generally those without at least a tertiary education would be aware of their legal rights and will be more susceptible to abuse and exploitation. The chosen community may have obstacles in gaining requisite levels of legal literacy due to economic barriers, language barriers and social taboos. Hence, in these uncertain times, many would fall prey to those who may take advantage of the current situation to their benefit. Issues pertaining to the employment relationship, bank loans, dealing with the police enforcement and the spread of fake news may be some of the primary concerns of our targeted community.

2. Employees

Many employers are forced to implement cost-cutting measures in response to the economic slowdown. More often than not, this ends up taking a toll on employee welfare. Some of the main issues Malaysian employees could potentially face include non-compliance with employment contracts; violation of workplace safety; enforced leave; reduction of salary or employment benefits; and lay-offs.

3. Micro, Small and Medium Entrepreneurs

The continued Covid-19 pandemic has caused significant economic disruption where many industries have suffered a steep decline in their revenue causing uncertainty for businesses, especially for the micro, small, medium and entrepreneurs. In addition, employers are also concerned about the productivity levels of employees working from home. Based on an online survey conducted by the Malaysian Ministry of Entrepreneur Development and Cooperatives, more than 90 per cent of micro, small, medium, and informal entrepreneurs are at risk of closing. The survey was conducted in 2021 between Feb 15 and March 5, involving 3,855 entrepreneurs nationwide (SME Corporation Malaysia, 2021).

4. Domestic violence victims

The pandemic affects women adversely because more women are at risk as most domestic violence survivors are women, and being trapped at home only increases the risk of abuse (Jung, 2020). With reduced or no income during Movement Control Order, this adds on to their stress levels and can harm them mentally. Women in the lower income groups who lose their side income are either financial dependent on their spouse or in the case of single mothers, lose their regular income entirely. Through pro bono virtual clinic in collaboration with non-governmental organization, students research the relevant laws pertinent to unique situations of domestic violence victim, present options that are available to them in order to assist them in making the best choice for themselves.

5. Food Donors

COVID-19 has increased global food insecurity to its highest levels in every corner of the world, including Malaysia. Sustainable Development Goal (SDG) 12 of Agenda 2030, seeks to “ensure sustainable consumption and production patterns”. Target 12.3 of that goal aims to “by 2030, halve the per capita global food waste at the retail and consumer level, and reduce food losses along production and supply chains including post-harvest losses” (FAO, 2020). Based on Dimitriou & Nomi, 2021, due to the Covid-19 pandemic, undernourished people may increase by 83-132M (11-19% of the without-Covid scenario) in 2020, 17-61M (2-8%) in 2021, and 19-68M (2-8%) in 2030. In Malaysia, the rise of economic hardship resulting from pandemic has brought about food insecurity challenges to lower income families. Ironically, Malaysian food waste reached 15,000 tons /day in 2015, including 3,000 tons still fit for consumption. The 3,000 tons of food can feed 1.8M people with 3-meals a day, assuming 0.35kg/meal. The number is on the rise as in 2017 became 16,668 tons/ day (Dimitriou & Nomi,



2021). To reduce the dual challenge of community hunger and food waste, the Food Donors Protection Act 2020 was gazetted on 13 March 2020. The law This Act was created to encourage food donations to the needy by alleviating the concerns of donors, especially the industry against the risk of legal action in the event of an untoward incident. (Ministry of Trade and Consumer Affairs, 2020). The legal awareness of this important law is lacking in the food donors, which may bring about reluctance to donate food due to potential civil liabilities.

6. Supporting Well-Being of Student Communities Through Pro Bono Virtual Legal Clinics

In a study conducted by Kamaludin et al, 2020, out of around 1000 students of the survey, it is indicated that 20.4% experienced minimal to moderate anxiety level, 6.6% marked to severe anxiety level and 2.8% most extreme anxiety level during the COVID-19 pandemic and lockdown period. In order to facilitate the coping of anxiety and stress levels, especially among the law students and the legal professions, four suggestions (i.e. mentoring, pro-bono work, ethical training and creative opportunities) for improving the mental health and well-being of the profession have been proposed by Clarke, 2019. These quatrains, which form part of the literature on legal professional wellness, could be pervasively woven into the law school curriculum. Legal profession is glamorous in the public eyes, while at the same time, this profession is notorious for being one of the loneliest (Sia, 2019) and mentally unhealthy professions (Krause & Chong, 2019). The sense of isolation and professional loneliness increases as the legal career becomes more senior (Clarke, 2019). Studies show that young lawyers, and even law students, are particularly impacted by wellness issues (Heath, 2018). To be a good lawyer of the society, one has to be a healthy lawyer (Heath, 2018). As such, developing an altruistic mindset through pro bono service is essential to a meaningful professional life, especially for final year law students who are venturing into the reality of post-pandemic legal practice

Method

1. Pro-bono virtual legal clinics

Between the period of 2020 March to December 2020, this initiative was carried out by 6 groups of undergraduate final year law students, in which each group is comprised of between 6 to 9 members to achieve the learning objectives. Each group is led by one leader and all groups are supervised by the expert lecturer of the Law School. The target clients are vulnerable communities impacted by COVID-19. Each group is tasked to carry out the full cycle of legal clinic for a duration of 12 weeks, starting from proposal ideation, presentation of proposal, task delegation, project execution, project completion presentation and finally individual reflection.

a) Proposal ideation

At the proposal ideation stage, each group will elect a group leader. During this stage, all group members were actively involved in generating, developing, and communicating new ideas on the most feasible way to carry out the pro bono virtual clinic to provide better access to the targeted communities.

b) Proposal presentation

During the presentation of proposal, each member was required to define the proposed plan, potential obstacles and what are the rationale for the chosen mode of delivery of their virtual legal clinic. The supervising lecturer provided constructive feedbacks to refine and improve the proposal.

c) Task delegation

In order to execute the proposal, task delegation was carried out through self-directed learning within the group members.

d) Project execution

The duration of each virtual legal clinic was 6 weeks. The range of virtual legal clinics' activities include:

- (i) Bespoke advice through emails, Google Form, WhatsApp, ZOOM and TEAMS;
- (ii) Online advice through ZOOM, TEAMS and Facebook;
- (iii) Live and pre-recorded seminar and workshop advice using YouTube, Facebook and Instagram;
- (iv) Digital pamphlets and toolkits through customized websites, SlideShare, Instagram and Facebook; and
- (v) Legal literacy through digital content dissemination and videos circulated using multiple social media means.



During the project execution, the supervising lecturer would be consulted from time to time to proceed with the project execution. The quantitative data from the analytics of the social media tools is collected to identify the general profile of online users who accessed the virtual clinics.

e) Project completion presentation

At the completion of the project, each group was to present their project execution, by highlighting the rationale of the chosen communities, how the virtual legal clinics have positive impact on the communities of their choice, and how learners overcome challenges in execution of the project.

f) Post-project Execution Individual reflection

Individual reflection served as a useful link between personal experience and practice. Students were taught how to reflect in order to develop and support lifelong learners, as it allows an understanding of how thinking and doing interact. Qualitative data in the content analysis of the reflections of learners are collected and categorized in themes relevant to this research.

2. Legal Aid Centre (LAC)

Between the period of March 2020 to June 2021, this initiative was carried out the LAC members headed by the Legal Aid Coordinator under the observation of the Director of the LAC and Streetlaw Program and under the supervision of the lecturer advisors of the Law School. The target clients are generally the individuals impacted by COVID-19 or those from marginalized communities who cannot afford to approach a legal practitioner. Each 'case' will take approximately 1-3 weeks, starting from first contact by the 'client', task delegation, research on the issue/s, submission of research outcome to lecturer advisors/panel lawyers and finally client consultation. Final reflection will be conducted at the end of very semester, collectively.

a) Initial Contact by 'Client'

The LAC is contactable by potential 'client' via its email or via social media (facebook and Instagram). When contact is initiated, the client will be given a response form via google drive. The form will allow the LAC coordinator to determine to extent of services required. The 'client' will then be duly informed if his/her issue is within or outside the scope of the LAC. For the latter, the 'client' will be directed to the KL Bar Legal Aid Centre or the Selangor Legal Aid Centre. If it is the former, the client will be requested to provide further details of his issue/s and to forward, if any, documents related to the issue/s. 'Clients' will also be asked to signed an exclusion of liability form

b) Task delegation

Every week, there will be group of 3-4 LAC members on duty. These members will be on duty together with 1 Board member. Once the issue/s in (a) above is identified, the LAC coordinator will contact the on-duty members, present the case at hand based on the facts given by the client during initial contact

c) Research on Issue/s

Each group on duty will have a maximum of 1 week to conduct research on the issue/s. The research outcome must include the relevant statutory provision/s as well as decided judicial decisions to try and find a solution for the 'client'.

e) Submission of Research Outcome

Initially, once the research is completed, the outcome will first be sent to lecturer advisors for vetting before advice is given to the 'client'. However, beginning from May 2021, outcome of the research will be forwarded to selected practitioners for vetting. In both instances, the research will be returned to the research group in instances where amendments are required. Processes (c) and (d) will be repeated until the research is deemed advice worthy.

f) 'Client' Consultation.

When the advice is ready, the LAC coordinator will arrange for a Zoom meeting with the 'client'. This meeting is for 30 – 60 minutes and will be attended by the LAC coordinator, the 'client' and lecturer advisor/s. Prior to dispensing the advice, the 'client' will be reminded of the exclusion of liability. Subsequently, advice will be dispensed to the 'client'. At the end of the session, the 'client' will be informed that, if he/she wants further legal



advice, he/she can be in touch with the KL Bar Legal Aid Centre or the Selangor Bar Legal Aid Centre to pursue the issue further.

On the other hand, if the legal practitioner feels that he/she would like to pursue the issue/s further, pro bono, the same will be communicated to the ‘client’. The practitioner will then be invited to the Zoom meeting with the ‘client’ where the case will be handed over to him/her.

g) Final Reflection

The LAC coordinator will compile all cases according to (i) semester/year and (ii) subject matter. He/she will reflect on the cases, the extend of teamwork showcased by the committee members, the collaboration between the LAC and legal practitioners and any issues arising throughout the process. These reflections will be compiled by the Secretary of the LAC during the end of semester meeting and signed off by the Director. Any brainstorming to resolve any matters arising will be communicated and conducted by the next LAC Board. Qualitative data in the content analysis of the reflections of learners are collected and categorized in themes relevant to this research.

Findings

1. Social Impact to the Vulnerable Communities

Two of the clinics has reached a large number of people (almost 20,000) from more than 11 countries using online webinars based on the analytics of the Facebook page in a duration of 6 weeks from 19 May to 21 June 2020 (See Figure 1 and Figure 1 as follow).

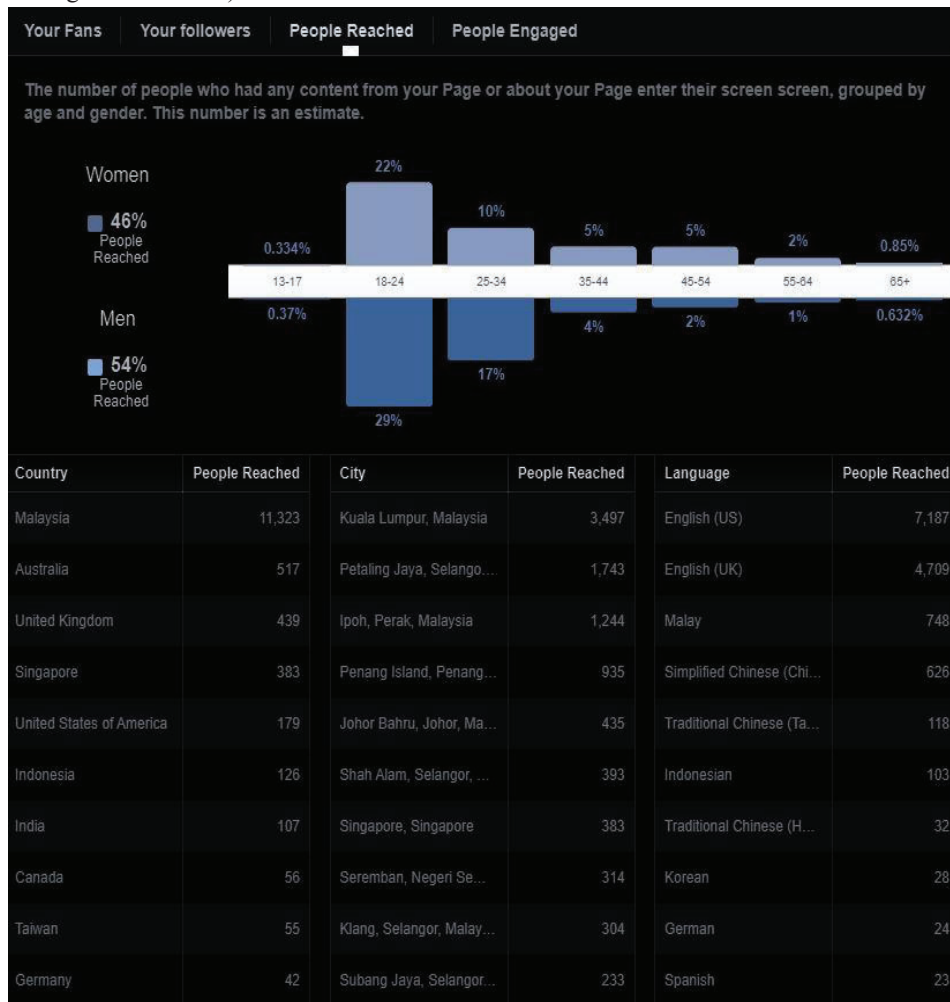




Figure 1. Facebook Analytics of one of the Virtual Clinics on the Online Users based on Gender, Geographical Locations and Language

Published	Post	Type	Targeting	Reach	Engagement
13/06/2020 18:00	Financial Policies During the MCO/CMCO *DISCLAIMER: All	Video	Public	1.7K	352 103
13/06/2020 14:23	*DISCLAIMER: All information provided on this page is strictly legal	Text	Public	302	6 10
11/06/2020 14:30	Greetings fellow Malaysians! We will be going live on Saturday (13 June)	Text	Public	1.9K	220 126
06/06/2020 18:01	Employer's Rights & Obligations	Video	Public	2.6K	1.1K 186
05/06/2020 14:00	Greetings fellow Malaysians! We will be going live tomorrow (6th June)	Text	Public	2.9K	359 193
04/06/2020 13:30	Good Afternoon! Here's a convenient summary of last Saturday's session	Text	Public	1.1K	77 32
30/05/2020 18:01	Greetings fellow Malaysians! Today's session is on Employee's Rights and	Video	Public	2.7K	719 290
29/05/2020 14:34	Greetings fellow Malaysians! We will be uploading a video presentation	Text	Public	4K	577 201
27/05/2020 15:00	Good evening! Here's a convenient summary of last Saturday's session	Text	Public	1.9K	163 56
23/05/2020 18:15	Fake news: Are your social media messages a crime? *DISCLAIMER:	Text	Public	2.5K	683 185
22/05/2020 14:28	Greetings fellow Malaysians! We will be going live tomorrow (23rd May)	Text	Public	3.8K	452 118
21/05/2020 21:51	Greetings fellow Malaysians! We hope that you found the article on the	Text	Public	667	19 20
21/05/2020 21:40	Good evening! Here's a convenient summary of this afternoon's session	Text	Public	1.7K	151 50
21/05/2020 14:57	Following the government's enforcement of the Movement	Text	Public	1.7K	381 130

Figure 2. Facebook Analytics on the Online Users of Each Activity of one of the Virtual Clinics

2. Positive Impact to the Mental Well-Being of Learners

Pro-bono Virtual Legal Clinics, Legal Aid Centre and Street Law are also shown to increase positivity and mental health; the feeling that learners have helped a vulnerable person increases their senses of well-being and worth, as well as increase the positivity within a team, helping them to learn to work together as well as a sense of achievement. One of the learners in individual reflections says: *'The most important lesson form this legal clinic that I have obtained is that it has helped shaped my sense of justice and social responsibility. I have obtained*



further knowledge about the difficulties of certain vulnerable communities and the issues that they face in their everyday lives. I have also gained a better understanding of how I can contribute to better understand and improve the quality of lives of these unfortunate individuals. In addition to helping them, I learned the important lesson of being compassionate and understanding of other people's experiences. The key to establishing an understanding between you and your client is based on your earnest desire to assist and commit your hard work in helping them in their situation out of compassion, love and empathy. This has truly enriched my experience of working in such fields and has helped mould my characteristic into being more positive, determined and patient.

I always wanted to be involved in work that has a deep moral impact in society and that can positively impact the lives of the community. The ability to aid someone within your community brings greater meaning to your own life and gives your perspective of the many issues that individuals go through. By volunteering with organizing that cater to aiding a particular vulnerable community, you not only are able to transform their lives but you in term benefit from the satisfaction of doing a good deed. All individuals deserve to live their lives in safety, free from any violence and abuse.'

3. Enhancement of Self-Directed Learning and Resilience

When faced with unfamiliar areas of laws during the execution of the innovation project, students have been proactive in reading up on the new areas and were willing to burn the midnight oil to provide sound advice to the communities of their choice or who have approached for opinion. These are attributes of independence, resilience and self-directed learning which are essential to real life legal practice. The students are inculcated with the habits of mindfulness to the community, work ethic, behaviours and professional identity as future legal practitioners. While being involved with the LAC, students will be exposed to administrative skills, communication skills, IT and literacy skills, research skills and teamwork, all of which are important in the legal field. Probono legal clinics on the other hand inculcates the same set of skills as LAC, but also encourages empathy and sympathy, which are also essential to members of the profession.

One of the learners in individual reflections says: *'I had been tasked with preparing a virtual session about the government's financial policies relevant to the MCO and CMCO, which was a topic I had no pre-existing knowledge on. Unlike matters like the right to free speech and the legality of fake news, I did not have any background research to draw from, so I was a little frustrated at myself for choosing such a difficult topic. Additionally, I faced significant struggles trying to understand how loan interests were calculated and how the loan moratorium functioned, to the point that I had to discuss it with my father and cousins who are from a financial background. Thus I learned that sometimes you need to ask for help when you are struggling, and in the end I learned more about a brand new topic that I would never have, so I am glad I did not stay in my comfort zone and chose to do something new.'*

Results

Based on the findings above, the need for the legal clinics to be fully integrated, both virtually and in person, is stronger than ever, as the pandemic deteriorates the social vulnerability of our communities. Specifically, there needs to be a more constructively aligned effort between legal education and legal practice, including at the gateway of practical legal training. In addition, for new ideas, law students will help fellow student entrepreneurs to prepare and file paperwork to create private limited entities. Law students, with the help of supervising lecturer and volunteer lawyers, also will answer questions about early-stage business entity choice and provide post-formation information to newly-formed companies.

Conclusions

There is an essential need to reformulate the mainstream, educational and professional practices which are increasingly marginalized. This innovation product should be woven through the three distinct phases of legal education, practical legal training and over a lawyer's professional life as part of ongoing development. These elements give meaning and shape to the very best features of law. These include its pursuit of justice; its



development of critical thinking and its need to imagine and provide creative solutions. They generate meaning at a higher level and enhance social impact to the vulnerable communities in the society.

Recommendations

This project via pro bono virtual clinics and legal aid centre could be applied in the practical settings such as personal tax consultation, mental health and nutrition counseling, thereby increases the clientele base irrespective of geographical locations. It promotes development of volunteerism spirit, Corporate Social Responsibility (CSR) in corporations, intellectual abilities in understanding, critical thinking, reasoning, analysis and application and also to inculcate values and social awareness in learners. SDG Goal 16, and its target 3 in particular is certainly achieved through the innovation product, by ensuring “access to justice for all”. This is also in line with the spirit of the World Declaration of Higher Education to educate responsible citizens who can contribute to society, even during the times of pandemic.

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