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Online and in the know? Public legal education, young people and the Internet

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ABSTRACT

Over the last decade the Internet has played a growing role in the resolution strategies of many of those who face civil justice problems. Drawing on data from a novel experiment capturing the online information-seeking behaviours of 208 students, this paper explores how young people in England use the Internet when faced with a hypothetical civil justice problem relating to housing or employment law. The study finds that while the Internet holds potential as a Public Legal Education (PLE) tool, exposure to online legal information does not directly equate to improved knowledge of rights or knowledge of how to handle a civil justice problem. The Internet's utility in this respect, continues to be constrained by the quality of information provided and the public's capacity to use it and apply it in a meaningful way.

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1. Introduction

In England and Wales, the past decade has seen a proliferation in the number of websites purporting to provide legal information and advice ([Advice Services Alliance, 2006](#); [Smith, 2014](#); [Smith & Paterson, 2014](#)). Initially conceived as a means by which to compliment traditional forms of publicly funded legal services (such as face to face advice) ([Lord Chancellor's Department, 2000](#)), with continued pressure to reduced what are seen as 'untenable' levels of legal aid spending in the UK and elsewhere ([Hainsworth, 2010](#); [Karvelas, 2014](#); [Ministry of Justice, 2010, 2011](#)), there has been growing interest in exploring how online legal information and advice might play a role in providing Public Legal Education (PLE); raising awareness of legal rights, empowering individuals to resolve their own civil legal disputes¹ and filling a gap in the 'access to justice' market.

The Internet offers a platform for the exchange of information, much of which is freely given by a range of stakeholders, including: charitable organisations and/or government departments who have as their mission to improve access to justice; commercial enterprises who can often raise profile through providing a small amount of content or who can raise revenue by charging to access content; and users themselves who can provide information gathered by way of experience, expertise or interest in a topic. In doing so, the Internet offers promise as a PLE resource, but the extent to which this promise is fulfilled depends on the capacity of users to understand and apply the content they view. It also requires that users can discern the

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¹ Civil Justice problems are those which engage the civil (as opposed to criminal) law and the rights and responsibilities enshrined within this law. They may be (but are not always) resolved using the formal justice system (legal advisors, formal dispute resolution, tribunals, courts). Examples across a number of areas of law include disputes with neighbours, employers/employees, tenants/landlords, debtors/debt collectors, purchases/merchants, etc...

accuracy of this content. Whether an individual's intention is to self-help to resolve a civil justice problem or to self help to find a professional to act on one's behalf (both of which are legitimate aims of PLE), Internet use as it relates to sign-posting, knowledge acquisition or problem solving for civil justice problems comes with a unique set of challenges that must be explored before the value of the Internet as a legal education tool can be better understood.

1.1. Use of the internet for civil justice problems

In England and Wales use of the Internet for the purpose of resolving a civil justice problem has continued to grow over the last decade. Of all such problems in the 2001 Civil and Social Justice Survey (CSJS) (then called the Survey of Justiciable Problems, see [Pleasence, Buck, Balmer, O'Grady, & Genn, 2004](#)), respondents sought information or advice from the Internet for just 160 of 3908 problems (4.1%). By the 2004 CSJS, this percentage had increased, to 283 of 2705 problems (10.4%). Over the course of the last CSJS, use of the Internet for advice or information for civil justice problems increased further, from 14.1 per cent in 2006 (267 of 1892) to 15.6 per cent in 2007 (343 of 2200) and 17.7 per cent in 2008 (358 of 2024). Overall, in the 2006 to 2009 CSJS, of those with problems 15.6 per cent tried the Internet to find advice or information. In line with this growth, in 2010, findings from Wave 1 of the Civil and Social Justice Panel Survey (CSJPS) showed that the Internet was used in relation to 18.6 per cent of problems (328 of 1760 problems) with this rising to 23.6 per cent (418 of 1351 problems) in Wave 2.

This growth is unevenly distributed among age groups. In spite of the general view that young people are willing to use the Internet for all manner of activities, they are least inclined to use the Internet when faced with a civil justice problem ([Denvir, Balmer, & Pleasence, 2011](#)). This is particularly true of young people not in education, employment or training (NEETs) who have often been linked with an unwillingness to use the Internet for the purpose of obtaining advice ([Greater London Authority, 2002](#); [Michael Bell Associates, 2007](#)). The reasons for this are not entirely clear, although drawing on research from the field of psychology, it has been shown that issues of cognitive development and maturation will influence the advice seeking/problem-solving strategies of young people (see e.g. [Mann, Harmon, & Power, 1989](#); [Kenny, 1986](#); [Rickwood, 1992](#)² cited by [Boldero & Fallon, 1995](#)).

In addition to this, young people also tend to demonstrate different objectives than older people when using the Internet for the purposes of resolving a civil justice problem and less success in meeting these objectives. Findings from the 2006–2009 CSJS highlight that when using the Internet in relation to a civil justice problem, the vast majority of young people did so with the aim of 'finding information to help resolve the problem' (over three quarters of respondents aged 18–24), compared to older respondents, who reported using the Internet more frequently to 'identify an appropriate source of advice'. When 'information to help resolve the problem' was broken into two categories in the 2010 CSJPS, those being: 'information about my rights' and 'information to help sort out the problem', findings were similar in that young people (16–24) were more often seeking information about their rights and information to resolve the problem, rather than attempting to identify an appropriate source of advice ([Denvir, 2014](#)). Yet these aims were regularly not fulfilled, with young people more commonly obtaining contact details for advisors.

[Denvir \(2014\)](#) discusses the extent to which these outcomes may be attributed to the nature of content available online or the way in which young people go about online information seeking in relation to legal rights. While there is evidence that online content may not always be ideal (see e.g. [Advice Services Alliance, 2006](#); [Denvir, 2014](#); [Smith, 2014](#); [Smith and Paterson, 2014](#)) research suggests that issues associated with cognitive development and life experience leave young people at a comparative disadvantage when it comes to using the Internet as an information resource. Such issues include: their narrower vocabulary which can often make defining their informational needs more challenging; their tendency to get easily frustrated or experience 'information overload' or poor memory recall of the sites they felt were helpful ([Bilal & Kirby, 2002](#); [Cockburn & Jones, 1996](#); [Edcomms, 2007](#); [Landauer et al. 1992](#); [Nicholas, Huntington, Gunter, Russell, & Withey, 2003](#)); their tendency to overlook some of the most relevant sites ([Tabatai & Shore, 2005](#)); their use of natural language and longer search terms which are often not handled well by search engines ([Bilal, 2000, 2002](#)); and their difficulty distinguishing between accurate and inaccurate sources of advice ([Lazonder, 2000](#)). Additionally, young people demonstrate a lack of confidence in formulating keywords, are often unsure if the information they require exists, what to do if their search results present too much information, or what steps to take if the information they require is not available all in the one spot ([Shenton & Dixon, 2004](#)).

When searching online young people have been shown to tend to emphasize convenience over correctness and to be motivated by information seeking strategies that prioritize speed, potentially at the cost of quality ([Connaway, Dickey, & Radford, 2011](#); [Davis, 1989](#); [Rieh, 2004](#); [Shenton & Dixon, 2004](#)).³ This can mean where search results are difficult to procure, they may become unwilling to persist with searching online. Young people have also been shown to tend to seek answers rather than aiming for a general understanding of an issue ([Wallace & Kupperman, 1997](#) as cited by [Bilal, 2000](#)) and to fare better when dealing with 'closed-ended questions' for which answers must be found than 'open-ended' questions where a general understanding of the topic is required ([Bilal & Kirby, 2002](#)).

² Unpublished PhD Thesis, original source not viewed.

³ Speaking more generally of the population, [Spink et al. \(2000\)](#) note individuals' superficial interaction with the Internet and search engines, finding that they conduct on average 4.86 queries per session, with a median of 8 queries. However, on average only 2.52 of these queries are unique, suggesting that individuals have a tendency to reformulate existing queries to generate new results. Moreover, the nature of the search terms used also tend to be on the shorter side, with an average of 2.4 keywords per search (including repeat queries), a finding supported by other studies (e.g. [Rose & Levinson, 2004](#)).

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