The inspiration for this text is partly autobiographical in nature—it reflects issues I have confronted in my life. My first career was as a lawyer practising in the field of litigation, where I became fluent in the discourse of legal argument at trials and appeals. The evidentiary techniques, legal jargon, and adversarial strategizing I learned at law school were put to good use in the service of clients large and small. After fifteen years of this work, the thrill of battle wore off and I became interested in more cooperative ways to solve legal problems. I had also always wanted to teach. Consequently, I resolved to become a law teacher, with the aim of training lawyers to be problem-solvers instead of gladiators.

My next career was launched when I obtained a graduate degree by researching the then-new field of alternative dispute resolution. As a novice teacher, I came to see that traditional law school pedagogical techniques often reinforced a confrontational mindset among fledgling lawyers, encouraging them to view themselves as privileged insiders in the legal system without much concern for the real needs of their clients beyond winning the court battle. Lawyers were being trained from day one to see society exclusively through “legal eyes” that keenly recognized legal concepts and issues arising in everyday events, but were blind to clients’ underlying desires and the emotions that motivated them. Many call this “learning to think like a lawyer.” It could also, I think, be considered a dehumanizing educational process that should be changed.

Early in my teaching career, I came into contact with students in legal studies who were eager to learn about the law, but not necessarily for the purpose of becoming a lawyer. They needed some of the same knowledge and technical capabilities employed by law students, but were less tolerant of jargon and traditional law school pedagogy. I decided to start teaching some law subjects,
such as research and writing, to both legal studies and law students in a more accessible and less elitist way.

As a teacher of alternative dispute resolution (ADR), I became aware of the wider field of socio-legal studies, where it was born and nurtured. Scholars of anthropology, sociology, psychology, and other disciplines have looked at law and legal processes as a subset of other individual and social phenomena. Their studies have illuminated the connection (and disjuncture) between law and society. ADR scholars have focused on the particular ways in which legal systems respond, or fail to respond to social conflict, and critics, such as those in the access to justice movement, and have asked questions about whom the law really serves. Increasingly, these and other perspectives on law and how it is practised have made their way into law schools.

As a student of the economic analysis of law, I learned that the material conditions of law practice and legal processes can have real effects on outcomes for clients and society as a whole. Some of the traditional elements of our legal system, such as legal publishing and information dissemination, seemed to be impediments to a fair justice system. The barrier of copyright and prevalence of legal writing that is unclear and full of jargon can be at least partly blamed for the widespread ignorance among the population of their legal rights and obligations. Once again, I decided to adjust my teaching practice in order to bring it in line with the requirements of plain language and equitable access to legal information.

Most recently I have become engaged with the open access movement in law and education. As a faculty member of an open university that offers distance education, I have a keen appreciation for the public’s need for quality education and sound legal help. This experience has led me to value legal literacy, not as an indicator of the professional superiority of lawyers, but as an essential capacity for all citizens in a society permeated by law. And thus I have written this book, dedicated to educating all about their legal rights and objectives, and to improving law through informed critique, and articulating the demands of the society it serves. I believe everyone should know how law seeks to achieve justice in and for society, not for law’s sake alone.

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