



**Lessons Learned from Palestinian Law Professors
about Transfer of Learning**

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Background

The Rule of Law Project in West Bank and Gaza

The Rule of Law project for the West Bank and Gaza was an outgrowth of the Oslo Peace Accords. These Accords identified the need to strengthen the rule of law, a critical element in the peace process. United States Agency for International Development (USAID) initiated a competitive bidding process in the summer of 1999. DPK Consulting from San Francisco won the contract and the authors of this article worked on the contract. William Davis was the principal in charge and Sandra Ratcliff Daffron was responsible for the legal education component. In early 2000, Palestinians had hope for the future, were optimistic, and were excited as the completion of the peace agreement drew closer. The First Intifada had been devastating to Palestinians, especially educators. Universities and schools were closed for security reasons and those wanting higher education had to move to other Arab countries. Many had to move outside the West Bank and Gaza to work and many saved their money for their return to Palestine. Palestinians who earned money in other countries began flocking back to the West Bank at the turn of the twenty-first century to invest in building homes and businesses. Universities opened in the mid-90s and international groups with large amounts of funding were flocking into the West Bank and Gaza with funds to invest in Palestine's future.

The Rule of Law project had seven goals, two of which focused directly on legal education: to improve legal education by working with the four Palestinian law schools to provide a more capable faculty and to improve and broaden legal education and training. The project began in January 2000 with a tentative work plan in place. The work plan would be changed and adapted throughout the first year as the political situation changed. As USAID was

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finding its political footing in Palestine, it kept a very tight leash on the DPK project. The area of the project that seemed less affected by the political constraints was the law schools. The four law schools housed in Al Azhar University in Gaza, Al Quds University in East Jerusalem, An Najah University in Nablus, and Bir Zeit University in Bir Zeit had their own political issues. The law professors in each of the universities were for the most part eager to start working with DPK staff.

Representatives from government agencies from Australia, Britain, China, France, and Saudi Arabia, to name a few, came to the Palestinian law schools to discuss the offer of financial assistance. The law school at Bir Zeit University was the primary recipient of external assistance from France, creating a level of envy among the other law schools. Law professors were serving on committees to write a new constitution for Palestine, to construct procedures for the new laws, and together, with other Arab institutions, to help Palestine become a state.

Students were optimistic and filled the classes. The law school degree was seen as a viable first degree, opening opportunities for a variety of future careers. Two schools, Al Quds and Bir Zeit University, developed master's degree programs in law in the late 1990s. Al Quds University started a master's program in judicial studies. The Dean of Al Quds University was training the first group of lawyers to become judges and was hoping that President Arafat would select his next judicial appointments from those graduating with the new degree.

There were large numbers of students in the law schools by 2000: 1,500 in Al Azhar (many of whom were policemen), 750 in Al Quds (45 in the master's programs), 450 in An Najah, and 25 in the Bir Zeit master's program. An Najah and Al Quds law school graduates filtered into the master's programs of Bir Zeit and Al Quds. Students in Al Azhar had difficulty negotiating the security issues in Israel to attend the other masters programs so the Dean of Al Azhar requested assistance in setting up a master's program there.

A coordinating committee with representatives from each school was organized to provide project direction to the DPK staff. This was the first time such a collaboration between the law schools had occurred. The representatives from Bir Zeit asked DPK to transmit funds directly to them rather than have a program of assistance. The DPK staff developed twenty-two objectives with the Palestinian professors of the other three universities and USAID. The objectives formed the work plan "in progress," changing as the political situation changed. By the time the first objectives were put in place in spring 2000, there were signs of anxiety about the peace agreement and several demonstrations turned violent. By the end of September 2000, the progress toward the peace agreement stalled, violence escalated, and the Second Intifada began.

When the violence erupted, the American staff members of the DPK project were evacuated to Jerusalem. For the next five months the American staff operated out of a hotel in Jerusalem coordinating with the Palestinian

staff, who were able to execute various elements of the work plan notwithstanding the difficulties of travel and security risks. The Palestinian staff met most work days in the DPK Deputy Director's home in Ramallah since the Ramallah office site had been the scene of a violent confrontation and was considered an unsafe place to work.

Travel to the universities was very limited between September 2000 and 2002. However, a very dedicated DPK staff managed to deliver equipment, books, and supplies and to set up computer labs in each of the universities. In the spring of 2001, ten professors from three universities were taken to the United States to visit ten law schools in Chicago, San Francisco, and Washington, D.C., to learn about twenty-five different law school courses and programs. Consultants from the United States were brought in during the winter and summer of 2001 and taken to each university to consult and to deliver workshops. The U.S. law faculty made videotapes for the law schools and established networks between the Palestinian law professors and those in the United States.

Due to the Intifada and security issues, many of the plans and programs for the law professors were not completed. A Palestinian conference planned for the fall of 2000 had to be cancelled. Law professors from Egypt, Jordan, Saudi Arabia, Morocco, and the United States were to participate but could not enter the West Bank and Gaza due to security issues. Law libraries that were to be set up in each school by trained law librarians (law school graduates were to be trained at An Najah in library science) were cancelled. Plans for moot courtrooms and legal aid clinics that were to be built at An Najah University were postponed. Exchanges of professors and students with U.S. law schools were cancelled due to travel restrictions. Experiments with on-line delivery of courses with U.S. law schools were finally cancelled at Al Quds after five attempts to reschedule because of strikes at the university, detention of key professors and technicians, and the danger of travel. Yet, other parts of the work plan were accomplished.

DPK organized and held a Legal Education Conference in Amman, Jordan, due to the constant security and travel restrictions in the West Bank and Gaza. Nearly sixty people attended the conference; many of the professors had to walk several miles overland to the Jordanian border because of road closures. Other professors from Gaza came through Egypt to Jordan.

USAID ended the law school program after three years because results were not being achieved as desired. Particular note was made of the lack of progress in changing the law school curriculum. USAID also had hoped that legal assistance clinics would be set up in the law schools. USAID has now launched a new project in 2004 for supporting law schools.

Over the three-year project, evaluators determined that eighteen of the original twenty-two objectives were completed. For this study, the twenty-two objectives were listed on the web site for the law professors as a point of reference and to stimulate discussion. The purpose was not to evaluate the success of

completing eighteen of the twenty-two objectives; rather it was to see what the short-term and long-lasting effects of the project have been.

The Study

We interviewed the professors to determine the variables that were present prior to, during, and after the continuing legal education programs they took that provided a change in attitude, a demonstration of the acquisition of new knowledge, or a change in their behavior in the classroom. The method used to interview the professors evolved as a response to numerous environmental challenges. We planned several avenues for conducting the interviews but encountered problems with each. We originally planned to conduct the interviews face-to-face. However, the Second Intifada and restrictions in traveling to the West Bank and Gaza prevented us from getting to each of the four campuses.

We considered conducting phone interviews with groups of professors at each campus, but the professors were rarely able to get to their campuses at the same time. We considered a third method of simply mailing the interview questions, but the reality is that mail delivery in the West Bank and Gaza is erratic, slow, and unreliable. We decided to e-mail the interview questions to each professor, but this plan did not work either. We felt certain they could use e-mail since one of the objectives of the project was to set up computer labs in each university and to train the professors to use the Internet. While the computer labs were available and the professors had Internet training, we thought this approach would also measure transfer of learning. Yet, the majority of the law professors were not able to use the Internet for communication because of lack of experience or accessibility.

We finally found a method to collect the information, to create a website for the professors to access, with the interview questions posted there.

To make the website user-friendly, we included pictures we had taken of the professors on their campuses and a video greeting. The web site was available in both Arabic and English and included a list of the project goals and objectives to remind viewers of the activities and the questions they were to answer. The professors printed the questions in Arabic and answered them by hand writing. They then faxed their answers to the DPK office in Ramallah and the office faxed the surveys to us. We had two people translate all of the survey responses into English to assure correctness of the translation.

We interviewed the professors with four groups of questions: the program planning process, the delivery of the program, the post-program phase, and the barriers encountered that prevented transfer of learning.

Results of the Study

All of the professors responded that they were able to put the learning they gained from the programs into their practice in their classrooms. They all agreed that the DPK project provided them with experiences that helped

them change their attitudes about their teaching. They gave examples of how they used the skills gained in the project within their classrooms and said they had changed their way of teaching as a result of the project. They began teaching new subjects. Each of the professors said the Second Intifada had put up many barriers that kept them from completing all the work on the project and they also said that they would like to be able to finish the work of the project if at all possible.

Variable # 1—Self-Motivation and Involvement in the Pre-Planning Process

The first series of questions looked at the pre-planning process and what the professor's involvement was in the planning process for the project. We wanted to know what motivated each of them to participate and if the group felt that their ideas and requests were recognized and accepted.

All participants expressed a high degree of motivation, saying that they felt they were highly motivated to learn because they wanted:

- to improve the quality of their own law schools
- to improve their classroom style of teaching
- to gain support for their academic research
- to learn how to teach new subjects
- to get new equipment and resources for their classrooms
- to find out how U.S. professors of law teach their classes
- to develop a new vision for their own law school.

When asked how *they would have planned the program*, they responded:

- They would have kept most parts of the program the same except they would not have ended the project so soon.
- They would have gotten more funding to support research and scholarship.

Variable #2—Organizational Support for the Learning Situation

About half of the professors felt that efforts were made by the project staff and by their own schools to enhance their learning and that of the students. Since the professors were a part of a law school, we wondered if they felt the learning situation was a team effort and if they encouraged each other to learn. They responded:

- One-third said they felt they had a good team effort, one-third said they worked together some, especially when choosing books and supplies, and one-third said they didn't work together at all.
- All but one professor said they shared the information they gained from the project with each other. One professor said that he would have liked to share with professors from other law schools but road closures prevented that possibility.

- The professors contributed ideas for program topics and we wanted to know if the topics were on target and how the learning situation could have been improved. They responded that the trip to the United States was extremely helpful and that it would have been valuable to continue to work together and have more funds for student scholarships and professor research.

We wanted to know if the professors had a positive or a negative attitude about the learning situation. They responded:

- They felt they had a positive approach but many mentioned that the problems caused by the Intifada interfered with their learning situation.
- The professors said the occupation is still the major obstacle to everything that happens in Palestine and it destroys their hopes and efforts.

When we combine a strong self-motivation to learn information and organizational expectation and support for immediate application, learning is transformed. Miguel A. Quinones, J. Kevin Ford, Douglas J. Segó, and Eleanor M. Smith¹ identify the most crucial variable affecting transfer of learning as the motivation of the individual at the initial training stage supported by the supervisor and the organization's expectation that the trainee would perform the tasks. They found that successful transfer occurred when trainees knew before the training that they would have to recall and demonstrate the skill on the job. They suggest that the transfer process depended more upon the individual motivation, ability, and personality characteristics than other variables. We found this to be true in the rule of law program. Outside forces often prevented participation in programs and security issues prevented speakers from getting to campus. But when the professors could participate in a program and a speaker could get to campus, participation was 100 percent, enthusiasm was high, and skills were learned and applied. Professors supported each other in these efforts.

Variable #3—Post Training—Immediate Application to Practice

We asked the professors what they felt they learned as a result of the rule of law program and if the skills they learned applied to their work. They responded:

- Half of the professors said the most information learned from the project was about the laws and judicial systems in the United States. Several commented that they learned how to share ideas with American professors and felt the exchange visits helped improve the knowledge of law between both countries.
- The other half of the professors reported that they learned how to cooperate with students and other faculty members and they now use different communication skills. This was explained by using a variety of practical teaching methods. One professor said he used a teaching approach he observed in

1. Miguel A. Quinones, J. Kevin Ford, Douglas J. Segó, and Eleanor M. Smith, *The Effects of Individual and Transfer Environment Characteristics on the Opportunity to Perform Trained Tasks*, *Training Res. J.* 1, 29-48 (1995).

a Chicago law school. Another professor said he uses the strategy of posing questions and receiving answers.

When asked to specify new skills they have as a result of this program, they gave examples such as:

- I improved my English and computer knowledge (many gave this reply)
 - Several said they are now conducting research and all law students are now required to conduct legal research projects
 - One said he can now provide more extensive lectures and make the students more active participants
 - Several learned how education should be focused on personal student/professor levels and how to combine facts, knowledge, and education together
 - Others said their lectures are now more effective because they encourage student participation
 - A professor said he acquired a very important skill from one of the law professors in Chicago—to ask a question and then offer the opportunity for each group to answer it in its own way and for the whole class to reach a consensus on the right answer
 - One professor said he now provides visual support to his lectures

We inquired whether the computer labs that were placed in each law school by the project were beneficial to the professors and to the students. They responded:

- They use the computer labs and said that the students use the labs all the time. Some of the professors said they felt that they needed to improve their computer skills but that the students are very skilled.
- Several asked if more computers could be provided because the students now use them for all reports and searches. Through a phone interview, one professor said that all four of the law schools now exchange information through e-mails and that the quality of research papers has improved dramatically as a result of the computer labs. All of the law schools now require students to conduct legal research on the computers. Because the students have access to computers, they are now studying international law. The professors said the computer labs were one of the most important achievements of the whole project for the law schools. As a result of the labs, students now are not constrained by lack of books and other resources.

We wanted to know if the professors had changed their classes as the result of the program, if they saw a change in other professors. All the professors said they had changed their classes and saw a change in their fellow professors as well. Some of the changes are:

- I now teach decision making and problem solving methods
- I now use a variety of teaching methods

- Several said they now use student participation in their classes with new approaches for exams and research
- I now concentrate on case law

The law professors for the most part seemed to enjoy the continuing educational programs and could see the benefit of the programs. They had more difficulty with technology but kept working because they could see the need for understanding how to use the Internet and how to conduct searches.

The professors all mentioned informal learning as important, especially the information they gained through discussions with other law professors.² Several mentioned that they observed classes in law schools in the United States and talked among themselves about replicating those methods in their own classes.

Confirming other studies,³ the Palestinian law professors see personality traits as variables affecting transfer. Those who transferred the learning into their practice were generally conscientious, open to experience, extraverted, emotionally stable, and positive thinkers.

Variable #4—Barriers to Implementation

We wanted to know what factors prevented the professors from incorporating the ideas presented by the project into their practice and what methods were used to overcome the barriers. In particular, we asked about the impact of the Intifada on the plans they had made with the DPK staff on the project. They replied:

- All responded that the Intifada was the most significant barrier affecting the completion of their work on the project. Many said that they could not overcome the effects of the Intifada. The lack of continuation of financial support for the project was mentioned as the one of most important barriers.
- A number of professors said they were disappointed that the support for the law schools was not continued.
- Many responded that a significant barrier of the Intifada that affected the project was the occupation and security problems that prevented the professors and students from getting to their campuses and prevented them from meeting with each other.
- Many responded that in spite of the effects of the Intifada they felt they must continue to try to overcome the barriers to keep the law schools open and to give the students hope.

2. Graham Cheetham and Geoff Chivers, A New Look at Competent Professional Practice, 24(7) *J. Eur. Indus. Training* 374-83 (2000).

3. J. Kevin Ford and Daniel A. Weissbein, Transfer of Training: An Updated Review and Analysis, 10(2) *Performance Improvement Q.* 22-41 (1997) and Timothy Baldwin and J. Kevin Ford, Transfer of Training: A Review and Directions for Future Research, *Personnel Psychol.* 41, 63-105 (1988).

When asked what kind of advice they would give to other educators who find their learning interrupted by war, they responded:

- We have to become more powerful in terms of our self-consciousness and self-courage for as long as it takes to achieve our goals
- Even though our circumstances are very harsh, we need to continue to live a normal life
- You should stand against all obstacles, try hard to develop self-confidence, and build hope. You should cooperate with each other and support those who want to work with you on projects like these.
- The important part of our work is to continue to support projects like this because it helps our students and provides all kinds of student services
- Be sure to include use of the computer to help with communications
- Adjust to natural circumstances and humanitarian issues
- To work together to create a new kind of balance between education and psychological systems for students
- To concentrate on theories more than on practice to fulfill the gaps in some of the academic courses
- To build strong relationships between other organizations and to provide collaborative workshops for the students

Implications of this Study

In January 2000, Palestinian law professors expressed the hope that when the Rule of Law project started their programs might benefit from and receive badly needed resources from the project. Project staff visited with professors in each of their law schools and asked what they hoped to gain from the project. The deans of each of the four schools developed the work plan. The project activities were moving along at great speed when the Second Intifada erupted. All project activities slowed down at the beginning of the Intifada and continued with limited contact and limited implementation. The professors did not lose hope of establishing moot courtrooms, legal clinics, computer labs, and law libraries. Restrictions on travel finally took a toll on the project's success and assistance was limited to sending ten Palestinian professors to the United States for a three-city visit with a dozen different law schools and twenty-five U.S. law professors who shared their syllabi, books, exams, and teaching strategies. The project ended after three years, two years short of the hoped-for assistance. Was the project successful and did the professors put the knowledge they gained into practice?

We have determined for purposes of this study that transfer of learning can be exhibited in three ways; by a change in attitude, by the demonstration of acquiring new knowledge, or from a change in behavior. The professors told us they changed their attitude about their teaching styles. They demonstrated new knowledge by teaching new subjects and teaching research, decision making, and problem solving skills to their students. They exhibited a change in

behavior by engaging their students in group activities, question and answer at the end of class, and through dialog. Their classrooms have changed from a traditional Middle Eastern classroom of lecture only to classrooms that engage the students and encourage the students to begin to question what they read. The students are actively conducting legal research and from all counts the professors feel enthusiastic about their work. All of this happened in spite of the almost insurmountable barriers set in place by the conflict surrounding the law schools.

We wanted to know if transfer of learning took place in the four law schools and if so, what variables were present. All of the professors reported that the four main variables should be present during the project. First, the professors *felt their interests were represented during the planning process* so the topics for the program were the topics they chose. Second, the professors all *were motivated to participate* in the project. They wanted the information, skills, and resources provided by the project. Third, the professors all gained skills, knowledge, and ideas from other professors. Many said *they made changes in the way they teach their classes as a direct result of talking with professors* from the United States. They were able to *put the skills they gained directly into practice* in their classrooms.

Finally, they all reported that barriers created by the Second Intifada prevented them from accomplishing everything they wanted on the project. However, *they also said they overcame many of the barriers by pulling together with other faculty and with the students*. By pulling together they moved the work of the law schools forward.

Most of the professors were strongly committed to changing their classrooms as a result of this project and in spite of extreme difficulties in getting to their campuses, in spite of lack of funding, and in spite of dangerous situations. What can we learn from a Palestinian professor of law about transfer of learning? As one professor said, "I just want always to advise all people to stand against all obstacles, to try hard to develop self-confidence and build hope in the students. To do this we have to encourage ourselves, to become united and stand up by helping each other. Then we have to help those people who support us in redeveloping the project of improving our laws."

Appendix

The twenty-two objectives for legal education are listed here with an asterisk next to the four objectives that were not completed.

The objectives for the Rule of Law project in West Bank and Gaza were to:

1. Conduct a review of the status of legal education programs for each law school
2. Develop recommendations for each school in the areas of information technology/legal resources, curriculum development, and faculty development based on the review (needs assessment)

3. Identify methods for sharing information among universities on common issues and problems

Information Technology (IT)/Library Development

4. Conduct an assessment of the IT and library needs of each school
5. Identify existing sources of legal information and IT from local, regional, and international sources
6. Procure agreed equipment and reference materials for each university to develop their legal resources
7. Conduct assessment of the technical requirements to ensure that An Najah, Al Quds, and Al Azhar Universities have access to the Bir Zeit University electronic database
8. Take necessary actions to ensure Al Quds and Al Azhar Universities have access to the Bir Zeit University electronic database
9. Provide technology training to the university library staff dealing with law books, legal reference materials, legal resources, and the Bir Zeit database as required
10. Subcontract with U.S. universities to provide educational exchange for Palestinian law faculties based on interest and needs
11. Inform USAID of all topics related to subcontracting services and any reports and required deliverables or outputs thereof
12. Ensure all activities under any projects resulting from subcontract with these universities build on and complement those activities funded under other donor and international institutions

Curriculum Development

13. (*) In conjunction with the Minister of Higher Education representatives, law faculty representatives from each law faculty and representatives from each of the universities will conduct review of curricula as compared to best practices internationally and identify areas for modifications
14. Assist in development of revised curricula targeted to needs of each university that take into account commercial law, human rights, ethics, alternative dispute resolution, and other topics not fully covered in current curricula
15. Develop additional skills training and practical application activities and include them in law school curriculum
16. (*) Ensure requirements for the stage program are well coordinated between the law schools and the Palestinian Bar Association
17. (*) For the Bir Zeit undergraduate degree program, work with initial preparatory stages of designing undergraduate degree

Faculty Development

18. Provide English language training, training in legal information systems, and the use of information technology to law faculty at all four universities based on identified needs
19. Ensure faculty members have the opportunity to participate in continuing legal education programs offered by the judiciary and/or the Palestinian Bar Association
20. Determine if faculty members require specialized training to teach the new curricula and analyze mechanisms through which training could be provided
21. Provide short-term training to the faculty if necessary
22. (*) Develop program of faculty exchanges, based on interests and needs of each university