

# USING THE PASIFIKA TALANOA RESEARCH METHODOLOGY IN EQUITY LEGAL RESEARCH

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*This article explores Talanoa as a research methodology and how it encourages a culture of innovation in the law profession and the justice sector. It also explores how Talanoa methodology can help us better understand the legal needs of the Pasifika people in Aotearoa and how to meet those needs. The use of the method is here discussed particularly with reference to its use in the Borrin Foundation's "Improving Pasifika Legal Education" project.*

*La méthode de communication dite 'Talanoa' souvent utilisée par les habitants dans la zone du Pacifique est devenue de plus en plus répandue. Facteur d'innovation et de progrès, cette méthode sous-tend le projet "Improving Pasifika Legal Education" de la Fondation Borrin. Souvent comparée aux entretiens narratifs et définie comme une conversation ouverte et informelle entre des personnes qui partagent leurs histoires, leurs pensées et leurs sentiments, 'Talanoa' est aussi une méthodologie d'investigation et de dialogue prometteuse. Cet article s'intéresse aux bénéfices que la transposition de cette méthode apporterait dans la profession juridique et le secteur de la justice.*

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Your way, objective, analytic, always doubting the truth until proof comes, slowly and it hurts;

My way, subjective, gut-feeling like, always sure of the truth, the proof is there waiting, and it hurts.

Konai Helu-Thaman.<sup>1</sup>

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1 Konai Helu Thaman "Our Way" in *Hingano: Selected Poems, 1966-1986* (Suva, Mana Publication, 1987) 40.

## ***I INTRODUCTION***

One of the major justice problems facing the Pasifika<sup>2</sup> people of Aotearoa New Zealand is their consistent under-representation in the law programmes of tertiary education institutions, at undergraduate, Honours and postgraduate levels. As at June 2018, there were only 377 Pasifika lawyers in New Zealand, making up 2.8 per cent of all lawyers in the country.<sup>3</sup>

To become responsive to the challenges faced by the Pasifika people, law researchers need to become more innovative in their practices. The Pacific research method of *Talanoa* is fitting for research on issues relating to or involving Pasifika people. The use of *Talanoa* as a research methodology amplifies the desire to improve legal practice and to create change within organisations and systems.

This article explores *Talanoa* as a research methodology and how it encourages a culture of innovation in the law profession and the justice sector. I believe that fostering and cultivating this research method in law school to use empirical *Talanoa* will synergistically contribute to a more reform-oriented and responsive legal culture and justice system. This article also explores how *Talanoa* methodology can help us better understand the legal needs of the Pasifika people in Aotearoa and how to meet those needs. However, before examining this question, I set out some of the context for the use of *Talanoa* as a methodology in a project entitled: Improving Pasifika Legal Education.

## ***II CONTEXT – IMPROVING PASIFIKA LEGAL EDUCATION PROJECT***

The context is important. I am working as a Pasifika Research Fellow on a project entitled, "Equity, Belonging, Authority – How can law, policy and practice support Pasifika people in Aotearoa New Zealand – Improving Pasifika Legal Education Project", or the "Improving Pasifika Legal Education" project for short. The terms used in this project mean:

- Equity: "ensuring a level playing field so that we all have the opportunity to thrive";
- Belonging: "feeling at home in all the places where law is spoken and used – whether in the classroom, in the courtroom, or in the boardroom"; and

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2 The term 'Pasifika' is used to describe people living in New Zealand who have migrated from the Pacific, or who identify with Pasifika because of their ancestry or heritage.

3 Geoff Adlam "Lawyer ethnicity differs from New Zealand population" LawTalk (June 920, Wellington, 3 August 2018).

- Authority: "the power of law to create change".<sup>4</sup>

This project aims to identify barriers to the success of Pasifika law students and law practitioners, to find solutions to those barriers and to explore the themes of equity, belonging and authority. The overarching goal of the project is to increase the number of Pasifika students enrolling and graduating with law degrees by systematically overcoming the barriers to success.

The New Zealand Law Society in its 'Snapshot of the Profession 2021' reported that there is a need to increase the number of Pasifika lawyers to be proportional to the Pasifika community's share of the country's population.<sup>5</sup> Similarly, the Tertiary Education Commission (TEC) in the past decade has emphasised the importance of eradicating disparities in higher education institutions. In 2021, the TEC sought to achieve parity by setting a ten-year deadline by which universities must end persistent disparities between the pass rates of Māori and Pasifika students and those of other ethnicities.<sup>6</sup>

Pacific peoples constitute the fastest growing young population in New Zealand with low rates of mortality and high rates of fertility.<sup>7</sup> According to the 2018 Census, New Zealand's population of Pacific peoples was 381,642, which constitutes 8.1 per cent of New Zealand's total population.<sup>8</sup> It is a multi-ethnic, heterogeneous group comprising different languages and cultures.<sup>9</sup> We recognise this diversity. By 2026, it is projected that Pacific peoples will constitute 10 per cent of New Zealand's population.<sup>10</sup> Thus, Pasifika populations "in New Zealand will produce an increasing

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4 Pasifika Legal Education Research Hub <<https://www.wgtn.ac.nz/pasifika-legal/research-themes/themes>>.

5 New Zealand Law Society "Snapshot of the Profession 2021" (10 December 2021) <<https://www.lawsociety.org.nz/news/lawtalk/lawtalk-issue-948/snapshot-of-the-profession-2021/>>.

6 RNZ "Tertiary institutions given 10 years to end minority pass rate disparity" 11 October 2021, Tertiary institutions given 10 years to end minority pass rate disparity | RNZ News.

7 Statistics New Zealand "Pacific Peoples" (2018) <<https://www.stats.govt.nz/tools/2018-census-ethnic-group-summaries/pacific-peoples>>.

8 Statistics New Zealand "Pacific Peoples" (2018) <<https://www.stats.govt.nz/tools/2018-census-ethnic-group-summaries/pacific-peoples>>.

9 However, there are also significant cultural similarities and there are shared experiences around colonisation, migration and resettlement.

10 Ministry of Social Development "The Social Report" (Ministry of Social Development, Wellington, 2010) at 15.

portion of the nation's births, its student body, workforce, taxpayer base, voters and consumers of both public and private goods and services."<sup>11</sup>

Interesting patterns emerge from a closer examination of educational and employment statistics. For Pacific peoples, the number of school leavers with a qualification of NCEA Level 2 or higher was 54.7 per cent in 2001, 65.5 per cent in 2011 and 79.8 per cent in 2018. However, the tertiary participation rates of Pacific peoples continued to decline in 2018.<sup>12</sup> In contrast, Pasifika participate at higher rates than the overall New Zealand population in occupations such as community and personal service workers, clerical and administrative roles, sales workers, machinery operators and drivers, and especially labourers (19.9 per cent, compared to 11.3 per cent of the New Zealand population).<sup>13</sup> The data also show that, while some of the indicators reflected improving outcomes, there were often large gaps between the Pākehā population and the Pasifika.

This shows that despite significantly increased participation by Pasifika students, they have been concentrated at lower levels of the qualification framework. Pasifika students remain significantly under-represented at degree and post-degree levels in all subjects. At the same time, Pasifika have a higher proportion of students who leave school with low or no qualifications. This trend can be attributed to a shift in the early 2000s to focus on improving participation and the development of the "single qualification ladder" and the "seamless pathway" of learning which were seen as important for Māori and Pasifika who were under-represented in tertiary education.<sup>14</sup> It aimed to enhance the esteem and quality of certificate and diploma courses and facilitate students advancing through the system. This has driven the

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11 Ministry of Pacific Island Affairs "About Pacific peoples in New Zealand: Ministry of Pacific Island Affairs" <[www.mpia.govt.nz](http://www.mpia.govt.nz)>.

12 In education, only 30 per cent of Pasifika year 13s gained university entrance in 2017, the lowest rate of any ethnic group. Nine per cent of Pasifika respondents indicated that their highest qualification was a Bachelor's degree or higher in 2016, compared to the national average of 25 per cent; and 30 per cent of Pasifika were recorded with no qualification, compared to 20 per cent of the general population. Lisa Marriott and Nazila Alinaghi "Closing the Gaps: An Update on Indicators of Inequality for Māori and Pacific People" (2021) 32 JNZS 2.

13 Statistics New Zealand "Pacific Peoples" (2018) <<https://www.stats.govt.nz/tools/2018-census-ethnic-group-summaries/pacific-peoples>>. There is also a correlation between the data on occupations and the highest qualifications attained by ethnicity. In 2018, a plurality of Pasifika had high school qualifications as their highest qualification (32 per cent), while the highest qualification held by most European and Others (including Asian, Middle Eastern, Latin American, African) was a Bachelors degree or higher (33 per cent and 55 per cent respectively). The highest qualification held by a plurality of Māori was a Tertiary certificate or diploma (33 per cent). This also shows that there is a high percentage of the Pasifika population with no qualification compared to the other ethnicities, and indicates a clear impact on employment prospects.

14 Ministry of Education, 2004.

surge in enrolments in lower levels of tertiary education, with many Pasifika students with low or no school qualifications enrolling in certificate-level qualifications.<sup>15</sup>

At tertiary level, Pasifika students continue to be under-represented in law programmes. For instance, in 2011 only 3.5 per cent of New Zealand law graduates were Pasifika, who comprised 7.4 per cent of the total population of New Zealand, while 66.1 per cent were Pākehā (who at the time comprised 75 per cent of the total population of New Zealand).<sup>16</sup> The growth of Pasifika law graduates has been minimal, with Pasifika making up only 6.5 per cent of LLB graduates in 2017; in 2017 Pākehā comprised 71 per cent.<sup>17</sup>

Relatedly, Pasifika are consistently under-represented within the legal profession and earn less than other ethnicities. Pasifika comprise only three per cent of all lawyers in New Zealand.<sup>18</sup> Pasifika lawyers have an average time in the profession post-admission of 13 years, as opposed to 19 years for New Zealand Pākehā, and earn seven per cent less than Pākehā.<sup>19</sup> The statistics are even more striking in relation to law firm partners and directors. Only 227 partners and directors were admitted between 2008 and 2018 – of those, 75 per cent were of Pākehā ethnicity, 15 per cent were of Asian descent, eight per cent were Māori and two per cent were Pasifika.<sup>20</sup> Only three per cent of judges in New Zealand are identified as Pasifika and all of these serve in the District Court.<sup>21</sup> No Pasifika person has yet been appointed to the High Court, Court of Appeal or Supreme Court. There has also never been a Pasifika Queen's Counsel. Moreover, only three per cent of law academics in New Zealand self-identify as Pasifika.<sup>22</sup>

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15 New Zealand Ministry of Education, "OECD Thematic Review of Tertiary Education – New Zealand Country Background Report" (January 2006) <<https://www.oecd.org/newzealand/36441052.pdf>>.

16 Rachael Breckon "Diversity Changing Stereotypes – the future lawyer" (2012) 804 LawTalk 7.

17 Geoff Adlam "Snapshot of the Profession 2019" (2019) 926 Law Talk 31.

18 Geoff Adlam "Diversity in the New Zealand legal profession: At a glance" (2019) 932 Law Talk 61 at 64.

19 At 64.

20 See New Zealand Law Society "Lawyer ethnicity differs from New Zealand population" (3 August 2018) <<https://www.lawsociety.org.nz/news/lawtalk/issue-920/lawyer-ethnicity-differs-from-new-zealand-population/>>.

21 Anusha Bradley "90 per cent of High Court, Court of Appeal judges Pākehā" (20 September 2021) Radio New Zealand <<https://www.rnz.co.nz>>.

22 At the time of the writing of this article there are seven law academics of Pasifika descent at New Zealand Law Schools: Prof Rex Ahdar and Alex Latu at the University of Otago; A Prof Guy Sinclair, Fuimaono Dylan Asafo and Litia Tuiburelevu at the University of Auckland; Bridget Fa'amatuaunu at Auckland University of Technology; Suliana Mone at University of Waikato.

In terms of areas of practice, Pacific lawyers are more likely to practice criminal law and family law. Pacific lawyers practise family law (45.8%), criminal law (39.4%), employment law (30.3%) and company law (28.5%).<sup>23</sup> At the same time, Pasifika are over-represented in the criminal justice system. Pasifika make up 12 per cent of the prison population, compared to eight per cent of the general population.<sup>24</sup> These statistics reflect and compound the generally poor socio-economic positions occupied by Pasifika in New Zealand. Among other relevant statistics, Pasifika are over-represented in lower socio-economic statistics like rental housing, and have the lowest household net worth, noted at \$15,000 in June 2018.<sup>25</sup>

The increasing recognition of the value of diversity by the nation's legal profession impels New Zealand's law schools to focus on improving Pasifika legal education to increase the number of Pasifika students enrolling and graduating with law degrees by removing barriers to success.<sup>26</sup>

### ***III THE TALANOA RESEARCH METHODOLOGY***

Since the Improving Pasifika Legal Education Project has been carried out on Pasifika people, it requires the use of culturally appropriate research methodologies. To this end, it employs the *Talanoa* research methodology for gathering information. A qualitative approach is employed for a meaningful analysis of the various perspectives from the interviews and the documentary data. This means that *Talanoa* does not seek to determine the number of the proportion of views in favour of or against the subject matter but rather the 'lived experience' and perceptions of the participants.

Hence, in analysing the data collected from the *Talanoa*, the metaphor of weaving a fine mat is used to describe the process of thematic analysis involved in identifying the main themes within the data.<sup>27</sup> The thematic analysis method allows researchers

23 Ministry of Pacific Peoples "Pacific Aotearoa Status Report a Snapshot 2020 Pacific Peoples in Aotearoa Report" (Report for Ministry of Pacific Peoples, Wellington, 2020) <[www.mpp.govt.nz](http://www.mpp.govt.nz)>.

24 Department of Corrections "Prison facts and statistics – June 2021" (June 2021) Prison Statistics <[www.corrections.govt.nz](http://www.corrections.govt.nz)>.

25 Statistics New Zealand "Household Economic Survey, Year Ended June 2018" (June 2018) <<https://www.stats.govt.nz/information-releases/household-net-worth-statistics-year-ended-june-2018>>; Pasifika Futures "Pasifika People in New Zealand: How Are We Doing?" (2017) 36 <[http://pasifikafutures.co.nz/wp-content/uploads/2015/06/PF\\_HowAreWeDoing-RD2-WEB2.pdf](http://pasifikafutures.co.nz/wp-content/uploads/2015/06/PF_HowAreWeDoing-RD2-WEB2.pdf)>.

26 Note the recent New Zealand Council of Legal Education (CLE) initiative to include concepts of te ao Māori and tikanga in all law degree courses. Diana Clement "Tikanga becomes compulsory for law students" *ADLS* (14 May 2021) <[https://adls.org.nz/Story?Action=View&Story\\_id=338](https://adls.org.nz/Story?Action=View&Story_id=338)>.

27 Greg Guest *Applied Thematic Analysis* (Sage Publications, Thousand Oaks, 2012).

to recognise patterns and themes that would not otherwise have been picked up. Like weaving, due to its flexible nature, the approaches used are inductive and deductive. Friedland and Napoleon<sup>28</sup> observed that "indigenous legal principles can and do maintain their core integrity while adapting to new and changing contexts".<sup>29</sup> In other words, this form of analysis is the Pacific way of forming "balanced and reciprocal relationships and *va* between different ways of knowing rather than set up an Aristotelian true/false dynamic of conflict or competition".<sup>30</sup>

There is a growing scholarship on Pacific methodologies. For instance, there are different research models that have been designed by researchers including Helu-Thaman's *Kakala* model;<sup>31</sup> Ka'ili's *Tauhi Va* model;<sup>32</sup> the Manu'atu *malie-mafana* model;<sup>33</sup> Vaiioleti's and Pescott's *Talanoa* model;<sup>34</sup> and Kalavite's *Toungaue* model.<sup>35</sup>

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- 28 Hadley Friedland and Val Napoleon "Gathering the Threads: Developing a Methodology for Researching and Rebuilding Indigenous Legal Traditions" (2015 – 2016) 1 (1) Lakehead Law Journal 16.
- 29 Ibid, 37–38.
- 30 Karlo M Schaaf "What do we mean by Pacific knowledge and Pacific research methodologies? Negotiated spaces between Western and Pacific knowledge traditions," in R Gounder (ed) *Pacific development perspectives: Meeting our diverse goals* (Palmerston North, New Zealand: Pasifika Massey, 2009) 36.
- 31 Konai Helu-Thaman *Kakala: A Pacific concept of teaching and learning*, Keynote address, Australian College of Education National Conference, Cairns, 1997. Helu-Thaman encapsulates the Tongan concept of education in the Tongan fragrant garland (*Kakala*) metaphor, which notes the role of sharing as the third and final step in the education process. The first (*Toli*) and second (*Tui*) refer to the plucking of the flower (selecting the worthwhile knowledge or data and compare them by compiling the data into something meaningful hence to a garland – the finished product – which is simply given away (*Luva*) or shared with others.
- 32 Tevita O Ka'ili *Tauhi va: Creating beauty through the art of socio-spatial relations* (PhD Thesis, University of Washington, Washington, 2008). *Va* means the space between any two people, ideas, or things. This space is filled with mutuality, inter-orientation, and "fellow-consciousness", acting as the connector between two or more entities. This approach emphasises how the two relate, and how to maintain this relationship harmoniously.
- 33 Linita Manu'atu *Pedagogical possibilities for Tongan students in New Zealand secondary schooling: Tuli ke Ma'u hono Ngaahi Malie* (EdD Thesis, University of Auckland, 2002). Refers to a holistic intermingling of researchers' and participants' emotions, knowing and experiences, which synergy leads to an energising and uplifting of the spirits, and to a positive state of connectedness and enlightenment.
- 34 See Timote Vaiioleti "Talanoa Research Methodology: A Developing Position on Pacific Research" (2006) 12 Waikato Journal of Education 21.
- 35 Telesia Kalavite *Fononga 'a Fakahalafononga: Tongan students' journey to academic achievement in New Zealand Tertiary Education* (PhD Thesis, University of Waikato, New Zealand, 2010). Kalavite defines *toungaue* as working co-operatively within a group of people in the Tongan communities so that things are produced easily and quickly. The underpinning principle in this concept is reciprocity.

The element common to these different Pasifika research methodologies is that they are culturally based. They signify the values that underpin the Pasifika culture and they highlight the importance for researchers to understand these cultural environments while building relationships, getting to know and engaging with the Pasifika people. One research model that is particularly relevant to the current research is Vaioleti and Prescott's *talanoa* model.

*Talanoa* is defined as "to talk in an informal way, to tell stories or relate experiences".<sup>36</sup> *Talanoa* is also a group encounter, where a space is created for people to tell their past, their issues, their realities and aspirations and, using their own cultural methodologies, to produce a more authentic Pacific knowledge.<sup>37</sup> Prescott pointed out that in researching people from the Pacific, *talanoa* is a specific form of communication that is similar to interviewing and that addresses the challenges of race, culture, beliefs and society.<sup>38</sup>

*Talanoa*, as a form of data collection, creates an environment for a generous or "free" gathering of information with less structured social and linguistic rules of exchange.<sup>39</sup> In a theoretical and practical sense, it is "storytelling without concealment [that] stresses the paramount [importance] of *noa*, a narrative condition in which there is a demand that storytellers/listeners detach from any predetermined commitments and preconceived ideas of who (s)he is".<sup>40</sup> It signifies the freedom of conversation and "telling" without restriction. It is through *talanoa* that meanings and interpretations in the Pacific are commonly shared and disclosed, and to interrupt the person who is speaking is culturally inappropriate. It demands the notions of respect in the approach, in voice, in dress, in cultural addresses, in familiarity with genealogies, in building good relationships, and in respecting boundaries and in reciprocity. Respecting protocols before, during and after interviews helps develop a good relationship and rapport between the interviewer and the person interviewed. The researcher is accepted and viewed as a friend rather than an outsider. The participant is more inclined to give information freely where good relationships and trust are established at the outset. It can be used wherever there is a Pacific

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36 Churchward *Tongan Dictionary* (London, 1959) 447.

37 Timote Vaioleti and E C Vaioleti *Cultural motivations for learning*. Paper presented at the Inaugural Pacific Research: Education Symposium University of Waikato, 2003.

38 Semisi Prescott "Using *talanoa* in Pacific business research in New Zealand: experiences with Tongan entrepreneurs" (2008) 4(1) *Alternative: An International Journal of Indigenous People* 127.

39 Lesa Faafetai *The Impact of Samona Christian Churches on Samoan Language Competency and Cultural Identity* (PhD Thesis, University of Hawaii, 2009) 96.

40 Sitiveni Halapua "Talanoa in Building Democracy and Governance" Paper presented at the Conference of *Future Leaders of the Pacific* Pago Pago, American Samoa, 4-7 February 2013.



population<sup>41</sup> and it has been used to create dialogue for peaceful resolutions.<sup>42</sup> In essence, the *talanoa* methodology influences the data that is collected in terms of the volume of data that is collected and the authenticity of the data.

Vaiotei argues that the Pacific practice of *talanoa* stimulates "a personal encounter where people story their issues, their realities and aspirations, allows more *mo'oni* (pure, real, authentic) information to be available".<sup>43</sup> In *talanoa*, Halapua emphasises the importance of open storytelling without concealment and predetermined agendas. In this respect, *talanoa* must be unrestricted and has no clear end:<sup>44</sup>

In fact there are as many stories as there are people to share their various experiences and views of the world in which we live and work. This is where *talanoa* begins. But unlike a movie, a text, a telephone call, or a good or bad government, *talanoa* has a clear beginning without a clear end. The presence of a clear beginning together with the lack of a finite end provides the link between *talanoa* and building democracy and governance.

In a 2012 conference paper on *talanoa* in Auckland, Farrelly and Nabobo-Baba cautioned against thinking of *talanoa* as a session because "session" "refers to an artificial and temporal containment of a much more complex and ongoing process".<sup>45</sup> To them, *talanoa* occurs in any place and at any time and requires the sharing of, and connection of emotions between the participants:<sup>46</sup>

We are surprised that emotion and empathy – those very things that distinguish us from other species...are virtually absent from our research methodologies. What we are left with is research that is sterile, impersonal, disconnected, reductionist, objective, instrumental and structural. Consequently, our research results reflect something far from our participants' lived realities.

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41 Ibid.

42 Sitiveni Halapua "Walking the Knife-Edged Pathways to Peace" (8 July 2003) *Pacific Islands Report*. <<http://166.122.164.43/archive/2003/July/07-08-halapua.htm>>.

43 Timote M Vaiotei "Talanoa Research Methodology: A Developing Position on Pacific Research" (2006) 12 *Waikato Journal of Education* at 1.

44 Sitiveni Halapua "Talanoa in Building Democracy and Governance" paper presented for the Conference of "Future Leaders of the Pacific" Pagopago, American Samoa, 4-7 February 2013, at 4.

45 Trisia Farrelly, Unaisi Nabobo-Baba "Talanoa as Empathic Research" paper presented at the International Development Conference 2012, Auckland, New Zealand, 3-5 December 2012, at 4.

46 Ibid, at 5.

Whereas the Western concept of research methodology is a structured process, undertaken within defined systems, and conducted within the confines of a scripted deadline, *talanoa* may conclude when everyone has said their piece, or it may not – it is the certainty in the ambiguity and unobtrusiveness of the process that allows for emotions, empathy and truth to be shared.

#### **IV TALANOA AS A REFLECTIVE PROCESS**

*Talanoa* has been used in the Improving Pasifika Legal Education Project as a path to general knowledge and understanding, while supporting collective learning by Pasifika in the law school or the legal community.

*Talanoa* allows both the researchers and the participants to focus on reflection and experiences in legal education and profession. This process captured the "lived experience" of participants' learning journey towards becoming legal professionals. Reflective practice is recognised in other professional disciplines as a core professional competency and essential to developing professionally as it facilitates the transition from student novice to expert professional.<sup>47</sup> Professor Julie Macfarlane noted that "reflective practice, which comprises responsiveness to change, flexibility, and an emphasis on professional self-growth, is increasingly talked about as an appropriate contemporary goal for educators and practitioners alike".<sup>48</sup>

*Talanoa* provides the ground for Pasifika people to develop new understandings, thought patterns and theories of change. *Talanoa* uses reflective processes to encourage the will to act by Pasifika law students and legal professionals and to embrace leadership roles to influence change and reforms.

According to transformative learning theory, exposing law students and professionals to disorienting information about the lack of equal justice could help activate an "access to justice consciousness" and the willingness to act.<sup>49</sup> The discomfiting information can disrupt one's assumptions about how the law actually works and whether the justice system and the legal profession do provide meaningful access to justice for many members of the public who need it. As a consequence of reflective processes on challenges and barriers to success, a newly meaningful perspective could emerge with implications for an enhanced sense of legal professionalism and responsibility. For instance, in the *Talanoa* series, there is a

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47 Leslie A Hoffman et al "Is Reflective Ability Associated with Professionalism Lapses during Medical School" (2016) 91:6 Academic Medicine 853.

48 Julie Macfarlane *The New Lawyer: How Settlement Is Transforming the Practice of Law* (UBC Press, Vancouver, 2007) at 229.

49 Jane H Aiken "Striving to Teach Justice, Fairness, and Morality" (1997) 4 Clinical L Rev 1.

growing concern among Pasifika participants as to why Pasifika only represent 3 per cent of the lawyers in Aotearoa. This problem offers an opportunity for Pasifika law students and law professionals to rededicate themselves to the ideals of justice that brought them to law school in the first place, to articulate their theory of professional practice and to explore values-based lawyering.

As such, during the *Talanoa*, the participants feel safe to be critically reflective about their transitions to law school from high school, and about their experiences at law school – stimulating thinking and discussions about how to solve the challenges they faced. In these *Talanoa*, participants develop justice and equity consciousness including a commitment to systematically remove barriers to success in law. *Talanoa* allows participants to bring their experience outside of the law school and law profession to help stimulate their creative and innovative thinking about law, how to learn and how to practice. The law schools' tradition of critical thinking through jurisprudential, legal realism and critical legal theory provide the perfect ground to increase Pasifika law students' and professionals' capacity to reflectively critique the law institutions they attended and on equity in ways that would lead to action and impact how they might operate law in Aotearoa.

## ***V THE USE OF TALANOA IN THE PROJECT***

The Improving Pasifika Legal Education project aims to bring together a cross-section of leaders in the Pasifika legal community, as well as in the broader Pasifika community, to contribute to the research to identify the challenges and solutions. The goal of this approach is to create a platform and provide a focal point for multi-disciplinary *Talanoa* amongst leaders including policymakers, educators, researchers, students, legal professionals and community groups with an interest in Pasifika from across Aotearoa. By centering Pasifika voices in these *Talanoa*, this model provides an approach to solutions for Pasifika that has Pacific people at the heart.

The research on this project began with the setting up of Advisory Panels which assist the project by encouraging the support of the various law and justice stakeholders and reviewing the project engagement plan. They will also review the interpretation of the data and findings of this research. The Panels also helped the researchers with the action strategy that featured a literature review and *Talanoa* in focus groups.

Since December 2019, *Talanoa* series have been conducted with Pasifika law students and law professionals around New Zealand. The *Talanoa* has helped the project to not only collect data but also to raise awareness and to build relationships with the participants to collaborate to better identify the barriers to success while reviewing the interventions that have been implemented in law schools. Due to the

iterative and flexible nature of the *Talanoa* process, we are also able to reach out to Pasifika students who started in law but later changed courses at university.

The COVID-19 restrictions have impacted on the *Talanoa* schedules and the spaces used. For instance, the *Talanoa* with Pasifika students have been done via zoom where we had focus groups of no more than 10 participants to make sure everyone had a chance to tell his/her story. All *Talanoa* follow the *Talanoa* protocol while researchers moderate the discussions with key focus areas to lead the discussions from beginning to end.

Using *Talanoa* methodology in the project is well suited to understanding important questions: Why do Pasifika people comprise only 3 per cent of all lawyers in Aotearoa? Why is there only a small handful of Pasifika judges in the country, and why do they all serve in the District Courts? Why are there even smaller numbers of Pasifika legal academics?

From the *Talanoa* series held so far, we can see that Pasifika participants (students and professionals) cultivate their capacity for reflection but also collaboration and systems thinking. Knowledge sharing is also an important part of the *Talanoa* – young lawyers learn from senior lawyers and judges; first-year students take advice from students who are nearing completion. The *Talanoa* series continue to build positive energy and momentum for change among the participants.

## ***VI CONCLUSION***

In conclusion, the literature review for the Improving Pasifika Legal Education project has revealed that, as at 2021, only 517 Pasifika lawyers were registered with the New Zealand's Law Society, a ratio of just one Pasifika lawyer to every 802 Pasifika people. More Pasifika are enrolling in law schools but remain under-represented in the graduation statistics.

This article has explored how *Talanoa* could be used as potent enablers of change and innovation which could transform professional culture. The Pacific-specific research methodology of *Talanoa* benefits not just law teaching but also law research and scholarship, the practice of law, court administration, and dispute resolution. To improve Pasifika leadership, harnessing these capacities will help shift "professional consciousness" and build leadership to help ensure the continued relevance of the profession in Aotearoa.