

**Public legal education:
helping people understand and exercise their legal rights**

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I'd like to begin by thanking you for this opportunity. It is an honour to be here. I'd like to thank the conference organizers for extending the invitation and for all of their assistance in preparation for this event.

I know that many of you are already engaged in public legal education in your communities. I look forward to hearing more about these initiatives from other speakers. I hope the expertise that I bring, on behalf of Community Legal Education Ontario (CLEO), will be in some way useful to you. Of course, it is those of you who are working within your own communities here in China who will need to determine whether anything I have to say is relevant or useful in the context of your work.

My topic is "public legal education: helping people understand and exercise their legal rights." My presentation will be divided into **three parts**. I'll begin by talking about some underlying concepts, such as the purposes of public legal education. **Secondly**, I will highlight some key questions to consider in doing effective public legal education. **Finally**, I will speak briefly about evaluating the success of your work.

1. What are the purposes of public legal education? Why do it and what can you hope to accomplish? Public legal education can have a number of different objectives. I would suggest that the goals of public legal education fall into four broad categories:

- 1) Enhancing access to justice: Public legal education can help those facing pressing legal problems to gain some understanding of their legal rights, to find out where to get help enforcing those rights, and can supplement other legal services that they receive, such as advice and representation. This type of public legal education is aimed primarily at those who are somehow disadvantaged, because of low income or for other reasons, such as disability, youth, or other characteristics. It responds to identifiable needs. Enhancing access to justice is the primary goal of our public legal education work at CLEO.
- 2) Increasing public knowledge: Public legal education can help people develop an understanding of the laws and the justice system. It can play a citizenship-building role by fostering an educated citizenry that respects, understands, and participates in the justice system. It may help prevent legal problems by providing the public with a basic level of knowledge

about the law. Law-related education in the schools would fall within this category.

- 3) "Self-help": Public legal education can help people who are unrepresented, unable to obtain legal advice, or who want to take some initial steps on their own.
- 4) Community organizing for legal or social change: Public legal education can be a means of sharing legal information and critically analyzing the impact of particular laws or the legal system generally, as part of community organizing for law reform or social change.

The primary reason for public legal education work is often reflective of a particular perspective. Law-related education in the schools may be part of the education curriculum and will reflect the underlying goals of the education system. Public legal education done by government departments is driven by the desire to advance the government's own agenda. This may involve promoting the value of government legislation or supporting adherence to government policy. In Canada, we have seen governments promoting "self-help" resources as a cheaper alternative to funding legal aid services that provide advice and representation. Courts and tribunals that are faced with increasing numbers of unrepresented litigants begin to provide "self-help" materials in an attempt to increase the efficiency of the system and more easily manage the cases that come before them. These motives will influence the content of the information provided.

Public legal education with the goal of enhancing access to justice involves communicating information from and with a particular perspective. This is necessarily so, given the complexity of legal systems and the many institutional interests involved. To illustrate this point: at CLEO we produce a series on income assistance and similar benefits available through government programs and we include information about the right to appeal from a refusal of assistance. Each pamphlet tells the reader how to find a legal clinic that can provide advice and representation at the appeal tribunal. The government's own publications on income assistance do not refer to the right of appeal, nor do they include information about where to get legal help. The government publications may be accurate but they reflect the government's interest in implementing government policy. At CLEO, our goal is to inform people about legal rights and how to exercise them.

Another example: in our series of publications for youth in conflict with the law, we have a pamphlet called "Talking to police." This publication tells young people about their rights when questioned by the police. It tells them about the right to remain silent and why they should talk to a lawyer before they talk to the police. Several police services have complained about this pamphlet, to us or to the federal Department of Justice, which funded the publication. No one has complained that the pamphlet is not correct. No one has argued that what it says is wrong. But some police have complained that if young people know their rights, it will be more difficult for the police to conduct criminal investigations—there may be some basis for that. Our response has been that it is our mandate to educate young people in conflict with the law about their rights. The police have a mandate to investigate in a manner that respects the legal rights of suspects.

I'd like to say a little bit about the use of public legal education in community organizing. Community legal clinics see the systemic problems that affect the communities they serve. One of the most effective ways that clinics support those communities is by providing them with tools that they can use in order to advocate for change on their own behalf. In recent years, we have produced publications on proposals to amend laws affecting injured workers, laws affecting immigrants and refugees, and laws affecting tenants. These publications explain government proposals and the impact that they could have on the rights of individuals in the affected communities. This information helps people participate in the process by forming and voicing opinions about the laws that affect them.

So the purpose of public legal education is likely to vary depending on who is doing the work. The corollary of this is that some institutions and organizations may be better-suited than others for certain kinds of public legal education. It makes sense that government and other public institutions, such as schools, would take a leading role in the kind of public legal education that I have characterized as increasing public knowledge. When the goal is to enhance access to justice for those who are disadvantaged, then community organizations tend to be better-positioned to do this work.

The great majority of this kind of public legal education in Ontario is done by local organizations for their communities. This is probably the way that most people receive this type of legal information -- through their local women's shelter, trade union, community centre, hospital, or community

legal clinic. Community legal clinics, in particular, all have a mandate to do public legal education in and for the communities they serve, which may be geographically-defined or may be a community of interest (e.g., injured workers, tenants, people from a particular cultural or linguistic background).

These community organizations deliver public legal education in a variety of creative ways. They are invited to do presentations to existing groups, such as newcomers attending English as a Second Language classes, or single mothers meeting at a local library or parenting centre. They organize meetings of tenants who have concerns about maintenance in their buildings, or injured workers seeking fair compensation. They produce and distribute flyers and pamphlets on local issues. They attend community fairs and other public events, where they display and hand out print materials. They produce self-help kits for people who are not able to get immediate legal assistance. They perform popular theatre at street festivals. They produce videos on topics such as finding and renting an apartment. They publish newsletters with articles about recent developments in the law. They write newspaper columns that appear in community newspapers. They appear on local television programs. They issue media releases and hold news conferences to publicize issues such as substandard housing or deportation leading to separation of families. They host web sites with public legal education materials that can be read and downloaded. Many of these organizations use the public legal education materials that CLEO produces to support and facilitate this work. These local initiatives are generally highly effective ways to reach people.

Assuming that you know why you want to do public legal education, **how do you figure out where to begin?** How do you determine, in a general way, what you should be doing? Before you get down to specific projects, you will need information about the communities you serve, their needs for legal information, and who else is working on meeting those needs. This kind of "environmental scan" or "needs assessment" will help you focus your work in the most effective way. It will likely require some research and consultation with other organizations and institutions that are active in your communities. It may involve doing surveys or focus groups, if you have the necessary resources for that kind of investigation. It also involves thinking about what role is most appropriate for you, having regard to the different purposes of public legal education and your vantage point in the community.

At CLEO, when we are considering a new project, we usually try to determine whether someone else has already done work in this area. Sometimes an appropriate resource already exists, in which case we would avoid duplication. Sometimes there is material that has been developed for local use that we can adapt for use throughout the province. So before you decide to undertake a particular project, you may want to explore whether there are existing resources that you can use or adapt.

Because we produce a core set of issue-specific materials that respond to pressing legal needs of low-income and disadvantaged people, our materials are widely used by organizations throughout Ontario who would otherwise need to develop their own. We frequently grant permission to public legal education organizations in other provinces to adapt our materials and use them in their communities.

We know that most community organizations have access to the internet. One of our current projects is the development of an online clearinghouse. This project will enable the many organizations doing public legal education work in Ontario to find resources, share information, and work together online. One of its key features will be an extensive collection of easily searchable public legal education materials produced by hundreds of community organizations in Ontario, including fact sheets, pamphlets, templates for workshops, audio and video materials, and internet-based resources. We will also provide a forum for online discussions to facilitate information-sharing and collaboration.

2. Moving on to the second part of my presentation, I'd like to suggest some of the **key questions** to consider in making public legal education work as effective as possible.

How do you determine which topics to address?

Often, people are unaware that they have certain legal rights or responsibilities. They may characterize a problem as being a personal problem, or they may not realize that there are laws governing their situation. A married woman may be unaware of her rights under family law should she decide to separate from her spouse. A worker may not know what limits exist on an employer's right to determine hours of work. Some topics are consistently important. Marriages break down and people need to know about divorce and custody of children. Workers lose their jobs and need to

know whether they have any recourse. Other topics may be relevant for only limited periods of time. There may be a deadline to apply for a particular government program or benefit. People may need information about transitional changes in the law or the way it is applied. For example, our provincial government introduced a new procedure for persons applying for income assistance. Although our core materials include a publication that deals with the right to assistance and how to qualify, we produced another pamphlet on the new application procedure. We distributed that publication until the procedure was no longer new and we could integrate the information into our core materials, and then we discontinued it.

There are many ways to gather information about the needs of your communities in order to figure out which topics you should address. Many community organizations gather this information informally, on an ongoing basis, in the course of their work. By analyzing that information, they can effectively respond to the needs of their communities without having to plan, organize and conduct formal needs assessments. Here are some of the ways that staff in community legal clinics in Ontario gather this kind of information:

- maintaining regular contacts and networking with other agencies and organizations who serve the same communities,
- holding community and information meetings and public legal education workshops and listening to the concerns of participants,
- obtaining existing statistics and data from other sources such as local social planning councils or community health centres,
- asking clients to complete surveys when their cases are concluded,
- participating in other community organizations, for example, by serving as volunteers, and
- participating in community events and activities and noting the issues that are raised by community members.

Most clinics also hold planning sessions on at least an annual basis. At these sessions, they review the information they have gathered, set their priorities accordingly, and come up with plans to meet the needs they have identified, including the public legal education needs.

Another key question: who is your audience?

Who are you trying to reach with this information? You need to define your audience and you need to know your audience. Many decisions such as the methods you use to communicate and the format you use will likely depend on the characteristics of your audience.

For example, many of the print materials that we produce at CLEO are aimed at an audience that includes people with low literacy levels. If these materials are written at too high a reading level, that audience will not understand them. We use editors with professional skills in making our print materials as easy to use and understand as possible, having regard to the intended audience. They make long sentences shorter, and replace terms that few would understand with simple words. They remove unnecessary phrases and break up text into manageable sections. They consider the particular needs of a specific audience. For example, when they design publications for elderly readers, they use a larger font size for the text.

For a series of publications about criminal justice aimed at youth in conflict with the law, we hired an illustrator and a graphic designer to make these materials visually appealing and credible to the young people we wanted to reach. They did cartoon-style graphics, using images carefully chosen. The publications were sized at the dimensions of a CD case, easily carried in a teenager's pocket.

One of our publications provides information about criminal law for women who are abused by their partners. A man who is accused of assaulting his wife and is facing criminal charges will also need information about the criminal justice system. But because the rights of an accused person and the rights of a complainant are not the same, their needs must be addressed separately and differently. Our publication is entitled "Do you know a woman who is being abused?" We chose this title because it allows a woman to pick up the brochure in a reception area or public place without feeling that she is exposing herself as a victim of abuse. We chose a format that allows this booklet to be easily carried and concealed in most women's handbags.

I'll give one more example of how the characteristics of your audience can determine your choice of format. We are currently embarking on a project to produce some audio messages in a variety of languages so that these can be used on community radio programs as well as being available on the internet. We are very excited about the idea of using radio to reach people,

because we know that there are many immigrant women, elderly people, and people with disabilities who spend much of their time at home and are hard to reach with print materials.

Defining and knowing your audience is perhaps the most important factor in successful public legal education work.

How do you ensure that the information you are providing is useful?

What is it that your audience needs to know to exercise their legal rights? The same subject matter can be addressed very differently, depending on the needs of your audience. When you are responding to a need for legal information for people who are facing pressing legal problems, being concise is most helpful. We try to keep our materials fairly short and focus on the essential information.

Determining the content that is relevant is closely linked to defining your audience. At CLEO, we do a series of publications on housing and our publications are specifically for tenants. One of those publications is called "When can your landlord take your stuff?" It informs tenants in clear and simple language about what a landlord can do with personal property left behind by a tenant who moves or gets evicted. It uses a question and answer format, including questions such as "What can I do to get my things back?" The same subject matter is addressed in a fact sheet produced by another organization that provides services specifically to landlords, called the Landlord's Self-Help Centre. Their fact sheet is called "Abandoned Belongings" and sets out the steps a landlord must take in specific circumstances, including how long a landlord must wait before getting rid of a tenant's property. These two publications address the same legal issues for different audiences and each one is effective for its intended audience. Disputes between landlords and tenants are adjudicated by the Ontario Rental Housing Tribunal. The Tribunal exists to serve both landlords and tenants and they also produce a publication on this topic. Their publication is called "Disposal of Abandoned Property." In keeping with the Tribunal's institutional neutrality, this fact sheet purports to address both landlords and tenants. Because it tries to address two audiences who may have opposing interests, it is not as effective in communicating the legal rights and responsibilities of either.

If your goal is to enhance access to justice, it can be important to include information that will enable people to find help if they want to pursue their legal rights. Almost all of our publications include a short section on getting legal help. We tell people how to find their community legal clinic or legal aid office. Some organizations give out local contact information with our material, to facilitate access to legal help. We consider this kind of information so important that it can influence our decision about whether or not to do a particular project. If there is nowhere to turn for help in exercising a legal right, then we might well decide against producing material on that topic.

One of the ways to make sure that you are including the necessary information is to involve the right people in your project. Collaboration and consultation with others who know your audience will help to ensure that you are responding to their information needs. If your audience covers a large geographical area, there may be regional differences that you need to consider. Input from the appropriate people in those regions will be valuable. Sometimes the first point of contact for people with pressing legal needs is an organization that does not provide legal services but makes referrals. Staff in these organizations are often an important audience for public legal education and are also well-positioned to tell you about the information needs of community members.

How will you ensure that the information you provide is accurate?

Above all, information that you provide about the law must be legally accurate.

When a client comes to a lawyer for legal advice, that client presents a specific fact situation. The only facts the lawyer needs to consider in giving advice are the facts of the client's case. When you are developing public legal education materials or programs, you are not giving advice. However, you are providing information about the law that will be received by people whose particular circumstances may be widely divergent. To avoid a harmful impact, it is important to keep this in mind.

Again, an example will help to explain this point. For most applications or appeals to courts or other tribunals, there is a deadline for commencing the application or appeal. Commonly, it is also possible for someone who has missed the deadline to seek an extension of time. To succeed, they must

show that they meet the requirements for an extension. When a client comes in seeking legal help, a lawyer will quickly determine whether or not the client has missed a deadline and can give advice and assist that client accordingly. When we prepare public legal education materials, we know that our audience is likely to include people who can still meet the deadline and people who have already missed it. Because an extension of time is never guaranteed, we want to emphasize the importance of meeting the deadline. However, we do not want readers who have already missed the deadline to be discouraged from pursuing their legal rights. We need to choose our wording carefully, keeping both sets of readers in mind.

Ultimately, the accuracy of legal information can only be confirmed by legal workers who are experts in the field. Reading the laws, policies, and court decisions in a particular area of law may tell you how the law *should* work. It will not tell you how the law really *does* work, which is what people need to know. Before they are finalized, our materials are reviewed by practitioners with specialized knowledge in the relevant areas of law. This enables us to give people practical and accurate information about the law.

Example: Our youth justice series includes a publication about the effect of a youth record when travelling. Under the law, border officials in other countries are not supposed to have access to criminal records in Canada of young offenders. In fact, it is possible that border authorities at the Canadian border with the United States may have access to the youth record of a Canadian. To simply state the law as it is written would be misleading.

Another one of our publications deals with the right to public health insurance. The legislation provides that an applicant who is refused coverage by the local office has the right to appeal to an independent tribunal. In practice, the government department that is responsible for health insurance has implemented a preliminary appeal, from the local office to the head office. This is not reflected in the legislation but it exists as an avenue of appeal.

If you are publishing or distributing public legal education materials, it is also important to monitor changes in the law. One very basic rule: materials about the law should always show the date of publication. This not only tells the reader how current the information is but, perhaps more importantly, it may prompt the reader to consider the possibility that materials are out-of-date. While it is impossible to monitor for every possible change on a

continuous basis, you can come up with a system for regularly reviewing the resources that you distribute. This is really a separate topic and I don't want to go into this in any detail but I wanted to flag the issue for you.

How will you connect your audience with the information they need?

How do you reach your audience at the right moment in time? What is your outreach strategy?

The materials that we produce reach people largely through intermediaries who order the materials from us. They get this information into the hands of people who need it when they need it, and they do this in a variety of ways. Legal workers hand materials out to clients to supplement legal advice. Research has shown that, in situations of stress, even highly educated people may need to receive information repeatedly in order to absorb it. Publications are displayed in pamphlet racks in waiting areas and other public places where people can pick them up. They are distributed at events or placed on display tables. Community workers hand them out at public legal education workshops or presentations. Non-legal staff in community organizations refer to them for basic legal information that they need to help the people that they serve.

Let me give you some more specific examples:

For a period of time, our publication “Fighting an eviction” was sent to tenants in three major urban areas in Ontario who faced eviction proceedings. The Tribunal that hears these cases provided a list of tenants against whom eviction applications had been filed to a local community organization, which in turn sent a package of materials to these tenants, including this brochure. It sets out the immediate steps a tenant needs to take in response to an eviction application. In one year, over 25,000 copies of this brochure were sent to tenants through this partnership.

Multiple copies of several of our publications were requested in the spring by an organization that works with the 15,000 to 20,000 migrant farm workers who come to Ontario each summer. Volunteers for this organization planned to hand out the publications on weekends -- in restaurants, bars, and other places in which the workers could be located.

Police services across Ontario order our publications on elder abuse and domestic violence and hand them out when responding to calls from people experiencing abuse or violence in their homes.

Through channels such as these, our materials reach their intended audience. At a local level, many community legal clinics have similar partnerships or use similar methods to reach people by working with and through other agencies that serve the same population, such as community health centres, women's shelters and food banks.

Sometimes we receive proposals to do video productions. Video is a very expensive format and most often there is no effective outreach strategy to make it worthwhile. An interesting exception that we have explored is a project to produce a video about the initial steps in the criminal court process for an accused person. This video would be shown in the courthouse to criminally accused persons waiting to be called into the courtroom for their first court appearance.

3. Finally, I'd like to touch briefly on evaluation. How will you know if your public legal education project has been successful?

Evaluating the effectiveness of public legal education can be difficult. Experts in public legal education struggle with this because it is a complex question. Whether or not a project is successful will depend on what it was you hoped to accomplish. Even so, it is difficult to isolate the impact of public legal education from other factors. As well, most organizations lack the resources to do extensive evaluation of their public legal education work. A simple measure that is often used is changes in level of demand. For example, if more women seek help dealing with family violence following a public legal education campaign on this topic, then that would suggest that the campaign may have had an impact. Of course, other factors may have caused or contributed to the increase in demand. It is even more difficult to determine whether more complex effects have occurred, such as enhanced respect for and understanding of the justice system.

Nonetheless, there are some measures that community organizations use in attempting to evaluate the success of public legal education initiatives. The number of publications or other resources ordered or distributed can be a rough measure of demand for the information. Similarly, the number of visitors to a web site, or the number of people who attend a workshop or

community meeting, can reflect a need that is being met. Feedback from users of resources and participants at workshops is valuable and can be requested through surveys or interviews. We receive quite a lot of feedback that is unsolicited and we make note of it. “Snapshot” surveys of clients or community organizations can yield valuable information. If you have sufficient resources, field-testing and focus groups can help you assess the impact of your work. You may also want to take note of any unintended consequences, both positive and negative.

Determining whether or not your work has been effective involves returning to the question of what you were hoping to achieve. What was your goal? If you want to evaluate the success of your public legal education work, you need to think about evaluation at the beginning. At the same time that you are defining your objectives, you may want to think about how you will know whether you have succeeded in meeting them.

That concludes my presentation. Thank you—I look forward to the rest of the workshop and the opportunity for discussion.