

PROMOTING PREVENTIVE LEGAL HEALTH

A TOOL KIT FOR LAWYERS





Preface

The CBA's 2013 *Reaching Equal Justice* report calls for concrete actions by all those involved in the justice system to meet a number of ambitious targets – leading to a time when access to justice in Canada is equal for everyone. Among calls to transform the formal justice system, reinvent delivery of legal services, build public engagement and participation, build coherence in the civil justice system, and build capacity for justice innovation, is a call to facilitate everyday justice.

As an important aspect of facilitating everyday justice, the CBA's Access to Justice Committee has looked at ways for people to build their own 'legal capability' and so be able to better manage and avoid legal difficulties in their lives. The Committee is indebted to Sarah McCoubrey, a legal consultant specializing in public legal information and education, for her work on this Tool Kit.

The Kit begins with a paper that further explains the idea of preventive lawyering. As with any significant change in culture and practice, changing legal practice to adopt a more preventive legal health strategy will happen more readily if lawyers have the tools they need, and understand how to use them. The Implementation Tools that follow in the second part of the Kit provide concrete ideas to facilitate lawyers' efforts in adopting a more preventive approach to practicing law. Lawyers have a key role in promoting legal health in their clients and preventing legal problems from occurring or escalating, and the Committee's intent is to assist the efforts of lawyers prepared to embrace this challenge. We welcome your feedback, at equaljustice@cba.org.

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PART I

PROMOTING PREVENTIVE LEGAL HEALTH

BACKGROUND PAPER



The CBA's 2013 *Reaching Equal Justice* report calls for concrete actions by all those involved in the justice system to meet a number of ambitious targets – leading to a time when access to justice in Canada is equal for everyone. Among calls to transform the formal justice system, reinvent delivery of legal services, build public engagement and participation, build coherence in the civil justice system, and build capacity for justice innovation, is a call to facilitate everyday justice. Specifically, this preventive aspect of *Reaching Equal Justice* sets the following targets:

By 2030, 5 million Canadians have received legal capability training.

By 2020, individual and systemic legal health checks are a routine feature of the justice system.

These two targets are accompanied by interim milestones and actions to be implemented immediately. Included in those steps toward implementation, CBA commits to “prepare an options paper on the broader concept of legal health and the prevention of legal disputes, including the use of legal health system checklists”.¹

This background paper is intended to aid the legal community in acting on these targets, by enhancing an understanding of the scope and value of preventive legal health strategies and suggesting specific ideas to assist legal institutions and individual lawyers in implementing preventive approaches. Promoting legal health as a preventive approach to access to justice can be incorporated into different aspects of a lawyer's practice, and pro bono or community involvement. Legal health strategies fulfill the challenge offered by Dr. Melina Buckley at the CBA's *Envisioning Equal Justice Summit* in April 2013, for all those involved in the justice system to ‘think systemically and act locally’.² This requires a flexible approach, aligning with an overall goal of improving the public's understanding of law in their lives and increasing their ability to take early steps to avoid the anxiety and cost of protracted, confusing legal problems.

WHAT IS LEGAL HEALTH?

Reaching Equal Justice refers to two interrelated concepts for taking a preventive approach to addressing conflicts. The early education approach, focused on children, youth and newcomers to Canada would see thoughtful curriculum on law and basic legal awareness, as a life skill taught in schools or in the context of immigrants acclimatizing to Canadian democratic and administrative systems. This approach recognizes that everyone should have a basic understanding of the legal dimensions of their lives, combined with an understanding of the institutions and professionals available to help in navigating legal issues. “It’s not just that so many people can’t afford to access legal services — it’s that so many people don’t even know that their unhappy situations merit a legal solution, that they have rights and channels through which they can exercise those rights.”³

The second concept focuses on the ongoing approach to legal issues for all Canadians,⁴ throughout their life. Ensuring good legal health requires not just knowing basic principles but taking early, preventive steps to minimize, avoid or be prepared for different types of legal issues. Good legal health includes having lease or employment contracts reviewed, preparing a will, learning about custody and child support requirements, understanding tax obligations, and more.

Taking steps to ensure legal health happens long before a conflict arises. Now, most people only contact a lawyer or investigate the legal dimensions of their life once a conflict escalates. Lawyers, and our legal dispute resolution options, are reactive. The lawyer is an advocate who works to repair relationships or assert rights in the midst of a dispute. Preventive approaches to avoid legal problems are already pursued by many large business and institutions that maintain long-term relationships with lawyers who make suggestions about how to avoid costly litigation. Legal health strategies would see average individuals cultivating similar long-term, preventive relationships with lawyers, to help them make responsible arrangements and recognize indicators of future conflict.

Building legal health will also improve the lawyer-client relationship. A client who understands the components of a legal problem and the need for help will be better able to understand legal remedies and the cost of legal services. The lawyer will be able to communicate faster and more effectively with a better informed client. The client or self-represented litigant who understands the scope of a legal problem and possible resolutions will better understand court procedures, reducing the time required of judges and court staff as well. Not only will

preventive legal approaches increase the public's understanding, it could make the legal process overall work more smoothly and allow lawyers to focus more efficiently on the clients' legal needs.

In response to the access to justice crisis in Canada, there have been positive innovations in mediation, early resolution options and self-service resources. There has been an increase in projects to assist people facing the expense, confusion or uncertainty of these processes. These triage and early resolution strategies are filling critical gaps in legal service delivery. However, they are still reactive to an existing dispute. Promoting legal health is a truly preventive approach that builds the understanding and skills of people to develop healthy legal habits, take easy, affordable steps and have difficult discussions early in their relationships. Whether in the context of a small business partnership, a new employment relationship, preparing for end of life decisions or creating a new family, these early, low-conflict steps help to minimize the emotional, medical and psychological stress of later disputes. Preventive approaches also prepare people for the legal aspects of their lives by alerting them to potential issues and introducing them, in a low-stress context, to professionals who will be able to assist.

Extending the medical analogy

Discussions of prevention and legal health evoke a comparison to Canada's health care system. The comparison is apt, both because of the potential spiralling consequences of ignoring legal issues and because of the parallels in how both law and medicine interact with people's private lives. Richard Susskind observes that "[i]n law, as in medicine,... prevention is better than cure. Most people would surely prefer to avoid legal problems altogether than to have them well resolved."⁵

Like the medical system, the justice system is full of well-trained, well-intentioned professionals with specialized knowledge. People rely on these experts to diagnosis problems and propose and implement actions that often involve complex steps, unfamiliar language and intimidating and difficult procedures. If initial attempts are unsuccessful, both the legal and the medical systems move to specialized institutions with even more expert staff, specific processes and confusing sets of tests and rules. There is also a parallel in the consequences. As with an untreated medical issue, ignored legal issues can escalate, triggering problems in other areas of a person's life. Missed days at work, stress, tension with colleagues or neighbours can create a strain on family relationships, or vice versa. People become mistrustful and anxious, leading to poor job performance or physical or mental health issues.⁶ Loss of income adds to relationship pressures and can affect housing stability, credit and consumer issues. The consequences of ignoring legal issues can spiral, resulting in decreased general well-being and problems

that no legal remedy can address.⁷ Many people are unsatisfied with the result of their legal matter, despite a judgement in their favour.⁸ Many times this is because there is no room for discussion of these related harms or impacts of the dispute.

Finally, extending the medical system analogy to the issue of the expense of legal services, there is a crisis in affordability of and in confidence in lawyers, based on the cost of litigation and legal fees.⁹ It should come as no surprise that resolution is unaffordable when, after avoiding a legal problem as it escalates, people find themselves talking to the equivalent of the surgeon and then being surprised at the cost of operation. Luckily the medical system also offers a model for preventive approaches to legal health.

Changes to public legal education, pro bono services, paralegals and notaries' services and government and private projects are together building the equivalent of the walk-in clinics, pharmacists, health nurses and phone lines that represent the continuum of medical services. To make this range of legal information and assistance effective, people must know about, use and trust this variety of legal services. The medical system once again offers lessons in implementation.

Making changes

In the U.S., in a private health care context, health professionals did not always enjoy the integrated, trusted reputation that the earlier analogy relies on. Doctors had to change the way people thought about their own health. Preventive health practices moved from blind

adherence to a doctor's instructions and prescriptions, to a much more sophisticated understanding of personal health, including an awareness of nutrition, exercise, early diagnosis, regular check-ups and other preventive strategies.

Louis Brown, a California lawyer, was an early advocate of preventive law. In 1953, he published a call to arms in the American Bar Association Journal for lawyers to follow the lead of the medical profession in making legal health relevant and important to people. Brown cited two examples of confidence building efforts that could be replicated in the legal context. The first is to publicize innovation, changing the perception of the lawyer from a private small business owner to a public-serving problem solver. Brown observed that "the favourable attitude toward the medical profession [arose] because the layman has taken a vast interest in medical problems. He has real hope that the medical professions... can effectively help curtail the incidence of disease."¹⁰

The second strategy was to select a project that demonstrated doctors' actual concern for people's well-being. He described the importance of free x-ray and blood pressure tests to identify potential health issues and called on lawyers to find a similar project offering a free service through which people can contemplate their legal health. Considering recent health care practices, placing blood pressure testing in pharmacies offers a free diagnostic source of information about daily health. *Legal Health Checks*, like those released by CBA in April

2014 and 2015¹¹ could provide a similar free opportunity for people to self-diagnose their legal health.

A final lesson from the medical context is in the shift to a forward-looking patient-doctor relationship. It is rare to leave any medical practitioner's office without discussing a health issue other than the one that prompted the visit, for example, being offered instructions for a daily stretch or a suggestion about diet or sleep habits. Doctors, as well as massage therapists, pharmacists, nurses, hospital staff use opportunities when an individual is dealing with one health issue to notice and inquire about related or more general health issues.

The focus on prevention has affected not only the trust in and relationship with the professional, but also the patient's understanding of preventive steps in daily life, to promote good health. Susskind calls for a similar shift in the legal context. "First of all, citizens themselves must be appropriately empowered, so that they can take care of some legal affairs on their own and work more productively with those who advise them, if guidance from others is needed."¹²

Doctors, as well as massage therapists, pharmacists, nurses, hospital staff use opportunities when an individual is dealing with one health issue to notice and inquire about related or more general health issues.

Imagine... a full continuum of legal services, from websites and education, to affordable identification of legal issues, through unbundled services, paralegals, alternative business structures, through to informal and formal resolution mechanisms and eventually to courts. Within that continuum, everyone who helps someone with a legal dispute or question also takes the time to ask about related issues, encouraging people to take advantage of easy, cheap services to build an understanding of how law affects life generally.

Imagine a legal system with a full continuum of legal services, from websites and education, to affordable identification of legal issues, through to unbundled services, paralegals, alternative business structures, through to informal and formal resolution mechanisms and eventually to courts. Within that continuum, everyone who helps someone with a legal dispute or question takes the time to ask about related issues, encouraging people to take advantage of easy, cheap services and building an understanding of how the law affects their life. This vision of a justice system could actually promote legal health, while changing public engagement in, and understanding of the critical role of law as a system that belongs to regular people, not lawyers and judges. That shift in perspective is also likely to increase political pressure for sustained public funding of essential legal services and increased profile of legal issues within the political system.

REORIENTING THE PRACTICE OF LAW

Public perception of the justice system – a ‘PR’ problem?

To meaningfully change the reputation of lawyers, the profession must address the prevailing negative attitudes that affect people’s willingness or ability to seek early help on legal issues.¹³ Media portrayals of lawyers as dramatic courtroom advocates only emphasize the inaccessibility of legal process and knowledge, rather than portraying lawyers as everyday problem-solvers.

There is also a perception that requiring a lawyer to resolve a problem is an indication of personal failure: that the successful person can manage their own affairs on a handshake. Mary Ebert succinctly states “[n]eeding recourse to the justice system does not suggest a personal failure, any more than a health problem requiring access to the medical system does. It is a simple fact of 21st century life in a developed political economy: law “knits together the fabric of our society.”¹⁴

Clients will think about potential legal issues, understand the routine nature of many disputes and be able to identify their need for help at an earlier stage, without the stigma of failure.

Preventive conversations about legal health can address these perceptions, as lawyers demonstrate their interest in clients’ overall well-being and build clients’ ability to solve problems earlier. Clients will think about potential legal issues, understand the routine nature of many disputes and be able to identify their need for help at an earlier stage, without the stigma of failure. Promoting legal health can promote a sea change in the positioning of legal issues, as has been seen in the medical context.



Shifting the place of law and legal professionals in the lives of the public requires a series of small and large changes in the delivery of legal services. Implementing a preventive legal health strategy is one simple step that can be incorporated into lawyers’ practices. Lawyers can make these small shifts in their practice model to include a preventive approach:

- A | **Explore client’s unidentified legal issues**
- B | **Develop the skills of preventive lawyering**
- C | **Think preventively**
- D | **Cultivate legal capability**
- E | **Build self-efficacy**
- F | **Work with intermediaries**

A | Explore unidentified or asymptomatic aspects of client's legal issues

Stepping beyond the role of advocate and reactive problem solver opens up new avenues for assisting clients to avoid legal problems through early interventions. Forrest Mosten characterizes the typical lawyer-client interaction:

If a symptom isn't raised by the client, most lawyers assume that everything is OK. Actually, even when the lawyer knows other legal problems do exist, they may do nothing. Such inaction is the norm rather than the exception in law practice today. And, it is both harmful to the client and dangerous for the lawyer.¹⁵

In contrast, paying attention to the predictable symptoms and likely consequences of a legal problem and providing concrete referrals or steps to avoid them is an easy way for lawyers to promote clients' legal health and integrate legal issues into the broader context of clients' lives, without changing the response to the current dispute.

B | Develop preventive lawyering skills

In the 1940s and 1950s, Louis Brown promoted preventive lawyering as a shift in the day-to-day practice of lawyers. In an effort to continue his legacy, the California Western School of Law has established the *National Center for Preventive Law*. The Centre's website maintains:

The premise of preventive law is that the legal profession can better serve clients by investing resources in consultation and planning rather than relying on litigation as the primary means of addressing legal problems. This theory recognizes that while litigation is sometimes necessary to address past wrongs, the fact that one ends up in an adversarial proceeding may be evidence of a lack of planning or communication. By applying foresight, lawyers may limit the frequency and scope of future legal problems.¹⁶

The Centre offers courses for law students in preventive lawyering. It promotes a shift from reactive problem solving to working with clients as a 'designer' of legal health, anticipating and avoiding legal conflict and discussing the wide range of potential legal and non-legal problems people might face.

"I hate to see people in trouble who needn't have been."¹⁷

Louis M. Brown

The related *Centre for Creative Problem Solving*, also at the California Western School of Law, promotes a model of legal practice beyond reactive advocacy skills to include problem solving skills. It focuses on skills required for thinking “more broadly, more flexibly, more relationally, and more preventively.”¹⁸ It asserts that lawyers can not only assist with legal conflict, but also work with clients to prevent problems through careful and creative interventions. Recognizing the expanding range of human problems with a legal dimension, the centre maintains that “[l]aw schools should expand their curricula to offer courses emphasizing the skills of preventing problems that are avoidable, and solving creatively those problems that are inevitable.”¹⁹

c | Think preventively

Thomas Barton has applied the preventive lawyering and creative problem solving approach to a model of legal practice that he describes as the ‘multi-dimensional lawyer’. He encourages lawyers to shift how they see their role in promoting clients’ legal health to that of ‘designer’.

The designer is distinguished by skills of thinking and acting preventively, rather than solutionally. Thinking solutionally is characterized by a tendency to wait until a problem has visibly erupted before identifying it as a ‘problem,’ and the solutional thinker tends to define ‘solutions’ narrowly as supplying resources to meet some particular need. Thinking preventively resists both tendencies, by expanding the definitions of both problems and solutions.²⁰

Approaching client problems with a preventive mindset requires understanding the context of the problem and working with the client to develop preventive and complex solutions that meet a broad set of needs, not just those arising from the current conflict. Barton suggests this will not only improve the well-being of clients and larger society as a whole, but also cultivate a “richer, more respectful relationship between lawyer and client... The client will be brought in to the lawyering process more effectively, as a co-architect of the design to reshape the environment.”²¹

He also recognizes that in working with a client on the preventive landscape of their legal issues, there is room to identify and seek out different types of help, acknowledging non-legal supports that might augment the preventive action. Barton describes this as a more democratic approach where the client can identify early steps to avoid legal issues or build early resolution options into their legal relationships to promote “decentralized, participatory decision making, and offer informal avenues for resolving disputes.”²²

D | Cultivate legal capability

Reaching Equal Justice says that “[t]hose involved in the justice system and in legal service delivery have a shared responsibility to increase the legal capabilities of everyone in Canada”.²³ The concept of legal capability came out of the United Kingdom after successful financial capability programs. It moves beyond providing basic information about rights to instead address skills and attitudes people need before approaching legal service providers. Developing the legal capability of clients is one likely result of lawyers engaging in preventive legal health conversations. Not only will people become aware of legal issues in their lives, they also gain skills and attitudes to take action themselves, leaving them better prepared to deal with future conflicts that might arise.

Legal capability is best developed in a preventive context. Research shows that people do not absorb complex data or accurately identify who to trust when highly stressed.²⁴ They are better able to absorb information, ask questions and consider the range of interests involved when they learn about issues prior to a conflict arising. Basic legal capability may be a precursor to asking for help in many areas of legal health.

The U.K. non-governmental organization called *Law for Life* (previously PLENET) has researched the impact of legal capability on people’s management of legal issues²⁵ and found that people with basic legal capability are better able to manage their own legal issues, including knowing when to ask for help and who to approach for advice.²⁶

FRAMEWORK FOR BUILDING LEGAL CAPABILITIES

KNOWLEDGE

- » Know where to find out more
- » Understand the issues
- » Know the routes to a solution (or processes)
- » Know where to get help

SKILLS

- » Listening
- » Communication
- » Distinguishing between interests
- » Imagining alternative solutions
- » Ability to collect and record details
- » Identifying between facts and emotions
- » Empathizing with others in a dispute
- » Identifying bias or self-interest
- » Attitudes
- » Trusting the professionals working in the system
- » Believing that the system is impartial
- » Believing that one deserves a fair resolution
- » Having confidence that decision makers are unbiased
- » Believing that system evolves or can change
- » Seeing that the system responds to injustices

E | Build self-efficacy

Researchers in the Netherlands has asked “[w]hy do some people feel able to act to deal with legal problems when others don’t? What makes some people feel empowered when others lack confidence?”²⁷ The researchers developed the concept of Subjective Legal Empowerment (SLE), recognizing that someone with a prior personal experience of successfully completing a task will believe they may be able to tackle similar future issues.²⁸ They found that the second best preparation is vicarious experience. Researchers are now working with the *Hague Institute for the Internationalisation of Law (HiIL)* to link this understanding to access to justice innovations that develop direct and vicarious experiences of legal problem solving as a tool to encourage future management of problems. Helping people successfully navigate simple legal issues, or explaining lessons learned from similar situations increases their ability to recognize and respond to legal issues in their own lives. In the legal practice context, the lawyer working with a client to resolve a problem has an opportunity to not only ensure a satisfactory result to that problem, but also build the client’s self-efficacy for future conflicts.

In the age of online information and the proliferation of media sources, inaccurate information abounds. Partnering with intermediaries presents a means to redirect people to reliable sources of assistance.

F | Work with intermediaries

Direct collaboration with intermediaries is another concrete, subtle shift that lawyers can include in a preventive approach to cultivate legal health. There are examples from many jurisdictions. The United Kingdom has a system of *Advice Bureaus*. Medical-Legal partnerships are being run by the *American Bar Association* and by *Pro Bono Law Ontario*.²⁹ B.C. has a system of non-lawyer advocates. *PovNet* trains people working on poverty issues in basic legal issues affecting their client base. These models recognize that service providers other than lawyers often act as the trusted intermediary between a person and the legal services they need.

Intermediaries are the large category of professionals and community leaders who help people deal with health, education, employment, immigration, relationship and social issues.³⁰ Ranging from nurses and social workers acting in a professional capacity, to religious leaders and educators being informally asked for advice, these intermediaries are already trusted, and experienced in listening to problems and making referrals. Including the intermediary in a continuum of legal services is another strategy to connect legal services to problem solving paths that people already use and trust. A 1964 address noted that “[i]t does not take a lawyer to right every wrong. It does not even take professional training. It takes only a human being with the capacity to recognize and respond to injustice.”³¹ Lawyers can meet the needs of their clients better by recognizing the value of these relationships and working with intermediaries to promote preventive strategies.

There has traditionally been some reluctance to recognize non-legal intermediaries as a legitimate conduit between people and legal services. Legal regulators have highlighted the danger of uninformed advice or inaccurate legal information when rejecting formal collaboration with intermediaries. However, in the age of online information and the proliferation of media sources, inaccurate information abounds. Partnering with intermediaries presents a means to redirect people to more reliable sources of assistance.

Increasing emphasis is being put on intermediaries as potential conduits to clinics, lawyers and other legal services. In Ontario and Manitoba, there are programs that focus explicitly on training intermediaries with sufficient basic information about how to identify a legal issue, and then supporting the staff of community agencies to help people navigate into the legal system.³² Projects to train librarians and high school teachers on how and when to refer people exist in seven Canadian provinces.³³

Despite these developments in the non-profit community, the private bar still has less connection with intermediaries than it could. Cultivating a relationship with local service providers and ensuring that they understand how to make referrals, the scope of legal advice and the cost of a first visit with a lawyer provides options when those providers next help clients dealing with complex issues. Conversely, understanding the range of services that local agencies provide allows private sector lawyers to offer clients concrete steps to deal with ancillary issues arising from a legal dispute. Connecting

with the range of options available within a community places the conflict resolution services of a lawyer within the spectrum of professionals available to assist with the medical, social and personal aspects of conflict in people's lives. Lawyers who see themselves as part of a continuum of services with an equal relationship of understanding and respect for intermediaries can provide clients with effective strategies for preventing the spiralling harm of conflict and the benefit of early, appropriate referrals from trusted intermediaries.

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LEGAL HEALTH CHECKS

To date, CBA has produced twelve Legal Health Checks, available online and distributed through educational events to provide the public with basic legal tips in different areas of law. Integrating these tools into a preventive strategy requires more than simply handing them. *Legal Health Checks* should be used as a tool to help people, whether clients or not, to think about and learn to identify legal issues in their lives and to know not only who to contact for help, but when to do so to avoid escalating costs and related problems. The CBA *Legal Health Checks* can be effectively integrated into a lawyer's preventive legal health strategy, relying on lessons learned in other jurisdictions.

In Australia, similar tools are distributed through social service agencies, designed to alert people to legal issues and connect them with legal clinics or non-profits providing legal services.³⁴ These plain language print or online tools focus on topics that commonly affect people, particularly low-income people. They frame potential legal problems with a series of questions or a checklist to be answered by the reader.

In the United States, similar check lists are most common in jurisdictions that have developed self-service models, as a response to the large number of unrepresented litigants. Those checklists can help people understand the breadth of their legal issues and

determine whether they can proceed alone or require representation.³⁵ These checklists have moved away from alarmist lists of potential consequences, with little connection to concrete steps for resolution, into tools that direct people to next steps and avenues of help. The shift in tone and focus reflects a growing understanding of the scope of unmet legal needs and the barriers to accessing a lawyer.

Mosten recommends legal health checks, highlighting their potential to cultivate a longer-term relationship between lawyers and clients. He likens the legal health check to the regular reminder from the dentist. Receiving a reminder from a dentist that it is time for a checkup and teeth cleaning promotes both good dental hygiene and good business development. The legal health of a lawyer's clients could be monitored in the same way.³⁶

He suggests a regular schedule of legal health conversations or reminders as part of the ongoing lawyer-client relationship, offered at no cost to the client and requiring minimal effort by the lawyer. He promotes a regular legal health review as a way of "keeping in touch with your clients and inquiring on the state of their lives in general, and their legal health in particular."³⁷

In Canada, legal health checks have been used in specific jurisdictions and by public

legal information providers. Ontario’s insurer, *LAWPRO*, has issued a legal health check that begins by stating: “[m]ost people would agree that visiting a doctor before you are sick is preferable to seeking medical treatment after you become ill. The same goes for dealing with legal matters.”³⁸ It then lists common steps that people should take, organized according to area of law. It instructs people who have questions about different areas of law to consult a lawyer.

A recent pilot project of the *Halton Legal Clinic*, also in Ontario, has produced an *online legal health check* to help low income people identify legal problems early and learn about the assistance available through the Clinic. The project is being evaluated by Dr. Ab Currie, a senior research fellow at the *Canadian Forum on Civil Justice*. In a comment on the effectiveness of the project to promote early identification of legal issues, he states:

*Early indications are that the partnership between the Halton Legal Aid Clinic and trusted intermediaries who are closer to the lives of the poor can accomplish this objective. The Legal Health Check-Up is proving to be an effective tool in a proactive process where intermediaries can reach out and identify people with everyday legal problems and guide them towards the help they may need.*³⁹

Some common limitations of Legal Health Checks include that they:

- » **Lack steps that people can take on their own.** *Legal Health Checks that do not cultivate legal capability leave people even more alienated from their legal issues. Specific, easy, early steps (like retaining important documents) lets people understand that their legal relationships start long before a conflict arises.*
- » **Are designed to be completed alone.** *Brochures and online tools completed without connection to an intermediary or legal professional do not facilitate effective referrals. Tools that are discussed with someone with expertise are more likely to result in people taking steps to prevent their legal issues.*
- » **Are not linked to legal service providers.** *Legal Health Checks that list a range of problems, but no information about who to talk to or how to find a legal service provider do not promote preventive steps and may instead scare people and further alienate them from a healthy, constructive relationship with legal professionals.*

The public’s understanding of lawyers may improve dramatically if people see lawyers as interested in an overall improvement in legal health, unrelated to business development.

- » **Fail to identify non-legal help.** *Most legal issues also implicate other professionals and types of assistance. Social workers, employment counsellors, health care professionals, benefits providers may all be able to assist with related or escalating aspects of a legal issues. Mosten observes that “[y]ou help your clients identify symptoms of legal disease. No further action may be taken. Or if it is, someone else may do it. The role of diagnostician is separated from that of service provider.”⁴⁰ Focusing only on legal steps assumes that people understand how these systems are interrelated and know how to minimize ancillary issues.*
- » **Are focused on just one audience.** *Single audience brochures, such as those designed for people living in poverty, may only ask about access to government services or subsidized housing information, and may not be transferable to those dealing with related middle class housing issues. Generic legal health checks should be relevant to most people, with referral options that suit the socio-economic or demographic issues of each reader.*

To meaningfully contribute to access to justice innovation, the legal health check should be the opening conversation between an individual and a legal service provider or trusted intermediary about preventive steps that include individual actions, involvement of other professionals and lawyers’ services. For example, a preventive conversation about the legal aspects of end of life decisions might include not just the importance of a will and a valid power of attorney, but also the importance of discussing plans with family members, revising banking documents or visiting an investment advisor. A Legal Health Check that is a genuine tool for preventive legal health includes not only the legal steps to be taken, but also insight into how to avoid legal problems.

The legal health check should be the opening conversation between an individual and a legal service provider or trusted intermediary about preventive steps that include individual actions, involvement of other professionals, and lawyers’ services.

IMPLEMENTING A PREVENTIVE LEGAL HEALTH STRATEGY

How can an individual lawyer promote legal health?

A trusting, long-term, problem-solving relationship with a legal expert is a logical and perhaps the easiest way to ensure legal health. Building the preventive legal health of clients and the public into lawyers' models of practice requires subtle shifts in the culture of law firm services and concrete changes in the tenor of lawyer-client interactions. The first shift is an evolution "from the 'lawyer as litigator' or 'lawyer as solicitor' model towards a new paradigm that utilizes the lawyer in the role of process builder and trainer."⁴¹

The lawyer providing personal legal services to individuals or small businesses has a direct relationship with clients who may be experiencing other legal issues. It is easy to imagine how to implement preventive strategies in the intake, advice and solutions offered to the client in that relationship. Less obvious is how lawyers working in in-house, corporate law, government or complex transaction work can incorporate preventive approaches to their interactions with clients and colleagues. All lawyers can take the time, whether with a client or with those outside of the solicitor-client paradigm, to discuss the importance of legal health and share tools for identifying and taking actions on legal issues. The public's understanding of lawyers may improve dramatically if, as has happened with doctors, the public comes to see lawyers as interested in an overall improvement in legal health, unrelated to business development.

The lawyer delivering personal legal services

Lawyers involved in family law, criminal, employment matters, housing issues, estates and small business matters have a relationship of trust with their clients, including knowledge of the client's personal circumstances. Offering clients the more general service of assessing their legal health or informing them about related issues that may arise can minimize the overall impact of a legal dispute or prevent its occurrence.

After providing a reactive solution to one legal problem, the lawyer can also help the client avoid future legal issues. Just as a doctor gives tips for healthier living as the patient leaves the office, the lawyer can:

- » *Provide simple suggestions, like paying attention to deadlines or reading contracts before signing.*
- » *Offer a legal health checklist on intake with a new client, or as a follow up, to alert a client to other issues that may require attention.*
- » *Contemplate more comprehensive steps to promoting legal health, possibly including offering time with a law student or non-lawyer to inform clients about other potential legal issues.*

After providing a reactive solution to one legal problem, the lawyer can also help the client avoid future legal issues.

If designed to promote legal health, these efforts will include concrete steps that the client can take, either alone or with other professionals, as well as those that require a lawyer. Legal health, like preventive health care, is not about promoting formal legal services but about promoting overall, preventive steps to avoid legal conflict, more familiarity with the legal aspects of relationships and more comfort in accessing services. An approach that focuses only on issues that require lawyers' services will not build trust or integrate lawyers as part of the preventive spectrum of managing legal issues.

Preventive law is a process of creative thinking, timely planning and purposeful execution to minimize legal risks, maximize legal rights and optimize legal outcomes of transactions (deals), relationships (disputes) and opportunities (problems). Within that context, achievement isn't a matter of time.

It's a matter of timing... Credibility, accessibility and accountability are essential ingredients of an enduring relationship. Any arrangement that fosters trust, facilitates good timing and consistently delivers client perceived value is a good agreement.⁴²

EASY STEPS TO PROMOTE LEGAL HEALTH

- » Build a basic discussion of legal health
- » Develop print material provided by the firm to new clients
- » Use a Legal Health intake format
- » Develop relationships with intermediaries
- » Provide referral information or materials from local PLE agencies
- » Send out legal health materials following the completion of a file
- » Provide a Life Cycle Events guide to common legal issues
- » Use Legal Health Checklists to discuss common legal issues

Lawyers who do not deliver personal legal services

Lawyers whose work does not involve personal legal services still find themselves in regular conversation with people dealing with legal conflicts. Individuals have limited opportunities to access legal help. Lawyers can remind clients of the importance of personal legal health regardless of the focus of the retainer. Whether with clients or with colleagues, lawyers can contribute by encouraging basic consideration of individual legal health and providing tools or referrals for people looking to avoid legal issues.

The lawyer in society

Finally, all lawyers represent the face of the profession to the public, whether inadvertently, socially or through community and pro bono involvement. Promoting preventive legal health and the value of a proactive relationship with a lawyer are positive steps to improving the public's understanding of legal issues and appreciation of the role lawyers can play in these disputes. Many people are nervous to ask legal questions and wait until the issue is critical before seeking help, even from a friend or colleague. Promoting early steps to avoid costly and stressful conflicts is not only helpful, but may allow lawyers to offer concrete preventive steps. Much like the positive shift in public perception of doctors once they were seen as committed to overall health, lawyers and the legal system may see a shift in public perception once they are seen as motivated by helping people to avoid or manage conflict.

Debates about the accessibility of legal services and changes to practice models have led to a recognition that while "a legal problem may be solved in months or weeks; good legal health requires a lifetime of wise legal advice. Unrecognized and unmet (or met too late) legal needs are a blight on society, but the rise of preventive law... is a very promising way to make sure nobody is left uninformed about his or her legal rights."⁴³

How can an individual lawyer promote legal health?

As with any significant change, changing legal practice to adopt a more preventive legal health strategy will happen more readily once lawyers have the tools they need at hand, and understand how to use them.

By acting locally to contribute to systemic change, lawyers can make a dramatic contribution to achieving equal justice by their daily promotion of legal health.

The CBA has created an Implementation Guide and Toolkit to help with internal shifts toward this type of practice model and to encourage lawyers to provide *Legal Health Checks*, other handouts and informational material to the public to make it easier to build this strategy into a busy law practice. Embracing these tools, and again keeping in mind the words of Dr. Buckley in finding ways to act locally but also contribute to systemic change, lawyers can make a dramatic contribution to achieving equal justice through their daily promotion of legal health. This will augment the many ongoing efforts to redesign legal service delivery, shore up legal aid and other public services and strengthen understanding of legal issues in Canada.

Lawyers and the legal system may see a shift in public perception once seen as motivated by a desire to help people to avoid or manage conflict.

“Lawyers should encourage the growing knowledge and sophistication of their clients, and should do whatever they can to empower their clients. A true partnership between lawyers and clients – a meeting of equals, rather than a one-sided relationship – could form the basis of a new approach to the practice of law, less adversarial, less zero-sum. Lawyers should not feel they have to be in control of their clients’ legal matters and their clients’ legal lives. They should see themselves as facilitators of better results and happier lives.”⁴⁴

Read on for tools for implementing preventive legal health strategies.



PART 2

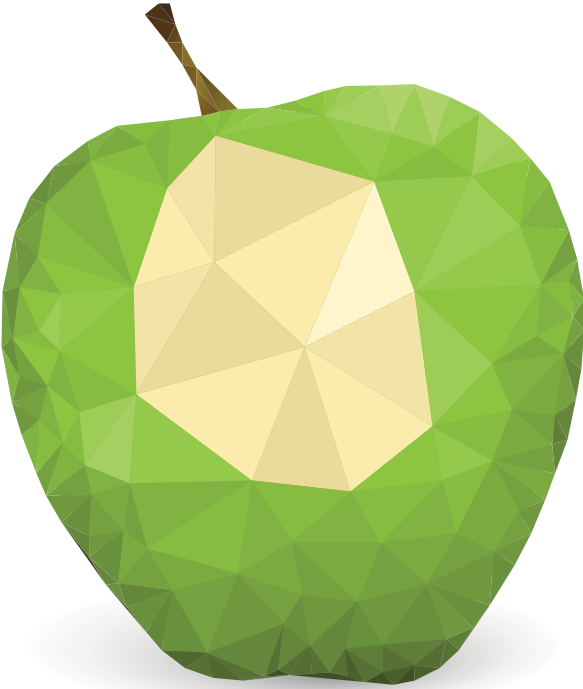
PREVENTIVE APPROACHES FOR LAWYERS

IMPLEMENTATION GUIDE





INTRODUCTION



INTRODUCTION

The CBA's 2013 Reaching Equal Justice report calls for concrete actions by all those involved in the justice system to meet a number of ambitious targets – leading to a time when access to justice in Canada is equal for everyone.

Among calls to transform the formal justice system, reinvent delivery of legal services, build public engagement and participation, build coherence in the civil justice system, and build capacity for justice innovation, is a call to facilitate everyday justice. Specifically, this preventive aspect of *Reaching Equal Justice* sets the following targets:

By 2030, 5 million Canadians have received legal capability training.

By 2020, individual and systemic legal health checks are a routine feature of the justice system.⁴⁵

This Implementation Guide is intended to aid the legal community in acting on these two targets. It provides specific tools to assist legal institutions and individual lawyers in implementing preventive approaches. Using these flexible tools and approaches can improve the public's understanding of law in their lives and increase people's ability to take early steps to avoid the anxiety and cost of protracted, confusing legal problems.

What is legal health?

Reaching Equal Justice refers to two interrelated concepts for taking a preventive approach to conflicts. The early education approach, focused on children, youth and newcomers to Canada would see thoughtful curriculum on law and basic legal awareness, as a life skill, taught in schools or in the context of immigrants acclimatizing to Canadian democratic and administrative systems. This approach recognizes that everyone should have a basic understanding of the legal dimensions of their lives, combined with an understanding of the institutions and professionals available to help in navigating legal issues. "It's not just that so many people can't afford to access legal services – it's that so many people don't even know that their unhappy situations merit a legal solution, that they have rights and channels through which they can exercise those rights."⁴⁶

The second concept is a continuous approach to legal capability for all Canadians⁴⁷, throughout their life. Ensuring good legal health requires not just knowing basic principles, but taking early, preventive steps to minimize, avoid or be prepared for different types of legal issues. Good legal health includes understanding leases or employment contracts, preparing a will, learning about

custody and child support requirements, understanding tax obligations, and more.

Currently, most people only contact a lawyer or investigate the legal dimensions of their life once a conflict escalates. Lawyers, and our legal dispute resolution options, are reactive. The lawyer is an advocate who works to repair relationships or assert rights in the midst of a dispute. In contrast, taking steps to promote legal health happens long before a conflict arises. Preventive approaches are common in business and institutional governance where long-term relationships with lawyers results in ongoing proactive suggestions about how to avoid costly litigation. Legal health strategies would see average individuals cultivating similar long-term, preventive relationships with lawyers to help them make responsible arrangements and recognize indicators of future conflict.

“Lawyers should encourage the growing knowledge and sophistication of their clients, and should do whatever they can to empower their clients. A true partnership between lawyers and clients – a meeting of equals, rather than a one-sided relationship – could form the basis of a new approach to the practice of law, less adversarial, less zero-sum. Lawyers should not feel they have to be in control of their clients’ legal matters and their clients’ legal lives. They should see themselves as facilitators of better results and happier lives.”

Jordan Furlong

Promoting legal health is a truly preventive approach that builds peoples’ understanding and skills to develop healthy legal habits, take easy, affordable steps and have difficult discussions early in their relationships.

Whether in the context of a small business partnership, a new employment relationship, preparing for end of life decisions or creating a new family, these early, low-conflict steps help to minimize the emotional, medical and psychological stress of later disputes. Preventive approaches also prepare people for the legal aspects of their lives by alerting them to potential issues and introducing them, in a low-stress context, to the professionals who will be able to assist.

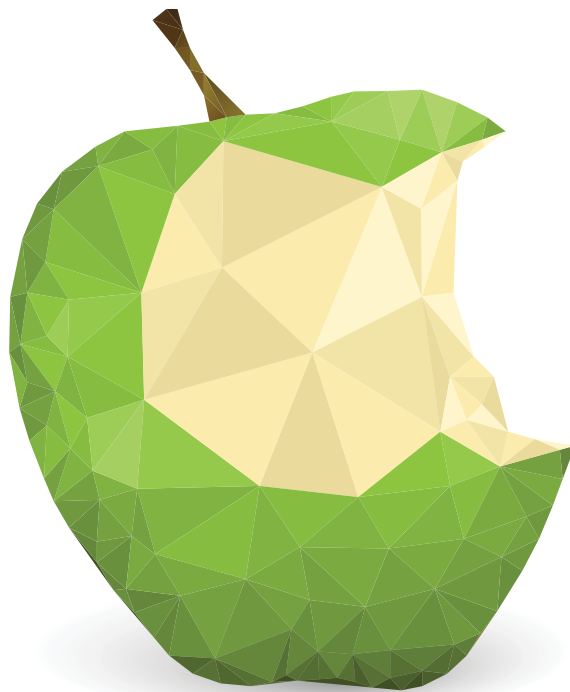
This Implementation Guide provides basic tools to assist lawyers to implementing a preventive approach in their daily practices.

- » *The first section anticipates barriers to shifting to a preventive lawyering approach, both for individual lawyers and the profession generally. For each anticipated barrier, it provides a rationale for overcoming that barrier, and simple, concrete ideas to assist.*
- » *The second section includes practical tools and resources for easy distribution or reference in community sessions or when meeting with clients. These are designed to be printed or copied, ready for distribution. The CBA’s Legal Health Checks are included. These resources continue to evolve. Be sure to check the CBA site frequently for new Legal Health Checks.*
- » *A third section includes local referrals, Public Legal Education (PLE) organizations, legal clinics and others who can augment the preventive approach with additional services and resources.*



TACKLING THE CHALLENGES FOR LAWYERS

IMPLEMENTATION GUIDE



This section recognizes that lawyers are interested in and committed to addressing the needs of their clients, but may perceive challenges in adopting preventive strategies, such as restrictions in business practices, licencing requirements, firm culture, employer expectations or individual habits. Concrete actions and a rationale for overcoming each challenge are provided here.

This section is designed to start a conversation about how to shift the culture of legal practice. Some lawyers will find this information personally useful or will share it with colleagues. Some may find aspects obvious and others quite challenging. Each section can be used to initiate a new conversation about the value of preventive lawyering within the practice model.

For each heading, there is a brief discussion of the potential challenge, rationale for changing the culture and three or four first steps for action.

PROMOTING LEGAL HEALTH IS GOOD FOR LAWYERS

CHALLENGE

*I am too busy to add non-billable conversations with clients.
Why should we provide free legal services anyway?*

RATIONALE

Developing a relationship of trust with your clients can make representing them more efficient and less frustrating, and lead to longer term relationships, with the business benefits of referrals and return clients.

Clients who understand and trust the legal process require less explanation, make more informed decisions and better understand both the outcome and the cost of their legal disputes. They develop an understanding of processes, terminology and realistic options that can make it easier for the lawyer to communicate about an existing dispute or help with plans to avoid future disputes. As unrepresented litigants increase, lawyers, as well as the courts, tribunals and staff, benefit from a better informed public that trusts the proceedings. This results in faster proceedings and better understood results.

As in any business that relies on referrals and reputation, the time taken to cultivate a trusting relationship pays off in the quality of the lawyer – client relationship and in the repeat and referred business. Introducing preventive strategies in time-efficient ways ensures that you can build understanding and trust without unrealistic billings.

TAKE ACTION

- » *Choose one or two strategies and incorporate them into your practice with every client. Once these become part of regular conversations, add additional approaches. This ensures that you slowly shift towards a preventive approach within your current business model.*
 - » *Utilize support staff and students to engage with clients in between visits or while clients are waiting for meetings.*
 - » *Share the **Benefits to lawyers of cultivating people's legal health** with colleagues who are uncertain about the business implications or time expectations of preventive approaches to legal health.*
-

NORMALIZING CONFLICT: ELIMINATING THE STIGMA OF FAILURE FROM CONFLICT

CHALLENGE

By the time someone contacts a lawyer, the problem has escalated and it is too late for cheap or straight-forward resolution. Clients are embarrassed and don't want to talk about or admit their involvement in a problem.

RATIONALE

Many people associate needing a lawyer with failing to manage their own business, family or social relationships. They may ignore legal issues, or try to avoid or sidestep the problem, rather than admit that they have been unable to resolve it on their own. Media portrayals of lawyers and legal conflicts focus on the dramatic stories of failed relationships and rarely on the responsible and proactive client who asks questions and plans ahead.

Anecdotal negative experiences of family and friends can reinforce the perception that going to a lawyer is a last resort, with significant financial and emotional consequences. Reframing legal issues as part of the ongoing, predictable spectrum of daily life can remove this stigma. Like with medical health, legal health may fluctuate depending on the riskiness of the activities undertaken or the good practices of the person involved. Everyone should expect to need advice and assistance with legal matters throughout our lives, just as we regularly get medical physical exams. Removing the stigma of failure and reframing legal issues as normal, anticipated events with reasonable solutions will make it easier for people to ask for help early.

Taking a preventive approach to legal health exposes people to potential conflicts in advance. If issues then arise, it will seem predictable or anticipated, with less sense of personal failure. Hearing from a trusted professional that many people need assistance resolving different types of conflict throughout their lives might also make it easier to ask for help. Connecting common problems with early and affordable services will encourage people to acknowledge escalating issues earlier, when there are more options for resolution.

TAKE ACTION

- » *Discuss the frequency of everyday legal issues and reiterate the availability and affordability of early preventive steps.*
 - » *Use a Life Cycle Planning tool to describe the predictability of legal issues.*
 - » *Identify proactive legal prevention and early resolution stories as ready examples of the benefits of managing one's legal health.*
 - » *Refer people to free or low-cost legal services to build their own capabilities (see Finding Local Referrals).*
-

LEGAL HEALTH PROMOTION VERSUS BUSINESS DEVELOPMENT

CHALLENGE

Isn't this just business development, or trying to get more money out of clients? Won't clients see it as fishing for more work?

RATIONALE

The difference between cultivating legal health and cultivating more business may seem fuzzy to many lawyers and their clients at first, especially if they are suspicious of the billing structure and wary of anything that might increase their costs. Approaching legal health conversations with transparency and being genuinely interested in resolving issues from the client's perspective will serve to address this perception over time.

For many lawyers this will require being prepared to have basic conversations on legal issues outside their own area of practice and a willingness to make referrals to both free services and to other lawyers.

Using a printed *checklist* or a planning tool can make it easier to reassure clients that you are prepared to point them to help or help develop legal habits in other areas of their lives, without the promise of a new retainer. These tools also let you raise these issues without adding additional time in each client interaction. In the in-house and government contexts, these conversations about general legal health may happen with colleagues or internal clients.

TAKE ACTION

- » *Take a few minutes to explain the importance of overall legal help and provide clients with a Legal Health Check or planning tool to review on their own.*
 - » *Offer a list of local free resources for early resolution or opportunities to learn about the law*
 - » *Make a professional and office wide commitment to view your legal services in the context of the overall health of the client, not just how well they succeed in relation to your practice area.*
 - » *Focus client contact on simple discussions of the issues and free avenues to learn more — avoid a sales feel to the conversation that will cultivate suspicion about your motive.*
-

RAISING THE POLITICAL CURRENCY OF ACCESS TO JUSTICE DISCUSSIONS

CHALLENGE

Access to justice issues and timely resolution of civil matters never gets attention from politicians or at election time.

RATIONALE

As long as people view legal reform as an issue affecting the very poor or the very rich, or perceive law as predominantly criminal, they will not push politicians to address funding, staffing or facility gaps. Discussions about legal health can include information about how frequently most people find themselves dealing with a legal issue. In a recent study, it was determined that 45% of Canadians will deal with a justiciable problem within a three year period. Discussing the likelihood of facing legal matters and the potential to deal with them proactively, before they escalate, will have the added benefit of raising awareness of how extensive the legal aspects of everyday life are.

Many people mistakenly believe that legal aid will be available when they find themselves dealing with a complex issue. Discussing the limited scope and eligibility levels in your jurisdiction can help to alert people to the realities of middle class litigants facing daily legal problems.

Lawyers and legal institutions are not necessarily viewed as prominent in democratic debate, nor as nimble and responsive to people's needs. Legal health conversations can help people rethink these assumptions. Combined with political strategies and more information about the issue, the political currency of access to justice can be increased.

TAKE ACTION

- » *Look up the eligibility and coverage of the legal aid plan in your jurisdiction.*
 - » *Become familiar with efforts to raise public understanding of the importance of legal reform.*
 - » *Discuss the predictability and manageability of everyday legal issues using Legal Health Checks and other Tools (see Tools).*
-

SHIFTING THE PERCEPTION OF LAWYERS

CHALLENGE

But I am not a social worker – I’m an advocate. My clients don’t want me to get involved in the rest of their life. I am not sure how I would use a legal health check with a client.

RATIONALE

The practice of law has shifted as technology, information and the complexity of people’s lives has changed. Lawyers can easily focus on their substantive knowledge and lose sight of their practical skills of identifying issues and developing pragmatic solutions. Informing people about the existence and importance of dealing with legal issues and providing them with concrete, simple first steps does not mean acting beyond your professional expertise nor becoming embroiled in the complexity of non-legal problems. Maintaining professional lines while providing effective referrals actually makes it easier for lawyers to be legal problem solvers.

Many people view legal conflict as a sign of failing to adequately manage their affairs. They may feel like any suggestion of other legal issues is an insinuation that their lives are poorly managed. Carefully framing the discussions can help to shift a person’s understanding of how common legal issues really are. Reminding people that law is a tool that can be used to build successful businesses, protect families and plan for the future, as well as a tool for resolving disputes can help clients appreciate the potential of proactive legal planning.

Legal Health Checks are designed to start the conversation with clients or members of the public. They can be part of a package handed out at community events, sent home with new clients, or discussed with students or intermediaries as a way to build people’s understanding of the scope of legal issues and their impact, if ignored, on daily lives.

TAKE ACTION

- » *Consider the skills that are used to manage and resolve legal disputes (attention to detail, organization, retention of important documents, consideration of opposing perspectives, imagining alternative outcomes etc.). Cultivate these skills in your clients through proactive conversations about legal health.*
 - » *Discuss the value of proactive steps towards legal health with clients (more affordable, less stressful, long-term predictability).*
 - » *Offer a planning tool that identifies common personal legal issues (see Tools).*
-

CULTIVATING LONG-TERM, TRUSTED RELATIONSHIPS BY USING EXISTING LEGAL ISSUES TO DIAGNOSE FUTURE ONES

CHALLENGE

My clients came to me with a problem and now that it is resolved, I've closed the file. How can I stay in touch and encourage proactive thinking about legal health without it increasing the cost of my practice?

RATIONALE

One legal issue may be interrelated to other issues or may alert you to other unaddressed issues. In addition to successfully resolving the legal issues your client has raised, a preventive approach includes discussing the broader context to help diagnose future issues. A contract dispute or employment issue in a small business may be a symptom of not reading or understanding contractual obligations. A housing or consumer issue might be a trigger for escalating financial instability. As the existing legal issue is being resolved, the preventive conversation about related or potential issues may let you connect the client with services to avoid future escalation.

A long-term problem-solving relationship can be established and maintained through minor changes to the practice model and minimal cost. Introducing the concept of legal health and periodically offering information about a new issue can remind people to pay attention to legal issues prior to a crisis developing. This needs to be carefully distinguished from simply adding people to a mailing list and inundating them with promotional material. Staying in touch is not enough to build a long-term trusted relationship. The lawyer must pay attention to the specific and timely needs of clients, rather than overwhelm them with irrelevant correspondence.

TAKE ACTION

- » *As existing issues are resolved, engage the client in conversation of hypothetical or predictable related issues that might arise.*
 - » *Teach healthy legal habits such as retaining documents, noting important dates and paying attention to key steps in a process.*
 - » *Have clients consider the Legal Health Questionnaire.*
 - » *Discuss setting up a periodical reminder of these key dates pass and get the client's permission to send the relevant Legal Health Check as these events occur.*
-

LEGAL INFORMATION VERSUS LEGAL ADVICE

CHALLENGE

I don't have a general practice and I don't feel comfortable discussing problems in other substantive areas. I can't encourage legal health conversations with other office staff, students or community-based intermediaries because they can't give legal advice.

RATIONALE

As lawyers, we do not usually have to draw a line between legal advice and legal information and frequently include basic information about a process or definition of a term in the same explanation in which we apply our expertise to give advice about a situation. This makes it hard to imagine the conversation in which a non-lawyer can responsibly help people understand legal processes. However, many of the common questions people have relate to the meaning of words, the order of processes and the people who will be involved in legal matters. Taken from a legal health perspective, the scope of information-only conversations expands to include the value of pre-planning, the importance of documents like wills and other general discussions about common issues.

A law student, office staff person or intermediary can be trained both to facilitate general informational conversations and to recognize the point at which someone is asking for legal advice. The non-lawyer can avoid answering hypothetical scenarios and not refer to specific steps based on the particulars of a situation. A general conversation with people about how the system works and what they might expect increases their confidence to contact a lawyer, builds an understanding of legal advice they need and encourage them to make timely and informed decisions.

Likewise, when someone asks about a different practice area, many lawyers refrain from answering. However, listening carefully to the question, providing general legal information about the area of law or the existence of services and describing basic terms may give the person the confidence to contact a qualified lawyer in that area. Many questions are general

in nature and well within any lawyer's competency. Conversely, the preventive lawyer who is looking to encouraging people to follow through and take meaningful action will avoid overstating an answer. Failing to make a referral to a service or qualified lawyer may lead someone to think that they have enough information to manage on their own. Even the lawyer will want to be mindful of the information versus advice distinction to use conversations about legal health as a catalyst to connect people with appropriate services or representation.

TAKE ACTION

- » *Train office staff and students to use the Legal Health Checks to start a conversation about general terms and processes, with instruction on when to involve a lawyer.*
 - » *Prepare a shortlist of lawyers and legal services (including free and online services) in different areas of law to have on hand when discussing legal health.*
 - » *Review and distribute CLEO handout: Legal Information versus Legal Advice to Non-lawyers.*
-

MAKING LEGAL LANGUAGE AND PROCESSES ACCESSIBLE: THE IMPORTANCE OF PLAIN LANGUAGE, BEST PRACTICES AND PRE PLANNING

CHALLENGE

I have published case comments and papers on my firm's website. My clients use my website to learn the basics. I encourage my clients to follow me on social media to stay up to date and learn about the law.

RATIONALE

Relying on social media posts or website content can be problematic when that content has been developed to promote a particular service or demonstrate expertise on a new case. Demonstrating your expertise to the sophisticated client can actually confuse or alienate the client learning about a new area of law. Existing online business development writing is not the same as introductory, plain language materials to promote legal health.

There is a science to writing complex ideas in plain language, with standards and guidelines about reading levels, terminology and sentence complexity. A plain language resource is not simply a case anecdote or blog post designed for a broad audience. When preparing materials to distribute it is important to think about language from the perspective of the reader. Are there literacy issues? Is English or French the reader's second or third language? Is the reader fearful or intimidated? Is the reader looking for next steps?

Lawyers tend to emphasize case examples or stories that are entertaining. However, those examples are often about cases that deviate from the typical process, and might confuse the listener about what to expect. It is more effective to identify the concepts you hope someone will retain and work back from there to find appropriate examples, illustrations and avenues for participation. Taking time to canvas people's comfort with terminology and learn about people's starting understanding is also a good step in ensuring that your session meets their needs.

TAKE ACTION

- » *Use CLEO's Guide to Plain Language Drafting and Best Practice in Social Media when developing materials.*
 - » *Plan community or schools sessions in advance with the audience in mind. Use the Key Messages and Lesson Plans as a framework (see Tools).*
 - » *Avoid telling 'war stories' or focusing on your own credentials which may further intimidate or confuse listeners.*
 - » *Watch the videos at www.lifetoolbox.ca for tips on engaging an audience or planning a PLE event.*
-

MAKE BETTER AND MORE DIVERSE REFERRALS TO LEGAL SERVICES

CHALLENGE

I know there are other resources out there but I don't know what they do or who to call so I tend to just make a referral to a colleague or a friend from law school.

RATIONALE

There are a wide range of professionals helping people with their problems. Both within and outside the legal profession, these intermediaries are the professionals that hear about conflict and help people to identify the issues and avenues for help. Health professionals, teachers, community staff, religious leaders and others already have trusting relationships with people. Getting to know these community leaders builds their awareness of legal issues and makes it easier for them to correctly identify and refer people to legal help. There are programs to train intermediaries on how to identify legal issues and connect people to different types of legal services.⁴⁸

Within the legal sector there is also a wide range of services offered at little or no cost through agencies, clinics and government offices. Many practicing lawyers are unfamiliar with the scope of these services. *Public Legal Education* (PLE) agencies and legal clinics offer extensive online information, webinars, guides and avatars to assist when filling out forms, as well as training intermediaries, school-based programs and community education, and sometimes providing direct representation. These services, often designed with limited resources, are at the forefront of technological innovation. They are responsive to people's needs and often bridge low and middle income levels.

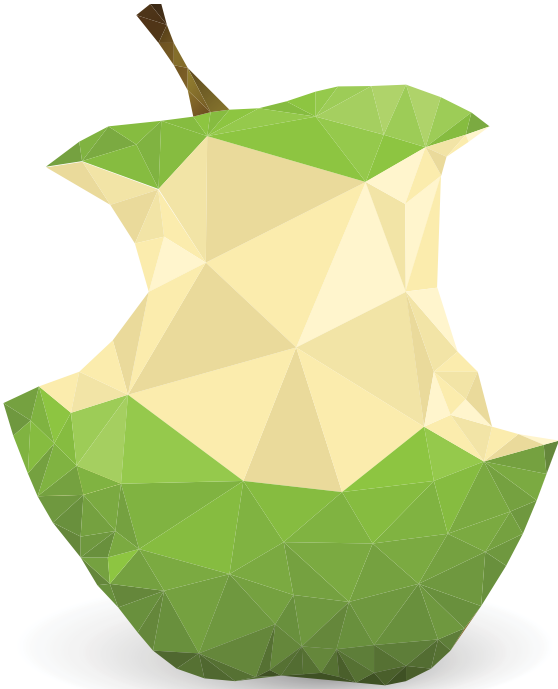
Implementing a preventive practice involves familiarizing yourself with the range of local and regional services available on different legal topics and reaching out to intermediaries as preparation for making good referrals. The time spent placing yourself within the continuum of community problem solvers may have the added long term benefit of receiving referrals from people who know of and are confident in your commitment to legal health.

TAKE ACTION

- » *Look up the legal services listed in the Referral Section and review their websites for recent program or services changes.*
 - » *Invite an intermediary or non-governmental or ganization staff member to run a 'lunch and learn' for you and your colleagues about research and needs assessments in your area or on a specific topic.*
 - » *Contact a local PLE agency or Clinic and ask about opportunities to assist with a new project or review materials, as a way of connecting your pro bono activity with developing familiarity with other legal service providers.*
-



TOOLS



MAKING THE CASE TO YOUR COLLEAGUES: BENEFITS TO LAWYERS IN CULTIVATING PEOPLE'S LEGAL HEALTH

Legal health discussions benefit the lawyer and the firm, as well as the individual. To encourage these discussions with your colleagues, consider some of the benefits to legal professionals:

- » *Clients take proactive steps to manage legal issues*
- » *Lawyers better understand the client's context and needs*
- » *Clients make better decisions because they understand the legal advice being given*
- » *Clients do not require lengthy explanations in the midst of dealing with a dispute*
- » *Clients understand the value of services they have received*
- » *Court and tribunal processes are faster and more predictable*
- » *Self-represented litigants understand basic processes, making proceedings simpler and faster*
- » *Repeat business results from a trusting, long-term relationship between lawyer and client*
- » *Lawyers are aware of the continuum of legal services available prior to representation*
- » *Lawyers receive referrals from intermediaries because they are known to be committed to advancing legal health*
- » *Clients understand the possible outcomes of a dispute*
- » *Clients take proactive and affordable steps and are more satisfied with their legal services*
- » *Clients avoid making decisions in high stress times, in a climate of fear or intimidation*
- » *People understand the value of legal systems to a healthy democracy and stable economy*

- » *People understand the impact of underfunding of public legal services*
 - » *People better understand legal issues in the news and during election campaigns*
 - » *People have realistic expectations of legal outcomes, processes and timelines*
 - » *People expect to need legal help at different times in their personal or professional life*
 - » *People seek out legal services before conflict arises*
 - » *People view lawyers as proactive problem-solvers, not only reactive advocates*
 - » *People feel more comfortable acknowledging their role in conflict*
 - » *People practice healthy legal habits, making dispute resolution easier and faster*
 - » *Existing legal disputes can be used to diagnosis future issues*
 - » *People come to see conflict as normal and predictable, not a source of shame or failure*
 - » *Lawyers are better connected with the continuum of community legal services*
 - » *Lawyers know about available non-legal intermediaries to help people navigate systems*
 - » *Clients experience lawyers as genuinely concerned for their overall legal health*
-

IDEAS FOR USING THE CBA LEGAL HEALTH CHECKS

The CBA has developed a series of legal health checks on everyday legal issues. These are written in plain language and designed to start conversations about legal health.

Each *Legal Health Check* identifies different types of legal issues and raises common questions or steps in a process. The *Legal Health Checks* are designed to be used by legal professionals as a way to start conversations or raise understanding of issues. They are not designed to stand alone as instructions on how to manage legal conflict. The CBA continues to produce *Legal Health Checks* on different topics. If you are interested in assisting, or see a need for a new topic, contact equaljustice@cba.org.

In Your Firm, Counsel or Government Setting

- » *Provide Legal Health Checks in a waiting area for people to read prior to a meeting*
- » *Have office staff or students available to discuss Legal Health Checks with clients or visitors*
- » *Offer an informal session for non-legal colleagues on the importance of thinking proactively about law, using the Legal Health Checks to demonstrate the range of issues*
- » *Include Legal Health Checks as a standard addition to firm correspondence, together with information about local, free legal services*

In Community Education Sessions

- » *Facilitate a general session at a library or community centre using the Legal Health Checks to start conversations about common types of legal problems (See Lesson Plan and Key Messages)*
- » *Set up a booth where people can pick up the Legal Health Check and review it prior to talking with a lawyer*

- » Create typical scenarios for discussion and have community members use the *Legal Health Checks* as the basis for identifying legal issues and sources of assistance
- » In an educational session on one topic, reserve a few minutes to raise the importance of other legal topics, using the *Legal Health Checks*
- » Work with a local *Public Legal Education* provider to offer a session for community leaders or employees in a school or health context to learn about everyday legal problems and available referral services by discussing each applicable *Legal Health Check*
- » Provide librarians or community workers with a collection of *Legal Health Checks* to create a display in the school, together with a listing of local free legal services
- » Approach a radio station or local newspaper about having a regular feature on each *Legal Health Check*, with basic information and local contacts for free and affordable preventive steps

In School Based Educational Settings

- » Discuss interesting or dramatic cases with students and have them use the *Legal Health Checks* to identify the proactive steps that could have avoided complex litigation
- » Have students develop a legal health plan, after discussing the *Legal Health Checks*, to identify different points in their life when they might experience conflict. Brainstorm proactive steps
- » Use *Legal Health Checks* to discuss topics like family and estate law without focusing on the experiences of students and their families
- » Provide teachers with a collection of *Legal Health Checks* to create a display in the school, together with a listing of local free legal services

KEY MESSAGES FOR AN ADULT AUDIENCE

- » *Legal issues are a common and normal part of many people's lives (no failure in needing help!).*
- » *Legal issues are simpler, less disruptive and cheaper when dealt with early.*
- » *Lawyers are part of a continuum of legal services that can help you manage or avoid conflict.*
- » *There are concrete steps people can take to make their legal problems simpler and cheaper.*

Additional Key Messages for Topical Session with Adult Audiences

- » *Basic understanding of the terms, players and institutions involved in that area of law*
- » *Specific reasons why people would want to act proactively on this issue*
- » *Next steps for learning more*
- » *Sources of help*

Lesson Plan: Promoting Legal Health with Adults

BEFORE THE SESSION

Talk to the organizer about the audience and focus of the session. Find out if the topic was requested or if recent events have led to the request. Ask about the literacy and language levels of the audience and whether they will know each other. Discuss the set-up of the room and make any requests for a projector, screen, or small group set-up.

PLAN YOUR SESSION IN ADVANCE USING THE LESSON PLAN BELOW

Without a plan, the session will not necessarily engage listeners and may be a lecture style talk, with little opportunity for participation or questions. A lengthy lecture on a new area of law is not effective to educate people about a new topic, especially if they have a range of learning levels and styles. Avoid starting with a detailed introduction of your education and accomplishments as these may further intimidate some people. Most presenters find that they only manage to get through two thirds of the content they expected to talk about. This often means skipping or rushing through important points about how to take action on the information you've provided. An outline helps you to keep pace and pay attention to the learning and attention level of the audience.

SUGGESTED OUTLINE

5 minutes – Introduction

Start by explaining that this is a general session on your topic. There might be questions that you can't answer, but you are happy to connect people with someone who can. Explain that not all questions should be discussed publicly and that if you think their question is personal in nature, you may refuse to answer during the session but will be available afterwards.

Explain that information in this setting is not legal advice, but rather basic information. Explain that you are not their lawyer, nor is there solicitor-client privilege or confidentiality when learning in a public setting.

5 minutes – Learn about Your Audience

Find out what people already know. People will be attending the session because they are interested in the topic and may have already had negative experiences. Strategies for learning about your audience include:

- » *have people raise their hands if they know what different terms mean, or if they have heard of different legal concepts (avoid asking if they have 'had a family law problem' or 'been to court' as this invites personal disclosure and makes it difficult to avoid individual legal advice. People might be ashamed to admit that they have been to court*
- » *distribute cards prior to the session or in the first 5 minutes, and have people write down one question they have for the session.*

- » *ask the group to brainstorm their impressions or stereotypes about an area of law and record these ideas on a board*
- » *acknowledge that you might use unfamiliar words and invite people to raise their hand anytime they want a word defined without worrying about interrupting or waiting until the question period*

5 minutes – Introduce the Legal Topic

Provide a very short introduction to the topic and the main terminology.

5 minutes – Group Discussion

Have people discuss the topic as a large group or break into smaller groups and ask each group to review one of the *Legal Health Checks*. The opportunity to discuss and speak with each other helps people to get engaged and feel confident participating.

20 minutes – Legal Health on this Topic

As a larger group, go through the *Legal Health Check* and provide background details and preventive steps that relate to each point.

15 minutes – Getting Help

Discuss options for early and affordable steps including accessing online and in person legal services.

Discuss healthy legal habits to prepare for legal issues, including strategies to avoid escalating legal bills (use the *Taking Steps on Your Own* handout):

- » *Keeping documents*
- » *Making notes on any critical incidents*
- » *Paying attention to deadlines*
- » *Bringing a copy of important correspondence when meeting with a lawyer*
- » *Learning about an area or topic through reliable online resources – use the *Finding Reliable Information Online* handout*

Hand out a list of local resources. People often do not pursue these options immediately. Assuming that they will remember the contact information for services, or even for the speaker, is unrealistic. Sending home a listing of reliable referrals to a range of types of legal services increases the chances that someone will ask for help.

5 minutes – Questions

Invite questions. Remind people that you will not answer personal questions in a public setting and that people can approach you later if their questions involved personal details.

TOTAL: 60 minutes

AFTER THE SESSION

Ask for feedback. This can be done at the session, by leaving comment cards or asking people to tell the organizers if they have any suggestions for improvement or additional topics. Contact the organizer a few days after the event to ask about any feedback or follow up questions. Keep in mind that many people are grateful that you have provided a service and do not want to say anything that will discourage you from returning. To get constructive feedback, you might have to ask specific questions such as “Was the session the right length? Was the language level appropriate?”

KEY MESSAGES FOR A YOUNG AUDIENCE (I)

- » *Legal issues are a common and normal part of many people's lives (there is no failure in needing help).*
- » *Legal issues are simpler, less disruptive and cheaper when dealt with early.*
- » *Lawyers are part of a continuum of legal services that can help you manage or avoid conflict.*
- » *You can plan for and manage legal issues in your life.*
- » *Canada has a stable, fair justice system based on the rule of law.*
- » *There are interesting careers, at all educational levels, in the justice sector.*

Subject – Specific Key Messages for Young Audiences

- » *Address the required aspects of the curriculum, as provided by the classroom teacher.*

Lesson Plan: Promoting Legal Health with Youth

BEFORE THE SESSION:

Talk to the classroom teacher about the audience and focus of the session. Law is included in the curriculum at different grade levels and with different learning objectives. Concepts of rule of law, fairness and process are explicit parts of students' learning expectations. Ask about the literacy and language levels of the class and whether the teacher would like you to address a specific difficult concept or recent case that the class has been struggling to understand. Discuss the set-up of the room and make any requests for a projector, screen, or small group set-up.

PLAN YOUR SESSION IN ADVANCE USING THE LESSON PLAN BELOW

Without a plan, the session will not necessarily engage listeners and will be a lecture style talk, with little opportunity for participation or questions. A lengthy lecture on a new area of law is not an effective way to educate people about a new topic. Young people are a difficult audience. They spend all of their time in school and are not necessarily going to be attentive just because you are a guest speaker. If they are bored or confused, their attentiveness will drop.

Avoid starting with a lengthy introduction of your education and accomplishments. Start the session by interacting with students and setting a tone that the value of the session will be based on what they learn. Legal topics are increasingly included in the formal curriculum. Where you may recall a lawyers speaking to you in school as a careers-focused discussion, students are now learning substantive law. Spending the hour reflecting on your career will miss the opportunity to focus on law as a life skill.

An outline helps you to keep pace and pay attention to the learning and attention level of the audience.

SUGGESTED OUTLINE – LEGAL HEALTH CHECKS

5 minutes – Introduction

Explain that not all questions should be discussed publicly and that if you think their question is personal in nature you may refuse to answer during the session but will be available afterwards.

Explain that information in this setting is not legal advice, but rather basic information. Explain that you not their lawyer, nor is there solicitor-client privilege or confidentiality when learning in a public setting.

5 minutes – Get Their Attention

Make your topic relevant to them by involving them early in the session. Strategies for active engagement include:

- » *ask students to form a line. As you read out different statements, have them step forward if they agree. Stop for a moment to discuss each issue. Example statements: Do you agree that hats should be prohibited in school? Do you think that the school should be able to search your locker? Do you think assisted suicide should be legal?*

- » read out the facts of a fictional or real case and ask students to raise their hands whenever they hear a legal issue or an injustice
- » have students write down a moment in their own lives when they think they experienced an injustice. Fold the papers over on their desk. At the end of the class invite students to look at their paper and reflect on what they could have done differently to address the injustice
- » ask students to try to think of an area of their life that does not have a legal aspect to it (you will have to be ready to identify regulatory, building code, food safety, employment standards, family and housing issues in response to their guesses
- » acknowledge that you might use unfamiliar words and invite students to raise their hand anytime they want a word defined without worrying about interrupting or waiting until the question period

5 minutes – Introduce the Legal Topic

Provide a very short introduction to the topic and the main terminology.

5 minutes – Group Discussion

In small groups, hand out one of the *Legal Health Checks*. Have students discuss the steps and prepare a list of questions about the legal issues on their Health Check. Ask them to imagine steps that they can take to avoid this type of legal issue. The opportunity to discuss and speak with each other helps people to get engaged and feel confident participating. It also gives an opportunity for shy students to ask their questions.

20 minutes – Legal Health on this Topic

As a large group, go through the *Legal Health Checks* and discuss background details and preventive steps that relate to each point. Students will likely interrupt with questions throughout. There may be one or two students who enjoy arguing a point or consistently raise questions. Try to strike a balance between encouraging this interest and not letting one or two students dominate the session.

15 minutes – Getting Help

Discuss options for early and affordable steps including accessing online and in person legal services.

Discuss healthy legal habits to prepare for legal issues, including strategies to avoid escalating legal bills (use the *Taking Steps on Your Own* handout):

- » *Keeping documents*
- » *Making notes on any critical incidents*
- » *Paying attention to deadlines*
- » *Bringing a copy of important correspondence when meeting with a lawyer*
- » *Learning about an area or topic through reliable online resources*
– use the *Finding Reliable Information Online* handout

Hand out a list of local resources. Sending home a listing of reliable referrals to a range of types of legal services increases the chances that they or their families will ask for help.

15 minutes – Questions

Invite questions. Remind people that you will not answer personal questions in a public setting and that they can approach you after class with these questions.

Students may ask questions in other areas of law. If uncomfortable answering a question outside your expertise, offer to ask a colleague and email the answer to the teacher. It can be empowering to a student to hear that they are asking difficult questions, and that they are important enough to warrant a follow-up.

Many question periods with students will include questions about police searches. Be prepared to either answer the question or provide a basic handout on police searches. Providing basic search information may help students to deal appropriately with the police. These questions can quickly become a debrief of a specific incident that absorbs class time and may distract from the subject matter of the class.

TOTAL: 70 minutes (average class length)

AFTER THE SESSION:

Ask for feedback. Talk to the teacher after class or a few days after the event to ask about any feedback or follow up questions. Keep in mind that many teachers are grateful to have a guest speaker and do not want to say anything that will discourage you from returning. To get constructive feedback, you might have to ask specific questions such as “Was the session the right length? Was the language level appropriate?”

KEY MESSAGES FOR A YOUNG AUDIENCE (II)

- » *Legal issues are a common and normal part of many people's lives (there is no failure in needing help).*
- » *Legal issues are simpler, less disruptive and cheaper when dealt with early.*
- » *Lawyers are part of a continuum of legal services that can help you manage or avoid conflict.*
- » *You can plan for and manage legal issues in your life.*
- » *Canada has a stable, fair justice system based on the rule of law.*
- » *There are interesting careers, at all educational levels, in the justice sector.*

Subject – Specific Key Messages for Young Audiences

- » *Address the required aspects of the curriculum, as provided by the classroom teacher.*

Lesson Plan: Mock Scenario / Mock Trial Prep Using Legal Health Checks

BEFORE THE SESSION

Talk to the classroom teacher about the audience and focus of the session. Law is included in the curriculum at different grade levels and with different learning objectives. Concepts of rule of law, fairness and process are explicit parts of students' learning expectations. Ask about the literacy and language levels of the class and whether the teacher would like you to address a specific difficult concept or recent case that the class has been struggling to understand. Discuss the set-up of the room and make any requests for a projector, screen, or small group set-up.

PLAN YOUR SESSION IN ADVANCE USING THE LESSON PLAN BELOW

Without a plan, the session will not necessarily engage listeners and will be a lecture style talk, with little opportunity for participation or questions. A lengthy lecture on a new area of law is not an effective way to educate people about a new topic. Young people are a difficult audience. They spend all of their time in school and are not necessarily going to be attentive just because you are a guest speaker. If they are bored or confused, their attentiveness will drop.

Avoid starting with a lengthy introduction of your education and accomplishments. Spending the hour reflecting on your career will miss the opportunity to focus on law as a life skill. An outline helps you to keep pace and pay attention to the learning and attention level of the audience.

After learning about the topic that the teacher would like you to address, select a youth-focused mock scenario produced by one of the justice education organizations. These scenarios are written specifically for the grade, literacy and learning levels of students. They have been tested with students and meet the needs of the curriculum and the students. Many lawyers plan for a school session by drafting their own fictional scenario. These can be overly complex and, in an effort to introduce humour, popular culture or local references, distract from the learning objectives. There are hundreds of school appropriate scenarios and full mock trial packages for kindergarten to grade 12 *available online*, at no cost at:

- » *Ontario Justice Education Network* www.ojen.ca
- » *Mock Trial Scripts – Justice Education Society of BC*
www.justiceeducation.ca
- » *Nova Scotia Courts – Courtrooms and Classrooms* www.courts.ns.ca
- » *Law Central Alberta – Mock Trials* www.lawcentralschools.ca
- » *Educaloi (French / English)* www.educaloi.qc.ca/en/services-and-resources/resources-for-educators

SUGGESTED OUTLINE – MOCK SCENARIO / MOCK TRIAL PREP

5 minutes – Introduction

Explain that not all questions should be discussed publicly and that if you think their question is personal in nature you may refuse to answer during the session but will be available afterwards.

Explain that information in this setting is not legal advice, but rather basic information. Explain that you not their lawyer, nor is there solicitor-client privilege or confidentiality when learning in a public setting.

15 minutes – Introduce the Scenario

Involving them early in the session. Strategies for active engagement include:

- » *have a student read out the mock scenario or fact pattern*
- » *ask students to volunteer to act out different roles. Read out the scenario. As you are reading, the students will theatrically act out the fact pattern*
- » *acknowledge that you might use unfamiliar works and invite students to raise their hand anytime they want a word defined without worrying about interrupting or waiting until the question period*

5 minutes – Introduce the Legal Topic

Provide a very short introduction to the substantive topic and the main terminology.

10 minutes – Group Discussion

In small groups, hand out the relevant *Legal Health Checks*. Have students discuss what steps the characters in the mock scenario could have taken to avoid their legal issues. The opportunity to discuss and speak with each other helps people to get engaged and feel confident participating. It also gives an opportunity for shy students to ask their questions.

20 minutes – Legal Health on this Topic

As a large group, go through the *Legal Health Check* and discuss background details and preventive steps that relate to each point. Students will likely interrupt with questions throughout. There may be one or two students who enjoy arguing a point or consistently raise questions. Try to strike a balance between encouraging this interest and not letting one or two students dominate the session.

Discuss the options that are available to the characters now that the legal issue has arisen. Have students identify what information they will need

to take with them to a meeting with a lawyer. Ask them to imagine other professionals, offices, or online resources that might help the characters. Introduce Health Habits (use the *Taking Steps on Your Own* handout):

- » *Keeping documents*
- » *Making notes on any critical incidents*
- » *Paying attention to deadlines*
- » *Bringing a copy of important correspondence when meeting with a lawyer*
- » *Learning about an area or topic through reliable online resources – use the *Finding Reliable Information Online* handout*

15 minutes – Questions

Invite questions. Remind people that you will not answer personal questions in a public setting and that they can approach you after class with these questions.

Students may ask questions in other areas of law. If uncomfortable answering a question outside your expertise, offer to ask a colleague and email the answer to the teacher. It can be empowering to a students to hear that they are asking difficult questions, and that they are important enough to warrant a follow-up.

If the class is preparing to argue the scenario as a mock trial, offer to discuss trial preparation strategies or to answer questions about objections, courtroom etiquette, and terminology.

TOTAL: 70 MINUTES (average class length)

AFTER THE SESSION

Ask for feedback. Talk to the teacher after class or a few days after the event to ask about any feedback or follow up questions. Keep in mind that many teachers are grateful to have a guest speaker and do not want to say anything that will discourage you from returning. To get constructive feedback, you might have to ask specific questions such as “Was the session the right length? Was the language level appropriate?”

(To be completed early in the solicitor-client relationship to identify useful areas of legal information)

LEGAL HEALTH QUESTIONNAIRE

Filling out this intake form may help us to better understand your legal needs. You do not have to answer any of these questions. Filling out this form is completely voluntary.

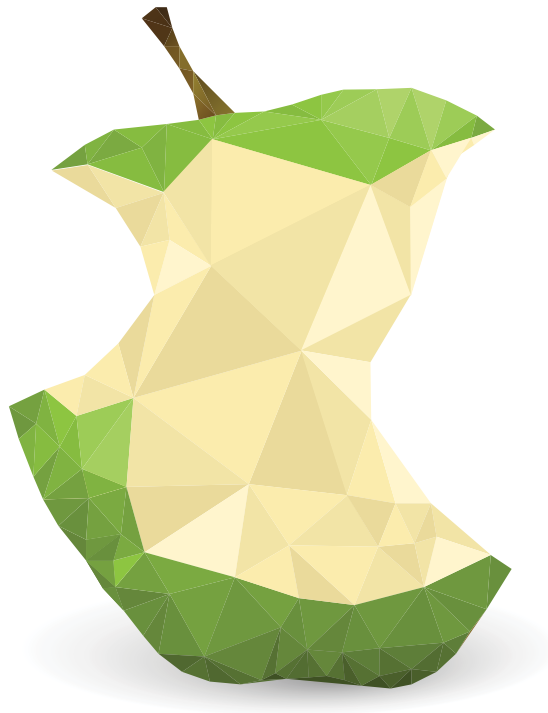
Based on your answers, we may be able to provide you with free information about common legal issues that affect many people in your situation. This information might help you to plan for the future, know where to go for free help or to avoid legal disputes.

This is a free service focused on your legal health. You will not be charged for this service of sending you information based on this questionnaire.

NAME	AGE	DATE COMPLETED
MARITAL STATUS		
<input type="checkbox"/> MARRIED	<input type="checkbox"/> SINGLE	<input type="checkbox"/> DIVORCED
<input type="checkbox"/> COMMON LAW		
HOUSING STATUS		
<input type="checkbox"/> RENT	<input type="checkbox"/> OWN	<input type="checkbox"/> LEASE
<input type="checkbox"/> SUBSIDIZED		
<input type="checkbox"/> UNCERTAIN		
DO YOU HAVE MEDICAL BENEFITS THROUGH YOUR WORK?		
<input type="checkbox"/> YES		
<input type="checkbox"/> NO		
EMPLOYMENT		
<input type="checkbox"/> PERMANENT	<input type="checkbox"/> PART-TIME	<input type="checkbox"/> FULL-TIME
<input type="checkbox"/> TEMPORARY		
<input type="checkbox"/> UNEMPLOYED		
<input type="checkbox"/> SELF-EMPLOYED		
<input type="checkbox"/> NOT IN THE WORKFORCE		
ARE YOUR INCOME TAXES UP TO DATE?		
<input type="checkbox"/> YES		
<input type="checkbox"/> NO		
DO YOU HAVE CONSUMER DEBT THAT YOU CANNOT PAY OFF ON A MONTHLY BASIS (CREDIT CARD, STORE CREDIT, ETC.)?		
<input type="checkbox"/> YES		
<input type="checkbox"/> NO		
DO YOU HAVE A WILL?	WHEN WAS IT LAST REVIEWED (APPROX. YEAR)	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	
<hr/>		
DO YOU HAVE CHILDREN?	WHAT ARE THE AGES OF YOUR CHILDREN?	
<input type="checkbox"/> YES	<input type="checkbox"/> NO	
<hr/>		
DO YOU HAVE LIFE INSURANCE?		
<input type="checkbox"/> YES		
<input type="checkbox"/> NO		
DO YOU RUN YOUR OWN BUSINESS?		
<input type="checkbox"/> YES		
<input type="checkbox"/> NO		
CHECK ANY TOPICS YOU WOULD LIKE TO LEARN MORE ABOUT		
<input type="checkbox"/> Immigration issues	<input type="checkbox"/> Planning for a major illness	<input type="checkbox"/> Aging parents
<input type="checkbox"/> Small business incorporation	<input type="checkbox"/> Small business tax planning	<input type="checkbox"/> Human rights issues at work
<input type="checkbox"/> Child support and custody	<input type="checkbox"/> Criminal law	<input type="checkbox"/> Home ownership
<input type="checkbox"/> Basic contracts	<input type="checkbox"/> Employment standards	
<input type="checkbox"/> Receiving government benefits: list type (social assistance, disability, pension, housing, health etc.)		



RESOURCES



HANDOUT: FINDING RELIABLE ONLINE INFORMATION ABOUT YOUR LEGAL ISSUES

Modified with permission from the CLEO resource:
PLE Toolkit, available online.

There is a lot of legal information available online – so much that sometimes it can be hard to tell what is reliable, relevant and accurate. When looking for legal information online, ask yourself the following questions:



Helping Clients
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Educations and
Information

1 | Where does the information apply?

Always check first to see where the piece of legal information or the website is produced. Even if legal information is clear and correct, if that law does not apply in your location, it is of no use to you.

Jurisdiction refers to the province or country in which the law is applied. Legal information found on a U.S. website will not apply in Canada. Only information produced in Canada is relevant. Similarly though, legal information from an organization in British Columbia may not apply in the rest of Canada.

In Canada, three different levels of government (federal, provincial and municipal) oversee different areas of law. This is also known as 'jurisdiction'. It can be helpful to know which level of government is responsible for the different areas of legal jurisdiction, not only for finding information, but also for finding assistance in certain cases.

2 | Is the information up to date?

Laws change often – whether because the legislation changes or because judges and courts have interpreted the existing law in a specific way. Legal information that is not up to date – or that does not have a date – is less likely to be reliable. If the information is marked with a date, it's easier to check whether the content is current.

3 | Is the information from a trustworthy source?

A trustworthy source, such as a reputable non-profit or government organization, is more likely to provide reliable information. If you are on a website with advertising, the information you find there might be provided as an introduction to sell you more information or legal services. This does not necessarily mean that the information on paid websites is unreliable. However, there are many free sources of trustworthy online information – why pay for information when you can find credible and reliable information for free?

4 | Does the website follow standard best practices?

If providers of legal information are reputable, they will usually make themselves easy to find both in person and online. Providers that require you to pick one way of contacting them for more information (for example, phone number or email address only) might not be reliable. Make sure the website lists the:

- » *Organization name*
- » *Mailing address*
- » *Telephone number*
- » *Email address*

The site should also have a clear privacy policy, especially if it makes you register or sign up to get information. In most cases, a website following best practices in providing information will direct users to other sources for good information about the legal issue, and will try to make sure internal and external links on the website work.

(adapted from "Is it reliable: 7 Clues to Good Legal Information Online – CPLEA, September 2012)

HANDOUT: TAKING NEXT STEPS

Modified with permission from the CLEO resource:
PLE Toolkit, available online.

*The sooner you start to deal with a legal issue,
the more likely you are to avoid a crisis.*



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Information

Here are some tips on steps you can take to deal with the problem – or to get organized so that you can take action if similar problems come up in the future. Not every step applies to every type of legal issue.

- » *Try talking with or writing to the person you're having the problem with. If you have called or written but not heard anything back, follow up.*
- » *Try to find out who the best person is to speak to about your problem in the organization or agency and start to deal with that person.*
- » *Find out if there is a complaints process to follow.*
- » *Read about the area of law on a Public Legal Education website in your province or territory to learn key terms.*
- » *Write down what happened in the order that it happened, with dates.*
- » *Start keeping a log of anything else that happens. For example, keep a dated record of any incidents, payments made, etc. An easy way to do this is to make brief notes on a blank page of a calendar.*
- » *If you need legal advice for this specific situation, you can make your appointment easier (and cheaper) by:*
 - » *Writing out a list of the questions to ask the legal service provider.*
 - » *Gathering all documents related to the situation that you need in advance of the appointment.*
 - » *Bringing all documents related to the situation, as well as identification and contact information to the appointment.*

HANDOUT: CBA LEGAL HEALTH CHECKS

Breaking up: without court – Family separation is difficult. You may be able to come to an agreement on parenting, support and property outside the courtroom, at less cost, stress and conflict, and with a solution that’s right for your family.

Spousal support – When a relationship ends, economic responsibilities for your spouse may not. This checklist offers issues to keep in mind about spousal support.

Non-unionized employees – This card offers a checklist of issues to keep in mind when working as a non-unionized employee. It can help you prevent problems, understand what legal issues to look out for and avoid costly mistakes.

Common law property – At the end of a live-in relationship, there may be rights and responsibilities between spouses, even if you are not married. Your situation, and your deadline for acting, will depend on the law in your province or territory.

Hiring for your small business – Operating a small business is exciting. This checklist offers issues to keep in mind when hiring. It can help you protect your interests, prevent problems and avoid costly mistakes.

Preparing a will – A will lets you make decisions that will be carried out after your death. If you die without a will, the laws of your province or territory will determine what happens to your assets. This checklist offers issues to keep in mind when preparing or updating your will.

5 steps to legal wellness – This card speaks to the reasons why smaller legal problems can snowball into much larger and more complex problems, particularly for already vulnerable people.

On your own – youth – This card provides quick information on topics especially of interest to youth, with ways to find out more.

Avoid surprises – This card builds awareness about the times when getting legal advice at an early stage can save money and aggravation later.

Breaking up – This card encourages separating couples to reduce costs and stress by taking a reasoned approach.

Breaking up: parenting – This card encourages separating couples to consider the impact of their next steps on their children.

Before you buy – This card alerts home buyers to questions they should be able to answer before they sign.



FINDING LOCAL REFERRALS



National Sites

1. *Canada Mortgage and Housing Corporation – Buying a Home*
2. *Citizenship and Immigration Canada – New Immigrants*
3. *Government of Canada – Workplace Standards (Jobs)*
4. *Canada Revenue Agency appeal process*
5. *Office of Consumer Affairs – For Consumers*
6. *Department of Justice, Inventory of Government-Based Family Justice Services*
7. *End Violence Against Women and Girls – Help in Your Area (Status of Women Canada)*

British Columbia

1. *ClickLaw: Information, education and help for British Columbians*
2. *Family Law in BC - FAQ's*
3. *Legal Services Society*
4. *Legal Services Society – Multilingual Publications*
5. *Law Students Legal Advice Program, LSLAP*
6. *Access Pro Bono*
7. *BC Housing*
8. *Work BC, Rights and Regulations*
9. *Justice Education Society of BC*
10. *Aboriginal Parenting After Separation*
11. *Small Claims BC*
12. *Supreme Court of BC Online Guide*
13. *Court of Appeal of BC Online Guide*
14. *Administrative Law BC – Self Help Guide*
15. *Justice Access Centre's (Self Help)*
16. *Family Change: What to expect in separation and divorce*
17. *Povnet: Anti-poverty resources and advocates*
18. *People's Law School*
19. *CBA-BC CBA's Lawyer Referral Service*
20. *UBC Law Students Legal Advice Program*
21. *UVIC Student Legal Clinic, The Law Centre*
22. *BC Employment Standards Factsheets*
23. *Residential Tenancy BC – for Residents*
24. *BC Human Rights Tribunal*
25. *The Office of the Ombudsman of BC*
26. *Representative for Children and Youth*

Alberta

1. *Student Legal Services of Edmonton*
2. *Legal Aid Alberta*
3. *Law Information Centres, LInC*

4. *Law Society of Alberta Referral Service*
5. *Pro Bono Law Alberta*
6. *Alberta Government, Housing Supports – Low-Income*
7. *Employment Standards and Definitions*
8. *Children’s Legal and Educational Resource Centre*
9. *Centre for Public Legal Education Alberta*
10. *Law Central Alberta – Public Legal Education*
11. *Student Legal Service of Edmonton*
12. *Student Legal Assistance of Calgary*
13. *Alberta Employment Standards Factsheets*
14. *Landlord Tenant Services Alberta*
15. *Alberta Human Rights Commission*
16. *Alberta Ombudsman*
17. *Office of the Child and Youth Advocate Alberta*

Saskatchewan

1. *Public Legal Education Association of Saskatchewan*
2. *Legal Aid Saskatchewan – Nature of the Problem*
3. *Pro Bono Law Saskatchewan*
4. *Legal Aid Saskatchewan – Legal Aid General Fact Sheet*
5. *Saskatchewan Family Law Information Centre*
6. *Community Legal Assistance Services for Saskatoon Inner City, CLASSIC*
7. *Elizabeth Fry Society – Saskatchewan*
8. *John Howard Society – Saskatchewan*
9. *Government of Saskatchewan, Housing*
10. *Labour Standards Legislation and Regulations – Saskatchewan*
11. *Find a Lawyer Service, Law Society of Saskatchewan*
12. *Saskatchewan Employment Standards*
13. *Office of Residential Tenancies, Saskatchewan*
14. *Saskatchewan Human Rights Commission*
15. *Ombudsman Saskatchewan*
16. *Saskatchewan Advocate for Children and Youth*

Manitoba

1. *Legal Aid Manitoba*
2. *Legal Help Centre, Manitoba*
3. *Community Legal Education Association, Manitoba*
4. *Government of Manitoba, Family Justice, Family Law*
5. *Government of Manitoba, The Criminal Case: Step-by-Step*
6. *Government of Manitoba, Housing and Community Development*
7. *Manitoba Employment Standards*

8. *Lawyer Referral Service – Manitoba*
9. *University of Manitoba Student Legal Aid Clinic*
10. *Manitoba Human Rights Commission*
11. *Manitoba Ombudsman*
12. *Manitoba Children’s advocate*

Ontario

1. *Legal Aid Ontario*
2. *Your Legal Rights – Family Law*
3. *Power of Attorney Kit*
4. *Ministry of the Attorney General, Estate Planning*
5. *Administrative Justice Support Network*
6. *Advocacy Centre for the Elderly*
7. *Legal Aid Ontario Community Legal Clinics
(there are 76 community clinics across Ontario).*
8. *ARCH Disability Law Centre*
9. *African Canadian Legal Clinic*
10. *Canadian Environmental Law Association*
11. *Centre for Spanish Speaking Peoples*
12. *Community Legal Education Ontario*
13. *HIV & AIDS Legal Clinic*
14. *Income Security Advocacy Centre*
15. *Industrial Accident Victims Group of Ontario*
16. *Injured Workers’ Consultants*
17. *Justice for Children and Youth*
18. *Landlord Self-Help Centre*
19. *Aboriginal Legal Services of Toronto*
20. *Metro Toronto Chinese and Southeast Asian Legal Clinic*
21. *South Asian Legal Clinic of Ontario*
22. *Toronto Worker’s Health and Safety Legal Clinic*
23. *Pro Bono Law Ontario*
24. *Ontario Ministry of Municipal Affairs and Housing, Affordable Housing*
25. *Your rights at work in Ontario*
26. *Consumer Protection Ontario*
27. *Law Society of Upper Canada, Lawyer Referral Service*
28. *Student Legal Clinics: Queen’s Legal Aid*
29. *Student Legal Clinics: Community Legal Services London*
30. *Student Legal Clinics: Community and Legal Aid Services Program
(Osgoode, Toronto)*
31. *Student Legal Clinics: University of Ottawa Community Legal Clinic*
32. *Student Legal Clinics: Downtown Legal Services (University of Toronto)*

33. *Student Legal Clinics: Community Legal Aid, University of Windsor*
34. *Social Justice Tribunals Ontario*
35. *Landlord and Tenant Board, Ontario – Help for Tenants*
36. *Human Rights Legal Support Centre, Ontario – How to Guides and FAQ's*
37. *Ontario Ombudsman*
38. *Office of the Provincial Advocate for Children and Youth, Ontario*

Quebec

1. *Commission des services juridiques*
2. *Lawyer Referral Service, Barreau du Quebec*
3. *Community Legal Centre of Montreal*
4. *Services Quebec, Citizens*
5. *Pro Bono Quebec*
6. *Finding out about housing in Québec*
7. *Workplace Protections in Quebec*
8. *Educaloi*
9. *Centres de justice de proximité*
10. *Votre boussole juridique*
11. *Barreau de Québec : Service de référence*
12. *Mile End Legal Clinic (Student Legal Clinic)*
13. *Community Legal Centre of Montreal*
14. *Régie du logement Québec*
15. *Commission des droits de la personne et des droits de la jeunesse Québec*
16. *Protecteur Du Citoyen*

New Brunswick

1. *Legal Aid New Brunswick*
2. *Public Legal Education and Information Service of New Brunswick*
3. *Family Law New Brunswick*
4. *Government of New Brunswick, Social Development*
5. *New Brunswick Non Profit Housing Association Inc*
6. *New Brunswick Employment Standards*
7. *University of New Brunswick Student Legal Information Clinic*
8. *Fredericton Legal Advice Clinic*
9. *Employment Standards, New Brunswick – Post-Secondary Education, Training and Labour*
10. *Office of the Rentalsman – FAQs*
11. *New Brunswick Human Rights Commission*
12. *Ombudsman NB*

Nova Scotia

1. *John Howard Society – Nova Scotia*
2. *Dalhousie Legal Aid Service*
3. *Nova Scotia Legal Aid Commission*
4. *Newcomers to Canada, Nova Scotia – Legal Information*
5. *Access Legal Help Nova Scotia*
6. *NS Supreme Court, Services of the Family Division*
7. *Family Law Nova Scotia*
8. *Housing Nova Scotia*
9. *Employment Rights*
10. *Legal Information Society of Nova Scotia*
11. *Lawyer Referral Service – Nova Scotia*
12. *Nova Scotia Human Rights Commission*
13. *Office of the Ombudsman, Nova Scotia (including Youth)*

Prince Edward Island

1. *Community Legal Information Association*
2. *John Howard Society – Prince Edward Island*
3. *PEI Department of Environment, Labour and Justice, Family Law Centre*
4. *Department of Community Services and Seniors, Housing – Prince Edward Island*
5. *Employment Standards – Prince Edward Island*
6. *Lawyer Referral Service – Prince Edward Island*
7. *PEI Human Rights Commission*

Newfoundland and Labrador

1. *Newfoundland and Labrador Legal Aid Commission*
2. *Public Legal Information Association of NL*
3. *Government of NL, Residential Tenancies (Landlords and Tenants)*
4. *Family Law Guide for Newfoundlanders and Labradorians*
5. *Newfoundland and Labrador Association for Community Living*
6. *Newfoundland and Labrador Housing Corporation (NLHC)*
7. *Labour Relations Agency – Labour Standards Frequently Asked Questions*
8. *Lawyer Referral Service, Newfoundland and Labrador*
9. *Newfoundland and Labrador Human Rights Commission*
10. *Office of the Citizens' Representative, Newfoundland and Labrador*
11. *Advocate for Children and Youth Newfoundland and Labrador*

Yukon

1. *Yukon Legal Services Society*
2. *Law Society of Yukon, Lawyer Referral Service*
3. *Government of Yukon, Family Law Information Centre*

4. *Yukon Public Legal Education Association*
5. *Many Rivers Counselling and Support Services*
6. *Yukon Housing Corporation*
7. *Employment Standards – Yukon*
8. *Yukon Human Rights Commission*
9. *Yukon Ombudsman and Information and Privacy Commissioner*

Northwest Territories

1. *Lawyer Referral Service – Northwest Territories*
2. *Legal Services Board – Northwest Territories*
3. *Department of Justice, Family Law – Northwest Territories*
4. *Northwest Territories Housing Corporation*
5. *Employment Standards – Northwest Territories*
6. *Northwest Territories Human Rights Commission*

Nunavut

1. *Law Society of Nunavut*
2. *Nunavut Housing Corporation*
3. *Nunavut Community Economic Development Organization*
4. *Lawyer Referral Service (public) – Nunavut*
5. *Inuktitut Hotline*
6. *Nunavut Human Rights Tribunal*



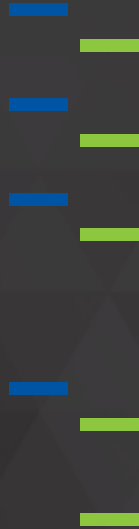
ENDNOTES



ENDNOTES

- ¹ Canadian Bar Association, *Reaching Equal Justice* (Ottawa: CBA, 2013), online: www.cba.org/cba/equaljustice/secure_pdf/Equal-Justice-Report-eng.pdf, at 70.
- ² The Envisioning Equal Justice Summit took place in Vancouver, BC in April 2013, bringing together over 250 members of the legal community from every part of Canada, as well as several international representatives. As Chair of the CBA's Access to Justice Committee that hosted the event, Dr. Buckley challenged participants to look for ways to move toward equal justice in their daily work lives, while simultaneously thinking about how that local action can advance systemic improvements in access to justice.
- ³ Jordan Furlong, "This is not the end of lawyers... but...", (2009) 12 *News and Views on Civil Justice Reform* 6.
- ⁴ Consistent with the *Reaching Equal Justice* report, the term "Canadians" is used to refer to all people living in Canada regardless of citizenship status.
- ⁵ Richard E. Susskind, *The End of Lawyers?* (excerpt of Chapter 7 'Access to Justice') (2009) 12 *News and Views on Civil Justice Reform* 3.
- ⁶ A. Buck, P. Pleasence, and N.J. Balmer, "Social Exclusion and Civil Law: Experience of civil justice problems among vulnerable groups," (2005) 39(3) *Social Policy and Administration* 302.
- ⁷ Ab Currie, "The Legal Problems of Everyday Life: The nature, extent and consequences of justiciable problems experienced by Canadians" (Ottawa: Justice Canada, 2007) 44.
- ⁸ Julie Macfarlane, "The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants" (May 2013), online: www.lsuc.on.ca/uploadedFiles/For_the_Public/About_the_Law_Society/Convocation_Decisions/2014/Self-represented_project.pdf.
- ⁹ *Ibid.* at 44.
- ¹⁰ Louis M. Brown, "Preventive Law and Public Relations: Improving the Legal Health of America", (1953) *American Bar Association Journal* 557.
- ¹¹ See, www.cba.org/cba/equaljustice/resources/checklists.aspx.
- ¹² Susskind, *supra* note 5.
- ¹³ *Reaching Equal Justice*, *supra* note 1 at 50.
- ¹⁴ Mary Eberts, "'Lawyers Feed the Hungry': Access to Justice, the Rule of Law, and the Private Practice of Law" (2013) 76:1 *Saskatchewan Law Review* 91.
- ¹⁵ Forrest S. Mosten, "Managing and Preventing Disputes", online: www.preventivelawyer.org/main/?pid=essays/mosten.htm.
- ¹⁶ National Centre for Preventive Law, online: www.preventivelawyer.org/main/default.asp.
- ¹⁷ Louis M. Brown, "Preventive Law and Public Relations: Improving the Legal Health of America", (1953) *American Bar Association Journal* 557.
- ¹⁸ Centre for Creative Problem Solving, online: www.cwsl.edu/clinics-and-programs/center-for-creative-problem-solving.
- ¹⁹ *Ibid.*
- ²⁰ Thomas D. Barton, "Preventive Law for Multi-Dimensional Lawyers", online: www.preventivelawyer.org/main/default.asp?pid=essays/barton.htm.
- ²¹ *Ibid.*
- ²² *Ibid.*
- ²³ *Reaching Equal Justice*, *supra* note 1 at 64.
- ²⁴ PLENET, "Measuring young people's legal capabilities", July 2009, online: lawforlife.org.uk/wp-content/uploads/2013/05/measuring-young-peoples-legal-capability-2009-117.pdf.
- ²⁵ *Ibid.*
- ²⁶ Sharon Collard, Chris Deeming, Lisa Wintersteiger, Martin Jones and John Seargeant. "Public Legal

- Education from Evaluation Framework”, University of Bristol, Personal Finance Research Centre (2011). online: www.bristol.ac.uk/media-library/sites/geography/migrated/documents/pfrc1201.pdf.
- ²⁷ Law for Life, “Subjective Legal Empowerment and Self-Efficacy”, (January 2013) online: www.lawforlife.org.uk/research-and-theory/subjective-legal-empowerment-and-self-efficacy/.
- ²⁸ Ibid.
- ²⁹ Pro Bono Law Ontario, “PBLO at Sick Kids: A Phase II Evaluation of the Medical-Legal Partnership between Pro Bono Law Ontario at Sick Kids Hospital”, Toronto, Feb 17, 2012. online: <https://www.google.ca/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CB4QFjAAahUKEwiNwYOt6-nGAhWKDZIKHULpAGg&url=http%3A%2F%2Fwww.probono.>
- ³⁰ For a more extensive description of types of intermediaries, see National Action Committee on Access to Justice in Civil & Family Matters, “Prevention, Triage and Referral Working Group Report” (Toronto: CFCJ, 2013) at 19-20. online: www.cfcj-fcjc.org/sites/default/files/docs/2013/Report%20of%20the%20Prevention%2C%20Triage%20and%20Referral%20WG%20.pdf.
- ³¹ N.D. Katzenbach, “Address” in J. Stats, “Legal Aid Educational Practices, The Extension of Legal Services to the Poor”, (Washington DC: U. S. Department of Health, Education, and Welfare, Office of Juvenile Delinquency and Youth Development, 1964) 126.
- ³² CLEO, Connecting Communities Project, www.plelearningexchange.ca/connecting-communities/; CLEA, Community Leg”Plan your session in advance using the Lesson Plan below” on page 80 Intermediary Training Course, www.communitylegal.mb.ca/programs/community-legal-intermediary-training-course/.
- ³³ National Action Committee, supra note 29 at 7.
- ³⁴ www.accesstojustice.gov.au/AlternateDisputeResolution/Pages/default.aspx
- ³⁵ www.calbar.ca.gov/LinkClick.aspx?fileticket=REVCXS6ShNQ%3d&tabid=2271
- ³⁶ Forrest Mosten, supra note 15.
- ³⁷ Ibid.
- ³⁸ LAWPRO, www.practicepro.ca/practice/ALH-Checkup.asp.
- ³⁹ Ab Currie, “Lives on Simmer! Early Intervention for People Living on the Margins” (Toronto: CFCJ, 2014). online: www.cfcj-fcjc.org/a2jblog/lives-on-simmer-early-intervention-for-people-living-on-the-margins.
- ⁴⁰ Forrest Mosten, supra note 15.
- ⁴¹ Paul Emanuelli, “‘Preventive Law’ Good Practice for Public Purchasers,” (March/April 2008) online: www.summitconnects.com/Articles_Columns/PDF_Documents/w11_02_10.pdf.
- ⁴² David Rowley, “The Matter with Lawyers”, online: www.preventivelawyer.org/main/default.asp?pid=essays/rowley.htm.
- ⁴³ Jordan Furlong, supra note 3.
- ⁴⁴ Ibid.
- ⁴⁵ Canadian Bar Association, Reaching Equal Justice (Ottawa: CBA, 2013) at 70, online: www.cba.org/cba/equaljustice/secure_pdf/Equal-Justice-Report-eng.pdf.
- ⁴⁶ Jordan Furlong, supra note 3.
- ⁴⁷ Consistent with the Reaching Equal Justice report, the term “Canadians” is used to refer to all people living in Canada regardless of citizenship status.
- ⁴⁸ PLEA of Saskatchewan Family Law Intermediary Guide docs.plea.org/pdf/FamilyLawITG.pdf, Community Legal Education Association of Manitoba’s Community legal Intermediary Training Course www.communitylegal.mb.ca/programs/community-legal-intermediary-training-course/, PLE Learning Exchange www.plelearningexchange.ca/resources/building-capacity/, CLEO Connecting Communities www.cleo.on.ca/en/projects/connecting-communities, Centre for Public Legal Education Alberta’s Intermediary Public Legal Education Training www.cplea.ca/projects/.



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