

11-1-2010

## Public Legal Education and Information- The Challenging Mission to Create what the Public Needs

Mary Stratton

*Canadian Forum on Civil Justice*, [mstratton@cfcj-fcjc.org](mailto:mstratton@cfcj-fcjc.org)

Follow this and additional works at: <https://digitalcommons.osgoode.yorku.ca/cfcj>



Part of the [Law Commons](#)

---

### Recommended Citation

Stratton, Mary, "Public Legal Education and Information- The Challenging Mission to Create what the Public Needs" (2010). *Canadian Forum on Civil Justice*. 74.

<https://digitalcommons.osgoode.yorku.ca/cfcj/74>

This Article is brought to you for free and open access by the Research Centres & Programs at Osgoode Digital Commons. It has been accepted for inclusion in Canadian Forum on Civil Justice by an authorized administrator of Osgoode Digital Commons.

# Public Legal Education and Information- The Challenging Mission to Create what the Public Needs

Based on findings from the CJSP Project, Mary Stratton, November 2010  
mstratton@cfcj-fcjc.org [www.cfcj-fcjc.org](http://www.cfcj-fcjc.org)



## Civil Justice System and the Public

---



# Public Legal Education and information- The Challenging Mission

- Providing people with easy access to well designed and effective forms of information and education about legal rights and processes is essential to ensuring access to justice.
- It is also a challenging mission.



# PLEI – The Challenging Mission

- Across Canada, many dedicated professionals work to better meet the varied PLEI needs of many diverse groups of public.



## PLEI – The Challenging Mission

- This Power Point presentation summarizes key findings from the *Civil justice System and the Public* project, interspersing public participants' descriptions of their needs and experiences with the reflections of front-line legal service providers.



# PLEI – The Challenging Mission What the Public Needs

- Members of the public know that they need help to negotiate the complex civil justice system.
- CJSP public participants were articulate about what kind of PLEI they want.



## PLEI – The Challenging Mission What the Public Needs

- People need PLEI that works for them. But there is not just one ‘public’ but many groups of people with diverse needs and various capacities to meet those needs.



## PLEI – The Challenging Mission What the Public Needs

For every individual...what they learn, how they learn it is going to be different....If you had something like a multi-service centre, I don't see a need for anything else. They've got the brochures or the documents at the site... If they can go to the centre and access the internet there and access the forms, great. For those people who don't have internet access, they can still do it. If there are any additional basic questions they can talk to people there.

[Public 204]



# PLEI – The Challenging Mission What the Public Needs

- Although needs are varied, there are still some basic PLEI characteristics that all groups of the public identify as important.



## PLEI – The Challenging Mission What the Public Needs

- The public wants PLEI that is clear, accurate, easy to follow and readily accessible.
- The public wants PLE quickly, repeatedly and in a variety of ways.
- They need the basics and they need the details.



## PLEI – The Challenging Mission What the Public Needs

I find that most information that's publicly available...is more or less just intended to direct you to the type of lawyer you require. It's not necessarily there to provide you with the information needed to represent yourself....[What is needed is] somebody...that can answer specific legal questions.... Say, "Look. You have to file a Notice of motion... Here's a description on what is required in the body of a notice of motion; here's an example of [that]. You file this, you draft up an Order, you go to court, you go before the presiding Justice, you ask or you Petition the Court for an Order. They grant your Order, you give them this Order, you get it signed and you're done." .... That kind of information is invaluable to your average person. [*Public 204*]



## PLEI – The Challenging Mission What the Public Needs

- People usually want to access legal advice.
- They would prefer to have a lawyer than to represent themselves.
- But whether they have a lawyer or not, they want to be able to understand legal advice when they receive it.



# PLEI – The Challenging Mission What the Public Needs

- I needed to find out exactly all the [child custody] options so I didn't get a surprise thrown at me kind of thing. But I had been given a book when I went to the children parenting class and that was really helpful. Reading in there they explained the different categories that they have.... So it was nice to read it and know the information about them before hand. So if the judge wanted to ask me why don't you want this specific one, I could give an answer because ***I had the knowledge to know.***

[Public 247, emphasis added]



## PLEI – The Challenging Mission When the Public Seek PLEI

- Members of the public know little about the civil justice system and do not recognize the need for such knowledge until they become personally involved in a dispute.



# PLEI – The Challenging Mission

## How the Public Seek Information

Source of Information Used	% of Public
A lawyer (when going to court)	92
Personal Sources (Friends, Co-workers, Family members)	77
Court administrative staff (e.g. Clerks)	65
Legal Aid (including Youth and Family Law offices)	57
Court Information Desk or Booth/Kiosk	50
The Internet (World Wide Web)	48
Public Legal Education pamphlets and booklets	44
Police Services	44
Newspaper articles	40
TV News/documentaries/information programs	36
Public Legal Information Telephone Line (e.g. 1-800 number)	35
Court security staff	21



## PLEI – The Challenging Mission How the Public Seek Information

- I had no clue ... I initially asked my friends...my brother...”Dial-a- Lawyer” ... I called the courthouse...I went to the police station....If you don’t know where to start, you don’t know what questions to ask, and if no one is giving you the answers to the questions you don’t ask, you’re not going to learn new stuff.

[Public 202]



## PLEI – The Challenging Mission What the Public Find

- Personal contacts seldom have information that is useful to sorting out legal problems.
- Legal and related service providers usually want to help but often do not know, or are constrained from providing the information the public seek.



## PLEI – The Challenging Mission What the Public Find

- PLE that is available often lacks the clarity people need to understand and at the same time doesn't provide as much detail as they need.
- In particular, the public often needs to know about legal process.



## PLEI – The Challenging Mission What the Public Find

The brochures that the Family Law Information Centre provides are useful in terms of filling out forms, how to serve them and stuff like that, but even they don't answer all the questions. For instance... Rules of Court indicate how you must serve a document, but it's kind of written in legalese. So, if she has a lawyer, can you serve it to her, or is that inappropriate? ... Or do you have to serve it to her lawyer? And if you serve to a lawyer and you don't use the two methods that they say (either use a document server or send it registered mail) ... If you want to do it a little quicker than wait for that, can you fax it to her? Next what do you use as a fax receipt? .... That kind of thing. [*Public 210*]



## PLEI – The Challenging Mission What the Public Find

- CJSP public participants expressed appreciation and felt empowered when they found useful legal information.



## PLEI – The Challenging Mission What the Public Find

So I called Small Claims Court and she told me I would have to bring X amount of dollars and try to get it started. So I went over and I did that, and then I asked Small Claims, “what do I do, step by step....She was very helpful...But I probably would not have got this far if it hadn’t been for her, because I did not know what I was doing. You know if I had just gone in that day and .... she had just given the forms and said, “fill it out”....[But] she explained every step to me. And it was just remarkable.

[Public 307]



## PLEI – The Challenging Mission What the Public Find

- Members of the public believe they can understand the system if they receive the right kind of information.



## PLEI – The Challenging Mission What the Justice Community Find

- Those working at the front line of the justice community are constantly confronted with public incomprehension and they want better tools to help people understand.



## PLEI – The Challenging Mission What the Justice Community Find

- Sometimes members of the justice community may interpret the existing lack of public understanding as an inability to understand.



## PLEI – The Challenging Mission What the Justice Community Find

Our civil claims forms are...designed to be very simple. In fact, I think they are about a grade 7 or a grade 9 level...and they are very straightforward. So [the public] will take the book literally and do a literal translation from their scenario to that and they're just not getting it....So it's just a matter of people not reading or not wrapping their brain around it.

*[Court clerk 213]*



## PLEI – The Challenging Mission Creating What the Public Needs

- But most PLEI providers know they need to create more effective information.
- They also know they need improved networks to tell each other about existing PLE and to get it to where public go to find it.



## PLEI – The Challenging Mission Creating What the Public Needs

- I think there should be a little bit more for [the public] because... [we] always send them the book or they pick up the book, and they read about five sentences of it and they are back here the next day with “what does this mean?”

*[Court clerk 279]*



# PLEI

## The Challenging Mission

- That's the biggest single thing...How do you share information? How do you get it out there? How do you let people know what you're doing and find out what they are doing?

[*Court Administrator, 203*]



# PLEI

## The Challenging Mission

- The justice community faces major challenges to PLEI delivery such as:
  - ✓ limited resources
  - ✓ explaining technical rules to the lay person
  - ✓ negotiating the line between legal information and advice.
  - ✓ Creating tools that can meet the needs of diverse public groups.



# Public Legal Information

## Finding ways to meet the Challenges

- Create stronger networks within the justice community and share the wealth of PLEI knowledge that we have.
- Identify public access points and ensure PLEI is available there for service providers and the public.
- Find ways to better coordinate the creation and delivery of PLEI so that the most is made of our efforts.



# Public Legal Information

## Finding Ways to Meeting the Challenges

- Find clear everyday language to overcome the ‘legalese’ barrier that technical legal terms create for the lay person.
- Provide step-by-step information about legal process as well as substantive law.
- Negotiate tensions concerning the line between legal information and advice.
- Involve the public in identifying what is needed and evaluating its effectiveness.



# Public Legal Information

## Assessing and building on success

- What do we mean by ‘evaluation’ when we are looking at PLEI?

*Evaluation is the systematic acquisition and assessment of information to provide useful feedback.*

[<http://www.socialresearchmethods.net/kb/intreval.php>]



# Public Legal Information

## Assessing and building on success

### Questions to ask Ourselves About Achieving our Goals

- What do we want to achieve and how can we know if we succeeded?
- What exactly do we want to know and how might we find out?
- What questions do we need to ask and how should we ask them?



# Public Legal Information

## Assessing and building on success

### Questions to ask Ourselves about PLEI Needs

- What PLE already exists?
- Where can it be found?
- Can what exists be made more available?
- Does existing PLE meet the needs of the public? Why or why not?
- How can identified information gaps most usefully be filled so as to address differing needs among groups of public?



# Public Legal Information

## Assessing and building on success

### Questions to ask Ourselves about Gaining Feedback

- Have we tested our PLEI designs on a cross-section of the public?
- Do we have feedback mechanisms in place for the public, service providers and other stakeholders?



# Public Legal Information

## Assessing and building on success

### Questions to ask Ourselves about Gaining Feedback

- What numbers do we have?
  - ✓ Production and distribution?
  - ✓ Number of users?
  - ✓ Web page access and download numbers?



# Public Legal Information

## Assessing and building on success

### Questions to ask Ourselves about Gaining Feedback

- What else do we need to know?
- Who do we need to help us get it?
- and who can we convince then to invest in our evaluation process?



# Public Legal Information

## Celebrating Our Mission and our successes

- Creating effective PLEI is challenging, but all of our efforts should be celebrated because:
  - ✓ We care about access to justice and we believe there are improvements that can and should be made.
  - ✓ We live in a country where our system of justice works well enough to allow us the liberty to come together and talk freely about our ideals and our critiques.