



LIFE – Legal Information for Everyone | A PLE Toolbox

Resources for lawyers and paralegals delivering Public Legal Education in Ontario

Checklist:

CHALLENGES THAT MAY ARISE IN PLE AND STRATEGIES FOR ADDRESSING THEM

CHALLENGES THAT CAN ARISE BEFORE THE SESSION

☐ **No one shows up** – If you plan a session and no one shows up, you will want to review the different steps you followed in the planning process and ask yourself some questions, including:

- Was the topic appropriate for the audience?
- Were there any conflicts with the date you selected, such as religious or civic holidays or a community event?
- Was the time you selected difficult for people to make? Too late or too early?
- Was the location inconvenient for drivers or people taking transit or was the venue not as accessible as you thought for people with mobility impairments?
- How thoroughly did you promote the event?
- Was the timing appropriate? (consider child care, work and school schedules)

Missing the mark on one of these factors can significantly impact the attendance at a session but can also serve as a learning experience for planning a more successful session in the future.

☐ **You arrive at the venue and the door is locked** – In order to prevent any anxiety around this potential challenge, prepare by exchanging phone numbers with the agency contact in advance. Also have a plan for where and when you will meet that person before the session.

☐ **Inclement weather** – If you are delivering the session in the winter, try to collect contact information from not only the agency contact but also from all attendees. You will be able to communicate any last-minute change in plans due to inclement weather or other unforeseen circumstances.

CHALLENGES THAT CAN ARISE DURING THE SESSION

- ☐ **Varying levels of legal knowledge and diverse experiences in the audience** – You should come to a session prepared to adjust the level of complexity of the information depending on how familiar your audience is with the topic. If your session is for the general public, prepare a session as if you are presenting to someone who has no familiarity with the topic. Once you begin your session, assess the knowledge of the audience and make adjustments accordingly. A good way to assess prior knowledge is to ask the audience questions like, “Who here has been to the Small Claims Court before?” or “What are some words you associate with the word ‘divorce’?”
- ☐ **Questions that attempt to elicit legal advice** – PLE sessions are meant to focus on delivering legal information, not legal advice. A session should provide general information about the current state of the law with respect to a topic and not advice about how to apply the law to a specific set of facts, particularly to a situation that an audience member (or someone they know) is experiencing. Many people have never met a legal expert and do not understand the difference between information and legal advice. They may try to get you to answer their specific question in the presentation. Avoid or deflect questions that elicit legal advice in the public setting. You can do this by suggesting that you and the audience member speak privately at the break. Explain the importance of confidentiality when dealing with specific questions. If you are approached at the break with the same question, consider providing your contact information or referral information for another legal professional who may be able to provide the audience member with further help. For a more information about the difference between legal information and legal advice review Community Legal Education Ontario’s resource titled, “Legal information is not the same as legal advice” here: http://www.plelearningexchange.ca/wp-content/uploads/2014/01/Legal-information-versus-advice_final-1.pdf.
- ☐ **The “phantom client”** – A phantom client is an individual who believes that he or she is represented by you, though the individual has not formally hired or retained you. You may be unaware that the individual considers himself or herself to be your client and may have the same expectations as any other client. Phantom clients may expect you to provide legal services, protect their interests, keep their information confidential, and to avoid any conflicts of interest that relate to them or their matter. Depending on how the phantom client came to believe you were acting for him or her, you may be required to fulfil some or all of these duties. For more information about how to identify and avoid the phantom client, visit the Law Society of Upper Canada’s webpage: <http://www.lsuc.on.ca/ThePhantomClient/> One way to avoid the “phantom client” during your session is to begin the session with a disclaimer that you are providing general advice only and it cannot be relied on, nor does it result in a solicitor-client relationship.
- ☐ **Questions you do not know the answer to** – Acknowledge when you do not know the answer to one of the audience’s questions, particularly if it is outside of your area of legal expertise and offer to make reasonable efforts to find the answers, either by following up directly or referring them to someone who is in a better position to answer their question.

- ☐ **Stories of past negative experiences** – Be prepared to listen to stories by audience members about negative experiences with the justice system and how they have been unable to get help in the past. Since you may be their first effective point of access to the justice system, it is important to listen to these stories and consider them seriously but to also balance them with the need to stay focused on the content of the session. If an individual's story is taking the session far off topic or off schedule, offer to speak to that person further at the break. Make the point that, while there remain issues with the legal system, efforts are being made to correct problems within the justice system.
- ☐ **Controversial issues** – Sometimes an audience member will raise a controversial issue during a session. If the issue is about an unrelated legal issue, this interruption may prove distracting from the session. In these situations, you may have to find a way to move on with the session. For instance, you can offer to speak to that individual at the break. However, where the subject of the session is the controversial issue, you may wish to delve into the issue in more depth and present the different perspectives involved. However, ensure that you manage the discussion so that a variety of perspectives can be shared and the discussion is not dominated by one person. Questions about racial profiling by police are frequently raised in public sessions. Perceptions of fairness and accountability are critical to public confidence in justice institutions. Attached is a list of resources that provide legal information about racial profiling that you can use in these sessions.
- ☐ **Argumentative audience member** – An argumentative audience member can be distracting during a PLE session and can prevent you from getting through the content you have planned. In this situation suggest to the individual that you continue the conversation at the break.
- ☐ **Overlapping legal issues** – Legal problems can sometimes overlap or compound. What may be presented as a question about family law may also have a criminal or estates component. Come to the session prepared to distribute resources or referral information for lawyers and paralegals who practice in other related areas of the law and who can answer questions outside the scope of your expertise. Attached are a list of legal clinics and information about the Law Society Referral Service to bring to your session and distribute to the audience.
- ☐ **Stories of "bad lawyering"** – When dealing with stories of bad lawyering, acknowledge the person's experience but avoid getting into a play-by-play of another legal professional's conduct. Volunteer to provide information about the Law Society of Upper Canada's complaints services at the break. The professional conduct rules for both lawyers and paralegals specifically prohibit public and direct criticism of other lawyers or paralegals:
 - **For lawyers**, Rule 6.03(1) states, "A lawyer shall be courteous, civil, and act in good faith with all persons with whom the lawyer has dealings in the course of his or her practice. The Commentary to the Rule also states, "A lawyer should avoid ill-considered or uninformed criticism of the competence, conduct, advice, or charges of other legal practitioners, but should be prepared, when requested, to advise and represent a client in a complaint involving another legal practitioner." To find out more, refer to the Lawyer Rules of Professional Conduct at <http://www.lsuc.on.ca/rules/>

- **For paralegals,** Rule 7.01(4) states, “A paralegal shall not engage in ill-considered or uninformed criticism of the competence, conduct, advice or charges of other licensees, but should be prepared, when requested, to represent a client in a complaint involving another licensee.” To find out more, refer to the Paralegal Rules of Conduct at <http://www.lsuc.on.ca/rules/>

- ☐ **Misconceptions about the justice system** – Use your session as an opportunity to dispel common misconceptions about the legal system, how it works and the people who work in it. Address any misconceptions that arise head-on with examples of how the system actually works. The time you devote to delivering the PLE session and answering the audience’s questions may in and of itself overcome negative stereotypes or past experiences. When you engage in PLE, you are the face of the justice system to your audience.
- ☐ **You do not get to all the material you planned** – Be prepared to be flexible with your session and to modify your plan according to the interests and needs of your audience. Expect to only get through two thirds of your content. Make sure you prioritize the most important pieces of information to ensure that the audience leaves the session having learned the most important and/or practical information.

CHALLENGES THAT CAN ARISE AFTER THE SESSION

- ☐ **You receive negative feedback from the audience** – It useful to incorporate an evaluation tool at the end of your session to assess what the audience learned from your session and whether your presentation style was effective. See the sample session plan in Module 2 for ideas about possible evaluation tools. Even negative feedback can be constructive if you use it to modify your presentation going forward so that you have greater success with future sessions.