

COMMUNITY LEGAL EDUCATION IN CANADA

Memorandum by

The GOVERNMENT OF CANADA

Introduction

Community legal education programmes are in existence throughout Canada, providing information to the public about substantive law, the legal process and justice system, and justice issues. The last ten years have seen significant growth in this field with one or more programmes operating in every Province in Canada. The Canadian Law Information Council (CLIC) has established a national clearing-house of information on the subject (CLIC is an independent organisation created to improve the quality of legal material available to the profession and the public).

2. Community legal education as practised in Canada encompasses a wide variety of programmes. These include programmes to provide information to individuals with specific problems, schools legal education, and training for such intermediaries as social workers and community leaders. It should be noted that in Canada the increasingly accepted term for community legal education is public legal education and information.

3. The rationale for such programmes is that they enhance individual and public access to the legal system by increasing awareness of the law and of legal procedure. This rationale contains within it three specific concerns. The first is to ensure that citizens have sufficient knowledge of the legal system, including the creation, enforcement and adjudication of laws, to be able to exercise meaningfully their rights as citizens and to maintain the vitality of public life essential to the health of a democracy; this is the "civics" rationale.

4. The second goal is to assist individuals in gaining sufficient knowledge of the law to guide them in their day-to-day affairs. This "lifeskills" rationale involves the acquisition of practical knowledge to avoid legal problems, to identify legal problems, to practice self-help where appropriate, and to assist in obtaining appropriate legal assistance if needed.

5. The third rationale is that of meeting the information needs of groups with their own specific legal problems, such as natives, tenants or immigrants; this is the "social action" rationale. Many social interactions occur at the group level, and the acquisition of legal knowledge pertaining to the group's circumstances, at least by the group leaders, is essential to the group pursuit of legal solutions to its situation. For example, citizen's organisations created to protect the environment realise that they must acquire, as a group, information on environmental law to achieve their goals.

6. Central to these three goals is the provision of help to citizens to enable them to understand the law and legal system sufficiently to make it work for them.

Responsibilities

7. Government responsibility with respect to community legal education is divided between the federal and provincial levels. Each level of government provides information on laws pertaining to its jurisdictions, such as information on citizenship and unemployment insurance by the Federal Government, and on highway traffic laws or family property by the Provincial Governments. Further, the Provinces have constitutional responsibility for the administration of justice and for education, thereby providing broad bases for their involvement in the provision of information on the legal system in general. The Federal Government has the spending power which can be used to attain national standards, and for supporting research and pilot projects in this field.

8. Of equal importance to the role of government, is the involvement of the non-governmental sector. In Canada, a number of independent agencies exist that specialise in community legal education. An example is the Legal Resource Centre, an organisation affiliated with the University of Alberta providing quality community legal education

programmes to the Province of Alberta. As well, organisations created to meet the needs of specific constituencies, such as consumer protection groups, provide significant amounts of legal information about the issues with which they are concerned.

Who is Involved?

9. Involvement in the field includes independent agencies, the Provincial Governments, the Federal Government, the Canadian Law Information Council, the legal aid plans and the professional bar. These bodies are inter-related in their funding, board membership and planning of community legal education programmes.

(a) Independent Agencies

10. There are approximately twelve independent organisations in Canada specialising in community legal education as their sole or major function. These include the Continuing Legal Education Society of Nova Scotia, Community Legal Education Ontario, the Public Legal Education Association of Saskatchewan and the People's Law School of British Columbia. Together, these community legal education agencies spend approximately \$1.5 million annually.

11. The programming of these services is varied, each programme designed to suit the needs of its particular audience. Books and pamphlets are produced and distributed, describing in layman's language specific areas of the law such as family law, immigration and landlord/tenant law. Several services operate telephone legal information lines which allow a person to call with a specific legal problem and receive basic legal information and appropriate referrals for further legal assistance. Public lectures are provided. Some agencies run newspaper columns on the law in weekly and daily papers. Radio and television programming is also used, although to a lesser degree given their high cost.

12. Most of these independent organisations are also concerned with the civics aspect of community legal education, conveying information on the governmental and legal systems, and on citizens's rights and duties. Some of the agencies, such as Community Legal Education Ontario, have advanced the teaching of law in this regard in schools, through curriculum development and teacher training.

13. Increasingly, non-governmental organisations are directing their efforts to meeting the needs of specific groups with serious problems of access to legal information. For example, the Public Legal Education Association of Saskatchewan is developing educational programming for natives on reserves, with the co-operation of the band councils.

(b) Provincial Governments

14. The involvement of Provincial Governments in community legal education tends to vary with each jurisdiction, but most governments have played significant roles. Provincial Governments generally undertake community legal education to provide information on government legislation and programmes. The most commonly used medium is that of pamphlets explaining areas of the law such as criminal injuries compensation, family law, or highway traffic law.

15. Some Provincial Governments have gone further in their involvement in this field and have conducted general reviews of the need for community legal education. Newfoundland has developed a school curriculum, including two law courses, one of which is required for graduation from secondary school. Prince Edward Island is co-ordinating government and non-government resources in the field, and operating with the co-operation of the Federal Government a criminal law information centre. Québec has both a school curriculum and sophisticated public programming, including a magazine for the public about justice issues, appropriately entitled Justice. The Ontario Government has recently authorised the Cabinet Justice Secretary to review the government's responsibilities in this area. Both the Saskatchewan and British Columbia Governments fund independent community legal education agencies having broad mandates to provide legal information to all Provincial citizens.

(c) The Federal Government

16. The Federal Government has directed its efforts in this area both to meeting the information needs of individual departments and to meeting some of the needs of the community legal education field in general, such as research. As an example a film on crime victimisation has been developed by the Department of the Solicitor General. The

The Secretary of State produces information materials for new citizens. Government agencies such as the Unemployment Insurance Commission are also acting to meet this need. The Commission has produced a series of pamphlets describing entitlement of services, procedures and other matters.

17. The Department of Justice has funded research into this field, including a study of the readability levels of materials published on Federal laws, which concluded that the reading levels of the material were almost universally too high to allow comprehension by the general public. The Department also funds approximately forty independent groups to operate summer projects producing a wide variety of information materials, including a legal training manual for journalists, a series of illustrated booklets for native reserves and legal education materials for women on social assistance.

(d) The Canadian Law Information Council

18. The Canadian Law Information Council (CLIC) was established in 1973 to improve the quality of legal materials available to the profession and the public. With respect to community legal education, CLIC has taken on the role of a national clearing-house, systematically gathering and distributing information on community legal education programming, publications, ideas and trends in Canada. The materials produced by CLIC, such as Network News (a current events newsletter) and the Legal Materials Newsletter (a review of community legal education publications), facilitate the routine exchange of information, co-operating amongst agencies and governments, and public awareness of community legal education.

19. CLIC also has a research role and is currently conducting a review of research in the community legal education and related fields (see below). In addition, it develops materials that meet commonly defined needs, such as its information kit for high school law teachers. This project was developed in co-operation with Provincial agencies and will contain common information for all the Provinces on how to teach law, supplemented by additional material for each individual Province.

(e) Legal Aid

20. Each Province in Canada has established a legal aid plan, with the Federal Government sharing the cost of criminal legal aid. Several Provinces deliver legal aid in whole or in part through legal aid clinics, and most of these clinics provide community legal education. Some of the plans also provide community legal education as a service of the head office, such as the Quebec Legal Services Commission. The work of the Quebec Plan and its clinics includes the production of a popular television show on the law, media information spots, and superior legal information publications.

21. The Native Courtworker programmes were established in 1972 to provide assistance to natives charged with offences. The Courtworkers work with natives to help them better understand the charge against them, criminal law powers, and how to obtain legal aid, amongst other matters. Community legal education programming is operated by the Native Courtworker programmes to help native communities better understand the criminal justice system, thereby complimenting the work of Legal Aid and of the Courtworkers.

(f) The Legal Profession

22. Literally thousands of lawyers volunteer their time and experience for community legal education programming, and many lawyers sit on the boards of community legal education agencies. Further, various Provincial law societies, law foundations and the Canadian Bar Association (CBA) are involved in community legal education by providing funding and by promoting specific projects, such as pamphlets on how to choose a lawyer.

Issues

(a) Need

23. There exists in Canada a growing acceptance of the importance of community legal education. What is less certain is the extent of and nature of the needs. What are the needs that can be successfully met by such programming; what is the priority to be attached to meeting these needs? To refine our understanding in this area, the Federal Department of Justice is funding research which will indicate the extent of the need for community legal education by individuals and specific groups. This work is a

co-operative effort involving an advisory board with representatives from the Law Society of Manitoba and Legal Aid Services of Manitoba. The preliminary study has already distinguished between individual lifeskill needs and the special needs of groups such as natives, immigrants or the disabled. While there is a need to expand our knowledge with respect to all needs for community legal education, special attention must be paid to defining and meeting the needs of such special groups. Such work should take place with the cooperation and involvement of the affected groups.

(b) Priorities

24. Closely related to the issue of needs is the determination of our priorities in meeting these needs. Should the focus of programming be directed at individuals with specific lifeskill needs, should it be general civics education, or should programming be focused at community and groups leaders to assist in the development of social action programmes? The developing programmes appear to be favouring meeting priorities within all three types of needs. This requires a combination of programming approaches; no one method of delivering this service being suited to meeting all needs. Consequently, classes in the schools, written material for the public, telephone legal information lines, training programmes for tenants organisations, to name but a few approaches, have all proven their validity.

(c) Distribution and Delivery

25. Work is required to improve our knowledge on how to distribute community legal education materials and on how to deliver programmes in a fashion designed to attract the attention of the intended audience. While the quality of information materials and programmes has risen significantly in the last few years, problems of inadequate marketing and of assessment of audience needs still remain. Development is required of a model marketing strategy and of methods of evaluating the impact of the programmes.

(d) Nature of the Service

26. Community legal education is a multi-disciplinary profession, not simply a legal service. It requires as well the communication skills of writers, film-makers, librarians and market analysts. It requires the social service skills of community organisers and social workers and the educational skills of teachers and of adult educators. Only by drawing upon the skills of all these disciplines and more are truly successful programmes developed. The perception of the nature of the service is an important issue, for how it is perceived affects the talents brought to bear upon it, the questions asked to design it, and the nature of the product produced by it. There is a role for lawyers in this service but it is only one role.

(e) Funding

27. Services must examine their programmes to determine the most cost-effective method of achieving their goals. Further, there remains a need to justify overall funding in the area as opposed to other social and legal programmes. In response to such concerns, services and governments have justified the costs involved from an awareness of the need to provide access to the citizen's justice system, and because to date the costs involved have been minimal in comparison to such matters as legal aid. Nonetheless, further growth in this area will depend upon finding answers to the theoretical and operational issues outlined above.

Educating the Profession

28. Community legal education is perceived as a discipline blending law, education, communication and other skills. While many lawyers have a keen interest in the area, it cannot be said that law school or other professional training prepares lawyers in the particular skills needed to convey legal information to the public.

This need for lawyer training has been recognised by individuals, community legal education agencies, and more recently by the Public Legal Education and Information Committee of the Canadian Bar Association. The Committee has proposed the establishment of training programmes for lawyers to develop an awareness of community legal education and the skills necessary to most effectively assist in the delivery of this service.

Community Legal Education and the Commonwealth

29. While clearly the needs and resources of member countries will vary with respect to community legal education, it may be useful to explore the idea of an exchange of information, and particularly of research, in this field. The Canadian Law Information Council is currently conducting a review of research undertaken in Canada and other jurisdictions with respect to community legal education and related fields. The goal is to synthesize what it is we know of the area, and to determine future research needs. This duty is an example of the sort of information that might be exchanged amongst Commonwealth countries.

Conclusion

30. The last decade has seen in Canada considerable increases in the quality and quantity of community legal education programming. The underlying beliefs supporting this growth include a perception that the provision of such information is essential to the effective functioning of a democratic society, and that there is a need to enhance individuals' access to the justice system by means of the provision of law-related information.
