



The Ontario Rural Council

**Roundtable Report on
“Linguistic and Rural Access to Justice”**

*Guelph, Ontario
September 16, 2008*

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The Ontario Rural Council:

The Ontario Rural Council (TORC) is a member-driven, multi-sector provincial rural organization with a mission to act as a catalyst for dialogue, collaboration, action and advocacy on a wide range of rural issues and opportunities. TORC endeavors to inform and help influence rural policy, program and research development. For additional information on TORC and copies of past forum reports go to www.torc.on.ca

Introduction

The Law Foundation of Ontario's Linguistic and Rural Access to Justice Project is looking at ways to improve access to legal information and legal services for people who do not speak English or French and for people living in rural or remote communities of Ontario. The project team will recommend how the Law Foundation, working in partnership with other organizations, can help improve access to justice in these areas. A final report with recommendations will be submitted to the Foundation in November 2008. The project has conducted research on promising practices, held informal and formal consultation meetings, and issued a formal call for written submissions.

The Ontario Rural Council (TORC) offered to convene a roundtable discussion involving a variety of rural stakeholders from different parts of the province. The roundtable was held on September 16, 2008, in Guelph, Ontario. There were 20 participants (11 in person, 9 via teleconference) representing a broad range of organizations and regions. A list of the organizations participating in the discussion appears at the end of this report.

This report summarizes the challenges and potential solutions identified by participants at the TORC rural roundtable discussion.

Challenges – Linguistic and Rural Access to Justice

Target Groups

In rural, as in urban areas, poverty creates significant barriers to accessing services. However, roundtable participants stressed that many barriers related to rurality affect middle-income Ontarians as well. The costs of legal services may be prohibitive for middle-income Ontarians. Participants also mentioned perceived unfairness in legal aid qualification guidelines; for example, some people may have property that disqualifies them from obtaining legal aid, but limited cash flow.

Participants also identified certain rural populations that face extra barriers in obtaining legal information and services. Mennonite populations face combined linguistic and cultural barriers to obtaining social supports, and may require special use of trusted intermediaries and assistance navigating the system. Aboriginal populations face a similar combination of barriers combined with a history of mistrust. Elderly people may face mobility or cognitive barriers and may lack social networks. Women may face extra barriers in terms of intimidation or social stigma.

Distances

Consultation participants identified distance as the “number one” barrier to obtaining legal information and services in rural or remote areas of Ontario. Distances affect the cost of service delivery, as service organizations are forced to hire more staff to cover greater distances or to account for travel time and costs. Distances in some areas also make it impossible for some clients to access sparsely-distributed services without trips of multiple hours. Participants mentioned the Algoma district, which 625 km end-to-end, with only 4 service communities, the largest with a population 10,000. Public transportation may not exist - making travel impossible for people without private transportation - or may be inadequate. One participant described clients that have to go from Elliot Lake to Sault St. Marie for a day in court; this could involve getting up early, maybe before school (requiring special childcare arrangements), waiting possibly all day, and maybe staying there overnight (an extra cost) because they missed the one bus. Participants also mentioned that people who come to court in Kenora may have to stay in Kenora until their cases are arraigned – possibly for weeks or months.

While distances are typically greater in the north, participants said that distances are significant even in rural areas not typically thought of as “remote”. For example, consultation participants said that though Peterborough is only 1 hour away from

the GTA by car, there are many people in rural parts of the region without cars and without access to public transportation.

Shortages of Lawyers

Consultation participants described shortages of lawyers and paralegals in many rural areas.

Digital Divides

Participants said that in many areas, particularly northern and remote, high-speed Internet connections are not available or have only limited availability. Many clients are not within a reasonable distance to a public Internet access point.

Participants also mentioned that many low-income people or people on social assistance don't have telephones because they can't afford them.

Literacy Barriers

Participants identified literacy as a major barrier for many clients seeking legal information or services. In addition to basic illiteracy, problems related to literacy may include: not knowing how to find information in a phone book, not knowing where to look for information, having trouble expressing a legal problem, or having trouble understanding legal information.

While literacy barriers may affect low-income people, more participants stressed that middle-income people may also have problems understanding legal information or legal language. Participants stressed the importance of having legal information and correspondence written in plain language.

Roundtable participants also identified literacy issues related to speaking non-official languages. For example, in Thunder Bay, many clients come from northern reserves and speak aboriginal languages, and may not understand official correspondence in English. Clients may have trouble expressing problems in their own languages, for example if they don't have the right vocabulary. One participant mentioned sending information flyers to seniors in their first languages, but finding that literacy in first languages was also often a problem.

Intimidation Barriers

Many participants said that intimidation prevented many clients from seeking legal help. People may not understand their rights or the remedies available to them, or may have been victimized and have a fear of the legal system. Legal language can

intimidate people. Participants stressed that this fear of dealing with lawyers and the legal system applied to middle-income people as well as low-income people. They observed that the legal system is set up for navigation with a lawyer – and may be difficult to navigate without one, especially for people facing other barriers.

Social networks

Some participants commented on the importance of social networks in dealing with legal issues, finding legal information, and obtaining referrals to legal services. While social networks seem to be effective for some clients and in some areas, participants pointed out that many client groups don't have social networks that can help. One participant mentioned Elliot Lake as an example of a largely transient population of people without many networks or knowledge of the existing social supports. Another participant mentioned that people who are on social assistance often have social support networks that are broken down and don't want to discuss their legal problems with whatever networks they have left.

Privacy Issues

Some participants identified concerns about privacy in rural areas. For example, access to legal information and services through community centres, libraries, and legal offices in visible locations may be a problem in communities where everybody knows everyone. Participants said that often people want to go outside of their communities to protect their privacy. Some participants suggested that women might face more intimidation on many levels.

One participant pointed out that that shame and intimidation can be just as strong in some urban communities, such as insular ethno-cultural communities, or among certain client groups, such as the elderly.

Potential Solutions to Linguistic and Rural Access to Justice

Information Hotlines

Some participants said that the telephone is a method of accessing information to which most people in rural or remote areas have access. Hotlines, such as the Assaulted Women's Helpline, can be available 24/7 and serve clients in multiple languages using telephone interpreters.

Participants also pointed out that many people on income assistance may not be able to afford telephone service.

Websites

Some participants suggested making more legal information available to address rural and remote needs on websites, for example creating a rural and northern section on the new Justice Ontario Site.

One participant mentioned an ongoing pilot for Internet based applications for Ontario Works and suggested that this would be a good site to distribute some legal information.

Videoconferencing

Some participants said that limited broadband Internet access, particularly in northern and remote areas, limited the usefulness of videoconferencing.

One participant mentioned the use of videoconferencing in health in Ontario, particularly in northern communities where there may be only a nursing station, and suggested using this existing infrastructure to connect to legal service providers in urban settings.

Trusted intermediaries

To address the existence of literacy and intimidation barriers, several participants suggested having a third party, such as a case worker or “trusted intermediary”, to carry out a kind of triage process to help clients access legal information and services and navigate the system.

A trusted intermediary was seen as very important to address people’s fear of being taken advantage of by the system. Some participants said that intimidation was so great that support was needed just to get through the door of many services – a trusted intermediary would in this case physically accompany clients. Some participants said intermediaries were needed to help explain legal language to clients and to help them ask lawyers questions – an intermediary who would act as an advocate.

Participants mentioned “health advocates” as a model for this role. Some participants noted that legal clinics play this role to some degree and suggested expanding this capacity.

Training for front-line staff

Many participants commented on a need for more training opportunities for front-line social services workers on legal information and referrals. They saw a need for

front-line workers to be able to explain people's options to them in clear language and identify existing services that could help them; that is, to take a more active system-navigation role. Some participants mentioned a need for materials to help staff understand legal issues and "legalese". Participants identified a need for basic information to support staff workers and clients in plain language. Some saw the role of this training as helping get people to the point where they could talk to a legal aid worker, lawyer, or paralegal for a first meeting.

Many participants thought that some infrastructure was in place, but training and education materials were missing. In some cases, participants mentioned agencies that do case-management for Ontario Works and ODSP clients, including navigating legal processes, but stressed that it was very work-intensive without prior experience or training in the legal processes.

One participant identified a particular need for legal information for front-line workers in healthcare – for example healthcare workers who have to advocate for people who have strokes and have issues communicating or understanding.

One participant mentioned a training program being developed by Ministry of Community and Social Services and Ontario Works for frontline staff in Ontario Works and ODSP offices and suggested developing a module for this program on legal issues.

One participant suggested using electronic learning tools for training frontline staff. These have proved popular and allow staff to train at times and locations convenient to them.

Participants stressed that it was important to recognize that people on the frontline are overwhelmed already and that new information or training may face resistance because of this. Any new program should involve a communication program, perhaps involving known intermediaries to do face-to-face outreach. [Not sure what we mean by 'strategic intermediaries' in this context]

Many participants liked the idea of expanding the role of legal clinics in staff training. One suggestion was for extra resources to hire dedicated "Legal Access Advocates", who would enhance clinic outreach and education activities, for example by taking an inventory of social services in an area and developing and delivering legal information and education to staff of these services.

Outreach locations

Many participants commented on the need to bring legal information or services to places where clients already go and through people and services they trust. They suggested using ethnic media, places of worship, health locations (doctor's offices, health centres, dentist's offices, pharmacies), band offices, libraries, community

centres, Mennonite central committee offices, social service centres, LCBOs, grocery stores, friendship centres, native services, foodbanks, etc. For linguistic or cultural communities, participants suggested using ethnic media, community centres , grocery stores, and places of worship.

One participant commented on the number of community health centres around the province and suggested that they would be good places to integrate connections to legal services and information, building on existing trust relationships.

One participant mentioned that Northern Wellington County used to have a Justice of the Peace and legal aid lawyer who would conduct a monthly circuit of the county, and suggested reinstating this kind of program for more remote areas.

Partnerships

Participants stressed the importance of partnerships with existing organizations, in both high-level and front-line roles.

Ground-level partnerships were suggested with social services, libraries, municipal governments, health centres, seniors' organizations, ethno cultural organizations. Many of these organizations already work together. The use of partner organizations takes advantage of trusted relationships, existing infrastructure and space, and has privacy advantages. Participants pointed out that partnerships would need to be different from community to community to account for differences in local resources and needs.

Some participants commented on the importance of referrals from community leaders who are often people's first step in seeking advice. This may be particularly important for ethno-cultural communities. Participants suggest that in these cases, because of the nature of the issues, it may be important to have relationships with a male and a female community leader.

Participants suggested partnerships with provincial associations in addition to TORC, such as the Ontario Association of Community Futures Development Corporations and The Provincial Association of Mental Health and Addiction Agencies.

Participants also suggesting involving non-traditional community organizations, such as business sector partners and rural development organizations that may have parallel networks and untapped resources.

Participants emphasized that while rural municipalities had some infrastructure for reaching people, many of them are struggling with basic funding issues.

Regional Planning Model

Participants were generally in favour of supporting legal and non-legal organizations within a geographic region to develop local solutions for linguistic and rural access to justice, and to test that model through one or more pilot projects.

Participants noted that some solutions would not be transferable across regions due to local differences: “One size won’t fit all”. They suggested breaking down the issues by region, involving local advocates in any project, and choosing focused projects to prioritize. Participants also stressed the importance of including non-traditional partners, such as the business community along with a wide range of organizations that serve rural areas.

Awareness of the issue

Participants thought that it was important to raise the profile of the issue of rural access to legal information and services, both for professionals and municipalities.

Participants suggested more events through organizations like TORC or conferences held by rural organizations such as the Rural Ontario Municipal Association (ROMA).

Next Steps

The Law Foundation of Ontario will incorporate the input from this roundtable discussion in the preparation of the Final Report.

Participants

- ⇒ **ARCH Disability Law Centre**
- ⇒ **Audiologist Society of Ontario**
- ⇒ **Community Legal Education Ontario**
- ⇒ **John Howard Society of Ontario**
- ⇒ **Legal Aid Ontario**
- ⇒ **Ontario Healthy Communities Coalition**
- ⇒ **Ontario Trial Lawyers Association**
- ⇒ **Ontario Works - Northern Ontario offices**
- ⇒ **Peel Regional Police**
- ⇒ **The Ontario Network for Prevention of Elder Abuse**
- ⇒ **The Ontario Trillium Foundation**
- ⇒ **Wellington County Ontario Provincial Police**
- ⇒ **TORC Members**

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