

# Settlement Workers Guide

## to Helping Clients with Legal Information and Legal Referrals

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# Introduction to the Settlement Workers Guide

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Settlement workers and others working with immigrants are often the first point of contact for people who may not know that the law can help with their problem. Providing legal information and referrals at this early stage can help clients learn about the law, the legal system and where they can go for more help.

This "how to" guide is for settlement workers and others working with immigrants in BC. It provides basic information to help you:

- understand the difference between legal information and legal advice,
- identify when your client may have a legal issue,
- find legal information,
- find legal help, and
- make effective referrals.

There are four ways to access the information in this guide. You can watch the videos <sup>[1]</sup>, read online, download the document onto your computer or print the information. Suggested uses include orientation for new staff or viewing a video in a staff meeting to start discussion. Videos can be viewed all at once or one at a time.

*This information applies to British Columbia, Canada. Last reviewed for legal accuracy by Drew Jackson, March 2014.*



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## References

[1] <http://wiki.clicklaw.bc.ca/index.php/>

Settlement\_Workers\_Guide\_to\_Helping\_Clients\_with\_Legal\_Information\_and\_Legal\_Referrals#Learning\_Videos

# Settlement Workers Guide to What is Legal Information and What is Legal Advice

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Understanding the difference between legal information and legal advice is very important. In this section, you will learn how they are different, and why it is important that your client also understands the difference.

## Legal information

*Legal information* helps people understand the law and the legal system. Legal information is available to the public, both on websites and in print. Clients may need your help finding and understanding legal information. If they need further assistance, you can show them where to go for more legal information or for legal advice.

*As a settlement worker, you can only assist your client with legal information.*

## Legal advice

*Legal advice* is telling a client how the law applies to their situation or what they should do about their legal problem. Generally only lawyers provide legal advice. There are some exceptions where trained people supervised by lawyers can give legal advice. For example, law students in the Law Students Legal Advice Program <sup>[1]</sup> (LSLAP) are supervised by lawyers and can give legal advice. Community legal advocates who are supervised by lawyers may be able to give some legal advice such as telling somebody how to apply for a protection order or help you dispute an eviction notice.

Lawyers are regulated by the Law Society of British Columbia <sup>[2]</sup>, which sets and enforces standards of professional conduct for lawyers.

Here are some examples of the differences between legal information and legal advice.

### LEGAL INFORMATION

#### Settlement workers CAN:

- ✓ Help clients identify a legal issue
- ✓ Show clients online and print information that can help them with their legal issue
- ✓ Tell clients about free legal workshops available to the public
- ✓ Provide clients with information on how to find legal advice
- ✓ Show clients where they can get information on how to prepare before going to get legal advice

### LEGAL ADVICE

#### Settlement workers CAN NOT:

- ✗ Tell clients what they can expect a lawyer or judge to say
- ✗ Tell clients they have a good case
- ✗ Tell clients how much money they should expect to get
- ✗ Tell clients that they need to see a mediator or that they need to go to court
- ✗ Tell clients what documents to file in court
- ✗ Tell clients what words to use in filling out a legal form or fill out the document for them, for example, an application to change a court order or appeal a decision
- ✗ Explain a lawyer's letter
- ✗ Interpret legal advice being given to a client or translate legal documents for a client

## Important differences between legal information and legal advice for settlement workers

Settlement workers may be the first point of contact for a client with a legal issue. Helping clients at this early stage is very important. Workers who understand the difference between legal information and legal advice will have the confidence to help their client:

- identify the legal issue,
- find and understand some of the legal information that can help, and
- know where they can go to next if they need more information or if they need legal advice.

This is also an opportunity to help clients understand your role and the difference between legal information and advice. Clients who are new to Canada may not understand the legal system here. They may be upset because of the situation, and could think the legal information you have provided is legal advice. They may see you as the ‘expert’ and leave the office thinking they have talked to a lawyer or have been given legal advice.

It is important that you tell your client that you are NOT a lawyer and that your CAN NOT provide legal advice. You might say:

*“As a settlement worker, I cannot give you legal advice, but I can help you find general information about the law or find a service where you can get more legal information and advice.”*

Or

*“It sounds like you may need legal advice, since that question is specific to your situation. While I can’t tell you what to do, I can show you how to find information on this topic and I can tell you some places where you may get legal advice.”*

If a client asks, ‘What can I do?’ Your answer is limited to providing legal information and legal referrals.

For example:

*My landlord says I have to move out next week. Do I have to?*

*You might say: “I can’t tell you if you have to move or not, but I can show you some information that may help you understand the rules for tenants and landlords. If you still don’t know what to do, I can help you find somebody else to talk to who can help.”*

	<p>Always point to the legal information you are giving your client, whether it is online or in print. For example, if a client asks if their landlord can make them move out, show them the website or brochure and point to the section on tenants’ rights and evictions. Don’t rely on your memory – you might give outdated information.</p>
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## References

[1] <http://www.clicklaw.bc.ca/helpmap/service/1035>

[2] <http://www.lawsociety.bc.ca/>

# Settlement Workers Guide to Identifying Your Client's Legal Needs

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An important part of a settlement worker's job is interviewing clients to assess their needs. Clients may need help getting a job, finding housing, managing money, or dealing with a family dispute. Many of these topics have both legal and non-legal issues. As part of the assessment interview, you can help identify legal issues by asking the client to tell you more about their situation. Here are some examples.

## Housing

Your client asks for help finding a new place to live. By itself, this is not a legal issue, but once you ask for more information, it may become one:

*"Our landlord told us we had to leave right away. If we don't leave by next week he'll call the police."*

You can explain that there are rules for tenants and landlords and show them what information is available online, what brochures they can get and where they can find others who can help with more information or legal advice.

Another client, when telling you why she needs to move, may say:

*"My husband says he wants a divorce and I have to move out."*

You can explain that family law has rules for couples who are separating and divorcing. Help her find family law information online or give her some booklets. You can explain where she can get legal advice.

## Managing money

A client asks about getting a credit card. Perhaps they have questions about how long it will take to pay off a card if they only pay a little, which is not a legal issue. However, if the client says:

*"I need a new credit card because the one I have now won't work anymore. The collection company is sending me letters."*

This is a problem that the law can help with. You can explain that this is called consumer debt and show them where they can get information and tell them where they might go for more help.

## Finding a job

Your client asks for help finding a new job. When you ask what happened at the previous job they could say:

*"I showed up for work yesterday and my boss fired me for no reason."*

Now this has become a legal issue. You can provide general information about employment law and where to get more help.

Once you recognize that your client has a legal issue, it helps to describe it as a legal topic.

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Client says:	Legal topic:
<i>My tenant refuses to leave</i>	residential tenancy
<i>My boss fired me for no reason</i>	employment law
<i>My husband wants a divorce</i>	family law
<i>A collection company says they'll take my car back</i>	consumer law

The more you know about legal topics, the more likely you will recognize them as your client explains their situation. One way to learn about everyday legal topics is to go to the Clicklaw <sup>[1]</sup>. Click on a topic in the Solve Problems <sup>[2]</sup> section and you will see a list of subjects included in that topic. Or you can click on all topics & subtopics A – Z <sup>[3]</sup> at the bottom of the Solve Problems <sup>[2]</sup> section.

For example, the topic Housing, tenancy and neighbours covers all these subjects:

1. Builders liens
2. Buying, owning, selling a home
3. Condominiums & housing co-ops
4. Homelessness
5. Mortgages
6. Neighbours
7. Tenants & landlords

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## References

[1] <http://www.clicklaw.bc.ca/>

[2] <http://www.clicklaw.bc.ca/solveproblems>

[3] <http://www.clicklaw.bc.ca/solveproblems/alltopicsaz>

# Settlement Workers Guide to Finding Legal Information

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This section is about finding legal information that is reliable, up to date and understandable. Knowing where to find such information is an important first step.

## Find legal information online

A good starting point is Clicklaw<sup>[1]</sup>, a website that helps you find legal information on everyday legal topics. The information found through Clicklaw is produced by trusted organizations such as the Canadian Bar Association British Columbia Branch<sup>[1]</sup>, Legal Services Society<sup>[2]</sup> and TRAC Tenant Resource & Advisory Centre<sup>[3]</sup> and is:

- specifically written for people in BC,
- written in plain language, and
- up to date.

The website includes common questions<sup>[4]</sup>, links to legal information and the HelpMap<sup>[5]</sup> to find legal services across BC. Clicklaw is a program of Courthouse Libraries BC<sup>[6]</sup>.

Examples of topics include debt, family law, health, housing, rights & citizenship, abuse & family violence and the court system.

You can search for information by topic<sup>[7]</sup> and by language<sup>[8]</sup>. Searching by language can be helpful for clients who read languages other than English but it is important to know that the amount of legal information available in other languages is limited. The legal information your client needs may be available only in English.

If you use a search engine like Google to find legal information, it is very important that you ask the following questions:

- **What is the jurisdiction?** Make sure the information is for people in BC. For example, the law in Alberta, Ontario or the US may not be the same as in BC.
- **Is the website easy to read and clear?** Plain language information that is well organized makes it easier for people to understand legal concepts.
- **Who created the information?** Look for who produced the information and check their credentials.
- **Is the information up to date?** Good online information will show when it was written or last updated. Laws can change at any time, so finding current information is important.
- **Is the site asking you to pay a fee?** Some websites provide legal information as a way to attract customers. The information may be limited.

When you use Clicklaw<sup>[1]</sup> or see a result from Clicklaw in your Google search, you know editors and contributors have done this work for you. You can trust the legal information you find through Clicklaw.

## Find legal information booklets and other print information

Most legal information booklets are available electronically on Clicklaw<sup>[1]</sup>. Publications can be printed from the online version, or they can be ordered. For information on how to order print copies of booklets, brochures or pamphlets, check the inside or back cover. Or, check the website of the organization that produces the information.

For example, the Legal Society Services of BC<sup>[9]</sup> provides information on how to order the booklet *Living Together or Living Apart*<sup>[10]</sup>.

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## Select legal information

You can help your client select the information that is best suited for them. Print information in other languages, if available, may be helpful as a starting point. Clients need to know the amount of legal information available in other languages is limited. If your client has access to a computer, perhaps an online video would be best, or reading information online.

Helping clients determine what level of detail is a good idea at this point. Would a general overview be the most help or do they need more information such as a self-help guide or a step-by-step list of instructions?

You can explain the choices available and show them where they can get more detailed information if they need it.

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- [1] <http://www.clicklaw.bc.ca/organization/solveproblems/1006>
- [2] <http://www.clicklaw.bc.ca/organization/solveproblems/1024>
- [3] <http://www.clicklaw.bc.ca/organization/solveproblems/1021>
- [4] <http://clicklaw.bc.ca/solveproblems/questions>
- [5] <http://clicklaw.bc.ca/helpmap>
- [6] <http://www.courthouselibrary.ca/>
- [7] <http://www.clicklaw.bc.ca/solveproblems/alltopics>
- [8] <http://www.clicklaw.bc.ca/content/languages>
- [9] <http://www.lss.bc.ca/>
- [10] <http://www.clicklaw.bc.ca/resource/1058>

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# Settlement Workers Guide to Finding Legal Help

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If your client has a legal issue, you can point them to legal information so they can learn more about the law and consider what to do next. If they are having trouble understanding the legal information or if they need legal advice, you can show them how to find legal help. This section describes the different kinds of legal help and how to access them.

There are three kinds of legal help.

1. **More legal information** may be available from an organization or a community advocate that specializes or knows more about the topic. For example, if the legal issue is housing, you may refer the client to the Tenant Infoline <sup>[1]</sup> operated by TRAC Tenant Resource & Advisory Centre <sup>[3]</sup>. Another useful referral is Dial-A-Law <sup>[2]</sup>. Dial-A-Law is an online library of print information and recordings prepared by lawyers. It offers general information on many legal topics in English, Chinese and Punjabi.
2. **Legal advice** is available from lawyers or others who are qualified to give legal advice. For example, you may refer your client to a free legal clinic (Access ProBono <sup>[3]</sup>) or to see a duty counsel lawyer at a courthouse (Legal Services Society <sup>[4]</sup>).
3. **Legal representation** is when a lawyer or another qualified legal professional represents the client in their dispute. For example, you may show your client information about how to find a lawyer using the Clicklaw <sup>[1]</sup> link Legal help & lawyers – finding legal help. They would see services like the Lawyer Referral Service <sup>[5]</sup>, which is provided by the Canadian Bar Association, BC Branch <sup>[6]</sup>. They provide a half hour meeting with a lawyer for a fee of \$25.

*Settlement workers can NOT refer clients to a specific lawyer.*

## Find legal help in your community

You can use the HelpMap <sup>[7]</sup> on Clicklaw <sup>[1]</sup> to find legal information and legal help in communities around BC. HelpMap has information on free and low-cost legal help services. It lists all legal aid offices, pro bono clinics, community legal advocates, family justice centres, courthouse libraries and more.

It provides information about hours, service restrictions, as well as direct links to the organizations' websites so you can find more detailed information. Use HelpMap <sup>[7]</sup> to search for services by community, type of legal issue, type of service, and language.

For example, if you are looking for family law advice for your client in Surrey, enter "Surrey," click on "GO" and then select "Family Law" and "Legal advice, representation or advocacy." You can also narrow your search by the language that the service is offered in. Many of these services in other languages are provided over the telephone, where a third party interpreter is brought onto the call.

Some services have restrictions on who they can help. For example, Legal Aid <sup>[8]</sup> and Access ProBono <sup>[9]</sup> provide legal advice services to people with lower incomes. Some services are restricted to certain areas of law. For more tips on using Clicklaw and Clicklaw's HelpMap, visit [www.clicklaw.bc.ca](http://www.clicklaw.bc.ca) <sup>[10]</sup>.

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## Tools for settlement workers

Options Community Services <sup>[11]</sup> has developed one page "Quick Links to Public Legal Information and Resources" to help you navigate to resources on a variety of legal topics, including family law, wills and estates, housing, and legal services. For more information on Options Community Services, visit [www.options.bc.ca](http://www.options.bc.ca) <sup>[12]</sup>.

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- [1] <http://www.clicklaw.bc.ca/helpmap/service/1085>
- [2] <http://www.clicklaw.bc.ca/helpmap/service/1045>
- [3] <http://www.clicklaw.bc.ca/organization/helpmap/1052>
- [4] <http://www.clicklaw.bc.ca/organization/helpmap/1024>
- [5] <http://www.clicklaw.bc.ca/helpmap/service/1044>
- [6] <http://www.clicklaw.bc.ca/organization/helpmap/1006>
- [7] <http://www.clicklaw.bc.ca/helpmap>
- [8] <http://www.clicklaw.bc.ca/helpmap/service/1053>
- [9] <http://www.clicklaw.bc.ca/helpmap/service/1040>
- [10] <http://www.clicklaw.bc.ca>
- [11] <http://www.options.bc.ca/>
- [12] <http://www.options.bc.ca/immigrant-services/settlement-integration-program>

# Settlement Workers Guide to Making Effective Referrals

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This section discusses how settlement workers can make useful referrals for more legal information or for legal advice and how to help your client prepare for the next step.

You've helped your client identify a legal issue and have shown them where to find some legal information. Many clients will need more legal information or help understanding the legal information than you, as a settlement worker, can provide.

It is not the role of a settlement worker to provide ongoing assistance to clients with legal issues. However, you can help by showing clients:

- where they can go for more legal help, and
- what they can do to prepare.

The Clicklaw HelpMap <sup>[7]</sup> is a good tool to use with clients so they can then use the website themselves. You can show them how to find agencies in their community as well as details such as:

- contact information for the agency,
  - whether the agency provides help over the phone, drop in or by appointment,
  - hours,
  - whether there is a fee,
  - if there a low income eligibility requirement for the service, and
  - if an interpreter will be provided
-

You've already told your client that you can only provide basic legal information. This will help them understand the reason why you are showing them where they can go for more legal help.

## Help a client prepare for the next step

Clients will benefit from being well prepared before going to another agency, meeting with a community legal advocate or meeting with a lawyer. Free and low-cost legal advice and representation services have limited time available for each client. When the client comes prepared, the person they see has more time to provide legal advice.

Clients who pay for their lawyer themselves will get the most value for their money if they are prepared. Preparation can include learning more about their legal issue, organizing information about their situation and understanding more about the services they will receive. Encourage your client to learn more about their legal issue. You have shown them where to find legal information and have perhaps provided some print information. Explain the benefits of using this information to better understand their legal issue.

Clients can also prepare by following a few basic steps to organize information about their situation ahead of time. Encourage clients to:

- write down what happened, in the order it happened, with dates,
- write out their questions,
- bring all documents to the meeting, including their contact information, and
- check before the meeting if an interpreter is provided, if necessary, and make arrangements to have someone there to help them if interpreters are not provided.

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# About this Wikibook

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## About the Settlement Workers Guide to Helping Clients with Legal Information and Legal Referrals Wikibook

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Settlement workers and others working with immigrants are often the first point of contact for people who may not know that the law can help with their problem. Providing legal information and referrals at this early stage can help clients learn about the law, the legal system and where they can go for more help. This "how to" guide for settlement workers and others working with immigrants in BC covers how to identify when a client may have a legal issue, how to find legal information and help, and how to make effective legal referrals.

There are four ways to access the information in this guide. You can watch the videos, read online, download the document onto your device, or print the information. Suggested uses include orientation for new staff or viewing a video in a staff meeting to start discussion.



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### Acknowledgements

This guide was developed through the collaborative efforts of the Immigrant PLEI Consortium (IPC) and the following agencies:

- Courthouse Libraries BC,
- Justice Education Society <sup>[1]</sup>,
- Legal Services Society (LSS) <sup>[2]</sup>,
- Options Community Services <sup>[3]</sup>, and
- People's Law School.

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The partners would like to acknowledge work done by others that informed this project:

- University of New South Wales, Faculty of Law *Getting Off the Referral Roundabout: Effective Legal Referral* <sup>[4]</sup>, 2006 Workbook
- UBC, Our Place and the Vancouver Foundation, *Legal Services Resource Guide* <sup>[5]</sup>, January 2014
- Legal Services Society's *Community Partners Orientation Manual* <sup>[6]</sup>, September 2013





## Immigrant PLEI Consortium (IPC)



The Justice Education Society is the lead agency of a consortium of service agencies that use a collaborative model to provide legal education and information to immigrant communities. The project, which involves 12 Lower Mainland organizations, has developed public legal education resources in a number of languages.



Cover of the print edition

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- [5] <http://alivesociety.ca/ourplace/wp-content/uploads/2014/01/Legal-Services-Resource-Guide.pdf>
- [6] <http://www.lss.bc.ca/assets/legalAid/CPOManualSept2013.pdf>

# Article Sources and Contributors

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