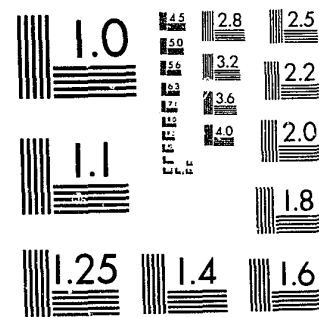


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Canada

## Legal Services in Rural Areas

U.S. Department of Justice  
National Institute of Justice

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## An Evaluation Report

Evaluation and Statistics Section  
Policy Planning and Development Branch

Canada

92215

Legal Services in Rural Areas: An Evaluation

Report prepared for the Department of  
Justice, Ottawa, and the Faculty of  
Law, Queen's University

by  
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The views expressed in this report are those of the  
authors and do not necessarily reflect the views or  
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## Chapter One: The Issues Defined

### Introduction:

"Put simply, to evaluate a program is to lay it up against its purpose, then determine how and in what ways what you are doing falls short of what it is that you are seeking to do." (Brickman 1976: 2-3)

The students at Queen's Rural Legal Services originally had two main objectives in setting up the service: to deliver legal services to a deprived rural area; and to ameliorate some of the background problems giving rise to individual cases by practising preventive law. According to the original request for funds, the aims of the service were to provide "information; advice, and assistance on -- specific problems of -- clients;" while at the same time increasing "awareness of legal problems and remedies," and disseminating "information about the law" (Community Legal Services Program, 1975-76:10). These statements presuppose, first, that we know what legal needs are, that we can identify and meet them; and, second, that there exists a range of broader "societal" problems which are related to and can be tackled by the legal tools of the law professional.

In this first chapter, I propose, after a preliminary examination of the concept of evaluation, to examine these two assumptions, since one cannot know how well or poorly a program is performing until one knows whether the assumptions

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In this first chapter, I propose, after a preliminary examination of the concept of evaluation, to examine these two assumptions, since one cannot know how well or poorly a program is performing until one knows whether the assumptions

channelled in a different direction? Many government bodies are making funding contingent on a "successful" evaluation, and are building this component right into the original grant.

All this has created somewhat of a bonanza for social scientists, for it is they -- the economists, psychologists, sociologists and business administrators, either in the universities or in private organizations outside them -- who are typically called upon to provide evaluation services. Professionals of each discipline have used, naturally enough, the predominant tools of their individual trades to do the job. Thus, the economists did predominantly econometric, cost-benefit analyses; the psychologists designed formal experiments with control groups, placebos, and random assignment of subjects; the sociologists used interactionist theory as well as the traditional tools of North American empiricism; and so on. Out of all this there has arisen an interdisciplinary, specialized literature known as evaluation research, which aims to categorize, classify, and understand what exactly is being done under the blanket term "evaluation."

This has resulted, initially, in a plethora of articles which review and criticize the entire complement of evaluations done in a given area (Logan, 1972; Martinson, 1974; Empey, 1976; Sjoberg, 1975; Cohen, 1970;



Freeman, 1977; Hackler, 1978, Chapter Three; Cain, 1975; Campbell and Boruch, 1975). Since each author brings the perspective of his or her discipline, studies which are seen as terribly misleading by one author may well be singled out as harbingers of the future by another; to one evaluator of evaluations, only studies which employ the classic scientific experiment are valid, while to another these studies are totally inappropriate as well as politically biased. Controversies abound, and an evaluation researcher today must at some point make a personal decision -- it cannot be an objective, value-free "scientific" decision -- as to which methodology to employ, whose interests to serve, and which of the many goals of evaluation to attempt to meet. Hiding under the cloak of "scientific objectivity" is increasingly being recognized as fraudulent, even by scientists in the more traditional disciplines.

Several distinctions are relevant to this choice. One can, at a theoretical level at least, choose between internal and external research: the former being "means" research, in which one takes for granted the purposes of the programme as originally envisaged and works within these parameters; the latter taking a very different tack and looking at the "ends" or the final purposes of the research and of the social programme being evaluated. It has been convincingly argued that the bulk of evaluation

research has been of the first type. "Internal" researchers have seen their job in a very straightforward sense: the social programme was set up to meet certain needs, as defined by the originators and/or the fund providers. Finding out what these objectives were, and whether the programme fulfilled them, was the only goal.

In the vast majority of cases, the evaluators found that the social programmes had failed in their stated purposes, with the result that a conservative, despairing, fatalistic philosophy of the futility of social intervention has become dominant. Moreover, since most of these programmes were aimed, in some sense, at "helping the disadvantaged," the belief was reinforced that such people were hopeless and beyond reach, and must thus be primarily seen as objects of social control. (This has been identified as part of a broader ideological movement of "blaming the victim.") (Ryan, 1972)

Such a conclusion was unwarranted, it is now argued, because the programme may not have "worked" for very different reasons; reasons outside the purview of the traditional internal evaluation. The effects they were seeking to measure, the operational definitions of "success" that were devised, the potential solutions that might have been employed, were all defined and limited by the evaluator's conception of political, not intellectual, feasibility (Berk and Rossi, 1977:80).

Take, for example, a standard internal evaluation of a programme which provided recreational programmes to deprived black adolescent males in a public housing project. Researchers found -- as is typically the case -- that this project had not "worked." It had not decreased theft or vandalism or school failure or dropouts. Such an evaluation would typically be interpreted within the fatalistic syndrome described earlier -- even where the evaluators themselves specifically suggested other possible interpretations in an "after the fact" analysis of their findings. And yet, this "nothing works" interpretation may have been completely wrong -- the programme may have succeeded, for example, in building rapport, physical strength and stamina, and self-esteem among target group members -- but such a result would not "matter." Since it was not what the devisors of the scheme had in mind, traditional evaluators would typically have failed to even look for these effects. By letting the initiators of the scheme (who are usually the initiators and sponsors of the evaluation) define the parameters within which "success" was measured, the evaluator has become a hired hand dishing out versions of reality which coincide with those who hired him/her. As a result, much valid information may be ignored, to the ultimate detriment of the evaluator, the sponsor, the service providers and recipients, and the overall society. To continue with this example, it

may also have been the case that those recreation programmes were put into a neighbourhood so ravaged by deprivation and poverty, family disorganization, racism, and alienation that no programme offering recreational services could realistically be expected to have any effect. In fact, the programme itself may have been set up after more thorough and meaningful solutions had been ruled out by the programme originators as not politically feasible. Such preordained "failures" can then be used to legitimate more repressive actions. Freeman has argued that:

"There is an outside limit . . . when the possibility of an effective program is so unlikely because of an overwhelmingly defective social environment that the evaluation researcher must reject the opportunity to undertake a study. It can be argued that a proper role for evaluation researchers is to force early abandonment of impotent programs." (Freeman, 1977:28-29)

This may be seen as extreme by some, for rare indeed, in this era of university cutbacks, is the evaluator or the university administrator who can bring him/herself to reject a lucrative research contract on these grounds. New strategies were obviously called for.

Berk and Rossi (1977:80-82) have summed up five political biases that traditional internal evaluations fall prey to, which bear repeating: (1) Evaluators limit themselves to politically feasible outcomes, as determined by the experimenters' notions of political viability;

(2) Their definitions of proper criteria for evaluation validate a particular -- and usually conservative -- view of social problems; (3) The bias of traditional technology causes many subtle programme effects to be overlooked because they cannot easily be measured; (4) Because social scientists find it easier to study individuals than organizations, most evaluations focus on social-psychological issues and ignore structural ones; and (5) Such evaluations are ahistorical, employing a time frame determined by short-term practicality rather than by a desire to understand (in the "verstehen" sense) what is really going on.

These are, indeed, major criticisms. The development and assessment of alternate models, however, is still in the early stages. The external model theoretically aims at opening up the perspective research, at looking at the broad goals that the programme being evaluated was set up to resolve. For example, if an enrichment programme for pre-schoolers were to be evaluated in an external mode, the broad, overall purposes of the programme would be isolated by deductive reasoning. The fact that the managers and/or funders of that particular programme saw it strictly in terms of increasing reading skills and comprehension in the primary grades need not determine the limits of investigation for the externally-oriented researcher. Rather, he/she would see an intellectual obligation, if

the study were to be useful in the long term for something beyond the budget expanding (or cutting) priorities of the programme managers, to go outside such narrow limits. This does not mean, however, that the concerns of the managers could or should be ignored; merely that they would not be allowed to define and confine the scientific/intellectual task of evaluation. "Managerial bias" is a hurdle such evaluators seek to overcome, rather than accept. In this way, it is argued, the evaluator can deliver a far more meaningful intellectual product, to both the prospective clients of the service, and to those who fund, manage, and run it. In traditional internal evaluations, despite all the technological rigor and methodological sophistication, the evaluator was essentially a hired hand. This "abdication of responsibility" by past evaluators is responsible, it is argued, for the sorry state of evaluation research today, wherein successive evaluations follow on and contradict each other in an endless circle.

The external model is not without hazards. It is a difficult matter to go beyond the ostensible aims of programme designers, or to figure out the "true" purpose of a programme. Moreover, managers may not want to know that their programme is failing by external long-range criteria, especially if it is "successful" by localized, short-term ones. Methodological difficulties abound, as

one cannot necessarily stick to conventional research designs, or remain within the narrow bounds of "scientific" studies.<sup>1</sup> Sometimes it is possible to define external criteria in these terms; more often it is not, and a combination of rigorous and "less rigorous" methods must be employed, much to the chagrin of those who would still maintain, despite some pretty solid arguments to the contrary (Häbermas, 1971; Weber, 1977; Winch, 1977; Giddens, 1977), that traditional positivism is the only way to approach "truth."

The debate between the internal and external concepts of evaluation is perhaps the most important controversy, in that its implications are vast, but it is not the only one! Another, somewhat older distinction is that between the "process" and "impact" research designs. Most of the debate has been conducted within the conceptual boundaries of the internal evaluation school, and is limited by these. The key difference between a "process" and an "impact"

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<sup>1</sup>Some evaluators argue that this is untrue. Berk and Rossi (1977:87-88), for example, want to use principles from Decision Theory to build demystification into the research design, using a standard 4x4 table. Their ideas are appealing if dangerous, in that they allow researchers, potentially, to hide their own values under statistical sophistry, while continuing to rake in those research dollars with clean consciences! I am not suggesting this is the purpose of their article; merely that it may be one of its effects.

evaluation is that the process evaluator asks whether or not a particular programme was implemented according to its stated guidelines, while the impact evaluator asks whether or not the programme "made a difference," or "worked," by externally and/or internally generated criteria (Bernstein and Freeman, 1975). Process evaluations ask whether the programme was directed at an appropriate specified target population; and whether or not the services which were supposed to be delivered were actually delivered as proposed. These sound like elementary and obvious questions; but the fact is that people planning social programmes may wildly over- or under-estimate the number of people "out there" who actually need the service. Or they may not agree on how to find and define such people. Beyond this, programmes may fail because they were never implemented as intended -- frequently political and financial resistance is encountered, or the service-givers lack the technological or intellectual equipment, or the population refuses to cooperate, so the service is never actually given (Bernstein and Freeman, 1975). One can hardly say that a programme is ineffective if it has never been tried -- but this may happen if process evaluations are neglected.

Impact evaluations have been the most predominant mode of investigation -- sometimes alone, sometimes along

with a process evaluation. Such studies have typically focused on discovering the extent to which a given programme has attained its stated goals. Volumes have been devoted to the statistical and methodological deficiencies of such studies, and to ways to further refine the concepts and techniques commonly employed. Scientists argue about whether the classic experiment using randomly selected control and experimental groups in a double blind design is the only valid approach, or whether "quasi" studies can be useful also (Campbell and Boruch, 1975; Bennett and Lumsdaine, 1975; Cain, 1975; Freeman, 1977). The design must, it is thought, allow the evaluator to attribute any effects to the programme itself, ruling out rival hypotheses; it must specify conditions of maximum efficiency (defined as maximum benefits for minimum cost); and it must outline any unintended consequences of the programme (Freeman, 1977). Extraneous variables must be rigidly controlled, tests of significance must be done, and variables must be carefully operationalized.

Such evaluations are wide open for the charges of political bias and anti-historicism discussed earlier. While much good work has been done, the overwhelming conclusion inspired by these studies has been that "nothing works" (Martinson, 1974; Deutscher, 1976; Empey, 1976; Logan, 1972). In the words of a critic who participated

in the design and execution of several such studies:

"As evaluation research increases as a factor in the determination of policy and programme decisions, and as the policy sciences in general increasingly affect the planning and programme development processes, evaluation researchers risk being judged as conservatives, for they often are involved in narrowly developed and professionally doctrinaire programme activities that fail to address the overall social-structural change issue."  
(Freeman, 1977:29)

All of this was taken into consideration when determining the appropriate techniques to be used in the evaluation of Queen's Rural Legal Services. The final design which was fixed upon employs a process evaluation within an external evaluation model. Interviews were conducted with all clients of the service, supplemented by material taken from the files on each client. This material was designed to find out whether or not the legal services were meeting the needs of those who had sought them out. However, this was only the first step. Efforts were made to interview people in the target communities to find out who was not using the services, and why they were not. Moreover, samples of residents both within and outside of the target population were interviewed to get their perceptions of the adequacy of legal services, and to hear their views of the basic problems of rural communities.

This non-traditional methodology requires some

justification. Why was the classic experimental model not employed? Why was a comparison group not set up in another rural area, and the impact of the provision of legal services measured in this way? This was not done for a very simple reason: it would not have told the evaluator or the wider constituencies (the law school, the sponsors of the evaluation, the wider legal community) anything meaningful. There were solid practical, as well as intellectual and ideological, reasons which made an innovative and non-traditional design essential. These were:

(1) The goals of the rural legal service were never clearly articulated by either the fund or the service providers/initiators. In the original request for funding, the four law students who set up the Queen's programme talked in vague and general terms about delivering services to a deprived rural population, and about the need to practice "preventative" law. The legal services were to provide "information, advice, and assistance on . . . specific problems of our clients," while the preventative law practice aimed at increasing "awareness of legal problems and remedies" and disseminating "information about the law" (Community Legal Services Program, Application for Contributions 1975-76, page 10). None of the key terms -- "preventative law," "deprived rural population," "legal problems," "legal remedies" -- were defined; in fact, it

seems to have been assumed that their meaning was not problematic. Discussions with others involved in delivering the service or supervising its delivery provided no more information or guidance. Moreover, there was virtually no information from the government bodies who had supplied the money as to their goals -- they seemed to have taken the students' vague rationales at face value. Thus, the service providers lacked a model of the causes of the problem, and therefore of what might constitute "help." We will consider later the effects this had on the project itself; the argument I am making here is that these vague objectives provided insufficient information on which to base a traditional research design.

(2) Building on discussions with those delivering the service, I was forced to infer and to create a model of what they "really" were trying to do. That is, the "real" goal of the service providers apparently was to "help" the deprived rural residents and their communities. There was an assumption that the provision of high quality legal services, especially of the innovative "preventive law" variety (this emphasis remained dominant ideologically even though it was, for a long time, non-existent in practice), would be an excellent way of addressing the very real problems of the northern townships. Thus, the underlying model which I was able to construct from these

sources stressed:

- i the goal of providing preventive law services;
- ii the goal of reaching, with any and all services, those who were most deprived and most isolated -- people at the subsistence level, living the farthest from urban centres;
- iii through i and ii, the goal of improving the life chances and living conditions of the target population as described in ii;
- iv through i, ii, and iii, improving the quality of life in the area as a whole.

Given that the model originally conceived by the designers of the programme was simplistic to the point of being nonexistent, and due to the fact that their specific objectives were unmeasurable by traditional research designs, I was faced with a choice. In this situation, one can either impose his or her own ideas of what goals that are measurable the service providers "should" have set down -- a risky procedure; or he/she can try to come up with a research design which will get at what appear to be the "real" goals of the existing programme. The latter is more difficult, but ultimately it is the only course that is likely to provide answers which will be useful and relevant to all parties concerned. In this case, the simple and vague objectives that were the only ones given both compelled and allowed the researcher to seek out the more important basic issues underlying the whole legal aid programme. Thus, an external evaluation, which is often

the superior model because it avoids the conservative and defeatist biases inherent in other models, was in this case necessitated by the vague and idealistic goals provided by those parties who usually define their objectives in the most rigid and narrow of terms. The situation here was the exact reverse of the usual one, with the result that such an approach was really the only type possible under the circumstances.

## II Legal Needs

There now exist a fair number of studies evaluating various programs delivering legal services. The bulk of these have been done in the last ten years, spurred on by the government involvement in legal services which began in earnest in 1965 in United States, with the establishment of the Office of Economic Opportunity, and around 1973 in most Canadian provinces, when the federal government entered into a cost-sharing program to finance certain legal services (see Chapter Two).

One of the most comprehensive Canadian studies was done by Camille Messier in the province of Quebec in June and July of 1973. Messier and her staff interviewed 296 people, chosen from five regions, ranging from urban (Montreal and Quebec City) to rural (Eastern Townships, Gaspe, and the semi-rural Ottawa Valley towns). Using a

structured questionnaire with several open-ended questions, the interviewers found out a great deal about the respondents and their perceptions of themselves, legal and governmental services, and their own legal needs. In some ways a replication of Marks' 1971 study, Messier adopted his very subjective definition of legal needs, viz.:

"In the final analysis, an individual has a 'legal problem' only if, and when, he sees that he has one. ... It is the individual's perception of self in relation to the community and law that determines when a problem is called a 'legal problem.'"

(Marks, 1971:4)

The average annual income per family ranged from a low of \$4227 in the Gaspé to a high of \$5635 in Montreal. The typical family was composed of both parents or just the mother, and four children. The average age was forty-three. Most (75%) were women, 60% of whom were married at the time of the interview. (The remainder were almost all separated, widowed or divorced.) The questionnaire covered three areas -- their basic attitudes, legal problems they had had, and a list of hypothetical problems. The attitudes inquired into were:

- (1) their view of government services
- (2) their view of the legal profession
- (3) their view of legal aid

- (4) how they chose (or would choose) a lawyer
- (5) their picture of the model lawyer
- (6) their opinions on treatment of and justice accorded to the poor in the court system, and of the laws in general.

The second part of the questionnaire dealt with problems they or another member of their family had taken to a lawyer in the past. The third consisted of an examination of 15 concrete problems, with respondents indicating how they would deal with these if they should arise.

The findings were many and varied. Messier found that people in her sample had a favourable view of government services, tending to see them as a right rather than a privilege, and as a necessity for poor people. However, "more justice and fairness" in the operation of these services was thought important (Messier 1975:10). Most had a favourable opinion of lawyers and the legal profession, but did not think the legal system as a whole was fair to poor people (80% said courts do not treat everyone equally). They felt disadvantaged because they lacked money to "buy" the judge, the witnesses, the police, etcetera, and discriminated against because of their poverty, lack of sophistication or verbal fluency, and lack of education. Although most chose or would choose a lawyer through personal contacts, most believed lawyers hired by the government could be equally competent; the really important factor was not the mode of delivering services but the



character of the lawyer. All wanted a warm but competent person who would listen to them, keep them informed, and deal efficiently with the case in a reasonable length of time. None based their opinion on his or her ability to "win" a case; they realized the outcome was determined in part by factors outside the control of even the best lawyer. Despite their doubts about the fairness of the legal system, most (79.4%) thought legal aid would improve the situation.

The second and third parts of the questionnaire both sought to investigate and explore the legal needs of the respondents. All, it turned out, felt there was a great need for legal information, given in simple, direct terms, regarding the "social" laws, consumption and economic rights, conjugal rights, housing, laws regulating cars and highways, work, contracts, criminal rights, and laws affecting the young (Messier 1975:22). Over 50% had a problem at that time about which they would have liked to consult a lawyer. However, the problems about which they actually had consulted a lawyer were overwhelmingly in just three areas: conjugal rights, economic or consumption problems, and offences relating to cars and highways. Practically no one had brought in a problem relating to what Messier calls "social" needs (welfare, unemployment insurance problems), or problems with work or housing. These findings are backed up by the answers to the 15 hypothetical problems,

where criminal and penal spheres, highway infractions, and notarized deeds were the problem areas consistently identified as "legal." Legal solutions for problems of housing, work, children's rights, and even economic and consumption problems (cases which had been treated as legal by the respondents themselves when they occurred), were much less likely to be suggested. The main impediments to legal action were the cost and what might be called apathy -- people were more likely to defend themselves against the initiative of another (either a private individual or government official), than to take action asserting their own rights. A minority, more dejected and defeated than the remainder, had given up on the system and accepted whatever came without fighting back. The poorest groups tended to be in the latter two categories, and to use lawyers only for domestic or criminal cases; while the upper-level poor, earning \$5500-5900 a year, were most likely to use a lawyer for economic and consumption problems.

Perhaps the most interesting fact to come out of this study is how similar Messier's findings are to those of everyone else who has surveyed the legal needs of the poor. Both Canadian (Cruickshank and Manson 1971; Smith 1974; Savage 1972; Savino 1976; Morris and Stern 1976; Law Society 1972; Osler 1974) and American studies (Carlin and Howard 1965; Mayhew and Reiss 1973; Hazard 1969a, 1971; Junker and

Rieke 1968; Marks 1971; Goodman and Feuillan 1972; Curran and Spalding 1972; Sykes 1969; Carlin, Howard and Messinger 1967; Kettelle 1971; Auerbach 1971; Comptroller General 1973) have found over and over again that:

(1) The rural and urban poor tend to see lawyers only in response to crises, and tend to define as legal issues only conventional problems in domestic and criminal law, plus wills and real estate. They are less likely to sue or be sued, enter contracts, or sign deeds or leases, especially in United States.

(2) Thus, whether legal aid is available or not, the poor tend to bring few problems in what have been called "new property" areas.<sup>2</sup> (The term was first used, to my knowledge, in an excellent article by Charles Reich in 1964.) Grievances against welfare boards, wages unpaid by employers, faulty products, ruinous financial contracts are all being endured because so few people know there is help of any sort available. (Recently they have sought newspaper "Action-Line" columnists and ombudsmen's offices for help -- almost 50% of the complaints brought in Alberta, Nova Scotia, Quebec and Saskatchewan are in this area, according to Savino.) (Savino 1976:35-36)

(3) Most poor people, although suspicious of the court system and alienated from it, think rather favourably of lawyers, (especially poor people who have had no experience in criminal courts), and are optimistic about the worth of free legal services. However, the majority are ignorant of the availability of services -- approximately 90% of the clientele of community clinics is drawn from a one mile radius.

(4) The poor have some legal problems uniquely their own (such as the "new property" areas); some that they share with all citizens (such as the need to make wills and get legal help to fight a court case); and some that, while not uniquely theirs, impinge more heavily on them (faulty consumer goods, fraudulent contracts, tenant problems). The legal profession

<sup>2</sup>There are exceptions to this -- community clinics such as Parkdale in Toronto, with an aggressive "grass roots" approach, have high case loads dealing in the "new property" areas.

has not generally recognized their unique situation, nor developed any expertise, in areas where the poor need help the most. Some would deny that being cut off welfare, for example, is a legal problem. These definitions, of what is a legal, quasi-judicial, or administrative problem, are in flux in Canada today, in the minds both of the private members of the various bar associations, and of those who decide what shall be covered by public monies.

However, just as we are getting a clearer picture of how the poor see their legal needs, it is becoming apparent that this is the wrong issue to concentrate on. In sociological terms, we have been looking at the dependent rather than the independent variable; the effect and not the cause. It seems that legal needs, to a very large degree, are what the legal profession says they are, and this decision has traditionally been made in response to the needs of the highest paying clients. Or, if the latter have not determined for the legal profession what shall be defined as legal problems, there is at the very least, by an interesting coincidence, a remarkable similarity in the views of the two groups -- and the most prestige-laden and lucrative areas of law are those servicing the highest paying clients, viz., the corporate sector.

"Speaking of the somewhat unbalanced distribution of professional talent, I suggest it is fair to say that lawyers have specialized too much in recent years for the benefit of too few of the interest groups in society. Private business corporations and wealthy individuals tend to be well served."  
(Lederman 1971:145)

Thus only recently, with the advent of governments to provide paying clients from poor groups, have legal professionals themselves thought of the poor as having any but the most traditional, isolated legal needs (typically the need to a defence lawyer in a criminal case). As one analyst put it:

"There is a large gap between what the legal profession regards as 'legal problems' and what low income Canadians regard as their legal problems. ...It would appear that the free market system has resulted in a definition of 'legal problem' according to ability to pay. Low income Canadians have not up to now been in the bidding in this free market system -- the result has been a non-recognition by the legal profession that the problems of low income people are even 'legal' problems." (Savino 1976:38)

In light of this, social scientists and lawyers alike have recently been re-analyzing the previously employed "static" concept of legal needs. The traditional approach, generating needs by querying groups of people, assumes that there are problems "out there," some are legal and some are not, and only lawyers can distinguish between the two. The real question we should be asking is whether and in what ways the law can (or should) be reinterpreted to meet new problems. Is a legal solution necessarily the best way to resolve conflicts? Is it the most economical in terms of time and money? Does it have ramifications, in the form

of ill will generated or relationships ruptured, that other conflict-resolving mechanisms do not? Under what conditions do lawyers press for new interpretations of old doctrines and question old definitions of legal problems? It seems that only by knowing some of these answers can we decide what the "legal needs" of a given population are, can be, and should be.<sup>3</sup> As Mayhew put it:

"Neither surveys of the experiences of the public nor the patterns of cases brought to legal agencies produce a particularly valid measure of the 'legal needs' of the citizenry. Needs for legal services and opportunities for beneficial legal actions cannot be enumerated as if they were so many diseases -- in need of treatment. Rather, we have a vast array of disputes, disorders, vulnerabilities, and wrongs, which contain an enormous potential for generations of legal actions. Whether any situation becomes defined as a 'legal' problem -- is a consequence of the social organization of the legal system and the organization of the larger society -- including shifting currents of social ideology, the available legal machinery, and the channels for bringing perceived injustices to legal agencies." (Mayhew 1975:404, emphasis mine; see also Lempert 1976:7-8)

Thus we now have studies asking how problems come to be seen as legal or non-legal. Wexler (1975) has pointed out that lawyers in Canada have been preoccupied with whether decisions by the myriad of agencies and authorities

<sup>3</sup>See Marks 1976 for an excellent discussion of these issues.

which impinge on the lives of poor people can be subjected to any formal court review. In the past, many of these have not been brought into court because they were not seen as legal -- but they were not seen as legal largely because they were not brought into court! He points out that there are no qualities one can point to that distinguish judicial decision-making from "administrative," "ministerial," "executive," "discretionary," or "absolute" processes. A possible, but tentative, conclusion I would draw is that lawyers are theoretically free to attempt to extend the definition of legal needs in whatever direction seems to promise the most benefit for their clientele. This has already been done, of course, for the interests of propertied clients, but is still a revolutionary concept when applied to the needs of publicly funded clients.<sup>4</sup>

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<sup>4</sup>It is easy to forget, in lieu of the common distinction between private legal clients who are thought to pay their own way, and public legal aid clients who are considered a drain on the public purse, how interdependent we all are in modern industrial societies. Does anyone really believe that the high legal fees received by corporate lawyers (in-house or consulting) from General Motors or I.B.M., for example, are not passed down to the consumer/customer? Do people really think these are taken off the company's profit margin? The average citizen pays for these in two ways -- directly, through increased costs, and indirectly, through the tax deductions taken by the company for these "business expenses." It is inconsistent to conclude, then, that services provided to legal aid clients ought to be restricted because of the drain on the public purse, unless one also wishes to argue for reduced fees and services for those servicing the corporate sector. The argument has less force when applied to individual clients, but, as Nader (1976) and Galanter (1976) have pointed out, the key distinction today is between organized and unorganized clients; and it is the former group who constitute the powerful forces which have determined the shape and expense of legal services, and the definition of legal needs.

We are also discovering the importance of lay intermediaries in defining what problems are legal, and in helping to mobilize the law as a resource (Lochner 1975). Tibbles and Hollands (1970), in a project in Buffalo, found that many potentially legal complaints were uncovered by using neighbourhood aides who took active roles in defining and initiating complaints for an ombudsman. Johnson (1974) also found lay intermediaries were important agents, buffers between the legal service and its potential clientele. Parkdale, and several other successful clinics in Ontario, have demonstrated their knowledge of this principle through the use of paralegals and their ties with community-based tenants groups.

### III The Delivery of Legal Services

Research on delivering legal services has traditionally concentrated on ascertaining how well the service was meeting the legal needs of its target clientele. The current rethinking of the static concept of legal needs, then, must necessarily change our concepts of legal delivery systems, their aims, and the ways in which they are or should be evaluated. Relatively little of this rethinking has been done, as yet. In this section I propose, first, to review the literature on the delivery of legal services; and, second, to indicate why much of it needs to be re-examined. We can evaluate neither the legal needs of citizens of North Frontenac nor the validity of the present delivery

system until we know what indices we should be using.

Material on the delivery of legal services has focused around three areas: the traditional market system, judicare, and neighbourhood legal clinics. The latter two are employed to deliver subsidized legal services, while the former is the way in which the private bar has traditionally operated.

The market system is thought to work in the following way: a person with a legal problem chooses a lawyer, ideally by personal recommendation and reputation, takes the problem to said lawyer, who then accepts it and resolves the problem. The client then pays the lawyer. Lawyers are expected to slowly build a reputation for expertise; this reputation, and the client's ability to choose whichever lawyer he/she wishes in a given community, provide the client with protection from incompetence or corruption. The demands of the free market determine the fees and the availability of lawyers. Where there is a lot of business, there will be a lot of lawyers; conversely where there are few people, or people unlikely to use legal services for some reason, (poverty being a traditional one), there will be few lawyers.

The defects of this system have now become apparent to all interested parties. The market system only works well when you have many units, each with relatively equal

amounts of power, on both the supply and demand sides. Where there is a power imbalance, there is a resulting market imbalance. And in demanding legal services, there has been a decided imbalance in favour of the propertied and the organized. (The two usually coincide, as in the modern corporation; but unions provide an example of organized, relatively powerful groups not based on property ownership.) Thus lawyers have been criticized for providing every conceivable service, from organization to lobbying to litigation, for certain powerful interest groups, and nothing for the unorganized and powerless. This imbalance has affected, it is claimed, what is taught in law schools, the fee structure of lawyers, the policies and attitudes of bar associations, and the distribution of prestige in legal specialities (Auerbach 1975; Mayhew and Reiss 1973). As Lederman (1971) put it:

"Private business corporations and wealthy individuals tend to be well served." (Lederman 1971:145)

However, rural residents (Smith 1974; Hazard 1969a), natives in remote areas (Savage 1972; Osler 1974, Volume II), and poor people in general (Osler 1974, Volume I; Savino 1976; Tamen 1971; Messier 1975; plus many others), are either underserviced or not serviced at all. Moreover, given the vast amounts of money and respect that accrue to those who service the powerful, lawyers by and large do not want to

build a career and make a life's work in areas that benefit the poor, the unorganized, and the powerless, though some will donate a few months when they are law students, or a few years when they first graduate. It is becoming increasingly difficult even for the individual middle class citizen to afford a lawyer for a one-shot problem; and is already impossible for them to launch protracted suits against organized powerful groups (Nader 1976; Galanter 1976, 1974; Christensen 1970).

Secondly, the market system works best in a small-scale, simple society, where people are able to appraise the worth of the services they receive. There is evidence today that most people are unable to do this with legal services: satisfaction with a lawyer probably means satisfaction with one's relationship with him or her (Ladinsky 1976:60). The variables involved in evaluating both quality of service and the "success" of a lawyer in dealing with a case are simply too complex and too hidden for a layperson to make an informed judgment.

Partly in response to the inadequacy of the market system and the underservicing of the poor, the judicare and legal clinic delivery systems were developed. The judicare system, which operates in parts of Wisconsin and Montana, and as a supplementary or dominant mode in just about every Canadian province, is a model whereby members of the private

bar are paid by the government for taking certain cases for eligible (poor) people. Thus the model retains some of the best and worst features of the free market system. The client has a free choice of lawyer, limited by the fact that lawyers must agree to have their names placed on a list of counsel willing to take legal aid clients. There is no stigma of charity in court cases, since no one except the lawyer and client know who is a legal aid case and who is not. A client with a family lawyer can use him or her in most instances. Where lawyers are plentiful and participate in the plan, no one lawyer gets overburdened with cases. Thus they do not become bored with a case load comprised of one or two types of problems for a lot of superficially similar clients. Moreover, older, experienced lawyers can at least potentially be used, assuring the client of a better quality of service -- or, at the very least, of the same quality of service as the average unorganized paying citizen could get.

However, many of the defects of the free market system remain. Many districts and areas cannot attract or hold lawyers, so the vaunted "freedom of choice" is illusory here. Many busy, successful, experienced attorneys will not take legal aid cases -- 50% of all legal work done for legal aid in Ontario is by lawyers in their first six years of practice (Osler 1974:6-7). Clients without a good system of contacts and information have no way of knowing

which lawyers on the list are competent, which are not, or even which specialize in the area of law they are interested in. The culture gap between the average "big city" lawyer and the average poor/rural/native client is thought to be huge. Physical factors (transportation, distance, etc-etera) may be also. Since client comes to lawyer in the market system, there is no "outreach" program with judicare to help those who are unaware of the service, afraid to come in, or unaware that lawyers will deal with their particular problem. Advertising by lawyers is forbidden under professional ethics, in Canada at any rate. Judicare programs seldom attempt any legal reform -- they are litigation-oriented, and take mostly traditional individual cases. Groups are often barred from obtaining legal help under judicare plans, and the fee structure is seldom designed in a way that makes any attempt to encourage or even allow law reform, precedent-setting cases, or challenges to the status quo that are certain to go to higher courts and take hours of effort both in court and out. Moreover, the quality of service supposedly safeguarded by judicare may be illusory. Lawyers in Ontario had to be restricted to 75 certificate cases annually shortly after judicare was instituted because they were taking too many cases to service adequately; and experienced counsel and judges have complained about the incompetent lawyers taking legal aid cases. If we accept as representative Tamen's list of services offered to powerful clients -- they anticipate

problems, create mechanisms of problem avoidance, litigate, organize, represent groups or lobby for favourable treatment for clients, and advocate independently for varied interests (Tamen 1971:4-7) -- then it seems clear that only a miniscule portion of those services are offered to the poor under judicare plans.<sup>5</sup>

The legal clinic model also has a relatively short history. It arose in the United States in the early 1960's as one of the components in the federal government's 'War on Poverty' program, and has had its fullest development here, although variants have arisen in England and Canada. Thus I will use the American model as the prototype for this

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<sup>5</sup> Ontario's judicare plan features duty counsel as well. These are private lawyers who work on a rotating basis in the local provincial criminal and family courts. They are discouraged from taking a case through to completion; their primary function is to advise everyone who appears in court for the first time of their right to plead guilty or not guilty, to apply for bail or an adjournment, and to represent the accused in summary conviction matters who wishes to plead guilty. They play a crucial role in preventing the accused from entering a plea before consulting a lawyer; a feature that is absent from most judicare plans. This plea is important because once a guilty plea is entered, the options of the lawyer subsequently retained are severely limited. And many accused who have legal grounds for a not guilty plea do not realize this. The result has been that only a relatively small percentage of defendants, mainly those who do not wish a lawyer to speak for them, are unrepresented in criminal court. (Wilkins 1975:49, found that 29.3% in Toronto courts were undefended when their case was decided; a figure that compares well with other studies.) However, the plan is severely restricted in that it automatically covers only indictable criminal offences and Crown appeals. All other areas including legal advice, are covered only at the discretion of the Area Director.



mode of delivering services. The conceptual basis of the model was developed by Edgar and Jean Cahn in their article entitled, The War on Poverty: A Civilian Perspective.

"...a neighbourhood law firm -- which could serve as a vehicle for the 'civilian perspective' by placing at the disposal of the community the services of professional advocates and by providing the opportunity, the orientation and the training experience to stimulate leadership amongst the community's present inhabitants. Such an institution would include a staff of lawyers, research assistants, and investigators who would represent persons and interests in the community with an eye toward making public officials, private service agencies, and local business interests more responsive to the needs and grievances of the neighbourhood."

(Cahn and Cahn 1964:1334)

In 1965, the Office of Economic Opportunity's Legal Service Program (OEO/LSP) was established under the Economic Opportunity Act, incorporating much of the Cahns' philosophy.

Both the structure and operation of the neighbourhood legal services approach differ significantly from the judicare model. Individual neighbourhood offices are established on a project basis. The projects are not seen as government agencies or extensions of the law society, but as non-profit, community owned and operated corporations. Each project establishes its own board of directors, composed of lawyers, community leaders, and representatives of the poor, although control ultimately remains in the hands of

lawyers. The board of directors are largely responsible for initiating and implementing policy.

The offices are staffed by a combination of full-time lawyers, law students, community residents, full-time paralegals and support personnel, depending on the budget, the initiative of the personnel, and the perceived needs of the community.

The range of services available from any one of the neighbourhood offices differs, as each office establishes its own priorities for service in response to perceived community needs. However, it appears as though the first priority of most of the offices is the provision of individual advice and assistance -- ranging from simple advice to full-fledged litigation. The offices are also involved in assisting community service organizations and other self-help institutions. As well,

"...most programs devote considerable time through the courts and other bodies to clarifying and altering the 'common law of the poor'; so, for example, programs have taken cases establishing the principles of due process in juvenile courts, the right of counsel in committal proceedings for indigent patients, challenging the right of welfare caseworkers to enter recipient's homes without warrants, voiding leases of premises whose condition violates housing codes, requiring public housing officials to satisfy applicants as to the position they have been placed on waiting lists, challenging the choice of sites for public housing



projects, requiring farmers to conform to statutory standards governing working conditions of migrant workers, requiring disclosure to the appellant in welfare appeals of written records introduced in evidence against him, challenging residence requirements for welfare recipients, and many others." (Tamen 1971:58)

Coverage is largely restricted to civil matters, such as family problems, consumer problems, landlord and tenant and related housing problems, creditor/debtor problems and welfare and other administrative agency problems. Criminal cases are specifically excluded since, in United States, criminal law is a state, not a federal, prerogative. However, a 1968 amendment to the Economic Opportunity Act prohibiting OEO-sponsored legal service programs from handling criminal matters, did not consider cases involving juveniles as criminal matters. Thus, juvenile cases are included in the program's coverage. The program also covers applications from groups for law reform cases.

Financial eligibility is determined by each individual project office, loosely following the Office of Economic Opportunity's Guidelines for Legal Services Program. The tests for financial eligibility are not standardized; generally eligibility is based on income, with those above marginal income levels being excluded.

As has been noted above, individual neighbourhood offices (in theory at least) are established on a project

basis and are not regarded as government agencies or extensions of the legal profession, but rather as independent corporations. To qualify for federal funding, the neighbourhood offices must be designed to meet local needs. If it qualifies, the Office of Economic Opportunity provides 90% of its operating budget. The remaining 10% generally comes from state or local sources.

Variations have been devised for both models. Judicare plans, in Canada at any rate, have usually been supplemented by clinics in areas where there were too few lawyers, and in poor areas where the deficiencies of the judicare model, (no outreach program, no coverage of many civil needs, especially in "new property" areas), were overwhelming. Law schools have often taken an active role in running these, thereby gaining experience for their students as well. Clinic models in United States, since they cannot cover criminal offences, have developed side by side with the Public Defender in judicare-like schemes. The Public Defender is a lawyer paid by the state to defend all eligible clients facing certain charges who cannot afford private lawyers. Other states have chosen instead to reimburse private lawyers for defending certain cases. Prepaid group insurance schemes, analogous to medical insurance, have also been devised to allow low and middle income earners to afford lawyers.

However, few people would maintain that the debate over models to deliver legal services is over. The market system is accepted as inadequate for all except the organized and affluent, but the judicare and clinic models are also under fire. Judicare has been found to be unresponsive to the needs of low income citizens, litigation-oriented, expensive, traditional, a get-rich scheme for beginning lawyers, and an inadequate vehicle to improve the lot of the poor. (See Tamen 1971; Goodman and Feuillan 1972; Kettelle 1971; Savino 1976; but see Brakel 1974 for a rebuttal and defence of judicare.) There is some evidence that clients prefer it to clinic lawyers hired by the government (Brakel 1974; Casper 1972; Barak 1975). The neighbourhood clinic model has been criticized for delivering low quality service because of overburdened, inexperienced lawyers with excessively large caseloads, for denying clients a free choice of lawyers, for fostering centralization, and for creating charity cases instead of clients (Brakel 1974; Law Society 1972; Osler 1974).

A large part of the problem stems from the fact that no one is sure what the function of publicly-funded legal services is. This problem never had to be faced in traditional practice; the lawyer did what the client wanted him or her to do if he/she accepted the case, within commonly accepted limits determined by the courts, precedents, one's

peers, and, of course, the budget of the client. It is not yet clear whether publicly funded services are supposed to organize the poor to revolt against an unjust system, change the laws which favour property-holders at the expense of the property-less, help individual clients and groups clarify and extend their rights where these are being negated or denied, or defend the client charged with impaired driving. Which of these criteria one uses necessarily affects one's evaluation of the efficiency of the model and the service-givers within it!

In Ontario, at least, it seems clear that the government and the legal profession are committed at the moment only to the bottom level, the provision of individual services to a client who requests these, although some lip service is presently being paid to the notions of group representation and law reform. Organization and lobbying are definitely out of the question as of yet -- witness the recent denial of funds to a Toronto clinic, People and Law, on these precise grounds (Globe and Mail, March 16, and June 22, 1978). In United States, the situation is apparently different. There, the rhetoric stresses the importance of law reform and even lobbying and organizing are not ruled out as valuable goals for clinic lawyers to pursue. Evaluators have stressed the importance of law reform efforts (Goodman and Feuillan 1972; Kettelle 1971;

Rovner-Pieczenik 1976) in assessing the success of the model. However, with a few exceptions, the reality does not appear to be strikingly different from that in Ontario -- the poor tend to get overburdened, inexperienced lawyers, there is a high rate of staff turnover, and traditional cases for individuals form the bulk of the caseload.

However, something is coming out of the disillusionment engendered by the American and, to a degree, the Canadian experiences. In line with the re-examination of legal needs has come a re-examination of delivery models. The idea that, by guaranteeing access to lawyers and the legal system, one has solved the problems of low income citizens and justified the monopoly of the lawyer over legal services, is being challenged. This emphasis on access implies that the only thing standing between poor people and social justice is their lack of lawyers to defend their rights. It is assumed that entrenched elites will be willing to see their power and privileges eroded by legal challenges, and will not take political means to block or to reverse any successful challenges -- or simply ignore the legal ruling. Hazard (1969b), Brakel (1974) and Lefcourt (1971) have all expressed doubts about this overly optimistic view of the role of law, in light of recent and not so recent history.

Thoughtful legal experts are pinpointing conditions

necessary for legal reforms to be effective, in the belief that delivery models will have to become interested in such issues. It has been shown again and again that court rulings are not automatically translated into action; they often have no discernible effect on the lives of those who are directly affected, simply because they are never interpreted, enforced or used in a way that influences behavior. Police, welfare officials, employers and landlords all are wont in some circumstances to behave as though certain landmark decisions or reforms have never occurred (Skolnick 1967; Mayhew 1968; Wasby 1970; Aubert 1970; Turk 1976; Edelman 1967). And poor people who are often unaware of their new rights, or who are frightened of repercussions in the form of losing their job, their home, or their credit when unemployed, are in no position to demand that the law be obeyed. As Galanter has said:

"Legal professionals have tended to overestimate the benefits that could be delivered through obtaining rule changes from eminent institutions, especially from courts. A vast literature has documented the constantly rediscovered and never-quite-believed truths that judicial (or legislative) pronouncements do not change the world; that the benefits of such changes do not penetrate automatically and costlessly to their intended beneficiaries; that often they do not benefit the latter at all." (Galanter 1976:73)

A variable that is emerging as crucial to the success

of any legal delivery system is the building of an alternate power base for and with the target clientele. As Lempert has said:

"...the effective mobilization of law as a force for institutional change requires a substantial power base independent of the legal system. Extralegal power is important not only to the mobilization of existing law, but also to the creation of legal norms available for mobilization and to the enforcement of legal victories that have been apparently won."  
(Lempert 1976:16)

And:

"If we're going to make access meaningful it has to be as part of a general redistribution of legal, political, social and economic power in society. ...Otherwise it may well appear to be moving fast (legal services) but in terms of making meaningful changes in people's lives, it may only be standing still. It may be creating expectations that are destroyed when they come up against hard legal and illegal realities." (Nader 1976:100)

Such, then, are the directions in which legal scholars are moving. All of this means that the traditional way of evaluating a given legal program is now thought to be, in many ways, inadequate. We will return to these themes in Chapter Five, and see how they apply to what we have learned about Queen's Rural Legal Services.

## Chapter Two: Historical Background

### I A Brief History of Legal Aid

Legal aid plans in Canada have varied tremendously from province to province. Several of the provinces, specifically British Columbia and Ontario, have had province-wide programs for dispensing certain legal services since the 1950's. Several others established in the 1960's some sort of plan to provide lawyers for clients charged with serious criminal offences. Typically, the Attorney-General of the province or the judge appointed a lawyer and paid him or her a set amount. Relatively few provinces provided legal aid to cover civil matters on any organized systematic basis until the early 1970's, although many had a clinic set up in the capital city staffed by volunteer lawyers or by law students. However, for most poor people outside Ontario and British Columbia, obtaining a lawyer to represent them meant persuading someone to take their case on a voluntary charity basis.

The situation changed in 1973, when the federal government instituted a scheme whereby it agreed to share costs with any province to provide free legal services for a wide range of criminal offences for indigent defendants. Some provinces, such as New Brunswick and Prince Edward Island, had no free legal services until 1973, and still provide no coverage beyond the criminal matters covered by the cost-

sharing agreement. Most, however, passed a provincial plan in the early 1970's providing legal services free or for a nominal fee, covering most indictable criminal matters, and some civil matters, for those whose income is below a certain maximum amount.

#### Legal Aid in Ontario

We will now look at the evolution of the concept of legal aid and the delivery of legal aid services in Ontario. Prior to 1951, there was no legal assistance plan to aid indigents in either civil or criminal cases. This does not mean no poor people ever had lawyers to represent them; lawyers on occasion would volunteer their services for reduced fees or for free. In addition, the Attorney-General's Department did pay counsel a nominal daily fee to defend indigents charged with capital cases. No assistance was available for civil cases.

From 1951 until 1967, a limited legal aid plan was in effect. Under this system, legal aid was granted to applicants who met the eligibility standards; that is, who fell below a certain income level or were judged to be unable to pay without impairing their ability to provide the essentials for themselves and their families. Lawyers received no remuneration except disbursements, which were paid by the provincial government. Only indictable criminal and certain civil proceedings were covered, and

participation in the plan by the lawyers was voluntary.

The present plan has been in operation since March 29, 1967 (with amendments in 1970 and 1973). It is a tariff-based judicare plan which provides for coverage as a right for all eligible people charged with indictable offences, or for proceedings under the Extradition Act, the Fugitive Offenders Act, and all Crown Appeals in federal criminal cases. All other cases, including summary convictions, civil cases, and proceedings in Family Court, are handled at the discretion of the Area Director according to certain criteria. There are forty-six area directors throughout Ontario. They are appointed by the Law Society with the approval of the Minister of Justice and the Attorney-General, and fulfill their legal aid duties on a part-time basis everywhere except in the County of York. (The latter county, which includes Metropolitan Toronto, has a full-time director.) They are responsible for establishing and maintaining legal aid services in their areas, as well as ensuring that duty counsel are provided for local criminal and family courts. Once it is decided whether one's legal problem merits a legal aid certificate, financial eligibility must be determined. This is done by the Ontario Ministry of Community and Social Services, according to guidelines which attempt to provide coverage for all who would suffer "substantial financial hardship" if they had

to pay a lawyer out of their own pocket. Those who pass muster here are then issued a legal aid certificate and permitted to choose a lawyer from a list of names. The list is composed of local lawyers who have applied to the Area Director to have their names placed on a panel of those willing to represent clients with legal aid certificates. (The lawyer receives the normal fee minus twenty-five per cent.)

## II History of Queen's Rural Legal Services

The Queen's Rural Legal Services program grew out of an initiative by four Queen's law students who felt that the needs of the people in the rural area north of Kingston were not being met. Queen's students had set up and received funding for an urban clinic service in the city of Kingston in 1971. Clinics were established at the law school, serving primarily a student clientele, and on North Montreal Street, serving a poor urban district. However, legal services were available north of highway 401 only sporadically. Lawyers would set up part-time offices in Sharbot Lake, Sydenham, Tamworth and Verona, but never lasted long.<sup>1</sup> It seems there were simply too few people with the money to pay for legal services to make the long

<sup>1</sup>At the time of the original report (summer 1978), there were two lawyers offering part-time services in Sharbot Lake, and one in Verona; in the winter of 1981, there were a husband and wife team in Sydenham, and a part-time lawyer in Sharbot Lake and Verona.

drive and the extra office costs worthwhile. Thus, potential clients had to have the transportation, perseverance, money, time and knowledge to come to the nearest town (Kingston or Napanee for the southern half of the county; Perth or Smith's Falls for the north), find a lawyer, and then hope he or she was competent in the legal area involved and would take the case.<sup>2</sup> Similarly, potential legal aid clients had to come to the Kingston legal aid office, fill out a form and wait to see people there; then undergo an appraisal of their financial eligibility by the Ministry of Community and Social Services. Then, assuming the client was eligible and received a certificate, he or she would begin the process of finding a lawyer willing to take the case. Since legal aid panels do not list the lawyers' areas of expertise, or their willingness to take rural cases, this process can take four or five separate visits in all, and public transportation within the county is almost non-existent. (A bus makes a run from Sharbot Lake to Kingston once a week.)

Four Queen's students, Kate Dunkley, Roger Olson, Jo-Anne McClusky, and John Goodchild secured funds from the

<sup>2</sup>This overstates the gravity of the situation in one way, since many country people, especially the older ones and/or the landowners, have a family lawyer in Perth, Kingston or Napanee.

Department of Justice in Ottawa, to run an experimental project in several towns and villages in Frontenac County, north of Kingston in June 1975. Office clinics were set up in the Community Centre in Sharbot Lake and Northbrooke, in the Legion Hall of Verona, and the Library and Township Hall in Tamworth. In addition there were six mobile clinics, utilizing a conspicuous van labelled Queen's Rural Legal Services, which was parked in a prominent place on the main street in Sydenham, Perth Road Village, Plevna, Mountain Grove, Arden and Snow Road (see map, Appendix 1). Clinics were held one day a week in each location. These locations were chosen in hopes of servicing as wide an area as possible in the two counties. Initial contacts were made with the reeve of each township, and their cooperation and knowledge solicited. A total of thirty-one people were serviced in that first summer, excluding those aided by the students in their roles as assistant duty counsel at the bi-monthly courts in Sharbot Lake. This heavy schedule had to be revised and cut down in the autumn and winter (1975-76), as it was too onerous for full-time law student volunteers to maintain, and places such as Snow Road and Plevna were thought too difficult to get to. In addition, mobile clinics, located in a van, get very cold in the winter months! Locations in towns were also changed as different office spaces became available; however, having

a central, well-frequented spot was the first priority.

The project is now well into its sixth year of operation, with interim funding from the Ontario government. Up to 1979, it was funded by a grant from the (federal) Department of Justice. This covered the leasing of a Dodge Maxivan and, since the spring of 1976, a car; salaries for summer students employed in the project (four in 1975 and 1976, five from 1977 on); and some secretarial and office expenditures. The remainder of the office expenses are borne by the Faculty of Law, as is the salary of the Director of Legal Aid. The person occupying this position, hired August 16, 1975, had to supervise all the students doing legal aid work in Kingston, Belleville and on the rural project. Students during the year volunteer their time, and receive neither course credit nor remuneration. Since 1979, the programme has been funded out of the Clinical Funding Branch of the Attorney-General's Department of the Ontario government. Two new positions have been created: an Assistant Director was hired to supervise and counsel students doing legal aid, and on June 1, 1979, a community legal worker, to be based in Sharbot Lake, a town 50 miles north of Kingston, was hired. Throughout the period of the initial evaluation, however, there was only one person, the Director, who was responsible for all of legal aid.

### Organization of Queen's Rural Legal Services

Clinics are presently operating in seven centres in Frontenac County, and in the eastern portion of Lennox and Addington (see Appendix 1). Schedules differ in the winter and summer, but I will begin by describing the winter operations, in effect from approximately September 15 until April 1.

At the start of each school year, Queen's Legal Aid solicits volunteers to staff clinics in Kingston itself, Belleville, and the rural project. The head of each of the three programs puts in a bid for the number of volunteers he/she thinks they will need, and the volunteers are assigned to projects on the basis of project needs and volunteer preferences (they indicate their first, second and third choices). The rural project, in the fall of 1977, received approximately 25 students whose first choice was rural, and 9 second choices, for a total of 34 volunteers. By 1980 rural was the first choice of more students than it could accept -- the project took 42 volunteers out of 55 who listed it as their first choice. Approximately one-third of these are first year students in a typical year.

Volunteers are urged to attend a series of orientation meetings and lectures given throughout four orientation weeks in September, and again in January. Because the programme is voluntary and there is no academic credit attached,

no one can be forced to come if they do not wish to.

Since there are no courses in "Poverty Law" at Queen's, the orientation lectures are very important. They are organized by the Director of Queen's Legal Aid, who delivers at least 60% of them himself. Guest speakers, usually law professors, judges, or lawyers, are invited to give the remainder. There are four lectures per week for four weeks in September, and again for the first three weeks in January, if enough new volunteers enter the programme at this date. The first week focuses on civil litigation and consumer law; the second on criminal law and evidence; the third on landlord and tenant and real property; the fourth on family law and social security. There are usually about one hundred and eighty volunteers at first (overall), and the Director estimates that approximately 150 turn up for the first two lectures. Attendance declines from that point on, until there are perhaps 20-30 towards the end of the series. (The number of volunteers has declined in the last two years, which may have serious repercussions for this type of programme. So far, however, the rural programme has been least affected.)

Students do volunteer duty at the clinics, and up until 1980 served as assistants to the duty counsel in Napanee and Sharbot Lake courts. (The rural project students now do this only for the Sharbot Lake court; the Belleville



project has taken over this role in Napanee.) Clinics are held for one to two hours at each location, and the individual student can expect to be assigned to one every six weeks. Students are expected to show up when they are assigned to a clinic, answer any minor questions, and record preliminary details of more substantial inquiries. If there are no clients, the students are free to work on their courses.

#### Supervision

Depending on the number of volunteers, the students are divided into groups, each headed by a group leader who is a senior law student. In the early years, each "cell" was composed of 8 to 10; with the increased number of cases to be handled, the group size has increased to an average of 14 in each in 1980-81. The group leaders are expected to supervise the members of the group, as well as act as liaisons with the Director. The process operates in the following way: Each group is responsible for clinics in one geographic area. There are three groups in the rural project: one handling the Sydenham and Verona clinics; one handling Tamworth and Northbrooke; and a slightly larger group handling Sharbot Lake, Snow Road and Ompah. Each week, two or three students from each group staff clinics in each area. Each legal inquiry is recorded on an inquiry form, and relevant statistics and information are taken.

Little legal advice is given at this stage. The next day all members of that group meet, each inquiry is recorded, each case is discussed, and a student is assigned to do the necessary research. The student is supposed to discuss the case at some point with the Director or Assistant Director, but there is no procedure to ensure that he or she does. However, all written correspondence with clients must be read and approved by one of the two supervisors before it is sent out. A simple inquiry is supposed to be answered within a week, by telephone or letter, and the information given out is supposed to be recorded on the inquiry form. (In practice, it appears that files are opened for most inquiries which cannot be dealt with then and there.) For more complex cases, a case file is opened. This includes a consent form signed by the client, and various other forms which are supposed to be filled out at every stage along the way. Many cases require the preparation of a letter of opinion, which sets out the facts of the case and the law as it applies to these. Letters of opinion are also read by and discussed with the Director or Assistant Director. Finally, all closed files are reviewed by a director to ensure that everything which should have been done was in fact done.

The summer programme is run along the same lines, except that the whole programme is run by four or five

students hired for this purpose. Each student is responsible for one geographic area, and they usually meet weekly to discuss cases. In the summer of 1980, there were clinics in Yarker on Monday; Sydenham, Verona, and Parham on Tuesday; Tamworth, Arden, and Northbrooke on Wednesday; Sharbot Lake, Plevna and Ompah on Thursday; and Battersea on Friday. Supervision procedures are the same in theory; in fact, since it is much easier for the directors to supervise the 20-25 students hired for summer legal aid programmes (including Kingston and Belleville) than the 180 or so volunteers during the winter, supervision is much more intensive.

Students who wish to apply for the salaried summer positions in Rural Legal Aid submit applications early in the winter term. Applicants are then interviewed by a committee composed of the Dean of Law, one faculty member, and one student, a member of the Legal Aid Executive. A ranked list is produced, and job offers are made on this basis as soon as summer funding is assured.

The service operates on a year-round basis. However, it is effectively shut down for at least five weeks a year, although the directors do handle any emergencies. These shut-down periods occur during student exams, the first 2-3 weeks of December and of April. Service also falters during changeover periods, which occur in September when the fall

programme is being organized, and again in May when the summer programme starts.

The service given by the students has varied considerably over its six year history. The summer they opened, in 1975, clinics were scheduled for a total of 41.5 hours a week. There were office clinics in Verona, Sharbot Lake, Tamworth and Northbrooke, and mobile van locations in another six, Sydenham, Perth Road, Snow Road, Plevna, Mountain Grove and Arden, covering a wide expanse of territory. In addition to these lengthy clinic hours, the four students were acting as assistant to the duty counsel in Sharbot Lake court twice a month. In the summer of 1976, office clinics were scheduled in five towns, with mobile or van clinics in another five, but the hours of clinic time were cut back to 27½ hours. Saturday clinics were tried out that year. In the summer of 1977 clinic hours were cut back to 17½ hours and Saturday hours were eliminated, but one extra student was hired, putting five full time students in the summer project. Students began acting as assistant to duty counsel in Napanee provincial court, in addition to Sharbot Lake. By the summer of 1980, the number of clinic hours stood at 16½, two of these in the van. The winter hours have also been cut back, but in a less drastic fashion -- from 13 in 1975-76 to 11½ in 1977-78, back up to 12½ in 1980-81. According to the organizers, the original

clinic hours were too long -- prospective clients would come at the beginning of the clinic hours, and then the student would sit for the remaining hours with nothing to do. Morale in the first year was terrible, largely for this reason. Few second or third year students wished to join because of the lack of inquiries and the "triviality" of the cases that did come in. Half of all the volunteers quit in the winter of 1976-77 for just this reason; whereas only four people dropped out in the fall of 1977-78. In the winter of 1980-81, five of 42 volunteers left.

The number of inquiries and cases does not seem to have been hurt by the cutback in clinic hours. From a total of just 33 legal inquiries in the summer of 1975 to 233 inquiries in 1976, to 260 in 1977, the service has become much better used. A large number of these inquiries were relatively simple questions that could be handled then and there by the student so no file was opened. However, there were 62 files opened in the summer of 1976, and 98 in the summer of 1977. The winter statistics were not kept or recorded with the same care, but there was a slight increase in the number of winter files opened over the three year period, although the bulk of the clients come in the months from May 1 until August 31. Then, in the 1978-80 period, file openings tripled in both summer and winter.

Publicity has been at its peak in the summer. The law students have sent the van (usually) and one student, to hand out information and "mingle" at all the summer and fall fairs in the area. They have also made themselves available to speak at community groups, but were surprised to find these were fewer in number than they had thought. Publicity in the fall and winter months has been more impersonal. Students have sent out flyers and/or inserted advertisements in community newspapers to inform residents of their service, and of the change from summer to fall-winter clinic hours, and vice-versa, and have put posters and brochures in stores and gas stations. In addition to contacting the reeve and clerk of each township, when the service was set up, students have attempted to keep a relatively high profile by appearing on local radio and television news and information shows. They have also put on workshops for students in local high schools and recently (1980) have tried to prepare programmes and tapes for the local television outlet. Since the hiring of the community legal worker in the summer of 1979, most of the day-to-day publicizing of the service has been left to him, especially in the winter months.

#### Characteristics of Area Served

The area north of Kingston is primarily a region dotted with hills, lakes and forests. The major geographic features are the limestone plains and the Precambrian Shield, both of which are characterized by poor, shallow soil. The land is beautiful, but very difficult to make a living on, except

for a few fertile pockets in the southern townships. Rocks and boulders abound, the soil is too thin to nourish a crop or to hold water; thus spring runoffs often cause damaging floods, yet the land is dry and parched by August.

The generally poor soil also makes it difficult to mechanize -- tractors, combines, harvesters, and all the accoutrements of modern farming, were developed for deep soil areas and do not work efficiently here. (The typical farm operation in Frontenac County boasts only one-half as much farm machinery as its counterpart in fertile, deep soil counties such as Oxford, according to census data.) Despite the patches of good land, which can yield generous crops, the picture overall is one of depression and depopulation. These townships were among the earliest settled in Ontario; thus the land is dotted with deserted farmhouses, and towns which used to be home to 2000 people now feature a few houses, and if they are lucky, a general store. In Frontenac County, 50.21% of the farms have sales of less than \$2500 annually, and 41.71% are operated by people over 55. The figures for Lennox and Addington are similar: 47.82% with sales under \$2500 and 41.19% operated by people over 55 (Statistics Canada, 1972).

The townships north of Kingston experienced their peak population from 1860 to 1890. Since that time, the young and ambitious have left, while older people and those unwilling or unable to leave have settled in. Since most

farms of average size will not support families, more and more of the remaining people have become part-time farmers who commute to jobs in Kingston, Napanee, or Perth. Many others remain in the farm house, not attempting to work the land, but eking out a living with seasonal jobs in the tourist industry, and unemployment insurance in the winter, supplementing their diet with hunting and fishing. Over the years the farms that remain have, of necessity, become larger, and there has been a shift from dairy cattle to beef cattle. Even 50 years ago, there were jobs available in the cheese factories, grist mills and saw mills, and the sheep industry; now these have all disappeared. People "get by," however, and are extremely devoted to their communities. They stay even though they know they could do much better elsewhere, in financial terms at least.

Areas in the southern part of the two counties, and towns such as Bath, Verona, and Elginburg, have experienced an influx of commuters who work in Kingston or Napanee. These people are changing the character of the southern townships and may be forcing some of the old-time residents further north, as the latter cannot usually afford the higher taxes necessitated by the city-type municipal services the new people want.

#### Characteristics of the People

Population:

Frontenac County had in 1971, a population of 101,690; 59,045 of whom lived in Kingston. Lennox and Addington had a population of 28,360. However, there are far fewer people in the target areas for the service -- only 24,938 according to the 1971 Census.

(Table 1 about here)

#### Age Distribution:

(Tables 2, 3 and 4 about here)

It can be seen from Tables 2 and 3 that the elderly are concentrated in the poor, mainly rural areas of the county, away from the pull of the city. Moreover (see Table 4) the percentage of elderly people is getting higher, as the young migrate. Many of these people are living in sub-standard housing -- a recent survey found that 26% of the elderly in the eight north Frontenac townships had no indoor toilet; 35.8% had no bathtub, and 50% had only a space heater for heat (Chamberlain 1976).

#### Ethnic Background:

Of the residents of Frontenac County, 91.1% have English as a mother tongue, and 96% of Lennox and Addington. The percentage for Kingston alone is 88.7%; thus north Frontenac County is over 90% English speaking. In order of frequency, the most common mother tongues other than English are French (2% in Frontenac; 1.2% in Lennox and Addington);

TABLE 1: POPULATION OF AREA SERVED\*

	Township	Population		Key Towns
		1971 <sup>1</sup>	1976 <sup>2</sup>	
North Frontenac	Barrie	513	555	Cloyne
	Bedford	733	815	
	Clarendon-Miller	441	673	Plevna, Ardoch
	Hinchinbrooke	1089	1159	Parham, Godfrey
	Kennebec	716	722	Arden
	Olden	766	677	Mountain Grove
Central Frontenac	Oso	1235	1313	Sharbot Lake
	Palmerston-Canonto	297	337	Snow Road, Ompah
		(5790)	(6251)	
	Loughborough	2703		Sydenham, Perth Road
	Portland	3688		Verona, Harrowsmith
	Storrington	2580		Inverary
TOTAL:		(8971)		
CENTRAL AND NORTH FRONTENAC:		14,761		
North Lennox & Addington	Kaladar			
	Anglesea	1197		Northbrooke, Kaladar
	Effingham			
	Abinger			
	Denbigh	647		Denbigh
	Ashby			
		(1844)		
Central Lennox & Addington	Camden	4199		Camden East, Newburgh
	Richmond	2937		
	Sheffield	1197		Tamworth
		(8333)		
TOTAL:				
CENTRAL AND NORTH LENNOX & ADDINGTON:		10,177		

<sup>1</sup> Source: Statistics Canada, Census of Canada 1971

<sup>2</sup> Source: Statistics Canada, Census, 1976

TABLE 2: COMPARISON OF AGE STRUCTURE OF FRONTENAC COUNTY, LENNOX AND ADDINGTON AND ONTARIO\*

<u>Age Group</u>	<u>Kingston</u>	<u>Frontenac County</u>	<u>Lennox &amp; Addington</u>	<u>Ontario</u>
0 - 9	16.0	17.97	19.7	18.4
10 - 19	17.4	19.42	20.6	19.5
20 - 29	20.9	17.81	14.4	16.1
30 - 39	11.0	12.29	11.5	12.3
40 - 49	11.2	11.57	10.7	12.3
50 - 59	9.9	9.36	9.2	9.4
60 +	13.5	11.56	14.0	12.0

\*Source: Statistics Canada: Census of Canada, 1971

TABLE 3: 1974 AGE DISTRIBUTION IN THE EIGHT NORTHERN TOWNSHIPS OF FRONTENAC COUNTY\*

<u>Township</u>	<u>Fifty &amp; Over</u>	<u>Sixty &amp; Over</u>	<u>Sixty-Five &amp; Over</u>	<u>Total</u> (All Ages)
Barrie	32.7%	23.6%	14.4%	(513)
Bedford	40.7%	20.5%	14.2%	(533)
Clarendon-Miller	58.5%	24.0%	15.0%	(441)
Hinchinbrooke	25.5%	17.7%	11.5%	(1098)
Kennebec	34.1%	17.2%	13.2%	(716)
Olden	25.9%	15.4%	11.0%	(766)
Oso	26.3%	17.2%	11.5%	(1235)
Palmerston-Cononto	38.5%	24.9%	16.2%	(297)
	(1883) 35.5%	(1145) 19.8%	(768) 13.2%	(5599)

\*Source: Chamberlain 1976

TABLE 4: PERCENTAGE OF POPULATION OVER 65 YEARS FOR EIGHT NORTHERN TOWNSHIPS IN FRONTENAC COUNTY\*

<u>Township</u>	<u>1951</u>	<u>1961</u>	<u>1971</u>
Barrie	10.6%	12.2%	11.1%
Bedford	10.1	13.7	11.1
Clarendon-Miller	7.5	11.1	14.1
Hinchinbrooke	12.6	12.1	10.0
Kennebec	14.0	16.7	17.8
Olden	12.0	13.5	11.1
Oso	11.2	10.9	11.2
Palmerston-Cononto	8.2	12.2	19.6

\*Source: Chamberlain 1976

and German (1% in Frontenac; 7% in Lennox and Addington). Of the city of Kingston, 1.2% are Italian-speaking, and there are negligible numbers of Italians outside the city. Thus the northern population is very homogeneous, mostly white English-speaking Anglo-Saxons. This is unlike Ontario as a whole, in which only 77.5% name English as a mother tongue.

#### Marital Status:

Of those in Frontenac County, 46.4% are married (this include all ages); 9.4% are widowed, and 2.3% are divorced. The figures in Lennox and Addington are similar -- 47.3% are married; 9.7% widowed and 1.4% divorced. Kingston figures are 46.5% married, 11.4% widowed, and 3% divorced. These figures are all pretty typical of the population in Ontario.

#### Religion:

(Table 5 about here)

As reflected in the ethnic distribution, the religious composition of the area reflects the dominance of Anglo-Saxon Protestants. However, the evangelical sects are making inroads into the traditional Protestant denominations, especially the Anglican and United Churches. In several of the little towns of the North, old schoolhouses and stores are converted into what appear to be thriving Free Methodist or Pentecostal congregations. It is known that

TABLE 5: RELIGIOUS PREFERENCES\*

	Ontario	%	Frontenac County	%	Kingston	%	Lennox and Addington	%
Total	7,703,105		101,690		59,070		28,360	
Adventist	9,215	.1	135	.1	75	.1	35	.1
Anglican	1,220,535	15.8	21,395	21.0	13,045	22.0	5,545	19.5
Baptist	283,400	3.7	1,670	1.6	885	1.5	525	1.9
Christian and Missionary Alliance	6,625	.1	100	.1	75	.1	35	.1
Christian Reformed	54,660	.7	505	.5	310	.5	85	.3
Greek Orthodox	134,465	1.7	500	.5	445	.8	20	.07
Jehovah's Witness	67,710	.9	955	.9	620	1.0	175	.6
Jewish	125,315	1.6	550	.5	500	.8	15	.05
Lutheran	267,225	3.5	1,300	1.3	680	1.2	395	1.4
Pentecostal	76,630	1.0	1,750	1.7	595	1.0	1,240	4.3
Presbyterian	540,035	7.0	5,130	5.0	3,070	5.2	890	3.1
Roman Catholic	2,568,695	33.3	26,905	26.5	17,295	29.3	4,845	17.1
Salvation Army	43,835	.6	845	.8	675	1.1	110	.4
United	1,682,820	21.8	30,910	30.4	15,835	26.8	12,410	43.8
Other	151,290	2.0	3,435	3.4	1,400	2.4	1,060	3.7
No religion	343,690	4.5	5,365	5.3	3,145	5.8	960	3.4

\*Source: Statistics Canada: Census of Canada, 1971

such sects tend to appeal most to those who are the victims of economic disparity, regional unemployment, and overall poverty.

#### Income Distribution:

(Table 6 about here)

The census data on income distribution is misleading in one way, in that the income for rural Frontenac County is swollen by commuters. These are people who work in Kingston but live in the suburban areas outside the town. They comprise a relatively high percentage of the "rural" population of Frontenac County, and thus push up the average income, since census data do not take this factor into account. The Lennox and Addington data give a somewhat more accurate account, because the main town, Napanee, is smaller and exerts less influence on the surrounding territory. The average rural income for males in Lennox and Addington is \$5,448, slightly below the Ontario average of \$5,733 for males. Some indication of the degree of poverty and unemployment is presented by the 14% in both counties who had no income in 1971 (the Ontario average is 9.6%, well below this); or the 32.8% (Frontenac) or 36.5% (Lennox and Addington) who earned less than \$2,000 annually.

### III The Study

The research was designed to evaluate the legal service

TABLE 6: INCOME DISTRIBUTION FOR PEOPLE OVER FIFTEEN\* (In percentages)

	<u>Males</u>					
	<u>Ontario</u>		<u>Frontenac County</u>		<u>Lennox &amp; Addington</u>	
	<u>Urban</u>	<u>Rural</u>	<u>Urban</u>	<u>Rural</u>	<u>Urban</u>	<u>Rural</u>
no income	7.8%	9.6%	10.0%	14.5%	7.7%	14.2%
1,000	7.1	10.6	7.6	7.6	6.5	9.6
1,000-1,999	7.6	11.5	7.6	10.7	7.0	12.7
2,000-3,999	10.0	15.3	10.9	12.9	10.3	13.4
4,000-4,999	5.7	7.3	5.2	5.7	5.6	7.5
5,000-5,999	7.4	8.0	6.8	7.4	6.8	7.6
6,000-6,999	8.8	88.1	8.5	8.5	10.5	9.3
7,000-7,999	9.5	7.3	10.4	9.3	11.4	8.3
8,000-9,999	14.8	10.4	14.0	12.4	17.3	8.5
10,000-14,999	14.6	8.5	12.3	7.6	13.3	5.8
15,000+	6.7	3.5	6.6	3.3	3.8	3.0
Average Income (excluding those with no income)	\$7,566	\$5,733	\$7,345	\$6,101	\$7,024	\$5,448
Total	(2,236,125)	(476,585)	(25,940)	(10,235)	(2,860)	(7,275)

	<u>Females</u>					
	<u>Ontario</u>		<u>Frontenac County</u>		<u>Lennox &amp; Addington</u>	
	<u>Urban</u>	<u>Rural</u>	<u>Urban</u>	<u>Rural</u>	<u>Urban</u>	<u>Rural</u>
Total	2,344,430	438,775	28,005	9,105	3,135	6,455
no income	30.6%	42.9%	27.7%	44.4%	34.4%	46.2%
1,000	16.5	18.9	17.3	15.5	16.3	15.0
1,000-1,499	9.3	10.2	9.4	10.5	12.0	12.6
1,500-1,999	5.3	4.7	5.7	4.9	7.3	4.2
2,000-2,999	8.0	6.2	8.2	6.2	7.5	5.9
3,000-3,999	8.1	5.5	8.7	5.7	7.3	4.5
4,000-4,999	7.4	3.9	7.6	4.1	6.1	3.1
5,000-5,999	5.3	2.6	5.3	3.2	3.3	2.5
6,000-6,999	3.6	1.7	3.3	1.5	1.4	1.9
7,000-9,999	4.2	2.4	4.9	3.0	2.9	2.5
10,000+	1.8	.8	1.8	.7	1.4	1.5
Average Income (excluding those with no income)	\$3,182	\$2,411	\$3,162	\$2,583	\$2,737	\$2,726
Total	(2,344,430)	(438,775)	(28,005)	(9,105)	(3,135)	(6,455)

\*Source: Statistics Canada: Census of Canada, 1971



provided by Queen's Rural Legal Services, and to investigate which models for the delivery of legal services are best suited for a rural area. The main body of research was completed in the summer of 1978, utilizing the research design described below. First, a survey of clients, and of the communities, was undertaken. The client survey aimed at finding out how clients viewed the specific legal services they had received, and how these fitted into their overall needs. In addition, we wanted to know how good a job the students were doing from the client's point of view. The facts pointed out in Chapter One regarding the intrinsic limitations of this kind of a study of legal needs were not discounted in designing the research instruments; however, it was necessary to find out whether and what services were being delivered to the target population, and what the recipients thought of the service. For it was to "help" these people that the service was set up.

Secondly, a community study was undertaken, with the aim of investigating how the individuals and groups in the various and varied communities of the north perceived the present brand of legal services, how the whole legal issue related to their lives in general, and what they saw as the real issues and needs in their communities (whether legal or not). Interviews with individuals and groups at all social class levels from the main areas of the northern

townships were conducted, including town clerks, ministers and health officials, community workers, mothers on welfare, subsistence farmers, men on disability pensions, factory workers, young married couples, and those in the "alternate" community.<sup>3</sup> Whether legal professionals wish to use legal services as an instrument of social change and reform; or to behave as passive agents taking problems as they come in, applying a previously learned legal formula to these, and disposing of them in the time-honoured fashion of private lawyers, they must know something about the target clientele and the communities of which they are part. This is necessary to evaluate how many and what type of problems will arise in the future (legal and non-legal, depending where one draws the line), the type of people who are likely to be successful in working in these areas, and the type of "techniques" or "strategies" which should be tried.

For various reasons, it was deemed necessary in the summer of 1980 to update the research, taking into account the changes that had occurred in the programme in the two years since the original research was done. This re-evaluation involved an overview of the nature of cases being handled (taken from the legal files on each client), and interviews with some of the new service providers, both students and staff. This is described separately at the end of Chapter Three.

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<sup>3</sup>The final part of the study is an evaluation of the quality of service, done by two legal authorities, Mr. Archie Campbell and Mr. Pat Sheppard. The results of their study are written up separately and can be obtained from the Department of Justice in Ottawa.

### Chapter Three: The Clients of Queen's Rural Legal Services

#### I Methodology

In order to find out what kind of people were using the services of Queen's students, and what kind of help they were getting, a detailed interview was conducted with every willing client, after his or her contact was completed and the file closed.<sup>1</sup>

The questionnaire employed for this purpose was generated by using some original questions, and some adapted from other, similar, studies (especially Marks 1971 and Messier 1975). Opinions were solicited from the Director of Legal Aid, the Dean of the Law School, the head of the Rural Project, and other interested law professors, sociologists and law students. In this way, the original questionnaire underwent three revisions.

A pilot project was initiated in the spring of 1977. Since all completed cases are kept on file in the offices of Queen's Rural Legal Services, a sample was initially selected by taking every third file, beginning with the most recently closed cases and going back from there. Only winter files, those handled by students in the fall of 1976 and winter of 1977, were used. This yielded a total of 15

<sup>1</sup> I wish to acknowledge, with gratitude and thanks, the contribution made by my research assistant, Ms. Debbie Hiltz, who ably took over the bulk of this task.

names. A secondary sample was drawn using every second file when many of the original 15 could not be contacted, and in this way another seven names were garnered. Letters were then sent to each client, explaining the purpose of the research project and requesting an interview. There was one refusal, four people had moved away, and five could not be contacted despite frequent attempts. The remaining 12 were interviewed in the first two weeks of June, 1977. The questionnaire was then revised once more.

The final questionnaire (see Appendix 3) consists of 53 items. Twenty of these record statistical information about the client; items such as his/her age, income, sex, and marital status. The other 33 are designed to find out what the client thought of the service and why he/she felt this way.

All clients whose case was completed between May 1, 1977, and March 24, 1978, were initially to be in the final sample.<sup>2</sup>

<sup>2</sup> Files were opened whenever a problem was brought in which required research or court work, or which could not be handled by the student then and there. Every other contact was supposed to be recorded on an inquiry sheet. However, we were told by students (and noticed when attending clinics) that the inquiry sheets were very carelessly done. Most telephone calls, with queries that could be answered then and there, or simple requests for information that the student did not have to look up, were not recorded. They often (but not always) filled out an inquiry sheet if they had to look up information for someone and phone them back during that clinic period. If more extensive research was required, a file was opened. Since all file openings were recorded in a master book, and checked when closed by the Director of Legal Aid, the information therein tends to be reliable, and few files are lost. This is not true of inquiry sheets. Even when students do fill them out, they are not systematically kept or filed. Thus it was decided not to include them in this final report. (However, see the Preliminary Report, pages 37-40, for a brief summary of the inquiry sheets relying on student reports to the Department of Justice, and the inquiry sheets we were able to find.)

One law student in the rural project was responsible for giving us every Monday, the names, addresses, and phone numbers of every client whose case had been closed in the preceding week. The client was then sent a letter (see Appendix 2) explaining the purpose of the research, and was asked if he or she would be willing to be interviewed. The following week, phone calls were made and appointments set up. For the approximately 15% with no telephone, the researcher took the detailed directions needed to find the house from the files kept by the law students, and requested the client's participation in a personal visit. If convenient, the interview was conducted then and there; if not, an appointment for another day was set up if the client was willing.

In this way, a total of 88 people were interviewed. Cooperation was excellent for those we were able to contact, in that only four clients refused interviews, and another two failed to show up at meetings. However, eight had moved away, and seven of those with no phone could not be found in. Four interviews had to be excluded because the clients were repeat visitors, or were too drunk, hard of hearing, or otherwise indisposed for the interview to make sense. And thirteen others could not be contacted for various other reasons -- a couple had died, but the majority could not be found at home either by day or evening. Thus a total of 38 were not interviewed, setting up possible methodological biases. The worrying

unknown factor is that perhaps the more mobile and less stable, who were probably the type of people most often missed, might have different perceptions of legal services, might be poorer as a group, or might be more alienated from the dominant society than those who were included in the sample. This would render our picture of the average client inaccurate. For this reason, an extra effort was expended to contact those who were working out of town and only home weekends, or those with no phone, and we do have a fair number of these in the final group. Moreover, at least some of the missing clients had not left the area for good, they were on summer or winter holidays. On the assumption that the very poor do not take holidays, these people were likely to be somewhat more prosperous than the average client; thereby counteracting some of the biases introduced by the omission of the potentially poorer and less stable transient clients. In sum, I think it feasible to assume that the people who could not be included in the sample were not dissimilar enough from those who were included to invalidate the results, though possible biases must be borne in mind when interpreting some of the results.

Once the interviews were completed, the responses were coded and punched onto computer cards. Using a modified S.P.S.S. program, the results were then codified and analyzed. Additional information on the nature of the

client and lawyer interaction was obtained by a search of the files, both as a check on the client's memory, and as a more objective measure of the way problems were handled.

## II Results of the 1977-78 Study

### A Statistical Picture of Clients:

Because of the important differences in the delivery of service in the summer and winter, the summer service resembling a clinic operation much more closely than the winter, the cases were analyzed separately. Summer files constitute all those opened on or after May 1, 1977, and closed before August 26, 1977 OR those closed anytime before March 24, 1978 if the bulk of the work on the case was done in the summer period. This definition was adopted because students often neglected to officially close the case (which was done by sending the file to the person responsible for this). Thus cases were sometimes not closed for several months after the final student-client contact. Other times summer students would do all the work on a court case only to have it remanded for some reason. A winter student would then make a five minute court appearance with the client three months later. A winter file, then, is defined as a file opened after August 26, 1977 and closed on or before March 24, 1978. Where there are no interesting differences between the summer and winter data, they are combined for ease of analysis and presentation.

The bulk of the clients are male (61 males to 27 females) and overwhelmingly local (65.9% were either born in the area or not more than two counties away; 92% were born in Ontario, a further 3.4% elsewhere in Canada, and the remaining 4.5% or four people, outside Canada) (see Table 7). Moreover, most of them have deep roots in the community -- 58% of their fathers and 52.3% of their mothers were also born less than two counties away. Their ages are widely varied, however, ranging from the 17 (19.3%) who are under twenty to the 14 (15.9%) over fifty years of age. As can be seen from Table 8, the majority range from 20-49, with 34.1% between 20 and 29, 2.5% between 30 and 39, and 18.2% between 40 and 49. Considering the preponderance of people over fifty in the general population in the northern townships (see Chapter Two), this is somewhat surprising. However, although those over fifty are underrepresented, there is reason to believe that older people as a group typically use legal services less than younger ones. This tendency is most apparent when one looks at the ages of defendants in criminal cases. Slightly under half of all clients are presently married, an additional 9.1% are divorced or separated, and 4.5% widowed (see Table 9). Perhaps reflecting the traditional nature of the rural areas, a very small percentage, only 2.3%, admitted to living common-law. Those who were not single had bigger families than average (see

Table 10); two-thirds of them had more than the statistical norm of two children.

The majority of clients come from the more affluent southern and central areas of Frontenac and Lennox and Addington counties, rather than the poorer northern townships. This tendency is especially pronounced in the winter files, when fully 77.8% of the clients live in the six central townships, and only 19.4% live in the thirteen northern ones. (See Table 1 in Chapter Two for an outline of which townships are considered central and which are northern.) In the summer, the northern townships of the two counties supplied 36.5% of the total sample (19 people), mostly from the seven north Frontenac townships; and central township clients made up only 51.9% of the total. This deficit of cases from the north, especially in the winter months, is undoubtedly influenced by the fact that all of the northern clinics, with the exception of Sharbot Lake, cease operating when the weather gets cold and the travelling treacherous. The northern residents, however, still get out of their houses, go shopping, visit the doctor and the pub, and their legal problems and needs do not cease. Indeed, community scuttlebutt has it that the students often cancel clinics and appointments in the winter on the grounds of a snowstorm in Kingston which does not extend north of highway 401! The residents of most of the central townships

actually need the service less, since they are in relatively easy reach of facilities in Kingston and Napanee and, as remarked before, are less poverty-stricken as a group.

Their religious preferences are also fairly mainstream (see Table 11), though the percentage who profess no religion is rather high. As befits the general area, most clients are Protestants. Note, however, the strength of the Free Methodists, an evangelical Protestant sect which traditionally draws the more alienated and marginal people. Their disproportionate growth here is perhaps a reflection of the loss of prosperity, population, and importance by rural areas in general, and of the decline of these townships, situated as they are on the overworked and undernourished soil covering the limestone plains and the Canadian Shield, in particular. (Tables 7-11 about here)

Measuring the social class of clients is more difficult. Sociologists typically, in a somewhat arbitrary fashion, assign a certain numerical weight to a person's income, education, and occupation. By combining the three, and comparing them on a scale, one gets some indication of where an individual ranks compared to all others in the society. This method has certain drawbacks: it is rigid and inflexible; it fails to take into account factors such as the environment (being a high school teacher, a middle class occupation, ranks near the top of the social scale in

	Number	Percentage
In Community (area) of Present Residence	14	15.9
Within 2 Service Counties (including Kingston)	44	50.0
In Ontario	23	26.2
In Canada	3	3.4
Outside Canada	4	4.5
Total	(88)	(100%)

TABLE 7: CLIENTS' PLACE OF BIRTH

Age In Years	Number	Percentage
Less than 20	17	19.3
20 - 29	30	34.1
30 - 39	11	12.5
40 - 49	16	18.2
50 - 59	8	9.1
60+	6	6.8
	(88)	(100%)

TABLE 8: AGE OF CLIENTS

	Number	Percentage
Single (never married)	33	37.5
Married	41	46.6
Common-law	2	2.3
Divorced or Separated	8	9.1
Widowed	4	4.5
	(88)	(100%)

TABLE 9: MARITAL STATUS OF CLIENTS

	Number	Percentage
None	34	38.6
1 - 2	21	23.9
3 - 4	21	23.9
Over 4	11	12.5
Unknown	1	1.1
	(88)	(100%)

TABLE 10: NUMBER OF CHILDREN

	Number	Percentage
United Church	24	27.2
Free Methodist	13	14.8
Roman Catholic	13	14.8
Anglican	11	12.5
None	16	18.2
Other	7	8.0
Unknown	4	4.5
	(88)	(100%)

TABLE 11: RELIGION OF CLIENTS

a small country town, but much lower down in a large city); the person's perceived or subjective class rank (which is almost always different from his/her objective rank); the prestige of certain families which have been in an area a long time; the sex and racial/ethnic background of the respondent; and so on. However, the three variables do tell us something about people's general standing in a community in relation to their peers, and something about their probable life style and life chances. It was impossible to construct an index, because the data were not precise enough. Therefore, we will look at a series of variables which indicate the relative social place of clients.

There are only slight differences in the occupations of summer and winter clients. More housewives, slightly fewer unemployed, fewer students, and fewer professional/managerial people come in the winter (see Table 12). It is hard to interpret these findings with such small numbers. Retired people may be deterred by the cold weather and the problems in getting out in the winter months. Housewives may be reacting to the fact that husbands are often home, unemployed, and cooped up in the winter, leading to more domestic-related problems than in the summer, when seasonal work keeps many men away for hours and sometimes for months. (Many labourers commute seasonally up north or out of pro-



vince to work on roads, mines, or construction sites.)

What does emerge clearly is the fact that those with little or no income do not make up the majority of clients -- the unemployed and the unskilled comprise 27.3% of all clients (26 people), while there are 20 skilled and semiskilled workers, three clerical workers, eight who are self-employed, and even five professional/managerial clients. Considering this service was set up to meet the needs of the poorest people in the area, this is surprising. This observation is borne out by Table 13, where 63.5% of the summer sample, and a surprising 75% of the winter file live on their own or a spouse's wages; and by Table 14, where 36.1% of the winter clients and 26.9% of the summer clients were employed virtually full time. (It must be remembered that nearly one-third of the sample, 28 people, are students, housewives or retired people who by definition do not work full time -- thus the 27 people who did make up nearly half of those in the sample who are on the labour market.)

(Tables 12, 13 and 14 about here)

Compared to the average Canadian, the clients are not uneducated (see Table 15). One-quarter of them have some post-secondary education, placing them above the average Ontario citizen. The number of people who have not completed public school to grade 8 is very small, especially in the winter sample. The majority are in the middle range, having

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Unemployed	12	23.1	7	19.4
Retired	5	9.6	2	5.6
Self-employed	5	9.6	3	8.3
Professional/Managerial	4	7.7	1	2.8
Housewife	5	9.6	9	25.0
Student	6	11.5	1	2.7
Skilled or Semi-skilled	11	21.2	9	25.0
Unskilled	3	5.8	2	5.6
Clerical	1	1.9	2	5.6
	(52)	(100%)	(36)	(100%)

TABLE 12: OCCUPATION OF CLIENTS

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Job/Wages	28	53.8	16	44.3
Spouse or Family Wages or Income	5	9.6	11	30.6
Old Age Pension	6	11.6	2	5.6
Disability Pension/Work- man's Compensation	3	5.8	3	8.3
Welfare	--	--	1	2.8
U.I.C.	6	11.5	2	5.6
Other (None, Savings, Navy Reserve where training, Army Welfare Pension)	4	7.7	1	2.8
	(52)	(100%)	(36)	(100%)

TABLE 13: SOURCE OF INCOME

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
0 - 8	19	36.6	16	44.4
9 - 16	7	13.6	--	--
17 - 24	3	5.6	1	2.8
25 - 32	7	13.5	2	5.6
33 - 40	2	3.8	4	11.1
41 - 52	14	26.9	13	36.1
	(52)	(100%)	(36)	(100%)

TABLE 14: NUMBER OF WEEKS WORKED IN LAST YEAR

some or all of high school.

In contrast, the incomes of clients look very low, with over 40% at the bottom level in both the summer and winter files (see Table 16). This is deceptive, however, with the high numbers of students, housewives, and others without jobs. Table 17 shows more clearly that clients in general average in the \$5000 range. Furthermore, their family income is higher again, as Table 18 shows.

In sum, it appears that the clients of Queen's Rural Legal Services represent a cross-section of the population, widely varied in their income, occupation and education. They are predominantly working class, however, rather than destitute, with a surprising percentage of the relatively affluent. The hard core poor do not seem to be bringing their problems to the service.

(Tables 15, 16, 17 and 18 about here)

#### B The Nature of Student-Client Interaction:

In this section, we will concentrate on what the student actually does for and with the client, how they find out about the service, and how they contact the students. In our sample, 75 had used Queen's Rural Legal Services once, 11 had used it twice, and two had used it three times or more. Most of them (48.9%) came for research, advice, or information only, followed by 28.4% who came for help involving a court case, and 8% who had no idea what kind

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Some Elementary	6	11.3	4	11.1
Completed Elementary (Grade 8)	5	9.6	1	2.8
Some High School	13	25.2	16	44.5
Completed High School (Grade 12 or 13)	15	28.9	5	13.9
Some College** or University	9	17.3	3	8.3
Completed College or University	4	7.7	7	19.4
	(52)	(100%)	(36)	(100%)

\*Formal, does not include on the job training or military training

\*\*College = Community College or Trade School

TABLE 15: EDUCATION OF CLIENTS\*

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
0 - 1,999	23	44.3	15	41.7
2,000 - 2,999	4	7.7	--	--
3,000 - 4,999	4	7.7	4	11.1
5,000 - 6,999	10	19.2	5	13.9
7,000 - 8,999	--	--	4	11.1
9,000 - 11,999	5	9.6	3	8.3
12,000 or over	6	11.5	4	11.1
Unknown	--	--	1	2.8
	(52)	(100%)	(36)	(100%)

TABLE 16: INCOME OF CLIENTS FROM WAGES ONLY  
(IN DOLLARS)

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
0 - 1,999	11	21.1	9	25.0
2,000 - 2,999	5	9.6	2	5.6
3,000 - 4,999	7	13.5	4	11.1
5,000 - 6,999	13	25.0	8	22.2
7,000 - 8,999	4	7.7	5	13.9
9,000 - 11,999	4	7.7	3	8.3
12,000 or over	8	15.4	5	13.9
Unknown	--	--	--	--
	(52)	(100%)	(36)	(100%)

TABLE 17: INCOME OF CLIENTS FROM ALL SOURCES  
(IN DOLLARS)

**CONTINUED**

**1 OF 4**

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Not Married (Widowed or Divorced)	30	57.8	15	41.6
0 - 1,999	11	21.2	6	16.7
2,000 - 2,999	3	5.8	--	--
3,000 - 4,999	2	3.8	2	5.6
5,000 - 6,999	1	1.9	4	11.1
7,000 - 8,999	1	1.9	3	8.3
9,000 - 11,999	1	1.9	--	--
12,000 or over	1	1.9	6	16.7
Unknown	2	3.8	--	--
	(52)	(100%)	(36)	(100%)

TABLE 18: SPOUSES' INCOME FROM ALL SOURCES

of help they would get. A further 12 people (13.6%) stated they expected help in "beating the case" specifically. The help they actually received, according to the clients, related closely to their expectations in the first instance, but not the second -- 43 people or 48.9% got research, information or advice only, while 37 or 42% received help in court, 14% more than had expected court work. This would seem to indicate a sizeable group of people had grounds for a legal case who were unaware of this. (Or it could mean that the law students talked them into bringing a case when they did not wish to. This is unlikely though, given the high degree of client satisfaction, a factor we will discuss in a later section of this chapter.) There were virtually no differences between the summer and winter cases in this regard.

#### Initial Contacts and Use of Van:

Clients found out about Queen's Rural Legal Services (Q.R.L.S.) in various ways. Thirty-two heard about it from advertising; 36 came on a recommendation by a friend or family member; and eight were referred by a court connection (usually when the student was serving as assistant to duty counsel) or a lawyer. Only three found out about the service by seeing the van, and all three were summer clients. In fact, only 11 people overall visited the van, all but three of these in the four month summer period. Only 23

people, however, admitted they would prefer visiting an office to a van. (The large conspicuous van sits in heavily trafficked areas, such as in front of the post office; thus a visit is almost sure to be noted by interested locals.) The majority said it made no difference to them whether they visited the van or office. The fact that so few actually did come to the van, when almost 50% said they knew of the van service, casts some doubts on their professed willingness to visit it.

#### House Calls:

The vast majority also were ignorant of the fact that house calls were offered. Only 23.9% of the total sample knew about these (there were no summer/winter differences); another 22.7% said they would have requested one if they had known; while 52.3% would not have. Their reasons for not requesting a house call are interesting. Twenty-five people said that it was just as easy for them to come to the office as to remain home, so they came in; while another 14, expressing a somewhat common attitude, said in effect that it was too hard on the student to expect him or her to make a house call. The feeling behind that answer seems to be that the students were doing the residents a favour by offering the service at all, so why put them out! The six who did request one all received one.

#### Location of Clinics Versus Clients:

Over half the clients travel less than five miles to a clinic, in both the summer and winter files (see Table 19), and almost 80% travel under 10 miles, despite the fact that 18 people (20.5%) used an office further away than they needed to. That is, 18 people were either unaware of a nearer office or chose to go to one a bit farther away, perhaps to get more confidentiality. The majority (see Table 20) have their own transportation (another indication that the poorest sections of the population are not using the service). Three-quarters were satisfied with the present clinic locations and did not think there should be one closer to them.

(Tables 19 and 20 about here)

#### Information on Contacts from File Search:

A file search was undertaken to get information for which we could not count on the memory or the legal knowledge of the client. Table 21 indicates the type of cases being handled by Q.R.L.S. First, it should be noticed that over one-third of the winter cases and nearly that many of the summer, involved research and advice only. No letters of opinion were sent. This means that the student did not have to discuss the case with the Director of Legal Aid, and may have taken it entirely on his or her own with no faculty supervision. We have no way of knowing how many

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Unknown	--	--	--	--
< 1 mile	7	13.5	8	22.3
1 - 5 miles	22	42.3	12	33.3
6 - 10 miles	14	26.9	7	19.4
11 - 15 miles	7	13.5	8	22.2
16 - 20 miles	1	1.9	1	2.8
> 20 miles	1	1.9	--	--
	(52)	(100%)	(36)	(100%)

TABLE 19: DISTANCE CLIENT TRAVELLED FROM HOME TO CLINIC  
(IN MILES)

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Unknown	1	1.9	--	--
Walk	2	3.8	2	5.6
Drives themselves	42	80.8	31	86.1
Driven by someone	7	13.5	3	8.3
	(52)	(100%)	(36)	(100%)

TABLE 20: HOW CLIENT GETS TO CLINIC



cases actually escaped faculty supervision -- it is sure to be much less than one-third -- but the numbers are still far too high for comfort, given that the one Director is expected to keep an eye on approximately 150 students in the city, rural, and Belleville projects. Secondly, it is noteworthy that there were only two civil cases in the whole sample, both in the summer files, and both with the client as a defendant. There were no cases at all where the client took the initiative to defend his/her rights or correct an injury done to him/her. The entire emphasis is on defensive action; another 40% of the sample were defending themselves against charges filed by the state in criminal court. While it is true that some of the research and advice cases may have helped a client assert a right, this is still a very bad record if one sees legal aid as a vehicle to help the poor find and assert their rights as citizens, consumers, tenants, mothers and recipients of "largesse" from various governmental programs.

A further light is cast on this problem by looking at the types of cases handled. It is immediately obvious that many clients were seeking information about their rights in the "new property" areas. There were eight debtor/creditor cases, for example, and two questions about employment standards (listed under miscellaneous/civil -- see Table 22), in addition to those listed about consumer problems and pro-

blems with government tribunals. Why so few of these ended up in court is a question we cannot answer here. Was it because the law students, equipped with a traditional lawyer's attitude to "poverty law," failed to see their potential? Was it because the cases were just not suitable? Was it because the clients did not see this as the best way to resolve their problems? We can only guess at this point. (Tables 21 and 22 about here)

The number of contacts between the student and client ranged from one to eight or more, with an average of three to four (see Table 23). This includes all contacts, whether by phone, letter or personal interview. A further breakdown is presented in Tables 24 to 26. Most clients were personally interviewed once or twice, but the bulk of contacts were by phone. Some of the clients who received letters were probably those without a phone, although we know that many of the letters (11) were legal letters of opinion.

(Tables 23 to 26 about here)

The length of time the case took, from file opening until closing, varies widely. Of both summer and winter cases, 80% were finished within three months time. However, a fair number of cases were open beyond the three month period, for times which appear unnecessarily long (see Table 27). This may be a result of the aforementioned tendency of

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Research and Advice Only	15	28.9	13	36.1
Court, Civil, Defendant*	2	3.8	--	--
Court, Civil, Plaintiff*	--	--	--	--
Court, Criminal, Defendant*	23	44.2	13	36.1
Research and Advice with Letters of Opinion	11	21.2	10	27.8
Unknown	1	1.9	--	--
	(52)	(100%)	(36)	(100%)

\*"court" indicates that court was involved  
 "civil" or "criminal" indicates type of case  
 "defendant" or "plaintiff" indicates position of the client

TABLE 21: WHAT Q.R.L.S. DID FOR CLIENT

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
HTA	24	46.1	11	30.6
Will/Estate	3	5.8	1	2.8
Land, Property, Fences	3	5.8	3	8.3
Consumer/Contracts	4	7.7	4	11.1
Domestic (divorce, family)	3	5.8	1	2.8
Welfare, UIC, Pension, Workman's Compensation	3	5.8	1	2.8
Landlord/Tenant	4	7.7	3	8.3
Misc./Criminal	2	3.8	5	13.9
Misc./Civil	6	11.5	7	19.4
	(52)	(100%)	(36)	(100%)

TABLE 22: TYPE OF CASE

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
1	--	--	1	2.8
2	12	23.1	3	8.3
3	5	9.6	10	27.7
4	11	21.2	6	16.7
5	4	7.7	4	11.1
6	6	11.5	3	8.3
7	2	3.8	2	5.6
8 or more	5	9.6	1	2.8
Unknown	7	13.5	6	16.7
	(52)	(100%)	(36)	(100%)

\*"contact" refers to any kind of interaction with the client, by phone, letter, or interview

TABLE 23: TOTAL NUMBER OF CONTACTS WITH CLIENT\*

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
None	6	11.5	1	2.8
1	12	23.2	5	13.8
2	8	15.4	6	16.7
3	8	15.4	9	25.0
4	5	9.6	4	11.1
5	2	3.8	2	5.6
6	1	1.9	1	2.8
7	1	1.9	--	--
8 or more	2	3.8	1	2.8
Unknown	7	13.5	7	19.4
	(52)	(100%)	(36)	(100%)

TABLE 24: NUMBER OF CONTACTS BY PHONE

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
None	4	7.7	13	36.1
1	17	32.7	11	30.6
2	16	30.8	3	8.3
3	6	11.5	2	5.6
4	2	3.8	--	--
More than 4	--	--	--	--
Unknown	7	13.5	7	19.4
	(52)	(100%)	(36)	(100%)

TABLE 25: NUMBER OF CONTACTS BY INTERVIEW

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
None	29	55.7	17	47.2
1	13	25.0	10	27.8
2	3	5.8	1	2.8
3	--	--	1	2.8
More than 3	--	--	--	--
Unknown	7	13.5	7	19.4
	(52)	(100%)	(36)	(100%)

TABLE 26: NUMBER OF CONTACTS BY LETTER

students to fail to officially close cases that are, in effect, finished. To the degree that this is so, it indicates some sloppiness on the part of the students, which would not occur in a structure where closer supervision was possible. It is likely that the longer cases were worked on by more than one student, however Table 28 shows clearly a difference in this regard between the summer and winter programs. The majority of summer cases were handled by only one student, whereas, in winter, the majority were handled by two students. This is probably an unavoidable result of the way the service is presently organized. It is well known that clients usually dislike being switched around from student to student -- it was often mentioned in the interviews as a negative factor even where they had rated their satisfaction with the service highly. We will discuss this further in Section D.

(Tables 27 and 28 about here)

Finally we will look at the disposition of cases (see Table 29). The main difference between the summer and winter files appears to be the preponderance of cases "settled" by a guilty plea in the summer, as opposed to the predominance of cases dispensing advice and information in the winter. This is probably not due to differences in the quality of service in the summer and winter files, but to the different mix of cases -- as we saw in Table 22, many

	<u>Summer Files</u>		<u>Winter Files</u>	
	<u>Number</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
0 - 30	16	30.9	12	33.2
31 - 60	13	25.0	9	25.0
61 - 90	13	25.0	8	22.2
91 - 120	2	3.8	2	5.6
121 - 150	2	3.8	1	2.8
151 - 180	1	1.9	1	2.8
181 - 210	--	--	2	5.6
Over 210	1	1.9	--	--
Unknown	4	7.7	1	2.8
	(52)	(100%)	(36)	(100%)

TABLE 27: LENGTH OF CONTACT: DAYS BETWEEN  
FILE OPENING AND CLOSING

	<u>Summer Files</u>		<u>Winter Files</u>	
	<u>Number</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
1	31	59.6	13	36.1
2	19	36.6	22	61.1
3	1	1.9	--	--
4	--	--	1	2.8
Unknown	1	1.9	--	--
	<u>(52)</u>	<u>(100%)</u>	<u>(36)</u>	<u>(100%)</u>

TABLE 28: NUMBER OF STUDENTS HANDLING A CASE

more criminal cases are handled in the summer due to the students' work as assistants to duty counsel in area courts. The (small) numbers pleading not guilty are similar for both sets of files, as are the number where charges were dropped. An interesting sidelight is the high number of cases which are settled by the parties themselves, without further legal intervention. This may be related to the nature of rural areas, where people have traditionally had to work out their problems by themselves, as there were few professional "dispute-settlers" around. Moreover, people need others more, and cannot afford to jeopardize ties with their neighbours as easily, when they may need their help to find lost cattle or pull them out of the ditch on a winter night. However, we cannot know for sure how unusual this 19.4% is until we have comparable figures for urban services.

(Table 29 about here)

### C Attitudes to Legal Services and Society:

#### Past Experience with Lawyers:

Over 80% of Q.R.L.S. clients had had previous experience with private lawyers, a high percentage for a group so young (see Table 30). Moreover, they had taken a wide variety of cases to him or her (Table 31). A sizeable number concerned problems with land or property, a not unexpected finding in a rural area, but the remainder were highly varied, ranging

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Guilty	17	32.8	8	22.2
Not Guilty	3	5.8	2	5.6
Charge Dropped/With- drawn	5	9.6	3	8.3
Advice/Information Given	6	11.5	11	30.6
Settled by Parties Involved	10	19.2	7	19.4
Referred to OLA*	5	9.6	3	8.3
Referred to Lawyer	3	5.8	1	2.8
Other	3	5.7	1	2.8
	(52)	(100%)	(36)	(100%)

\*Ontario Legal Aid

TABLE 29: DISPOSITION OF CASES

from assorted criminal matters (drugs, assault, hit and run), to insurance claims, problems resulting from highway traffic accidents (seven people consulted lawyers for this, but judging from earlier findings, most were probably criminal cases in which they were defendants), and domestic problems. All cases appeared to fit well within the conventional definition of "legal" problems, however. Work in court was involved with 30.7%, while 37.5% required research and advice only. Two-thirds were completely or quite satisfied with the lawyers' services, while one-third were not (26 satisfied, 12 unsatisfied -- see Table 32). In general, those who were satisfied based their reasons for satisfaction on the lawyer's competence and the results he/she obtained. That the level of dissatisfaction is higher than was apparent in Table 32 becomes obvious when one looks at their reservations about the service. A fair number of those who were "Quite Satisfied" were so because they had relatively low expectations of what a lawyer could or should do in the first place. Many mentioned lawyers' failures to keep them up to date, failure to do as much in court as the client would have wished, and the feeling of being hurried by the lawyer. The dissatisfied attributed their unhappiness mainly to the lawyers' perceived incompetence, the slowness of the service, and the failure to keep them informed. (Tables 30, 31 and 32 about here)

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Never	9	17.3	8	22.2
Once	10	19.2	5	13.9
2 - 3 times	15	28.8	12	33.3
More than 3 times	17	32.8	10	27.8
Unknown	1	1.9	1	2.8
	(52)	(100%)	(36)	(100%)

TABLE 30: NUMBER OF TIMES CLIENTS CONSULTED LAWYER  
IN LAST TEN YEARS

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Never Been to a Lawyer	9	17.3	8	22.1
No Knowledge of Case	1	1.9	1	2.8
Land Problem/Property	19	36.6	9	25.0
Will	4	7.7	2	5.6
Consumer/Contract	--	--	1	2.8
HTA	8	15.4	2	5.6
Domestic	2	3.8	3	8.3
Other	9	17.3	10	27.8
	(52)	(100%)	(36)	(100%)

TABLE 31: PROBLEMS TAKEN TO (PRIVATE) LAWYER



	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Completely Satisfied	16	30.9	14	38.9
Quite Satisfied	10	19.2	7	19.4
Not Very Satisfied	7	13.5	1	2.8
Not At All Satisfied	5	9.6	2	5.6
Case Not Complete	2	3.8	3	8.3
Never Been to Lawyer	9	17.3	8	22.2
Don't Know/No Knowledge	3	5.7	1	2.8
	(52)	(100%)	(36)	(100%)

TABLE 32: SATISFACTION WITH PRIVATE LAWYER

The majority chose their private lawyer in the time-honoured way -- by personal recommendation or reputation (Table 33). In fact, of those who had used and chosen lawyers, 38 of 60 made their choice through personal recommendation, reputation, or used their family lawyer. Only a small number had to rely on truly random methods, such as picking the handiest one (1), or choosing out of the phone book (3), or taking a tip from the day's duty counsel (2). A wide variety of means were used by those who did not have personal knowledge of a lawyer -- they used banks, mortgage companies, their jobs, real estate companies, and other corporate and institutional sources. The majority (44 of the 71 who used lawyers) had paid for the lawyers' services themselves, and 27 thought they had been charged a fair amount (12 said they had not and five did not know). Of the 28 who remembered the exact amount, nine paid under \$50, nine paid over \$200 and the rest paid between \$100 and \$200.

(Table 33 about here)

#### The Importance of Legal Services:

Clients rated the availability of free legal services very highly. A total of 84.1% said they were "very important"; 14.8% said they were "quite important"; and only 1.1% were undecided. No one thought they were "not very" or "not at all" important. Relative to medical care, 79.5% said legal

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Recommended by Family or Friend	9	17.3	5	13.9
Via Duty Counsel	--	--	2	5.6
Via Legal Aid	1	1.9	1	2.8
Via Other Lawyer	3	5.8	2	5.6
Reputation	5	9.6	3	8.3
Family Lawyer	10	19.3	6	16.7
Other	6	11.5	7	19.3
Never Been to Lawyer	9	17.3	8	22.2
Don't Know/No Knowledge	9	17.3	2	5.6
	(52)	(100%)	(36)	(100%)

TABLE 33: HOW THEY CHOSE PRIVATE LAWYER

services were "just as important" while 8% (7 people) said they were more important than medical services, and 12.5% (11 people) said they were less important. Reasons for asserting the importance of free legal services centered around the high cost of lawyers and the desperate need for legal solutions to problems due to the average person's ignorance of the law, and his/her vulnerability in the face of overwhelming odds without an ally on their side.

#### Attitudes to the Legal System:

In line with the findings of Messier (1975), Cruickshank and Manson (1971), and others, we also found that there was overwhelming agreement that everyone is not treated the same way in the courts of this country. This view was taken by 78.4%, while 17% maintained treatment was equal and a further 4.5% were not sure. Of those who thought courts were fair, one-third were unable to say why they thought so (5 of 14), and three more maintained they were fair because they should be, a mode of reasoning that is not overly convincing. The remainder generally based this on their belief that judges have to give the same sentences for the same misdeeds.<sup>3</sup> Those who maintained courts did not treat everyone the same had well formulated ideas on why

<sup>3</sup>This belief is patently untrue, as Hogarth's 1971 book clearly shows.

this was so. The inconsistency of judges and the inequality of their judgments were cited by 18 (20.5%); 15 (17.0%) said those with money and prestige have "pull," and therefore fare better; and another 12 (13.6%) gave a more sophisticated version of the ways in which one's background (sex, age, language and, especially, having a record) affects the court. Ten (11.4%) said those with more money can buy better lawyers, and another six (6.8%) cited personal experience as their reason for believing courts did not treat everyone the same. When the question was further refined and stated in baldly economic terms ("The poor are not treated equally to the rich"), the percentage agreeing drops to 63.6% and the percentage disagreeing goes up to 29.5%. The reasons for disagreeing with the statement range from faith in the efficacy of free lawyers to the belief that the rich may get higher fines than the poor. (They did not state whether they thought the fines were higher in relation to their income, or only in absolute terms.) And only six people (6.8%) were willing to assert that the poor could never win a case, with the vast majority asserting that there is always some chance, the poor shouldn't give up, and that it depends on the judge, the lawyer, and the case whether a poor person is fairly treated. In line with this, 79.5% (70 people) thought free legal services plans would change things (9.1% said no, they would not, and 10.2% did not know). They

believed that the chance to have lawyers (or better lawyers) would help them, and that people who could not afford to fight cases now would be able to then. Only a few mentioned that the plan in effect now had not changed anything, and one said that the service might not last long, as you could not depend on the government.

In summary, then, although the clients of Q.R.L.S. were generally cynical and somewhat alienated from the court system, and somewhat suspicious of the way in which "justice" was presently meted out, they had by no means given up on "the system." They still had abundant faith that things could and would get better if certain reforms were instituted.

#### D Client Satisfaction with Q.R.L.S.:

We tried to find out what the clients thought of the service they had received in several different ways, in order to circumvent respondent bias. We suspected that many people would hesitate to criticize students offering a free and experimental service because of gratitude and a reluctance to discourage them. Thus we asked questions about their overall satisfaction, satisfaction with the results specifically, whether they would use the service again themselves, and whether they would recommend it to their friends. A yes answer to all four questions would be taken to mean they "really" were happy with the service; while a yes to only one or two would cause us to look more carefully at their

answers, and/or at the questionnaire. Luckily, the vast majority of clients were consistent and maintained throughout a high degree of satisfaction. The dissatisfied, though smaller in number, were also consistent.

As can be seen from Tables 34 and 35, clients tend to be both satisfied with the results and with the overall service. Although the numbers were still small, the winter service seemed to be of inferior quality to the summer, from the clients' perspective at any rate. When asked why they were satisfied, clients mentioned three main reasons: the character of the students, their friendliness and informality (23); the competence of the students (19); and their happiness with the results obtained (18). Five people mentioned that they were satisfied because they were kept informed, four praised the speed of the service, and another two liked the fact that it was free. Reasons for not liking the service, or for reservations despite a favourable rating overall, ranged from four cases (two summer, two winter) where the student failed to take some necessary step or action on the case, three complaints that they failed to get results, four that the research was incompetently done and the information given was wrong, and three said the student did not understand the problem. Four people mentioned that they had been "switched around," which they disliked, and several others said the service in their case

was slow and/or the student had not tried very hard. The majority of both summer and winter clients said they were kept informed (86.4%) and that they felt comfortable with the student (90.9%). The factors that made them comfortable were, in the order they were cited, the competence of student (38 mentions); the character of the student (12 mentions); and the rather surprising feature that the student was the same age as the client (8 mentions)! Another eight said they were comfortable mainly because the issue was insignificant, not serious to them, while still others liked the fact that competent, qualified people stood behind the students (four) or that the service was convenient (four). The few who did not feel comfortable said the student lacked experience or confidence in him/herself.

(Tables 34 and 35 about here)

Clients were, as mentioned before, consistent overall on the subsidiary questions. When asked if they would use the service in the future, the majority said they would (see Table 36). The greater number of dissatisfied clients in the winter files was reflected, as one would expect if the clients were giving reliable and valid answers, in the higher percentage who would not use the service again. However, even the satisfied clients were less certain that their friends would use the service -- 36.5% said most of their friends would, but 42.3% said only a few would. Reasons

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Completely Satisfied	31	59.7	19	52.8
Quite Satisfied	18	34.6	8	22.2
Not Very Satisfied	1	1.9	5	13.9
Not At All Satisfied	1	1.9	3	8.3
Didn't Get Results	1	1.9	1	2.8
	(52)	(100%)	(36)	(100%)

TABLE 34: CLIENT SATISFACTION WITH RESULTS OF CASE

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Completely Satisfied	31	59.6	14	38.8
Quite Satisfied	20	38.5	15	41.7
Not Very Satisfied	--	--	5	13.9
Not At All Satisfied	1	1.9	2	5.6
	(52)	(100%)	(36)	(100%)

TABLE 35: CLIENT SATISFACTION WITH OVERALL SERVICE

cited for using Q.R.L.S. were that it was free (38.5%), convenient (11.5%), and that the students had a good reputation (25%). It is interesting that, while few clients said they used the service because it was free, many thought this would be the drawing card for their friends! The reasons for friends not using the service centered around their reluctance to use students due to fear of their incompetence, especially for "serious" cases, or their having their own family lawyers (see Table 37). Only two clients said Q.R.L.S. had a poor reputation. If asked, 92% would recommend it to their friends. When asked why they would recommend it, many cited their own experiences with the service (53.4% gave this as their first reason), the competence and the character of the students. A few less enchanted clients said it couldn't hurt to get their opinion, and Q.R.L.S. could perhaps make a start on a non-serious case.

(Tables 36 and 37 about here)

It is obvious here that most of the clients were pleased with the service they received. There were scattered complaints, especially in the winter months, about slowness, switching students, and mistakes being made by the students. This reflects the difficulty of using thirty-five volunteers who cannot be tightly scrutinized, and who have no extrinsic rewards for doing a good job (since no course credit is given).

	<u>Summer Files</u>		<u>Winter Files</u>	
	<u>Number</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Consult a Lawyer	2	3.8	5	13.9
Consult Queen's Legal Aid	49	94.3	29	80.5
Do Something Yourself	1	1.9	1	2.8
Don't Know	--	--	1	2.8
	(52)	(100%)	(36)	(100%)

TABLE 36: WHAT CLIENTS WOULD DO WITH A FUTURE LEGAL PROBLEM

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Don't Know/No Reason	17	32.8	4	11.1
Think Students Not Qualified	10	19.3	13	36.1
Case Is Too Serious	9	17.3	5	13.9
Prefer a Lawyer	1	1.9	2	5.6
Have Their Own Lawyer	6	11.5	--	--
Embarrassed (Wouldn't Lower Themselves, Too Proud)	2	3.8	3	8.3
Ignorance of Service	2	3.8	4	11.1
Poor Reputation of QLA	2	3.8	--	--
Other	3	5.8	5	13.9
	(52)	(100%)	(36)	(100%)

TABLE 37: WHY CLIENTS THINK THEIR FRIENDS WOULD NOT USE Q.R.L.S.

Indeed, it is surprising, given the long drives and the time spent waiting in clinics when no one comes, the crush of course work, and the often simple and uninteresting cases, that there are so few lapses obvious to the clients. It must be remembered, also, that by concentrating on those who have used the service, we find out very little about the vast majority who have not. It is among the non-users that we would expect to find complaints that they could never go to a van for legal help, that the students have a bad reputation, or that they see a student service as a second-class one compared with a full-time lawyer. Those who patronized the service have already shown, by their presence, that such feelings, if they had them, did not constitute a barrier which could not be overcome. This is why it is interesting when nearly half (42.3%) say only a few of their friends would use Q.R.L.S., because they would be afraid students were not competent in handling serious cases. When considering the future form any service should take, these are important facts to consider.

Factors Which Explain Satisfaction and Dissatisfaction:

It is important to know, in a study such as this, not only the characteristics of clients, the services they are requesting, and how satisfied they are with these, but also what explains their satisfaction or dissatisfaction. Are clients with criminal cases more dissatisfied than those

with civil cases? Are the young or the better educated more pleased with the service than the elderly or less educated? Are those who have visited the van more or less satisfied than those who have not? Why? These are the type of questions we will turn to now.

To provide the answers, certain statistical manipulations were necessary. First, all of the questions that aimed at measuring client satisfaction, numbers 4, 12, 16 and 19 on the questionnaire (see Appendix 3), were run through a computer program, to see to what degree they were interrelated. As explained before, if they were not interrelated, we would have had to start questioning the validity and/or the reliability of the answers we were getting. However, the questions measuring satisfaction all were (Chi squares were significant at the .001 level) Thus we arbitrarily chose one question which seemed to measure overall satisfaction most clearly. This was number 12: "How satisfied were you with the overall service you received from Queen's Legal Aid?" The answers to all other relevant questions were then cross-tabulated by computer. This process allowed us to see how those who were satisfied and those who were dissatisfied felt about all other aspects of their experience at Queen's Rural Legal Services. The Chi square test was applied to each cross-tabulation as a

test of significance.<sup>4</sup>

It is important to notice that, with such a small number of dissatisfied clients, the validity of these cross-tabulations must be interpreted with the greatest caution.

Let us look first at relationships which were not significant, for these can be just as informative as those which were. There was no relationship between being satisfied with Q.R.L.S. and one's visits to or satisfaction with a private lawyer's services. Those who were dissatisfied with the Queen's service were no more or less likely than the satisfied to have consulted a private lawyer or have been pleased or displeased with his/her services. The clients dissatisfied with Queen's were, however, more likely to have paid the lawyer, if they had used one before, out of their own pocket. There was no relationship between satisfaction overall and attitudes to free legal services in general, or between satisfaction and one's assessment of the importance of legal services vis à vis medical ones. Nor was there any relation between satisfaction and the client's general feelings on the fairness or unfairness of the legal system in general (questions 30 to 33 on the questionnaire). The dissatisfied tended to say that courts did not treat everyone the same,

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<sup>4</sup> This process yields a number which tells the reader whether or not a particular result is due to chance. For example, when a Chi square is significant at the .05 level, the results obtained in the table would occur by chance only 5 times in 100; at the .01 level, they would occur by chance only 1 time in 100; and so on. The .05 level is generally accepted as the level at which one can begin to assume there is a relationship between the two variables, and interpret the results on that basis.



but so did the satisfied, and neither group had given up hope on the chances for equality and fairness in the court system. This seems to indicate that the dissatisfied were not an atypical group in terms of their general attitudes -- they were not an especially alienated or "radical" group of individuals.

However, there were some factors which were related to satisfaction. Those who were satisfied overall were overwhelmingly likely to be satisfied with the results obtained by Q.R.L.S., were unlikely to think that any actions should have been taken which were not, and were more likely to consult the service again in the future. Satisfaction is significantly related to being kept informed (at the .05 level), as we can see in Table 38. That clients who feel they were kept up to date are less likely to be dissatisfied will not come as a surprise to any lawyer. Satisfaction was also related to how many of their acquaintances they thought would use the service (see Table 39). Projection appears to be occurring here -- that is, satisfied clients tended to believe others in their universe would find the Q.R.L.S. attractive, just as they had; while the reverse process occurred for the dissatisfied. Satisfied clients were also more likely to advise others to use the service, as one would expect. This is clearly apparent in Table 40. And finally, there was a strong relationship (significant at the .01 level)

between satisfaction and a personal interview. Six of the eight dissatisfied clients had had no interviews at all and the number given the remaining two was unknown. The number of phone calls and letters sent was not related to client satisfaction, however. Meeting the person one is dealing with seems to be an important factor in building trust and confidence.

(Tables 38, 39 and 40 about here)

Let us look further at dissatisfied clients, keeping in mind that the small numbers make all generalizations suspect. We will do what sociologists call a "deviant case" analysis, to see what characteristics the dissatisfied clients shared. There were five males and three females in the dissatisfied sample, all were under 40 years of age, all were born in Ontario. Six of the eight were born less than two counties away from their present residence. They varied in religion -- four identified with the United Church, one with the Roman Catholic, two with the Free Methodists, and one had no religious affiliation. None of these characteristics set them apart from the rest of the sample. However, they were better educated than the average client -- four had some high school, one had completed high school, one had some college, and two were college graduates. Although their incomes varied, all the dissatisfied males had steady year round jobs, and none of the eight were on any form of social

		WAS CLIENT KEPT INFORMED		
		Yes	No	
SATISFACTION	Very	41	4	(45)
WITH	Quite	30	5	(35)
OVERALL	Not Very	4	1	(5)
RESULTS	Not at All	1	2	(3)
		(76)	(12)	

TABLE 38: RELATIONSHIP BETWEEN CLIENT SATISFACTION  
AND BEING KEPT INFORMED

$$x^2 = 8.20941$$

$$p < .05$$

		HOW MANY PEOPLE CLIENT THINKS WOULD USE SERVICE IF HAD LEGAL PROBLEM				
		All	Most	A Few	None	Don't Know
SATISFACTION	Completely Satisfied	6	17	14	0	8 (37)
WITH	Quite Satisfied	0	10	21	0	4 (31)
OVERALL	Not Very Satisfied	0	1	2	1	1 (4)
RESULTS	Not At All Satisfied	0	0	1	0	2 (1)
		(6)	(28)	(38)	(1)	(15)

TABLE 39: RELATIONSHIP BETWEEN SATISFACTION AND THEIR OPINION  
ON WHETHER OTHERS WOULD USE Q.R.L.S.

$$x^2 = 27.86068$$

$$p < .001$$

IF SOMEONE HAD LEGAL PROBLEM, WHAT WOULD YOU ADVISE		Consult Lawyer	Consult QLA	Other	Don't Know	
SATISFACTION WITH OVERALL RESULTS	Completely Satisfied	0	44	0	1	(44)
	Quite Satisfied	1	32	2	0	(35)
	Not Very Satisfied	0	5	0	0	(5)
	Not At All Satisfied	3	0	0	0	(3)
		(4)	(81)	(2)	(1)	

TABLE 40: RELATIONSHIP BETWEEN SATISFACTION AND  
HOW ONE WOULD ADVISE OTHERS

$$x^2 = 67.89683$$

$$p < .001$$

assistance. The dissatisfied appear, then, to be somewhat more affluent and perhaps better informed than the average satisfied client.

Their experiences with Queen's Rural Legal Service are also important. None had visited the van (all van visitors were quite or very satisfied with the service). They tended not to have known about house calls, but five of the eight said they would have requested one if they had known. Only one of the dissatisfied had had contact with only one student; the other seven all had been forced to switch students.

Finally, we will examine the relationship between the nature of the case and client satisfaction (see Table 41). The dissatisfied overwhelmingly received research and advice, with or without letters of opinion. Only one was in court, a defendant in a criminal case. This does not necessarily mean the students were performing these tasks poorly: 24 of those getting research and advice only were satisfied as opposed to four dissatisfied; and 18 of those receiving letters of opinion as well as advice were satisfied, while three were not. It may say more about the nature of the client or of the case than it does about the skill of the student(s). However, students may note with pride that virtually none of their clients who went to court on civil or criminal cases were at all dissatisfied.

(Table 41 about here)

		NATURE OF CONTACT			
		Research & Advice Only	Court, Civil, Defendant	Court, Criminal, Defendant	Research and Advice with Letters of Opinion
SATISFACTION WITH OVERALL RESULTS	Completely Satisfied	15	2	20	8
	Quite Satisfied	9	0	15	10
	Not Very Satisfied	4	0	0	1
	Not At All Satisfied	0	0	1	2
		(28)	(2)	(36)	(21)

TABLE 41: RELATIONSHIP BETWEEN SATISFACTION AND  
NATURE OF SERVICE RECEIVED

$$x^2 = 12.45655$$

$$p < .05 \text{ (not significant)}$$

Table 42 sheds further light on the type of service received by the satisfied and dissatisfied. It looks here as though there may be problems handling consumer/contracts problems. Of a total of eight handled, three clients were dissatisfied and another three were "quite" rather than "very" satisfied. (As noted before, this may be due to the nature of the client or the average case in this area, rather than to the student.) The other dissatisfied clients were, with one exception, also in civil areas. Again we see that the clients bringing criminal and domestic cases were far more likely to be satisfied than those bringing civil matters. Could it be that students trapped in a traditional law bias tend to view criminal and domestic cases as the most "legitimate" legal problems for the average unorganized citizen to have? Or are they more skilled in these areas because such cases are so common? Or are the clients bringing criminal/domestic cases more docile, grateful for any help they can get? It is also possible that this dissatisfaction is produced by frustration at the inability of clients to get redress in this area. The law as it is written makes it very hard, if not impossible, for clients to get "justice" from the makers or sellers of defective products. Some of this anger may be being directed -- quite unjustly -- at the students. While this is also true in criminal law cases (the vast majority are

unsuccessful), clients appear to have been prepared for negative results -- and thus are less likely to blame a lawyer or law student for them.

It is difficult to assess the whole issue of satisfaction or dissatisfaction. Satisfaction is commonly assumed to be "ipso facto" evidence that a legal service is doing a good job, and thus is synonymous with a favourable evaluation in the traditional literature. Recent evidence, however, indicates that client satisfaction may be meaningless to an evaluator. It most often means that the client had a good interpersonal relationship with the lawyer -- that is, he/she liked the lawyer (Ladinsky, 1976). That Queen's law students are likeable, and can generate rapport with clients is laudable, but does not tell us anything about whether or not this, or any, legal service is meeting the real needs of the community. Satisfaction does not even demonstrate the quality of the services offered, unless the client is in a position to know what can "legitimately" be expected of a legal agent under a specific set of circumstances. This presupposes that the client has some knowledge of the usual range of remedies which a competent lawyer can secure for someone with this type of problem. Except in the most common and straightforward legal problems (divorce, perhaps, being an example), or in certain specialized subcultures (organized criminals, for example, often have a detailed

knowledge of what can and should be done by a competent lawyer and of what is impossible), legal clients are not in a position to evaluate competence. They have no reference group to serve as a yardstick. Their expectations may be way too high or, more commonly among the poor and the isolated, way too low. (Poverty and isolation typically breed alienation and apathy, with the result that lawyers are often expected only not to make things any worse.

Dissatisfaction, on the other hand, may indicate that the service givers are not treating the clients with professional courtesy on the interpersonal level (this is a norm most people are familiar with, and can easily assess); it may indicate dissatisfaction with the law or the legal system; or it may reflect inefficiency in tangible terms -- missed deadlines, long delays, an incoherent or incompetent defence. Where expectations and knowledge are low, the legal service may have to be incompetent to an extreme before dissatisfaction is reported. But it may be misleading, in that the average uninformed client may have learned to be dissatisfied for spurious reasons, and may fail to complain or feel aggrieved about issues which "should" excite indignation. What people feel affronted by is a function of what they have learned they can rightfully expect. The politicians and the legal profession have had a heavy hand in this defining process, with the result that

one is only "entitled" to be dissatisfied under very stringent conditions. The right to sue someone for breach of duties is the ultimate measure of which expectations are legitimate; the legal profession has been successful in most jurisdictions in restricting these to a very narrow range (namely, the theft of monies entrusted to one's care, or the failure to file documents in an ongoing case by the appropriate date). Thus a person has no right to be dissatisfied with a lawyer because his vaunted legal rights cannot deliver him a job, enough food for his children, or the right to a car which does not self-destruct the instant the warranty runs out! Legal needs and legal remedies have been so narrowly defined by the groups which influence and shape these definitions that the satisfaction or dissatisfaction of legal clients tells very little about the worth or the validity of such services in meeting the long term needs of clients and their communities. This is not to say that finding out the extent of and the reasons for client satisfaction is unimportant. The feelings of clients do indicate whether or not the clients will use the service again, and whether the service is gaining for itself a good or a bad reputation in the community among potential and future clients. In this respect Queen's Rural Legal Services seems to be a success. But measures of client satisfaction must not be interpreted as telling us anything

meaningful about the quality or the usefulness of legal services for meeting individual or community problems.

(Table 42 about here)

#### E Conclusion:

In this chapter we have looked at the characteristics and attitudes of those who used Q.R.L.S. in 1977-78. The level of satisfaction is very high; however, it is evident that there are problems with the service. The most serious of these are:

- (1) The poorest people, and the poorest townships (the seven northern ones) are not using the service in proportion to their need or their numbers. This is shown by the preponderance of clients from the southern townships of the counties served. This is probably due to a whole complex of factors, ranging from the apathy and alienation of the very poor, to lack of knowledge of the service, to its perceived irrelevance to their needs.
- (2) The cases being brought to Q.R.L.S. are of a very traditional nature. Very few of them offer the client a chance to assert his/her rights or extend his/her life chances. Rather, the students are helping people defend themselves against challenges by the state, other government and private institutions, or individuals. While this is a job worth doing, it promises little by way of changing the conditions that give rise to this endless and unchanging stream of individual problems. Moreover, it is generally rather routine and uninteresting for the lawyer. This is a problem that has plagued legal services for the poor. Messier (1975) found that no one she interviewed had consulted a lawyer for anything except problems related to conjugal rights, economic problems (where the client was the debtor), and Highway Traffic Act (H.T.A.) cases. Moreover, even those who had used a lawyer for economic problems did not suggest this to solve similar hypothetical problems. And it has been one of the most difficult

		TYPE OF CASE								
		HTA	Will/ Estate	Land, Property, Fences	Consumer/ Contracts	Domestic	Welfare, UIC, Pension	Landlord/ Tenant	Misc./ Criminal	Misc./ Civil
SATISFACTION WITH OVERALL RESULTS	Completely Satisfied	19	2	2	2	1	3	6	3	7 (45
	Quite Satisfied	15	1	3	3	3	1	0	4	5 (35
	Not Very Satisfied	0	1	0	2	0	0	1	0	1 (5
	Not At All Satisfied	1	0	1	1	0	0	0	0	0 (3
		(35)	(4)	(6)	(8)	(4)	(4)	(7)	(7)	(13)

TABLE 42: RELATIONSHIP BETWEEN SATISFACTION AND TYPE OF CASE

$\chi^2 = 27.95989$   
 $p < .05$  (not  
significant)

problems for the Legal Services programme in United States (Cahn and Cahn's speech in Cotler and Max, 1977:50-52).

(3) There is a real danger that many of the students are not being effectively supervised. It will be recalled that the students are compelled to seek faculty advice only when there is a court case or a letter going out, and one-third of the cases handled involved research and advice only. The fact that all closed files are reviewed by the Director is not enough of a compensating factor, since it may well be far too late for the client to correct mistakes then. This is especially serious with the winter programme, when so many different people with so many different cases in so many distant places have to be supervised by one man in Kingston. Relying on the expertise and enthusiasm of students to police themselves in a no credit, no pay programme seems rather foolhardy, especially when the average client is too inexperienced, unsophisticated, and powerless to complain effectively.

### III Results of the 1978-80 Update

The purpose of this update was to look at changes that occurred between 1978 and 1980. The sample consisted of all rural files opened by students between May 1, 1978, and April 30, 1980. Materials on the nature and duration of the case were extracted from each file. No attempt was made this time to interview clients, although many of the staff were interviewed. Readers should also note that the definition of summer and winter files has been altered slightly from the 1977-78 sample, so caution must be exercised in drawing comparisons.

However, some interesting facts emerged from the analysis of files. First and foremost, the number of clients has



quadrupled. The total number of files opened in the two year period was 600. Since a summer file was defined as one opened on May 1 or after, and winter files were those opened on or after September 1, the volume of cases revealed in the chart below is extremely heavy in the four summer months, but winter volume had substantially increased as well.

	<u>Summer Files</u>	<u>Winter Files</u>	
	(May 1-Aug. 30)	(Sept. 1-April 30)	
1978	154	161	1978-79
1979	144	141	1979-80
	(298)	(302)	

NUMBER OF SUMMER AND WINTER FILES, 1978-80

The slight decrease in the number of cases after May 1, 1979, may be the result of the hiring of a community legal worker on June 1, 1979, who henceforth handled many of the minor problems and inquiries, which heretofore would have gone to the students.

I do not have figures on the number of inquiries received which were handled without opening a file, but pure inquiries usually run one and a half to two times as heavy

as file openings do.

What such a dramatic increase in file openings means is more difficult to interpret. There was no evidence that the criteria governing file opening had changed, that clinic hours had increased, that the population of the target area had grown, or that the number of legal problems had suddenly soared in the target population. With these extraneous factors discounted, the change does seem to reflect a real increase in the number of people who know of and are willing to use the Queen's service. Whether a greater proportion of these are the "hard-core poor," the isolated individuals who were the real target of the programme at its inception, is another question.

We will now present the material from the file searches in much the same order as it was presented in Tables 21 to 29 of the original study.

(Table 43 about here)

Let us try first to answer the question of whether or not the service is reaching more of the hard-core isolated poor who comprised their original target. Now that the service has had a better chance to become established, has the nature of the clientele changed? Whereas in 1977-78, only 19.4% of all clients lived in the northern townships, we now find that 243 or 40% now reside there (see Table 43). The fact that the number of northern cases actually increased

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
Northern Townships	112	38.5	130	43.6
Central Townships	112	38.5	105	34.8
Southern Townships	60	20.5	47	15.6
Out of District	10	2.5	20	6.0
	(294)*	(100%)	(302)	(100%)

TABLE 43: WHERE Q.R.L.S. CLIENTS LIVE

\*This information was not recorded in three cases.

in the winter of 1979-80 probably shows the influence of the community legal worker in Sharbot Lake, because one expects fewer cases from here during the months when roads and weather conditions are bad, and the students shut down the clinics in remote areas. The more affluent central townships contributed 217 clients in total, or 36%, equally divided between the summer and winter months. Southern townships still contributed 107 clients, or 17.9% of the total. Some of these clients come from Kingston itself (people who have traffic accidents in the rural area and must appear in Sharbot Lake court), and some from the many suburban areas. Thus, there has been a definite improvement in the use of the service by people in the target areas in the last two years.

(Tables 44 and 45 about here)

Now let us look at the nature of the cases being brought to the students. It is obvious from Table 44 that many different legal matters are being raised. In the 1977-78 period, 44.5% of the cases were criminal or traffic offences; in the 1978-80 files this had declined to 32% of the total (192 cases). This is despite the fact that, from the summer of 1979 on, the community legal worker was handling many of the non-criminal matters that in previous years would have gone to the students; a factor which might have been expected to increase the number of criminal cases

	<u>Summer Files</u>	<u>Winter Files</u>	
Highway Traffic Act	45	37	(82)
Wills/Estate	10	9	(19)
Land, Property, Fences	23	18	(41)
Consumer/Contracts (including Debtor/ Creditor)	52	55	(107)
Domestic	31	19	(50)
Government Payments (Welfare, U.I.C., Pension, O.H.I.P., etc.)	20	15	(35)
Landlord/Tenant	20	29	(49)
Miscellaneous Criminal (including Impaired and Municipal)	44	66	(110)
Miscellaneous Civil	39	43	(82)
Immediate Referrals or Unknown	14	11	(25)
	<u>(298)</u>	<u>(302)</u>	

TABLE 44: TYPE OF CASE

	<u>Summer Files</u>	<u>Winter Files</u>	
Research and Advice	133	97	(230)
Court, Civil, Defendant	8	11	(19)
Court, Civil, Plaintiff	14	8	(22)
Court, Criminal, Defendant	85	101	(186)
Research and Advice with Letter of Opinion	37	38	(75)
Miscellaneous	18	46	(63)
Unknown	3	1	(4)
	<u>(298)</u>	<u>(302)</u>	

TABLE 45: WHAT Q.R.L.S. DID FOR CLIENT

proportionate to the total. The consumer/contracts area has picked up slightly, and now comprises 18% of the total (107 cases). The majority of these are in the debtor-creditor area, and never progress beyond the negotiation stage to the courtroom (see Table 45). The area of government transfer payments, surprisingly, has not yielded more cases in proportionate terms -- the percentage remains similar to 1977-78, at 5.8% (35 cases) -- although the absolute number of cases has greatly increased. Although this is not apparent in the table, these cases have decreased in 1979, beginning with the summer period. This drop may mean that cases of this type are now being handled by the community legal worker. Landlord and tenant cases, domestics, wills and estates, and land and fences cases are all up slightly in percentage terms from the 1977-78 period. The most significant change, then, has been in the lessened proportion of criminal cases, while virtually all the areas of civil law are up slightly. Thus, the service seems more "successful" now than it was in 1977-78, because it is getting many more clients and more of those clients are coming with problems in civil law, the area seen by researchers as crucial in improving life chances.

Table 45 shows what was done for the client. Such a tabulation, however, has its limitations. It can reveal very little about the most significant question -- did the

actions which were taken meet the needs of the client? Thus, in the wide category of "Research and Advice" are grouped a cornucopia of cases which were handled in varied ways. For example, numerous complaints about debts owed to them or faulty consumer goods or requests for name changes would come in; students would open a file and do some preliminary research and letter writing, and the client would disappear or lose all interest in pursuing the matter further. In other cases, the students would be very slow in getting back to clients; in still others, they would negotiate a complex dispute between a landlord and a tenant to the satisfaction of both. All these cases, if no letters of opinion were written, would be classified as "Research and Advice." Thus, we see in Table 45 that 38.3% of all cases fall into this category. (This is not strictly comparable with Table 21, which tabulates similar data for 1977-78, because of a change in classification.) Only 12.5% received letters of opinion in civil cases. Many more such letters were written, as policy demands that letters be written to all clients in criminal cases provided there is time to do so.<sup>5</sup> These cases, however, were coded as

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<sup>5</sup>This policy was not always adhered to, but summer students were more likely to obey the directives than winter students, and 1979-80 cases were "better" in this respect than 1978 cases.

"Court, Criminal, Defendant." With these provisos, let us look further at the data here. The percentage of criminal cases had declined somewhat from 1977 to the present, but still made up nearly one-third (31%) of all cases. The number of civil cases going to administrative tribunals or small claims courts is still small -- only 6.9% (41 cases) progressed that far. Students showed no reluctance discernible through file records to pursue cases to this stage; however, the laws were often found to be written in such a way that the client would not have a chance. Or, in other cases, clients would be unable to spare the time, effort, and/or money to do this.

(Tables 46 and 47 about here)

Now let us look at the intensity of student-client contacts; a factor which is usually judged very important by clients. First, the length of contact: cases are actually being kept open longer than they were in the earlier period. One-third of all summer files, and one-quarter of all winter ones, are completed in 30 days or less. Sixty-six percent of all winter files remain open more than 60 days, while only 40% of summer cases do. The mere fact that cases are open longer is not necessarily a sign of delay or negligence -- not only are many more cases being handled, but the number of civil cases has tripled in recent years, and they typically take longer than

	<u>Summer Files</u>		<u>Winter Files</u>	
	Number	Percentage	Number	Percentage
0- 30	94	33.7	74	25.0
31- 60	75	26.9	58	19.7
61- 90	44	15.8	56	19.0
91-120	13	4.6	32	10.9
121-150	12	4.3	27	9.1
151-180	7	2.5	18	6.1
181-210	4	1.4	6	2.0
Over 210	30	10.8	24	8.2
	(279)*	(100%)	(295)*	(100%)

TABLE 46: LENGTH OF CONTACT: DAYS BETWEEN  
FILE OPENING AND CLOSING

\*26 cases are unknown

	<u>Summer Files</u>		<u>Winter Files</u>		
	Number	Percentage	Number	Percentage	
1	196	64.0	229	76.8	(425)
2	68	22.9	47	15.8	(115)
3	4	1.4	9	3.0	(13)
4+	0	0	1	.3	(1)
Unknown	4	11.7	12	4.1	(46)
	(302)	(100%)	(298)	(100%)	

TABLE 47: NUMBER OF STUDENTS HANDLING A CASE

criminal cases to complete. However, the differential between the summer and winter files leads one to suspect that factors such as student workload in other courses, or lack of motivation, are playing a role here. On the other hand (see Table 47), much of the file shuffling from student to student, which was so obvious in winter files in 1977-78, seems to have been eliminated. Once a file has been assigned, two-thirds of the summer students and an amazing three-quarters of the winter students saw it through to completion. This is quite a turnaround from the 1977-78 period, when only one-third of the winter files and 59.6% of the summer ones were dealt with by only one person.

(Tables 48, 49, and 50 about here)

The number of contacts each client received, by letter, interview, or phone, is important to the degree that it reveals the quality and quantity of client-lawyer interaction. Unfortunately, this is not perfectly revealed by tables, because we get a picture only of the cumulative total, not necessarily of the number of contacts in each case. Another problem relates to the validity of these statistics: students vary in their record-keeping skills! Thus, some students faithfully recorded every attempted phone call, even when the line was busy (unsuccessful contacts were not counted!); while others recorded no contacts at all, and just noted the resolution of the problem. The most reliable statistics are

	<u>Summer Files</u>	<u>Winter Files</u>	
None	66	80	(146)
1	140	155	(295)
2	47	20	(67)
3	14	19	(33)
More than 3	5	8	(13)
Unknown	<u>26</u>	<u>20</u>	(46)
	(298)	(302)	

TABLE 48: NUMBER OF CONTACTS BY LETTER

	<u>Summer Files</u>	<u>Winter Files</u>	
None	131	176	(307)
1	68	64	(132)
2	23	35	(58)
3	2	9	(11)
Unknown	<u>74</u>	<u>18</u>	(92)
	(298)	(302)	

TABLE 49: NUMBER OF CONTACTS BY INTERVIEW

	<u>Summer Files</u>	<u>Winter Files</u>	
None	99	140	(239)
1	65	60	(125)
2	40	50	(90)
3	20	17	(37)
4+	9	12	(21)
Unknown	65	23	(88)
	<u>(298)</u>	<u>(302)</u>	

TABLE 50: NUMBER OF CONTACTS BY PHONE

those stating the number of letters, because copies of all letters have to be put in the file. The second most reliably recorded data is the number of interviews, since they must be set up specially and transportation arranged. Phone calls are the least reliable.

Thus, we can see in Table 48 that nearly half of all clients received one letter. This represents quite a change from 1977-78, when only one-quarter were officially contacted. A minority of these letters were formal "letters of opinion"; the others ranged from simple notes informing the client that his file would be closed if he did not contact them again, to detailed letters setting out instructions for a client to follow to contact legal aid, or arrange to go bankrupt. There were slightly more winter clients than summer ones who received no letters at all, but the difference is not statistically significant.

The number of interviews held is recorded in Table 49. Only interviews after the initial contact are recorded here, because most clients initially see or talk to the student on duty at a clinic, who is usually not the student who ends up taking the case. Moreover, unless it was set up as an interview, with a specified meeting time and place, seeing a client at the courthouse five minutes before his/her case was to be tried was not deemed to constitute an interview. Thus, we see that 307 or 51% of all clients had no interview



with the student at all; a percentage that rises to 65.3% among files opened in the winter term. Again, this hints that the volunteers in winter are perhaps not quite as thorough, on average, as the paid students in the four summer months. This constitutes an increase in the numbers who were not interviewed from the 1977-78 period (Table 25), although there is reason to believe that the earlier definition of an interview was more liberal, so the difference may be spurious.

Finally, we come to the number of phone contacts with clients (Table 50), the least reliable statistic. More than a third of all clients, according to the files, were not phoned; the remainder were phoned once or, at most, twice. Again, there is a slight summer-winter differential, this time in favour of winter students. "In favour," that is, if one assumes that phone calls supplement rather than replace other contacts. This is a dubious assumption. In fact, taking all three tables together, there does seem to be an indication that the summer students are slightly more conscientious about contacts that require more time and effort (letters and interviews), than are winter students.

Thus, the mini re-evaluation done from 1978-80 does reveal several improvements in the Q.R.L.S. programme. First, the service is reaching many more people. Second, it is getting a wider variety of cases, and the dominance

of criminal cases has declined somewhat. (This is not to imply that serving as counsel for defendants in criminal courts is unimportant; merely that it was not the prime target of those who set up the service, and it is not considered crucial from a structural perspective by legal aid researchers.) There is evidence that problems with the delivery of service in the eight winter months remain. The other issues discussed in the original evaluation were not looked at again, so we have no way of knowing whether client satisfaction (whatever it may mean), or use of the van, or supervision of students has appreciably changed since 1978.

#### Chapter Four: The Communities of the North

##### I Introduction

In Chapter One, some basic guidelines were established for the evaluation of rural legal services. One part of the evaluation focused upon the extent to which the students were meeting the goals they seemed to have had in setting up the service. These centered around the desire to practise preventive law, to meet the legal needs of the most deprived and isolated residents and, through these two objectives, to improve the quality of life for entire communities in the target area. We looked in the last chapter at the people who were being reached, and the types of problems they were bringing to the students. We will look in this chapter at the communities themselves, and examine ways in which people in these areas view the problems there.

Let us first put these communities into some kind of sociological perspective. We do know a fair amount about the characteristics of small towns in Canada and United States. Despite the fact that nearly 70% of all Canadians are defined by Statistics Canada as living in urban areas (Stone, 1967), the average population of all communities in Canada, including the major cities, is only 3200 (Lucas, 1971:9). This seeming anomaly is explained by the fact that Statistics Canada defines as cities any incorporated or

unincorporated agglomeration containing at least one thousand persons; thus turning towns such as Sharbot Lake and Verona into statistical cities! When one uses a more workable and realistic definition, such as communities of 100,000 or more people, only one quarter to a third of the population of Canada are city dwellers (Lucas, 1971:7). Only centres with this many people can provide what we think of as "city amenities" -- the multitude of specialty shops, restaurants, theatres, and cultural events that typify an urban lifestyle. In fact, almost half of all Canadians live in communities of 30,000 or less. Thus the people in the townships north of Kingston live in communities which, in size, are representative of thousands of like communities spread over all ten provinces.

What we know from the literature on small towns (30,000 and under) in North America indicates that the settlements under consideration have in some ways, the same problems as all small communities do. That is, we know that certain consequences, in terms of social patterns and life chances, follow from certain demographic, political, and economic characteristics. Small isolated towns typically have problems providing all the services their occupants demand, be these schools, hospitals, lawyers, hockey teams, ballet classes, or Greek Orthodox churches. Because the population is small, there are unlikely to be

enough people at any one time to support interests which require specialized facilities, or professionals who require a certain level of income (and often want, in addition, the amenities of city living). In many one-industry or "company" towns, this problem has been lessened by the subsidization of such services by the dominant industrial concern (whose motivation is to entice people to live in the area) (Lucas, 1971; Robinson, 1962; Institute of Local Government, 1953; Laskin, 1966; Himelfarb, 1977). However, the area north of Kingston is in a declining, not an ascending stage of development. There are no multinational corporations keen to entice workers to move in and extract resources; the heyday of these communities occurred 100 years ago and was based on an agricultural economy, not an industrial one. When the never-very-fertile land was exhausted, people -- and therefore the small stores and local enterprises that serviced and depended on them -- began to leave. Governments have not opposed, and in many cases have accelerated this flight. Thus there is no powerful impetus from either the economic or the political sphere to subsidize services in these areas or make life easier for the residents.

Communities where the average income is low also share similar problems. Poverty, especially when experienced over one or more generations, tends to make people appear, to middle-class observers, cynical, defeated, and apathetic.

In our culture, this tendency is exacerbated by the fact that being poor is seen as evidence of some moral or intellectual defect, and the poor are therefore blamed for their condition. (The assumption is that there are enough middle-class jobs paying \$30,000 per year for everyone in the country -- if you don't have one, you are stupid or lazy or both.) Poor people typically are suspicious of attempts to help them, belong to few voluntary associations, such as churches or service clubs, and do not believe in the benevolence of the existing local, regional, or national institutions. In some areas, they do not make full use of services which were set up to benefit them, for this reason. In addition, they suffer from higher than average infant mortality and shorter average life spans, are more susceptible to both mental and physical illness, are more likely to be arrested and sent to jail, have less education, have more automobile and industrial accidents, etcetera (Harp and Hofley, 1971; National Council of Welfare, 1973, 1977, 1978; Bluestone, 1972).

Most of these studies have been on the urban poor; the rural white, Anglo-Saxon poor have been studied very little, especially in Canada. But there are certain factors which we know go with living in rural areas and small towns. Some of these are: the isolation; the lack of privacy (in that everyone has a good idea of the financial straits of everyone

else, and recipients of government welfare programmes are almost always known); the increased intimacy that is a by-product of small numbers of people interacting with each other in the absence of outsiders; and the fact that one's reputation, and whether one is of "good" or "bad" stock, is known to the schoolteacher, doctor, local policeman, and others. All of these probably make the experience of being poor here somewhat different than in urban areas.

Over and above the problems of rural poor individuals are those of rural poor areas. Some of the problems are the same -- the alienation, cynicism and frustration that comes from being on the bottom of everyone's priority list, the feelings of powerlessness, and the defensive stance. Some are different, in that being a member of a community of like-minded, similarly situated people eases some of the self-blame of the individual poor. "If all of us are in this boat, it cannot be totally my fault, and maybe we've been the victims of discrimination!"

Moreover, the fact of dependency hangs over the poor individual as well as the poor area. Small towns in a capitalist state are dependent in a wide variety of ways. They depend on the three levels of government to supply transportation, policing, health care, and a myriad of other services which are necessary if an area is to survive and grow. If they have no industrial base or resource worth

extracting, as is the case here, then they need various grants and incentive programmes to lure the industries which provide jobs and taxes. (If they have such industries, then they are dependent in a different way -- usually on world markets and on decisions being taken at corporate headquarters which are typically not in Canada.) People in such areas tend to feel helpless to control their own fate, because of the strength of these forces which they cannot control. Again there is a parallel to the situation of poor individuals, rural or urban, who develop very similar attitudes because they too are dependent on industrial and world economic conditions (which determine the need for unskilled labour, and thus their chances of getting and keeping a job); on government agencies whose reasons for giving or denying various payments are usually incomprehensible to their clients; and on "the luck of the draw" (being in the wrong place at the wrong time may mean one gets into a fight and ends up in jail, or, conversely, "fate" may put you in a position to get "the breaks" and succeed). There is evidence of these reactions, on both the individual and the community level, in the townships we are considering. Let us look now at the problems one has in studying this area.

Perhaps the most difficult task in studying the legal needs of rural areas was finding out just what the people in

the areas affected, viz the northern townships of Frontenac and Lennox and Addington counties, thought of the issue of legal services. There were a multitude of problems, some of which are listed below:

- (1) Unlike studies of urban areas, there is not one, but thirty or forty communities to be studied, each with its own system of social stratification, its own "in" group and "out" group, its own prejudices and biases, and its own needs. Residents of Plevna may resent those in Cloyne and Ompah (ten miles west and east of them); and residents of all three towns may resent Sharbot Lake and the "centralizing" ambitions they see it as harbouring. The usual class, ethnic, religious, and sex-based divisions which cut across all communities are found, in addition, within each area.
- (2) The respondents who were most easy to get access to and interview were those occupying important positions -- the elite, generally speaking, of the community. Township reeves and clerks, ministers, teachers, and businessmen were generally only too pleased to tell us what they thought of legal services and what they wanted or did not want in their community. However, these were not the people we were primarily interested in hearing from, as they usually have ample legal services available to them and are quite able to defend their rights when these are threatened by local issues. The marginal farmers, the unemployed seasonal workers, the old on pensions -- these were the people we wanted to hear from, and these were the most difficult to find. They tended to belong to few community organizations and to be (understandably) wary of an outsider's interest in them.
- (3) The issues involved are very complex. When lawyers cannot say what a legal need is, or what the limitations of legal aid are now or should be, how can we expect an average community resident to do so? Moreover, few people want to discuss such nebulous issues as "community problems" when the connection between the discussion and the solution of the problem is as tenuous as it was in this instance.

(4) Communities are not static. While one is putting them under a microscope, new people are moving in and others are moving out, local, national, and international events are changing the residents' perception of themselves, their community, their place in the world, and what they want out of life. In the case of the townships being considered here, suburban commuters are coming in increasing numbers into the townships close to Kingston and Napanee; while further north, city people and Americans are converting summer cottages for year-round use and retiring into them, and disaffected offshoots of the "back to the land" movement of the late sixties are creating "alternate" communities. People's perceived needs and problems are constantly changing. Townships which have been run for generations by cliques of like-minded, old-time residents are being radically altered as new voters combine to oust the old elite in favour of people more in time with their needs and values.

Moreover, the ultimate destiny and welfare of most townships in Ontario is not under the control of the residents. In this increasingly inter-dependent world, they are affected whether they like it or not, by increased gas prices, minimum wages, government decisions on highways and pollution control, and the low wages workers must accept in Taiwan. Large corporations increasingly refuse to deliver services to small-volume customers, thereby discriminating against rural retail stores, for example. Thus studying communities as they are now and recommending changes on this basis is a risky business when the present equilibrium can be so easily upset.

For these reasons, a variety of methodologies were considered, and a combination of community meetings, group meetings, individual interviews, and a public opinion poll were employed to study the needs of the whole area. In this way, a variety of residents drawn from just

about every northern township were contacted. They represented all social classes from the highest to the lowest, and included cottage owners, members of the alternate community, and marginal farmers. In this way, we found out some of the issues that unite and those that divide the various communities.

## II Community Meetings

A series of community meetings were held in January and February, 1978, under the auspices of North Frontenac Community Services. This is a social agency located in Sharbot Lake which attempts to provide both tangible services and community development in the townships of North Frontenac county. (These are Barrie, Clarendon-Miller, Palmerston-Canonto, Kennebec, Olden, Oso, Hinchinbrooke, and Bedford.) Meetings were held on a weeknight in the local town hall over a three-week period. The meetings had four purposes:

- (1) "To provide an opportunity for township residents to share their concerns about the future economic development of their area;
- (2) To stimulate discussion in the community about the immediate problems that were identified and seek ways of dealing with them;
- (3) To make people aware of ways to organize for action;
- (4) To find persons willing to work on projects that will help the community develop its potential."

(Beebe 1978, unpaginated)

A total of 118 community residents attended the meetings; the largest group of whom were ordinary citizens (51); followed by 17 elected officials; 16 business men and women; 9 tourist operators; 9 community organizations; and various cottage associations, ministers and appointed officials and church groups. The format followed was the same in each meeting: after the initial remarks by the head of North Frontenac Community Services and the community development worker (who was attached to the community college in Kingston as a rural development worker for the area, but also affiliated with the Centre), the floor was opened to one and all. People were asked to suggest any and all problems in their community. These were written on the blackboard. Then, if the meeting was big enough, participants broke into groups to discuss each of the "problem areas" that emerged, and suggest workable solutions to these. Thus the emphasis was on self-help more than on "bitching" -- many of the problems that were suggested had existed and been complained about for years, but residents had been making few efforts to resolve them. (Whether the attitude of the residents was a valid one, born of many years of experiencing their own inability to influence the outside forces that shaped their community, is not an issue we will go into here.)

Several issues emerged frequently in every meeting. The community residents appeared to be most perturbed about

the dearth of year-round employment opportunities in their areas and what they perceived as inaction at best, or road-blocks at worst, thrown up by all levels of government.

Second to this was the concern with the unavailability and/or the cost of essential services, and the concomitant isolation, that is produced in rural areas. Unemployment, especially in the winter, is so widespread that it has become the norm. Most jobs are seasonal and connected in some way to the tourist industry, and the dearth of year-round facilities makes it uneconomical for tourist operators in the area to pay high wages or provide year-round employment. Most enterprises are small, family-run, and marginal. There is nothing which can be compared to the "family entertainment" or "theme" parks which characterize parts of United States and the Golden Horseshoe area of Ontario. It was thought that the situation could be improved by a variety of government actions, ranging from tax concessions and incentive loans and grants to enable tourist operators to expand their facilities, to improved wildlife management and fishing regulations to lure more people. It was recognized also that seasonal fairs and special events would help the local economies. Government road policies came under attack frequently, as many area roads are unpaved and cannot handle heavy traffic. The lack of employment opportunities which results from this bleak picture has driven many of the young people into the cities

to find work; a move which is increasingly being seen as bad for the cities as well as for the local communities.

Although tourism was recognized as a mainstay of the area, (it has been officially designated as an area to be retained for this in Ontario's Official Plan), many residents also desired industries, as long as they were small, clean ones. (The fact that the townships are perched on the solid rock of the Canadian Shield or on the limestone plains makes large scale industrial and residential development impossible, because of the land's inability to handle sewers or an abundance of septic tanks.) Again, government help was desired to help local people start up and expand businesses. The present system of subsidizing individuals, through welfare and unemployment insurance, was thought by some to be detrimental, as these payments discouraged people from taking jobs at the wages that locals could (or would) pay. Thus, more subsidies for businesses and fewer for individuals were desired. Credit unions and cooperatives were suggested by many as ideal structures for developing such industries, specifically in businesses such as fish farming, maple syrup and firewood co-ops, reforestation, and wild rice cultivation. More and better municipal planning, the development of an official township plan, and increased information sharing were thought essential to develop coherent policies for future land use. Such policies are crucial for deciding where industries and people should locate.

The second area that caused concern at these meetings (and was raised time and time again in the individual interviews) was the lack of local services. Specifically mentioned as lacking were outlets which provide consumer goods and services (such as retail stores), facilities to help care for senior citizens, especially in their own homes, police and fire protection, health services, education and recreational facilities. (See Beebe 1978 for details on each.) Many of these were once available in the area, but centralization of services through the closing of local schools and libraries, and the retirement of local health personnel and retailers have curtailed these. New people will not move in and take over because of de-population and the related inability of the townships to offer city wages and amenities.

The situation of the local grocery/general store is instructive. Although they are the only stores in many villages, many have been recently forced to close their doors. They could not be competitive, in price, range, or quality of goods, as more and more wholesalers refused to deliver to low volume outlets, or would not take orders for less than certain amounts of goods. With few customers and low turnover, more stale loaves of bread and week-old milk cartons had to be sold, leading to even fewer customers. Prices were high, too, as retailers were charged a premium

for transportation costs by wholesale outlets in Ottawa or Perth. Eventually the store just closes down and another service is lost to local residents.

School closings and the shutting down and centralization of branch offices, public and high schools etcetera, have all caused inconvenience, dried up local jobs, and added hours of travelling time for everyone concerned. The essential features of life in a viable community seemed to be disappearing one by one. New demands were simultaneously emerging, for amenities such as recreational services. Recreation for the old-timers in towns like Plevna used to consist of meetings with friends and going fishing. Demand for organized recreation, with its dependence on expensive facilities and group organization, is a product of the cities, brought in by young people who have been "outside" to high school or college, and by newcomers to the area. The demand for police services is also relatively new, and may well be related to an unrealistic estimate of the dangers of the area; an attitude facilitated by exposure to Kingston, Perth, and Ottawa newspapers and to radio and television reports.

Thus we see here a plethora of concerns, many of them reflecting the perceived powerlessness and dependency of the residents. While none of these have been considered as legal problems by the bar in Ontario, many have the potential for being so designated. Lawyers hired by clinics in United



States have challenged the rights of regional governments to close schools, and of governments to centralize health care. Do wholesalers have no contractual obligations to supply customers of long-standing? Certain sections of the Combines Investigation Act regarding "refusal to supply" may be relevant here. At the moment, however, residents see these and similar problems as virtually insoluble, and this perception exacerbates their frustration and alienation from dominant political and economic institutions.

### III Group Meetings

A series of meetings with varied groups and individuals were held in the communities of North Frontenac, mostly in a six-month period from January to June, 1978.<sup>1</sup> An experienced community organizer and I designed a format to gather together groups of different kinds of people to talk about legal services in particular and their perception of the problems (and rewards) of living in North Frontenac in general. After preliminary discussion, when people felt somewhat at home, a group interview was conducted. Following this, each person

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<sup>1</sup>We concentrated on North Frontenac for three reasons: (1) These areas contain the highest percentage of poor, isolated people, and such people were the client group that the founders of Q.R.L.S. wished to focus upon; (2) these townships need a legal service more; and (3) the majority in the central townships depend on Kingston for employment, shopping, recreation and other services. Thus they have comparatively easy access to the lawyers and legal clinics of Kingston. There is a value judgment implicit in this chapter; namely that the south-central people should not be the target clientele of any future legal aid programme.

filled out individual interview schedules. (See Appendix 4.)

We had originally planned to interview groups ranging from township clerks and teachers to unemployed workers and mothers on Mothers' Allowance. However, we were outsiders, and the very poor tend to be fearful and wary of strangers wanting information, however benevolent their professed motives. They were also defensive because, in a rural area, everyone knows who is receiving government subsidies and who is not, and most people, including the poor, believe in the ideal of self-sufficiency, even though they are unable to put this into practice. Thus, we were unable to get groups together at the low end of the status and income scale. There was no such problem for the more respected and established people, but since somewhat different issues and answers emerged from individual questionnaires versus group meetings, we used both methods to secure the opinions discussed below. Each constituency will be discussed in turn.

Several meetings were conducted with senior citizens' groups. The seniors tended to be conservative in their use of a lawyer; preferring to use one only for traditional services such as will-making and land severances, or for court-related matters. They mentioned that the students of the Queen's service were often not there on time, but only a few had used the service. More than any other group, they had family lawyers, in either Kingston or Perth.

(People south of highway 7 looked to Kingston for services; farther north they usually looked to Perth.) They were, on the whole, used to travelling what would be to a city person a long distance for all essential services, and had ceased to let this bother them. However, many could not drive, or had no car, so since the trains stopped servicing the north, many have had to make arrangements with neighbours, ministers, or other friends and relatives to drive them places. This is expensive as the service is not free (\$20.00 was the going rate for a ride from Arden to Kingston in the summer of 1978, a distance of approximately 60 miles, depending on the route). Moreover this is an inconvenient and unreliable system, at least to the outside observer. Housing and help for old people to remain in their homes if possible, or in their own areas if not, was also important to them. The able-bodied old seemed to get along better in some ways than they do in the cities. The old age pension represented for many (especially couples) more money, and a more secure income, than they had ever had in their lives up to that point. The greater knowledge of one's neighbours meant that everyone in the area knew of the situation of an old person living alone, and would check on them frequently. Even the winter did not seem to pose insurmountable problems, although the more affluent wintered in the south. Except for the two issues of transportation and senior citizen housing and/or homemaker services, (and of course, medical problems,

but they had no complaints about the local facilities), they gave the impression that their major problems were behind them.

The Women's Institute (W.I.) is a venerable institution in rural Ontario. It is an organization which, theoretically, accepts women from all backgrounds and ages, and aims to mould them into better and more informed citizens and Christians. In fact, it is very like a male service club. We participated in several W.I. meetings in North Frontenac, being initially invited as guest speakers. After a short speech on legal services, we had the women fill out individual interviews. Because few of the women were professionals or occupied distinct community positions, we used an individual questionnaire designed to find out the average person's impressions of community problems and legal services (see Appendix 5). Average attendance at the meetings was ten, the bulk of whom were in the 35-55 age range. They appeared to represent the middle class in their areas, although they were much poorer in average income than middle class city women, due to the precarious nature of male or female employment and the low wages in the area. (They were not themselves, nor were they married to professionals like teachers or health care workers; these comprise the top, not the middle, income level in rural communities such as these.)

Like the senior citizens, W.I. members were conservative in their use of lawyers -- in the questionnaire, most suggested they would use a lawyer only for number 5, where a boy is charged with stealing a car. The first resource they looked

to was the township council, especially for issues concerned with land use or community problems. Other sources they suggested were the local M.P., or Queen's students (for advice) or their medical doctor. Practically everyone was ready to accept the decisions of experts -- if authorities wanted to put their child in a government institution, or refused to provide them with benefits, they felt they had no choice but to submit. A few said they might use the agency's own appeal board, but no one thought of mounting an external challenge to official decisions. This was especially true of matters affecting only them personally; they were far more willing to suggest public appeals and protests to protect their rights as community residents, in order to prevent pollution-causing factories from moving in, for example. It may be that protestors of the sixties and early seventies have made such collective activities acceptable, while individual efforts to correct public injustices are not, yet.

These women tended to be suspicious of free legal services. Although agreeing in principle with the idea, they were quite concerned about the "abuse" of such services, and the cost to the taxpayer. When asked to choose between the present system and a neighbourhood clinic, however, the majority opted for the latter. They especially liked the prospect of community control, despite their worries over the risk this, and local people staffing a clinic, would present for confidentiality. Their own personal concerns were varied, though almost everyone mentioned they worried about how their

township was run, employment opportunities, and food prices. Recreational opportunities, housing and taxes were also mentioned frequently. Poor road conditions, primarily local highways, were singled out by almost all respondents in the Plevna-Ompah district, but by no one in the Sharbot Lake area. They seemed, overall, to be having a relatively hard time bringing up and educating children (who would soon, more likely than not, leave the area) in the communities they were living in, primarily because of the precarious job they and/or their husbands had in making a living. However, they were on the whole fiercely attached to the area and were intent on staying there.

The township clerks were interviewed in every northern township except one, using the questionnaire in Appendix 4. In several cases, the recently retired clerks were also seen. They emerged as one of the most important influences in rural areas. Since the townships are small, they are often the only appointed paid official, which means they are the welfare administrator, building inspector, and wolf bounty inspector as well! A great deal of power and discretion thus resides in a very few hands. With an able and humane clerk and reeve (an elected official, comparable to the mayor of a town), the greater knowledge of the circumstances of others in a rural area can enable many people too proud to seek services, or unaware of them, to be reached and helped. However, the reverse is also true -- provincial and federal government grants may never be applied for, funds and knowledge may be hoarded to benefit a

select few, and vast discretionary power may be used to keep people the township elite see as undesirable out of the district, and/or deprive them of funds they are entitled to. We found evidence that both types of administration flourish in North Frontenac, plus other regimes which occupy intermediate places on the continuum. We also found evidence that the legal aid students were not well known, especially in areas away from Sharbot Lake. Clerks were ignorant of the type of services offered, and of the workings of the Ontario legal aid plan as well. Thus very few were referring people in trouble to Q.R.L.S.

All of the township clerks were consulted frequently by residents on problems with unpaid debts, unpaid rent or taxes, and welfare or unemployment insurance problems. Few had been consulted about problems with the police or consumer problems. They agreed that one of the greatest problems in all the northern townships was alcohol and, often related to this, the large number of separations and desertions which frequently left mothers with young children to support and no income to do this. Such people usually come to the clerk and/or reeve to seek Mothers' Allowance. Land transactions, especially severances, were another difficulty many residents encountered. The clerks dealt with such problems in many ways: for money problems such as debts or unpaid taxes, most said they try and work out some sort of repayment scheme for and with the individual concerned; secondly, they referred people to other community

resources. Those near Sharbot Lake suggested Q.R.L.S. as well as agencies at the community centre; those farther away typically did not. They dispensed a lot of information (about government programs and grants, how to register births and marriages) and doled out a surprising amount of T.L.C. (tender loving care) for the lonely, who asked questions but really just wanted to talk, in addition to giving specific information and advice.

The clerks were divided as to the desirability of free legal services. Several insisted an expanded service was needed, while others thought the existing services (Q.R.L.S. and Ontario Legal Aid) were too much. The latter clerks worried about government services cutting out free enterprise and threatening small businesses and entrepreneurs, specifically the part-time lawyers then practising in Sharbot Lake and Verona. They also said there was not enough business to support a full-time lawyer in a clinic, and that there were enough services for the poor. (This sentiment was very common among the relatively well-to-do, but was very seldom found among poor respondents as we will see in the next section of this chapter.) Those who wanted legal services said that, while it would take time to build local trust, a legal clinic staffed by the right people would be viable in 2-3 years, in the same way as the medical clinic in Sharbot Lake presently is, and could make a

difference in the lives of the poor. The most important factors spelling success or failure for local legal services were thought by the clerks to be: (1) the character of the lawyer(s) involved; and (2) getting people who would live and stay in the community. Advertising was also considered important, though some stressed the efficiency of word-of-mouth in its absence. Establishing satellite offices so people would not have to travel far to reach legal services was deemed unimportant. People in these parts, they said, were used to travelling to get things they needed. They were also divided on whether such a service should serve everyone (making the better-off pay), or just the poor. Serving the poor alone might serve to stigmatize the service, and be unfair to others who would have to go a long way for help; but serving all might mean subsidizing those who do not need it (their main worry), or squeezing the poor out.

The final group of people interviewed were the area professionals living and practising on a full or part-time basis in our target areas. Ministers in Flinton, Northbrooke, Harlow, Cloyne, Sharbot Lake, Plevna, Ompah, Maberly, Parham and Arden were interviewed, as well as local doctors and lawyers. The extent to which religious leaders were used for problem solving seemed to be a reflection of their personal styles and ages. Those in the less established faiths were consulted far more often than the Anglican

or United Church ministers, with one exception. This may, however, have been due to the nature of their pastoral charges -- the established faiths seemed to have older congregations as well as older pastors. Those who were frequently consulted in the Sharbot Lake area referred problems to lawyers they knew and/or to the community centre. Those more than 10 miles away (approximately) tried to handle problems by counselling, referrals to town councillors, or to local (private) lawyers. None of them referred people routinely to Q.R.L.S. It just did not occur to several of them to do so; two others had had unsatisfactory experiences with it and received (in their opinion) wrong information; while another said he preferred private lawyers because the student service was uncertain, in that they were often closed because of exams and other things.

Most of the professionals were divided on whether they wanted more free legal services. Although most suspected the need might be there, the consensus tended to be that people knew where to go when they needed legal help, there were lawyers in Perth and Kingston, and the students' services were now available for minor advice and information. They sometimes made exceptions for those in the north and those without transportation, but clearly felt those gaps did not justify expensive clinics. Several were firmly opposed to government service, on principle, preferring to

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**2 OF 4**

see business go to the independent private lawyer. One man said the available legal system had increased local enmities, because people were now bringing lawyers into matters they previously would have settled themselves, at far less expense and in far less time. If some service were to go in, they were divided on whether he/she should be a local person or an outsider. The outsider has the advantage of anonymity and continuity, they felt, but the local will have less initial suspicion and opposition to overcome. All agreed, however, that the personal characteristics of the service provider were of optimum importance. All felt that it was very important that they stay in the community and make it their home; that is, high turnover should be avoided at all costs, whether the people chosen were local or otherwise.

To sum up, community residents showed no agreement on the desirability of legal services. They did agree, however, on the most important problems facing their communities. Given their very conservative views on what constitutes a legal need or legal problems, residents by and large could see no way expanded legal aid could solve any of their major problems. Again we see evidence of a variety of concerns. The people interviewed in this format were, comparatively speaking, the more privileged. They identified the same overall community problems as did other community residents. We did find here a characteristic feature of the relatively

affluent. This is the fear and suspicion of government expansion in ways which they did not see as helping "people like them." Government grants to small businessmen were generally seen as acceptable; grants to unemployed or destitute individuals were seen as a symbol of government interference which was threatening to the community. Whether "valid" in some larger sense or not, this attitude has to be taken into consideration, as it means that legal aid services which are perceived as only helping the poor will meet with resistance and may generate antagonism.

#### IV Individual Interviews

Because of the aforementioned difficulties in getting groups of people together who did not belong already to common-interest groups, many of the most isolated and poverty-stricken individuals were interviewed by themselves. (The questionnaire in Appendix 5 was used.) In order to get these people to agree to talk, a long-time community resident and respected community organizer set up each interview, drove the interviewer there, made the introductions, and sat in while the interview was conducted.<sup>2</sup> While this may have prejudiced the answers somewhat, it is hard to evaluate in what way it did so, since some respondents felt more comfortable and opened up more with the community organizer

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<sup>2</sup>My thanks to Morgan Beebe for his formal assistance and invaluable informal knowledge and advice.

there, while others may well have been fearful about his overhearing their secrets. Since the questionnaire does not probe into intimate or confidential affairs to any great degree, I am confident that the advantages outweighed the disadvantages. At any rate, the alternative was not to talk to these people at all, since I could never have gained access to them without the intervention of someone they knew and trusted.

The people interviewed were from two main areas: within a 10-mile radius of Sharbot Lake; and within a 10-mile radius of Plevna, 30 miles north of Sharbot Lake. There were seven males and 12 females who ranged in age from 18 to 67. Five were newcomers to the area (in area 10 years or less); four had been there 10-25 years; and the remainder (10) were life-long residents. They were, in general, an economically depressed group. Four reported a yearly income, per family, between \$3,000-4,999; nine were between \$5,000-6,999; one family received between \$7,000-9,999; two reported over \$12,000; and two did not want to reveal their income. Their individual incomes would, of course, be even lower. Thirteen were not employed at the time of the interview, while six were. There were six housewives, three self-employed, three on pensions, five labourers, one unemployed, and one domestic. It is curious that only one person thought of himself as unemployed, although 13 of the group did not have paid work at the time of the interview. This occurred because almost all of these people were getting a living in a variety of ways, and none were idle -- they typically kept a large garden for vegetables,

did a little fishing, hunting, and trapping, constructed, kept up, and renovated their own homes, and worked on whatever paid odd jobs came up (road and cottage construction was the most common source of funds).

Their attitudes to the use of law were interesting. For the hypothetical questions (see Appendix 5), lawyers were mentioned by a majority as their first choice for solving a problem for number 4, which involved making a will, and number 7, a divorce or separation problem. At the other extreme practically no one suggested calling on legal help for number 6 (a plumbing problem which landlord will not fix), number 8 (a company wishing to build a hazardous factory close by), or number 9 (a social worker desiring to put one's child in an institution). On the other issues (a dangerous deserted home, an unjust refusal of welfare, a dispute with a loan company), the solutions were varied, with about one-third saying they would consult a lawyer or legal aid, a third opting for self-help measures, and a third turning to non-legal agencies (town council, community worker, internal appeal procedures) for help. The legacy of the sixties was again apparent in the answers to questions 2 and 8. In each case community problems were involved, and their way of life, health, or safety was potentially threatened. Substantial numbers of people were willing to fight, to organize their neighbours and community to defeat the threat. I would conjecture that the much publicized protests and activity of the sixties and early seventies have not only shown these people a method which can be used but also given



them hope that the method might work. Compare this with their attitude to individual problems, in questions 5 and 9 (where a 14-year-old son is arrested for driving a stolen car, and a social worker recommends institutionalizing a child respectively). The majority in each case would either accept without question the decision of the experts (the police and social worker), or would consult other experts (doctors, clergymen, etcetera) and accept their opinions. In both of these cases, very few people said immediately that they would trust their own judgment and/or stand up for the rights of their child. They believed that other people, the authorities, knew better than they what to do with their children. With the stolen car problem, some were surprisingly punitive -- four said they would do nothing because it was the child's problem, he would have to take his medicine. These questions also revealed an interesting facet in the non-use of lawyers. A substantial minority thought that if they were telling the truth they would not need a lawyer. Somehow they expected the judge and the system to "know" this, because they had an implicit faith that the function of the judge was to dispense justice. Conversely, many thought that if they were guilty, they would not need a lawyer -- they had done the deed so there was no sense fooling around with a lawyer. They felt alienated from the criminal justice system in the abstract sense, but verbalized a different attitude when it came to their particular (hypothetical) case. Their answers also reveal an ignorance about how the whole process works. However, it

must be remembered that such hypothetical questions give us only the first line of defence a person thinks he would use. They tell us nothing about how persistent they would be in their efforts if the first attempt failed. A fair amount of apathy and alienation, stemming from a belief in their own powerlessness, was revealed in many questions; which leads one to suspect that few people would pursue what they would see as a "lost cause" for any length of time. Moreover, we have to assume, with no valid independent sources, that what people say they would do if faced with a problem bears some resemblance to what they would really do.

Their attitude to legal services showed, however, that many still had some kind of belief in their rights as human beings, and would like to see legal rights extended. Fifteen said legal services should be free for the poor, in order to give them a fair chance. When asked to choose between Judicare and a neighbourhood clinic, two chose Judicare, seven a clinic, five neither, and the remainder did not know. They liked a clinic because they thought the service would be better, more personal, and more convenient. The two who wanted Judicare both indicated they did not need a clinic because they already had Q.R.L.S. Those who wanted neither service were less able to articulate their reasons, except for one who said there was no need for legal services at all and one who complained the lawyers in his area were in-

competent. Only two said they would be embarrassed to go to a clinic using local residents, or that was only for the poor. (People often do not know in advance how much these factors will bother them -- and much depends on the strength of their need, the nature of the problem, and their opinion of the clinic workers.) Nor did they think a salaried lawyer would be inferior to a fee-for-service lawyer, because it was the individual and his/her character which determined the quality of service in their opinion.

Their past experiences with lawyers were not particularly negative. All but three had seen a lawyer in the past 10 years and 10 were either completely or quite satisfied, while four were dissatisfied. (One did not reply, and one married couple answered together.) However, this satisfaction may be somewhat illusory as their expectations were low, for two said the lawyer was undependable, three said he showed no concern for their problem, and one said he overcharged. (In two cases the lawyer did not even show up at court for the case, and in another he agreed to meet his client 30 minutes before court, then was late, so the client hardly had time to even explain the situation, let alone receive advice.) This arrangement of meeting the client before court is apparently very common for out-of-town lawyers, as it saves the lawyer an extra trip up. It is much less beneficial for the client, as a rule. Those who were

satisfied cited the lawyer's efficiency or his rapport with them. Only one had a family lawyer, but another four chose through interpersonal contacts such as friends' recommendations. The remainder chose at random (three) or used institutional sources such as a bank, Q.R.L.S., or a probation officer (four). The remainder could not recall how the lawyer was chosen. They went far afield for legal services -- seven to Kingston, three to Perth, two to Belleville, and one to each of Sharbot Lake, Tweed, Ottawa, and Almonte. Six said there were times when they had wished they had had a lawyer but had not gotten one. Lack of money was the most common barrier cited for the omission.

As we found before, their legal concerns did not necessarily reflect any of their real day-to-day problems, or what they saw as important community issues. Over and over again, people mentioned that they were concerned about food prices (14 of 19), schools (13 of 19), employment opportunities (11), doctors and dentists (10), their own health (9), social benefits (9), their jobs (7), recreational opportunities (7), and transportation (6). Many were also concerned about how their township was being run, and then, in descending order, how Ontario and Canada were being run. Five cited worries about taxes, four about debts. Very few were concerned about specific issues like police and courts, insurance, or buying/selling a house. When asked to choose

their most important concerns, the first three mentioned looked like this: (in all cases below, the total number of respondents is 18, because one married couple answered together)

Most important concern:	1. Children	(3)
	2. Employment Opportunities	(2)
	3. Food Prices	(2)
	4. Environment	(2)
	5. Recreation	(2)
	6. My Job	(1)
	7. Health	(1)
	8. Legal Services	(1)
	9. Housing	(1)
	10. Transportation	(1)
	11. No Reply/Data	(2)
Total:	(18)	

2nd most important concern:	1. Schools	(4)
	2. Food Prices	(2)
	3. My Job	(1)
	4. Doctors and Dentists	(1)
	5. Housing	(1)
	6. Community	(1)
	7. How Canada is Run	(1)
	8. How Ontario is Run	(1)
	9. Town Council	(1)
	10. No Reply/Data	(5)
Total:	(18)	

3rd most important concern:	1. Food Prices	(2)
	2. Health	(1)
	3. Schools	(1)
	4. Taxes	(1)
	5. Housing	(1)
	6. Employment Opportunities	(1)
	7. Old People	(1)
	8. Alienation	(1)
	9. Town Council	(1)
	10. Debts	(1)
	11. No Reply/Data	(7)
Total:	(18)	

Thus, a picture emerges of people with very little money, most of whom are living in the area by choice. (Even those who were born there decided at some point not to leave as many of their schoolmates and neighbours were doing.) They do not present a picture of desperation or destitution -- almost all are, as they would put it, "getting by." However, their lives are not easy, they have very little money to purchase labour-saving devices, and they have to scrimp and struggle. Many, if not most, have never had a real holiday.

Earning a living is a major problem for those who do not have some kind of government support. The young married couples are the worst off, as they have many needs and expenses, and there is usually only one person who can seek paid employment. There are not very many such couples living in the area for these very reasons. However, there are some. In order to stay ahead financially, the wage earner, usually the male, has to have a whole series of jobs. Typically he will work on road construction, he may be a guide, he may rent out a few cabins, and be a skilled carpenter or electrician. No one of these occupations will give the family a sufficient income. Then, in the winter, he will usually go on unemployment insurance since no jobs are available. Only a few very lucky people have year round jobs, since there are only a few organizations who hire people on this basis.

There is now, however, another kind of young couple in the area, some of whom were interviewed in this sub-sample. In the late sixties and early seventies, people who wanted to live on the land, to reject the cities and all city values, moved into the north. These people comprise the alternate community. By and large, they are homesteading -- trying to force the meagre soil to grow food, building their own houses, sometimes fashioning their own tools, making their own clothes, and taking part-time jobs to pick up extra cash. They are usually very well educated, sophisticated (in their ideas, not their appearance), and articulate. Although their incomes are not any higher than those of their neighbours, their values tend to be quite different -- they specifically reject materialism and are usually very enthusiastic about the concept of community, energy conservation, and the fashioning of a new more humane and "sensible" lifestyle. People in the alternate community (in most cases they live within a 20-mile radius, but it is a community of like-minded people, not a rigid geographic one) are now talking about running their own cooperative store, forming their own alternate school (many now have school age children), and even training their own lawyer to handle their communal dealings with the outside world. Though they formerly rejected all government programmes and insisted on the virtues of making it on their own (some never did this, preferring to "rip off the system" by living

on welfare or unemployment insurance); many have now decided that, in order to survive, they have to beat "the establishment" at its own game, and are applying for grants for home improvement, for community festivals, or for developing alternate energy sources. They are beginning to realize that they have to get more involved in the various structures of government at all levels to preserve their way of life. There does not seem to be a lot of antagonism between these new people and the older residents, and they are slowly becoming, if not accepted, at least tolerated. They do have a lot of skills in dealing with bureaucracies that the whole community could benefit from; moreover, of all the people we interviewed, they were the most confident, least alienated and fearful, and the most willing to fight the decisions of "experts" on any issue directly affecting them. They were also the most suspicious of traditional lawyers.

The older, more traditional residents do not have the same pressing need for resources to feed young families. Thus, for some, old-age pension cheques represent a secure, socially acceptable, and steady income. Many others, however are receiving disability pensions, since they are unable to work at the kind of jobs which are available due to earlier injuries. These people are in less happy positions, as there is a lot of envy and many suspect them of faking their symptoms. Doctors in the area tend to be very wary,

and I heard several stories of missed diagnoses of relatively obvious ailments, and unjust denials of benefits. In general, people are suspicious and resentful of anyone who is seen as being undeservedly on the public purse. (And this includes almost everyone except the old!) The lives of these people, the disreputable poor, are often very hard. Since everyone is known to everyone else, each person's reputation -- as a drinker, labourer, malingerer, or whatever -- is inescapable. They are given few chances to forget the lowly status to which they have been assigned, and are often victimized by the courts, the welfare agencies, their neighbours, and the local elite. Their side of the story is never believed, and they find it hard to get anyone to act on their behalf or to represent them officially or unofficially. Their children, of course, suffer from the same stigma. These are the people who tell stories of other residents killing off their livestock when they go to town, burning their barns, and poisoning their wells. Although they sound melodramatic, such stories are too widespread to be 100% false.

In conclusion, then, the needs of the poor in North Frontenac and area vary widely. Their definitions of a legal problem are very conservative; many of the traditional older people would reject any attempt to "improve" their lot in life and refuse to get involved. However, all can see

pressing community problems, and most could cite individual sources of frustration. They just do not think, by and large, that the legal system can handle any of these. These people would bring traditional legal problems to a legal aid service, but they would have to be shown over a long period of time that such a service could take on any of their "non-legal" problems as individuals, or as community residents.

#### V Public Opinion Poll

A final technique tried was the public opinion poll. Twice a year, Queen's Rural Legal Services students send out flyers to everyone in their target area, using lists obtained from the local post offices. A total of 9,620 households received one in the spring mailing, in 1978. The flyers announce changes in clinic hours and locations, the switch from summer to winter hours and vice-versa, and in addition, give legally relevant tips, such as what one should and should not do when buying a used car. In May, 1978, a list of six questions regarding legal services appeared on the flyer, and people were asked to tear off and mail their answers to the author, or give the completed questionnaire to students at one of the clinics.

The results of mail-in questionnaires are typically not very good. Depending on the type of questions being asked, the people being sampled, and rewards being offered for compliance (or sanctions posed for non-compliance), response rates vary from close to zero to up to 50%. In this case, absolutely no rewards were offered for filling out the poll -- people had

to provide their own 14 cent stamp and their own envelope; moreover, they had to be literate, comfortable with polls, and interested in the issue of legal services. In addition, since a blanket mailing of flyers is done, to every household north of highway 401 in Frontenac and Lennox and Addington counties, many people would be nowhere near the clinics, others would be ineligible, illiterate or seasonal. Many flyers are doubtless thrown in the garbage unread, as junk mail. Thus we did not expect a high rate of return and figured that 1% would be high.

As it turned out, we did not even reach the 1% level. I received 21 in the mail, and two were turned in by the students. (It may well be that a few were lost here, as the students had no system for keeping track of them. However, I doubt if the numbers were more than five in all, as they did not recall receiving very many.) This is far too low a response rate to tell us anything about the views of the average resident. However, the results can be used, in addition to the information gathered by other methods, to tell us something about the very small minority of people who do feel strongly enough about legal services to go out of their way, spend their own money and use their own supplies, to register their opinions. These people were not tapped by any of the other methods employed. With this in mind, we will look at these opinions.

All questions were assertive statements, and people were asked whether they agreed or disagreed with the statement.

or were not sure. Question 1 said:

"Most people in any community can find legal help when they need it with very little trouble."

Respondents were divided here, with nine agreeing, nine disagreeing, and four unsure. Question 2 said:

"We need good legal services nearby that will be available five days a week."

Since this question did not specify the type of legal services, 13 agreed, seven disagreed, and one was unsure. Question 3 stated that:

"Many people in our area who need a lawyer's help often cannot afford to see one."

Eleven people agreed; six disagreed, and those unsure rose to five. Question 4 asked directly about the mode of legal services:

"This area needs a legal clinic staffed by qualified local people."

The majority who answered were opposed to this -- eight agreed, 11 disagreed, and two were unsure. (One did not reply.)

Question 5:

"Poor people in this community need a free legal clinic, but those better off should continue to pay for legal help."

This was a poor question, since respondents may agree with the first clause and disagree with the second, or vice-versa. However, most people made clear which half they were responding to, with the result that 15 appeared to favour the idea that better-off people should pay for services, six

did not favour it, and one was unsure. The final question brought forth the most clear-cut division which ran throughout the answers of the respondents. Question 6 said:

"We already have enough government services; we can use private lawyers who practise nearby, and pay for their services."

Eleven agreed, nine disagreed, and two were unsure.

Thus we have substantial disagreement among respondents, with approximately half wanting additional help of some kind, and half opposing it. Many of those opposed were quite vehement and expressed their frustration about government spending in general by underlining and writing in comments. Almost 50% put their name and address on the poll or the envelope; six wrote separate notes or letters to explain their views. Several expressed concern about alleged abuse of free services and the high cost of government programs; while others were worried about the plight of the poor and/or the old, and expressed gratitude that Q.R.L.S. was there, even though they themselves did not need it at this time. Only a few had scores to settle -- one person, answering from central Lennox and Addington, said: "I think the money could be spent to some other better advantage than paying a Queen's student to sit with [his] feet on the desk drinking beer and when asked about a problem be told you have to go to a lawyer anyhow." Predictably, this individual was opposed to free legal services and saw no need for them. On

the other side, one lady sent a long letter praising the student service -- predictably she favoured more such services.

We know very little about the type of people answering such questionnaires. As mentioned before, those who reply usually are those who feel strongly about the issue being discussed, and/or have a personal stake in it. Some studies have indicated that the very poor, and certainly the illiterate, do not reply, so respondents tend to be the more affluent middle class people. Judging by the postmarks, those in the north replied more on a per capita basis than those in the south: nine people replied from the northern townships; seven from central Frontenac; and five from central Lennox and Addington. This is a rather different distribution from those who actually use the service, as we saw in Chapter Three.

It appears, then, that this very small sampling of public opinion, with all its faults, is giving us many of the same messages as the other samplings did. People are very divided on whether they want more government services, and many believe such services are abused, but few are willing to discard the concept that legal services in a democracy should be available equally to the rich and poor. Many people handle this contradiction by denying there are any poor in their areas, or saying, in effect, that their

predicament is their own fault; while others take the opposite position, favouring the extension of services though perhaps with safeguards to prevent "abuse." Again we see the importance of dealing with more than "just" the individual and group problems of the poor.

#### VI Conclusion

We have discussed in this chapter some serious problems in the northern townships. We have also seen that the residents have no unanimous opinion on whether further legal services are desirable or not, although in general it seems that the poorer the person, the more likely he or she is to favour them. Several issues emerged that are of the utmost importance, and must be considered (and, if possible, overcome), before any actions are taken in these communities. Some of these are:

(1) Sharbot Lake is not necessarily the centre of the area. People in the Plevna-Ompah regions look east to Perth; while the isolated souls in the Cloyne-Denbigh-Henderson area tend to look south to Napanee or west to Tweed. Thus, putting more services in Sharbot Lake might be useless to those in the far north and west. On the other hand, the various communities affected are so small that many people would not feel confident about seeking any kind of legal services in their home towns because everyone would know they were seeking legal help. The "image" and reputation of a legal service and those staffing it would be crucial in determining in what capacity the service would be used, who would and would not use it, and in which town they would use it. Many

people in the northern areas resent the fact that more and more services are being taken away from them and centralized elsewhere. Even the community centre in Sharbot Lake is finding that half of its clients come from Oso township (where the centre is located); another 11.2% from Hinchinbrooke, the township to the south (connected with easy access by highway 38); 8.9% come from the two townships directly west of Sharbot Lake; and less than 5% respectively from each of the remaining townships it purports to serve (North Frontenac Community Services, Members' Report, December 1977). If the various community residents including the poor, were actively brought into the decision-making process (not merely "consulted" as a legitimizing ploy to cover the fact that the real decisions were made elsewhere), this problem could be more thoroughly explored and possible repercussions avoided.

(2) Most of those in the position to give advice and refer people to legal services are not sending clients to Q.R.L.S. As we saw, reasons for this were many and varied: the unreliability of the service, bad experiences with it, or ignorance of its existence and nature. The first and third of these problems are relatively easy to correct, by reorganization, personal contacts, and publicity. It is likely that bad experiences in the future could be avoided by a reorganization of the structure, philosophy, and supervision procedures. Since the students now are outsiders who are not part of the community, and do not even mix and mingle when they have no clients, they tend to be an unknown commodity except perhaps to the people of Sharbot Lake. Thus the suspicion



and lack of knowledge about their service is not surprising. As any sociologist -- and any businessman -- can testify, formal contacts are no substitute for informal ones in building a reputation and a place in the community.

(3) There is a good deal of antagonism about government services.<sup>3</sup> A strong identification with Queen's Law School, rather than any government department, would avoid much of this if any new service were put in.

(Despite the fact that the bulk of the money ultimately comes from government coffers, universities are not thought of as government agencies!) The degree to which any service should be restricted by incomes is another aspect of this problem. Since most of the year-round residents who have jobs are not earning high incomes, a high percentage of those in each community who are ineligible for Ontario legal aid or whose problems are not covered by it, cannot afford to pay the average lawyer's fees. However, the high cost, relative to income, is one factor which restricts the number of

<sup>3</sup>The oft-repeated phrase that government services are being "abused" deserves further study. Few of those who say this can cite specific instances; they tend to repeat third-hand stories or hearsay. What the complaint seems to boil down to is fear that someone else might be "getting the better" of you, getting for free something you have to pay for. The fact that you may neither need nor want the service you are deprived of, or that the recipient might have to demonstrate he is needy and take humiliation into-the-bargain, does not seem to lessen the jealousy engendered. It brings to mind the concept of "status envy," the feeling that de Tocqueville said was characteristic of citizens in democracies, the fear that other citizens are getting more than oneself, and that one is falling behind in the race to see who is the most equal of all. The belief in "abuse" also has become an ideological catch-word, signifying an opposition to programs which subsidize the "undeserving" at the expense of those who see themselves as unsubsidized by government largesse, and feel they are paying the bills with no control over where the money goes.

problems the average citizen seeks help for. The communities are small enough that high school principals and rich American cottage-owners, those who can afford private lawyers, are well known to the locals. Since the students under the present set-up are outsiders, they do not have this kind of inside knowledge about clients and have to either take clients on faith or risk alienating them. If differently organized, the eligibility problem would be less onerous. Many people, then, would use a service if they saw their problems as being in the realm of law, trusted the service providers, and believed that the service was for "people like them." However, some accusations of "abuse" of the service are inevitable, whatever the service format. Misconceptions should be corrected in concrete instances, and contrary information provided, but a certain amount of antagonism expressed in these terms is inevitable. It can be lessened, however, by emphasis on using legal services to benefit the community and tackle community issues, rather than exclusively problems which are seen as those of the poor only.

## Chapter Five: An Overview: Recommendations and Conclusions<sup>1</sup>

### I Introduction

In the previous three chapters, we have described Queen's Rural Legal Services, its clients, and the communities it serves. The strengths and deficiencies of the present service have emerged, as have the problems of the communities. At present, it seems fair to say that the service is handling very few if any of the needs of the communities, or the needs of the very poor. However, it is dealing adequately with the day-to-day needs of the clients who seek out its services, although there are some weaknesses in handling certain kinds of cases, and the winter programme remains weaker than the summer one. Whether a legal service can, or should, deal with any of the more central and basic needs of the communities is the subject of this chapter and the basis upon which the recommendations for alternate models are made. To do this, we will return to some of the themes and issues developed in Chapter One.

The argument was advanced there that the legal needs of a given person or community are not a stable commodity,

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<sup>1</sup>This section was written in 1978 and deals with the problems that were found at that time. Where changes have been introduced which may affect the analysis, these are incorporated into the text. However, since the 1978-80 update was much less thorough than the original evaluation, many areas were not re-analyzed. I am assuming, in these areas, that the basic problems have remained unchanged.

but constitute an "institutionally and ideologically contingent selection from a vast pool of amorphous 'proto-claims'" (Galanter 1976:70-77). That is, it is not the people of North Frontenac who determine which of the vast pool of community needs examined in Chapter Four are legal needs; this decision is made by the legal professionals and governmental fund suppliers. If these groups wish to use the legal system to address some of the basic issues in the lives of rural people, the need is certainly there, and a recommended structure is outlined below (see Model B). If they wish, on the contrary, to address only the traditional legal needs of individuals in these areas, this is also possible (see Model A). However, in either case some substantial changes need to be made if Q.R.L.S. is to be of real help to the poorest and most needy people. The decision as to which model to adopt is a philosophical-political one, and cannot be made by an evaluator. However, a decision to rest with Model A must not be seen, in any sense, as an attempt to meet the real needs of the communities. Moreover, a decision to go with it may well lead to much community antagonism and resistance from all but the very poor, for reasons that were delineated in Chapter Four.

### II Defects of the Service

Set out below are some of the problems with Queen's Rural Legal Services, as it is presently constituted, and

some ways to overcome these. The service is not being evaluated here relative to what "could have been" done if the students had adopted, or been able to adopt, a wider view of the legal needs of the whole area; but only in relation to the traditional criteria, viz the deficiencies of the service in meeting individual needs.

First, there are problems with the present system of delivering legal services. The service is much less well known than it should be by this time, in all areas except Sharbot Lake.<sup>2</sup> Even those who have heard of it have no idea what the students do and do not do; some think the students can only give information and others think they provide the same services as a private lawyer operating under Ontario's Legal Aid plan. Very few people knew that the students would make house calls. Since extensive advertising through local media has already been done, it seems that the problem is to get from the formal communication channels into the informal ones in the area. It is well known now that people receive information from mass media (radio, television, newspapers, etcetera) in what is called a "two-step" flow. Opinion leaders in each social group, at all class levels and in every institution from the family

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<sup>2</sup>There is indirect evidence in 1981 that this is less of a problem now. That is, because there has been such an increase in the number of cases being brought to the students, one may hypothesize that the service is now much better known.

to General Motors, absorb selected media messages, translate them into a frame of reference meaningful to the people they deal with (which may or may not involve "distortion" of the original message), and pass them along to others in the group. Information, to be most effective, must get down to the interpersonal level, since most people rely on friends, neighbours, church leaders, etcetera, to give them messages that can be trusted, and are relevant to their situation. Messages about free legal services do not seem to have made this jump from the formal level of people being told they should go to Q.R.L.S. for x problem, to Joe advising his neighbour to see the students. This can only be done by having personal contacts and relationships with a variety of people in each and every community, and a more permanent presence in the communities. Formal advertising media should still be used intermittently, as a back-up measure. The hiring of a community legal worker in Sharbot Lake in 1979 should have considerably improved this situation.

The van does not seem to be serving its purpose either. People see it, but make no connection between it and legal services. In other words, they do not relate its presence to their own legal problems. Eleven of 88 clients in the 1977-78 period used the van service, all in the summer months. This does not seem sufficient to justify the expense of leasing and operating it. It apparently was not used more

because people feared their consultations would not be confidential, and thought that going to the van meant advertising one's business to the community, since the van is so conspicuous, and was always parked in an area which received maximum traffic. Many people said Q.R.L.S. would have been wiser to rent office space on the main street, in the library, church, or township hall. At least there, they felt, one could expect a modicum of privacy.

Secondly, the students were not, in the 1977-78 period, serving the needs of the very poor, nor of the most geographically isolated. (The latter group were being reached somewhat better by 1980.) The bulk of the clients were working-class residents living within 30 miles of Kingston. These are not the people the service was set up to serve; and it seems likely they are not the ones most in need of free legal services. (Since the poorest people tend to have the most unmet needs in all areas of their lives, it stands to reason that they also have the most needs which are potentially legal ones, however narrow one's definition of this term.) This may be in part because the people to whom the poor look for advice, the town clerks, ministers, and doctors, were not referring people to Q.R.L.S. And this, in turn, was due to the aforementioned failure of Q.R.L.S. to make an impact on the communities they served, and on defects in the mode of delivering service. Because

the students were outsiders and volunteers, and were carrying a full load of law courses, they were not able to become involved in the communities. When no clients were beating on the door, they retreated and read books. Even the staff of the North Frontenac Community Centre did not know most of the students well and were unfamiliar with exactly what they did. This was less true of the summer programme, when the students did make an effort to be seen in the communities, but even here the effect was weakened by the fact that no student can work on the summer programme more than one year, and by the fact that they were, ultimately, transient outsiders, with no stake in, or knowledge of, the area. This was not their fault. However, before the service can make an impact, it has to be connected with permanent local residents. Thus a major recommendation in the 1978 report was to hire local residents as paralegals, who would take calls and do preliminary work.

A related point concerns the "mix" of cases. Students were handling predominantly cases where the client was on the defensive against external forces. As we saw in Table 22, there were no civil cases in the original sample where the client was the plaintiff; in fact, there were only two civil cases overall. And there was some evidence that these cases were less well handled than the others. It may be that the students were not aggressive enough in suggesting civil

remedies, or that clients with potential civil cases were discouraged because they seemed more likely to take undue time, or to threaten the Q.R.L.S. standing in, and relations with, the community.<sup>3</sup> Again, the lack of any outreach programme, and the dependence on the market system to bring in clients meant that traditional defensive cases formed the bulk of the load.

Finally, there were problems with the service given by the students. These related to two main facts: the lack of supervision, and the attitude many students took towards the work. First, we saw in Chapter Three that in 36% of the winter, and 28% of the summer files in the original sample, research and advice was the only service given. Students did not have to take such cases to the faculty supervisor or discuss them with him. Serious mistakes could have been made

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<sup>3</sup>Two of the men interviewed in the community survey, both very poor and one extremely inarticulate, said they had attempted to get Q.R.L.S. to help them recover debts. Both were turned down. They had no idea why, but were far too used to being defeated to fight the official decision. In neither case would support of the client have won the students any praise, and both lacked credibility in the eyes of the average middle-class observer, law student, or judge. As well, both were regarded as people who were not worth helping, as natural victims, by the "respectable citizens." It is risky to jump to conclusions from such isolated incidences, but unofficial as well as official criteria may be being used to determine the acceptability of clients. This is one of the greatest dangers with any service -- those most in need of help tend to be those who exhibit characteristics the average person, especially the average middle-class person, dislikes and distrusts. That is, they are most likely to be suspicious, resentful of the raw deal they have gotten, hard to get talking or hard to shut up, untidy and unkempt in appearance, etcetera. None of these characteristics, however, render them any less trustworthy or truthful than the average well-dressed, well-coiffed person.

in a substantial number of cases, which would not have been caught until after the case was closed, and not then if the student had discovered the error and covered it up. We received reports, from clients and non-clients, of students who did not know how to fill out certain basic forms, and gave incorrect advice. The present system, whereby a Kingston supervisor is responsible for supervising all legal aid students in all three legal aid programmes, is clearly unworkable. Someone was needed to go up north daily or, failing that, to be responsible for, perhaps, the rural and Belleville students, checking on them daily at a certain hour. He/she should also be consistently available by telephone. One person cannot adequately handle that many students in such widely scattered places. (Again, an attempt was made, following receipt of the original evaluation, to ameliorate this situation by hiring an Assistant Director to take responsibility for the Kingston clients, leaving the Director free to concentrate on the rural and Belleville students. The re-evaluation did not try to assess how effective this has been.)

We also heard from people -- clients, community residents, and court workers -- who said that students were often late for clinics, and did not show up in the wintertime on the slightest excuse. As we saw, clients who were switched from one student to another disliked this. Now, a

certain amount of tardiness and case-switching is unavoidable -- no one expects a student to struggle north during a blizzard and perhaps be marooned overnight. People are sometimes late because cars break down and spouses take sick. But is it fair for people up north to suffer because they happen to live there? Would it not be possible to have back-up para-legals living in the areas, if one cannot have a full-time lawyer or law professor making his/her home in the area? Would we ourselves put up with such service, or would we allow it to be given to rich paying clients?

To a certain degree these problems reflected a basic lack of commitment by some of the students. In this, they were probably only reflecting the attitude of many faculty members. This lack of support is shown by the fact that students still cannot receive any course credit for their work, and by the resistance of many to the idea of students doing this type of work. However sincere the objections, this does demonstrate that, in this imperfect and resource-scarce world, where one has to make choices on time and budget allocation, legal aid is not a high priority item at Queen's Law School. There are no formal courses specifically preparing the students for the types of cases they will encounter. There are no courses offered in "poor law." What the student receives depends on the year he/she is in, the courses selected, and whether the professor that year

decides to deal with the material in a way which encompasses or excludes the problems of the poor.

Worse yet, there is no "philosophical" preparation for this work. Most students know nothing about the literature on legal aid, legal clinics, or the potential role of the lawyer in social change. Many in the winter programme tend to see their participation as a temporary thing which takes up very little of their time, looks good on their resume, and may help them land a summer (or permanent) job. Interviews conducted with 80 legal aid students in the winter of 1978<sup>4</sup> showed conclusively that the students themselves felt they were insufficiently prepared to deal with the problems they met for the first year of their participation. Forty-four of the 80 said they had volunteered primarily for self-interested reasons (they wanted the experience, the interviewing practice, or thought it would help them later on); 27 gave self-interested as well as altruistic reasons; and 9 gave altruistic reasons only (the desire to fill a need, help people, etcetera). The students were even less charitable in their view of why their friends had volunteered -- 57 said their reasons were purely self-interested, 13 said

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<sup>4</sup> This was a class research project undertaken by students in the Sociology of Law in the winter of 1978. Eighty of the 142 student volunteers in all three legal aid programmes were interviewed, and their opinions on the programme, their reasons for participating, their views of legal aid and of the position of the poor in our society were elicited.

their reasons were mixed, and only 3 said altruistic reasons motivated their friends (7 were undecided). There was a definite tendency to see legal aid law as unimportant, a way of learning where one's mistakes did not count, a way of preparing oneself for the more important, high-priced corporate and commercial law where the clients really mattered. The nine students who said they were in the work for "the rewarding experience of assisting those who could not otherwise afford legal assistance" (Brandon, Card et al., 1978:20) tended to stress the vulnerability of the clients and their inability to obtain assistance elsewhere.

Nor were most of the students aware of either the deficiencies or the potential of legal aid work in general. Eighty-eight percent said that, in their opinion, Queen's Legal Aid met the needs of those who sought legal aid well or very well. They felt that most of the problems they dealt with as volunteers were insignificant, of little importance to the client or student. The desire to give the students an overall, general experience in law has worked to the detriment of many clients, since no student is a specialist in any one area. Cells (the student groups described in Chapter Two) do not specialize; thus there tends to be no student with an in-depth knowledge of the legal issues around the problems most frequently encountered. Specialization would probably improve the quality of service,

but at the cost of restricting the student to a narrow area of the law. On the other hand, it might improve the morale of students. But a great deal more faculty commitment, plus more resources and time, would have to be invested in the programme before it could be organized in this way, and it is not certain whether that kind of commitment, if present, could be marshalled and translated into positive change.

### III Model A

If it were desired to improve the level at which individual services are provided, the following minimum steps would have to be taken:

- (1) Restructure the rural programme; put a full-time supervisor in charge of the rural and Belleville programmes and provide for some sort of routine checks on students in the clinics. Accessibility to the supervisor should also be improved, but this would follow automatically if the supervisor were responsible for only those outside Kingston. This would also have positive effects on the supervision of students in the Kingston clinics, and take much of the excessive load off the present Director. (An Assistant Director was appointed in 1979.)
- (2) Train and pay someone in the North Frontenac area (preferably two or three people, in Sharbot Lake, Ompah, and Cloyne, for example), to provide a permanent community base for legal services. This person, or people, should be responsible, at the minimum, for informally publicizing the service in the area, giving information about the service, and making appointments. Town clerks, public health nurses, local teachers, and children's aid workers are the first people who should be contacted and "educated" about the service. The possibility of house calls should be mentioned to all who might need them. Ideally, such a person or people would be trained to recognize what problems and complaints are

potentially legal issues, and to get knowledge of the service onto the informal communication level. Students could work out of their regional offices with the paralegals. There is a very great need at the moment for someone to take applications for legal aid certificates, and spare people a long and expensive trip to Kingston, which could be met by such paralegals. Many poor people who need legal aid simply do not have the money for such a trip -- without a car it costs \$30.00-\$40.00 return, and more further north. To do this, the person must be a Commissioner of Oaths. As matters now stand, those who require an assessment of their eligibility would still have to make the trip. The possibility of having someone travel north to do the assessment should also be looked into. If the person or people were well selected, such a local presence could in time help overcome problems caused by the unreliability of the weather, the breaks for examinations, the spring and fall changeovers, that plague the present service, and provide students with invaluable information on local conditions and concerns. This remains a problem in 1981, despite the appointment of one community legal worker in Sharbot Lake.

(3) The present winter system should be changed. Both students and local residents would benefit by having a small number of closely-supervised students dispensing legal services on a weekly or bi-weekly basis. When there are no clients, they would be expected to mix and mingle with the local people -- in the general store, over lunch, etcetera. Cadres of "student specialists," who do not serve in the clinics, could be developed to provide essential expertise and research, which those in the field would not have time to develop. These groups would work closely with faculty specializing in analogous areas. In this way neither the students' need to learn something from the programme, nor the community's need to be competently and reliably served, would be sacrificed.<sup>5</sup>

<sup>5</sup>This idea is adapted from the system developed by the rural legal service operating out of Omaha, Nebraska. There, rural attorneys with a legal problem which needs researching can phone up a centre at the law school. If the inquiry meets certain criteria (lawyers serving clients rich enough to pay are not eligible; only those with publicly funded positions), a law student is assigned to do the research. He or she prepares a memo, has it checked by two supervisors, and sends it out. To ensure that this work is not wasted, the memo is published in a monthly newsletter to all attorneys, sheriffs, and judges in Nebraska, providing permission to release the memo has been given. This programme has been very satisfactory, meeting the needs of both the students and the attorneys (see Stuart and Wise 1977).

The students badly need a short and intensive course on the philosophy of legal aid, the literature on legal needs and modes of delivering legal services, and on their role in the system. Hopefully such a course would also help them put what they are doing in perspective, so that the clients would not be seen anymore as "insignificant" people with "trivial" problems, but as people whose problems are as serious as those of the president of General Motors.

The summer programme needs less drastic revisions, except for the aforementioned improvement in supervision and the addition of permanent local paralegals.

Students can play a very important role in meeting the traditional legal needs of those whose problems are not covered by the Ontario Legal Aid Plan, and those whose problems, while important to the client, would cost a private lawyer more to service than he/she could bill the client for. They can also handle cases, under faculty supervision, which are too long and complicated to be worthwhile to the private lawyer. Some of these will have implications for legal reform which may go beyond the individual application of band-aids. (The term "band-aid" is misleading; giving antibiotics would perhaps be a better analogy. Antibiotics are important if you have a bad infection. However, they are really no substitute for dealing with the root causes of the problem. To carry the analogy further, one should not only dispense antibiotics, but also make sure people know how to prevent such infections through public education and quarantines, or they are likely to occur again and again.)

(4) The southern clinic locations should be dropped, and more emphasis put into meeting the needs of northern and isolated residents. Since the experiment with the van does not seem to have been a success, some of the money saved here, and by closing the southern clinics, could be re-invested by retaining office space and establishing a presence in the northern townships. Exactly where the students should locate cannot be set down in advance -- every area contains a lot of poor people. Whether or not they use the service is mainly up to the service providers. They have to take the initiative; thus the students should be carefully selected, as should all people involved in the service. Friendly, outgoing, casual people who do not look too different (jeans, beards, and long hair are no longer barriers), and are easy to talk to should be hired.



They must be discrete, however, as the first careless word can destroy trust for years. Residents in the south-central areas should be redirected to Kingston or even Sharbot Lake facilities, depending on their circumstances.

It is recommended that students accept the bulk of working and lower middle-class people who come to them. The elite -- the high school teachers, rich cottage owners, and provincial police -- are unlikely to seek out a student service in any case; moreover, the local liaison worker(s) will recognize most of these people. Taking the few who perhaps should be ineligible seems an acceptable risk, given the expensive and cumbersome machinery which would have to be set up to weed them out, and the unavailability of comparable services nearby.

#### IV Meeting Community as Well as Individual Needs: A Proposal and Recommendations

It may be decided, however, that a service should be set up which would attempt to meet a wider spectrum of community as well as individual needs. This is the more difficult route, the more expensive in the short run, but also, I submit, the most worthwhile in the long run. If, as I have argued, the legal needs of the people are contingent on the breadth of vision of the service providers (and ultimately, of the legal establishment and government), there is certainly much potential in the North Frontenac area. As we saw in Chapter Four, the area is besieged by problems related to unemployment, tourism, poor roads, and obstructive government departments at all levels. Many people have lost all confidence in their ability to accomplish or change anything, and have become bitter and/or apathetic when considering

area problems and their own impotence, both as individuals and community residents. More and more local services and facilities are being lost by northern communities -- some are being taken away by organizations with headquarters in Toronto, Ottawa, New York or London; others are lost due to the drop in local population and the increased efficiency of transportation services. With improved roads and planes, for example, it is no longer thought necessary for the Ministry of Natural Resources to maintain a facility in tiny Plevna to fight area fires. People and equipment can be flown in from Trenton or Tweed if necessary. Area schools live in constant fear of closure. Proposals to bus children 30 or 40 miles away are being made; to towns and huge buildings which are busy, alien, and frightening to a rural child. The distances prevent parents from adequately overseeing their children's activities or participating in their education.

The ineffective voice of the north is reflected in the fact that almost all area facilities are located in south Frontenac -- if St. Lawrence College, for example, which was meant to serve the whole county, were any further south, it would be in Lake Ontario. Even the North Frontenac arena, a facility explicitly meant for northern residents, is located in the southernmost town in the southernmost township of the area officially designated as north. Obviously local politicians have been listening to the greater numbers and more affluent people of the south. No doubt, the same situation could be found in neighbouring Lennox and Addington and

Lanark counties as well.

Many of the area services are poor. Those communities not covered by the Bell telephone system have poor and expensive phone service -- residents have been trying to change companies, but one company has a monopoly to service certain areas. Since the trains were allowed to cease running, public transportation is almost non-existent, causing great hardships for those who cannot afford a car or who lose their license. In some communities there is evidence that small elites connected with the township offices use their power over government grants to attempt to maintain control over who moves into the township. They also, it is alleged, affect the distribution of government monies by keeping knowledge of these programmes away from those who could use them, by putting many obstacles in the way of those who persevere and make application, and by using various formal and informal measures to discredit or cut off non-approved people who have secured such monies in spite of their opposition.

Surely some of these problems could be countered by the creative use of legal services. Fighting attempts to close schools, blocking moves to locate services needed by the north in the south, gaining more control of county funds, and allowing improved telephone and transportation services are all very real community needs. They could also be legal needs. All are within the traditional range of services lawyers have offered corporate and organized clients in the past. Moreover, meeting these problems gives a legal service

three important advantages which any facility delivering only individual services lacks. These are:

- (1) Such efforts generate a lot of publicity, and broadcast the existence of the service to people who would never otherwise have heard of it. If properly handled, with maximum community involvement, they can generate support for the legal service facility that is deep as well as broad.
- (2) Tackling community problems serves a real need for just about everyone in the area, rich and poor. Thus, a lot of the resentment that occurs in a rural area when the legal service defends the rights of outcasts to welfare payments, for example, is counteracted by the widespread support the facility receives from its efforts to tackle the problems of all. The broad, unfocused resentment many of the working poor as well as the better-off harbour against all government services, which they see as favouring the unworthy poor at their expense, is also less sharp, because this service is benefitting them too. (I have painted a somewhat brighter, more unanimous picture of support than can ever occur in reality -- naturally, some people, who benefit by the existing system, will feel uncomfortable with any change; while others, who do not like challenging established authority structures, will be alienated by efforts to tackle community problems. But the majority will approve, if the problems chosen are really central ones.)
- (3) Such work is thought interesting and challenging by legal experts. Thus any lawyer hired by a clinic, and the students who would be involved in such projects, would not only learn a great deal about the area of law, but potentially might make a reputation for themselves as well. Thus some of the morale and turnover problems which usually plague facilities serving poor or rural people would be attenuated.

Attempting to meet real community problems by using the legal system has another advantage as well: it is not likely to antagonize local lawyers by taking their business away. (It may, of course antagonize those who are congenitally opposed to lawyers' tackling these types of problems, but

some of this opposition can be defused by consulting them, involving them, and ensuring that the local lawyers know what is going on, and what the service aims to do for the community.) The two lawyers now practising in Sharbot Lake cannot afford to take on most of the individual problems of the poor, let alone the problems of the whole area. At present, they tend to serve the traditional legal needs of the local elites, the high school teachers, police, and some of the rich cottage owners. They also take some cases on legal aid certificates, but are not keen on doing this since the remuneration is perceived as low. Moreover, there is a well known tendency for lawyers to take a lot of legal aid cases when they are just out of law school and building a practice, and to refuse to take them once they have enough skill and experience to practice on more affluent clients. However, because so many of the influential local people expressed concern about driving out the local practitioners, their support should be sought, and should be broadcast to the community before any new facility is set up.

#### V Model B

Assuming, then, that such a facility is necessary, worthwhile, and practical if the real needs of rural residents are to be met, what kind of structure should be set up to do this? Structures can either facilitate or inhibit the ability of any organization to fulfill its mandate; they

play an important role in determining whether the average employee adopts a positive, negative, or neutral attitude to his/her job and to his/her clients. While the individual personalities and characters of those delivering a service are always very important, the structure plays a large role in determining whether idealistic, enthusiastic and compassionate personalities are rewarded for these characteristics and allowed to express them in their work, or whether these people will quit in frustration. Some structures discourage these people, and reward only those who dispense the minimum amount of whatever the service is supposed to dispense, and "keep their noses clean." The many studies done of Canada's penal system underscore in a striking way the importance of a structure in determining the predominant nature and attitudes of employees within it. What seems to happen is that some environments provide favourable growing conditions for one type of personality; so these types come to predominate. People who do not fit in either quit (some stick it out longer than others), or find themselves changing. (They "mellow" or "become more realistic," in the lexicon superiors use to describe this process.)

I have concentrated on the importance of the structure of a legal facility because most people overlook this, and put all the emphasis on the character of those hired or retained to dispense legal services; however, this does not mean that the latter is unimportant. For

while structures can affect personality types, the reverse is also true. The best structure in the world cannot impel into action an unimaginative person with little initiative or interest in the problems of poor or rural folk, who is content to wait for problems to be put on his/her desk. Thus, the character of the service dispensers is of crucial importance. I will discuss both issues below, beginning with a consideration of the type of people who will best fit into rural communities; followed by an outline of one kind of structure that will facilitate their development and growth.

#### Types of People:

(1) There is a real danger, especially in rural areas, of bringing in people who can be labelled "big city radicals." This term connotes people, both lawyers and paralegals, whose experience has been that nothing can be gained without confrontation. Thus they are likely to consciously or unconsciously divide the community in two -- those who are with us (also known as the proletariat, the working class, the "little people"); and those who are against us (the enemy, the bourgeoisie, the capitalist class, the establishment). Since such mental classifications tend to get translated into behaviour, this attitude inevitably affects the community. It can be most counterproductive in a rural community where everyone knows everyone else, and those who

are poor may well have a brother-in-law on the town council and a third cousin who's a doctor in Toronto. People in the country do not think in these semi-Marxist terms and are likely to reject and ridicule those who do. Confrontation and the antagonism it creates, moreover, should be avoided wherever possible, because people must depend on each other to a much greater degree than is true in the city. Thus, the local storekeeper who exploits the person on welfare by charging ruinous interest, may also be the person who runs the welfare recipient into Kingston for doctors' appointments, or provides a part-time job for his/her eldest son. To insist on the limit of one's rights in one area, then, and antagonize someone, may be to cut oneself off, and thus deprive oneself of a host of tangible and intangible other benefits. Also the fragile "community spirit," and thereby the well-being of all, can be irreparably damaged by such polarizations. Confrontations on local issues with local people, in court or outside, should be seen as a last rather than a first resort, and the ramifications of such action thoroughly explored before this course is advised. The personal style which embraces confrontation as a prime tactic must be avoided, then, as must the reality of too-hasty confrontation; although there will of course be times when injustices must be challenged and no other means are possible.

(2) Some of the characteristics which were stressed by our respondents as important characteristics for those who would provide legal services are: friendliness, resourcefulness, informality, openness, and honesty. To this I would add that a streak of idealism, a commitment to real democracy and the intrinsic worth of all people, and an in-depth knowledge of the limitations and possibilities of legal aid as a social weapon, are indispensable for everyone who is in this type of work. Nobody likes to be conned, treated like an idiot, condescended to, or bossed around. The students in Q.R.L.S. seem to have mastered this informal friendly attitude very well. Thus, a low-key, open individual or individuals, not too different from the local populace, should be sought.

(3) The people providing services should not have long-standing ties with certain groups in the community at the expense of others. Nor should they be people who make enemies quickly and easily. Respondents were divided on whether or not they preferred local people, but ideally there should be some of both providing services. The key thing here, however, is not where the person comes from but his/her attitude, reputation in the community (if any), patience and tact.

(4) Those hired should not be afraid to alienate the local decision-makers when necessary, but they should do this, if

possible, without sacrificing good relationships. I have already mentioned the need for such a service to tackle community problems which are crucial to getting and maintaining their support. Above and beyond this, it is often a good idea to have a director who is good at smoothing down ruffled feathers, while providing the necessary support for lower level lawyers or paralegals to attack local injustices. No deceit is necessary; merely a tactful person who can convey to the angry parties the sense that his or her staff are merely doing their job, and no personal animosity is meant. Since the local elite are often important sources of referral, and their opinions "count" with many other community residents, their opposition should be avoided if possible. However, service-givers should never refuse to handle a case mainly because it would antagonize the local notables.

#### A Suggested Structure:

Many structures could be utilized. It seems desirable, however, to build on the established presence of Queen's Rural Legal Services since, as we saw, their reputation is good among those who have used the service, and they are not resented by the local bar or most of the local elites. The law school at Queen's is another priceless resource which should be utilized. Unlike most rural communities, the people of North Frontenac are not hundreds of miles from first class legal professionals and law libraries, and specialists in every area of law abound practically on their doorstep. A modified clinic facility should be es-

tablished to capitalize on these two factors. A clinic is recommended over a judicare programme for two important reasons:

(1) There are too few private lawyers practising in the area to serve the needs; and (2) Even if there were sufficient lawyers, as matters now stand, no private lawyer could afford to take on community problems or the bulk of the individual problems, since the majority are not covered by Ontario Legal Aid. Only a facility with lawyers on salary can tackle these issues. That does not mean, however, that local lawyers cannot be consulted on cases where necessary. Their knowledge may be a valuable asset to a legal clinic. Moreover, clients who cannot be handled by the clinic can and should be referred to local lawyers where practical. Working with and learning from the local Bar, while simultaneously educating them on aspects of the law they previously knew little about, can be an important auxiliary benefit for the communities.

Deciding where to locate a clinic is the first major problem. As discussed in Chapter Four, no one town is the central point in the area. Moreover, wherever a facility is put, residents of other areas are likely to resent its not being put in their own balliwick. These kinds of details are probably best worked out by holding town meetings and involving local people in the decision. As suggested for Model A, Sharbot Lake, one of the towns on or near highway 41 to the north-west, and one of the towns to the north-east,

such as Ompah, would seem to an outsider to be likely locations. More than one location -- ideally, a main clinic and two satellites -- should be chosen, both because some people will not want to go to the nearest clinic because of problems of confidentiality, and because it is important to remind people in the whole target area of the availability of legal services. This can be most easily done by adopting the method proposed in Model A, and putting a paralegal in his or her own house who would be responsible for maintaining accessibility, publicizing the service, monitoring community problems and reporting them to the main clinic and serving as an outreach worker for needy individuals in that district. After the service is established, this may be less necessary. The expertise and contacts of people not employed by the clinic on a full-time basis may then be utilized, once they know about and have confidence in the service. The public health nurse, school teachers and Children's Aid Workers all run into numerous people with problems which are potentially legal ones. At present, due to the low visibility of the Q.R.L.S. service, its lack of an outreach program, and their lack of knowledge about legal remedies,<sup>6</sup> few of

<sup>6</sup>This is not to imply that legal remedies are always, or even usually, the best ways to solve individual or community problems. They are usually very expensive, antagonistic, disruptive of existing community relationships, slow, and their chances of success, in the conservative Canadian judicial-legal milieu, are most uncertain. Self-help, working the problem out with the other person, or learning to live with it are sometimes remedies of choice. However, for community

these people are recommending the use of law as a problem-solving device. Some judicious community education, plus demonstrations of what the service can do, will soon solve these problems and assure a steady stream of cases.

Existing community facilities should be used in all cases, at least at first, since new buildings are likely to cost a great deal of money and stir up bad feeling (especially where the service is as yet unproved and probably, in the eyes of many people, unnecessary and unwanted). Frills and fancy offices -- indeed any ostentatious spending -- should be strictly avoided in favour of neat, utilitarian, and modest working quarters.

The number of people who should staff such a clinic is also a matter which must remain somewhat elastic. In order to tackle complex community problems as well as individual ones, there must be more people involved than in Model A, and some of the professionals would have to be permanently

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problems caused by insensitive forces miles away (such as government or corporate bureaucracies); or individual problems characterized by great power discrepancies between the individual with the problem and his/her opposition, attempts to enlist the power of the state on behalf of the local community or individual citizen are sometimes the only remedies with a chance of working. The more usual experience for these people and communities has been to have the power of the state or corporate hierarchies waged against them. In addition, legal remedies should be tried when one case holds out the potential of reforming one aspect of the law and thus benefitting everyone who has that problem in the future. The impact of such "test cases" on the actual life conditions of those it is supposed to benefit, as we discussed before, has been greatly exaggerated. However, using the law to attack community problems, where feasible, should be more effective than has been the case with individual problems, because the communities contain enough articulate and educated people with ties to area politicians to ensure that some of the benefits of decisions in their favour are realized and translated into action.

based in the north. A possible structure would be to have one full-time lawyer, one articling student, four or five law student volunteers, four paralegals, and perhaps one secretary/receptionist in all. Two of the paralegals could staff the satellite clinic or clinics in their own communities. All would be supervised by the lawyer and/or the articling student. The paralegals and the lawyers, at a minimum, should have homes in the area and be committed to staying there.

The clinic or clinics should be community-controlled,<sup>7</sup> with a board of directors staffed by articulate non-elite as well as elite community members, in addition to law school and clinic employee representatives. An effort should be made to have some sort of representation from the different townships on the board as well. The communities should be involved in financing part of the running expenses, but the cost of major legal actions would have to come from university and/or government coffers. Some provision for long-term financing is essential, as it would be very damaging to go into these communities, raise expectations and transform issues into legal problems, and then back out before anything could be accomplished.

Students and paralegals would need special training along the lines outlined for Model A, in the intricacies of the legal problems they would meet most frequently, and in the

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<sup>7</sup> The participation of residents in clinics should serve three main functions: first, to impart knowledge from their unique perspective as victims, knowledge that no other board members

philosophy and background of legal aid and legal clinics. Specialization should be encouraged, and democratic decision-making should be the norm. (It may be slower, but it is generally more efficient in the long run, because dissatisfied people sabotage the morale and effectiveness of the working unit.) Since there is already a community centre in the area, good working relationships and an effective division of labour would have to be developed and maintained so the two services could complement rather than destroy or replicate each other.

The faculty and students at Queen's Law School comprise valuable back-up resources for a clinic tackling community as well as individual problems. The clinic personnel should be able to consult faculty members on cases where their legal expertise is needed. In special cases, faculty members might be wanted to act as counsel. Remuneration would have to be worked out according to an agreed-on formula. Students who were not serving at the clinic itself could be mobilized into specialized research units, as described in Model A, and receive course credit for this. These services would give the clinic a depth and competence that most legal clinics lack. Moreover, this would enable the actual clinic lawyer(s) to spend much of their time up north, supervising students and paralegals,

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are likely to have; second, to make policy and establish priorities for the clinic; and third, to provide countervailing power to counter the perspective of legal professionals and other elite members (Cotler and Marx 1977:47-48).

and ensuring a high quality of service. This could not be done if they were at court in Ottawa or Toronto most of the time.

This outline is purposely vague, because most of the actual details can and should be worked out between the prospective service providers and the target communities, after some kind of a budget is set. The essential features which must be remembered in setting up such a service are:

(1) The "raison d'etre" for a separate clinic service with the extra expense this entails, is a concentration on solving community problems through the legal system. If there is no money or will to tackle them, then the relatively modest changes suggested in Model A should be made. Putting in separate clinics and hiring extra lawyers and office space is entirely unnecessary if only individual problems are to be handled, and would cause substantial resentment unless there were the offsetting factor of a commitment to area problems affecting all income groups as well. Moreover, with a community presence and outreach programme, there certainly would not be enough work to justify the expense, and highly-trained legal personnel would be quickly bored with many problems they would see as trivial. Attempting to tackle general community problems as well as individual ones is essential to justify the service to the communities and the service providers.

(2) The commitment, and thus the budget, must be long-term.



To move in, raise hopes, and begin filling needs people had not previously defined as legal, is to create a demand for the product one is offering. This is fair enough, if the product really can alleviate the suffering of the clients. It is unconscionable, however, if the clients are to be deserted again after two or three years. It would be better not to move in in the first place. Moreover, to tackle any of the community problems is a long-term project, requiring long-term financing and commitment. This is not to say that local people should not be involved in fund raising on behalf of "their" service. Indeed, such community efforts are a good idea; they help publicize the efforts of the legal clinic as well as create interest in it. And informed community residents are crucial factors in ensuring that the benefits of any favourable judicial decisions reach those they are supposed to benefit.

(3) Community participation in the running of the clinic, and control over its priorities, is important. However, it must be remembered that there are many communities in the target area -- Sharbot Lake and Oso Township concerns should not dominate. Articulate board members who represent the poorer, more isolated townships, are one safeguard against this. The people serving in satellite facilities should have a direct pipeline to the decision-making process

in order to represent these hinterland areas. Similarly, it must be remembered that the concerns of poor, isolated people are as likely to be ignored as those of poor, isolated townships, and for many of the same reasons. They tend to be inarticulate, diffident and unsure in the face of authorities and "experts," unable to make a case as well as others, and are often convinced before they begin that they will not be listened to or taken seriously. The story of clinic after clinic in United States is the take-over of clinic priorities and management by well-intentioned legal professionals, while the representatives of the client community participate less and less, and finally drop out. This tendency can be lessened if these people and their concerns are treated with the same respect, and taken every bit as seriously as those of the experts, and if they are not "ganged up on" and defeated every time they support certain positions. But it is difficult to formulate a structure which will lessen this tendency; one can only warn against it. It is to be expected that this entire process will generate a lot of conflict. Properly handled and aired, this is not only inevitable, it is healthy. As the late Saul Alinsky, community organizer "par excellence," used to say: "Reconciliation only occurs when one group has so much power that the other side is reconciled to this." Totalitarian regimes are always the most quiet and orderly (until one day they explode). If all sides in a community-controlled clinic are having their say and fighting it out, the process

cannot and should not be free of controversy and conflict. This is part of the process of deciding who gets what and when they get it, which eventually leads to compromises. Ideally, everyone gets something they wanted, but no one gets everything they wanted.

In sum, Model B suggests setting up one main and two auxiliary clinics utilizing paralegals, community workers, students and lawyers in order to tackle through the legal system some of the major problems which beset this rural area. The advantages of this model are that it addresses issues which really matter to everyone in the north, it generates less antagonism for this reason, and, because the work is vital and worthwhile, it is more interesting to the service providers and turnover problems with highly trained staff are lessened. Moreover, it has never been done and constitutes a great challenge for those who believe the law really can speak to the needs of all groups in the society. Its major disadvantages are its expense and its vulnerability to failure (see next section). In contrast, Model A suggests setting up three much more modest legal centres, each staffed by one paralegal on a retainer basis, whose function would be mainly to serve as an outreach worker and provide a year-round local presence. It would probably be possible for these people to have other jobs -- in fact, utilizing public health nurses or community workers might be a good

idea, providing separate office facilities and phone numbers were established. People could probably work out of their homes if desired. Both models need students who are much better trained, motivated, socially aware, and remunerated for their work. (Remuneration in the form of course credit would probably be the cheapest and best method.) Special courses on both the social and legal aspects of "poverty law" are recommended. Both models would work best with much smaller numbers of students travelling north, but both can utilize student and faculty expertise by having some student specialists do in-depth research on specific problems, while a small number of others work in the clinic(s). Of course, the challenge would probably be much greater for all concerned under Model B -- problems would be more complex and stimulating, and a high level of motivation easier to maintain. The two models, then differ mainly in their depth of commitment to area and individual problems, their expense and personnel, and their potential for generating community support.

#### VI The Limitations of Legal Services

The programme I have just outlined is essentially a model using legal means to solve social problems. As such, I must address the problem of whether "civil" justice leads to "social" justice. Just how far can the legal system be used as an instrument of social change? At what point

does the law become "fearful of its own abolition" and refuse certain changes? As Cloke has pointed out:

"...it is true that modern law results in part from changes brought about through legislation and judicial opinion, which in turn follow changes in real conditions.... The law becomes apprehensive of its own abolition and refuses certain change. Debt and private property cannot be abolished by law.... Theft cannot be legalized within the existing economic system (except for corporate theft), although an individual thief may not be punished. Through individual reforms the law maintains...its adaptability. Yet the fundamental inequality...remains untouched." (Cloke 1971:76)

Many authors, from the former president of the American Bar Association (Hazard 1969b), civil liberties activists (Borovoy 1974), and legal scholars (Cahn and Cahn 1964, Galanter 1974, Lederman 1971, Tamen 1971) have discussed the use of, and the limits of, law as a weapon to force social change. As Hazard (1969b) has pointed out, what one is essentially doing is attempting to redress the balance of power by showing the poor how to use the law to secure advantages and rights they have not had before. The judicial process is attractive to reformers because it is more accessible than the legislature, courts are compelled to hear certain cases brought before them, and it does not, therefore, require extensive and expensive lobbying to even get an issue on the slate for discussion. Moreover, court

decisions carry an aroma of moral rectitude, putting on the defensive those who would disagree with the final outcome. (As in the rationale: It is against the law to discriminate against black people, so it must be wrong. Or conversely: If this behavior were harmful, there would be a law against it.) While judicial decisions are apt to be thought of as the products of learned men in search of justice, political decisions, on the other hand, are suspected of being the result of nefarious deals between slightly shady characters who owe favours to various interest groups or are trying to get votes. However, as Hazard warns, when courts get into the social change business full-time, they are exposing themselves to danger. Unpopular decisions may cause the public to lose respect for the judiciary and the law. Courts do not have a mandate to do anything but enforce the existing laws in line with precedent, in the eyes of many people. (This opinion tends to be expressed much more often when courts are expanding the rights of despised poor or minority groups than when they are acting in an equally innovative manner to confer new rights on the middle class or on favoured interest groups.) Finally, courts are unable to make policy, or follow up on their decisions. They are passive instruments, and must wait to have cases brought before them. Thus they have a very limited power over the effects their decisions have in the real world.

Carlin, Howard and Messinger (1967) take a slightly different approach. They are interested primarily in the biases which they see as inherent in the law, which initially affect the treatment of the poor. However, these biases also affect the degree to which law can be used to address the grievances of poor communities as well as poor individuals. According to them, the three biases are: (1) favoured party bias; (2) dual law -- that is, "de jure" denial of equal protection, and; (3) "de facto" denial of equal protection.

Favoured party bias refers to the tendency of substantial and procedural law to benefit one side in a dispute, one set of roles in a relationship. The roles best protected tend to be those typically occupied by the more powerful groups in the society, who have the ability to get their side of a dispute heard and their interests protected by legislation (Galanter 1974 discusses the process through which this occurs in some detail). Thus, laws now tend to favour and protect lenders over borrowers, landlords over tenants, sellers over buyers or consumers, and employers over employees. The poor, of course, tend almost by definition to occupy the less favoured role. This is most poetically expressed by Anatole France in his famous quote: "The law in its majestic equality forbids the rich as well as the poor to sleep under bridges, to beg in the streets, to steal bread."

When applied to communities, law tends to favour the interests of the large and populous regions over the small and isolated ones, because our system lacks true regional representation at almost all government levels, and goes by majority decision. Naturally, more populous regions have more representatives under this kind of system. Isolated rural areas are also disadvantaged because the grievances of their residents are not heard in the council chambers or board rooms where decisions are made and there is usually no one who thinks of, let alone understands, the ramifications of the decisions that are made for the hinterland areas.

Dual law, or "de jure" denial of equal protection, concerns the tendency of the law to treat people differently, according to their structural and class position in the society. That is, Carlin et al are drawing attention to the fact that the law as it stands is not unaffected by the vast differences in power between the rich and the poor, the organized and the unorganized. The rights of the poor and unorganized tend to have been given short shrift. McDonald has said in this regard:

"Offences in Canadian criminal legislation concern largely the interests of the holders of economic and political power. There are long and detailed provisions for acts against private property, while the harmful and immoral acts of owners and managers are dealt with outside the criminal law. Monopolies, price fixing, false advertising,

the use of unsafe equipment and the like either fail to come under the criminal law at all, or the offences are so defined that most offenders escape through loopholes."

(McDonald 1976:229)

Cloke (1971) compares laws governing the unorganized poor, with those governing the organized rich, and comes to this conclusion:

"The approach to cases involving ghetto insurrections or political movements must be contrasted with the approach to cases concerned with corporate mergers and institutions: the different time given to proceedings, papers allowed to be filed, fairness in consideration of competing claims, admissibility of "motive" in evidence and attitude toward clients and counsel are remarkable...an overwhelming proportion of laws having to do with business, monetary policy, and assistance to industry...."

(Cloke 1971:70)

Reich uses the example of the marketing and sale in United States of the substance "Mace" to make the same point:

"The law authorized the company to market this product, and the police to adopt it..., without: any tests or studies by a scientific or government agency; the kind of review by the Food and Drug Administration required for other drugs used on people; approval by any legislative body; any vote by the public; any disclosure of information concerning the properties of Mace, any information on long-term effects of Mace, or.... At the same time, the law gave Mace its full protection and sanction. The law bars any redress to victims, any lawsuit for injuries, any criminal pro-

ceedings against the police -- unless the most unusual circumstances are present." (Reich 1973:448)

Poor communities should be less affected by this type of bias than poor individuals, since they should benefit by the legal protections gained by the large communities, at least in theory. Whether or not this "de jure" protection can be translated into fact is another matter. There have been too few cases to come to any conclusions as yet.

The third kind of bias, "de facto" (in fact) bias, refers to the tendency of certain individuals and groups to receive less than equal protection from the law, the courts, and court officials, despite the fact that their rights are guaranteed in law. This bias has perhaps been the best documented, and is among the most difficult to eradicate. It appears that many court officials, from police on up, are less willing to give the benefit of the doubt to a person who is poorly dressed, cannot explain him/herself well, and does not "look respectable." All people have less empathy with those who are not "their own kind," or similar to them in life situation and experiences. Since most court officials are middle class, this means they tend to have less understanding of the situation of the average poor person, his/her motivations, and his/her problems. Thus they are more likely to believe the person "deserves what he gets." As Carlin, Howard and Messinger say, this bias:

"is pervasive because so many correlates of poverty such as indigency, ignorance or insecurity can serve as barriers to justice.... It represents a failure of the law to take into account the differential capacity of rich and poor to realize the protections and benefits which the law provides." (Carlin, Howard and Messinger 1967:13)

It was primarily to counter this type of bias that legal aid plans were initially set up in Canada and United States. Several landmark legal cases were predicated on evidence that the poor were being consistently denied rights that were supposedly theirs -- the Escobedo and Miranda decisions are cases in point. Although the emphasis heretofore has been on criminal law, the "de facto" bias in civil law is every bit as real. Poor people cannot afford to sue anyone to get back money they are owed, to settle with landlords who have cheated them, or to confront dealers who have sold them defective stoves. At present, it would cost them more for the suit than they could realize on the settlement. This is a glaring defect in Ontario's Legal Aid plan, pointed out by both the Osler Commission (1974) and the Law Society's Report (1972), and is one of the main reasons for the increasing use of salaried lawyers in clinics to deliver services.

This type of bias also affects poor communities, not at the level of personal discrimination as much as at the level of resources. Poor communities have been generally

unable to fight for rights that are properly theirs, to protest against losing facilities, or against polluting factories and closed rail lines, because they have not had the money or expertise to fight. This kind of legal action, where the opposition may have legions of lawyers and technical experts, and an unlimited supply of both funds and time, has usually been much too expensive for the small community. The absence of an alternate power base, discussed in Chapter One, is a crucial factor in maintaining these biases.

Given that the law contains these biases, then, what hope is there for any legal clinic? Why recommend that anything be done in North Frontenac? In answer to this, I will argue that, while we must recognize the limitations of any legal aid facility, there are some things which can be accomplished to alleviate some of the problems.

There is no reason why a legal clinic (Model A or B) could not tackle "de facto" bias, insofar as it abrogates the undisputed rights of individual people. There is ample evidence that a great need exists on this level alone in the North Frontenac Area. It is a relatively minor matter to challenge township or county officials who are not granting to individuals the funds to which they are legally entitled, for capricious reasons.<sup>8</sup> Indeed, since their power has never been challenged or tested, they may be quite unaware of the illegality of their actions. It is not much more difficult to challenge the various minor abuses of power of local

<sup>8</sup> As Cahn and Cahn have pointed out (Cotler and Marx 1977:49), since practically no agencies obey their own rules and procedures, it is a relatively simple matter to contest an action (or merely threaten one) on this basis.

police forces. The hiring practices of a local firm which routinely fires or lays off employees at the end of the three-month trial period to avoid having to raise their wages is another example of an abuse which has been going unchallenged. Changes in these areas would directly benefit a substantial number of people, and serve to alert many others to the fact that all citizens are supposed to have the same rights. (They would also be quite unpopular with the local elites -- thus the necessity for the service to tackle community as well as individual problems.) With an outreach programme, a lot of people could be found who need help with boundary problems, who are owed money, or have been cheated by local and distant institutions, stores, and corporations, who have valid injury claims against employers, and/or who need help to cope with the overwhelming intrusion of welfare, school, tax, or municipal officials. Many of these problems are minor for a legal service; they can often be solved with a phone call or letter from a lawyer. But they can represent insurmountable burdens to the poor. Even when some of the actions are unsuccessful, the psychological benefit for the powerless of knowing there is someone in authority, someone with connections who is "on their side," who will go to bat for them, is an immense relief.<sup>9</sup>

There also exists, right now, a real and

<sup>9</sup>In actual fact, many of the people in clinics serving the poor do not identify with their clients, and often come to be suspicious of and hostile towards them. This is a complex problem with ideological roots deep in the structure of our

pressing need for someone who will dispense legal advice on problems that are still too small to necessitate an expensive trip into the city. (Many of these will stay small only if legal information and advice is dispensed in time.) Legal information is another necessary service -- answering questions such as:

"Do I need a will even though I don't have any property except this house?"

or, "What can I do when my electricity is cut off?"

Many of these questions, and countless others, are presently being directed to the township officials, especially the clerks. They answer as best they can, but they are not trained in these areas, with the result that many of the questioners get incorrect answers or none at all. Finally, as previously mentioned, there is a desperate need for a publicized service which takes applications for Ontario Legal Aid, and thus spares people the trip or trips to Kingston. At present, people who are not receiving disability pension, Mothers' Allowance, or welfare must come into town to have their eligibility assessed. The mornings the assessor is in are not the days that the once-weekly bus runs from Sharbot Lake to Kingston. Most of those who are on government funds

society, and cannot be discussed here. However, these tendencies can be countered by having the poor participate in the operation of the facility, by encouraging personal friendships between the clinic personnel and the target clientele, and by ensuring that middle class paralegals, students and lawyers have both (intellectual) knowledge and (emotional) understanding of the conditions with which many clients have to cope. Moreover, in this area there are several community workers with a real empathy with and respect for all community residents, who can be drawn in as resource people and "educators."

and do not need to be assessed also have to come in, even though there are a few unpublicized ways this could be avoided, since there are people in the north who are Commissioners of Oaths and thus can ratify the application. It is hard to believe that such a service has not been established by the legal aid office, as the need must exist in all large counties. Moreover, the involvement of the Department of Community and Social Services in the assessment process is a complicating factor. It remains ironic that a person has to be affluent enough to afford the time off work and the expense of a trip to Kingston in order to prove he is poor enough to need legal aid!

There is a lot of work which needs doing in this and probably all similar rural areas. A clinic along the lines of Model A, substituting paralegals for law students in areas where there is no law school nearby, would undoubtedly be busy, and could make a dent in the real needs of residents, in all poor rural counties in Ontario. Perhaps there would be no improvement in the life chances of the people, but some of their feelings of powerlessness and alienation could be lessened.

However, there are very real limitations for more ambitious services. It would be unrealistic to assume that Model B could be successful on a province-wide or national basis. The problem with tackling community problems is that

one is often confronting some pretty powerful forces. It is not accidental that some communities are poor and some are rich (although some areas are deprived by nature to begin with, having poor soil and no natural resources). Other regions benefit by this. The Toronto area and the politicians who represent it, for example, would not want eastern Ontario to become a new industrial heartland. Developed areas need hinterlands to exploit. If North Frontenac had more industry and more people, more lucrative government contracts and installations, more and better roads and tourist facilities, some other areas would have less of all these, assuming a finite supply. In addition, residents of industrial cities would be deprived of valuable recreational territory, cheap land, trails to hike on and picturesque areas to visit. It is too often assumed that inequities just happen, and too infrequently is the question asked: Who benefits from the status quo? Why has this state of affairs been allowed to continue? What forces are likely to oppose change and why? Where you have an ambitious programme to remove inequities, both with community and individual problems, you are likely to find that the entrenched elites located in distant centres will become apprehensive. (Local elites are easier to handle, and with Model B can be expected to lend their support.) They may take action to cut off funding to clinics (as happened successfully in California during Ronald Reagan's term



as governor), or they may put pressure on local, regional, or national politicians to nullify certain innovative court decisions by passing new legislation, with the result that "de facto" bias is replaced by "de jure" bias and all gains are nullified.

However, these powerful sleeping tigers are unlikely to be awakened to deal with one upstart facility in North Frontenac county. It is not likely to be seen as any threat, and will probably be able to tackle some of the more pressing community problems without attracting undue attention. Caution will have to be exercised, however, if a case has national "law reform" implications in a direction which will seriously threaten the rights of government authorities or corporate headquarters -- such cases may well pit the legal facility against overwhelming odds. However, there seems to be room to maneuver over and around such obstacles.<sup>10</sup> Thus, although legal aid clinics cannot be expected to threaten the national status quo, take benefits away from powerful groups, and redistribute income and power in this society, the type of

<sup>10</sup>The conservative Canadian judicial system may well provide even less scope for legal reformers here than in United States. Certainly, most of the cases which have tested the present Canadian Bill of Rights have failed to uphold its provisions, and we lack a constitution guaranteeing us entrenched rights to most of the freedoms that American courts accept as basic. It may well be that there is much less chance for Canadians to use the law to secure even minimum social change or stop even "de facto" bias. However, it is too early in the history of legal aid to draw such conclusions with any certainty.

legal clinic suggested here should be able to tackle enough important issues to make a difference to the lives of people in this one rural area. There should be, in addition, enough problems of a type that legal services can address to keep clinic staff busy for some time to come, without the need to take on the many areas in which legal solutions create more dissension than they solve.

In conclusion, the history of legal services for the poor shows that they have been singularly unsuccessful in filling the high hopes of the founders. Queen's Rural Legal Services is no exception to this generalization, although its initial aims were somewhat more modest so its shortcomings are perhaps less apparent. What I have attempted to do throughout this chapter is sum up the deficiencies of the present model, and suggest two ways in which a legal facility could be more effective. Model A is a rather traditional legal clinic model, with revisions to cover rural conditions. Model B is a more ambitious attempt to alleviate some of the wider and more basic community as well as individual problems of residents through the creative use of legal services. Both are experimental in the sense that they advocate the use of law to fight long-standing inequities. Since there are always people and institutions who benefit from existing inequalities and do not wish them changed, and such forces tend to be powerful, both models

are somewhat risky, and face relatively high chances of failure. However, unless we wish to give up on all attempts to make the judicial process more equitable and accept as inevitable the biases and barriers against poor individuals and communities (something few individuals in a democracy would admit they wish), efforts must be continually made until they do show some success. Otherwise, more and more people will come to see the judicial process as a sham in which they have little hope of equitable treatment. The needs are there, the studies have all been done. In the case of North Frontenac, if the problems of the people are not visible now, it is because no one is bothering to look; the area has been studied to death. What remains now is to see whether public and private authorities wish to do anything about them.

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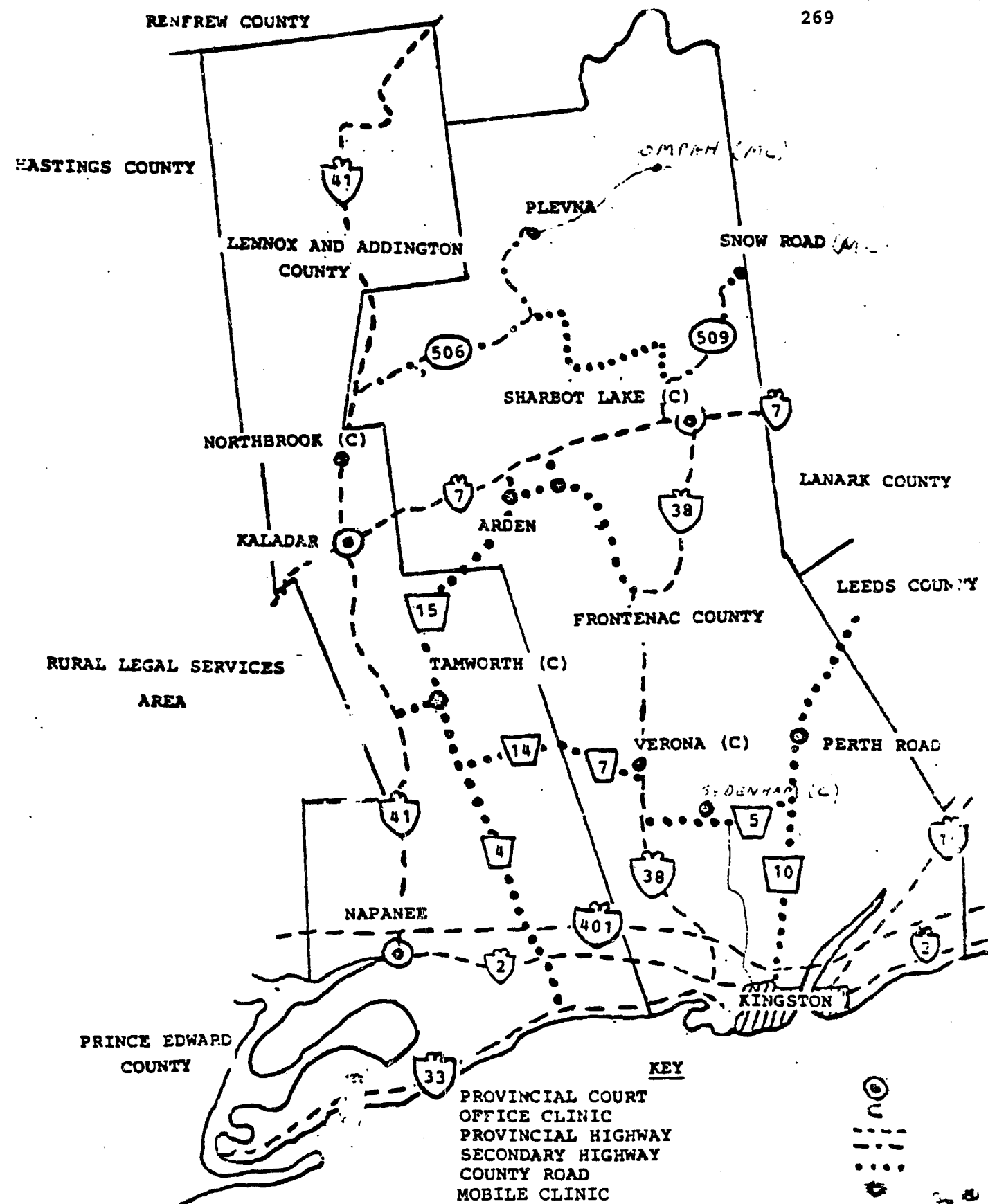
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APPENDIX 1:

Area Served by Queen's Rural Legal Service



APPENDIX 2:

Letter Sent to All Clients Requesting Interview





DEPARTMENT OF SOCIOLOGY

Queen's University  
Kingston, Canada  
K7L 3N6

Dear

I am writing to ask if you would tell us what you thought of Queen's Rural Legal Services, whose legal advice you sought recently.

As you may know, the cost of providing legal services to North Frontenac County, by using Queen's law students, is paid for by a government grant, and by Queen's University. These two organizations have asked that an evaluation be done, to find out what people who have used the service actually think of it and whether they would suggest any changes be made in it.

This research, which has the full support of the law faculty and students of Queen's, is being directed by Professor Laureen Snider of the Sociology Department, and I have been appointed her research assistant. I would very much appreciate it if you would be willing to take some time for a brief interview. The questions I will be asking will concern your feelings about Queen's Rural Legal Services as well as some general background questions which are needed to process the information we receive.

Your answers will be held in strict confidence; your name will not be put on the interview or used in any way.

I will be in touch with you next week to see if we can set up a time when it would be convenient for me to come and see you.

Thank you very much.

Yours sincerely,

APPENDIX 3:

Questionnaire Administered to Clients

Queen's Rural Legal Services  
Client Evaluation of Service

Preamble: As you may know, Queen's law students have been providing legal services for people in your community for nearly two years. Now we are trying to find out what the people in the area, and especially those who have brought problems to them, think of this service. We need to know what they are doing right, and even more important, what they are doing wrong, so they can be more useful to everyone in the area. I would like to ask you some questions concerning your opinions of the service as well as some general background questions needed to process our information. Your answers are completely confidential; your name will in no way be connected with this research.

1. How many times have you taken a legal problem to Queen's Legal Aid? \_\_\_\_\_
2. (Thinking about the most recent time you took a problem to Queen's Legal Aid,) what help did you expect Queen's Legal Aid to give you when you first went there?  
\_\_\_\_\_  
\_\_\_\_\_
3. What help did you actually get from Queen's Legal Aid?  
\_\_\_\_\_  
\_\_\_\_\_
4. How satisfied were you with the results obtained for you by Queen's Legal Aid?
  - a. completely satisfied
  - b. quite satisfied
  - c. not very satisfied
  - d. not at all satisfied
5. How did you find out about Queen's Legal Aid?
 

a. saw the van	c. recommended by a friend/neighbour
b. advertising	d. other (please specify)

12. How satisfied were you with the overall service you received from Queen's Legal Aid?
  - a. completely satisfied
  - b. quite satisfied
  - c. not very satisfied
  - d. not at all satisfied

Why or why not? \_\_\_\_\_
13. Were there any actions which you think Queen's Legal Aid students or supervisors should have taken to better deal with your problem? Yes \_\_\_\_\_ No \_\_\_\_\_  
(If yes): What kinds of things? \_\_\_\_\_
14. Were you kept informed and up to date about the progress being made on your legal problem? Yes \_\_\_\_\_ No \_\_\_\_\_
15. Did you feel comfortable having a student rather than a graduate lawyer handle your problem?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Why or why not? \_\_\_\_\_
16. If you had a legal problem in the future, what would you do about it?
  - a. Consult a lawyer
  - b. Consult Queen's Legal Aid
  - c. Do something yourself to try to solve the problem. What? \_\_\_\_\_
  - d. Other (please specify)
17. How many people in this community (area) do you think know about Queen's Legal Aid?
 

a. all	d. none
b. most	e. don't know
c. a few	

6. Did you ever visit the Queen's Legal Aid van for legal assistance? Yes\_\_\_\_ No\_\_\_\_
- (a) (If yes) did you find it easy or difficult to go to a van to seek legal assistance?
- a. easy
- b. somewhat difficult Why? \_\_\_\_\_
- c. very difficult Why? \_\_\_\_\_
- (b) (If no) have you heard of the Queen's Legal Aid van service? Yes\_\_\_\_ No\_\_\_\_
7. Would you yourself visit the van with a legal problem or would you prefer to visit an office?
- a. Yes, I'd visit a van
- b. No, I'd prefer an office
- c. No difference
- d. Don't know
8. Did you know that Queen's Legal Aid students will go to people's houses in unmarked cars to discuss their legal problems, if the person cannot come to the van or office? Yes\_\_\_\_ No\_\_\_\_
- (a) (If no): If you had known, would you have requested a house call? Yes\_\_\_\_ No\_\_\_\_ Why or why not? \_\_\_\_\_
- (b) (If yes): Did you ever request a house call? Yes\_\_\_\_ No\_\_\_\_ Was it made? \_\_\_\_\_
9. Approximately how far away from your home is the nearest Queen's Legal Aid office? \_\_\_\_\_
10. How would you go there? \_\_\_\_\_
11. Would you prefer an office located closer to your home? Yes\_\_\_\_ No\_\_\_\_ Doesn't matter\_\_\_\_
- (If yes): Where would you like one to be located that would be more convenient for you? \_\_\_\_\_

12. How satisfied were you with the overall service you received from Queen's Legal Aid?
- a. completely satisfied
- b. quite satisfied
- c. not very satisfied
- d. not at all satisfied
- Why or why not? \_\_\_\_\_
13. Were there any actions which you think Queen's Legal Aid students or supervisors should have taken to better deal with your problem? Yes\_\_\_\_ No\_\_\_\_
- (If yes): What kinds of things? \_\_\_\_\_
14. Were you kept informed and up to date about the progress being made on your legal problem? Yes\_\_\_\_ No\_\_\_\_
15. Did you feel comfortable having a student rather than a graduate lawyer handle your problem? Yes\_\_\_\_ No\_\_\_\_ Why or why not? \_\_\_\_\_
16. If you had a legal problem in the future, what would you do about it?
- a. Consult a lawyer
- b. Consult Queen's Legal Aid
- c. Do something yourself to try to solve the problem. What? \_\_\_\_\_
- d. Other (please specify) \_\_\_\_\_
17. How many people in this community (area) do you think know about Queen's Legal Aid?
- a. all
- b. most
- c. a few
- d. none
- e. don't know

18. How many of them do you think would use Queen's Legal Aid if they had a legal problem?

- a. all
- b. most
- c. a few
- d. none
- e. don't know

(a) Why do you think they would use the service?

(b) Why do you think they would not use the service?

19. If someone you knew had a legal problem, what would you advise them to do about it?

- a. consult a lawyer
- b. consult Queen's Legal Aid
- c. other (please specify) \_\_\_\_\_

(a) Why would you give them this advice? \_\_\_\_\_

20. How important do you think it is for people who cannot afford lawyers to be able to get free legal services for all their legal problems?

- a. very important
- b. quite important
- c. undecided
- d. not very important
- e. not at all important

21. Do you think it is more important, just as important or less important than being able to get free medical care?

- a. more important
- b. just as important
- c. less important

Why? \_\_\_\_\_

22. Are there any major problems or concerns which face you in your life now? Yes \_\_\_\_\_ No \_\_\_\_\_ (If no, go to question 23.)

(a) (If yes): How many of these do you think you could deal with better if you had free access to a lawyer's services?

- a. none
- b. some
- c. all

(If some or all) what are they? \_\_\_\_\_

Why do you think a lawyer would be of help? \_\_\_\_\_

(b) (If some) Of the remaining problems, which ones do you think a lawyer could not help you with?

(c) (If none) What are those problems a lawyer could not help you with? \_\_\_\_\_

Why not? \_\_\_\_\_

The following questions refer to your experience with private lawyers before the legal problem arose which brought you to Queen's Legal Aid:

23. In the past 10 years, have you or any member of your family ever consulted a lawyer? Yes \_\_\_\_\_ No \_\_\_\_\_ (If no, go to question 30.)

(If yes): How many times?

- a. once    b. 2 or 3 times    c. more than 3 times

24. The last time you or a member of your family consulted a lawyer, what problem was it about:

\_\_\_\_\_

\_\_\_\_\_

25. What did the lawyer do? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

26. On the whole, how satisfied were you with the service the lawyer gave you?

- a. completely satisfied  
b. quite satisfied  
c. not very satisfied  
d. not at all satisfied

Why or why not? \_\_\_\_\_

\_\_\_\_\_

27. How did you or the member of your family go about choosing a lawyer?

\_\_\_\_\_

28. Did you or the member of your family pay for the lawyer's services, or was it paid by the Ontario government's Legal Aid plan?

- a. I/we paid    Amount: \_\_\_\_\_  
b. paid by Ontario Legal Aid Plan  
c. other (please specify) \_\_\_\_\_

29. In your opinion was this a fair amount to charge?  
Yes \_\_\_\_\_ No \_\_\_\_\_

(a) (If no): What would have been a fair amount? \_\_\_\_\_

30. In your opinion, is everyone treated the same way in the courts? Yes \_\_\_\_\_ No \_\_\_\_\_

Why or why not? \_\_\_\_\_

\_\_\_\_\_

31. Some people say that poor people are not treated as the equals of rich people when they have to defend their rights in court. Do you agree or disagree and why?

\_\_\_\_\_

\_\_\_\_\_

32. Some people go so far as to say that there is no use in poor people going to court to defend their rights because poor people can never win a case. Do you agree or disagree and why?

\_\_\_\_\_

\_\_\_\_\_

33. Do you think that Ontario's Legal Aid Plan is going to change anything by providing lawyer's services free to low income people? Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_

Why or why not? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Queen's Rural Legal Services  
Intake Form

Date of Interview: \_\_\_\_\_

Name of Interviewer: \_\_\_\_\_

Location of Interview: \_\_\_\_\_

1. Sex: Male \_\_\_\_\_ Female \_\_\_\_\_

2. Please indicate the letter that corresponds to your age category:

- |             |               |
|-------------|---------------|
| a. under 20 | d. 40-49      |
| b. 20-29    | e. 50-59      |
| c. 30-39    | f. 60 or over |

3. Where were you born? (Please be specific) \_\_\_\_\_

4. How many years have you lived in Canada? \_\_\_\_\_ years

5. How many years have you lived in (town, village)? \_\_\_\_\_ years

6. Where was your father born? \_\_\_\_\_

7. Where was your mother born? \_\_\_\_\_

8. What is your religious preference, if any? \_\_\_\_\_

9. What is the highest grade you completed in elementary or high school? \_\_\_\_\_

10. Have you had any additional education or training?  
Yes \_\_\_\_\_ No \_\_\_\_\_

11. What kind of training? University: No. of years: \_\_\_\_\_

Degrees: \_\_\_\_\_

Technical: Type: \_\_\_\_\_

No. of years: \_\_\_\_\_

Diplomas: \_\_\_\_\_

12. Please indicate the letter that corresponds to your marital status:

- a. Single (never married)
- b. Married
- c. Common-law
- d. Divorced or separated
- e. Widowed

13. (a) How many children do you have, if any? \_\_\_\_\_

(b) (If you have children) How many of them are:

Less than 6 years of age	1 2 3 4 5 6 7 8
From 6-18 years of age	1 2 3 4 5 6 7 8
More than 18 years of age	1 2 3 4 5 6 7 8

14. (a) What is your present occupation (if unemployed, please state last occupation)

(b) (If working) Is this your main source of income?  
Yes \_\_\_\_\_ No \_\_\_\_\_

(If no) What is? \_\_\_\_\_

(c) (If not working) What is your main source of income? \_\_\_\_\_

15. During the past 12 months, how many weeks have you worked full time? \_\_\_\_\_

(If not working) Are you presently looking for work?  
Yes \_\_\_\_\_ No \_\_\_\_\_

16. In the past 12 months, how much do you think you earned in paid employment? (Not counting Unemployment Insurance, Welfare Benefits or other government payments.)

- |                      |                       |
|----------------------|-----------------------|
| a. 0 - \$1,999       | e. \$7,000 - \$8,999  |
| b. \$2,000 - \$2,999 | f. \$9,000 - \$11,999 |
| c. \$5,000 - \$6,999 | g. \$12,000 - or over |

17. In the past 12 months, how much do you think you earned from all sources? (Counting Unemployment Insurance, Workmen's Compensation, Welfare Benefits.)

- |                      |                       |
|----------------------|-----------------------|
| a. 0 - \$1,999       | e. \$7,000 - \$8,999  |
| b. \$2,000 - \$2,999 | f. \$9,000 - \$11,999 |
| c. \$3,000 - \$4,999 | g. \$12,000 - or over |
| d. \$5,000 - \$6,999 |                       |

**CONTINUED**

**3 OF 4**

18. (If married) What is the main occupation of your spouse?

---

19. In the past 12 months, how much do you think he/she earned in paid employment? (Not counting Unemployment Insurance, Welfare Benefits or other government payments.)

- |                      |                       |
|----------------------|-----------------------|
| a. 0 - \$1,999       | e. \$7,000 - \$8,999  |
| b. \$2,000 - \$2,999 | f. \$9,000 - \$11,999 |
| c. \$3,000 - \$4,999 | g. \$12,000 - or over |
| d. \$5,000 - \$6,999 |                       |

20. In the past 12 months, how much do you think he/she earned from all sources?

- |                      |                       |
|----------------------|-----------------------|
| a. 0 - \$1,999       | e. \$7,000 - \$8,999  |
| b. \$2,000 - \$2,999 | f. \$9,000 - \$11,999 |
| c. \$3,000 - \$4,999 | g. \$12,000 - or over |
| d. \$5,000 - \$6,999 |                       |

APPENDIX 4:

Interview Administered to Those Holding  
Offices in the Community



INTERVIEW SCHEDULE: COMMUNITY PERSONS

Name: \_\_\_\_\_ Official Position: \_\_\_\_\_

Location: \_\_\_\_\_

Date of Interview: \_\_\_\_\_

Preamble: I'd like to ask you a few questions about legal services in North Frontenac County. I am doing an evaluation of the Queen's Rural Legal Services plan for the federal government, and am trying to find out what kind of legal problems people are having and how they deal with them in the hope that we can replace the existing services with something better.

I would appreciate hearing your views about the community and the people you serve.

1. How long have you been in your present position?  
\_\_\_\_\_ years
2. How long have you lived in this township? \_\_\_\_\_
3. Where were you born? Same township \_\_\_\_\_ Same  
County \_\_\_\_\_ Province of Ontario \_\_\_\_\_ Other  
Canadian \_\_\_\_\_ Outside Canada (specify) \_\_\_\_\_
4. How many people belong to your congregation(s)? \_\_\_\_\_
5. How many attend services each week? (approximately) \_\_\_\_\_
6. How many calls do you get, in an average week, from people wanting to discuss personal problems with you? (approximately) \_\_\_\_\_
7. What kinds of problems are most common? \_\_\_\_\_  
\_\_\_\_\_
8. Has anyone ever come to you with:
  - (a) Problems of unpaid debts? Yes \_\_\_\_\_ No \_\_\_\_\_
  - (b) Problems of losing their home or shelter because of unpaid rent or unpaid taxes? Yes \_\_\_\_\_ No \_\_\_\_\_

Asked of  
ministers  
only

- (c) Problems with welfare? Yes\_\_\_ No\_\_\_
- (d) Problems with unemployment insurance? Yes\_\_\_ No\_\_\_
- (e) Problems with the police? Yes\_\_\_ No\_\_\_
- (f) Problems with merchants or companies refusing to stand behind products they have sold? Yes\_\_\_ No\_\_\_
9. For every "yes" answer, how would you advise them to handle this problem?  
\_\_\_\_\_
10. Do you think people around here suffer because there are no legal services available in this area? Yes\_\_\_ No\_\_\_  
Why? \_\_\_\_\_  
Why not? \_\_\_\_\_
11. If the services of a lawyer were to become available here, where do you think these services should be located?  
\_\_\_\_\_
12. Would you prefer to be served by a lawyer from outside this area, by a lawyer from the area, or would it make no difference to you? \_\_\_\_\_
13. Which do you think your parishioners (patients, township residents, etcetera) would prefer, a local person with legal training or someone from outside the area?  
Local\_\_\_ Outside\_\_\_ No difference\_\_\_  
Why? \_\_\_\_\_
14. What kind of person would you like to see providing legal services?
15. Would you prefer that the legal services offered be restricted to poor people, (e.g., under \$8,000 per year) or should they be available to everyone in the area?  
\_\_\_\_\_  
Why? or Why not? \_\_\_\_\_

16. If the lawyer or clinic served only poor people, would some people be reluctant to go to him do you think? Yes\_\_\_ No\_\_\_  
If yes, why? \_\_\_\_\_
17. Do you know how Ontario's Legal Aid Plan works? Yes\_\_\_ No\_\_\_
18. (a) Have you ever had occasion to direct anyone to it? Yes\_\_\_ No\_\_\_  
(b) Do you recall the exact circumstances? \_\_\_\_\_
19. (a) Had you heard of Queen's Rural Legal Services before now? \_\_\_\_\_  
(b) Do you know anyone who has used the service? \_\_\_\_\_  
(c) Have you ever had occasion to direct anyone to it? \_\_\_\_\_
20. There are two possible ways of delivering legal services to a rural area. One is to bring a lawyer into one central location, such as Sharbot Lake, and to subsidize him or her to provide legal services; poor clients would not have to pay anything, but better off people would be expected to pay the full amount. The second way is to open a clinic which will serve only people below a certain income level. Which system do you think would be more useful to the people of this community?  
\_\_\_\_\_  
Why? \_\_\_\_\_
21. How important do you think each of the following factors would be to the success of a legal service program in this area?
- (a) Personal characteristics of the lawyer -- that is, how well he/she could relate to rural people:
- Very important\_\_\_ Moderately important\_\_\_
- Moderately unimportant\_\_\_ Not at all important\_\_\_

(b) Amount of advertising done to inform people of the service:

Very important\_\_\_\_\_ Moderately important\_\_\_\_\_

Moderately unimportant\_\_\_\_\_ Not at all important\_\_\_\_\_

(c) Number of "satellite" offices provided so people will not have to travel far from their homes:

Very important\_\_\_\_\_ Moderately important\_\_\_\_\_

Moderately unimportant\_\_\_\_\_ Not at all important\_\_\_\_\_

(d) Getting a lawyer who will stay in the community and make it his/her home; not leave after a year or so:

Very important\_\_\_\_\_ Moderately important\_\_\_\_\_

Moderately unimportant\_\_\_\_\_ Not at all important\_\_\_\_\_

22. Are there any other factors which you think are important for the success of a plan delivering legal services to this area and its residents?

\_\_\_\_\_  
\_\_\_\_\_

APPENDIX 5:

Interview Administered to Individuals in North Frontenac

NORTH FRONTENAC LEGAL SERVICES SURVEY

In the first part of this questionnaire we are trying to find out what people and which agencies you would go to in your community if you had a specific problem. Below are a number of problems you might or might not have had -- please imagine that you are now having this problem and then decide what you would do and who you would talk to.

1. Suppose that you have bought a car on a monthly payment plan. After several payments, you notice that the balance of your account, according to the loan company, is higher than you think it should be. You believe that you owe them less money than they say you do. The loan company won't give in and says that you are wrong. What would you do?
2. Suppose that there is a deserted house near your home and it is becoming a dangerous place for the neighbourhood. What would you do?
3. Suppose that you have lost your job and that when you applied for welfare benefits or unemployment insurance, your application was turned down. You are sure that you have a right to them. What would you do?
4. Suppose that you are the owner of an antique car and you would like very much to leave it to a certain person after you die. What would you do?

5. Suppose your 14-year-old son is arrested by the police while driving a stolen car and he has to appear in court. What would you do?
6. Suppose that you are renting a house and that something goes wrong with the plumbing and the landlord refuses to do anything about it. What would you do?
7. Suppose you decided to separate or get a divorce from your wife or husband. What would you do?
8. Suppose a company wishes to build a factory close to your home which you believe will cause a health hazard to you and your neighbours. What would you do?
9. Suppose a social worker comes to your house because one of your children's behavior at school is unsatisfactory. The social worker tells you she has decided to put your child in an institution. You do not agree at all about putting him in an institution. What would you do?

In this part of the questionnaire, we would like your opinion and thoughts about two different ways of providing legal services in this area and especially to those people who cannot afford to pay lawyer fees.

---

One important problem in the Ontario justice system is the fact that the services of a lawyer are not equally available to everyone. It is a fact that people with high incomes are much more likely to go to a lawyer and get their interests protected than a person with a small income.

The Ontario Legal Aid Plan was set up in 1971 to help people with low incomes have an equal opportunity to use a lawyer's services by subsidizing the cost of the services. This plan works in this way. A person wishing to apply to the Legal Aid Plan goes to his community administrator of the plan (administrator for North Frontenac is in Kingston) who decides if the problem really is legal and, if it is, calculates the approximate lawyer's fee. The applicant then goes to the Ministry of Community and Social Services and takes a means test to see how much he can afford to pay of the estimated cost. The applicant then reports back to the area administrator who makes the final decision and issues a certificate. The person then selects one lawyer from a list of local lawyers who have previously agreed to take legal aid cases and takes the certificate to him. This lawyer is paid a fee by the Ontario government if he takes the case.

Another way of delivering legal services in an area is called a Neighbourhood Legal Services Program. In such a program, a non-profit corporation, funded by the government, is set up in a community and run by a board of directors from the community. The program employs at least one full-time lawyer and a secretary. Law students and community residents would also help out on a voluntary basis. The full-time lawyer is paid a yearly salary and is not paid for each case he takes, unlike the private lawyer in the first plan. The community itself decides on what people can use the lawyer because they cannot afford to hire a private one. The Neighbourhood Legal Services program, as well as helping individuals, can help groups of low-income people who are experiencing the same problem with government regulations, private companies, etc.

---

10. Do you think legal services should be free for people who cannot afford to pay for them? Yes\_\_\_\_ No\_\_\_\_  
Maybe\_\_\_\_

Why?

11. Please check which of these two ways of providing legal services you would most prefer in your area.

- (a) Legal Aid Plan\_\_\_\_  
(b) Neighbourhood Legal Services\_\_\_\_

Why?

12. If you yourself had a legal problem and you didn't have the means to pay a lawyer, would you: (please check one)

- (a) be embarrassed to go to a neighbourhood legal service office\_\_\_\_  
(b) be confident about going to a neighbourhood legal service office\_\_\_\_  
(c) prefer to go to a lawyer in private practice and have the legal aid plan pay the lawyer\_\_\_\_  
(d) go without a lawyer\_\_\_\_  
(e) other\_\_\_\_

Why?

13. Do you think a lawyer who is paid a salary instead of a fee for services does:

- (a) a better job\_\_\_\_  
(b) the same job\_\_\_\_  
(c) a worse job\_\_\_\_

Why?

In this part of the questionnaire we would like to find out the most important concerns you have about any aspect of your life (yourself, your family, your community, etc.). These concerns do not necessarily have to be related to lawyers or the legal system.

Below is a list of areas you might have concerns about. Please read through the list and just check any area that you have recently been thinking or concerned about.

1. your job\_\_\_\_
2. housing\_\_\_\_
3. recreational opportunities\_\_\_\_
4. your health\_\_\_\_
5. your children\_\_\_\_
6. social benefits (welfare, unemployment)\_\_\_\_
7. how your township or county is being run\_\_\_\_
8. how Ontario is being run\_\_\_\_
9. how Canada is being run\_\_\_\_
10. taxes\_\_\_\_
11. debts\_\_\_\_

12. schools\_\_\_\_\_
13. your marriage\_\_\_\_\_
14. employment opportunities\_\_\_\_\_
15. will-making\_\_\_\_\_
16. insurance\_\_\_\_\_
17. sale or purchase of a house\_\_\_\_\_
18. food prices\_\_\_\_\_
19. police and courts\_\_\_\_\_
20. the environment (pollution)\_\_\_\_\_
21. doctors, dentists\_\_\_\_\_
22. lawyers\_\_\_\_\_
23. transportation\_\_\_\_\_
24. other
  - 1.
  - 2.
  - 3.

Now, looking back over the list, what are the three most important concerns you have at this moment? Please be as specific as you are comfortable in being.

1. My most important concern is \_\_\_\_\_
  2. My second most important concern is \_\_\_\_\_
  3. My third most important concern is \_\_\_\_\_
- 

In this part of the questionnaire we are trying to find out about your most recent experience with a lawyer.

1. If you wanted to consult a lawyer, do you know a lawyer who you would feel comfortable in going to and talking about this problem? Yes\_\_\_\_\_ No\_\_\_\_\_ Maybe\_\_\_\_\_

If maybe, please explain.

2. As best as you can remember, how many times in the last 10 years have you or a member of your family consulted a lawyer?
  - (a) never\_\_\_\_\_
  - (b) once\_\_\_\_\_
  - (c) 2 or 3 times\_\_\_\_\_
  - (d) 4 or more times\_\_\_\_\_

3. How satisfied were you or the member of your family with the lawyer's services?
  - (a) completely satisfied\_\_\_\_\_
  - (b) quite satisfied\_\_\_\_\_
  - (c) not at all satisfied\_\_\_\_\_

More specifically, what things did you like or dislike about this lawyer or his services?

5. In what town or city did you meet with this lawyer?

6. Have you or a member of your family ever thought about consulting a lawyer for a problem you were having and then decided against it? Yes\_\_\_\_\_ No\_\_\_\_\_

What was the problem?

Why did you decide not to consult a lawyer?

7. Have you or a member of your family ever been in a situation (in court, with police, with government officials, etc.) where you did not have a lawyer, but wish you did? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please briefly explain the situation.

Why did you not have a lawyer?

Personal Information (any item you do not want to fill out, please just leave it blank)

Sex: Male \_\_\_\_\_ Female \_\_\_\_\_

Age: \_\_\_\_\_

How many years have you lived in this area? \_\_\_\_\_

Occupation: \_\_\_\_\_

I am presently: employed \_\_\_\_\_ unemployed \_\_\_\_\_

Education: I completed grade \_\_\_\_\_ in school.

My family's yearly income is:

- (a) less than \$2,999.00 \_\_\_\_\_
- (b) \$3,000 to \$4,999.00 \_\_\_\_\_
- (c) \$5,000 to \$6,999.00 \_\_\_\_\_
- (d) \$7,000 to \$9,999.00 \_\_\_\_\_
- (e) \$10,000 to \$11,999.00 \_\_\_\_\_
- (f) \$12,000 to \$14,999.00 \_\_\_\_\_
- (g) \$15,000 or more \_\_\_\_\_



**END**