



# Can you prevent legal problems?

In Ontario, there are extensive health promotion activities intended to deliver information to vulnerable communities – many of which focus on prevention of health problems. However, until recently, there has been considerably less emphasis on primary prevention of legal problems in vulnerable communities. Why?

## Health vs legal info: apples and oranges?

Health promotion activities form part of the continuum of free health care services widely available to people in Ontario. People don't have to look far to get an idea of how to prevent disease, or simply feel better, as health promotion is well-seeded in popular culture.

Many Ontarians understand that “staying healthy” – living a healthy lifestyle – may help prevent later health problems, and they know what “staying healthy” may involve. Many people commit to taking steps to help them prevent serious health problems from occurring, or at least to delay their occurrence.

This is in contrast to how people approach the prospect of legal problems that may occur in their lives, where preventative-type activities are less common. Why is this?

We think a key reason is that many people don't expect to experience a serious legal problem in the course of their lives. As a result, people are not as likely to learn and absorb legal information that may help them down the road.

People are more likely to look for public legal education and information (PLE) – and to absorb it – when they need it. This is in line with the adult learning principles summarized on the next page.

This means that people may not take in preventative-type legal information if they don't have a legal problem because they don't see how it applies to them (Pleasant 45) – and they don't see the need for it in their future lives. Instead, it may take a crisis for people to seek legal information and help.

## Fact Sheet #1 October 2016

This is the first in a series of fact sheets that will address findings from our 2015 report, *Don't smoke, don't be poor, read before signing: linking health literacy and legal capability*.

In the full report, we provide an overview of community health information and promotion practices, and draw parallels to similar work in the public legal education and information field in Ontario.

*“It may take a crisis for people to seek legal information and help.”*

### What's new since our *Don't smoke* report?

- In September 2016, CLEO published an [online scan](#) of legal capability research and a working legal capability [framework](#) for Ontario. Both of these reports drew heavily on and built upon our *Don't smoke* research.



### When do vulnerable people seek legal information?

Research has shown that vulnerable people are less likely to seek legal information and help early on because (Pleasance 89, 115, 116):

- the “tipping point” at which vulnerable groups decide to seek help is later than other groups
- they are more likely to have intersecting and complex problems on many fronts at the same time
- they may not be able to access information to help with the right problems at the right time
- it is not only a matter of when people decide to seek information and help, but also when they are ready to act

We think that these points are consistent with theories on adult learning. We find the seven principles of adult learning shared by the [Canadian Literacy and Learning Network](#) and outlined in the sidebar helpful in terms of thinking about delivering preventative-type PLE.

### An ounce of prevention – is it enough?

We believe that preventative-type PLE – or PLE intended to provide people with a knowledge base and related skills that equip them to head off legal problems in the future – is an area that warrants more attention. However, we suggest that, in thinking about the types of initiatives that might be effective, care needs to be taken to understand the complex and intersecting nature of legal problems and the barriers that many people face in this regard. And we fear that overinvesting in preventative-type PLE strategies could affect the resourcing of the array of needs-responsive PLE and legal services initiatives.

We are aware of existing thoughtful, preventative-type PLE initiatives that are already being carried out in Ontario, such as the [workshops](#) on powers of attorney provided by the Advocacy Centre for the Elderly and various “[legal health check](#)” initiatives.

We also believe that elementary and secondary school environments are ripe for preventative-type information, education and activities about how the justice system works and for presentation of information on substantive legal areas. Examples of these are programming delivered by the [Ontario Justice Education Network](#) and [Justice for Children and Youth](#).

#### Seven Principles of Adult Learning

1. Adults must want to learn.
2. Adults will learn only what they feel they need to learn.
3. Adults learn by doing.
4. Adult learning focuses on problems, and the problems must be realistic.
5. Lived experience affects adult learning.
6. Adults learn best in an informal situation.
7. Adults want guidance, not instructions.

#### Works cited:

Pleasance et al. *Reshaping Legal Assistance Services*, 2014.