

# THREE THEMES FROM THE NEWCOMER CONVERSATIONS: LEARNING CANADIAN LAW PROJECT



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All errors are my own.

— Brandon D. Stewart

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# INTRODUCTION



This report presents three important themes from the *Newcomer Conversations: Learning Canadian Law Project*, a three-year public legal education project for newcomers. The project was developed and run by Halton Community Legal Services (HCLS) and partly funded by Immigration, Refugee and Citizenship Canada (IRCC). HCLS is a community legal clinic funded by Legal Aid Ontario that provides free legal services to Halton's low-income community.

During the data collection period of March 2019 to April 2021, HCLS lawyers held 144 free and highly interactive in-person and virtual “newcomer conversations” with 2,063 newcomers

living in Halton. Hosted by nine community organizations that serve newcomers, the conversations covered legal topics most relevant to newcomers' daily lives, including workers' rights, tenants' rights, wills/powers of attorney (POAs), family law, public benefits and human rights and discrimination.

Three themes were identified based on data collected from key project sources, including newcomer participants, service provider hosts, and the lawyer-instructors who facilitated the conversations. A detailed discussion of this data and the project findings is available here: [www.haltonlegal.ca/newcomer-conversations-report](http://www.haltonlegal.ca/newcomer-conversations-report).

# THEME #1:

**Newcomers and their service providers value highly interactive PLE programming delivered by lawyers.**



HCLS designed the newcomer conversations using the principles of adult education, which suggest that adults learn best when they are active participants in the learning process. Each 90-minute in-person conversation included these features to promote interactions between newcomer participants and the lawyer-instructors:

- 1 When a service provider booked a conversation, they were able to choose the legal topics that were most relevant to their newcomer clients.
- 2 Immediately before the conversation, newcomer participants completed a pre-conversation survey with a mini-Legal Health Check-up (LHC), which included questions about everyday legal problems related to the conversation topic. By filling out the mini-LHC, newcomer participants were meant to think about experiences relevant to the conversation topic, facilitating their participation.
- 3 The lawyer-instructor started the conversation by asking newcomer participants what they wanted to learn about and what questions they had. Responses were written on a whiteboard or chalkboard, and used to decide what legal topics and information to cover.
- 4 The lawyer-instructor encouraged newcomer participants to ask questions throughout the conversation and share their own stories and experiences.
- 5 The lawyer-instructor and newcomer participants worked through scenarios of legal problems commonly experienced by newcomers in Halton.

- 6 PowerPoint slides introduced participants to HCLS and covered important legal information on each conversation topic; certain slides were skipped depending on participants' interests and questions.

Recent public legal education (PLE) programming for newcomers in Ontario focuses on non-interactive print and online materials such as specialized websites, webinars and comics. It also uses trusted intermediaries such as English as a Second Language (ESL) instructors and settlement agencies to deliver public legal information in the form of lesson plans, podcasts and activity kits. Some PLE research suggests that printed materials help newcomers access legal information, and recommends different delivery formats to accommodate newcomers' different learning styles and literacy levels.

Feedback from newcomer participants, however, suggests that diverse groups of newcomers (including those with lower English language skills) still value receiving legal information through highly interactive in-person conversations with lawyers. As one participant wrote on a post-conversation survey, the lawyer-instructor "answered all of the questions, which is a pretty awesome resource to have access to." Other participants wrote that they liked that they could "ask [their] specific questions" and "receive good answers," that there was "lots of time ... or opportunity to ask questions," that they "were allowed to ask as many questions as [they] wanted" and that the lawyer-instructors "had in-depth knowledge" and were "professional," "patient," "nice" and "thorough." One participant stated during an interview, "I liked that I can interact with the presenter, because we all have different problems and can ask a question." Another participant said they liked being able to ask questions because "if we can solve a problem in one time [sic], we don't need to ask for a second or third time."

The service provider hosts similarly reported that they and their clients liked that the conversations were highly interactive. As one service provider explained, the workshops provided a “real chance to get at the heart of the [legal] matter and ask question[s].” Another service provider described the benefit of interacting with the lawyer-instructors in this way: The conversations are a “chance to connect with a lawyer in-person ... to put a name or face to [HCLS] ... which is so helpful.” One service provider explicitly noted that it was beneficial to have “a *lawyer* present during the workshop to communicate with clients and answer their questions” [emphasis added].

Every lawyer-instructor reported enjoying having informal conversations with newcomer participants, and saw value in

having participant questions influence the substance of the conversations. As one lawyer-instructor explained:

“The Q&A ... was the biggest help to people ... [Asking questions] made sure [we] are giving newcomers the information they need and are interested in ... [Otherwise we] are just hitting topics, but not necessarily hitting marks that are relevant to newcomers attending a specific workshop. Plus, the conversations bring out different issues and topics [on a deeper level] and help to create engagement.”

# THEME #2:

**In-person delivery is the preferred format for interactive newcomer PLE programming. Virtual delivery is less engaging, requires more work and is less likely to improve access to justice for newcomers.**



HCLS jointly decided with the service provider hosts to hold the conversations virtually when the COVID-19 pandemic required the hosts to suspend in-person services in mid-March 2020. The virtual conversations were delivered using two video-conferencing platforms (Zoom and Google Meet), and adjustments were made to promote interaction between newcomer participants and the lawyer-instructors:

- A link to an online version of the pre-conversation survey, which included the LHC questions, and the post-conversation survey was distributed to participants using the chat feature on Zoom and Google Meet;
- The lawyer-instructors asked newcomer participants what they wanted to discuss using Zoom’s whiteboard feature;
- PowerPoint slides were shown using the share screen function on Zoom and Google Meet; and
- Participants were allowed to choose how to participate (using their computer’s microphone and webcam, typing a question into the public chat, or sending a private chat to the lawyer-instructor).

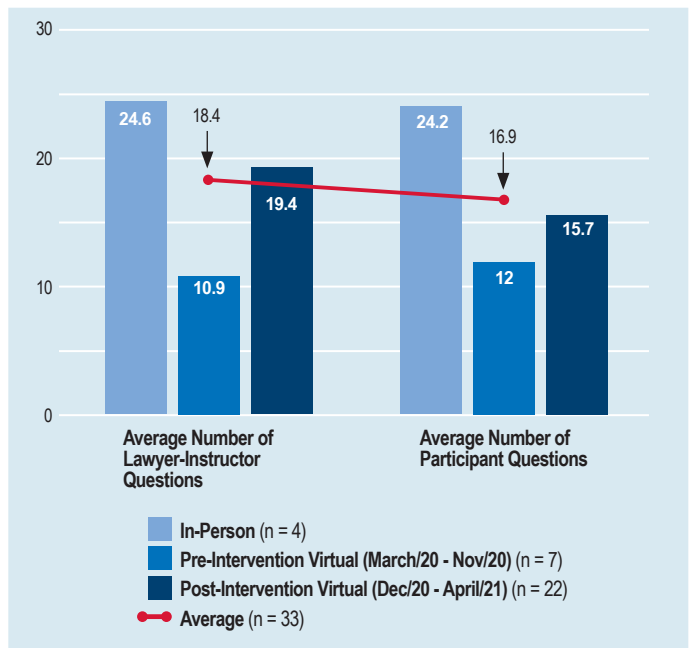
HCLS’s experience with the virtual conversations suggests that in-person delivery is the preferred format for newcomer PLE programming, for three reasons.

First, the virtual conversations were less engaging for participants. Data collected on the number of questions asked by the lawyer-instructors and newcomer participants for several in-person and virtual conversations reveals that an average of one and half times as many questions were asked during the observed in-person conversations (*Figure 1*). While newcomer participants did not report any access or technology-related issues that would prevent their participation, one lawyer-instructor reported that participants seemed reluctant to turn on their webcams and use their microphones.

Second, every lawyer-instructor reported that it was either more challenging or more work to engage newcomer participants during the virtual conversations. One lawyer-instructor remarked that it was “100% easier to interact” with newcomers in-person: “I could speak with my hands more and use more body language. It was easier to read participants and create more of a personal connection with them.” Another lawyer-instructor similarly observed that it was difficult to build rapport with participants:

“Some people were engaged, but the online format is not as conducive to having an open forum. People feel like they are interrupting online ... It didn’t feel like a conversation; ... it felt like I was doing a weekly newcomer presentation or podcast.”

**Figure 1: Engagement Levels by Conversation Delivery Type**



Two lawyer-instructors mentioned the extra work needed to facilitate the virtual conversations:

“They require a lot more work. They are less organic. There is not as much feedback or interaction. One person speaks at a time on Zoom, so there are no small opportunities for dialogue between participants.”

“I felt more energized when I did in-person conversations. Now there is more talking. It takes more work to get people to participate.”

Three measures were employed to increase engagement levels during the virtual conversations:

- 1 **Switching Videoconferencing Platforms:** The virtual conversations were initially offered using both Google Meet and Zoom. The lawyer-instructors reported that Zoom was superior for engaging newcomer participants because it had a built-in whiteboard feature and allowed them to simultaneously see participants when sharing their screen. HCLS discussed this issue with the hosts whose policies required Google Meet and jointly decided to offer the conversations exclusively on Zoom.
- 2 **In-conversations Adjustments:** HCLS added more interactive content (legal problem scenarios) and used other Zoom features (interactive polls).

- 3 **Encouraging Interaction:** The lawyer-instructors actively encouraged participants to use their webcams and microphones.

These measures helped increase engagement, but the high participation levels observed for in-person conversations were not reached: the average number of lawyer-instructor questions almost doubled (10.9 to 19.4 vs. 24.6 pre-COVID), but the average number of participant questions increased only slightly (12 to 15.7 vs. 24.2 pre-COVID) (*Figure 1*).

Third, the virtual conversations created fewer opportunities to improve access to justice and, ultimately, settlement outcomes for newcomer participants. Every lawyer-instructor indicated that newcomer participants frequently approached them after the in-person conversations with legal questions, which created client pathways to HCLS. For example, if the participant was a member of a marginalized group, one lawyer-instructor asked for the participant’s phone number and had an intake staff member call them directly. Two lawyer-instructors indicated that they provided on-the-spot referrals to other organizations if they thought HCLS could not help, such as when a newcomer participant had a potential immigration law problem. By contrast, newcomer participants rarely approached the lawyer-instructors after a virtual conversation. As one lawyer-instructor explained, “People just want to leave [the Zoom room when the conversation ends] ... [and] there is no way to [meet them] ... They can’t catch you in a hallway or approach you when you are alone or having a break.”

# THEME #3:

**Building relationships and partnerships with service providers improves settlement outcomes for newcomers. Having lawyers deliver highly interactive PLE programming supports this critical goal.**



Building relationships and partnerships with service providers helps community legal clinics to more effectively serve hard-to-reach populations like newcomers. The feedback from newcomer participants was unequivocal: Most of them will turn to a trusted settlement specialist or ESL/LINC (Language Instruction for Newcomers to Canada) instructor for help with a legal problem. This happens even if newcomers know about HCLS and its free legal services, know that HCLS offers free and immediate interpretation, receive an open offer for help from the clinic, and/or have a positive interaction with the lawyer-instructor during a conversation. As one newcomer participant with lower English language skills explained:

“I have HCLS’s number ... [but] mostly I would call [my settlement specialist] because my English isn’t so good and if [the specialist] can’t help me she will refer me. I trust [the settlement specialist]. She is passionate about people and she is very patient. I introduced many of my friends to [her].”

A comment from another newcomer participant illustrates that the outcome is the same for newcomers who do not experience language barriers and are capable of asking HCLS for legal help:

“If I was fired, I would first call [the ESL/LINC instructor] when stressed. I wouldn’t know what to do, and I see [the instructor] every day and ask her opinions first. She will know what to do. If it’s a legal problem I think of [the instructor]. She has knowledge and rules, and she has the Canadian experience.”

Why do newcomers living in Halton turn to settlement specialists and ESL/LINC instructors instead of HCLS for legal

help? The main reason is that newcomers have a strong, trusted relationship with these service providers. Every settlement specialist and most of the ESL/LINC instructors interviewed reported that their clients trusted them or described a relationship built on trust. For example, one settlement specialist reported that newcomer clients viewed them as “family or a friendly hand,” while an ESL/LINC instructor stated that “teachers are counsellors, and students want to share with us.”

Trust between newcomers and their settlement specialists or LINC/ESL instructors is built through action, sustained interaction and/or the presence of trusted attributes. Settlement specialists reported that their clients trust them because: (1) they had previously provided legal or non-legal help to the client (action/sustained interaction) or to a family member or friend (action); or (2) they share the same language and/or culture (trusted attributes). For example, a settlement specialist who speaks Farsi reported feeling the trust even after the first meeting with a client, suggesting that some level of trust is almost immediately established between newcomers and settlement specialists who share a language and/or culture. ESL/LINC instructors similarly reported that because they have lived experience in Canada, students “think we know everything, even when we don’t” (trusted quality), and that they “built a relationship with students” over time and it is “a big relationship” (sustained interaction).

It is not surprising that the newcomer conversations did not create a strong *direct* client pathway to HCLS for a majority of newcomer participants: only 1% of them (22 of 2,063) became new or returning clients of HCLS during the data collection period. But the highly interactive newcomer conversations did help build trust between the lawyer-instructors, newcomer participants and service provider host to *indirectly* increase access to justice and improve settlement outcomes for newcomers living in Halton.



## Creating Newcomer Legal Pathways through Trust-Building

The newcomer conversations created two alternative legal pathways for some newcomer participants and non-participants. The first was mentioned in theme #1: Participants approached the lawyer-instructor after in-person conversations and sometimes received the legal help (such as referrals) they needed. The second is that newcomer participants may have acted as trusted intermediaries, sharing what they learned during a conversation with other newcomers and/or directing them to HCLS. A newcomer participant offered this example:

“I told a friend with a disability about the [public benefits] workshop, and what I learned. I shared information such as how to apply for benefits as a person with a disability, and how to apply for housing supplied by the government. I shared the phone number of the facility [HCLS] that gave [the] workshop, and she did get in touch with them. They couldn’t help her with her problem. My friend is already on ODSP. She was trying to get low-income housing and she had been on the waiting list for seven years, and called HCLS to help speed up the process. HCLS told her there was a queue and she had to wait.”

Why did these legal pathways materialize? One possible explanation is that the in-person conversations simply facilitated easy physical access to a lawyer (the first pathway) or HCLS’s contact information (the second pathway). A better explanation is that the lawyer-instructors were able to build some initial trust or rapport with these newcomer participants through direct interaction during the in-person conversations. There may also have been a transfer of trust from the service provider to the lawyer-instructor through the hosting arrangement. A reasonable assumption is that these newcomers would not have approached the lawyer-instructor or referred a friend to one that they deeply mistrusted. At least the first pathway may not have materialized if the lawyer-instructors did not deliver the in-person conversations.

## Enhancing Newcomer Legal Pathways through Trusted Relationships with Service Providers

The newcomer conversations served as a powerful outreach tool, helping HCLS build and strengthen trusted relationships with the host organizations and service provider hosts. During the project, HCLS was able to offer conversations to service

providers at six host organizations for the first time and increase its PLE programming at two host organizations by 500% and 21%, respectively. This level of sustained interaction helped trust to grow between HCLS and the service provider hosts, who personally observed the lawyer-instructors’ legal expertise and how they interacted with and helped their newcomer clients. In fact, nearly a third of the service providers interviewed reported feeling more confident in their ability to help newcomer clients because they knew they could rely on HCLS for help. As two service providers stated:

“[The conversations are] refreshing, ... connecting and [they] put in my mind that [HCLS] is a help I can trust, and I am positive that HCLS is the first trusted place to refer clients.”

“When I learned about HCLS it was a huge support. I felt lost before and now I contact [HCLS] by email or over phone. My confidence has gone up since attending the workshops because I can find someone to help my clients and they won’t feel lost. And HCLS knows what they are doing.”

This trust may also have spread throughout a host organization, transferred from service provider hosts to those less or unfamiliar with HCLS. For example, a manager at one of the host organizations reported an internal practice in which team members turn to each other for solutions to client problems: “Hosts [who] are more aware of HCLS’s services [say] ‘HCLS helped my client, so you can take your client to them.’ And they do.” Another remarked that since the project began, there is a “stronger relationship between HCLS and [our] new employees.”

By promoting trusted relationships between HCLS and the host organizations, the newcomer conversations improved access to justice for newcomer participants and other newcomers living in Halton in four ways:

- 1 Increasing Newcomer Legal Knowledge and Access to New Legal Pathways:** Each of the host organizations requested other PLE programming — such as a workshop on “COVID-19 and the Law” — for their newcomer clients during the project. These requests resulted in 47 additional workshops delivering important legal information to roughly 560 newcomers living in Halton. Nearly two-thirds of these requests would arguably not have been made by the six new host organizations without their participation in the project and their positive experiences with the conversations. More importantly, these

workshops provided another opportunity for HCLS to build rapport with newcomer participants, and for those participants to approach the lawyer-instructor or HCLS for help with their legal problems.

- 2 Overcoming Barriers by Enabling Warm Referrals:** Some of the service providers interviewed acted as trusted intermediaries for their newcomer clients, providing them with warm referrals to HCLS. For example, one service provider stated that they would “call [HCLS] together ... set up a translator and ... [provide a] warm introduction.” Another service provider reported that they would walk the client to HCLS and act as an interpreter.

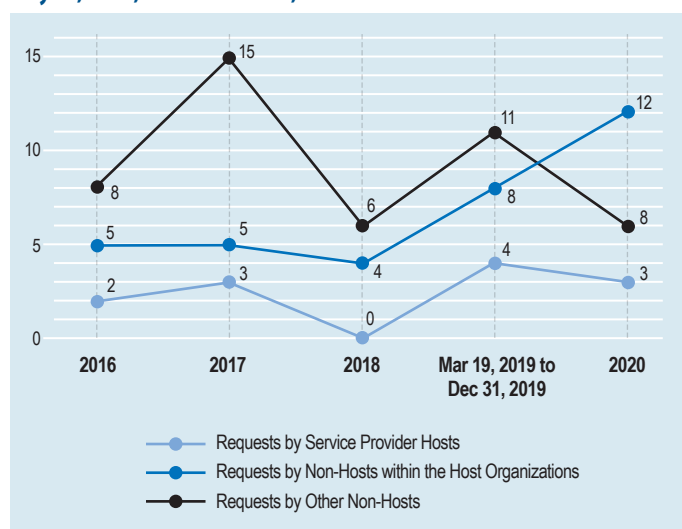
These warm referrals may help to overcome language and other barriers that may prevent newcomers from receiving legal help from HCLS. For example, one service provider reported that their clients are more likely to call HCLS after a warm introduction, and three newcomer participants said during an interview that they would “call a lawyer ... or HCLS” if their settlement specialist told them to.

These reports are consistent with the existing research on trusted intermediaries, which finds that people may be more willing to seek help from an organization if they are referred by someone they already trust who has a strong relationship with the organization. Effectively, a trusted intermediary is able to transfer their clients’ trust to another service provider like HCLS.

- 3 Finding Solutions through Legal Secondary Consultations:** The lawyer-instructors reported that service providers frequently approached them after an in-person conversation with legal questions on behalf of their newcomer clients. The lawyer-instructors sometimes provided resources and/or reminded them about HCLS’s legal secondary consultation service. During a legal secondary consultation, an experienced HCLS lawyer or paralegal (the “LSC advisor”) helps a service provider to resolve problems for their own clients. The assistance is provided by telephone or email in response to the service provider’s request for a consultation. The individuals experiencing problems do not become direct clients of the clinic unless the LSC advisor decides on a referral. The newcomer conversations may have resulted in more newcomers indirectly receiving help from HCLS through the LSC service than they would have otherwise. Service

provider hosts accounted for roughly one-third of the LSC requests made on behalf of newcomers (32/92) that HCLS received from 2016 to 2020. These requests increased during the data collection period. Between May 20, 2016, and the start of the project (March 2019), HCLS received on average five LSC requests per year from service provider hosts. In the first nine months of the project (March to December 2019), LSC requests increased by 60% (to 8) and then a further 50% (to 12) in 2020. LSC requests made by non-host service providers at the host organizations or other non-hosts did not similarly increase (*Figure 2*).

**Figure 2: Number of LSC Requests on Behalf of Newcomers from May 16, 2016, to December 31, 2020**

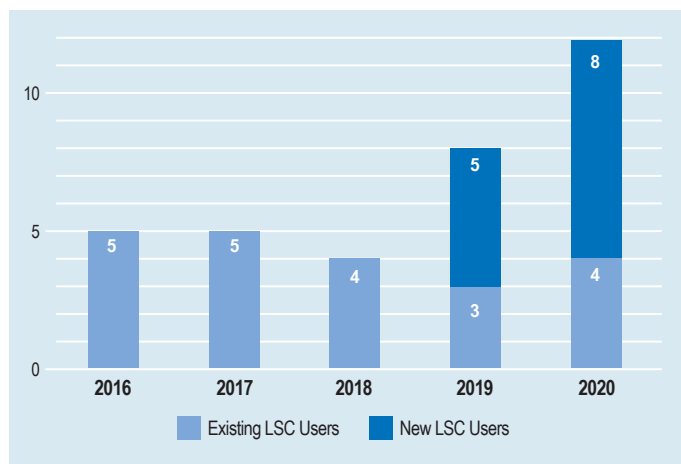


Why did LSC requests by service provider hosts increase during the project? Half of the service provider hosts requested an LSC for the first time after the project began, accounting for nearly two-thirds of all LSC requests made by service provider hosts from March to December 2020 (*Figure 3*). This suggests that the conversations and/or post-conversation interactions between the lawyer-instructors and service provider hosts helped spread awareness of the LSC service within the host organizations. New service providers were also willing to use the LSC service based on their positive experiences with the conversations. One service provider explained during their interview that they use the LSC service because they “have a good relationship with HCLS.”

An increase in LSC requests by service provider hosts means HCLS is able to better and more quickly reach

the many newcomers who first ask their trusted settlement specialist or ESL/LINC instructor for legal help. HCLS is also able to provide these newcomers legal help indirectly, while avoiding the access-to-justice barriers previously mentioned.

**Figure 3: Number of LSC Requests by Service Provider Hosts from March 16, 2016, to December 31, 2020**



- 4 Building Service Providers' Legal Capability:** The conversations appear to have helped build the service provider hosts' legal capability. Nearly two-thirds of the service providers interviewed stated that they felt "more confident" in their ability to help newcomer clients after attending the conversations; they were reportedly better able to spot clients' potential legal issues, and

better understood when to turn to HCLS for help. As one manager at a host organization remarked, "I see workers [on my team] gain more information, more knowledge and serve more confidently. They know when they need HCLS."

The conversations may have helped service providers to independently solve some of their newcomer clients' legal problems. The following example is illustrative:

"I deal with landlords and tenants, and I have knowledge and I have answers [after attending a conversation], so I don't need to access [HCLS]. Six months ago, one of my former [tenant clients] called in a panic because she got a letter from the landlord saying she needed to move out immediately because her baby was screaming. I helped her to write a letter and knew [the landlord's instruction] wasn't right or legal. The issue was solved. I didn't need to call or go to the clinic."

Building the legal capability of non-legal service providers improves the identification of legal problems and ensures better upstream assistance. The example above suggests that any legal capability that might be built by directly training service providers to offer public legal information to their newcomer clients can still occur indirectly when service providers host the in-person and/or virtual conversations.

## NEXT STEPS



The *Newcomer Conversations: Learning Canadian Law Project* was a successful public legal education and outreach initiative. HCLS plans to add the newcomer conversations to its permanent roster of PLE programming. The conversations allowed HCLS to build and strengthen its relationship with nine host organizations to reach more newcomers with legal problems. The conversations also supported community development by helping the non-legal service provider hosts build their legal capability and more confidently and effectively serve their newcomer clients.

These important outcomes should continue to manifest because the community appetite for this type of highly interactive PLE programming remains strong. Nearly every newcomer

participant (92%) indicated on a post-conversation survey that they would recommend the conversations to a family member or friend, and a majority (77%) said they would attend another conversation. Several of the service providers interviewed similarly asked for “more workshops” due to ongoing client demand once the project concluded.

The author hopes that the key themes discussed in this report are useful to HCLS, other community legal clinics, service providers, community agencies and funders in their efforts to develop PLE programming for newcomers to improve access to justice and settlement outcomes for this hard-to-reach population.