



## **ARCH Disability Law Centre**

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# **Using Legal Services: A Guide for persons with disabilities in Ontario**

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*Disponible en français*

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*\*DISCLAIMER: The information provided in these materials is not intended to be legal advice. Consult a lawyer or legal worker if you need legal advice on a specific matter. This information is current as of January 2019.*

This Guide is intended for persons with disabilities who are seeking or receiving legal services. The information in this Guide serves as legal information on the right to accessible legal services. It is not intended to be legal advice.

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# Free Legal Advice and Finding Legal Help

## Can ARCH Help?

ARCH gives free legal information and advice to persons with disabilities in Ontario on:

- accessibility law
- attendant/PSW service
- education law
- transportation
- discrimination/human rights:
  - accommodation in the workplace
  - primary/secondary education
  - service animals
- decision-making rights:
  - supported decision-making
  - removing guardianship
  - public guardian and trustee

If you already have a lawyer or paralegal, then ARCH cannot talk to you about your case or problems with your lawyer or paralegal. But you can ask your lawyer or paralegal to call ARCH. ARCH can talk with your lawyer or paralegal about the kinds of accommodations you may need. We can also talk with them about disability-related laws and arguments that might help your case.

You can contact ARCH by:

- Telephone Toll-free: 1-866-482-2724
- TTY Toll-free: 1-866-482-2728
- Email: [archintake@lao.on.ca](mailto:archintake@lao.on.ca)

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## **My legal problem is not covered by ARCH. How can I get free legal advice?**

If ARCH's services do not cover your legal issue, you may still be able to get free legal help.

Depending on your address and income, community and specialty legal clinics across Ontario give free help for some legal issues that ARCH does not cover. For more information about legal clinics, go to [http://www.legalaid.on.ca/en/getting/type\\_civil-clinics.asp](http://www.legalaid.on.ca/en/getting/type_civil-clinics.asp)

You may also be able to get advice over the phone from Legal Aid Ontario (LAO). LAO has duty counsel lawyers in criminal court and in family court. Duty counsel may be able to give limited advice or assistance on the hearing date. In some cases, LAO may give you a certificate to pay a private lawyer. You can find more information about LAO's services at <http://www.legalaid.on.ca/en/getting/default.asp>

You may also be able to get up to 30 minutes of free legal advice in most areas of law from the Law Society Referral Service. The Law Society of Ontario operates this service. The Law Society is the organization that makes the rules about legal services in Ontario. You can find more information about the Law Society Referral Service at <https://lso.ca/public-resources/finding-a-lawyer-or-paralegal/law-society-referral-service>

Depending on where you live and what kind of legal problem you have, another legal referral service may be able to help you get free legal advice. For example, Reach Canada has a referral service for people with disabilities living in the Ottawa region. You can get more information about Reach Canada at <https://www.reach.ca/>. Your local community legal clinic may be able to tell you about other referral services in your area.

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## **What if I cannot get free legal advice?**

If you cannot get free legal help, then think about how much you can pay to hire a lawyer. Talk to the lawyer about how much their work could cost, how long they expect your case to take, and how they will bill you. Some lawyers have sliding scale fees, which means people with lower incomes may pay less. Other lawyers may be willing to work on contingency, which means that you pay them only if you get money from the case.

In some situations, you may be able to hire a paralegal. Paralegals may charge less than lawyers. The Law Society gives information about the differences between lawyers and paralegals at <https://lso.ca/public-resources/choosing-the-right-legal-professional>

## **How do I find a lawyer or a paralegal?**

Many community agencies can give you names of lawyers or paralegals. The Law Society of Ontario also gives referrals. ARCH may also give referrals, depending on the legal issue you need help with, and the place where you live.

Check that the lawyer or paralegal has experience with your legal issue.

If you have a legal aid certificate, check if the lawyer will accept that kind of payment. If not, you need a different lawyer, unless you want to pay for the work yourself.

## **I am paying for legal help. Is there anything I can do to lower the cost?**

Lawyers or paralegals usually bill for the time they spend on your case. Preparing for meeting with your lawyer or paralegal may keep costs down. Organize your questions so you can ask all of them at once, instead of contacting the lawyer or paralegal at different times. You will find more

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information on meeting with your lawyer or paralegal under “[Communicating with your lawyer or paralegal](#)” starting on page 9.

Your lawyer or paralegal may also have other suggestions to keep costs down.

## **My family already has a lawyer or paralegal. Can I use that lawyer or paralegal?**

You and your family might want different things. Even if you want the same things as your family right now, this could change in the future.

Your lawyer or paralegal should explain the choices that you have in your case, and the advantages and disadvantages of each choice. The lawyer or paralegal should do what you decide, as long as it is not something that might be unprofessional or illegal. So it is a good idea to have your own lawyer or paralegal.

## **Disability Accommodations**

### **Should I tell my lawyer or paralegal that I have a disability?**

If you need accommodations to communicate and meet with a lawyer or paralegal, then you should tell them what you need. For example, you may need a sign language interpreter, or you may need to read documents in alternate formats. If you use a wheelchair and the lawyer or paralegal’s office is not wheelchair accessible, then the lawyer or paralegal should meet you somewhere else. These are just examples. There are many other kinds of disability-related needs and accommodations.

Lawyers or paralegals are supposed to ask what accommodations you need to meet with them. You should not wait longer for an appointment because of

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your disability-related needs. But you might need to wait for accommodation services that are not available when the lawyer or paralegal's office tried to book them. So it is a good idea to give the lawyer or paralegal's office enough detail when you first talk to them. That way their office can arrange to accommodate your disability as soon as possible.

## **Does the lawyer or paralegal have to pay for my accommodations?**

The lawyer or paralegal should pay for your disability-related accommodations needed for you to receive their legal services, unless they can prove that they really do not have enough money. Please read the next section, called "What if the lawyer or paralegal will not accommodate my disability?", to find out what to do if the lawyer or paralegal says they cannot accommodate your disability.

You may be used to getting accommodations from a certain person or service. Check with the lawyer or paralegal's office first if you want them to pay that particular service. For example, the lawyer or paralegal could ask any attendant service agency to send an attendant for your appointment. If you are not comfortable using attendants from certain agencies, then tell the lawyer or paralegal's office as soon as possible. You should explain why you do not want to use that agency.

If you prefer to make your own arrangements for accommodations, then tell the lawyer or paralegal's office before the appointment. Do not expect the lawyer or paralegal to pay if you have not already talked to them about this.

## **What if the lawyer or paralegal will not accommodate my disability?**

The lawyer or paralegal must accommodate your disability unless they can show that the accommodation would cause them undue hardship. The lawyer or paralegal must prove that it will cause undue hardship. They cannot just



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say it is too hard. This means that they have to prove it will be very costly or there are health or safety concerns.

If the lawyer or paralegal will not accommodate your disability, because of cost or any other reason, you can get help. Contact the Discrimination and Harassment Counsel for advice. The Discrimination and Harassment Counsel is a lawyer paid by the Law Society of Ontario. This lawyer is separate from the Law Society and will keep your information confidential.

You can contact the Discrimination and Harassment Counsel by:

- Phone at 1-877-790-2200
- Email at [assistance@dhcounsel.on.ca](mailto:assistance@dhcounsel.on.ca)

## **Communicating with your Lawyer or Paralegal**

**I do not need accommodation to use legal services. Should I still tell my lawyer or paralegal about my disability?**

Human rights or disability-related laws and legal arguments might affect your case. In some situations, your medical records may become evidence. Speak to your lawyer or paralegal for more information about this.

**Will my lawyer or paralegal keep my information private?**

Your lawyer or paralegal must keep your information confidential and private, except in certain situations. Lawyers and paralegals must follow rules about confidentiality made by the Law Society of Ontario. Ask your lawyer or paralegal if you need more information about confidentiality.

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## **I do not understand my lawyer or paralegal. What should I do?**

It is very important that you understand your lawyer or paralegal and that they understand you. Your lawyer or paralegal should explain the laws that might apply in your case, the decisions that you need to make about your case, and the advantages and disadvantages of each choice. You need to understand the choices, advantages and disadvantages, so that you can decide what you want to do.

Tell your lawyer or paralegal if you need a sign language interpreter, support person, or any other accommodation to help you understand.

If your lawyer or paralegal speaks too fast, ask them to slow down.

If your lawyer or paralegal uses words that you do not understand, ask them to use other words to explain.

You might also need to check that your lawyer or paralegal understands you properly. One way to do this is to repeat what you said using different words. Or ask the lawyer or paralegal to repeat what you said, so you can check if they understood. You can also ask them to summarize main points at the end of meetings, or to write to you with a summary of the main points.

## **What should I do if I do not understand the legal papers?**

It is a good idea to tell your lawyer or paralegal if you have trouble reading.

If you do not understand papers that are important for your legal case, ask your lawyer or paralegal to explain the papers to you.

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## **Can I bring a friend, family member or support person to meetings with my lawyer or paralegal?**

It may be a good idea to bring someone with you. But your lawyer or paralegal needs to check that you give permission before a friend, family member or support person joins meetings. The lawyer or paralegal may be concerned about your privacy and confidentiality if you want to have a family member or support person with you.

Unless you give the lawyer or paralegal permission, they should not give information to your family, friend, or support person or anybody else when you are not there.

The lawyer or paralegal should do what you want, not what your friend, family or support person wants. This is true, even if a friend or family member pays the lawyer or paralegal to work on your case.

If the lawyer or paralegal cannot do something you want them to do, then they should explain the reason. For example, lawyers and paralegals must follow the rules from the Law Society of Ontario. Those rules say that lawyers and paralegals must behave honourably and with integrity.

## **What else can I do to make it easier to work with a lawyer or paralegal?**

It is a good idea to:

- Try to remember all the facts of your case before you meet with the lawyer or paralegal;
- Organize the facts so that you tell them to the lawyer or paralegal in the order that they happened. It can be helpful to make notes for yourself, or ask someone to help you make notes, that include dates, times, the people involved, and any documents;

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- Even if you think some facts are bad for your case, or you feel embarrassed about them, it is important to tell your lawyer or paralegal so that they can prepare your case properly;
  - Give the lawyer or paralegal any papers that you have about your case. If you get more papers later, give them to your lawyer or paralegal right away;
  - Organize your questions so you can ask all of them at once, instead of contacting the lawyer or paralegal at different times; and
  - Let your lawyer or paralegal know right away of any changes to your address, phone number or how to reach you.

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## Notes: