

TIPS FOR CHALLENGING CONVERSATIONS

Even the best of us have rough days, and dealing with a legal problem can make the most laid-back person react badly. Whether our reaction is stress, frustration, anger, or some other response, we might take those feelings out on the people around us.

And, often a legal problem is part of a larger collection of challenges, such as living in poverty, mental and/or physical illness, trauma, discrimination, and those can make the situation seem impossible. Added to that, people can be dealing with a cluster of legal problems.

So, you may have to deal with difficult or challenging individuals. And that means challenging conversations. But always ask yourself: is this person difficult, or is it really that their situation is difficult? "Difficult" is relative. And remember that we must always take a trauma-informed approach.



Remember to take a trauma-informed approach. We do not know this person's lived experience.

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TIP 1: BE CALM, PATIENT, CARING AND POLITE

You may need to have extra patience to deal with the situation. You may have heard the same type of legal issue many times, and the person may be having difficulty focusing on the key issues to allow you to provide meaningful legal information or a referral. It is important to be polite, to listen, and to try to address the person's needs, whether or not they are legal needs. Part of your job is to listen, something other service providers may not have the time to do.

Your tone matters, whether you are responding in writing or over the telephone. A positive, unhurried and helpful tone will go a long way towards calming a frustrated or emotional person. It is much better to hear negative information (and sometimes that is what we have to give) in a polite and respectful way. If you remain calm when they are not, it is much more likely that they will also be calm.

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TIP 2: BE SAFE AND PRACTICE SELF-CARE

Dealing well with a difficult person does not mean allowing them to treat you badly or abuse you. Your personal safety and emotional well-being are important, and you are not expected to allow someone to be hostile, abusive, harassing, or discriminatory towards you.

Be clear with the caller that you cannot help them if they are hostile or inappropriate or abusive. If you cannot defuse the situation, then let the caller know their behaviour is not acceptable. Tell them to call back when they can be respectful and that you will try to help then.

If you are dealing with a person who uses offensive language or is abusive, try this:

First, ask them to stop the behaviour. For example: "I cannot help you if you keep using that type of language. We do not tolerate harassing or abusive language. I am willing to try to help if you speak in a respectful way."

If there is a second incident, give the caller a final warning. That is, tell them you will hang up if it happens again.

If they continue to be offensive or abusive, end the call. If you can, tell the caller that you are hanging up and that they may call back and receive help at a later time, as long as they stop using offensive or abusive language.

In some cases, you may wish to direct the person to the Legal Information Line. The line staff may have more experience dealing with these types of situations.

Take a break after dealing with a difficult situation.

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TIP 3: BE REASONABLE

Difficult people can be unreasonable. It is important that you are reasonable, even when the person you are trying to help is not.

You may take a lot of time making reasonable suggestions and outlining a options for dealing with a legal problem, and yet, the response may be:

“So you are telling me there is nothing I can do” or “that I have no rights.”

Someone will likely say this or something like it to you at some point. It could be for a range of reasons. It could be because:

POSSIBLE REASON	POSSIBLE RESPONSE
You are not giving them the legal information they want because the law is not the way they want it to be	<p>You cannot change the law for them. You can simply outline the law as it is and that we (as a society) must follow.</p> <p>Consider referring the caller to a lawyer (use your judgment); if they hear it from a lawyer, they may better accept the reality. Or it may be appropriate to suggest political activism, such as that they contact their MP or MLA, and work with others in the community who are like-minded and who want the law changed.</p>
They are not at the right stage to accept the information and take action	<p>Suggest that the person may want to get in touch with us again once they feel they are at a point where we can help. Be careful though if they have a legal time limit or deadline they can't miss!</p>
They want you (or someone else) to take over all their problems and solve them.	<p>Suggest supportive resources, but talk about the fact that no one resource will solve all the issues. The caller will need to take responsibility for steps they can manage and that are appropriate. You can help callers manage their expectations.</p>
They do not understand the information you have given	<p>Ask them to explain their understanding of the legal information and suggestions you have given. Try to rephrase it or give examples.</p>

They are living with trauma and/or mental illness

Listen. Suggest supportive resources like Nova Scotia's 211 service or mental health mobile crisis, counsellor, or a family doctor. Explain that you are not trained health professionals and this is not a crisis service – you can help with legal information only, but the call might want to use a supportive resource to try to address issues beyond legal information.

They have unrealistic expectations about what the law or a lawyer can do for them

For example, if a person has a cluster of legal problems and expects a lawyer to resolve all of them in a 30-minute consultation, this is not realistic. You can only give them information about what they can expect at an initial consultation. Suggest that it may help if they pick the issue that is most important to them (help them make sure they pick the most pressing one legally) to talk to the lawyer about. Looking at all of the problems together can be overwhelming — trying to solve one problem at a time may be more manageable.

Or, they might expect a lawyer to do a huge amount of work for free. It is important to be clear that a first discussion with a lawyer will just touch on their concerns. If they can not accept that, then do not refer them to a lawyer. Instead, suggest they contact law firms directly.

They already have a lawyer and they do not understand or accept the lawyer's legal advice, or want a second opinion, or feel the lawyer is not doing a good job

It is important to ask if a person already has a lawyer because you cannot offer second opinions or second-guess advice a lawyer has given their client. You might however be able to give general legal information that may help by giving a broad overview of an area of law.

If they have a lawyer, they should talk to the lawyer — whether that is to try to better understand the advice or because they are not happy with the lawyer's work. Explain that they do have the option (in most cases) of hiring a different lawyer if trying to resolve a problem with their current lawyer does not work. And, if they express that the lawyer has acted unethically, refer them to the NS Barristers' Society.

They object to every suggestion you make ("there is nothing I can do" or "I have no rights")

You may have outlined a list of reasonable possible legal options, but the person has an objection or a reason why that would not work in their situation. This can sometimes mean a long conversation that goes around in circles. If the person does not seem to be budging, it may make sense to briefly summarize your suggestions again and then end the call, indicating we cannot provide further help at this time.

These are just some common examples. How you respond will depend on the actual situation, and you must use your judgement in responding.

4**TIP 4: LISTEN, AND ACKNOWLEDGE THEIR EXPERIENCE**

If you are speaking with someone over the phone, be sure to show that you are listening by saying something like “yes” or “uh huh” to let them know you are listening. Summarize what they have said to you to make sure and to confirm you understand.

Even if you feel that the problem is “not that bad”, or perhaps even trivial, remember that you do not know what is happening in that person’s life. A problem that you might be able to solve without difficulty in your life, might seem like an insurmountable challenge in another person’s life. Give them a chance to be heard. Try not to judge the person try to show empathy for their experience. Acknowledge that there are significant systemic barriers in our justice system. If possible, suggest some small steps they can take to try to solve the problem, and let them know they can always get back in touch with us if they have further questions.

5**TIP 5: DO NOT DECIDE FOR THEM**

Do not make a decision for someone about what option they should choose or what they should do. A difficult person may try to push you, even bully you, into giving legal advice and an opinion about what they should do. Do not do it! They must decide for themselves, or they must get help from others in their life to make the decision. Offer information and options, but the person must make their own decision about how best to move forward.