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Guide

An illustration of two women shaking hands. The woman on the left is wearing a purple hat, a light blue shirt, and dark blue pants, and is holding a white folder. The woman on the right is wearing a green top and a green skirt. They are standing on a green background. The word "Guide" is written in large white letters, with the illustration of the two women shaking hands integrated into the letter 'i'.

2019

To Organizing and Working With
Community-Based Paralegals

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HOW PARALEGALS HELP PEOPLE TO KNOW LAW?

4.1 RAISING LEGAL AWARENESS AND GROWING THE JUSTICE MOVEMENT IN THE COMMUNITY

In paralegal work, community awareness-raising events can be used for many reasons: to introduce a paralegal and the services that paralegals provide; to allow dialogue or consensus-building around action for a community-level case; to educate people on specific laws and government processes. Both formal and informal legal-awareness-raising sessions can be facilitated within the community. It is the first step of legal empowerment: opening the eyes and mindset of community members to help them understand that the law can work for them and does not have to be a tool of oppression. This allows them to understand their rights and the responsibilities of government institutions according to the law.

Community education sessions should be planned based on community needs, including the choice of topic and the arrangement of logistics (date, time, and place). The specific goal of the community education session should be decided and agreed to in advance. Is it to inform/educate, to mobilise action, or to respond to a particular community-level case?

Before setting up the first few community education sessions in a targeted village, paralegals should talk to community leaders, other local community-based organisations or activists who have links to that community, and community members from the village.

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The topics of the education session should be chosen based on:

- Common questions asked by local community members in the area;
- Common types of cases in the area;
- If any previous education by paralegals or others has been done there – sessions can build on what the community has already learned;
- Topics requested by the community and nearby villages.

Sometimes, repeat visits to the same community and building knowledge over time (as well as being available for case consultations and follow-ups) can be an effective way to do community education. Paralegals can plan shorter sessions (30 to 60 minutes) that take place every three weeks. Community education sessions do not always need to be workshops.

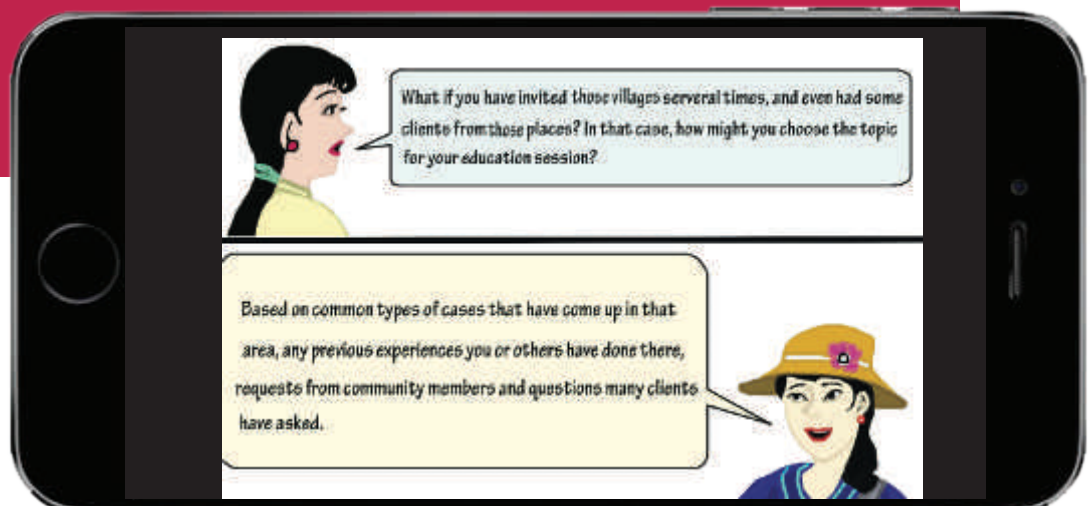
The decision of paralegals whether to hold a single two-hour education session or to hold several 30-minute sessions at regular intervals should be based on the needs, distances, and situation of the villages. Each paralegal knows his/her target area, community needs, and distances best. Paralegals can consult with their supervisors and seniors if advice is needed for planning community education sessions.

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Questions to guide planning

- What is the goal of this particular community education session? What are the expected results?
- Is the topic relevant to the community?
- Is the information you plan to share immediately useful for the community members?
- Is the event planned at an appropriate day and time, when people will be free to come?
- Will you be able to stay after the session to do individual client consultations or case intake?
- Is the length of the session appropriate for keeping the attention of participants?
- Do you have a plan in place for inviting residents in the area to the session in advance?
- Who else should be involved in planning or delivering the workshop? Who else should be informed or invited?



Effective community legal awareness education sessions can be conducted using the following four simple steps:

4.1.1 IDENTIFICATION OF TOPICS AND PLANNING

Talk to key people within the community to identify the needs and issues.

- This will give ideas about what the awareness-raising session topics should be and how the sessions should be conducted.
- This is not only to identify the needs but also to seek existing resources and contributions from the local community for awareness-raising arrangements.
- This will also help paralegals be clear about logistics needs, such as the venue, type of participants, date and time, and need of supporting materials.

4.1.2 REVIEW AND READ THROUGH REFERENCES, LAWS, AND POLICIES RELATED TO THAT ISSUE

The issue may be one with which the paralegal is already familiar and knows the relevant laws, policies, and procedures. In that case, the paralegal can move forward to the next step.

- If not, the paralegal needs to read and understand the relevant laws and policies linked to the issue and consult with their supervisors and a lawyer to make sure he/she is on the right track.
- Local resource libraries and official websites of relevant government institutions can be an option to get up-to-date legal information².
- Paralegals should also discuss with other paralegals who had similar experiences.
- Paralegals may find that there is no specific legal protection on the issue. In this case they can look for general coverage under the constitution and seek a possible link to policy actions under the process of shaping the law.

2. LannPya is one such app. This is an app developed by MyJustice with Koe Koe tech that provides information about the law and seeks to link people/paralegals with services. To download: <https://goo.gl/9QQR7>



Key components of laws

- Title and Definitions
- Objectives
- Main Institutions and Management Bodies with their roles and limitations
- Prohibitions and Punishments
- Miscellaneous

4.1.3 SIMPLIFYING THE LEGAL TERMS AND KEY MESSAGES

- The language or presentation that is used to talk to a group of lawyers should not be used to talk to villagers who are hearing about the law for the first time. A paralegal needs to adapt the message based on the audience.
- Simplify messages and explain the content in a way that is relevant to the audience and is based on what they need to know. The content must also be explained in a way that the target audience, such as community members and villagers, can understand. Tailoring the message for the audience is an integral part of the community education session.
- Even when messages are made easier to understand they should still be accurate.
- Depending on the issues, type of participants, and time available, components of the related law may need to be divided into subtopics. Prepare for several education sessions to ensure that the audience can catch up on the key messages one after another.



Tips for conducting community legal awareness sessions



- Identify clear learning objectives for each session. What are the three or four main points paralegals want participants to know by the end of the session?
- Focusing on these key points and repeating them multiple times in different ways can strengthen learning. In contrast, including lots of additional detail can make it hard to identify or remember the key information.
- Focus more on the process. It's important to emphasize how someone would address an issue. This information will make the law more concrete for participants and helps them know how they can take action.
- Develop specific modules on priority topics. Plan to do multiple sessions on each topic in any given village. For example, an initial session on community forests might focus on an initial introduction of the mechanism while a second session goes into greater depth on how to create a management plan. This will allow participants to digest smaller amounts of information at a time and ensures that they are talking about priority topics more than once – reminding them about what they learned and increasing the likelihood that they take action.

4.1.4 USING INTERACTIVE AWARENESS-RAISING ARRANGEMENTS WITHIN THE COMMUNITY

- People attending a community meeting are more likely to appreciate and use the information presented if paralegals use dynamic teaching methods and stimulate participation from the community.
- There are a variety of methods to use for interactive education and training in community awareness sessions.
- Paralegals can use appropriate and relevant methods with the target audience.
- Some of the interactive training methods are listed here:



Whole group discussions



Small group discussions



Questions



Pair and group work



Brainstorming



Role-play



Simulations



Debates



Case studies



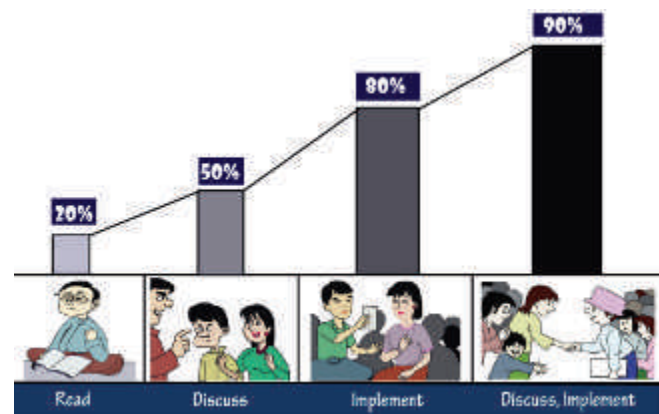
Drawing

Community legal awareness education events are often most effective when part of a longer-term campaign to address a particular injustice. Paralegals might use a meeting to educate a community about a justice issue that is frequently seen. The meeting would be just one part of a strategy that also involves, for example, on-going mediations, advocacy with ministries, and even litigation.

As a part of community legal awareness raising and growing community movement, paralegals:



- Assist the communities in target area to prioritise, identify, and pursue their legal rights
- Prepare training context materials or relevant basic legal documents or handouts for clients or members of the community in local language as needed;
- Educate the villagers and community members (individuals & groups) about laws, procedures, and the government administration of them;
- Facilitate and organize the community for collective action for the purpose of engaging in advocacy, awareness raising, and discussion sessions as needed.



4.1.5 FREQUENTLY ASKED QUESTIONS ABOUT COMMUNITY LEGAL AWARENESS-RAISING SESSIONS

1. How do paralegals structure the education session?

It is usually arranged in three parts. The first part is sharing a topic that has already been identified with key actors in the community. This part will take around 20 to 45 minutes based on the topic. The second part is an open discussion or questions and answers based on the interests of the participants. At this time, the discussion might go

beyond the topic as the participants take the opportunity to ask about other areas of concern. The last part is actually a breakout session or individual discussion. It usually happens at the end because it is an informal discussion or consultation on specific issues of the case of an individual or group of participants. The last part might not happen when the participants are not interested or have nothing to say to the paralegal.

2. How do paralegals facilitate and communicate during sessions?

Paralegals use flip-charts or books with cartoons, pamphlets, or any kind of paper documents whenever possible to help participants understand. It can also be a copy of an official map attached to the land usage rights certificate and the certificate itself, a mortgage agreement with a stamp, an instruction letter from a land-grab reinvestigation committee, and so on. True stories are used by paralegals to share good and bad experiences to draw the attention of the participants. Paralegals also choose relevant tone and wording to hit the hearts of the participants. They often use prompt questions to engage the participants. In the Q&A sessions, if no one asks questions, the supporter of the paralegal sitting in the group might raise questions on behalf of participants to get things started. Tip: it is a good idea if the paralegal has prepared for this in advance and his/her supporter knows the sort of questions to ask to start the process.

3. How do paralegals let people know when and where it is happening?

Paralegals rely on active client and relationship networks for logistics, invitations, and preparations. Preparation is key for paralegals, as is choosing the right topics, time, and venue for the participants. Paralegals usually know this based on information and support from local networks or former clients.

4. How do paralegals choose where to conduct the sessions?

This depends on the local situation, target audience, the information paralegals have received from local contacts, and their experience working in the area previously. Typical session locations will include: the house of a contact person from the

village, a monastery or other religious building, a designated community building, or under the trees on a farm.

It is important that any chosen location ensures inclusion and considers gender issues. The location should be such that all interested people know about it, feel comfortable to participate in the sessions, and can physically reach it. Sometimes, depending on the topic, awareness events might need to be held separately with some groups, for example women may not speak about violence in a mixed group.

5. Do paralegals do a follow-up with the community?

While there are often follow-up education sessions, there is rarely follow-up with the whole community or all participants. Paralegals often have follow-up relationships with some of the participants trying to apply what they have learned to their own cases. Paralegals can also do pre- and post-training questionnaires to see immediate changes and receive feedback. In cases where illiteracy is an issue, the pre- and post-training questions could be oral.

6. What do paralegals see as the goal of the sessions?

Paralegals aim to conduct the sessions not just to promote legal awareness, but also to introduce the importance of the issues, the need of collective action on some cases, and to introduce their services. It is also a way to wake the community up from its long sleep. It aims for the community to start knowing their legal rights on a chosen topic, understanding how these issues affect them, and how they can change the situation themselves with some support from paralegals. It is also an opportunity for two-way learning and trust building.

05 HOW PARALEGALS HELP PEOPLE TO KNOW LAW AND USE LAW?

Community members and potential clients often come to the paralegal with their problems. The level of legal awareness in community members and potential clients is varied. Their needs and expectations can also be varied. However, one thing they have in common is that they all have justice problems and want to solve them. At this stage, it is very important that the paralegal clearly understands the person or community, the nature of the problem, and the expectations. Similarly, the clients and community should also clearly understand what the paralegal can do for them and what they can do together. A paralegal can take the following steps in managing clients and cases:

1. Identifying and interviewing clients to understand the problem.
2. Identifying violations and legal hooks and understanding what legal provisions could help to solve the problem.
3. Connecting with legal professionals and other referral services if the topic is beyond the scope, understanding, or ability of the paralegal.
4. Pursuing a solution to the problem and solving the problem.



5.1 IDENTIFYING AND INTERVIEWING CLIENTS: UNDERSTANDING THE PROBLEM

The following table is an outline of what the paralegal, the person with the problem, or the client should do in the early stage of understanding the problem.

PARALEGAL

- Interview clients/community to understand the client's condition and the problem
- Explain relevant laws and procedures related to the matter
- Explain the rights and remedies that they can expect
- Explain the options that clients can choose and the costs of time, money, risks, and opportunities that the clients can have under each option
- Explain the services that the paralegals can provide and any limitations that they have
- Explain the role of paralegal and ethical standards that they have to abide by
- Explain the role of the clients
- Explore more reference information about the client and the case within the community
- Explain the limitations of the paralegal and share sources of other professionals, lawyers, and networks of legal aid and CSOs
- If paralegals are not certain of any information, they should communicate this clearly to clients and tell them they will find out and get back to them
- Paralegals should take a 'do no harm' approach
- Paralegals should respect the agency and decisions/choices of the client

PERSON/COMMUNITY WITH PROBLEM

- Share their background information
- Explain why they want to get the services of a paralegal and not a lawyer
- Share the history of the issue, the problems they have faced, and actions and responses that they have had
- Explain the impacts of the problem
- Explain the expected result that they want to achieve
- Explain the limitations that they have
- Share evidence and contacts they have gathered that are related to the case

Depending on the level of complexity and type of case, type of client, their capability, and the choices of the person with the problem, paralegals may or may not need to provide service for the case beyond the stage of consultation. In simple cases, even if the client wants to depend on the paralegal, paralegals may encourage them to try on their own with very light-touch legal consultation and support. It is best

if the community members or the clients can solve the problem on their own using the legal knowledge that they gain from the paralegals. This will have the maximum legal empowerment impact. However, the more complex the case and the more limited the capacity of the clients, the more paralegals will have to support. It is important that the clients still drive the case and are involved at every stage.

Tips for interviewing clients and people with the problem

- Do not forget to talk about and give attention to the availability, privacy, confidentiality, and security matters to avoid negative impacts.
- Do not forget to introduce each other and ensure everyone understands why they will have the conversation.
- Start with warm and friendly conversation to form a connection with the clients.
- Trust building is key to elicit complete and factual information about the problem from beginning to end.
- Open-ended general questions are useful to get a wide picture of the problem. It is important to not make or imply any judgement. For example, do not ask 'Isn't it wrong to leave your husband?' or 'Why do you want to jointly register land? Don't you trust your husband?'
- Paralegals should listen more than talk at this stage.
- Details on important points can be gathered using WH questions (what, where, when, why, how) depending on the flow of conversation.
- Pay attention to nonverbal cues, reflect on them, and be flexible throughout the conversation.
- Summarise key information presented during the conversation to confirm its completeness and accuracy.
- Documentation is important to understand the problem and find a solution, but methods of keeping records should reflect the environment and consent of the person with the problem.
- If clients do not have certain information relating to their case, paralegals should ask them where or who they can get this information from.

We introduce here two actual cases narrated by the clients themselves. Over the next several sections of the manual, we will hear how these cases unfolded in the clients' own words.



CASE SERIES (PART 1): CONTACTING THE PARALEGAL

Land Grab Story – Part I

We, U Lone Sai and Nan Ywunt, from Nant Maw Sount Village, approached the paralegal Daw Nan Marlar Thein at the end of a land laws legal awareness session. We explained that the military officer from the area said that our land had been taken by the military in 1991, so we are required to request permission in advance if we want to do farming on our land. We didn't know what we should do. I asked: How can the paralegal help us?

She said she needs to know more information about us and the issues we are facing. She asked me if this problem is faced only by us. I said that 47 other farmers from our village are also facing the same matter. She explained to me briefly about our rights and responsibilities based on related laws. She also introduced the services that she can provide by using the law. We decided to dig deeper about what we can do together by meeting again with other affected farmers. A few days later, we met again. This time together with nine other farmers as representatives of the affected farmers. The paralegal visited with us to see the physical condition of our lands in the context of the current problem. We told details about ourselves, our problems, challenges, and expectations.

Sand Mining Story – Part I

I, U Myint Shwe from Shar Pin Gone Village met with the paralegal U Htay Lwin at the home of my friend U Kyaw, his former client.

I told him about our village on the banks of the Ayawaddy river. Our village is under threat of being washed away. Twenty-eight houses had already been washed out by the river. They are now living in the compound of their neighbours, but the whole village cannot sleep well as we are worried.

It is getting worse this year because of the illegal sand mining business in the river near the village. I asked the sand mining boat to stop doing it, but they don't care. When we came with the village administrator, they moved to another place, but they still came back later.

The paralegal explained to me about the importance of strong evidence and facts to construct a case of environmental damages. Then, he came along with me to see the sand mining activity near our area. I took photo records to prove how it is close to our side of the river.

5.2 IDENTIFYING VIOLATIONS AND LEGAL HOOKS: UNDERSTANDING WHAT LEGAL PROVISIONS COULD BE HELPFUL TO SOLVE THE PROBLEM

When both paralegal and client have a common understanding of the problem and shared expectations of the case, the paralegal has to explain the relevant law, processes, institutions, mechanisms, and other available options. Then, the paralegal will work with the client to identify legal hooks and violations in their specific case. Depending on the complexity of the problem, they may need to spend time together to understand the violations and legal hooks.

In some cases, identification of legal hooks and violations can be simple. In other cases, they may need more clarity of information and frequent discussions with several people. These occasions are very important, as a paralegal is helping the client to use the knowledge of the law to understand the real problem. The paralegal and the client go through the cycle of legal empowerment together. Their relationship will not be top down because they are learning together.

Through
identifying
legal hooks and
violations, both
paralegals and
clients:



- Have a common understanding of the main problem, its source, and its depth
- Have a common understanding of the client's condition and expectations
- Have a proper understanding of the related laws, violations of law, institutions, and procedures
- Have a common understanding of the options that they can choose and the pros and cons of each
- Have a common understanding of the required documents and evidence
- Have a common understanding of who can do what in the subsequent steps
- Have a common understanding of the role of each side in the process

CASE SERIES (PART 2): WE KNOW THE LAW IS ON OUR SIDE



Land Grab Story – Part II

A week later, the paralegal came back to us. We visited the Land Records Department asking for land map information. We took time to review our existing documents, letters from the government and department officials, and other documents. We checked all of the actions with reference law sessions. The paralegals explained the Land Acquisition Act, particularly about the procedures of how to take land if the government needs it. She also gave us documents to read. These are my notes of laws and procedures in my native Shan language. I turn to my notes whenever I have to discuss my case because I don't remember all the details. We talk about the institutions responsible for solving our problem. We noticed that there are gaps in the process of acquiring land. It violated the law because we were not properly informed, and no one took our consent.

Sand Mining Story – Part II

The next day, the paralegal and I organised a meeting at our village. About seven active villagers gathered with us. The paralegal explained the Waterway Maintenance Law of 2006. The responsibilities of the Water Resource, River and Creek Maintenance Department is mentioned in Article 5. We also noted that the General Administrative Department can influence this matter.

Now we feel motivated as we are not alone. We have the paralegal standing together with us to guide us. Though we have limited knowledge and experiences, the paralegal helps us to understand more.

5.3 CASE INTAKE AND HANDLING TIPS

The Namati team from India has created a list of simple tips, termed CHILL, to help paralegals think about the priorities of their work with clients and cases. While you may have other concerns or constraints, this list will help you to think through selection criteria for cases. This will be particularly helpful when there is a much higher demand for help than you have time and resources to satisfy.

C - Community Partners or Clients - The case has community partners or clients. It is usually an individual or a group of affected people aggrieved by a common problem. This individual or group is committed to solving the problem jointly with the paralegal.

H - History - Primarily those cases are chosen where the affected individual or communities have sought some kind of resolution by themselves. This could have been through activists, civil society organisations, or any other means. Exceptions to this may be in situations of emergencies, disasters, or particularly complex or exceptional cases.

I - Impact - Cases that have a large impact in terms of the number of people affected or the number of people likely to be benefited are prioritised.

L - Location - The cases chosen are in the paralegal's vicinity or local area so that s/he can maintain contact with the affected communities through regular site visits and follow-up meetings.

L - Legal Hook - Cases that have a clear legal hook (such as those resulting from a violation of or non-compliance with law, administrative practice, or judicial orders) are prioritised over ones that do not have a direct legal clause supporting them. However, in some scenarios, cases that do not have a clear legal hook may be prioritised if the objective is to use the evidence collected through these cases to recommend new clauses or amendments to existing clauses.

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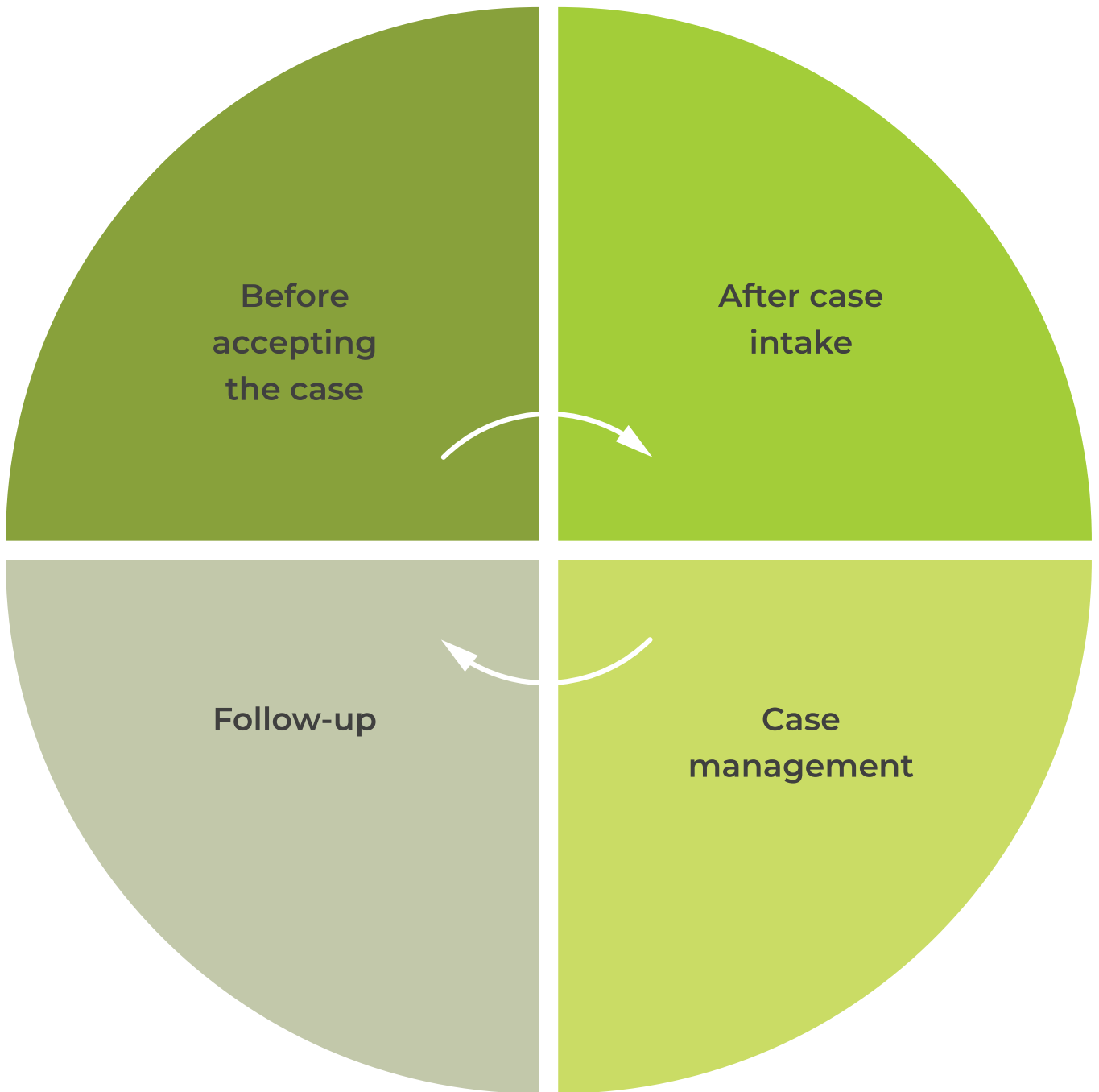
H

I

L

L





There are four well-established periods during the process of taking on, handling, and finishing a case. Different steps must be taken at each stage:



Before accepting the case

- Understand the limits of the law.
- Check that the case is within the capacity of the paralegal.
- Check if the case can be managed by the client itself with the guidance of the paralegal.
- Make sure the case is really true and you are satisfied that the issue is legitimate. Do not just help anyone without doing your own due diligence. We work for justice, not the interests of individuals.
- Ensure the commitment of the client to work together.
- Understand the needs and clear expectations of the clients.
- Make sure the client also understands the limitations.
- Understand and sketch out steps and options to be taken to meet the expectations of the client.



After case intake

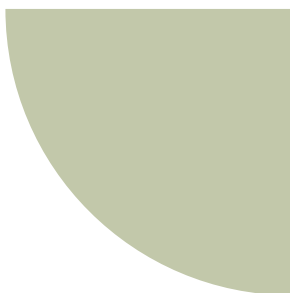
- Gather additional facts and look for strong evidence.
- Note prior experiences on the issues from yourself or others.
- Know if there are applicable laws or not.
- Look for alternative options regarding laws to use or institutions to engage.
- Identify and focus on key institutions/individuals to engage.
- Collaborate and network.
- Develop source of contacts.



Case management

- Use right laws, terms, and evidence in any verbal or written engagement.
- Use effective communication records and reports.
- Pay close attention to the impression you make on clients and local officials.
- Dress and speak appropriately.
- Take parallel actions when required. These can be directed to the local administration, courts, MPs, media, and so on. Remember the power of collective action.

- Make sure the client is also on the same page and follow through at every step.
- Focus on the client's expectations and see if the client has any changes.
- Do not allow your emotions to control you, even when a situation is stressful. You must put the clients' interests first and always be calm and professional.
- Be safe. This is a large topic. You must consider your own safety and that of your clients. This includes basic matters, such as wearing a helmet when you ride a motorbike, and political and local matters that you must carefully consider depending on your location and clients' circumstances. These conditions vary widely across the country and it is always good to discuss them with other paralegals and CSOs.
- Be patient, as cases can take a long time and rarely proceed smoothly.
- Document actions and responses. Typically, we want to track:
 1. What was the action and when did it take place?
 2. What institutions, if any, were engaged?
 3. What was outcome and when did it take place?
 4. What laws or legal hooks were invoked?



Follow-up

- Stay up to date with any changes to the mechanisms, institutions, and laws.
- Conduct a regular checkup of the situation on the ground and any changes to reflect on along with proper responses.
- Review progress of the case and challenges.
- Seek expert advice to overcome any challenges.
- Find an alternative path to move forward.



5.4 PURSUING A SOLUTION TO THE PROBLEM: SOLVING THE PROBLEM

At this stage, the clients and/or community partnering with the paralegal will discuss what to do next to solve their problem. Using their experience gained learning the problem, law, and identified violations, they will make appropriate choices of action. In pursuing a solution to their problem, paralegals can assist in:

- Writing complaint letters or other submissions;
- Navigating and advocating with authorities;
- Mediation or negotiation;
- Organizing collective cases;
- Taking court actions with the help of lawyers.

However, both the client and paralegal should define a clear level of responsibility and accountability to work together until the end of the case. Both commit that they will allocate enough time, pay careful attention, and seek a fair and just solution by using their skills, knowledge of law, and experiences.

Where possible, paralegals need to give the client an active role in building the case. Often, clients themselves are able to actively participate and even take a key role in some activities for pursuing solutions using the knowledge of the law. For example, the client can gather the data, documents, and evidence upon which a case or complaint rests. Guidance, encouragement, and light-touch support help clients stay on the right track as they take each step.

As they work on the case, paralegals need to remind themselves that they are not just working on a case but also turning the wheel of legal empowerment together with the client. They are using the law as they know their rights. How far they need to go and how long the cases take will depend on their capacity, the complexity of their casework, and other factors around them.

Especially in complex cases, paralegals and clients may need to engage different institutions, use diverse approaches, or even take parallel actions at the same time. In the process of taking actions, the paralegal will empower clients and the affected community to learn and work together and put the needs of the clients first.

All decisions must be well informed, so it is the responsibility of paralegals to ensure that the client fully understands the options, as well as the implications and consequences on both them and their community. This will allow the clients to have a sense of ownership of their choices and decisions, thus increasing self-esteem and confidence in taking action steps.

5.4.1 COMPLAINT LETTER WRITING TIPS

- Include important dates, times, locations, and the history of the case in short and simple sentences.
- Include the reasons and particulars of complaints, covering who did what to whom and why.
- Explain the situation using the notes compiled after the event occurred. Every point should refer to strong sources of evidence and the evidence should be attached.
- Include points for the complainant and actions that the complainant expects to see as a result of the complaint.
- Mention if the complainant wants legal action against the other party or just to get the remedies or both.
- Do not allow the letter to become emotional or threatening as these will most likely not elicit a favorable response.
- Do not allow the letter to focus on the gaps of laws/policy as it may mislead the reader to be confused in deciding the action for the case.
- Include contact information such as name, address, and phone number for further communication to resolve the issue.
- Do not send original documents, and keep a copy of the complaint letter for your records.
- If your complaint letter does not bring about the results that you hoped for, consider writing another letter with a firmer tone, or try writing to someone higher up the chain of command. Attach the first letter and mention that there was no response to it.
- The complaint letter should typically come from the client(s), not the paralegal, and clients should keep a copy of the letters for future reference.

5.4.2 SIMPLE MEDIATION STEPS AND TIPS

1

Step (1) Introduction

- Introduce both sides
- Set ground rules
- Remind about confidentiality
- Explain the benefits of mediation

2

Step (2) Listen to Stories from Both Sides

- Listen carefully to each person
- Summarise key points
- Acknowledge and confirm key messages
- Ensure everyone respects the ground rules
- Extract the challenges and problems from the stories of both sides

3

Step (3) Understand the Problems

- Listen to the problems and challenges
- Listen to workable solutions to the problems
- Listen to the requirements

4

Step (4) Seek Alternative Solutions to the Problems

- Point out possibilities for solving the problems
- List the challenges and problems that need to be addressed
- Summarise the requirements and conditions
- Brainstorm solutions to the problems

5

Step (5) Solve the Problems

- Analyse the brainstormed ideas to solve the problems
- Check applicability
- Ensure the agreements are respected by both sides
- Ensure the fairness of any mutual agreements
- Document the agreements

6

Step (6) Close and Depart

- Solicit feedback on the role of the mediator
- Explain follow-up actions
- Encourage the acknowledgement and maintenance of the agreements

Mediation Tips



- Seek the possibility and interest of using mediation when meeting with clients.
- If the case is very sensitive and emotional, conduct individual meetings as required before the face-to-face mediation discussion with both sides.
- Listen and build trust with both parties.
- Do not accept one-sided suggestions, processes, and timelines before understanding the basic facts of the case.
- Make sure to include true representatives from both sides. Do not let powerful individuals and lawyers become the decision makers.
- Avoid giving advice and suggestions that may hurt or favor one side.
- The role of the mediator is to help both parties make fair and mutually agreed decisions.
- Explain to both parties that they have the freedom to make their own choices, but have the responsibility to respect the conditions that they both mutually agree upon during the process of mediation.
- Explain to everyone that they need to respect confidentiality in the process of mediation.
- Explain that the discussion and result will be for the parties not for the paralegal.
- Encourage open discussions, but stress the importance of mutual respect.

Case Management Tips



- Provide legal awareness to the clients.
- Conduct appropriate field investigations to gather required data and information about clients and case situations.
- Consult clients on how to resolve cases by providing options for handling the issue.
- Explain appropriate case strategies and the advocacy process.
- Help clients to fill out forms, write complaint letters, interact with authorities, and make other follow-ups as needed by the client.
- Follow up on cases or conduct follow-up visits to concerned government departments and institutions in order to support clients to resolve the case.
- Take regular forward action on client empowerment and discuss options for next steps.
- Ensure the client is involved in each step of the process to promote greater ownership and learning from experiences.

CASE SERIES (PART 3): USING THE LAW GIVES ME POWER

Land Grab Story – Part III

We discussed with the paralegal that we would first try to use the land for farming. The next step was to have a legal title. We continued farming the land. Soon, we prepared a complaint letter that we signed and submitted to the central and regional land grabbing reinvestigation committee and also to the chief of the military. We waited for months but did not get any responses from the committees. Most of us are not able to read the Burmese language and written laws. We have limited ability to speak up when we have to communicate with government officials or institutions, so that makes it very difficult for us and mostly we rely on the paralegal's assistance. We then submitted a follow-up letter to the same institutions.

Fifteen days after the follow-up letter submission, we visited the township administrator and asked for an update on the progress. The township administrator said that they received an instruction letter from the district authorities to collect required facts about our case and to do a land assessment on the ground.

The administrator also said that he had already passed the instruction to the township's land record department. While they are waiting for the land assessment, other tenant farmers who are close with the military got lands for farming that were owned by the affected farmers in this case. These lands are close to the main road. The 42 clients and the paralegal together asked them to stop doing this and they stopped. The paralegal told one military officer that these lands are being investigated and we are awaiting the results of the land assessment, and that the case is still in process. We asked that the military official should collaborate in the investigation to solve this issue.

We are now sharing our experiences with others in a similar situation. We have noticed that we have changed the way we speak with officials and other people, but we do not know how to mention it. I am involved in the meetings with military and officials. Previously, I felt weak as a woman. Now that I am involved in this case together with other colleagues and the paralegal, I feel like I have power.



Sand Mining Story – Part III

We decided to take the first step of informing the township administrator and concerned department about this case. We presented the evidence that we gathered, as witnessed by the affected villagers and their neighbours. We included the clause mentioned in the waterway maintenance law and asked for an investigation to see if they are officially permitted to do sand mining in this area.

We waited about twenty days without getting a response, so we followed up again to the Water Resource Maintenance Department in Shwe Taung township. Using the connection of the paralegal, we also informed Shwe Taung Township, Lower House MP Daw Mya Kwar Nyo about this case

The investigation was conducted, and it was found that the business was not permitted in the area. Their permission was for another location. They were asked by the Department to stop doing it in our area.

However, the business did not stop. We reported it again to the responsible departments and finally it stopped.

Together with the paralegal we can stop sand mining and its effects on the village.

But we did not stop there. The paralegal helped us connect with a lawyer to push for damage claims in court. Though we initially faced denial, we were able to open a court case at the Shwe Taung Township court.

5.4.3 QUESTIONS TO GUIDE THE CASE HANDLING PROCESS

These questions are for paralegals to ask themselves. If you have all the answers to these questions, then you are in great shape to handle the case. Think of them as a checklist. If you do not have all the answers, then you have further preparatory work to conduct.

STARTING A CASE

- How much do you know about the client?
- What are the challenges and impacts of the problems?
- What facts and evidence do you have/need to gather?
- Who should you consult with?
- What laws, rules, and regulations should you reference?
- What is the violation of the law in this problem?
- What are the government institutions/departments in this case?
- How long do you need to take for preparation?
- How will the client support and participate in the process?
- How do you mobilize and empower the client?
- Who do you collaborate with?
- What is the role of clients?

COMPLAINTS / REQUESTS / SUBMISSIONS

- Which facts and information should you include in the letter?
- Who is the writer and with inputs from whom?

- Who signs the letter?
- Who is given copies of the submission? (Name, Position, Address)
- How many places should you submit the complaint to?
- How do you submit the complaint/request/submission letter? (Postal, in-person)
- What are the key points that you ask for?
- What is your follow-up plan after complaint submission?

MEETINGS / DISCUSSIONS / MEDIATIONS / NEGOTIATIONS

- Who do you invite/meet for mediation/negotiation?
- How do you arrange for the appointment?
- Which method do you use?
- Where do you meet?
- Who participates in the meeting?
- What is the purpose of the meeting?
- How long does the meeting take?
- What are the results from the meeting?
- What supporting documents do you need and from whom?
- What facts and information did you get from the meeting?
- What other guidance and support did you receive to facilitate the meeting?
- What do you need to invest in the meeting?
- What is the next step after meeting?

5.5 LINKING WITH LEGAL PROFESSIONALS AND REFERRAL SERVICES

Often paralegals realise at the beginning that the case is beyond the limit of their understanding or knowledge, thus they refer the community members to other legal service providers or lawyers. Paralegals must know their limits and capabilities, and they should be open and honest about it.

If they are confused, they need to consult with those who have experience with this kind of problem for clarification and advice. Paralegals have to consult with the community, their clients, and connected lawyers to decide the best approach for dealing with the issue.

If paralegals cannot help the clients/people with the problem, they should not just say No. Paralegals should make sure the clients understand the reasons why they cannot help, should explain these to the community, and properly refer the clients to other relevant services – lawyers or psycho-social services.

For cases that paralegals cannot handle, refer them instead of wasting time. If a paralegal thinks litigation is an appropriate tool to use for a complex case, refer such cases to professional lawyers linked with a legal aid service or to counselors linked to psycho-social and other services.

However, even when a case moves to court action with the support of a lawyer, paralegals may stay involved with the case during court proceedings. Paralegals provide valuable assistance to lawyers during the litigation process. They can still be a source of vital information for the lawyers and an effective liaison between the client and the lawyers. Paralegals continue to play a significant role until the final determination of the case, and even after that paralegals can continue to provide follow-up and counseling services to affected community members.