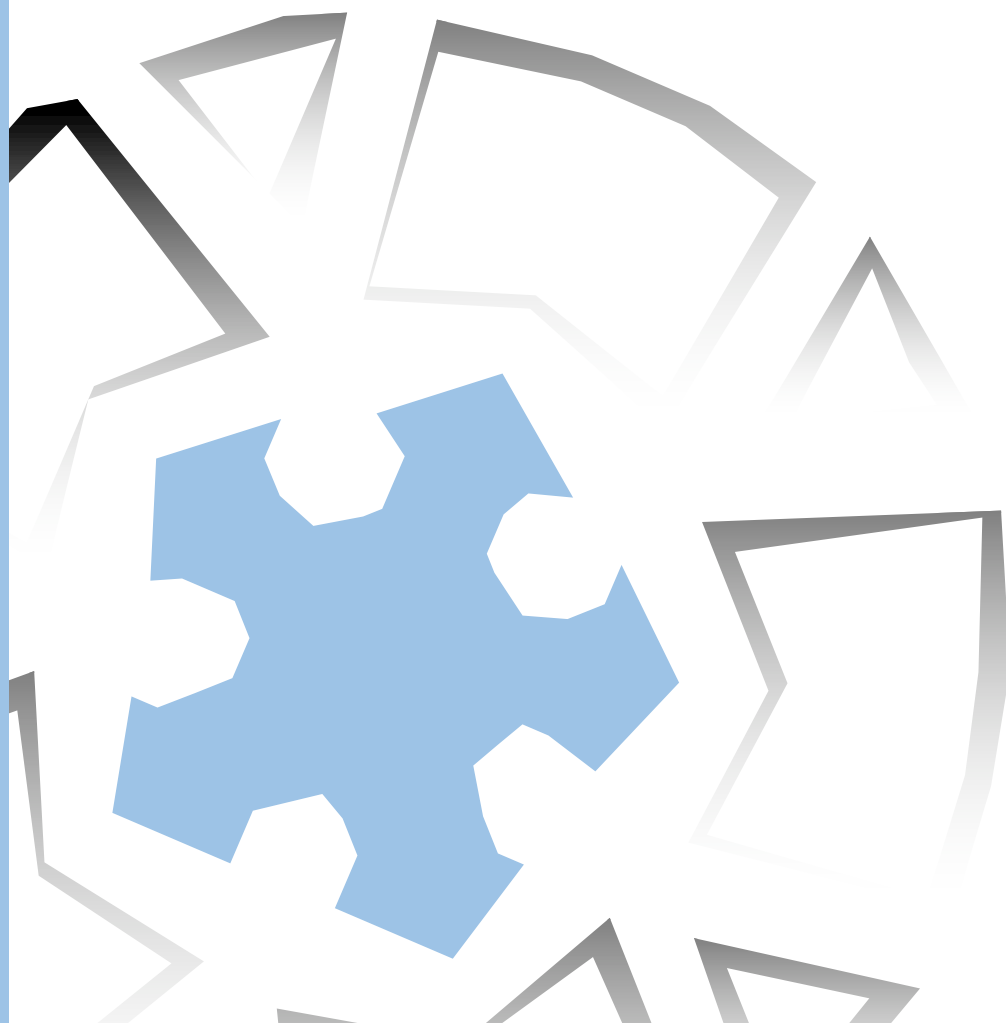


Community Legal Education Association

Law Phone-In & Lawyer Referral Program

2017 Report



Introduction

The Law Phone-In & Lawyer Referral Program began in 1975. It has been a program of Community Legal Education Association since 1987. The Law Society of Manitoba and the Manitoba Law Foundation fund the program.

The Law Phone-In & Lawyer Referral Program is a comprehensive service. Callers are given legal information and general advice over the phone, may be referred to an appropriate law-related agency, or may be referred to a lawyer. Many provinces have legal information or lawyer referral services and virtually all of the states in the United States have lawyer referral services. Our service is unique because we provide both legal information and lawyer referrals. Also, our staff lawyers have their practicing certificates and are therefore able to field a wider range of calls and actually provide information and summary advice.

Often callers are sent written information to augment the verbal information provided to them. In 2017, we sent out 137 pieces of information, including CLEA brochures, *Family Law for Children*, *Court Orders for Your Protection*, *Women in Abusive Relationships*, as well as a wide variety of precedents, excerpts of legislation, cases and legal forms.

Office Procedure

The Law Phone-In & Lawyer Referral Program operates Monday through Friday from 9 a.m. to 4 p.m. Members of the public are able to reach the Program on two Winnipeg phone lines and one province-wide toll-free line. Callers needing only a referral to a lawyer can contact the service through a third Winnipeg line. Callers are asked to leave a brief message on voice-mail.

Information about each call is recorded on a computer database, using FileMaker Pro 16 software. Each record includes a detailed summary of the caller's problem and the information given, the area of law the call involves, any referrals provided to a lawyer, agency, or government department, the caller's gender, and the time and date the staff lawyer spoke with the caller. Information such as the caller's name, geographic region and address are noted if the caller chooses to provide this information or if the caller is referred to a lawyer.

Personnel

Two lawyers staffed the Law Phone-In and Lawyer Referral Program in 2017: Jennifer Dunik, and Charlene Thomas. (Sean Young left Law Phone-In in January 2017). Jennifer was called to the Bar in 2002 after articling with Taylor McCaffrey LLP. She joined Law Phone-In in August of 2002. Charlene Thomas received her Call to the Bar in 2008. She articulated with the provincial Crown and joined Law Phone-In in March 2017.



Students through the Pro Bono Students Canada Program at the University of Manitoba helped us during the school year. The students handled calls requiring a referral to a lawyer or straightforward information.

The law students who helped us in 2016/17 were Joyce Sawchuk (student lead), Natalie Zamick, Samantha Gergely, Katherine Kidder and Ryan Kaita. We would also like to thank Zita De Sousa and Richard Bars, University of Manitoba Program Coordinators.

The law students who helped us in 2017/18 were Brendon Yarish (student lead), Alyssa Cloutier, Andrew Weber, Iman Kanji and Christian Pierce. We would also like to thank Zita De Sousa and Richard Bars, University of Manitoba Program Coordinators.

Demographics

A total of **7,731** calls were handled in 2017. This brings our grand total to over 380,000 calls (380,520), since the service began in 1975.

55% of our callers were female.

77% of our callers were from Winnipeg. The Manitoba calls from outside Winnipeg came from **184** communities all across the province. The following communities generated the most calls: Brandon (214), Portage la Prairie (72), Steinbach (72), Thompson (59), Dauphin (42), Winkler (31), The Pas (29), Gimli (27), Beausejour (21), Flin Flon (19), Anola (17), Neepawa (16), Amaranth (15) and Morden (15). Selkirk

341 calls came from other parts of Canada: British Columbia (60), Alberta (152), Saskatchewan (32), Ontario (72), Quebec (10), New Brunswick (3), Prince Edward Island (1), Newfoundland and Labrador (2), The Northwest Territories (6), Nunavut (3).

There were **56** calls from 15 states in the United States: Alabama, Alaska, California, Colorado, Florida, Georgia, Maryland, Minnesota, Montana, New Jersey, New York, North Dakota, Ohio, Texas, and Wisconsin.

Some clients were referred through branches of the American Bar Association or Lawyer Referral Programs in their home state or province and others had located us online.

39 calls were from around the world: Australia, Bangladesh, Barbados, Belgium, Botswana, Brazil, Germany, India, Iran, Jordan, Malaysia, Mali, Mexico, Nigeria, Pakistan, Saudi Arabia, Sweden, Thailand and the United Kingdom. The legal issues in these international calls were in the areas of Immigration Law, Family Law and Wills & Estates. Some of the callers were looking for a lawyer or for information for a matter taking place in Manitoba (estates, divorce, mobility in family law matters, varying child support).

Although most of our contacts were telephone calls, there were also **22** walk-in clients (even though we do not have the facilities to offer drop-in services), and **1,209** e-mail information



requests. In 2016 there were 1,340, e-mail requests, an all-time high. There were 1,215 email requests in 2015, 1,259 in 2014, 1,297 in 2013 and 1,125 in 2012. We have also noticed an increase in callers who are accessing our services through our website and the Internet. CLEA, and therefore Law Phone-In, also comes up as a link on many organizations' websites. Every year we have hundreds of repeat callers, (900 in 2017).

Trends

There was a noticeable increase in the number of calls involving domestic abuse. In addition to the calls requiring a referral or information about domestic assault, criminal harassment, and protection orders, there were also significantly more family law calls that involved family abuse or violence. The callers were primarily seeking information on custody, child and spousal support, and noted restrictions in dealing with their ex-spouse or partner due to criminal charges, an abusive history, or protection orders in place.

Workers Compensation calls doubled from 30 in 2016 to 60 in 2017. Autopac calls also showed an increase from 110 to 124. Mental health review board and Landlord/Tenant inquiries also increased. Callers requested information on compensation and services available from these departments and crown corporations, jurisdiction of the tribunals, appeal options, and some callers required a referral to a lawyer or advocate. Self-represented parties in these areas of law have the benefit of specialized advocates who provide free services such as the Worker Advisor Office, Claimant Adviser Office, Legal Aid – Advocacy Unit, and the Canadian Mental Health Association.

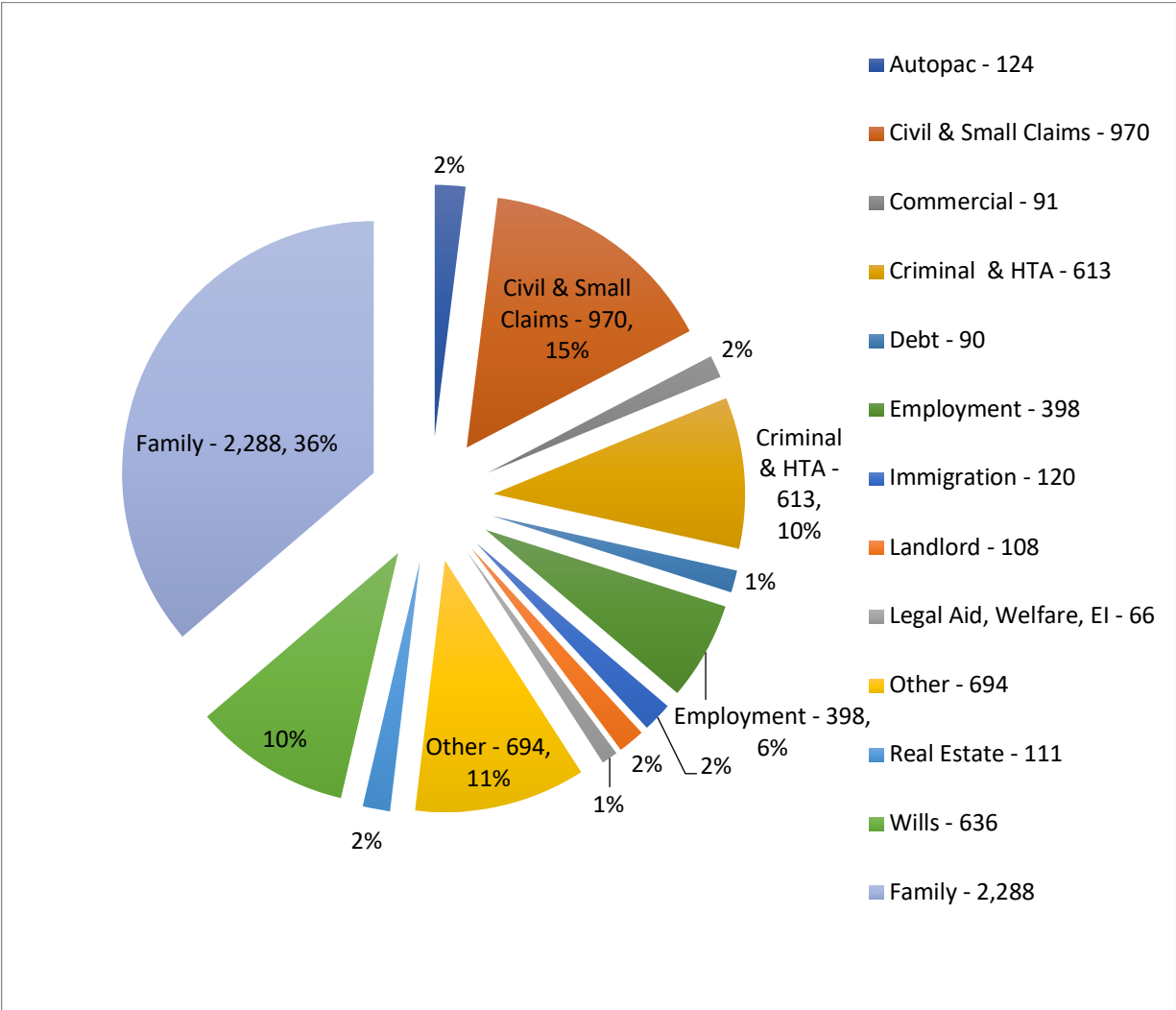
Areas of Law

Family Law continued to be the largest category with 2,288 calls received, 31% of total calls. There were also a significant number of calls in the areas of Civil Litigation (including Small Claims), Wills and Estates, Employment Law and Criminal Law, comprising another 35% of total calls.

To appreciate the diversity of the calls, a list of the calls received on a typical day, those received on September 25, 2017, is included as Appendix 1.

The pie chart on the next page shows the breakdown of completed calls by topic.





Self-Represented and Unrepresented Litigants

Self-represented litigants comprised 647 of the calls in 2017. In 2016, 223 callers were noted as being a self-represented litigant. Half of these callers were dealing with a family law issue. Additional areas of law included estate administration and litigation, small claims, civil matters over \$10,000, both plaintiffs and defendants, powers of attorney, including requests for an accounting or removal of a power of attorney, peace bonds, CPP disability appeals, license suspension appeal hearings, municipal bylaw appeals, landlord/tenant appeals, traffic ticket appeals, labour board hearings, social services appeal board, child abuse registry, autopac collision claim appeals, creditor/debtor rights, committeeship applications, and human rights.

Who Are They?

Self-represented litigants can be looked at on a continuum. On one end are those that are very sophisticated, have done some research and just need to be pointed in the right



direction. These people are in the minority. On the other end of the continuum, we have those who should not be self-representing under any circumstances. Again, that is a fairly small number. The majority is everyone who falls in between these two extremes. What all of them have in common is the problems they encounter. They have no legal background, no legal education and no understanding of the big picture. It is hard to give them information in a vacuum, without that legal framework. They often have no appreciation of the complexity of the law and a total lack of understanding of legal terminology. They have no idea about precedents, the various court levels or jurisdiction issues, and no idea of how to start the process, how to complete the documents and how to present evidence once they get to court. They often need a crash course in law. They encounter a system full of very specific and exacting rules, and special jargon, but a system that is not user friendly and certainly not set up for someone with no legal training.

What Do Self-Represented Litigants Need?

Initially, they need to know whether they have a case. They may have some information about starting a proceeding but don't know whether their situation is supported by case law or legislation. After that, they mainly need help with procedural matters. They are either at the very beginning of their matter and need direction and an overview of the process, or the matter has been going on for a while and they need help with the next step. In either case, they need help with filling out forms, relevant case law, and relevant court rules.

How Law Phone-In Helps Self-Represented Litigants

Since the Court Registry and court rules and forms are available on-line, therefore, the Law Phone-In staff lawyers can:

- see what documents have been filed to date,
- provide procedural information on next steps,
- explain how to fill out forms,
- send out precedents and
- direct self-represented litigants to case law.

CLEA also developed some self-help booklets (*Uncontested Divorce Guide, Probate Guide*). If clients have this material in front of them, it makes it much easier to guide them through the process.

Who Refers Clients to the Law Phone-In Program?

In 2017, our records show that we received referrals from **123** different sources: various individual contacts, lawyers and law firms, MLAs, community agencies, government departments, organizations, businesses, and as a result of being listed in various publications. The majority of the calls came from **Legal Aid Manitoba - 251 (including The Public Interest Law Centre, the Brandon Office), Legal Help Centre - 135, The Law Society of Manitoba - 87, Various lawyers and law firms – 86, Employment Standards - 63, Residential Tenancies Branch – 32, Various Court Offices, including Judges and**



Justices – 33, Manitoba Labour Board - 20, and various provincial government departments, particularly those under the umbrella of Manitoba Justice. This information is based on callers self-identifying who referred them. Appendix 2 provides a list of who referred clients.

Lawyer Referrals

In 2017, **1,016** referrals were made to lawyers on our Lawyer Referral panel. **209** of these were on a Legal Aid basis. We currently have **148** panel members. Appendix 3 shows the break-down of referrals by topic.

Based on evaluations received, **79%** of clients attended for an office interview or had a telephone interview with the lawyer referred. **30%** of those clients hired the lawyer or possibly would hire the lawyer. (**15%** of the lawyers indicated that they may be hired or were not sure at that point whether they would be hired). Lawyers who actually met with clients were three times more likely to be hired. Many of these clients likely would not otherwise have gone to see a lawyer, let alone hired one.

Lawyer Referral Evaluations

We received a total of **15** evaluations from clients (a **1.5%** return rate) and **333** from lawyers (a **27%** return rate).

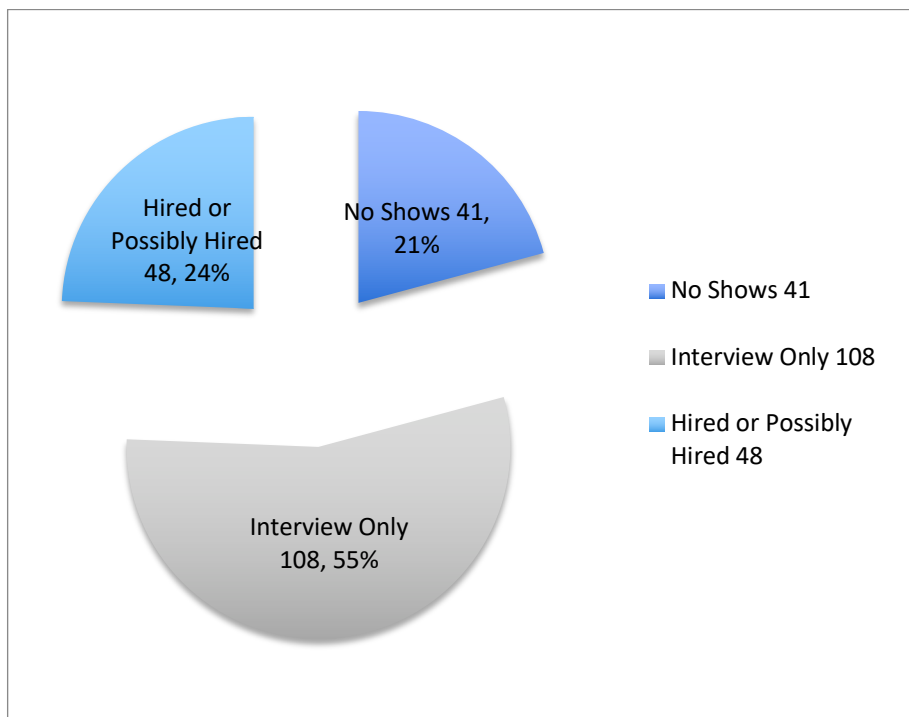
Lawyer Evaluations

198 evaluation forms were received from lawyers. **156** of the clients contacted the lawyers referred to them, either by attending for an office interview or having a telephone interview with the lawyer. The length of the telephone interviews ranged from 1 minute to forty-eight minutes. The average length of the interviews was 18 minutes. The length of the office interviews ranged from 12 minutes to 3 and 1/2 hours with the average length of interview being 40 minutes. **25** of the lawyers reported being hired. An additional **23** indicated that they might be hired in the future or that they were not certain as to whether they would be hired.

Most of the comments from the lawyers explained how they were going to help the client, or were about the client's case. Often it is difficult for us to gauge a case based on the client's initial phone call. Therefore, the lawyers' comments provide important information. Often from the lawyers' comments it was clear that even though the client had not hired them, they were pleased to provide the client with the information or advice requested.

The pie chart on the next page depicts what the lawyers told us in their evaluations.





Client Evaluations

Fifteen evaluations were received from clients. Four of the clients reported hiring the lawyer; two indicated they might hire the lawyer at a later date. Most were happy with the service. Eight said they would use the lawyer referred to them again, if the need arose.

Comments about the Law Phone-In & Lawyer Referral Program and staff:

“Thank you for this excellent service. Was really helpful. Greatly appreciated.”

“Thanks for such good service and I am proud of being Canadian with such a great nation and government organization who answers our questions from anywhere in the world!”

“My niece was your former neighbour at 414 Graham Avenue. Her receptionist gave me your web address. Thank goodness for your services.”

“Thank you for the info I appreciate the quick response.”

Comments about the lawyers on our lawyer referral panel or the advice provided:

“Was suggested I could sue employer, but I decided against that.”

“I just found out that it could cost me thousands of dollars just to investigate if there was enough evidence to proceed with a case. That is too expensive, so I decided not to proceed.”



“She answered some questions I had but was too expensive to hire.”

“He seems to be extremely capable.”

“I am looking for a lawyer who can help me with a humanitarian & compassionate stream of application. Lawyer was willing to help me with this but he wants to do the full application for me including filling out the generic application forms. I would rather fill out these forms myself and submit my application myself rather a law firm do it for me. I just need a lawyer who will help me write a story for humanitarian & compassionate consideration. When I asked the lawyer that if there is any provision for me to submit my application myself but I will hire him to help me write a story and act as a counselor for me, he did not agree to that. So, if you could refer me to a lawyer who will let me submit my application myself, I would agree to work with that lawyer.”

“He is helpful that lawyer has an unbundled service. I was treated with professionalism and respect.”

“We were given information that helped us make a decision!”

“My problem was finding a lawyer, which the interview solved. The lawyer helped resolve my legal problem.”

“Thank you for referring me to the lawyer who offered me a FREE 30 minute consultation over the phone to answer my questions and even offered me more information because of the questions I didn’t think of asking. Therefore I need to find the money to hire the lawyer to represent me. I would have right there on the spot. The lawyer has helped put me at ease.”

In addition, informal referrals to lawyers were made, for example, clients calling from other jurisdictions requiring the services of a Manitoba lawyer. In those cases, we generally gave the client a few names from our Lawyer Referral list or from the *Manitoba Legal Services Directory*. Informal referrals were also provided in situations where the client needed the name of a lawyer who speaks a language other than English, or where the client was advised to see a lawyer but already knew of a lawyer or for some other reason did not want a formal referral.

Referrals were also made to a wide variety of agencies, government departments and Internet resources, **163** in total. This also includes agencies in other jurisdictions. We have a very comprehensive database of law-related and other agencies that we update and add to on a regular basis. The Law Phone-In staff lawyers are very adept at finding appropriate agencies and matching callers accordingly. The top agency referred to was Legal Aid (139), with the Consumer Protection Office in second place (44), Community Financial Counselling Services in third place (36), The Law Society of Manitoba in fourth place (34) and the Employment Standards Branch in fifth place (30). Referrals to Legal Aid included referrals to various offices, including Public Interest Law Centre, the Advocacy Unit, the Brandon office, the Thompson office and the University of Manitoba Legal Clinic.



Appendix 1 – Calls on a Typical Day – September 25, 2017

- J. had been asked to speak to local police about an investigation they were conducting. J. was concerned about being charged.
- L. needed child support for her 2 month old daughter. The father wanted nothing to do with the child and did not want to pay support. L. could not afford a lawyer.
- M. claimed to have pain from an auto accident five years earlier.
- H. wanted to know where to obtain a copy of a certificate of divorce.
- J. was having problems getting transportation costs covered when she accompanied a family member for medical treatment.
- D. was waiting to hear from Legal Aid and had tried every lawyer in his home town.
- R. was concerned about an incident report that implied that he had broken into his sister's residence.
- R. was concerned about stall tactics being employed by the other side.
- S., an American citizen, wanted to consult on immigration questions.
- M. wanted to know what would happen at the next court appearance when setting aside a protection order.
- R. wanted to check on the status of his Legal Aid application for a custody matter.
- C. had a variety of employment law questions.
- S. wanted to know how to apply for summary judgment.
- M. wanted a lawyer who spoke either French or Arabic.
- M. wanted help in preparing for an examination for discovery.
- L. was looking for information for a collaborative lawyer service to finalize a divorce.
- D.'s parents passed away leaving an estate under \$10,000 and her brother has been selling off estate assets and not providing D. with any information.
- R. wanted to know if a lawyer would charge to attend court to obtain an adjournment.
- L. wanted to be referred to a family law lawyer who provides unbundled services.
- D. wanted to divorce her current spouse.
- K. was served with a statement of claim.
- G. was arranging for a lawyer to draft a will for his nephew who is shut in.
- C. wanted the names of lawyers who practice in the area of human rights.
- R. had questions about the date of separation.
- D. felt that Manitoba Hydro owed her money.
- M. wanted to know if there was a cost for a court reporter at an examination for discovery.
- M. was trying to find out if his niece would qualify for Legal Aid for a child support matter.



Appendix 2 – Who Refers Clients to the Law Phone-In & Lawyer Referral Program

311	G	P
A	Grandparent Advisor	Pension Commission
A Woman's Place		POINTTS
Access Health	H	Probate Court
Addictions Foundation	Health Minister	Probate Guide
ADR Chambers		Public Guardian and Trustee
Age & Opportunity	J	Public Interest Law Centre
Altona Firm	Just Ask	
Ashern Lawyer	Justice Minister	Q
Assistant Deputy Minister	Justice of Court of Appeal	Queen's Bench
Auto Injury Appeal Commission	Justice of QB Court	
	Justice of the Peace - Brandon	R
B		RCMP
Brandon Courts	K	RCMP – Steinbach
Brandon Law Firm	Klein Law Office B.C.	Real Estate Agent
Brandon Legal Aid		Real Estate Association
B.C. Lawyer Referral Service	L	Residential Tenancies Branch
	Labour Board	Real Estate Association
C	Law Courts	Residential Tenancies Branch
Canada Revenue Agency	Law Day	
Canadian Mental Health Association	Law Firms	S
Child and Family Services	Law Society of Manitoba	Seniors Guide
Child Daycare Office	Lawyers	Seniors Info Line
Child Support Recalculation Service	Legal Aid	Small Claims Court
City Hall	Legal Help Centre	Small Claims Court - Brandon
City of Winnipeg		Social Worker
Claimant Advisor	M	Social Worker - Concordia
College of Physicians & Surgeons	Maintenance Enforcement Program	Society of Mb. with Disabilities
Community Financial Counselling	Manitoba Hydro	Steinbach Lawyer
Compensation for Victims of Crime	Manitoba Info Line	Swan River Lawyer
Consumer Protection Office	Manitoba Securities Commission	
Continuity Care	Mediation Services	T
Court House	MLAs	Thompson Lawyer
Court House – St. Boniface	Mount Carmel Clinic	
Crown Attorney		U
CTV Appearance	N	Uncontested Divorce Guide
	North End Family Centre	University of MB Law Guide
D		University of MB Student Advisor
Doctor	O	
	Ombudsman	V
E	On-line	Victim Services
Elder Abuse Line		
Employment & Income Assistance		W
Employment Standards		Website
		Welcome Place
F		Wills Presentation
Family Conciliation		Will Week Presentation
Family Justice Resource Centre		Winnipeg Police Services
Family Member		Worker Advisor
Federal Court Registry		Workplace Safety & Health
Friend		Workers Compensation



Appendix 3 – Referrals by Topic

Topic	Total Referrals	Notes
Family Law	513	Includes 32 Child Protection
Civil Court Action	131	
Employment/Labour	83	
Wills	82	
Criminal Law	74	Includes 1 Youth Law
Other	67	*Listed Below
Immigration	35	
Commercial/Corporate/Consumer	14	Commercial - 10/Consumer - 1/ Non-Profit - 3
Real Estate	13	
Autopac	11	
Landlord & Tenant	3	
Debt	2	Bankruptcy
Total:	1,016	
*Other Category		
Medical Malpractice	16	
Disability Insurance	10	
Workers Compensation	10	
Insurance	9	
Municipal Law	6	
Tax Law	4	
Administrative Law	2	
CPP Appeals	2	
Intellectual Property	2	
Human Rights	2	
Intellectual Property	2	
Agricultural Law	1	
Environmental Law	1	

