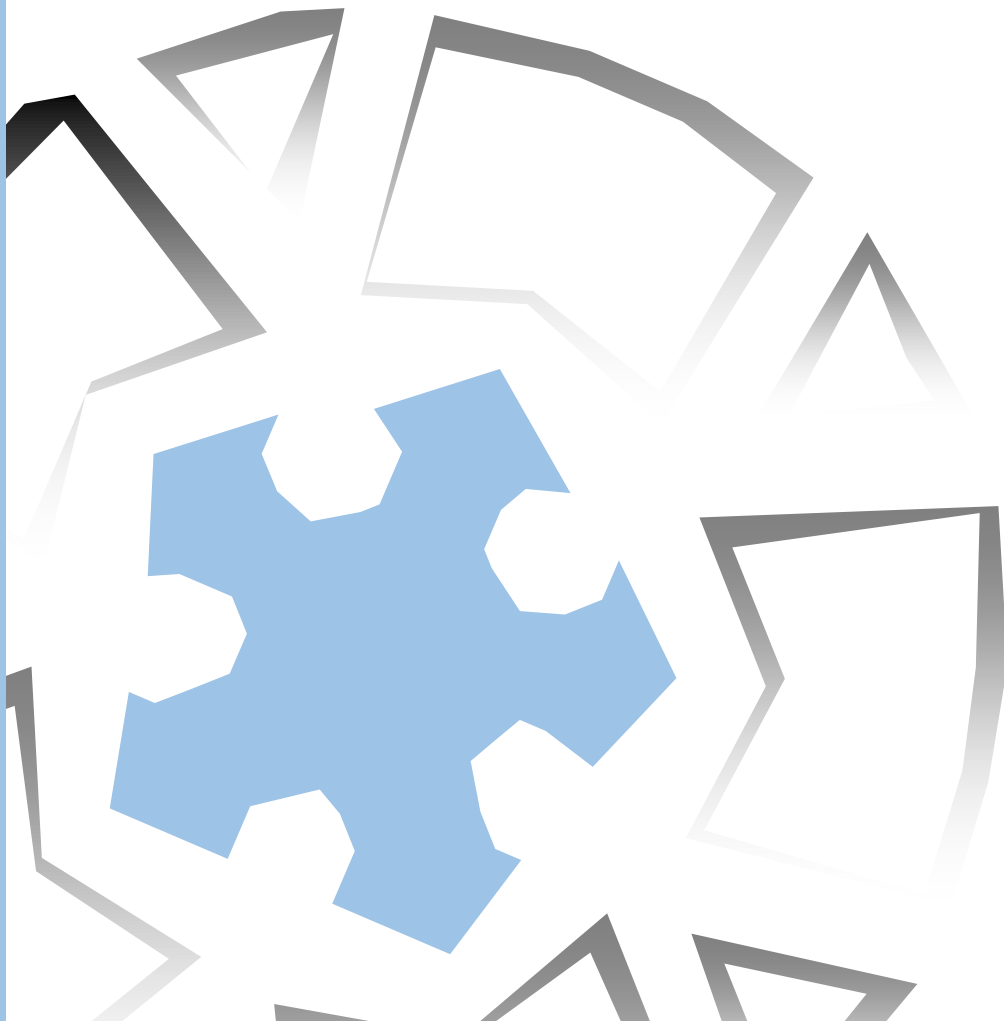


Community Legal Education Association

Law Phone-In & Lawyer Referral Program

2019 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 2019, we sent out CLEA brochures, as well as a 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 2019: Jennifer Dunik, and Charlene Thomas. 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 2018/19 were Jessica Pushka (student lead), Danielle Fulford, Dinoo Gamage, Sara Reznik and Chimwemwe Undi. We would also like to thank Erin Wolfe and Elsa Kaka, University of Manitoba Program Coordinators.

The law students who helped us in 2019/20 were Adele Lee (student lead), Taylor Antonchuk, Morgan Jackson and Andrew McDonald. We would also like to thank Elsa Kaka and Kathleen Hester, University of Manitoba Program Coordinators.

Demographics

A total of **8,443** calls were handled in 2019. This brings our grand total to nearly 400,000 calls (396,973), since the service began in 1975.

75% of our callers were from Winnipeg. The Manitoba calls from outside Winnipeg came from **205** communities all across the province. The following communities generated the most calls: Brandon (260), Steinbach (135), Portage la Prairie (115), Selkirk (78), Thompson (75), Dauphin (55), Winkler (40), The Pas (37), Gimli (34), Morden (27), Virden (21), and Lac du Bonnet (20).

316 calls came from other parts of Canada: British Columbia (64), Alberta (61), Saskatchewan (44), Ontario (106), Quebec (6), New Brunswick (20), Nova Scotia (4), Newfoundland and Labrador (7), The Northwest Territories (1), and the Yukon (1).

There were **62** calls from 16 states in the United States: Arizona, California, Colorado, Florida, Illinois, Maryland, Michigan, Minnesota, Nebraska, Nevada, New Jersey, New York, Oregon, Tennessee, Texas, and Washington.

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.

27 calls were from around the world, many of them via e-mail: Africa, Bangladesh, Belize, Brazil, Egypt, England, Germany, Ghana, Grand Cayman, India, Indonesia, Israel, Mexico, Nigeria, Pakistan, Palestine, Poland, South Africa, and the United Kingdom. Most of these were calls about immigration. Other legal issues in international calls included family law matters or court matters in Manitoba.

Although most of our contacts were telephone calls, there were also **1,332** e-mail information requests.

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, (865 in 2019).

Year	E-mail Information Requests
2019	1,332
2018	1,163
2017	1,209
2016	1,340
2015	1,215
2014	1,259
2013	1,297
2012	1,125

Trends

A number of family law calls in 2019 continued to involve domestic violence and criminal charges. In addition to questions about family law matters such as custody, support, and property, the callers also had questions about bail conditions, protection orders, trials, sentences, and general criminal law procedure.

Inquiries in the area of elder law continued to remain high. Callers had questions about wills, estates, powers of attorney, and health care directives. They also called about disputes over powers of attorney and are seeking information on mediation or court options, committee applications, and involvement of the Public Guardian and Trustee.

Areas of Law

Family Law continued to be the largest category with 2,579 calls received, 35% of completed 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 40% of completed calls.

To appreciate the diversity of the calls, a list of the calls received on a typical day, those received on November 8, 2019, is included as Appendix 1.

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

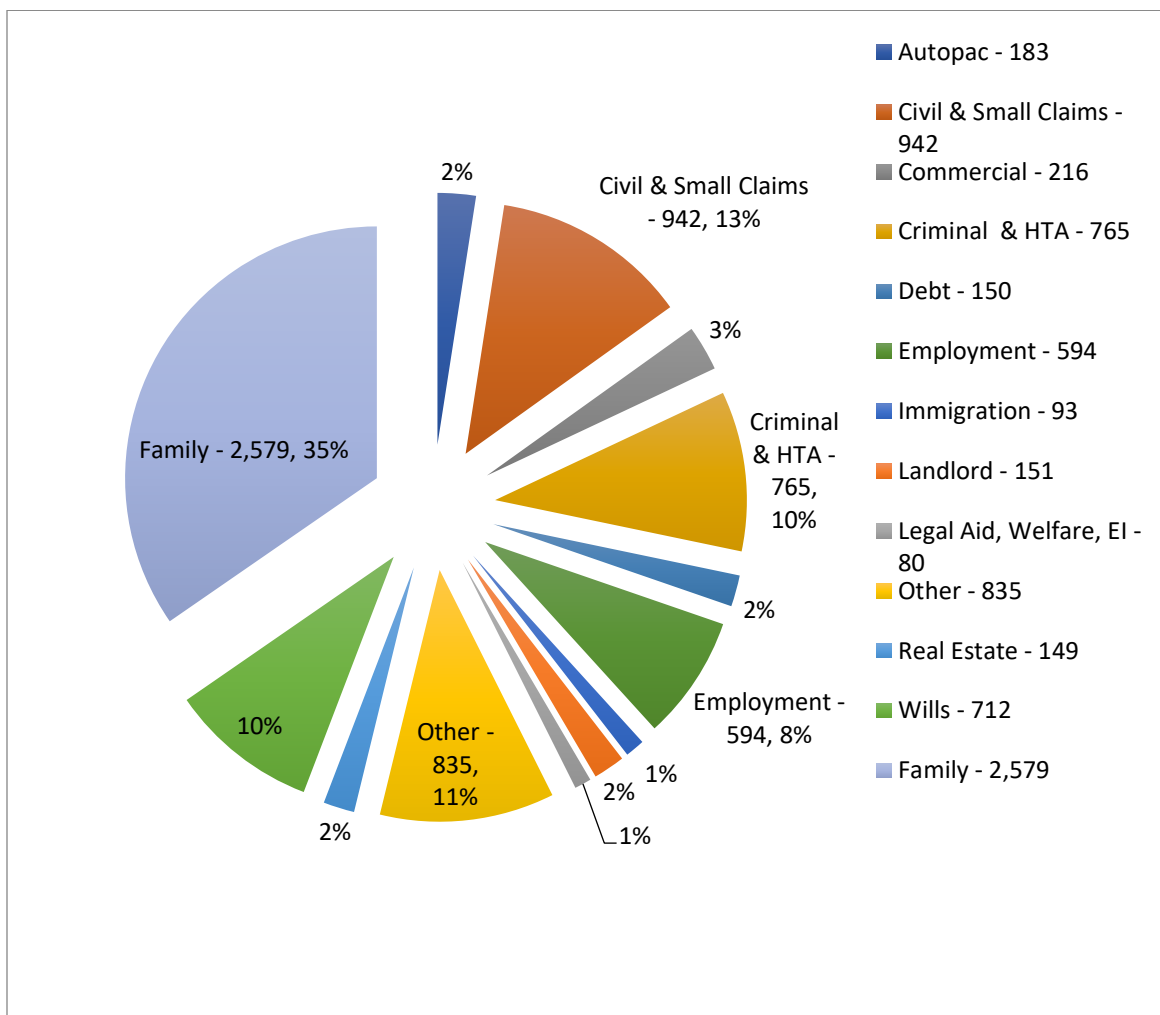
Self-Represented and Unrepresented Litigants

Self-represented litigants comprised 188 of the calls in 2019. Three quarters of these callers were dealing with a family law issue. Additional areas of law included Wills, Civil Litigation, Criminal Law, and Small Claims matters. Often these were repeat callers, calling numerous times for help with their matters.

Who Are They?

Self-represented litigants can be looked at on a continuum. On one end, in the minority, are those that are very sophisticated, have done some research and just need to be pointed in the right direction. On the other end of the continuum, are those who should not be self-

representing under any circumstances. The majority is everyone in between these two extremes. What all of them have in common is the problems 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. 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 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.



How Law Phone-In Helps Self-Represented Litigants

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

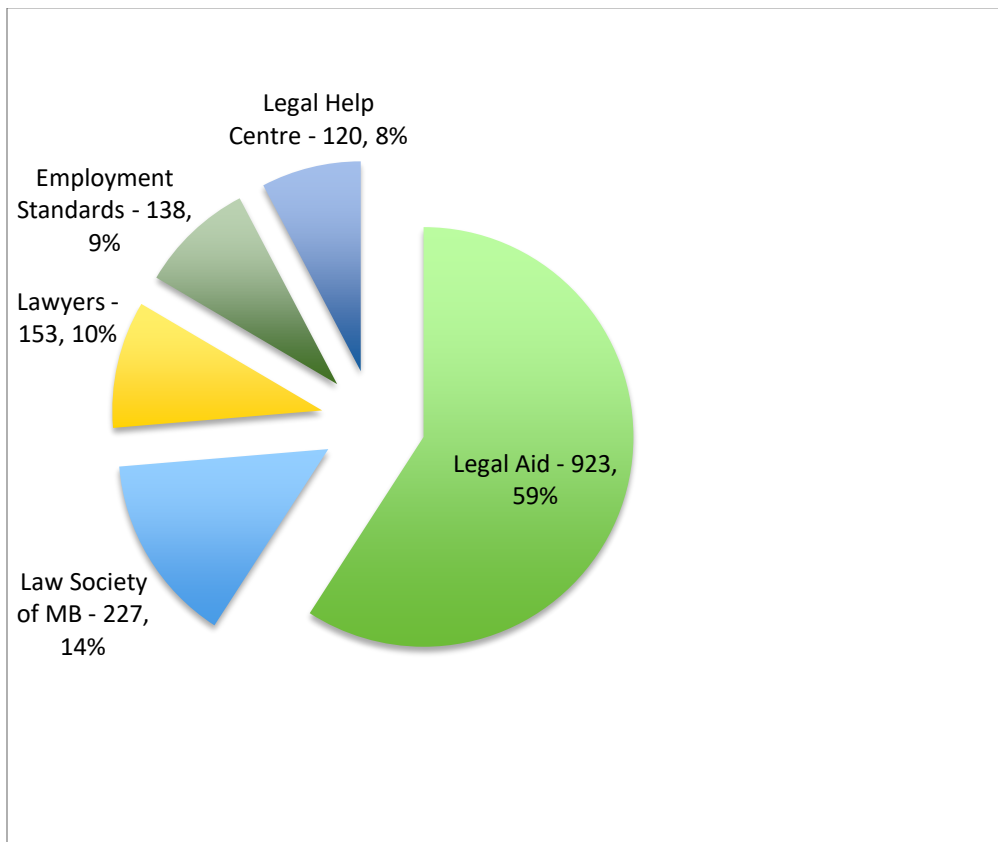
- see what documents have been filed to date,
- provide procedural information on next steps,
- explain how to fill out forms,

- send out precedents, and,
- direct self-represented litigants to case law.

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

Who Refers Clients to the Law Phone-In Program?

In 2019, our records show that we received referrals from **146** different sources: various individuals, lawyers and law firms, MLAs, community agencies, government departments, organizations, businesses, and as a result of being listed in various publications. 1,962 callers identified a referral source. The majority of the calls came from **Legal Aid Manitoba - 923 (including The Public Interest Law Centre, the Brandon, The Pas, and Dauphin Offices), The Law Society of Manitoba – 227, Various lawyers and law firms – 153, Employment Standards – 138, Legal Help Centre - 120, Residential Tenancies Branch – 66, Various Court Offices, including Judges – 63, Labour Board – 31, Manitoba Consumer Protection Office – 21, and various provincial government departments, particularly those under the umbrella of Manitoba Justice.** This information is based on callers self-identifying who referred them. The chart shows the top five referral sources.



Appendix 2 shows who referred calls to Law Phone-In.

Lawyer Referrals

In 2019, **897** referrals were made to lawyers on our Lawyer Referral panel. **109** of these were on a Legal Aid basis. We currently have **147** panel members. Appendix 3 shows the break-down of referrals by topic.

Based on evaluations received, **74%** of clients attended for an office interview or had a telephone interview with the lawyer referred. **15%** of those clients hired the lawyer. An additional **22%** 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 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

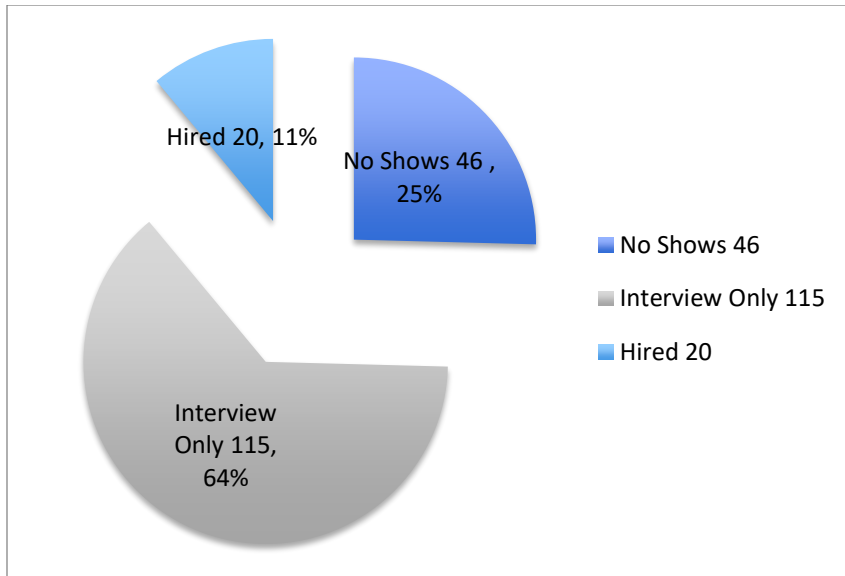
We received a total of **4** evaluations from clients (a **.4%** return rate) and **181** from lawyers (a **20%** return rate).

Lawyer Evaluations

181 evaluation forms were received from lawyers. **135** 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 two minutes to seventy-two. The average length of the interviews was 17 minutes. The length of the office interviews ranged from four minutes to two hours with the average length of interview being 38 minutes. **20** of the lawyers reported being hired. An additional **30** 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

Four evaluations were received from clients. All four reported hiring the lawyer.

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

“Found the referral service online. Google. Incredible! You directed me to the right person!”

“Wow thank you for the incredible advice/info.”

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

“Just wanted to let you know we have been working with A. and has been great! Many thanks for the referral.”

“Pleased with what has developed so far.”

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 our *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, **225** 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 agencies referred to were Legal Aid (274), the Consumer Protection Office (75), Community Financial Counselling Services and The Law Society of Manitoba (43 each), Employment Standards (38) and the Manitoba Ombudsman and A Woman’s Place (33 each).

Appendix 1 – Calls on a Typical Day – November 8, 2019

- L. had a judgment against him in 2012 and was out of time to appeal. He wanted to know if he had any other options.
- V. wanted support for an upcoming teleconference hearing. This was after a common law relationship had ended.
- S. was self-representing in a common law matter and needed information about court process.
- M.'s ex had been stalking her. She found a camera in her home bathroom.
- S. wanted to place a lien against a pontoon boat but does not have the serial number.
- B. was calling for her fiancé who was disputing a liability finding by MPI.
- B.'s daughter was involved in an underage relationship.
- A. wanted to know where she could do title searches.
- J. needed a parenting agreement drafted.
- E. wanted to sue over poor housing conditions.
- S. wanted to know about Small Claims Court and disputing a finding of liability by MPI.
- S. had questions about wording and service of a settlement offer.
- A. wanted to know the difference between joint tenants and tenants in common.
- D. wanted to use form 12E instead of Form 70R.
- H. has until today to respond to an offer by her former employer.
- G. wanted names of Employment Law lawyers in the St. Malo area.
- T. wanted a lawyer to appear with her at an EIA hearing.
- R. felt that someone has committed perjury and wanted to know what could be done.
- M. had questions about a potential civil suit and joint and several liability.
- C. wanted to recover losses from being cut off and then reinstated by WCB.
- G.'s daughter had a Legal Aid lawyer, but the certificate did not cover the property issue.
- M. wanted to know her legal rights as a parent. M. was in a safe house, had some substance abuse issues and had a manipulative spouse.
- X. needed names of B.C. lawyers who practice Insurance Law.
- C. was having problems with an estate being administered by an uncle.
- M. had not received child support since separating from her spouse in July.
- C. was subpoenaed to appear as a witness. She had medical issues and was concerned about having to travel.
- H. requested contact information for the Civilian Review Commission for the RCMP.
- D. was hit by a van 7 months earlier and had questions about his claim with MPI.
- A. needed a referral to a lawyer familiar with Youth Law and firearms offences.
- D. wanted to know how much notice she needed to give before she had someone's car towed off her property.
- C. had questions about day schools that were not federally run.
- P. was charged with DUI in Portage la Prairie and wanted to transfer the matter to Winnipeg.
- G. wanted to know if it was possible to seek punitive damages against a lawyer.

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

311	G	O
	Geriatric Clinician	Ombudsman
A	Government	Online
A Woman's Place	Grandparent Advisor	
Advocate for Children & Youth	Grief Counsellor	P
Alzheimer Society		Probate Guide
ANCR Family	H	Provincial Inquiry
Anti-Fraud Centre	Human Rights Commission	Public Interest Law Centre
Articling Student		Public Trustee
Assembly of Chiefs	J	
	John Howard Society	R
B	Judge	RCMP
Brandon Law Courts		Residential Tenancies Branch
Brandon Police	K	Robson Hall
Brandon Resource Program	Kinship Network	
		S
C	L	Salvation Army
Calgary Referral Program	Labour Board	School Principal
Canadian Border Services	Law Courts	Securities Commission
Canadian Labour Standards	Law Firm	Seniors Guide
Canadian Mental Health Assoc.	Law Society of Manitoba	Service Canada
Child Support Recalculation	Law Society of Ontario	Small Claims Court
City of Winnipeg	Lawyers	Social Worker
Civilian Review of RCMP	Legal Aid	Steinbach Immigrant Centre
Claimant Advisor	Legal Aid Brandon	
Community Financial Counselling	Legal Aid Dauphin	T
Community Unemployed Help	Legal Aid Ontario	Taxpayer's Ombudsman
Consumer Protection	Legal Aid Saskatchewan	Thompson Court Office
CRA	Legal Aid The Pas	Thompson Queen's Bench
Credit Union	Legal Assistant	Thompson Small Claims Court
Crown Attorney's Office	Legal Help Centre	Trustee in Bankruptcy
	Legal Services – Family Law	
D	LERA	U
Divorce Coach Alberta		Uncontested Divorce Guide
	M	University of MB Law Centre
E	Maintenance Enforcement	
EAP	Manitoba Bar Association	V
Elder	Manitoba Childcare Association	Victim Services
Elder Abuse Line	Manitoba Justice	Vital Statistics
Employment Standards	Manitoba Parent Zone	
Epilepsy Association	Manitoba Metis Federation	W
	Mediation Services	Website
F	Medical Examiner	Wills Presentation
Family Conciliation	Mental Health Worker	Winnipeg Police Service
Family Justice Resource Centre	Metis CFS	Winnipeg Public Library
Family Member	Minister of Justice	Women's Resource Centre
First Nations Family Advocate	MLA	Worker Advisor
Former Board Member	Morden Law Courts	
Fort Garry Women's Resource	Movement Centre	
Friend	MP	
Funeral Board	MPI	

Appendix 3 – Referrals by Topic

Topic	Total Referrals	Notes
Family Law	304	Includes 18 Child Protection
Civil Court Action	145	
Employment/Labour	131	
Criminal	87	Includes 3 Youth Law
Wills	75	
Other	63	*Listed Below
Commercial/Corporate/Consumer	36	Commercial - 12/Consumer - 1/ Non-Profit – 7/ Corporate 16
Real Estate	22	
Immigration	15	
Autopac	11	
Landlord & Tenant	4	
Total:	897	
*Other Category		
Insurance	16	
Medical Malpractice	14	
Disability Insurance	10	
Workers Compensation	7	
Municipal Law	6	
Intellectual Property	4	
Administrative Law	3	
CPP Appeals	2	
Human Rights	2	
Securities Law	1	
Welfare Law	1	