



**Community Legal
Education Association**



**Newsletter
Winter 2020**

President's Message

CLEA's Mission Statement

“Unknown Rights Are Not Rights at All”

CLEA is a charitable organization that provides legal information to Manitobans. We believe that legal knowledge is necessary for full and equal participation in our society. CLEA develops programs and resources especially to work with communities where there are understood needs. These services help individuals better understand our legal system and how to resolve their legal issues.

CLEA Staff

Mary Troszko, Executive Director
Jennifer Dunik, Law Phone-In
Lawyer
Charlene Thomas, Law Phone-In
Lawyer
Brittney Fehr, Workplace Sexual
Harassment Hotline Lawyer
Brendon Yarish, Legal Writer
Victoria Weir, Program Coordinator

Board of Directors

Stacey Soldier, President
Sarah Thurmeier, Vice-President
Brandin Stoesz, Treasurer
Stacia Franz, Secretary
Mary-Ellen Wayne
Melanie Beaudry
Gabriel Chung
Eldene Spencer
Melissa Serbin
Carson Chen

Dear Friends,

The Board, together with CLEA's staff, continues to further our work in providing timely information and resources to those who contact our office.

Covid-19 has brought great challenges but has provided opportunity for CLEA staff to find innovative ways to continue to serve Manitobans and ensure that our mandate is met. They have gone above and beyond in these difficult times.

To the members of the law community who volunteer their services and our various funding partners who continue to support CLEA's endeavours, the Board and I express deepest gratitude.

On behalf of the Board and staff of CLEA, I wish you all the best that the up-coming holiday season can offer as we continue to look forward to serving the community through CLEA.

Sincerely, Stacey Soldier

If you would like to support our work, you have several options:

- **Cheque or money order payable to Community Legal Education Association**
- **Donate online through CanadaHelps at www.communitylegal.mb.ca**
- **Current or past government of Manitoba employees can donate through the All Charities Campaign (catalogue #C226)**

Community Legal Education Association

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Email: info@communitylegal.mb.ca Website: <https://www.communitylegal.mb.ca>

New Board Members

Carson Chen

As a business representative of a Manitoba-based food distributor, Carson is in charge of over 100 food services accounts such as restaurants and grocery stores. He earned his Bachelor of Business Administration degree from The University of Winnipeg in 2015. He has a passion for serving the community through volunteerism. Carson is experienced in maintaining client relationships, self-motivated in researching and analyzing financial reports of public companies, and is excited to contribute his knowledge and skills to the CLEA Board.

Melissa Serbin

Melissa Serbin is a Senior Crown Attorney with the Manitoba Prosecution Service, where she currently acts as the Community Prosecutor. Prior to joining the Crown in 2009, she worked at Brodsky & Company, a defence firm in Winnipeg, MB. She has practiced in the area of criminal law exclusively, and has represented the Crown at all levels of Court in Manitoba.

She has a Bachelor of Commerce Honours degree from the University of Manitoba, I.H. Asper School of Business and a Juris Doctor from the University of Toronto, Faculty of Law. She also completed a comparative criminal law program at the University of Edinburgh, School of Law in Scotland, UK.

Throughout her career as a Prosecutor, Melissa has administered cases for the General Prosecutions Trial Unit, the Winnipeg Auto Theft Suppression Strategy, the Gang Response and Suppression Plan, the Youth Prosecutions Unit and the Intensive Case Assessment Process Unit. She also has lectured extensively and has created a multitude of workshops and seminars for the Manitoba Prosecution Service, the Winnipeg Police Service, the RCMP, the Public Prosecution Service of Canada, Manitoba Corrections, and other justice system participants.

Melissa has a passion for legal education. She has been a Learning Group Facilitator for the Canadian Centre for Professional Legal Education, a lecturer for the Senate of Canada Ethics Office, and is a sessional instructor for the U of Manitoba, Faculty of Law's Intensive Criminal Law course. In 2019, she developed a seminar, with CLEA President Stacey Soldier, for lawyers and students focusing on Indigenous people and the criminal justice system.

We welcomed new board members Carson Chen and Melissa Serbin and also said good-bye to Lia Gervino and Darren Grunau. We wish Lia and Darren all the best and thank them for their support of CLEA.

Criminal Law Misconceptions

The police cannot enter my home without a warrant - While it is generally true that police cannot enter your home without a warrant, there are some exceptions—for example, if they you invite them into the home, if they believe someone inside is in danger, or if they are in “hot pursuit” of someone they have the authority to arrest.

I have the right to have a lawyer present when the police question me - In Canada, you have the right to speak to a lawyer for advice when you are arrested. However, there is no constitutional right to have a lawyer actually present with you for a police interview. The police must give you an opportunity to speak to counsel in a timely manner, but most of the time a phone call will suffice. In some cases, more than a phone call may be necessary for adequate assistance (for example, if you are hearing impaired). The police might also allow in-person consultation with a lawyer if your charges are very serious (e.g., murder), but they are still unlikely to allow your lawyer to be present while they question you.

Youth have additional rights when being questioned by police. Any formal statement to police must be made with a lawyer present and a parent or other adult present, unless the youth wishes otherwise and waives this right.

My youth criminal record will be sealed once I turn eighteen -This is not necessarily true. The *Youth Criminal Justice Act* requires that youth records be sealed or destroyed after an access period, but the length of the access period varies depending on factors such as the nature of the offence and the sentence given.

The access period for a youth criminal record can be as short as two months (for an acquittal, withdrawn charge, or a guilty finding with a reprimand), or as long as five years after the completion of a sentence (for an indictable offence). If the youth receives an adult sentence for an offence, or commits another offence while the access period for an earlier offence is still open, the record will be treated as an adult record. For a few serious offences like murder and aggravated sexual assault, the record can be retained indefinitely.

Law Phone-In & Lawyer Referral Program

7,345 people have **called** or **e-mailed** the Law Phone-In Program from January 1 until the end of November.

Covid-19 resulted in additional calls to the Law Phone-In Program on employment and labour-related matters. People are being terminated or laid off and need to know what to do next. We fielded inquiries about government programs, aid, and restrictions, information requests on rapidly changing court process and accessibility, custody and access concerns, travel-related inquiries, and options for the drafting of wills, powers of attorney, and health care directives.

We also saw an increase this year of family calls involving domestic violence and criminal charges. In addition to questions about family law matters such as custody, support, and property, callers also needed information on shelters, income assistance, bail conditions, protection orders, trials, sentences, and general criminal law procedure.

We have doubled the number of e-mails from last year. So far this year we have responded to **2,324 e-mail inquiries** vs. 1,237 last year over the same period of time.

<p>Employment and Labour Inquiries – 672 (2020) 528 (2019) Family Law Inquiries - 2,449 (2020) vs. 2,386 (2019) Family Violence – 55 (2020) vs. 44 (2019) Civil Litigation (including Small Claims) - 981 (2020) vs. 874 (2019) Self-represented Litigants – 243 (2020) vs. 175 (2019)</p>

Website Updates and New Materials

This has been a busy year for us, and we have been hard at work updating some of our existing materials and creating new ones, including updating our Family Law publications in light of the pending *Divorce Act* changes.

Early in the year, we created a Sexual Harassment in the Workplace brochure to accompany our new Workplace Sexual Harassment hotline. We updated our Employment Law brochure, and created a new PowerPoint presentation about Employment Law. We also made some minor updates to our Human Rights leaflet, Child Protection brochure, and Criminal Law and Procedure guide.

We updated and added to our website's FAQ section, and reorganized it in a way that makes it easier to navigate. When the first COVID-19 lockdown happened in March, we decided to create a COVID-19 FAQ section, containing information about public health orders, available government financial assistance, court closures, and other matters. Our FAQ page currently has 575 general questions, and an additional 73 about COVID-19.

In the summer, we updated and expanded the Criminal Law lesson plans section of our website, adding seven new case summaries and creating nine lesson modules: Arrest, Bail, Criminal Offences, Search and Seizure, Sentencing, Trials, Parole, Record Suspensions, and Criminal Records. We have also created a bail exercise that will allow students to play the roles of prosecution and defence in a bail scenario.

We updated our print Small Claims Guide, as well as our Overview of Civil Cases video, in response to changes to the Small Claims process that came into effect in July.

Current projects we are working on include:

- Creating a brief introduction to the legal system, including information about court structure, statute vs. common law, and precedent.
- Creating a guide to legal research for self-represented litigants.

<p>Don't Forget to Renew Your Membership!</p>
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Workplace Sexual Harassment Project

CLEA's Workplace Sexual Harassment project (WSH) was launched in January 2020. The WSH project, funded by Justice Canada, allows people to quickly connect with a lawyer and discuss legal options after experiencing harassment in the workplace. Individuals can speak with CLEA's staff lawyer either by calling the Workplace Sexual Harassment Hotline: [1-877-226-4366](tel:1-877-226-4366) or by emailing: sexualharassmenthelp@communitylegal.mb.ca

The hotline allows callers to connect with a lawyer immediately and without having to leave their name or contact information; whereas the email address enables people to seek legal information outside of regular business hours.

Many callers use this service as a first contact when considering whether they should advance a complaint, others contact the WSH lawyer several times during their complaint process for additional information or support. When appropriate, we refer the callers to the lawyers on our Lawyer Referral Panel for additional legal services. CLEA plans to expand the WSH project and encourages lawyers to contact us if they are interested in joining on our Lawyer Referral Panel for referrals on Human Rights issues.

The WSH project has been gaining momentum since its launch. Between January 1st, to the end of November, CLEA's staff lawyers have assisted 672 individuals with employment issues; 92 of these involved sexual harassment in the workplace or were received through our WSH hotline and email.

Building on the growing interest in our Workplace Sexual Harassment hotline, we are pleased to commence the workshop phase of our project. We will be leading workshops across Manitoba beginning in January 2021 and continuing until the spring of 2024. Due to the ongoing pandemic, we anticipate that many of these workshops will be delivered online. We have started to build connections with interested organizations in Winnipeg and in communities across Manitoba. We have also created a brochure to promote the project, which we will continue to circulate in the new year.

Annual Law Conference

Our annual Law Conference will be held at the end of February.

This year's conference will be a virtual conference.

The topic will be Employment Law.

Community Legal Intermediary Training Course (CLI)

Our next webinar series will start in February.

Topics will include: Immigration, Privacy, Landlord & Tenant, Copyright, Debtor & Creditor Rights, Small Business Law

Speakers Bureau and Community Legal Intermediary Training Courses (CLI)

As a result of COVID-19 we have not been able to arrange in-person presentations. However, we are able to arrange virtual presentations. Contact us at [204-943-2382](tel:204-943-2382) or info@communitylegal.mb.ca to arrange a presentation.

We have also successfully transitioned our CLI course into a webinar series. In the new year we will be arranging another series of webinars on a different set of topics.

A Special Thank You to the Following:

Core Funders:

- Department of Justice Canada
- The Manitoba Law Foundation
- The Law Society of Manitoba

Project Funder:

Justice Canada
Canadian Family Justice Fund
Sexual Harassment in the Workplace
Justice Partnership and Innovation Program

Our partners: Winnipeg Public Library, Pro Bono Students Canada, and AJEFM
All of our members, donors, volunteers and supporters