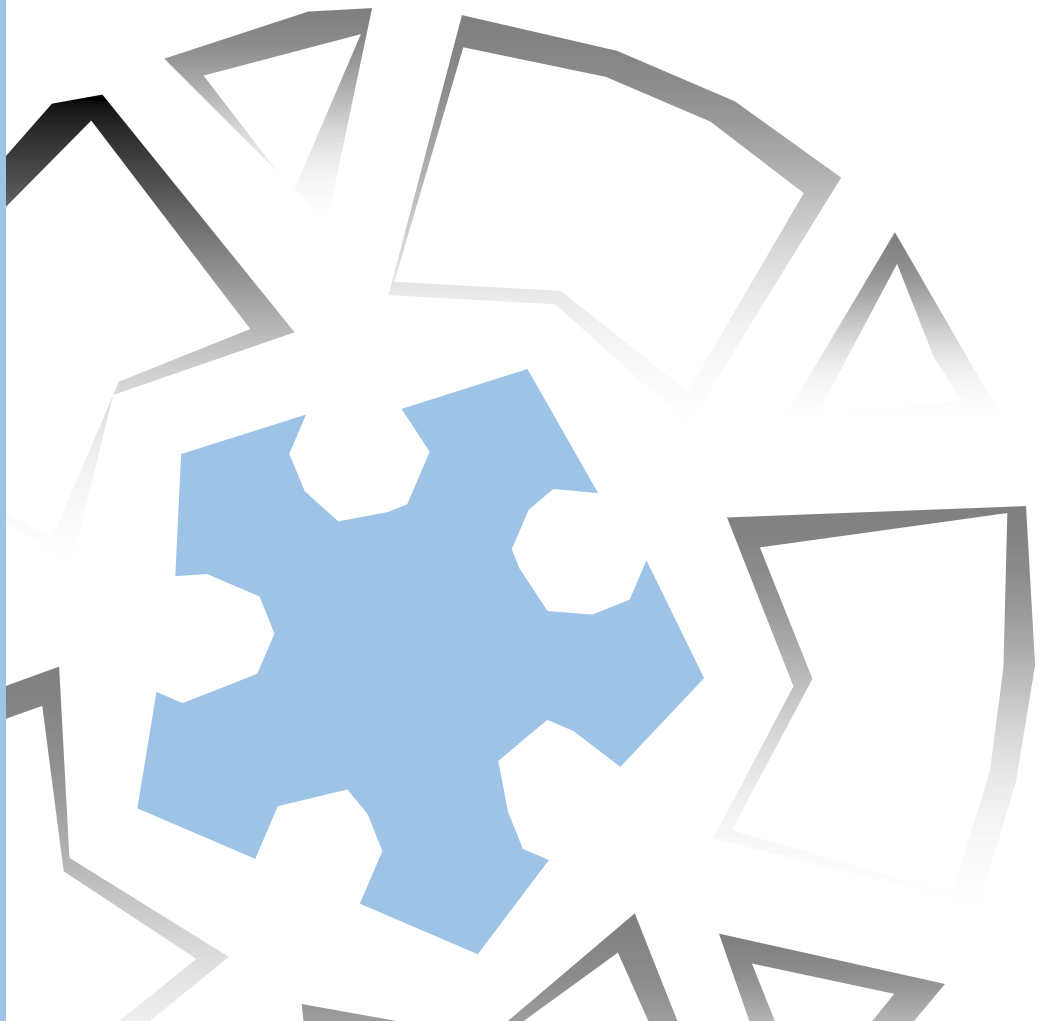


Law Phone-In & Lawyer Referral Program

2021 Report



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 2021, 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. Members of the public are able to reach the Program on two Winnipeg phone lines, one province-wide toll-free line, and by e-mail. 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, 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.

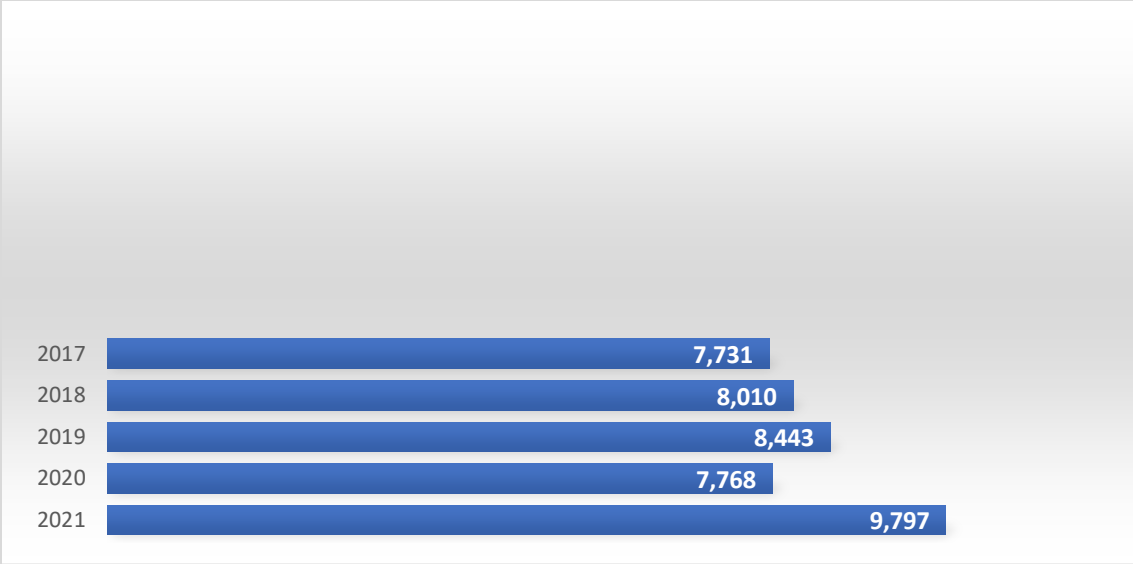
Personnel

Two lawyers staffed the Law Phone-In and Lawyer Referral Program in 2021: 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.

Demographics

A total of **9,641** calls were handled in 2021. (That's a 20% increase over 2020). This brings our grand total to over **414,000** calls (414,382), since the service began in 1975. The chart on the next page shows the calls in the past five years.





73.4% of our callers were from Winnipeg. The Manitoba calls from outside Winnipeg came from **200** communities all across the province, from Alexander to Zhoda. The table shows communities that generated the most calls.

| City or Town | Number of Calls/emails |
|--------------------|------------------------|
| Beausejour | 20 |
| Teulon | 20 |
| Headingley | 22 |
| Neepawa | 23 |
| Oakbank | 24 |
| Gimli | 37 |
| Winkler | 37 |
| Dauphin | 60 |
| The Pas | 69 |
| Portage la Prairie | 86 |
| Selkirk | 125 |
| Thompson | 126 |
| Steinbach | 241 |
| Brandon | 279 |

467 calls came from other parts of Canada: British Columbia (74), Alberta (141), Saskatchewan (76), Ontario (144), Quebec (16), New Brunswick (6), Nova Scotia (4), Newfoundland & Labrador (1), Northwest Territories (1), and the Yukon (1).

There were **53** calls from 20 states in the United States: Alabama, Arizona, California, Colorado, Georgia, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New York, North Dakota, Ohio, Oregon, Texas, Vermont, 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.



39 calls were from around the world: Algeria, Asia, Australia, Chile, Costa Rica, Ecuador, Egypt, France, India, Jamaica, Japan, Kazakhstan, Mexico, New Zealand, Nigeria, Russia, Saudi Arabia, South Vietnam, Singapore, and the United Kingdom. Legal issues in international calls included immigration, family law matters, estate matters, employment law, or court matters in Manitoba.

Although most of our contacts were telephone calls, there were also 3,032 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, (1,034 in 2021).

Trends

There were many inquiries on behalf of family members whose competence is in question or will be in the coming years. Many of these inquiries involved elderly family members who were being taken advantage of or financially abused.

There have been more harassment calls, both between neighbours and in general. Often individuals facing harassment go to the police, but the police do not take them seriously and refuse to assist. There have been more calls about interpersonal aggression and reports of the police being uninterested in intervening.

Many calls are from incarcerated individuals: from Milner Ridge Correctional Centre, Headingley Correctional Centre, the Winnipeg Remand Centre, and other facilities around the province. Federal inmates also call on a regular basis. Individuals placed in mental facilities on an involuntary basis also call regularly as well as those who have been formerly incarcerated in such facilities seeking redress for issues experienced there.

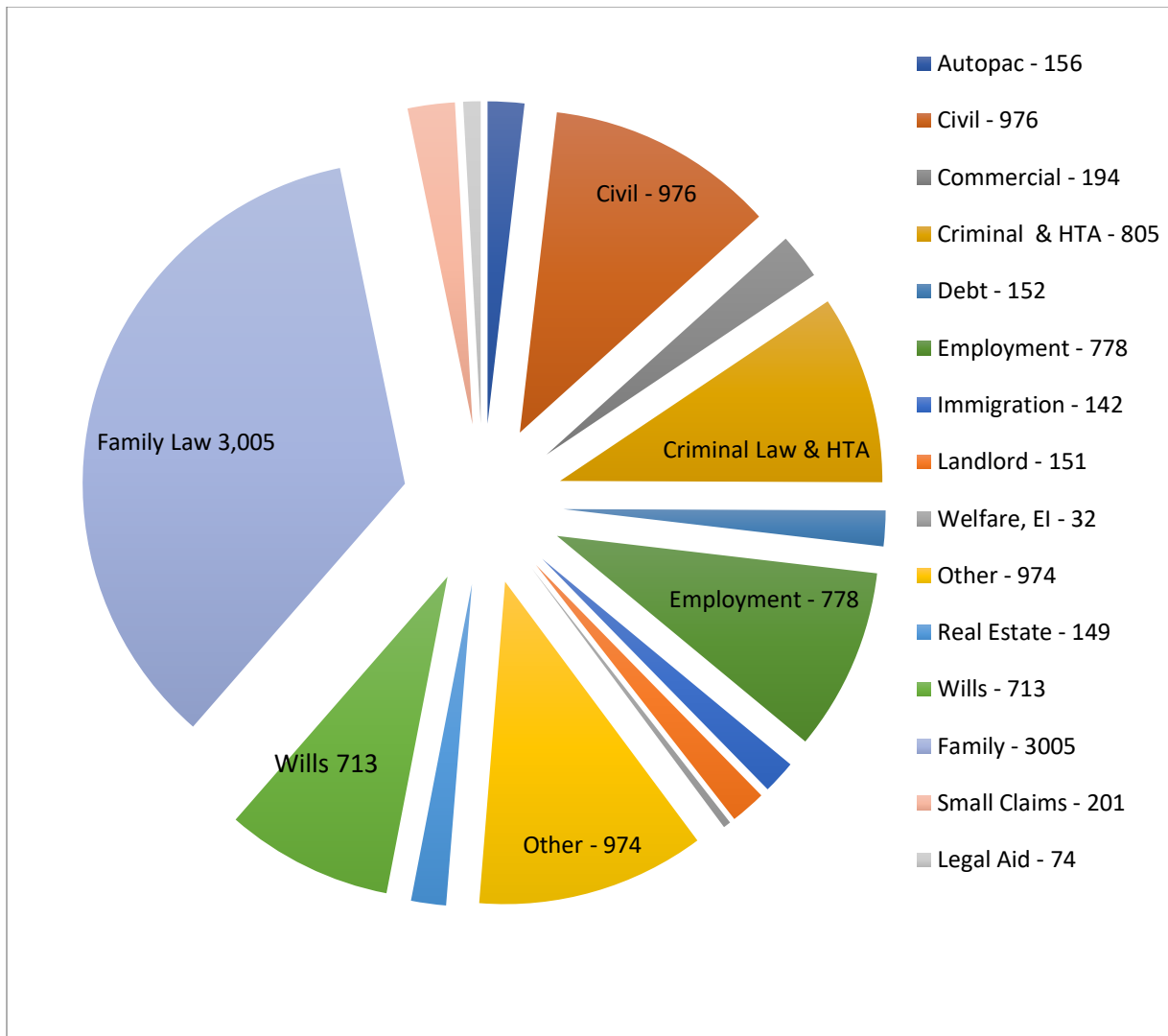
Areas of Law

Family law continued to be the largest category with 3,005 calls received, 34% of completed calls. Civil litigation and Small Claims calls made up 13% of calls, Wills and Estates made up 10.5% and Employment Law and Criminal Law and Highway Traffic made up another 9% each.

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

To appreciate the diversity of the calls, a list of the calls received on a typical day, those received on September 15, 2021, is included as Appendix 1.





Completed Calls by Topic

Self-Represented and Unrepresented Litigants

The number of inquiries from self-represented litigants continue to grow (188 in 2019, 253 in 2020 and 377 in 2021). Most of these calls dealt with a family law or a civil litigation issue. Some of the calls dealt with wills, criminal law and employment law. 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, from the minority, who are very sophisticated, have done some research and just need to be pointed in the right direction to those who should not be self-representing under any circumstances. The majority are everyone who falls in between these two extremes. What all of them have in common are 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 often need a crash course in law. They often have no appreciation of the complexity of the law, no understanding of legal terminology, 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. All of these things must be explained to them in a way they can understand.

They are often self-representing because they have no choice. They've either run out of funds or never had the funds in the first place.

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 Small Claims Court 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?

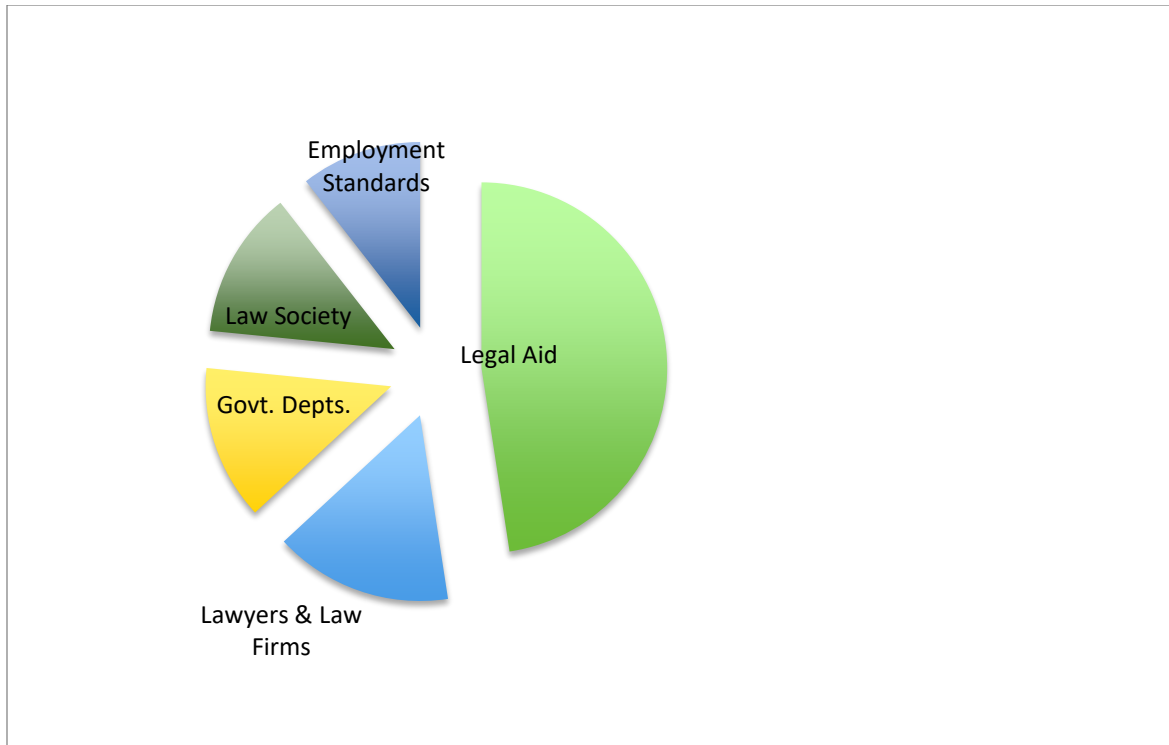
In 2021, our records show that we received referrals from 194 different sources: various individuals, lawyers and law firms, MLAs, community agencies, government departments, organizations, businesses, and as a result of being listed in various publications. The majority of the referrals came from Legal Aid Manitoba – 650, various lawyers and law firms - 212, various provincial government departments (particularly those under the umbrella of Manitoba Justice) - 184, The Law Society of Manitoba - 176, Employment Standards Branch – 144, Legal Help Centre – 116, Various Court Offices, including judges and registrars - 87, Residential Tenancies Branch – 46, and Manitoba Consumer Protection Office – 37. This information is based on callers self-identifying who referred them. 2,820 of the callers identified a referral source.

The chart on the next page shows the top five referral sources for 2021.

Lawyer Referrals

In 2021, we made **1,043** referrals to one of the 132 lawyers on our Lawyer Referral panel. **102** of these were on a Legal Aid basis. Appendix 2 shows the break-down of referrals by topic.





5 Top Referral Sources

Based on evaluations received, **77%** of clients attended for an office interview or had a telephone interview with the lawyer referred. **18%** of those clients hired the lawyer or likely would hire the lawyer. (**32%** 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 than twice as 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 only one evaluation from a client and **142** from lawyers (a **13.6%** return rate).

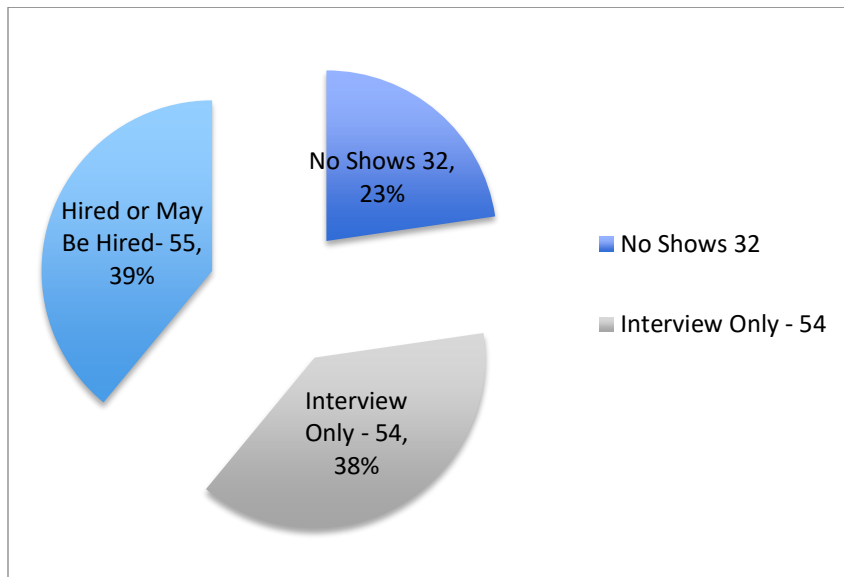
Lawyer Evaluations

142 evaluation forms were received from lawyers. **109** 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 three minutes to 50 minutes. The average length of the interviews was 21 minutes. The length of the office interviews ranged from three minutes to one hour with the average length of interview being 31 minutes. **20** of the lawyers reported being hired. An additional **35** 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 depicts what the lawyers told us in their evaluations.



Client Evaluations

We only received one evaluation from a client who emailed: "Thank you for your kindness to be my advocates to this point that I received the acknowledgement from S. Oh my! This is the final piece that I could rest a bit! Thank you for all your effort to help me through this challenging dateline. (sic)"

Informal Referrals

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 given 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 to Agencies

Part of providing an effective service is knowing what service or combination of services to provide. Does the person need legal information or summary advice? Do they need a referral to a lawyer for possible representation? Is there an agency or service that they can be referred to? That involves knowing or learning about those various services in order to make the appropriate referral. Last year, the lawyers who staff the Law Phone-In Program referred clients to 209 agencies, government departments or other resources.



Appendix 1 – Calls on a Typical Day – September 15, 2021

- J. is a B.C. truck driver who was being sued in Small Claims Court in Manitoba.
- M. was having a problem with his student visa.
- R. wanted to buy a copy of our *Uncontested Divorce Guide*.
- P. wanted to report marriage fraud to Canada Border Services.
- K. was having a problem with MPI.
- C. wanted to write up a binding cohabitation agreement on her own.
- N. wanted information about copyright.
- C. needed help in drafting family law documents.
- A. felt she was tricked by a car dealership.
- D. needed a referral to a criminal defence lawyer.
- N. needed a referral to a human rights lawyer for an adjudication.
- T.'s daughter was fired from her job and was being defamed as well.
- J. needed help with applying for Administration of her husband's estate.
- A.'s landlord filed a small claim against her and her roommate.
- T. wanted to know how to calculate probate fees.
- P. needed to apply for Legal Aid.
- P. wanted to appeal Workers Compensation's decision.
- A. received a phone call from the RCMP saying that they have two warrants for him.
- M. will not use her phone because she thinks her sister put something on it.
- A. is having a problem with a debt collector.
- M. needed information about Small Claims Court - where to sue, amounts that can be claimed, the burden of proof etc.
- G. felt she was being discriminated against by her employer because she will not get the COVID vaccine.
- P. was having a problem with his employer who had recently mandated vaccination and P. has been advised by his doctor not to get the vaccine.
- R. was not happy with the judge who is hearing her case.
- A. had custody issues with an abusive partner.
- A. and her boyfriend were both charged with assault and they want to have the charges dropped.
- J. had an interim order that needed to be changed.
- D. was calling on behalf of his wife who is the executor and sole beneficiary of a relative's estate. A person claiming to be the deceased's common law partner has surfaced.
- C. was wondering if she had a claim after being hospitalized after an accident with a scooter.
- S. was calling about possible elder abuse. This was about her father who was possibly being abused by his partner's son.
- L. wanted to know what happens when someone passes away without a will. L.'s father was passing away and they could not find the will.
- B. was having an issue with the builder who built the house they had purchased in 2020.



Appendix 2 – Referrals by Topic

| Topic | Total Referrals | Notes |
|-------------------------------|-----------------|--|
| Family Law | 413 | Includes 10 Child Protection |
| Employment / Labour | 143 | |
| Civil Court Action | 136 | |
| Criminal Law | 114 | Includes 5 Youth Law |
| Wills | 91 | |
| Other | 57 | *Listed Below |
| Immigration | 35 | |
| Commercial/Corporate/Consumer | 21 | Commercial - 4, Corporate - 16, Corporate - Charity - 1 |
| Real Estate | 13 | Includes 2 Condominium and 1 Rent to Own |
| Autopac | 7 | |
| Landlord & Tenant | 6 | |
| | | |
| Total: | 1043 | |
| | | |
| *Other Category | | |
| Workers Compensation | 22 | |
| Insurance | 8 | |
| Disability Insurance | 8 | |
| Medical Malpractice | 8 | |
| Municipal Law | 4 | |
| Human Rights | 2 | |
| Professional Governance | 2 | |
| Intellectual Property | 1 | |
| Residential School Claim | 1 | |
| Small Claims | 1 | |

