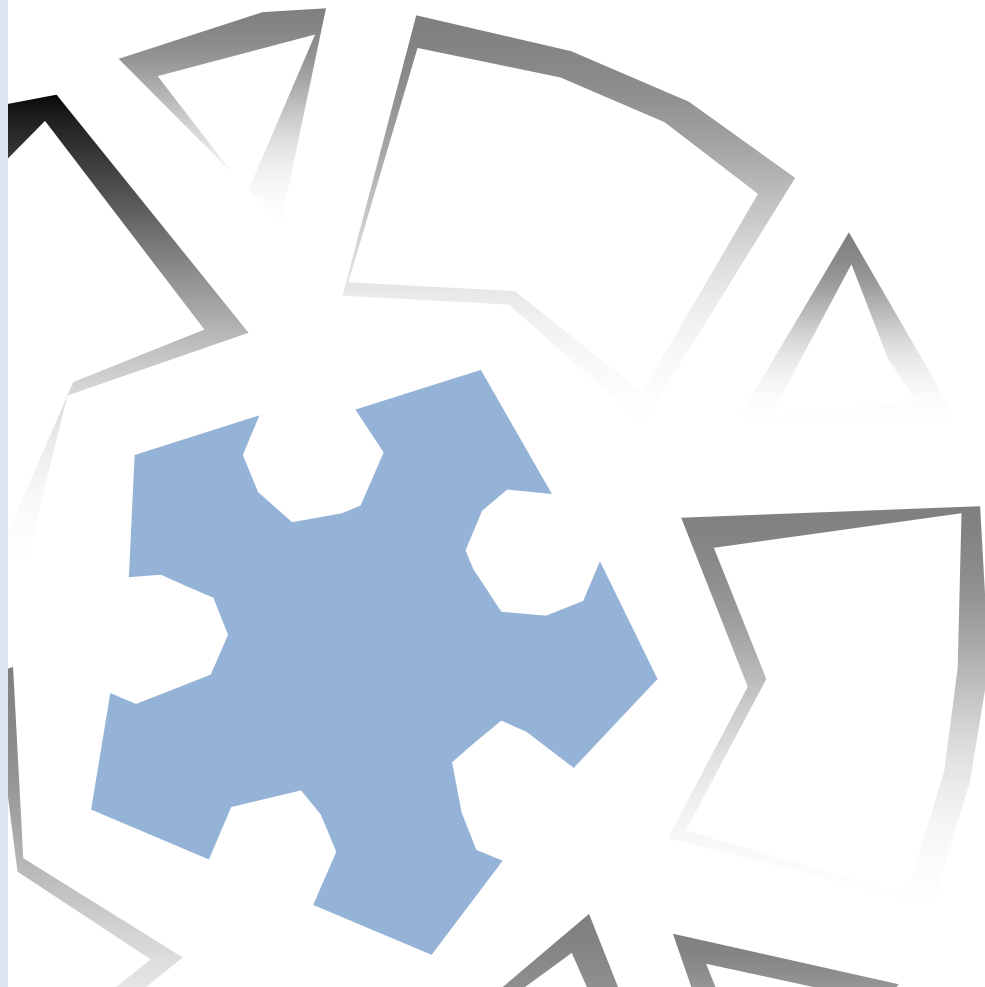


Law Phone-In & Lawyer Referral Program

2014 Report



Introduction

The Law Phone-In & Lawyer Referral Program has been a program of Community Legal Education Association since 1987. The program began in 1975. The Law Society of Manitoba and the Manitoba Law Foundation fund the program. Two lawyers staff the service: Jennifer Dunik and Sean Young. Mary Troszko, the Executive Director of Community Legal Education Association, acts as the supervisor of the service.

We provide 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.

Often callers are sent written information to augment the verbal information provided to them. In 2014 we sent out 165 pieces of information, including 21 *Uncontested Divorce Guides*, 34 CLEA brochures, 20 *Legal Tips for Single Parents*, 20 *Employment Information for Manitoba Employees*, 19 *Family Law in Manitoba*, as well as precedents, excerpts of legislation, cases and legal forms (22).

A total of **6,276** calls were handled in 2014. This brings our grand total to almost 360,000 calls (359, 824), since the service began in 1975.

1,249 of the calls in 2014 were referrals to lawyers listed with the Lawyer Referral Service. Appendix 1 shows the breakdown of referrals by topic.

In 2014 callers were referred to **113** various law-related and other agencies. This also includes referrals to websites and to agencies in other jurisdictions. We have a very comprehensive database of law-related and other agencies that we 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 (57), with Employment Standards in second place (32) and the Consumer Protection Office in third place (19). Referrals to Legal Aid included various offices including Public Interest Law Centre, the Poverty Law Office and the University of Manitoba Clinic.

Self-Represented and Unrepresented Litigants

Who Are They?

Primarily the self-represented and unrepresented litigants that contact Law Phone-In are either people who had lawyers, but because of the high cost of litigation can no longer afford their lawyers, or, they are people who cannot afford a lawyer from the beginning. A small number of them are people who have had a bad experience with lawyers and no longer trust them. Some cannot hire a lawyer because they are in a remote area of the province or they are in jail. Another group would prefer to hire a lawyer, but being self-

represented in and of itself prevents this. They have contacted lawyers who have declined to take their case sensing that the file is a mess or that this will be a difficult client, or both.

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

Lawyers staff the Law Phone-In Program. The Court Registry and court rules and forms are available on-line, therefore, the 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.

We have 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.

Appendix 2 provides a summary of the kinds of questions asked by self-represented litigants during the course of a month.

Trends

In terms of trends, there has been a noticeable increase in calls on child protection, from 79 in 2013 to 93 in 2014. An additional 191 calls involved some mention of Child and Family Services even though the main focus of the call was not child protection. These calls may have been classified as family law, criminal law, or employment insurance. Calls on wills have also increased from 416 in 2013 to 488 in 2014. A greater number of these callers also had questions about powers of attorney and committeeship. There were more inquiries about general insurance matters, including employment insurance, in which we received no calls solely on that issue in 2013 but in 2014 received 7 inquiries. Family law, criminal law, and landlord and tenant calls also have increased in 2014, while general civil litigation calls have decreased. The number of inquiries from unrepresented litigants continues to increase. These callers need more resources and take more staff time.

Who Refers Clients to the Law Phone-In Program?

In 2014, our records show that we received referrals from **110** different sources: various individual contacts, lawyers and law firms, MLA's and MP's, community agencies, government departments, organizations, businesses, and as a result of being listed in various publications. The majority of the calls came from **Employment Standards, Legal Aid, Legal Help Centre, The Law Society of Manitoba, the Manitoba Labour Board, and various provincial government departments, particularly those under the umbrella of Manitoba Justice, including Court Offices (Small Claims and Queen's Bench)**. This information is based on callers self-identifying who referred them. Appendix 3 provides a list of who referred clients (minus individuals).

The number of email requests remains quite high, 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, (507) in 2014.

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 12 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 2014: Jennifer Dunik, and Sean Young. Jennifer was called to the Bar in 2002 after articling with Taylor McCaffrey LLP. She joined Law Phone-In in August of 2002. Sean Young received his Call to the Bar in 2011. He articulated at Legal Aid Manitoba and joined Law Phone-In in November of 2011.

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 2013/14 were Alyssa Mymko (Supervisor), Jessica Davenport, Evan Amabilee, Nihar Kaushal, Jonathan Avey, Zachary Kinahan, and Devin Wehrle. We would also like to thank Katie Haig-Anderson and Leah Klassen, University of Manitoba Program Coordinators.

The law students who helped us in 2014/15 were Sam Thomson (student lead), Evan Amabile, Amrita Sidhu, Paul Geisler, Omri Plotnik, Sharu Ratnajoathy and Adam Myers. We would also like to thank Julia Ryckman and Anna Solmundson, University of Manitoba Program Coordinators.

Demographics

56% of our callers were female.

74% of our callers were from Winnipeg. The Manitoba calls from outside Winnipeg came from **204** communities all across the province. The following communities generated the most calls: Brandon (187), Steinbach (84), Selkirk (65), Portage la Prairie (61), Thompson (48), The Pas (35), Dauphin (34), Gimli (26), Winkler (25) Woodlands (22) and Flin Flon (20).

There were also **316** calls from outside Manitoba. **237** calls came from other parts of Canada: British Columbia (66), Alberta (56), Saskatchewan (17), Ontario (82), Quebec (10), Nova Scotia (2), New Brunswick (2), Northwest Territories (2), The Yukon (1).

There were **59** calls from 21 states in the United States: Arizona, California, Connecticut, Georgia, Idaho, Illinois, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Tennessee, Texas, Washington, Washington D.C., Wisconsin, and Wyoming.

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

20 calls were from around the world: Australia, Brazil, Germany, India, Nigeria, Pakistan, the United Kingdom and West Africa. The legal issues in these international calls were primarily in the area of Immigration Law. 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 **1,259** e-mail information requests, **6** faxes, both to and from callers, and **86** walk-in clients (even though we do not have the facilities to offer drop-in services).

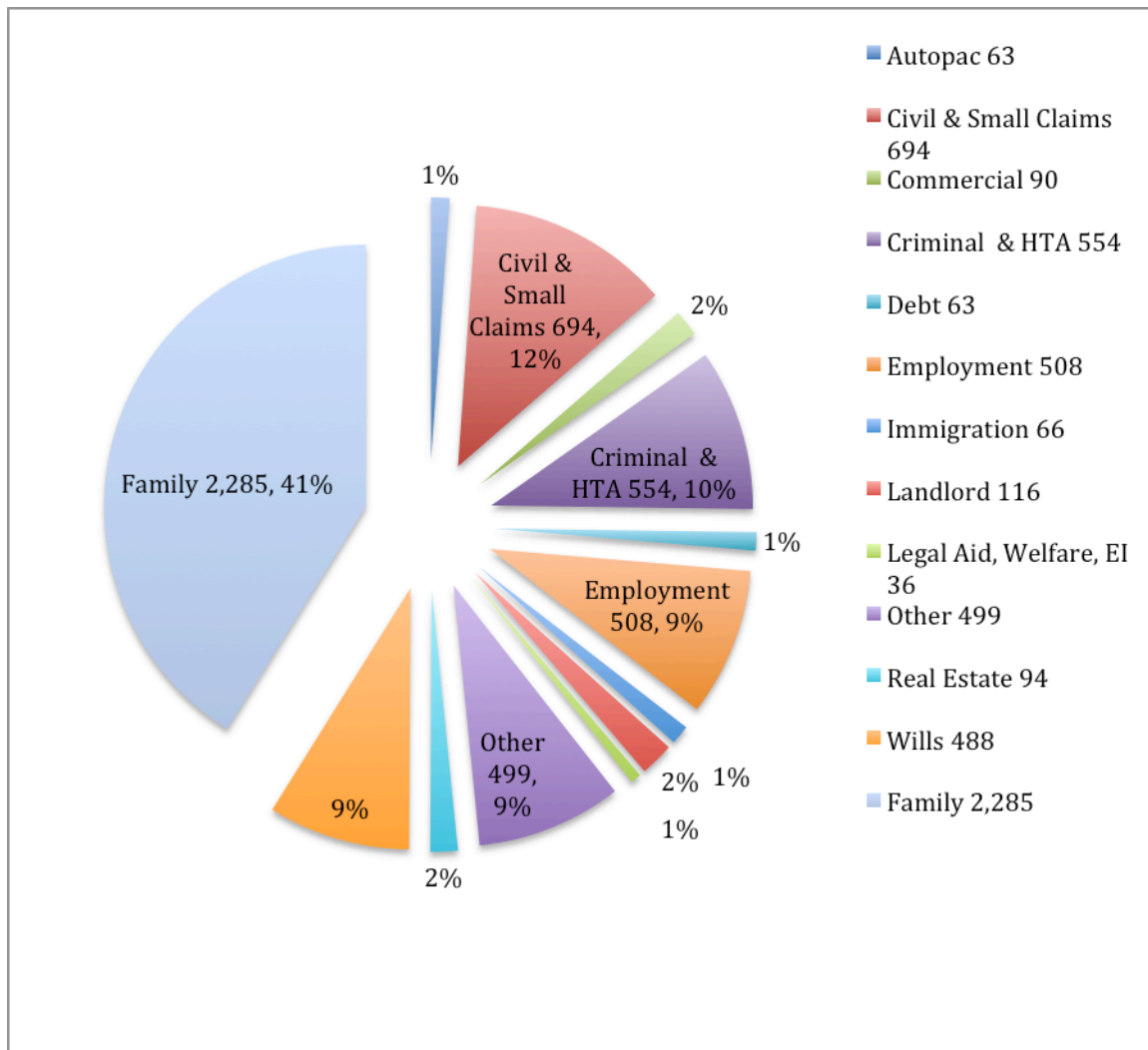
Areas of Law

Family Law continues to be the largest category with 2,285 calls received, over 36% of total calls. There are 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 third of total calls.

To appreciate the diversity of the calls, a list of the calls received on a typical day, those received on May 1, 2014, is included as Appendix 4.

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



Lawyer Referrals

In 2014, **1,249** referrals were made to lawyers, **127** of these were on a Legal Aid basis. We received 350 evaluation forms from lawyers (a 28% return rate).

Based on evaluations received, **84.6%** of clients attended for an office interview or had a telephone interview with the lawyer referred. **14.5%** of those clients hired the lawyer. A further **23%** 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 almost ten times more likely to be hired. Many of these clients likely would not otherwise have gone to see a lawyer, let alone hired one.

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 the 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, **113** in total.

We currently have **133** panel members. That number has remained very consistent over the years.

Lawyer Referral Evaluations

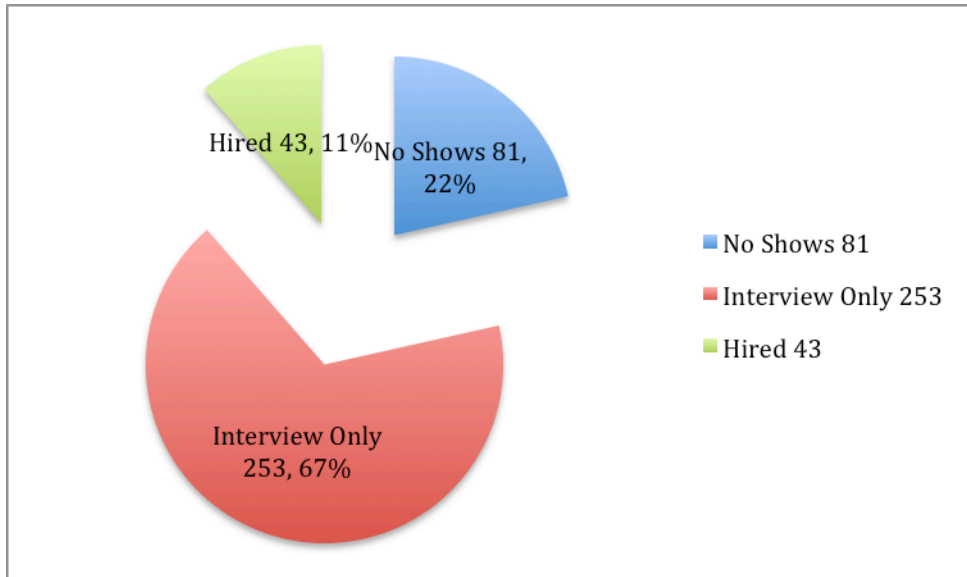
We received a total of **28** evaluations from clients (a **2.2%** return rate) and **350** from lawyers (a **28%** return rate).

Lawyer Evaluations

350 evaluation forms were received from lawyers. **296** 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 60 minutes. The average length of the interviews was 17 minutes. The length of the office interviews ranged from 10 minutes to 90 minutes with the average length of interview being 40 minutes. **43** of the lawyers reported being hired. An additional **69** 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 comments about the client's case. Often it is difficult for us to gauge a case based on the client's initial phone call to us. 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

Twenty-eight evaluations were received from clients. Nine of the clients reported hiring the lawyer. An additional six were not sure or were going to hire the lawyer in the future. Most were happy with the service. Nineteen said they would use the lawyer referred again, if the need arose.

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

"Thank you. Very much appreciated."

"Thank you for your service. It was helpful."

"I appreciate this service as I was able to obtain the information I was seeking in a timely manner."

"Thank you for all the attention given to me."

Comments about the lawyers:

"Lawyer was knowledgeable and informative and personable."

"This was a much appreciated meeting. Received much information and lots to think about."

"I could not afford the price."

"Went with Age & Opportunity."

“Very helpful in decision making/advised actions to take to handle situation with my first concern being personal interests.”

“Obtaining a legal opinion is always very helpful. Thank you.”

“Thank you for the referral. I am very pleased and satisfied with the interview! Excellent service!!”

“Lawyer was very productive in our meeting and I’m looking into the options she gave me at the meeting and I will get back to her.”

“He referred me to another lawyer in another province who was not helpful, just wanted a retainer first.”

“I was very pleased with lawyer’s knowledge.”

“I found the lawyer to be calm and collected, which made me comfortable, not nervous and able to comprehend.”

Appendix 1 - Referrals by Topic

Topic	Total Referrals	Notes
Family Law	522	Includes 36 Child Protection
Employment/Labour	177	
Civil Court Action	135	
Wills & Estates	110	
Criminal Law	112	Includes 3 Youth
Other	97	*Listed Below
Real Estate	24	
Autopac	23	
Immigration	21	
Commercial/Corporate/Consumer	14	
Landlord & Tenant	8	
Debt	8	Bankruptcy
Totals	1249	
*Other Category		
Medical Malpractice	37	
Taxation	14	
Insurance	11	
Workers Compensation	10	
Disability Insurance	9	
Human Rights	4	
Administrative Law	3	
Agriculture Law	3	
Aboriginal Law	2	
Franchise	1	
Intellectual Property	1	
Municipal Law	1	
Securities Law	1	

Appendix 2 – A sample of questions for one month from self-represented litigants

Small Claims

- How do you start a claim in Small Claims Court?
- How much court costs can you claim?
- How do you enforce a judgment once obtained?

Family

- How do you know when your CDR certificate has come in?
- Can you use hearsay evidence in your affidavit?
- What are the steps involved in an uncontested divorce?
- Where do you get the forms for an uncontested divorce?
- What do the entries in the court registry mean?
- If a divorce petition was filed but not proceeded with for over 2 years, do you have to start over?
- Under what circumstances do you file a reply to an answer?
- What constitutes a material change in circumstances?
- What forms need to be filed to vary child support?
- Questions about matters that can be dealt with in a Notice of Motion.
- Questions about filing and service.

Civil

- How do you serve the documents once they are filed?
- Questions dealing with security for costs.
- How do you respond to allegations of abuse of process?
- Where do you direct complaints about a judge's conduct?
- What is the standard of review for a civil case being appealed to the Court of Appeal?
- What do you include in the factum when appealing a case to the Court of Appeal?

Wills

- How do you draft a Power of Attorney and a Healthcare Directive, if you cannot afford a lawyer?
- Questions on looking after a small estate, under \$10,000.
- Where do you list a truck in the inventory of assets?

Appendix 3 – Who Refers Clients to the Law Phone-In & Lawyer Referral Program

A

A Woman's Place
Access Copyright
Age & Opportunity
Alberta Employment Standards
Alberta Lawyer Referral Service
Alberta lawyer

B

bank manager
Better Business Bureau
Blue Cross counselor
B.C. Lawyer Referral Service

C

caller
Canadian Bar Association
Canadian Mental Health Association
Child & Family Services
child protection law office
Community Financial Counselling
Consumer Protection Office
Court of Queen's Bench
crisis shelter

E

Employment Standards Branch
Evans Family Law

F

Family Conciliation
Family Law Access Centre
Family Law Branch
Family Law in Manitoba
Fillmore Riley, LLP
Fort Garry Women's Resource Centre
Free Press Club lawyer
friend

G

Gimli Women's Resource Centre
Government of Canada website
Government of Manitoba
Grandparent Advisor

H

Human Rights Commission

I

Insurance company
internet

K

Kekinan

L

Labour and Immigration
Law Courts
Law Courts website
Law Day
law firm
Law Society of Manitoba
Legal Aid Brandon
Legal Aid Dauphin
Legal Aid Manitoba
Legal Aid Thompson
Legal Help Centre
library presentation

M

Maintenance Enforcement
Manitoba Bar Association
Manitoba Courts
MB Govt. website
MB Housing Services
MB Human Rights Commission
Manitoba Labour Board
Manitoba Public Insurance
Manitoba Seniors Guide
Minister Marcelino's office
Massage Therapy Association
Mediation Services
Men's Resource Centre

O

Office of the Manitoba Fairness Commissioner
Ombudsman

P

phone book
Province of Manitoba
Public Guardian & Trustee
Public Interest Law Centre

R

RCMP
real estate agent
Residential School Adjudication Secretariat
Residential Tenancies Branch
Residential Tenancies Commission

S

Safety Aid Manitoba
Seniors Directorate
Seniors Line
Service Canada
Small Claims Office
SOCAN
Social Assistance case worker
social worker

T

Taylor McCaffrey, LLP

V

Victim Services

W

website
MLA Matt Wiebe's office
Wilder Wilder & Langtry
Winnipeg 311
Winnipeg law office
Winnipeg Police Service
Winnipeg Public Library
Worker Advisor Office
Workers Compensation Board

Y

Yellow Pages

Appendix 4 – Calls on a Typical Day – May 1, 2014

- 1) B. wanted to know if he does a motion to expunge, can he just file the motion or does he have to go through all the paragraphs to determine what is to be expunged?
- 2) D.'s Hydro bill was in the ex-spouse's name. Hydro would not release information. The bill is in arrears and Hydro is threatening to cut off power.
- 3) R.'s employer was sending inappropriate text messages.
- 4) A dog bit M.'s daughter.
- 5) D.'s employer is not letting him know when or whether he can come back to work.
- 6) G. runs a business and was accused of taking money from a client. The Crown is offering a plea bargain.
- 7) K.'s child was apprehended by CFS. K. feels he is getting the run around.
- 8) Y. wanted to know if his commercial landlord could increase his rent X% in one year?
- 9) I. was injured when a cupboard fell on her in a store.
- 10) A. wanted to know about a notice and attending court.
- 11) T. bought a car that she returned when she could not make the payments. Several years later she was contacted by a lawyer and threatened with a lawsuit.
- 12) S. is in arrears in maintenance payments and believes the child is not his.
- 13) B. wanted to know what other relief to ask for in his Notice of Motion to Expunge?
- 14) M. is being garnished even though the ex-spouse has opted out of the Maintenance Enforcement Program.
- 15) L. was served with papers indicating CFS was applying for a permanent order of guardianship.
- 16) B. was having problems collecting money for work he had performed.
- 17) V. was caught shoplifting. Although charges were not laid, V. wanted to know if there were any possible repercussions regarding travel and shopping in that store.

- 18) K. was having a dispute with her employer about personal expenses she put on the employer's credit card.
- 19) M. wanted information about an improper notice to vacate.
- 20) S. wanted to know about variation of child support when a child is over 18 and no longer in school.
- 21) B. wanted the names of lawyers who deal with municipal law.
- 22) A. wanted to file for divorce. The spouse is not contesting and there are no children.
- 23) A. wanted a lawyer for a family matter – divorce, custody and child support.
- 24) C. was asked to waive rights to various pensions as part of a family property settlement.
- 25) J. and her spouse co-signed a loan and now wants to sue the individual they co-signed for to get their money back.
- 26) D. wanted an opinion on the presentation he planned to make in court regarding security for costs.
- 27) G. wanted to know if there is any legislation regulating how an EIA Fair Practices Officer performs their duties and if they find the EIA staff person has not treated the EIA recipient fairly is there any type of disciplinary action that can be taken?
- 28) S. wanted to know what happens on a first appearance on a criminal matter.
- 29) What form does S. need in order to submit a T4 Slip in a family court matter?
- 30) S. wanted to know how get Maintenance Enforcement to back off until after the matter goes to Court?
- 31) V. wanted to know if she could be sued as a result of being caught shoplifting?