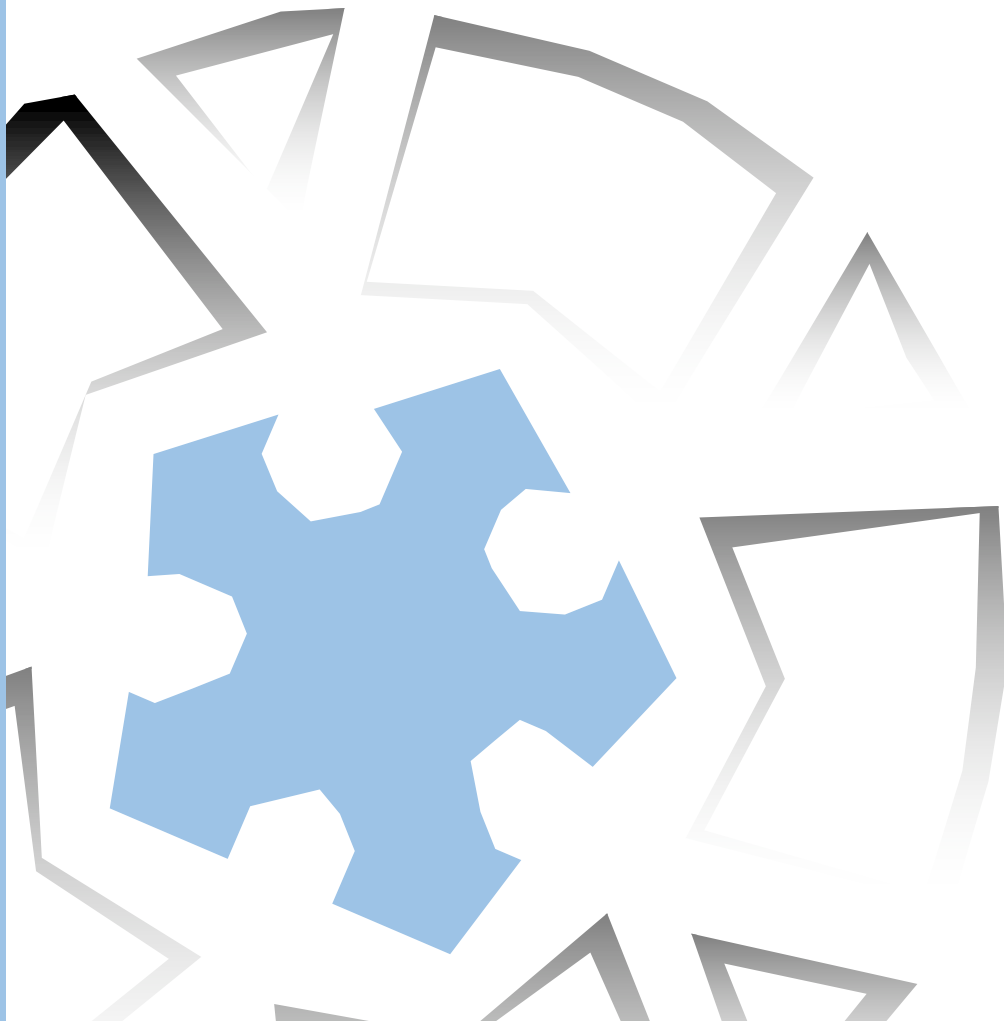


Community Legal Education Association

# Law Phone-In & Lawyer Referral Program

## 2018 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 2018, 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 2018: 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 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.

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.

## **Demographics**

A total of **8,010** calls were handled in 2018. This brings our grand total to over 388,000 calls (388,530), since the service began in 1975.

**55%** of our callers were female.

**76%** of our callers were from Winnipeg. The Manitoba calls from outside Winnipeg came from **215** communities all across the province. The following communities generated the most calls: Brandon (278), Steinbach (140), Portage la Prairie (108), Selkirk (68), Dauphin (44), Thompson (42), The Pas (31), Morden (30), Ste. Anne (27), Winkler (26), Ashern (26), Gimli (24), Lac du Bonnet (23), and Beausejour (21).

**301** calls came from other parts of Canada: British Columbia (55), Alberta (89), Saskatchewan (34), Ontario (74), Quebec (106), New Brunswick (6), Nova Scotia (3), Newfoundland and Labrador (21), The Northwest Territories (2), and the Yukon (1).

There were **51** calls from 19 states in the United States: Alabama, Alaska, Arizona, California, Colorado, Florida, Kansas, Massachusetts, Michigan, Minnesota, New York, North Dakota, Ohio, Pennsylvania, Texas, Utah, Virginia, Washington, and Washington D.C.

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.

**31** calls were from around the world: Africa, Bogota, Germany, Honduras, India, Ireland, Japan, Lebanon, Mexico, New Zealand, Nepal, Nigeria, Pakistan, Poland, Russia, Thailand, and the United Kingdom. Most of these were calls about Immigration. Other legal issues included MPI, child support issues in Manitoba, estate matters in Manitoba and divorce where the spouse was living in Manitoba.

Although most of our contacts were telephone calls, there were also **1,163** 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, (845 in 2018).

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

## **Trends**

In terms of trends, there is a noticeable increase in the number of Family Law calls that involved a criminal element (domestic abuse, breach of a court order, protection orders). There was an increase in Small Claims Court calls and Consumer Protection calls. The number of Employment Law calls continues to be fairly high. Calls in the area of elder law continue to rise every year. Elder law includes wills and estate planning, powers of attorney and committeeships.

## **Areas of Law**

Family Law continued to be the largest category with 2,538 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 October 18, 2018, is included as Appendix 1.

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

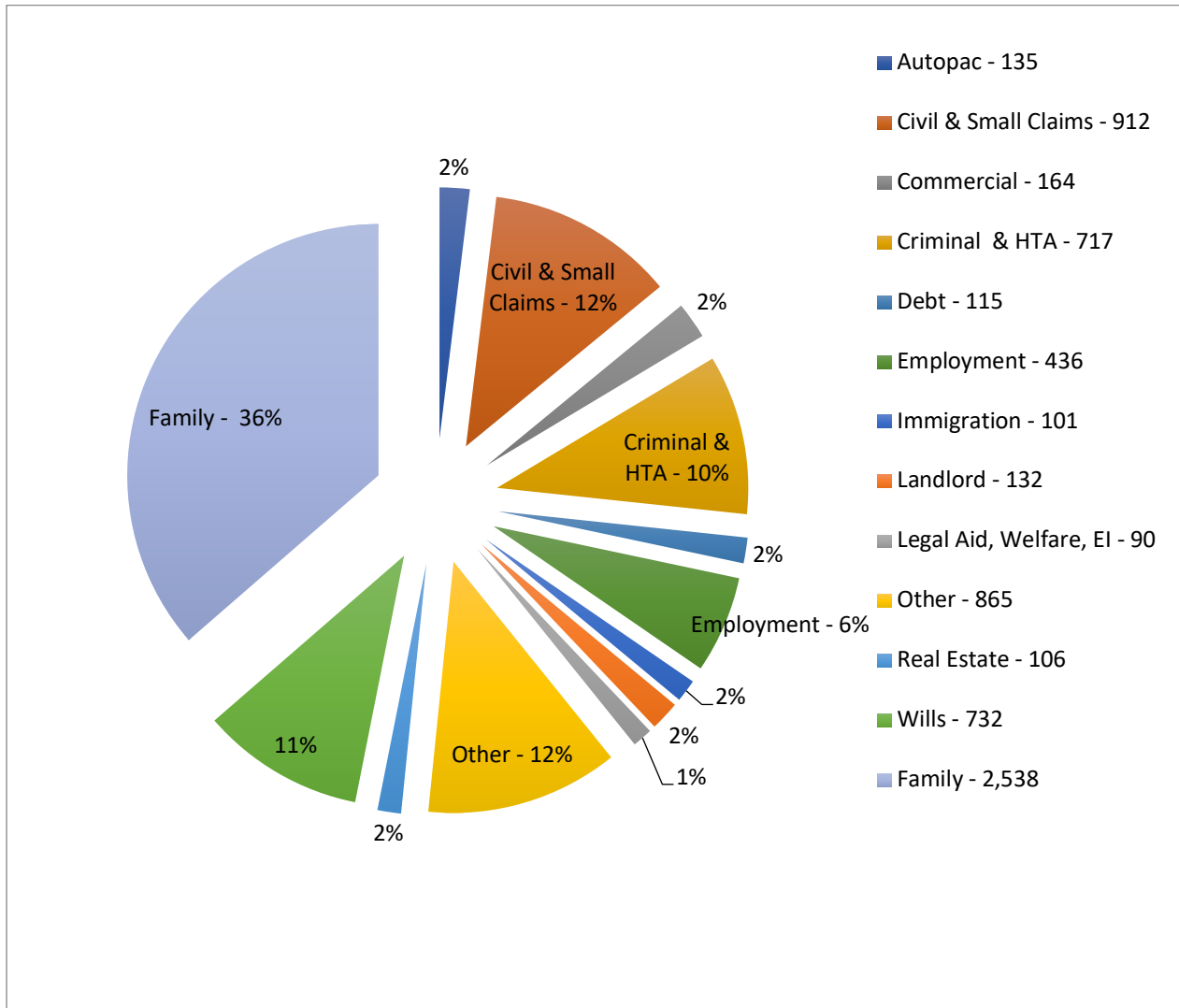
## **Self-Represented and Unrepresented Litigants**

Self-represented litigants comprised 269 of the calls in 2018. 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 who falls in between these two extremes. What all of them have in common is the problems they encounter. 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*

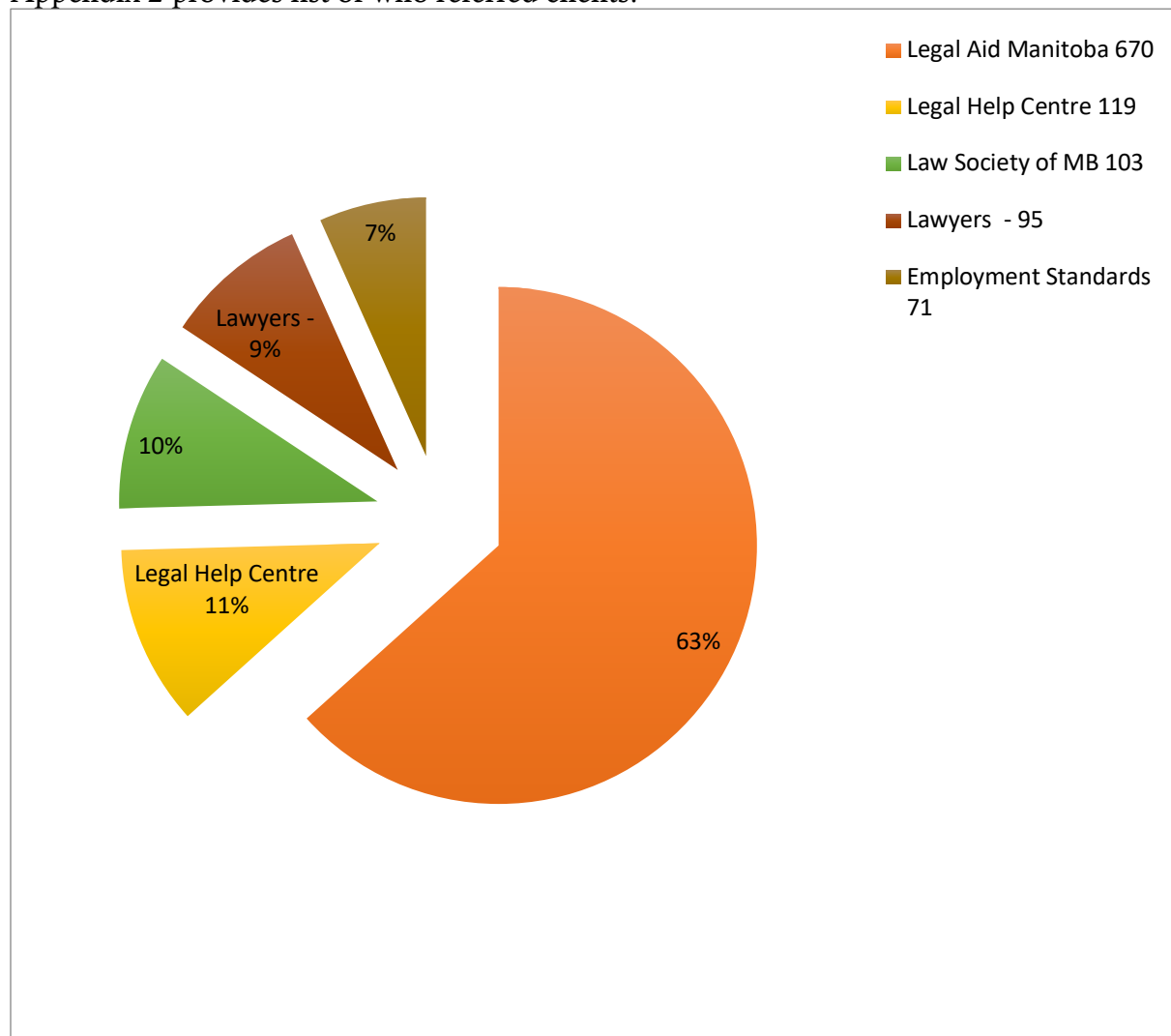
Since the Court Registry and court rules and forms are available on-line, the Law Phone-In staff lawyers can often:

- 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 2018, our records show that we received referrals from **113** 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. 2,199 callers identified a referral source. The majority of the calls came from **Legal Aid Manitoba - 670 (including The Public Interest Law Centre, the Brandon, Thompson, and Dauphin Offices)**, **Legal Help Centre - 119**, **The Law Society of Manitoba - 103**, **Various lawyers and law firms – 95**, **Employment Standards - 71**, **Residential Tenancies Branch – 53**, **Manitoba Consumer Protection Office – 32**, **Labour Board – 24**, **Various Court Offices, including Judges and Justices - 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. The chart shows the top five referral sources. Appendix 2 provides list of who referred clients.



## **Lawyer Referrals**

In 2018, **962** referrals were made to lawyers on our Lawyer Referral panel. **159** of these were on a Legal Aid basis. We currently have **157** panel members. Appendix 3 shows the break-down of referrals by topic.

Based on evaluations received, **87%** of clients attended for an office interview or had a telephone interview with the lawyer referred. **21.5%** of those clients hired the lawyer or possibly would hire the lawyer. (**13%** 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 slightly 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***

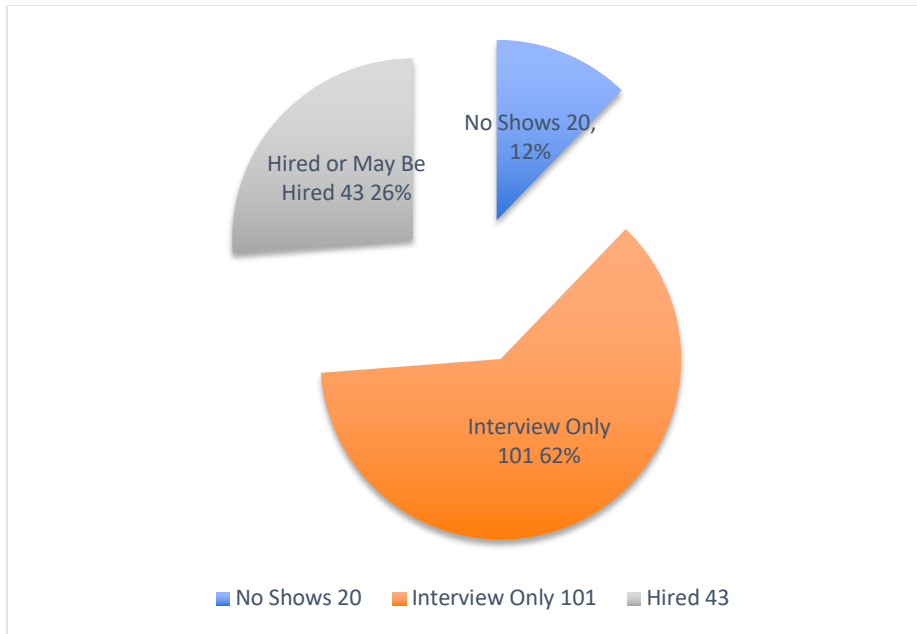
We received a total of **7** evaluations from clients (a **.7%** return rate) and **164** from lawyers (a **17%** return rate).

### **Lawyer Evaluations**

**164** evaluation forms were received from lawyers. **144** 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 two hours. The average length of the interviews was 19 minutes. The length of the office interviews ranged from five minutes to two hours with the average length of interview being 41 minutes. **31** of the lawyers reported being hired. An additional **12** 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

**Seven** evaluations were received from clients. Two of the clients reported hiring the lawyer.

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

*“Great match. Keep up the good work.”*

*“Thank you so much for your prompt response and referral.”*

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

*“He was a very nice man, gave me excellent advice.”*

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, **172** 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 – October 18, 2018

- L. needed help filling out a subpoena.
- T. has been separated for many years and wanted to know the timelines and cost to file for a divorce.
- M. had questions about division of pension credits.
- R. wanted to stop the sale of her home.
- C. wanted the names of lawyers practicing for less than three years who could help with an uncontested divorce.
- D. wanted to know options in the case of a vehicle being towed from Visitor Parking.
- G. had questions about the Statute of Limitations on the sale of property and recovery of damages.
- L. wanted the names of lawyers who practiced in the area of civil litigation.
- A. wanted to evict his roommate.
- S. was not happy with her lawyer's services and wanted to switch lawyers.
- M. wanted to know about the changes to the family court system; she could not find rules online.
- F. was being sued because she sold a vehicle with a lien against it.
- M. wanted a referral to a lawyer regarding a custody matter.
- A., who is on social assistance, needed representation for a court appearance.
- R. needed help in varying a maintenance order being enforced through Maintenance Enforcement.
- K. had been turned down for a record suspension and wanted to know what he could do.
- A. had a mouse problem in her apartment.
- I. felt he was being harassed by the police because he makes complaints about the police regularly.
- K. wanted to sue over something that happened over 30 years ago.
- L. wanted to evict her commercial tenant.
- L. had concerns about the police refusing to charge someone who had assaulted an employee.
- G. needed a referral to an employment lawyer.
- K. went to jail in 2017 for a crime committed in 1997.
- S.'s ex has threatened to keep their son the next time he gets access.
- T.'s spouse took their daughter and left the family home and also had him charged with assault.
- S. had questions about her grandmother's estate.
- N. was looking for a lawyer to help her get a Protection Order removed.
- S. lied in her Protection Order Application.
- F.'s children were apprehended by CFS.
- S. has been served with a Statement of Claim.
- S. had questions about declaring bankruptcy.
- Mortgage foreclosure proceedings have been started regarding a house S. inherited.
- M.'s mother had been conned out of her life savings by her son.
- E. wanted a lawyer to help her get out from under the care of the Public Trustee and Guardian.
- L. is suing the Workers Compensation Board and had questions about who was in the court room.
- T. and her husband have been served with documents regarding an expedited action.
- S. had questions about filing a Motion for Substitutional Service.
- R. defaulted on a bank loan and is being sued.

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

311	<b>G</b>	<b>O</b>
	Government	Ombudsman
<b>A</b>	Grandparent Advisor	Online
Adolescent Parents Association		Ontario Lawyer
Age & Opportunity	<b>H</b>	
Alzheimer Society	Human Rights Lawyer	<b>P</b>
		Politician
<b>B</b>	<b>I</b>	Probate Court
Better Business Bureau	Immigrant Centre	Psychiatrist
	Internet	Public Interest Law Centre
<b>C</b>		
Canadian Mental Health Assoc.	<b>J</b>	<b>R</b>
Child & Family Services	John Howard Society	RCMP
Child Care Coordinator		RCMP EAP
Child Daycare Office	<b>L</b>	Residential Tenancies Branch
Child Support Recalculation	Labour Board	RTB Brandon
City of Winnipeg	Law Firms	
Claimant Advisor	Law Society of Manitoba	<b>S</b>
CLASSIC	Lawyers	Seniors Info. Line
Community Financial Counselling	Legal Aid Manitoba	Small Claims Court
Community Unemployed Help	Legal Aid Brandon	Social Worker
Consumer Protection Office	Legal Aid Dauphin	Steinbach Lawyer
Court of Queen's Bench	Legal Aid Thompson	
Crown Attorney's Office	Legal Help Centre	<b>T</b>
	Legal Help – Cons. Prot. Clinic	Therapist
<b>D</b>	Legal Info. Guide for Seniors	
Dept. of National Defence EAP	LERA	<b>U</b>
		University of MB Law Centre
<b>E</b>	<b>M</b>	
EAP	Maintenance Enforcement	<b>V</b>
Elmwood Community Resource	Manitoba Bar Association	Victim Services
Emp. & Income Assistance	Manitoba Courts	
Employment Standards	MB. Human Rights Commission	<b>W</b>
	Manitoba Metis Federation	Website
<b>F</b>	MPI	Westman Immig. Services
Family Conciliation	Mediation Services	Wills Presentation
Family Justice Resource Centre	Medical Examiner	Will Week
Family Member	Metis CFS	Winnipeg Police Services
Fathers' Rights Group		Wpg. Regional Health Authority
Financial Consumer Agency	<b>N</b>	Women's Organization
Former Board Member	North Pt. Douglas Women's Cntr	
Friend		

### Appendix 3 – Referrals by Topic

Topic	Total Referrals	Notes
Family Law	368	Includes 22 Child Protection
Civil Court Action	142	
Wills	128	
Employment/Labour	88	
Other	79	*Listed Below
Criminal Law	77	Includes 1 Youth Law
Commercial/Corporate/Consumer	27	Commercial - 12/Consumer - 1/ Non-Profit – 4/ Corporate 10
Immigration	25	
Real Estate	18	
Autopac	11	
Landlord & Tenant	3	
<b>Total:</b>	962	
<b>*Other Category</b>		
Medical Malpractice	21	
Disability Insurance	16	
Workers Compensation	11	
Human Rights	6	
Insurance	4	
Intellectual Property	4	
Municipal Law	4	
CPP Appeals	3	
Tax Law	2	
Administrative Law	2	
Agricultural Law	1	
Builders Liens	1	
Condominium Law	1	
Environmental Law	1	
Indigenous Law	1	
Small Claims	1	