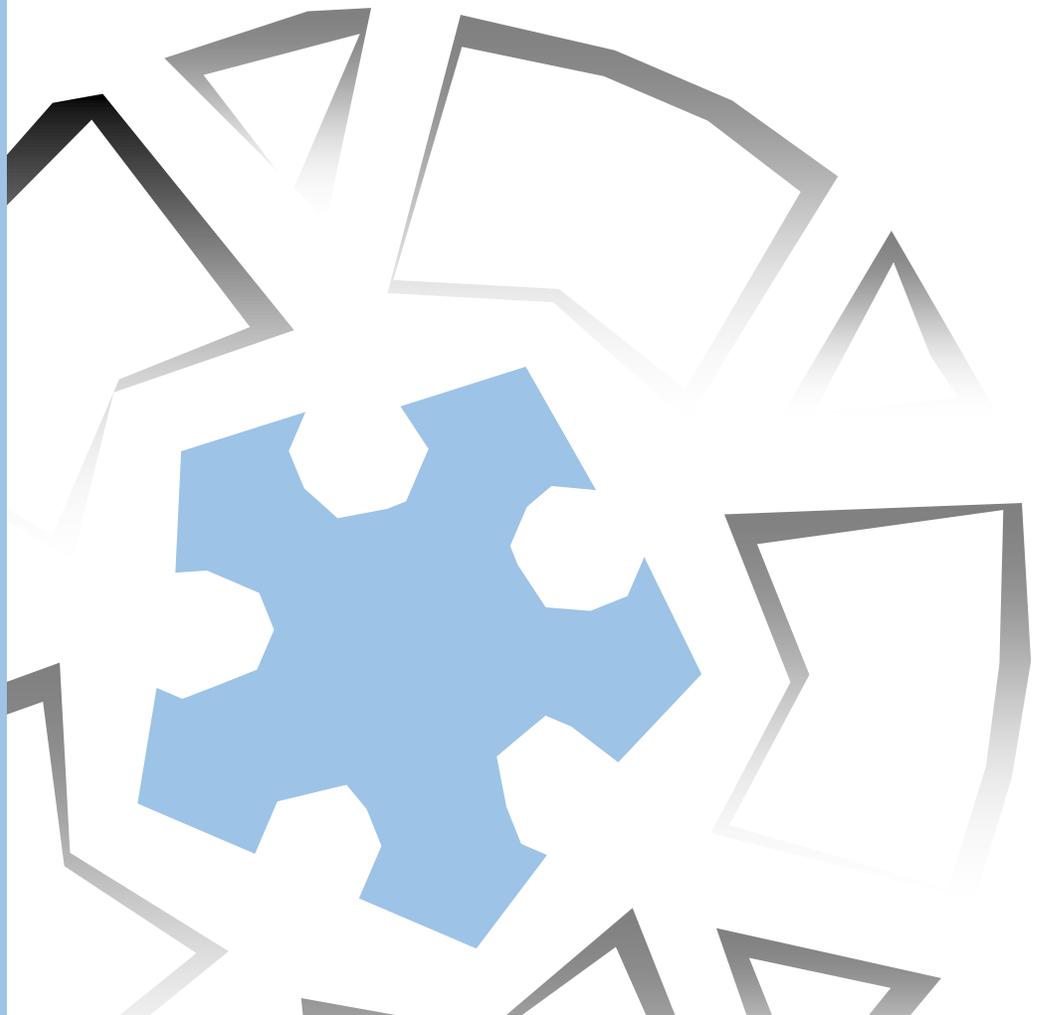


# Law Phone-In & Lawyer Referral Program

*2020 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 2020, 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 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 2020: 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 **7,768** calls were handled in 2020. This brings our grand total to over **404,000** calls (404,761), since the service began in 1975. (The number of calls is down slightly from 2019 as a result of the lockdown).



**73.5%** of our callers were from Winnipeg. The Manitoba calls from outside Winnipeg came from **183** communities all across the province. The following communities generated the most calls: Brandon (234), Steinbach (127), Portage la Prairie (79), Thompson (70), Selkirk (44), Carman (37), Winkler (36), Gimli (34), Dauphin (28), and Stonewall (21).

**287** calls came from other parts of Canada: British Columbia (74), Alberta (72), Saskatchewan (19), Ontario (101), Quebec (14), New Brunswick (1), Nova Scotia (4), and the Yukon (2).

There were **43** calls from 17 states in the United States: Arizona, California, Florida, Illinois, Indiana, Massachusetts, Michigan, Minnesota, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Tennessee, Texas, Virginia, West Virginia.

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.

**30** calls were from around the world: Afghanistan, Algeria, Bangladesh, The Congo, Ecuador, Germany, India, Iraqi Kurdistan, Lebanon, Mexico, Nigeria, Pakistan, Saudi Arabia, 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 **2,716** e-mail information requests. The number of e-mail requests doubled over 2019 primarily because as a result of COVID-19 the Law Phone-In staff lawyers were working remotely. At that stage, Law Phone-In was providing service only by e-mail. The Law Phone-In staff returned to the office on a staggered basis initially, in May 2020, then eventually on a full-time basis.

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, (897 in 2020).

## **Trends**

Covid-19 resulted in additional calls to the Law Phone-in and Lawyer Referral Program on employment, labour law, and human rights issues, including requests for information and referrals to lawyers regarding layoffs, termination, and accommodation requests. New inquiries arose about government programs, aid, and government restrictions.

Callers had questions about rapidly changing court processes and accessibility. Family law callers had custody and access concerns and travel-related inquiries in the midst of a pandemic. Individuals were also looking for options in the drafting of wills, powers of attorney, and health care directives.

We also saw an increase this year of family Law 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 and housing options, income assistance, bail conditions, protection orders, trials, sentences, and general criminal law procedure.



Requests for procedural information on divorce and orders of our *Uncontested Divorce Guide* for Manitoba also increased.

There was also an increase in calls about attorneys under Powers of Attorney who have been acting in a criminal or quasi criminal manner. Callers are not sure about what to do. Common law spouses, usually in cases where they are dealing with the estates of deceased spouses, have a hard time asserting their homestead rights because of hostile step-families.

## **Areas of Law**

Family law continued to be the largest category with 2,630 calls received, 36% of total calls. civil litigation and small claims calls made up 13.5% of calls and employment law and wills and estates made up another 10% each.

To appreciate the diversity of the calls, a list of the calls received on a typical day, those received on October 14, 2020, 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**

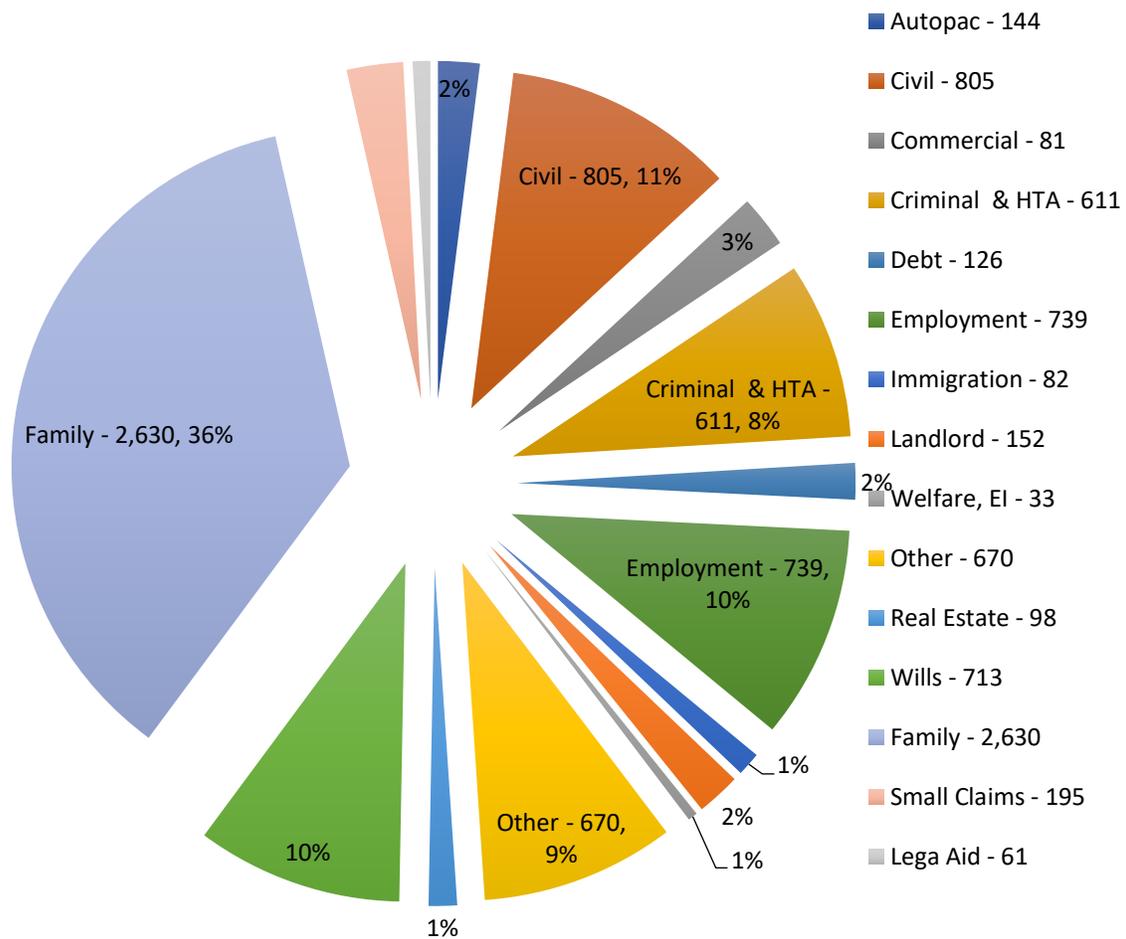
Self-represented litigants comprised 253 of the calls in 2020. Most of these calls dealt with a family law or a civil litigation issue. Other areas of law included wills, criminal law and employment law. Often, these were repeat callers, calling numerous times for help with their matters.

### ***Who Are They?***

Self-represented litigants can be looked at on a continuum. 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 are everyone who falls in between these two extremes. What all of them have in common are 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 often need a crash course in law. Self-represented litigants have no legal background. 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, 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 2020, our records show that we received referrals from **98** 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. 1,015 callers identified a referral source. The majority of those calls came from **Legal Aid Manitoba - 511, Employment Standards Branch - 150, The Law Society of Manitoba - 93, Legal Help Centre - 80, Various lawyers and law firms – 70, Residential Tenancies Branch – 44, Manitoba Consumer Protection Office – 34, Various Court Offices, including Judges and Justices - 29, 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.



## **Lawyer Referrals**

In 2020, we made **750** referrals to lawyers on our Lawyer Referral panel. **65** of these were on a Legal Aid basis. We currently have **157** panel members. Appendix 2 shows the break-down of referrals by topic.

Based on evaluations received, **83%** of clients attended for an office interview or had a telephone interview with the lawyer referred. **19%** of those clients hired the lawyer or possibly would hire the lawyer. (**32.5%** 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 only one evaluation from a client and **107** from lawyers (a **14%** return rate).

#### *Lawyer Evaluations*

**107** evaluation forms were received from lawyers. **89** 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 45 minutes. The average length of the interviews was 19 minutes. The length of the office interviews ranged from fifteen minutes to two hours with the average length of interview being 50 minutes. **17** of the lawyers reported being hired. An additional **29** indicated that they might be hired in the future or that they were not certain as to whether they would be hired.

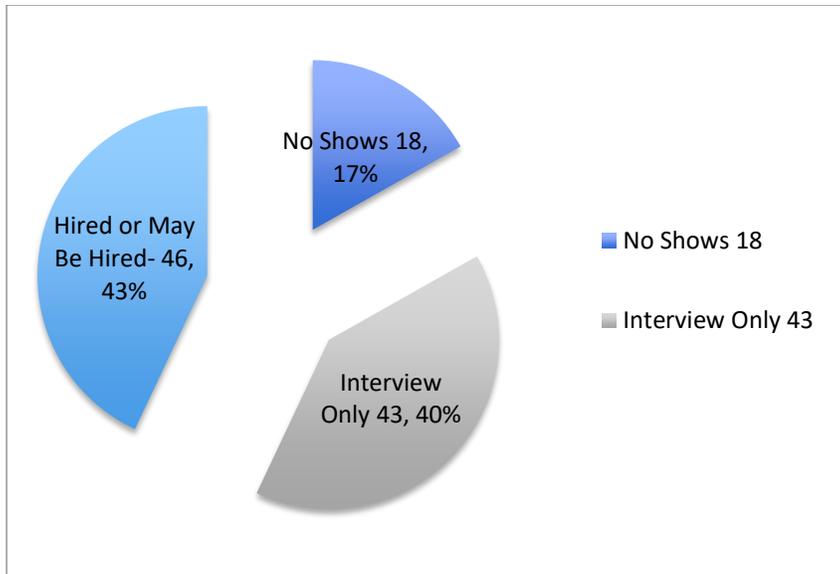
Most of the comments from the lawyers explained how they were going to help the client, or were about the client's case. Often it is difficult for us to gauge a case based on the client's initial phone call. Therefore, the lawyers' comments provide important information. Often from the lawyers' comments 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

We only received one evaluation from a client who found out about the Referral Service on the Internet, had the interview via phone and hired the lawyer. The client wasn't sure if they would use the lawyer again, but was: "pleased however 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 as well as during the time the Law Phone-In lawyers were working remotely.

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 are listed in the table below.

<b>Agency</b>	<b>Referrals</b>
Legal Aid Manitoba	274
Consumer Protection Office	75
Community Financial Counselling Services	43
The Law Society of Manitoba	43
Employment Standards	38
Manitoba Ombudsman	33
A Woman's Place	33



## Appendix 1 – Calls on a Typical Day – October 14, 2020

- J. was charged with assault with a weapon and uttering threats.
- W. needed a referral to a lawyer for a civil litigation matter.
- K. needed representation for a child protection matter.
- T. needed representation for a family law matter but could not afford to hire a private bar lawyer.
- L. had been fired for cause and wanted to know his legal options.
- E. was wondering if a child support order could be amended to include payment of medical expenses.
- J. wanted to know what legislation governs the retail sale and production of cannabis.
- K. was seeking an opinion on a business matter.
- B.'s income had drastically changed and he wanted to know how to reduce child support.
- X. was calling because she had been terminated after a year of working and had not received any pay in lieu of notice or any benefits.
- P. left her home for safety reasons. Her spouse changed the locks and would not allow her access to any of her property.
- D. was looking for a lawyer because he was denied long term disability.
- S. received a cheque from MPI that should have been issued to her uncle and as a result was having problems with EIA.
- H. had a dispute with her daycare. The daycare was being investigated over fees.
- M. wanted to know how much child support and spousal support she should expect from her ex.
- E. was calling about extraordinary expenses in a family law matter.
- Y. was living in a nursing home and having problems accessing her money since her husband controlled the accounts.
- S. wanted to know the implications of accepting a job as an independent contractor.
- L. needed a lawyer for a family matter. She could not afford a private bar lawyer but was turned down by Legal Aid.
- L. had concerns about the police refusing to charge someone who had assaulted an employee.
- C. was charged with possession for the purpose of trafficking and possession of a restricted weapon.
- M. had been asked to perform completely different duties at his job upon his return to work.
- G. was calling on behalf of his daughter who had been overbilled data fees.
- S. was calling about a contested matters with MPI.
- G. needed a French-speaking criminal lawyer.
- M. needed a letter about a class action settlement explained.
- J. was calling on behalf of an elderly person who was losing capacity and needed a power of attorney drawn.
- R. was calling about faulty work done by a contractor and a possible limitation of actions problem.
- D. had been receiving Workers Compensation benefits and was fired by his employer upon his doctor clearing him to return to light duties.
- T. wanted advice about appealing a criminal conviction.
- D. wanted to end his spousal support payments.
- C. was a short-term employee and was terminated for taking sick leave.
- A. wanted to file for divorce after having been separated for many years.



- T. was calling about committee ship for her father who had suffered a stroke and did not have a power of attorney.
- D. wanted the name of a lawyer who might be prepared to take her case on a contingency basis.
- K. was calling because her child's father had passed away and he owed her child support arrears.



## Appendix 2 – Referrals by Topic

Topic	Total Referrals	Notes
Family Law	249	Includes 16 Child Protection
Employment / Labour	123	
Civil Court Action	92	
Criminal Law	79	Includes 1 Youth Law
Wills	76	
Other	49	*Listed Below
Immigration	28	
Commercial/Corporate/Consumer	19	Commercial - 9, Corporate - 6, Non-Profit - 4
Autopac	10	
Real Estate	6	
Landlord & Tenant	3	
<b>Total:</b>	<b>750</b>	
<b>*Other Category</b>		
Workers Compensation	14	
Insurance	11	
Disability Insurance	5	
Medical Malpractice	5	
Municipal Law	5	
Human Rights	3	
Intellectual Property	3	
Administrative Law	2	
Welfare Law	1	

