

COMMUNITY LEGAL EDUCATION  
ASSOCIATION

# Law Phone-In & Lawyer Referral Program

*2016 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 2016, we sent out 335 pieces of information, including 111 CLEA brochures, 78 *Family Law for Children*, 62 *Court Orders for Your Protection*, 51 *Women in Abusive Relationships*, as well as a wide variety of precedents, excerpts of legislation, cases and legal forms (20).

## **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 2016: 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 2015/16 were Sharu Ratnajothy (student lead), Adriel Agpalza, Zita De Sousa, Sharyne Hamm, and Rachel Wolfe. We would also like to thank Julia Ryckman and Brendan Mahatoo, University of Manitoba Program Coordinators.

The law students who helped us in 2016/17 were Joyce Sawchuk (student lead), Natalie Zamick, Samantha Gergely, Katherine Kidder, and Ryan Kaita. We would also like to thank Zita De Sousa and Richard Bars, University of Manitoba Program Coordinators.

## **Demographics**

A total of **6,607** calls were handled in 2016. This brings our grand total to over 372,000 calls (372,789), since the service began in 1975.

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

**73%** of our callers were from Winnipeg. The Manitoba calls from outside Winnipeg came from **194** communities all across the province. The following communities generated the most calls: Brandon (169), Portage la Prairie (72), Steinbach (64), Selkirk (52), Thompson (48), Gimli (43), Beausejour (37), The Pas (32), Dauphin (30), Winkler (24), Flin Flon (23), Ste. Anne (22), Morris (17), Ochre River (17), Pine Falls (17), and Neepawa (15).

**311** calls came from other parts of Canada: British Columbia (69), Alberta (95), Saskatchewan (25), Ontario (78), Quebec (26), Nova Scotia (8), New Brunswick (5), The Northwest Territories (3), Nunavut (1), Yukon (1).

There were **36** calls from 14 states in the United States: Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Maine, Massachusetts, Minnesota, Ohio, Tennessee, Texas, Virginia, plus 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.

**39** calls were from around the world: China, Germany, India, Italy, Latvia, Morocco, The Netherlands, Pakistan, Qatar, Saudi Arabia, South Korea, Spain, Turks and Caicos, Uganda, and The United Kingdom. The legal issues in these international calls were in the areas of Immigration Law, Family Law and Wills & Estates. 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 **43** walk-in clients (even though we do not have the facilities to offer drop-in services), and **1,340** e-mail information



requests. At 1,340, the number of email requests was at an all-time high. There were 1,215 email requests in 2015, 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, (690 in 2016).

## **Trends**

In terms of trends, Family Law calls remained high at around 35% of total calls for the year. However, there has been an increase in callers intending to hire counsel for their family matter in addition to requesting information on family law. At least 25% of all family law callers requested a referral to a lawyer on our lawyer referral panel. Of the callers who were representing themselves in court, several were dealing with areas of law like guardianship or adoption where they did not have the financial means to hire a lawyer and did not qualify for Legal Aid assistance because their matter was not contested.

Wills and estates calls also stayed consistent at around 10% of all calls. In addition to requests for referrals to a lawyer to make a will or power of attorney, many callers also had concerns about the actions of a power of attorney or executor. Several callers also needed information on applying for committeeship or were self-represented in an application to oppose appointment of the Public Guardian and Trustee as committee for an individual that they were previously acting for under an enduring power of attorney.

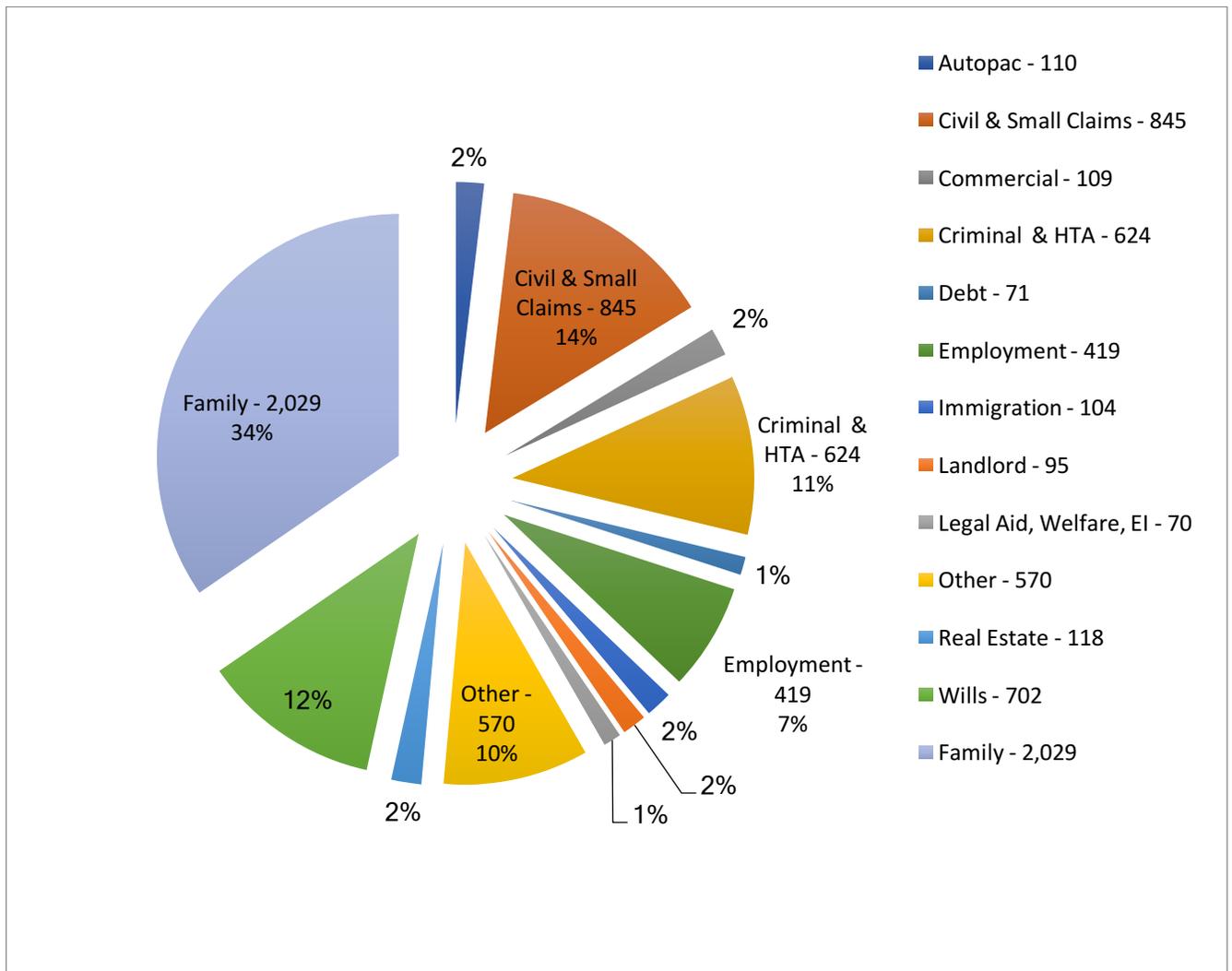
## **Areas of Law**

Family Law continued to be the largest category with 2,029 calls received, 35% 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 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 24, 2016, 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

### *Who Are They?*

Self-represented litigants can be looked at on a continuum. On one end are those that are very sophisticated, have done some research and just need to be pointed in the right direction. These people are in the minority. On the other end of the continuum, we have those who should not be self-representing under any circumstances. Again, that is a fairly small number. The majority is everyone who falls in between these two extremes. What all of them have in common is the problems they encounter. 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 of 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. 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.

### ***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***

Since the Court Registry and court rules and forms are available on-line, therefore, the Law Phone-In 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.

CLEA 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.

### **Who Refers Clients to the Law Phone-In Program?**

In 2016, our records show that we received referrals from **150** different sources: various individual contacts, 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 calls came from **Legal Aid Manitoba - 197 (including The Public Interest Law Centre, the Brandon Office, the Thompson Office), Legal Help Centre - 171, Employment Standards - 78, The Law Society of Manitoba - 68, the Manitoba Labour Board - 40, Residential Tenancies Branch – 25, 311 – 23, Age & Opportunity - 20 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 2 provides a list of who referred clients.



## Lawyer Referrals

In 2016, **1,230** referrals were made to lawyers on our Lawyer Referral panel. **144** of these were on a Legal Aid basis. We currently have **146** panel members. Appendix 3 shows the break-down of referrals by topic.

Based on evaluations received, **74%** of clients attended for an office interview or had a telephone interview with the lawyer referred. **23%** of those clients hired the lawyer. A further **22%** 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 four times 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 **18** evaluations from clients (a **1.5%** return rate) and **333** from lawyers (a **27%** return rate).

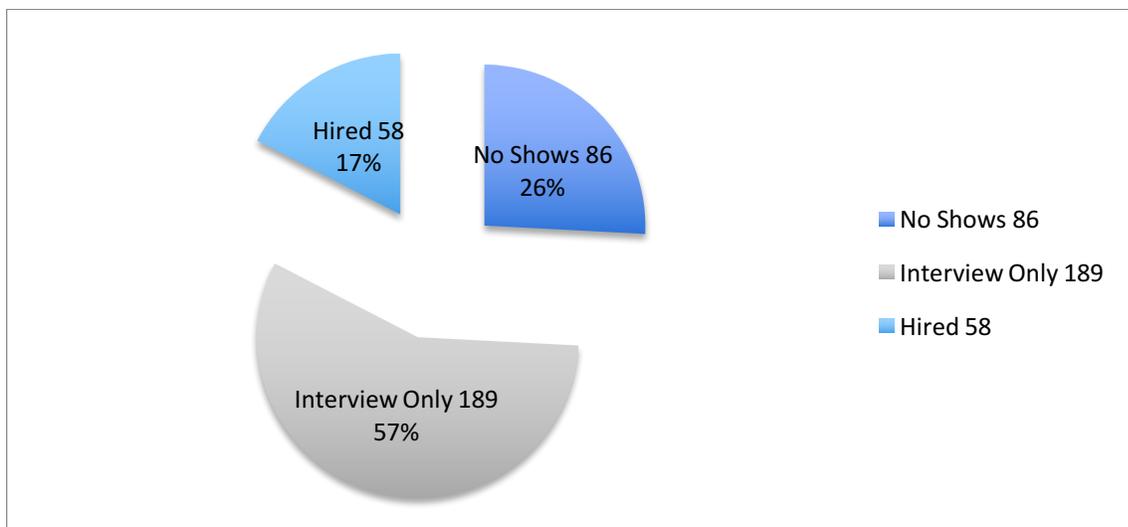
### Lawyer Evaluations

**333** evaluation forms were received from lawyers. **247** 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 two hours. The average length of the interviews was 19 minutes. The length of the office interviews ranged from 10 minutes to 3 hours with the average length of interview being 43.5 minutes. **58** of the lawyers reported being hired. An additional **55** 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

**Eighteen** evaluations were received from clients. Six of the clients reported hiring the lawyer; two indicated they might hire the lawyer at a later date. Most were happy with the service. Eight said they would use the lawyer referred to them again, if the need arose.

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

*“Thank you all for this service, very helpful.”*

*“I just want to say thank you to the staff at the Lawyer Referral Service. The lawyer you referred to me 1 year ago was just fantastic. She helped immensely. Thank you so much for your time during my calls.”*

*“Thank you so much for all the information, it’s much appreciated!”*

*“All of your feedback in the last few years have been very helpful and greatly appreciated.”*

Comments about the lawyers on our lawyer referral panel:

*“Information received was clear and concise. Lawyer was knowledgeable on subject and able to give helpful advice.”*

*“Was not able to resolve issue, however lead us in the right direction!”*

*“Once a case goes to CLAIMSPRO no one can help. Like a guard for insurance co. Do look into this – one year and no words.”*

*“Nice person.”*

*“I was advised I could proceed through Small Claims Court.”*

*“Lawyer was very helpful, but the location was inconvenient for me as I live out of town.”*



*“Excellent rapport with lawyer; she was prepared before I got there, having printed and highlighted areas of a legal document. She suggested how I should proceed and to keep everything documented. I can contact her for further consults in this matter. (I was not rushed). Very professional!!!”*

*“The problem could not be resolved on the phone.”*

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 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, **141** 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 agency referred to was Legal Aid (90), with the Manitoba Ombudsman in second place (27), the Manitoba Human Rights Commission in third place (26), the Consumer Protection Office in fourth place (25) and the Law Society of Upper Canada Lawyer Referral Service in fifth place (22). Referrals to Legal Aid included referrals to various offices, including Public Interest Law Centre, the Advocacy Unit, the Brandon office, the Thompson office and the University of Manitoba Legal Clinic.



## **Appendix 1 – Calls on a Typical Day – May 24, 2016**

- S. was unhappy with the amount of lawyer fees she had to pay.
- J. wanted information on penalties under the Highway Traffic Act for driving without insurance, and driving with a suspended licence and under what circumstances a vehicle can be impounded.
- N. needed a family lawyer for a hearing scheduled in a few weeks.
- C. needed a lawyer specializing in CPP and who spoke French.
- C. wanted a second opinion regarding a possible committee application.
- D. wanted a referral to a family lawyer who was prepared to consider a lower retainer or who had a lower hourly rate.
- M. was dealing with a motion to strike her claim, was representing herself and wanted to know what documents to file.
- K. did not believe his lawyer appointed through Legal Aid was acting in his best interests.
- J. was fired after three years of employment and was inquiring as to whether the pay in lieu of notice provided by the employer was reasonable.
- H. needed a lawyer for a drinking and driving offence. This was her first offence and she needed a lawyer who accepted Legal Aid.
- M. wanted to know what the court takes into account on a motion to strike.
- B. wanted clarification of an access provision in his court order.
- J. wanted to know if he can demand pay in lieu of notice in one lump sum.
- D. had questions about the Human Rights Commission and how they could possibly help her.
- Y. had a question about copyright and the rights to a parody of the national anthem.
- A. wanted a referral to a lawyer for a complex estate matter.
- G. wanted to pursue a civil suit for sexual abuse from many years ago.
- B. had questions about whether attending his child's activities included dress rehearsals.
- M. had questions about an amount missing from her last pay cheque and whether there was any government department that dealt with such matters.
- H. had a dispute with her neighbor about H.'s cat allegedly attacking the neighbour's dog.
- A. had a complaint about a hairstyling school that she alleged taught her nothing and failed her.
- A.'s daughters wanted to overturn A.'s power of attorney over their father, A.'s husband.
- G. needed names of lawyers who speak Punjabi and practice commercial/corporate law.
- A. had a fee dispute and wanted to involve the Law Society.
- S. was calling about an immigration matter.



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

311 408 York	<b>G</b> Google Grandparent Advisor	<b>P</b> POINTTS Prairie Mountain Health Pro Bono Students of Manitoba Province of Manitoba Public Guardian and Trustee Public Interest Law Centre Public Utilities Board
<b>A</b> A Woman's Place Age & Opportunity Articling Student Assembly of Manitoba Chiefs	<b>H</b> Health Sciences Centre Human Rights Commission	
<b>B</b> Better Business Bureau Brandon Lawyer Brandon Legal Aid Brandon Q.B.	<b>I</b> Immigration Fact Sheets Independent Tenant Advisor	<b>Q</b> Queen's Bench
<b>C</b> Canada Revenue Agency Canadian Mental Health Association Child and Family Services Child Daycare Office Children's Advocate City of Winnipeg City of Winnipeg Tax Department Community Financial Counselling Community Unemployed Help Centre Consumer Protection Office Counsellor Court House Court House – Minnedosa CPP Office Crisis Centre Crown Attorney's Office	<b>J</b> John Howard Society Justice Justice of Q.B. Court Justice Minister	<b>R</b> RCMP RCMP - Gimli Real Estate Association Residential Tenancies Branch
<b>D</b> Dean of Law School	<b>K</b> Klinik	<b>S</b> Senator Seniors Book Small Claims Court Social Worker Social Worker - Concordia Social Worker – New Brunswick
<b>E</b> Employment Assistance Program Employment Standards Employment Standards – Brandon	<b>L</b> Labour Board Law Courts Law Firm Law Offices Law Society of Manitoba Lawyer Legal Aid Legal Aid - Thompson Legal Help Centre Legal Information Guide for Seniors Litigation People	<b>U</b> Uncontested Divorce Guide University of MB Law Centre
<b>F</b> Fairway Divorce Family Conciliation Family Justice Resource Centre Family Law Access Centre Family Law Branch Family Law Office For the Sake of the Children Fort Garry Women's Resource Centre Friend	<b>M</b> Maintenance Enforcement Manitoba Inquiry Manitoba Public Insurance Manitoba Seniors Guide Mediation Services Mental Health Professional MLA Multiculturalism Secretariat	<b>V</b> Veterans' Affairs Counsellor Victim Services
	<b>O</b> Ombudsman On-line	<b>W</b> Website Winnipeg Library Winnipeg Police Services Worker Advisor Workplace Safety & Health
		<b>Y</b> Yellow Pages on-line



### Appendix 3 – Referrals by Topic

<b>Topic</b>	<b>Total Referrals</b>	<b>Notes</b>
Family Law	514	Includes 74 Child Protection
Civil Court Action	173	
Wills & Estates	158	
Employment/Labour	124	
Criminal Law	116	Includes 1 Youth Law
Other	84	*Listed Below
Immigration	42	
Real Estate	25	
Commercial/Corporate/Consumer	21	
Autopac	12	
Debt	3	Bankruptcy
Landlord & Tenant	1	
<b>Total:</b>	1,230	
<b>*Other Category</b>		
Medical Malpractice	22	
Disability Insurance	15	
Administrative Law	12	
Workers Compensation	9	
Insurance	8	
Human Rights	6	
Municipal Law	5	
Tax Law	3	
Intellectual Property	2	
Employment Insurance	1	
Franchise Law	1	

