



Winter
2012

Community Legal
Education Association



L'Association d'éducation
juridique communautaire

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PRESIDENT'S MESSAGE

Dear Friends of CLEA,

For the second time in as many years, CLEA has prepared a contingency budget, in anticipation of the potential for a reduction in funding. This speaks to the challenging times that all charitable organizations are in, and the equal challenge that long standing, well managed and efficient organizations are not at the front of the line for new funding.

CLEA has not seen a funding increase in over half a decade, and is running a cumulative deficit of \$7,000. That is why much of the energy of the Board of Directors this year and likely next, will be devoted to strengthen existing funding and adding additional revenue sources. The very successful comedy fundraiser will be back this year in April and CLEA will be seeking sponsors for this event to ensure that every dollar sold in tickets goes directly to support the long term viability of CLEA.

You will notice that CLEA is a member of the *All Charities Campaign*, a simple and easy way for provincial employees to make a donation directly from their pay cheques. This year we are looking at legacy giving – and will include more information in future newsletters.

We have also just signed a one year lease and will likely be looking for new and more affordable accommodations, with an eye to a new home by this time next year. We are at the beginning of the search process and welcome any suggestions that members, supporters and friends may have.

I want to thank the CLEA staff for their amazing dedication – they continue to work tirelessly and creatively to stretch resources, and they deliver first class and valuable services. The board understands how challenging this is to do in uncertain times.

This year when you renew your membership, I would invite you to consider a donation to CLEA.

With Regards, Geof Langen

Become a Member of CLEA!

If you would like to become a member of CLEA or renew your membership please download our membership form: <http://www.communitylegal.mb.ca/wp-content/uploads/Membershipform.pdf> and mail to our office with your membership fee.

CLEA is a Registered Charity (# 118870732RR0001)

CLEA is also registered with the All Charities Campaign (catalogue #C226). The All Charities Campaign provides current and retired employees of the Manitoba Government and its affiliates, with an annual convenient method of giving to registered charities of their choice.

Any donations are gratefully accepted and a tax receipt will be issued.

Law Phone-in & Lawyer Referral - Update

Calls handled to end of November: 6621
Referrals to lawyers on Lawyer Referral Panel: 1252
Number of email inquiries: 1055 (up from 840 in 2011)
Approximately 74% of the calls came from Winnipeg
58.5% were from women
33% of the calls dealt with Family Law matters
9% dealt with Criminal and Youth Justice
13.5% dealt with Civil Litigation matters, including Small Claims Court
5.5% dealt with Wills and Estates

Trends

In terms of trends, a number of calls dealt with the Common Experience Payment as part of the Residential Schools Settlement Agreement before the September 19, 2012 application deadline.

Many calls continue to be inquiries about grandparent access and the Grandparent Advisor Program. Some of the callers were unaware of the mediation program and others are considering court action after mediation attempts have failed.

There were a significant number of calls dealing with non-profit organizations, ranging from starting up or incorporating a non-profit organization to issues with governance, board members, and statutory requirements.

Marriage fraud arose as an issue in a number of calls, some of which were being investigated by Canada Border Services Agency.

Pro Bono Law Students

We are again working with Pro Bono Students Canada. We have seven law student volunteers who are helping us at Law Phone-In: Alyssa Mymko, Will Steinburg, Megan Smith, Sarah Thomson, Kelly Hjorth, Leah Klassen, and Zachary Kinahan. We would also like to thank Kyle Harder and Billy Cromb, the University of Manitoba Program Coordinators.

Mark Your Calendar

CLEA's Annual Law Conference will be held on Friday, February 22, 2013 at the Union Centre, 206 – 275 Broadway. This year's topic is Criminal Law.

If you would like to be placed on the list to receive a registration form once it is available, call our Program Coordinator, Kerri Brass at 204-943-2382 or email: kbrass@communitylegal.mb.ca.

New In Law

The Supreme Court of Canada handed down the following decisions that you may want to take a closer look at:

The *Mabior* and *D.C.* cases dealt with disclosure of one's HIV status. The Supreme Court decided that disclosure is not necessary where a condom is used or the viral load is so low that the possibility of infection is minimal.

R. v. Mabior, 2012 SCC 47, *R. v. D.C.*, 2012 SCC 48

The case of *R v. Boudreault* dealt with the definition of care and control of a vehicle for drinking and driving offences. The Supreme Court found that there was no realistic risk of danger. The accused fell asleep behind the wheel of his vehicle while waiting for a taxi and was acquitted at trial. The Supreme Court restored the acquittal, giving deference to the trial judge's decision.

R. v. Boudreault, 2012 SCC 56

(Summaries of these cases will be available on our website in the new year)

Canada's Anti Spam legislation will likely be proclaimed in force in the summer or fall of 2013. Among other things, that legislation will impact businesses and non-profits that use e-mail, text, instant messaging, social media messaging or Twitter to communicate with customers, subscribers, clients or prospective clients. Consents and opt out mechanisms will likely need to be looked at.

<http://laws-lois.justice.gc.ca/eng/acts/E-1.6/index.html>

Some interesting provincial legislation to watch for, which is still awaiting a proclamation date or royal assent:

- Amendments to *The Consumer Protection Act* will require estimates to be provided for motor vehicle repairs.
- Amendments to *The Human Rights Code* will see social disadvantage and gender identity being added as prohibited grounds for discrimination. The definition of social disadvantage is: "diminished social standing or social regard due to homelessness or inadequate housing; low levels of education; chronic low income; or chronic unemployment or underemployment."
- *The Personal Information Protection and Identity Theft Prevention Act* deals with the collection, use, disclosure and destruction of personal information by private sector organizations and imposes a duty to inform when information is lost, stolen or compromised.
- *The Universal Newborn Hearing Screening Act* will give parents of all newborns the option of having their children's hearing screened.
- *The Seniors Rights Act* which will create a Bill of Rights for seniors.
- *The Non-Smokers Health Protection Act* amendments prohibit the sale of tobacco products in health care facilities, pharmacies, stores with pharmacies and in vending machines.

Available at: <http://web2.gov.mb.ca/bills/40-1/index.php>

The Community Legal Intermediary Course

Speakers Bureau

Speaking engagements have taken place at: Menno Simons College, Law Day, Sisler High School, Fort Garry Women's Resource Centre, Henderson Library, St. James Assiniboia Library, Munroe Library, Louis Riel Library, University of Manitoba's Poverty Law Class. Family Law workshops have taken place in Winnipeg, Selkirk and Pine Falls.

We would like to thank the following presenters: Jennifer Cormack, George Derwin, Adeline Degner, Heather Dixon, Jennifer Dunik, Catherine Dunn, Claudia Lopez, William Pooley, Gisele Tessier, Mary Troszko, Tyler David Warren, Norm Yusim, Sean Young.

If you would like to volunteer to be on our Speakers Bureau or to help review our publications, please contact CLEA's Program Coordinator, Kerri Brass, kbrass@communitylegal.mb.ca

The 33rd session started this fall, with 9 students enrolled in the course.

We would like to thank the following presenters: Michael Lazar, Norm Yusim, Lynn Ranville, Mary Troszko, Wayne Rose, Wendy Martin-White, Shirley Van Schie, Theresa Johnson, Silvana Romano, Megan Bowman, Miranda Dorno.

The Community Legal Intermediary Course, or CLI, is a 10 week course that provides participants with basic knowledge about our laws and legal system and informs them about the proper role of a legal intermediary (a go-between or helper) Topics are: Introduction to Canada's justice system, Criminal Law, Consumer Law, Welfare Law, Mediation Options, Family Law: Separation and Divorce, Family Law: Child/Spousal Abuse, Employment Law, Small Claims Court, Youth Justice.

Cost for the course is \$100.

The next session will start in January 2013.

Contact our Program Coordinator, Kerri Brass, kbrass@communitylegal.mb.ca for more information.

Criminal Code Exchange

Last year we began a Criminal Code Exchange. We asked lawyers to drop off older Criminal Codes that we then distributed to law teachers. The response from the lawyers has been wonderful. We would like to thank: Justice Michel Monnin, David Gray, The Law Society of Manitoba, Legal Aid Manitoba, Bev Froese at the Public Interest Law Centre, Manitoba Justice Victim Services, the Legislative Counsel's Office and Winnipeg Justice Library.

So far we have distributed 33 Criminal Codes to law teachers in Austin, Barrows, Beausejour, East St. Paul, Elkhorn, Marius, Notre Dame des Lourdes, O'Hanly, Portage la Prairie, Rosenort, Russell, Selkirk, St. Boniface, St. Laurent, Stonewall, Teulon, The Pas, and Winnipeg,

Lawyers who have older (2010 and newer) Criminal Codes they are no longer using and would like to help out a law teacher, can contact CLEA.

Publications

CLEA's Mission Statement

"Unknown Rights Are Not Rights At All"

CLEA is a charitable organization that provides legal information to Manitobans. We believe that legal knowledge is necessary for full and equal participation in our society. CLEA develops programs and resources especially to work with communities where there are understood needs. These services help individuals better understand our legal system and how to resolve their legal issues.

"Empowering people to understand the law."

CLEA Staff

Mary Troszko, Executive Director
Kerri Brass, Program Coordinator
Jennifer Dunik, Law Phone-In Lawyer
Sean Young, Law Phone-In Lawyer

Board of Directors

Geof Langen, President
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2012 Manitoba Legal Services Directory – **\$30.00**

Uncontested Divorce Guide for Manitoba - **\$28.00**

Non – Profit Organizations in Manitoba - Beginning and Incorporating - **\$18.00**

Non – Profit Organizations in Manitoba – Directors Liabilities - **\$13.00**

A Guide to Small Claims - **\$18.00**

Probate Court Guide for Small Estates - **\$50.00** (free for download on our website).

My Funeral Plan - **\$5.00** (free for download on our website).

Jack and the Beanstalk – A mock trial kit for grade 5 - **\$45.00**

Young vs Elder – A mock trial kit for Grade 12 - **\$45.00**

Youth Criminal Justice Act – Teaching kit - **\$45.00**

Women in Abusive Relationships – **No Charge** (bulk copies available for pick up)

Family Law For Children – **No Charge** (bulk copies available for pick up)

(Prices Include Postage and Handling)

To order copies of the above publications please contact us at 943-2382 or send a cheque or money order to:

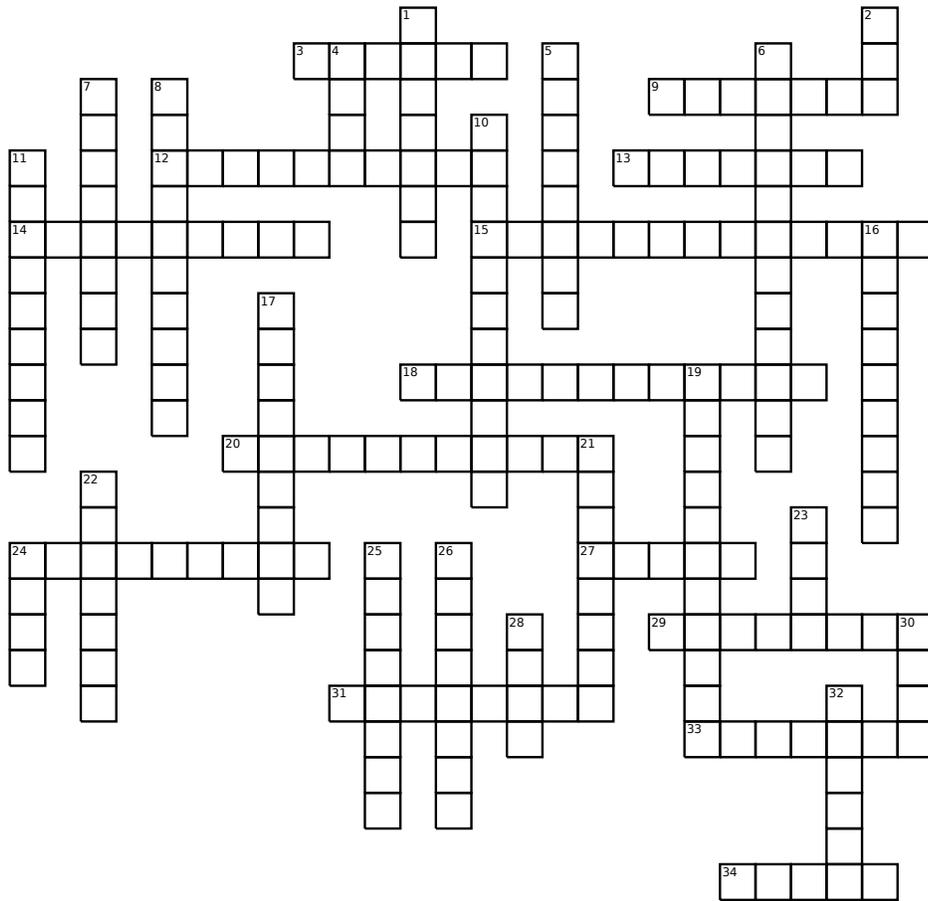
Community Legal Education Association,
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- ❖ Department of Justice Canada
- ❖ The Law Society of Manitoba
- ❖ The Manitoba Law Foundation

and to our project funders, The Winnipeg Foundation and Manitoba Family Services and Labour and to Assiniboine Credit Union. We are also grateful for the volunteer efforts of members of the legal profession of Manitoba, and for member fees, subscriptions and donations.

CLEA Crossword



Across

- 3 visiting rights
- 9 ends a marriage
- 12 libel, slander
- 13 prove a will in court
- 14 living will, healthcare _____
- 15 dealt with out of court _____
- 18 legally looking after another's child
- 20 already dealt with by the courts (two words)
- 24 witnesses' story
- 27 order obtained if you fear for your safety _____ bond
- 29 s/he who collects rents
- 31 gift to a charity
- 33 parents' obligation
- 34 place where disputes are decided

Down

- 1 decision, criminal matters
- 2 if you break your contract, the other person can _____
- 4 celebrating our 28th anniversary Dec 27th, acronym
- 5 makes decisions for a corporation
- 6 living together
- 7 agreement
- 8 serious offence
- 10 property left to you when someone dies
- 11 mechanism for settling disputes
- 16 sworn statement
- 17 originating document, _____ of claim
- 19 court for matters under \$10,000, 2 words
- 21 making a non-biological child your legal child
- 22 an attack
- 23 testamentary document
- 24 civil wrong
- 25 document requiring a witness to go to court
- 26 person making a will
- 28 release pending trial
- 30 money owed
- 32 what you call a provincial court judge, your _____