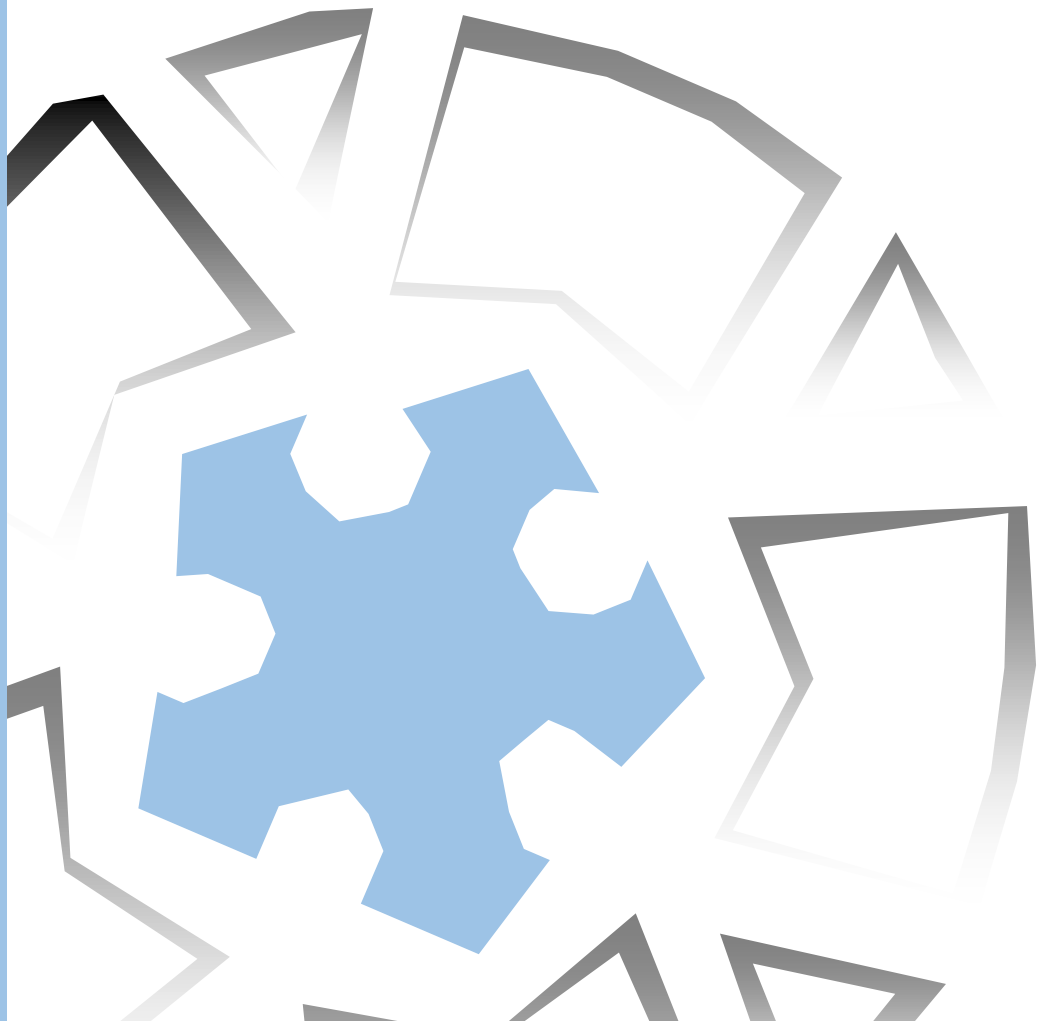


# Law Phone-In & Lawyer Referral Program

*2022 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 2022, we sent out CLEA brochures, as well as a variety of precedents, excerpts of legislation, cases and legal forms. We also referred callers to videos in our video library.

## **Personnel**

Two lawyers staff the Law Phone-In and Lawyer Referral Program: 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 of 2017.

## **Demographics**

The staff lawyers handled **8,596** calls in 2022. This brings our grand total to nearly **423,000** calls (422,968), since the service began in 1975. The chart on the next page shows the calls in the past five years.

## **QUOTES**

"Thank you so much for the referral and legal information. I can't express my gratitude."

"You have been an excellent resource. I really appreciate your thoughtful responses."

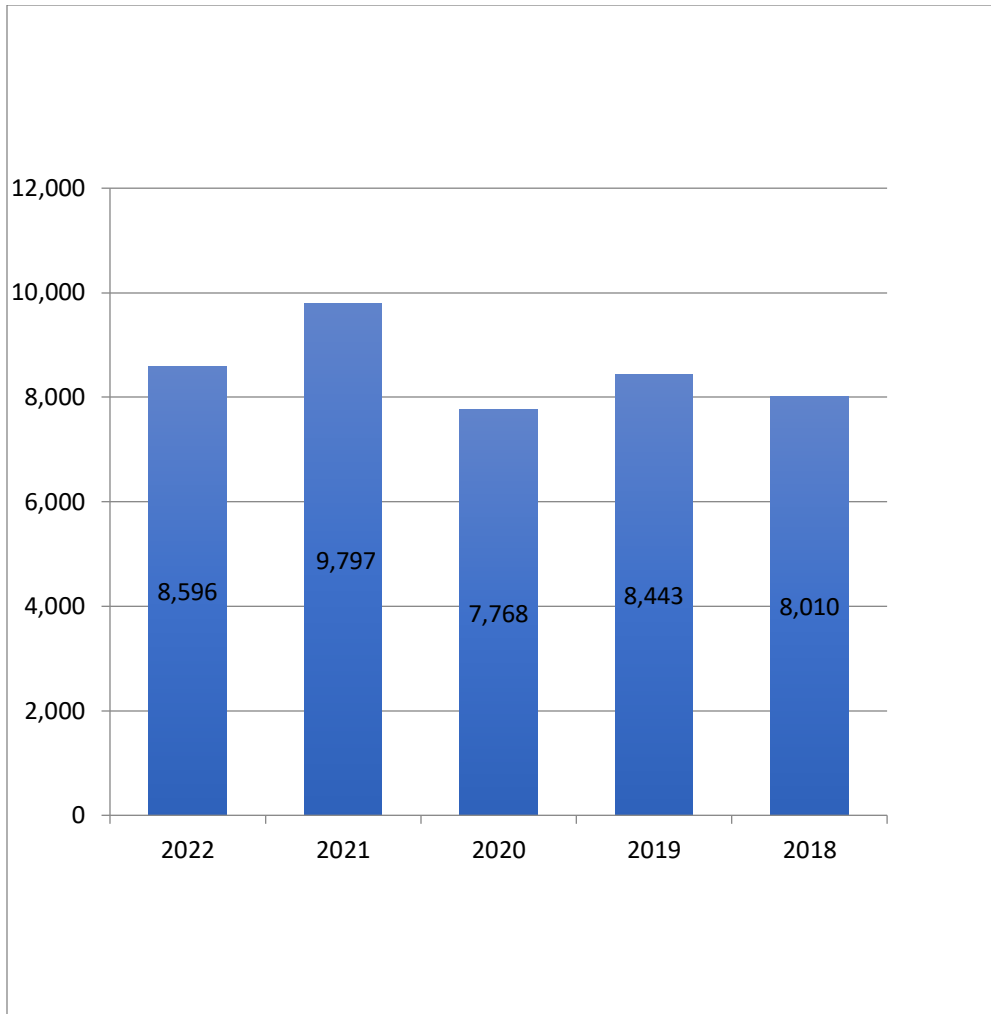
"I'm VERY grateful that you're available to ask questions!!"

"I am so impressed by your comprehensiveness! This has all eased my concerns (somewhat), especially for the weekend, as you answered all my questions."

"Thank you very much for your prompt and thoughtful reply!"

"I appreciate you and the time you took today to help me."





**74.2%** of our callers were from Winnipeg. The Manitoba calls from outside Winnipeg came from **191** communities all across the province, from Alexander to York Landing. The chart below shows the towns/cities with the top numbers of calls.

City or Town	Number of Calls/emails
Winkler	25
Beausejour	35
Gimli	36
Dauphin	61
Portage la Prairie	63
Selkirk	72
The Pas	72
Thompson	84
Steinbach	96
Brandon	239



**376** calls came from other parts of Canada, **61** from 17 states in the United States and **49** from around the world.

Canada		USA		The World	
Alberta	102	Alabama	1	Australia	5
British Columbia	63	Arizona	6	Brazil	3
New Brunswick	3	California	20	China	7
Newfoundland	2	Colorado	2	El Salvador	1
North West Territories	3	Florida	8	Germany	1
Nova Scotia	9	Hawaii	2	India	3
Nunavut	2	Illinois	1	Italy	1
Ontario	152	Michigan	1	Jamaica	1
Prince Edward Island	1	Minnesota	5	Japan	2
Quebec	13	New Mexico	1	Kuwait	1
Saskatchewan	26	New York	1	Morocco	1
		South Carolina	1	Netherlands	2
		Tennessee	1	Nigeria	1
		Texas	4	Russia	1
		U.S. (not specified)	2	South Africa	1
		Washington	3	Sweden	3
		West Virginia	1	Turkey	3
		Wisconsin	1	Ukraine	1
				United Kingdom	11

Although most of our contacts were telephone calls, there were also **3,063** 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, (1,486 in 2022).

## Trends

Although the lawyer referral part of the Law Phone-In & Lawyer Referral Program is designed to connect callers with lawyers taking clients in specific areas of law, the intent is to also provide the most suitable solution for the caller's situation. The solution may be a lawyer referral but many matters can also be resolved with the assistance of a government agency, office, or non-profit organization. There have been more demands on these services and more referrals to our program as a result, so we often try to provide callers with multiple options that may address their legal solution, instead of, or while awaiting, other government or agency assistance.

Inquiries to our program, especially from self-represented litigants, are increasingly complex and require more time and consideration. Callers with Civil Litigation matters have contacted us for detailed information on documentary discovery, pleadings, and materials for appeal, as well as general inquiries about different areas dealing with Civil Litigation. We have also received calls about appeals to various tribunals and judicial review.

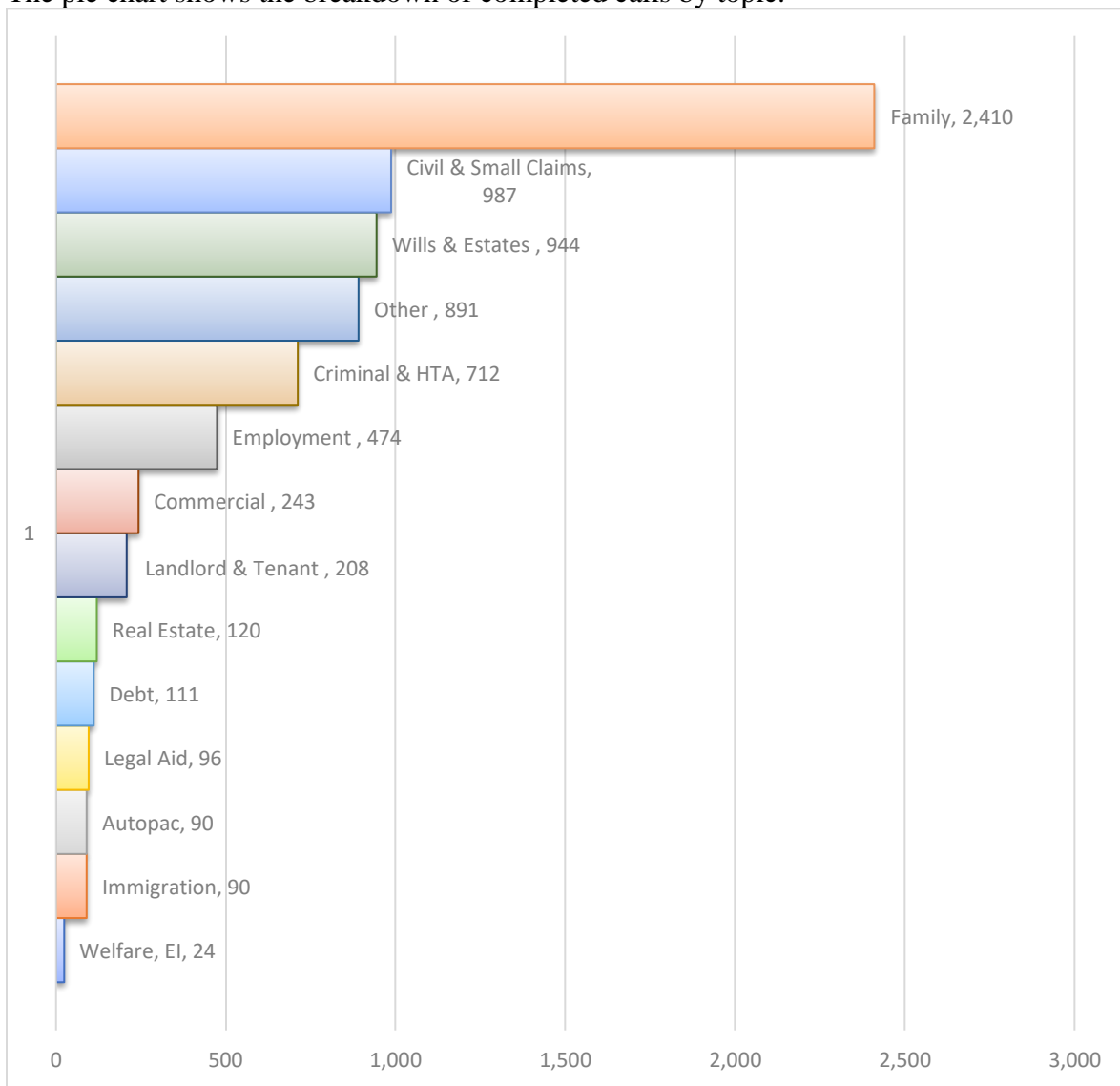


Family Law callers have questions about both alternative dispute resolution, such as mediation and collaborative law, as well as litigation, triage procedure, and pleadings. This procedural information is in addition to more general questions about parenting time, support, variations, and property division. We have received a number of inquiries about the procedure involved in adoption and guardianship.

**Areas of Law**

Family law continued to be the largest category in 2022 with 2,410 calls received, 33% of completed calls. Civil litigation and Small Claims calls made up 13% of calls, Wills and Estates made up another 13% and Criminal Law and Highway Traffic made up 10%.

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



To appreciate the diversity of the calls, a list of the calls received on a typical day, those received on March 21, 2022, is included as Appendix 1.

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

The number of inquiries from self-represented litigants continues to grow (188 in 2019, 253 in 2020, 377 in 2021 and 497 in 2022). Most of these calls dealt with a Family Law (171) or a Civil Litigation issue (116). Eighty-three of the calls dealt with Wills, 61 with Landlord and Tenant matters and 41 with Criminal Law. Often, these were repeat callers (369 of them), calling numerous times for help with their matters. Seventy-Six of the callers indicated who referred them to us. Twenty-seven were referred by Legal Help Centre, 21 by various court offices or court officials, 13 by Legal Aid Manitoba and six by the Law Society of Manitoba.

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

Self-represented litigants can be looked at on a continuum. The minority, who are very sophisticated, have done some research and just need to be pointed in the right direction. At the opposite end 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 - 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 have difficulty understanding 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 often need a crash course in law.

They are often self-representing because they have no choice. They have 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.

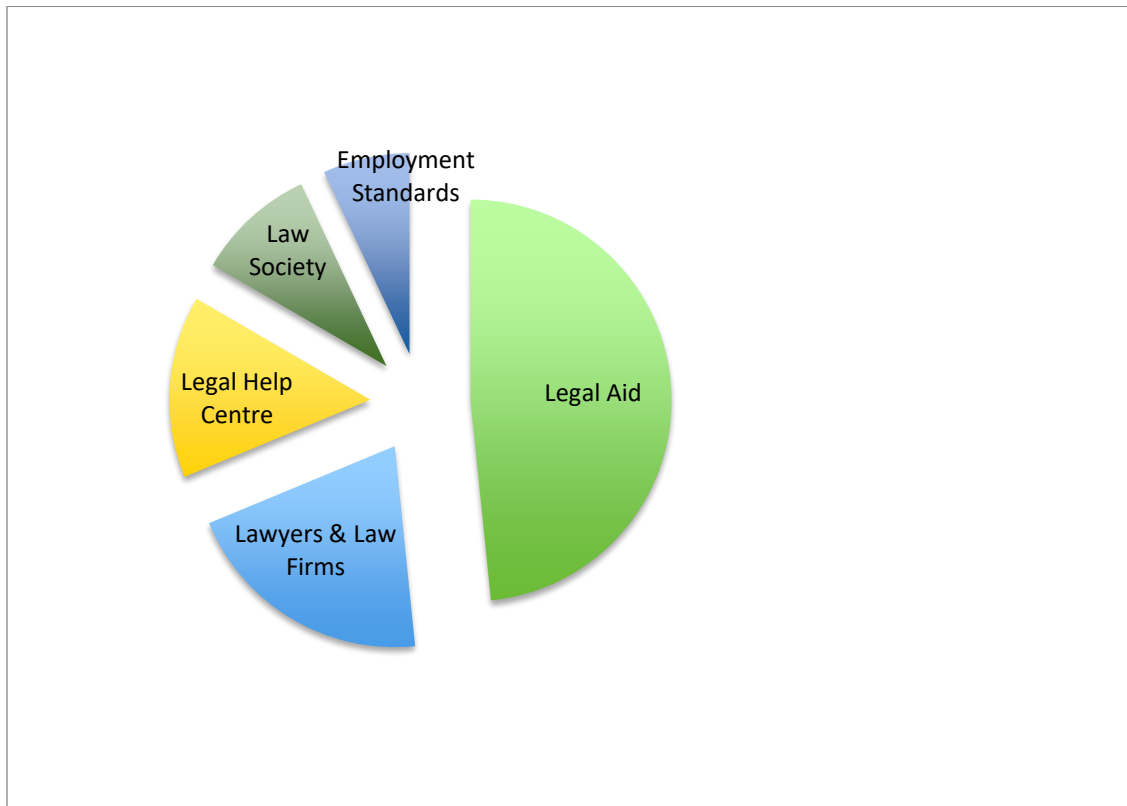
CLEA has also developed some self-help booklets (*Uncontested Divorce Guide, Probate Guide Small Claims Court Guide*). With this material in front of them, it is much easier to guide clients through the process.



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

In 2022, our records show that we received referrals from 141 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, through CLEA webinars and CLEA's website and even through YouTube. We've also become a resource for staff at places like SHADE and SEED. The majority of the referrals came from Legal Aid Manitoba – 582, various lawyers and law firms - 245, Legal Help Centre - 176, The Law Society of Manitoba - 116, Employment Standards Branch – 84, various court offices, including judges and registrars - 63, Consumer Protection Office - 55, Residential Tenancies Branch – 44, Family Resolution Service -41. This information is based on callers self-identifying who referred them. 1,529 of the callers identified a referral source.

The chart shows the top five referral sources for 2022.



## Lawyer Referrals

In 2022, we made **688** referrals to the 134 lawyers on our Lawyer Referral panel. Forty-seven of these were on a Legal Aid basis. Appendix 2 shows the break-down of referrals by topic.



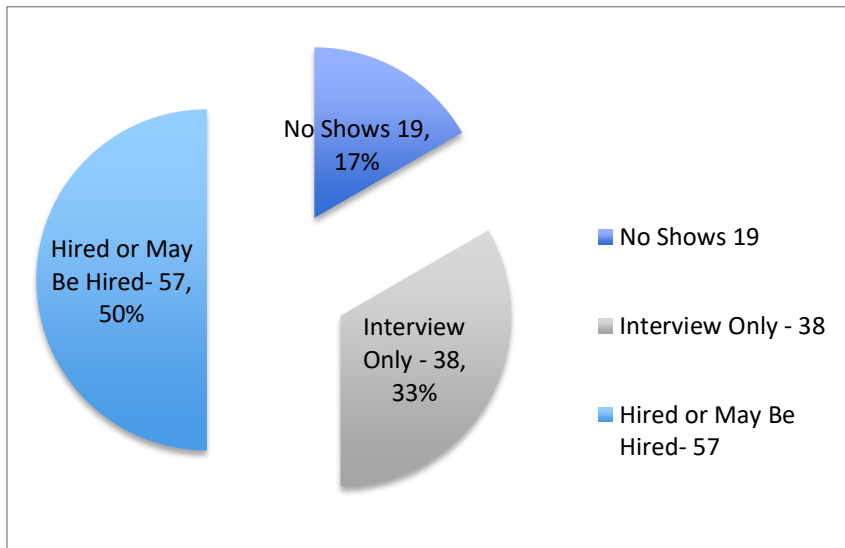
Based on evaluations received, **83%** of clients attended for an office interview or had a telephone interview with the lawyer referred. **21%** of those clients hired the lawyer or likely would hire the lawyer. (**39%** of the lawyers indicated that they may be hired or were not sure at that point whether they would be hired). Lawyers who actually met with clients in person were 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 **114** evaluations from lawyers (a **16.4%** return rate). **95** of the clients contacted the lawyers referred to them, either by attending for an office interview or having a telephone interview with the lawyer, or in one case, through e-mail. The length of the telephone interviews ranged from five minutes to two hours. The average length of the interviews was 28.5 minutes. The length of the office interviews ranged from fifteen minutes to two hours, with the average length of interview being 37 minutes. Twenty of the lawyers reported being hired. An additional **37** indicated that they might be hired in the future or that they were not sure about 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 below depicts what the lawyers told us in their evaluations.





## **Informal Referrals**

In addition, informal referrals to lawyers were made, for example, clients calling from other jurisdictions requiring the services of a Manitoba lawyer. In those situations, we generally gave the client a few names from our Lawyer Referral list or from our *Manitoba Legal Services Directory*. Informal referrals were also given 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 to Agencies**

Part of providing an effective service is knowing what service or combination of services to provide. Does the person need legal information or summary advice? Do they need a referral to a lawyer for possible representation? Is there an agency or service that they can be referred to for help? This involves knowing or learning about those various services in order to make the appropriate referral. Last year, the lawyers who staffed the Law Phone-In Program referred clients to 236 agencies, government departments or other resources, in Manitoba and in other jurisdictions. The referrals made reflect the diversity of the calls.

**The Law Phone-In & Lawyer Referral Program can be reached at:**

**204-943-2305**

**Toll-free: 1-800-262-8800 (from anywhere in Manitoba, outside Winnipeg)**

**Lawyer Referral Only Line: 204-943-3602**

**Fax: 204-943-3600**

**E-mail: [community@communitylegal.mb.ca](mailto:community@communitylegal.mb.ca)**



## Appendix 1 – Calls on a Typical Day – March 21, 2022

- H. needed an Immigration lawyer as part of the Immigration Pilot Program for immigrants from outside Canada.
- B. needed information about debt collection options available to her creditors.
- M. needed information on noting default in a divorce matter.
- S. had filed a statement of claim and the defendants had filed a statement of defence and he wanted to know what happened next.
- M. was having problems with his landlord, including problems with the heat, threats by the landlord and M.'s personal property being stolen.
- W. needed help with the sale of a time-share in California.
- M. wanted a reasonably priced lawyer to defend her in a defamation suit.
- W. was calling for a constituent who needed help with an appeal before the Manitoba Health Appeal Board.
- C. was calling about an incident where he broke his arm while incarcerated at Stony Mountain.
- M. was having problems with his landlord not making repairs.
- R. bought a boat that had a lien on it and wanted to know his options.
- J. was kicked out of her home by her abusive spouse and needed information about both family and criminal law.
- H. was calling on behalf of a company that was owed money by another company and wanted to know their options.
- F. had applied for Legal Aid and wanted to know the status of her application.
- M. was calling on behalf of her son who wanted to know how to obtain a pardon.
- A. wanted a referral to a lawyer on a Legal Aid basis for a Family Law matter.
- J. was inquiring about the legitimacy of an immigration consultant firm.
- D. wanted to remarry, but was concerned about providing proof of his divorce.
- H. wanted clarification of his release conditions.
- C. was fired when he refused to be vaccinated.
- A. was calling for information about dealing with her mother's estate.
- A needed a referral to a lawyer for the sale of a home which was the primary estate asset.
- P. was living in Jamaica, but was dealing with a Family Law matter in Brandon and wanted to know if a lawyer in Jamaica could handle the matter for him.
- L. had questions about visitor status for a relative.
- C. and her husband bought their mother-in-law's home, but the mother-in-law will not leave.



## Appendix 2 – Referrals by Topic

Topic	Total Referrals	Notes
Family Law	321	Includes 12 Child Protection
Civil Court Action	82	
Wills	77	
Employment / Labour	60	
Criminal Law	59	Includes 2 Youth Law
Other	44	*Listed Below
Immigration	18	
Real Estate	12	
Commercial/Corporate/Consumer	8	Commercial - 1, Corporate - 6, Not-for-Profit - 1
Landlord & Tenant	4	
Autopac	3	
<b>Total:</b>	<b>688</b>	
<b>*Other Category</b>		
Insurance	10	
Disability Insurance	9	
Workers Compensation	7	
Administrative Law	6	
Intellectual Property	6	
Municipal Law	3	
Human Rights	2	
Medical Malpractice	1	

