

The Law Society of Manitoba

2014 Annual Report

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PRESIDENT'S REPORT



David Swayze

We have had a busy year at the Law Society, resulting in a number of initiatives that will bear fruit over the next few years. To say this year has been exciting but also challenging would be an understatement. There has never been a dull moment but it has been a real pleasure to see the progress we have made.

One of our stated goals was to take a look at our regulatory model and ask, "Is there a better way?" That process started with a special committee called "Revisioning Regulation" chaired by Ted Bock. The committee

identified five questions that the benchers considered at a retreat in March. As a consequence of that retreat we resolved to move towards expanding the ability of the Law Society to regulate firms, exploring the adoption of alternative business structures, reviewing the composition and methods for selection benchers, adopting a more proactive regulatory approach, and the adoption of a lawyer brand. These initiatives should keep the Law Society fairly busy for the next few years, at least.

The preliminary steps to implementing some of these changes have already been taken. At a meeting with the Minister of Justice, Andrew Swan in April we signalled our wish to amend the *Legal Profession Act* to permit firm regulation. Also in April I met with representatives of the Law Society of Alberta, the Law Society of Saskatchewan as well as members of the Federation of Law Societies and the Nova Scotia Barristers Society to start a discussion on a common approach to permitting alternative business structures.

Manitoba has played an important role in the Federation of Law Societies where we often punch above our weight. Allan Fineblit chaired a committee to develop national discipline standards, the purpose of which is to define timelines for the investigation, prosecution, and ultimately resolution of complaints. Those standards were adopted by the Federation at our meeting in Regina at the beginning of April and will be adopted by the Law Society of Manitoba.

Of course, the most public issue has been the debate over the Federation's approval of the proposed law school at Trinity Western University. This has been a very challenging issue for all concerned. Although there are strong views on both sides of the issue, I have been impressed by the passion and respect displayed by the various members who have spoken up on this issue. As of this writing, the

final chapter of this story has not been written and may not be written for some time as the matter makes its way through the courts. But to all who have spoken out, or who have played a role in deliberating on the matter, I say thank you for your contemplation and consideration of a most difficult and sensitive issue.

One of my proudest moments occurred in October while at the Federation meeting in St. John's where I signed on behalf of Manitoba the very first truly national agreement on mobility. For the first time we have full mobility among all of the ten provinces, including Quebec. Although I take no personal credit for the negotiation of that agreement, I do applaud our colleagues from Quebec and the former President of their Barreau, Nicolas Plourde, who made it a stated goal of his Presidency to make Quebec part of the National Mobility Agreement.

A theme throughout my term as President has been access to justice. David Gray, our bencher from the North chaired the Access Stakeholders Committee with a view to coordinating a common approach to improving access to justice. Our Federation Council Representative, Jeff Hirsch, along with Supreme Court of Canada Justice Thomas Cromwell released their report on Access to Justice and toured the country to promote it. I understand that the Manitoba courts have also made access to justice a priority. At our March retreat access to justice was also an underlying theme and many of our initiatives had an access to justice component.

The role of President has a ceremonial component and this year has been no exception. One of the highlights was hosting the bi-annual lunch honouring those who have been members of our society for fifty years. The Honourees were representative of the commitment shown by so many of our profession. They were people who have devoted their careers to helping Manitobans and well deserving of recognition.

I also presided over the first annual ceremony awarding the Richard J. Scott Award, which was presented to Byron Williams during the Pitblado Lectures. Byron has been a tireless advocate on behalf of under-represented Manitobans and was most deserving of the award.

In addition, I spoke at multiple swearing in ceremonies for new appointees to the Provincial Court, the Manitoba Court of Queen's Bench and the Manitoba Court of Appeal. Particularly memorable was the ceremony in Brandon for the appointment of Associate Chief Judge Hewitt-Michta. For the first time ever we had a swearing in ceremony in Brandon, where both the President of the Law Society and the President of the MBA, Scott Abel, were also from Brandon.

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I was also privileged to speak at the swearing in for Associate Chief Judge Guy, Associate Chief Justice Perlmutter, and the appointment of former Minister of Public Safety, Justice Toews.

This year will be a year I will never forget. But it would not have gone off so smoothly or have been nearly so productive without the hard work of the Law Society staff. The dedication of the Law Society staff is unparalleled. Help was always offered, and never had to be requested. We have a superb group of people who tirelessly keep our law society running efficiently.

I wish the best of success to Karen Clearwater who will be assuming the role of President on May 22nd, and to Ted Bock who will take over as Vice-President at the same time. I guess after having two years of Presidents from Brandon, it is probably time to turn the reins over to Winnipeg. I also wish my predecessor Jack Cram a happy "retirement" from his Law Society duties, although I know his practice and family will keep him more than occupied.

CHIEF EXECUTIVE OFFICER'S REPORT



Allan Fineblit, Q.C.

It is remarkable to me how after 16 years as the CEO of the Law Society of Manitoba, every day continues to bring new adventures. Literally...every single day. Adding all those exciting days together makes annual report writing a challenge. It calls for setting priorities, and in that regard the trusty and reliable Top Ten list seems like a good plan.

10. **Our Heritage**

On October 2, 2013 we honoured six lawyers who practised safely and effectively for 50 years. The honourees were Leo Cholakis, Alex Dobrowolski, Bob Hucal, Larry Kussin, Jack McJannet and Ron Zimmerman. At the lunch held in their honour, each spoke about the pleasure they took from their work and from the people they worked with. It was quite lovely.

9. **Technology**

The Law Society took to Twitter, @lawsocietymb, as did I, @afineblit. Our Insurance Department has gone paperless, Benchers elections are done electronically, and in the Spring of 2014 we announced that we would begin distributing our newsletter, *Communiqué*, electronically instead of on paper.

8. **Brandon Rules**

Western Manitoba is supposed to have two Benchers. This year they had four, all from the City of Brandon. President David Swayze and Karen Webb were the elected Benchers from the Western District. Fellow Brandonite, Jack Cram, was serving his term as Past President, and one of our Lay Benchers, Marston Grindey, also lives in Brandon.

7. **The Richard J. Scott Award**

Richard Scott is a Past President of the Law Society of Manitoba (1983/84) and retired in 2013 as the Chief Justice of Manitoba. The Benchers of the Law Society decided (with his permission) to create an award in recognition of his dedication to the rule of law, an independent judiciary and legal profession, and access to legal services. The first Richard J. Scott Award was presented in November of 2013 to Byron Williams, the Director of Manitoba's Public Interest Law Centre.

6. **MCPD**

We completed our first year of mandatory continuing professional development (MCPD) in 2013. There were certainly lots of "bums in seats", lots of webinars viewed, and many DVDs were purchased. About 60 of you struggled to meet the requirements (12 hours, including 1.5 hours of ethics and professional responsibility), but in the end we got through it. As an interesting aside, in early 2014 our Admissions and Education Committee had a discussion about the effectiveness of mandatory continuing professional development and wondered out loud about moving from MCPD to some kind of periodic recertification requirement.

5. **The Federation**

It becomes more and more clear that local regulation has its limits. The legal profession practices across provincial and territorial boundaries, facilitated by a National Mobility Agreement and technology that makes it easy. Clients' needs cross borders as well. The Federation of Law Societies of Canada (FLSC) continues to work on developing national admission standards and a set of national discipline standards will roll out in 2015. Our Benchers were fortunate to have a "state visit" from FLSC President Gérald Tremblay in September of 2013. We were particularly pleased to see the election of our Past President, Jeff Hirsch, as Federation Vice President. If he doesn't break anything, Jeff will become Federation President in 2015.

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4. L4L

For the last four years we have been working with West Broadway Youth Outreach to raise funds for their drop-in recreational and life skills programs. This year's Lawyers for Literacy took place on March 22, 2014 and set a record for the most participants (just under 100) and the most money raised (just over \$15,000).

3. CLIA

Our reciprocal insurer, the Canadian Lawyers Insurance Association, is 25 years old. It has served us very well and the subscribers decided it deserved a makeover to position it well for the next 25. A new governance model was adopted and a new Subscribers Agreement was drafted. This is not easy stuff, particularly because CLIA2 will be made up of nine very different law societies with different needs, different capacities, and different risk profiles. CLIA has proven over the years that it is worth the effort.

2. Justicia

In 2013 we launched an initiative designed to help retain women in private practice. For a variety of reasons, women leave private practice in numbers that are disproportionate. This is a huge loss for clients and law firms (although it often is a nice benefit for government, corporate, and not-for-profit legal departments). Justicia was developed in Ontario and the Law Society of Upper Canada generously shared the wealth. In 2013, 11 law firms signed on to the program, including the six largest ones in Manitoba.

1. Comings and Goings

The Law Society of Manitoba is all about people. Our policy governance model places a heavy burden on our Benchers to govern and not to manage. They have once again risen to the challenge and embraced a significant policy agenda last year that examined everything we do and asked why we do it. Watch next year's Annual Report which will articulate our new vision for regulating excellence into the future.

We were sad to lose the services of our long-time Lay Bencher, Charlie Curtis, but pleased to add Dr. Amarjit Arneja as his replacement. In June of 2013, Jennifer Cooper became a Life Bencher and Michael Finlayson was appointed to replace her. At that same meeting, Karen Webb was appointed to replace Jack Cram, who became a Life Bencher and our Past President.

So, if Benchers are busy governing, who was minding the store? That is the job of the excellent staff of the Law Society, which also saw some changes. Our wonderful Director of Audit, Sherri Jack, retired and we were happy that Kathy Levacque stepped up to replace her. Tragically, our beloved auditor, Nancy Zacharias, died in 2013 after a long illness. We were fortunate to recruit Deborah Metcalfe and Ron Bailey to replace Nancy and Kathy on our audit team. Our Information Technology Director, Grant Gelinas-Brown, left us in 2013 and in early 2014 our Office Manager, James Ramsay, announced his retirement.

When I look at that Top Ten list, it occurs to me that we love our history but are spending a lot of time looking to the future. I want to thank our visionary Benchers and our talented staff for making my challenging job surprisingly easy to do.

COMPLAINTS REVIEW COMMISSIONER'S REPORT



Drew Perry

The role of the Complaints Review Commissioner is to provide an opportunity for a non-lawyer to conduct an independent review where a person who has complained to the Law Society about a lawyer disagrees with the results of the Law Society's staff review of their complaint, and who makes a request for a review.

Complainants have 60 days to request a review by the Commissioner of their matter if:

- (a) Complaints Resolution Department staff have decided not to investigate a complaint on the basis of no merit or no jurisdiction; or
- (b) following an investigation, staff have concluded the matter without referring it to the Complaints Investigation Committee.

Based on a file review, the Complaints Review Commissioner provides a written decision to the complainant, with a copy also sent to the lawyer in question. The Commissioner's decision is final.

The options available to the Commissioner are to:

- (a) confirm the initial staff decision;
- (b) require an investigation in cases where one has not been conducted; or
- (c) where an investigation has taken place, direct the Law Society to refer the matter to the Complaints Investigation Committee for its consideration.

In 2013-14 the Commissioner received a total of 32 requests for review of a staff decision. Of these, two requests were received after the 60 day period for requesting a review and were not considered. Therefore, a total of 30 complaints were reviewed. For 10 matters the initial decision by staff was that no further action was required. For an additional 9 matters the staff decision was to issue a letter of reminder to the lawyer in question regarding particular Rules of the Law Society. In these 19 cases the complainants felt that the decision made was an insufficient response to their concerns and they wanted the matter referred to the Complaints Investigation Committee by the Commissioner. The remaining 11 requests were with regard to staff decisions that the complaint either had no merit or there was no jurisdiction to investigate; in these matters the complainant wanted a formal investigation to be undertaken.

Based on the total of 30 reviews, the initial staff decision was upheld in all but one case, where an investigation was ordered.

There was a decline in requests for review in 2013-14 over the previous year, falling from 50 in 2012-13 and 38 the prior year. The higher number in 2012-13 may have been a one-year anomaly following the expansion of the Complaint Review Commissioner's mandate in 2010 to encompass matters that the staff had already investigated.

Over this past year, I appreciated the opportunity to provide a second look at cases which continued to be unsettled after decisions were made by the Law Society staff. I want to commend both the complainants who sought a further review and the lawyers who responded in detail to the Law Society when the matters were investigated.

I continue to be struck by the challenging circumstances of many of the complainants who find their personal and business affairs the subject of significant conflict and the scrutiny of others. Some of the difficult matters complainants face arise from long standing conflicts that defy resolution, even with the help of the legal system.

The operations of the Law Society are divided into four areas or funds. This year, the accounting systems were upgraded, resulting in a more detailed and accurate picture of the position and performance of each of these funds.

The General Fund (GF) receives revenue and incurs expenses related to General Administration, Accounting, Admissions & Membership, Complaints Resolution, Discipline, Family Law Access Centre and Information Technology. The bulk of the GF revenue comes from practicing fees, investment income and other application and service charges. Its major expenses include building operations, salaries/benefits, special pension payments, committee/bencher support, file custodial services, grants and general office supplies and services.

The Reimbursement Fund (RF) receives an annual contribution from fees, a Manitoba Law Foundation grant and investment income. These funds are used to repay clients who become victims of lawyer theft, cover the Lawyers Trust Protection Insurance premiums and to support the Law Society's audit program expenses, including salary and benefits.

The Professional Liability Claims Fund (PLCF) receives the annual insurance levy and investment income. These funds cover salaries and benefits of Law Society staff responsible for administering the service, damages and defence costs and initiatives to reduce future claims, such as the practice management advisor and Lawyers at Risk program.

The Education Fund (EF) earns revenue from the annual contribution from fees, program revenue, CPLED tuition, material sales, a Manitoba Law Foundation grant and investment income. These funds are used to deliver educational programs to existing and future lawyers. In particular, payments are made for salaries and benefits, CPLED development, honoraria for volunteer presenters, material printing, presenter fees, equity initiatives and more.

In total, the Law Society had a financially successful year, performing better than expected and better than last year. This success is attributed to above average investment performance, an unexpected premium rebate from our reciprocal insurer, reduced net damages and defence payments and continued efforts to monitor and control all costs.

ADMISSIONS AND MEMBERSHIP

New Members

During the year ending March 31, 2014, 114 lawyers were called to the Bar in Manitoba. Of those:

- 22 lawyers transferred to Manitoba from other Canadian jurisdictions, under the National Mobility Agreement;
- 90 articling students were called to the Bar;
- 2 lawyers received exemptions from articling based on foreign practising experience; and
- 15 lawyers had obtained law degrees outside of Canada and were admitted on the basis of a National Committee on Accreditation Certificate of Qualification.

Where Members are Practising

Law Society members with active practising status on December 31, 2013 were practising in the following geographical areas:

- within the City of Winnipeg: 1,706
- within Manitoba, but not in the City of Winnipeg: 232
- outside Manitoba: 54

Law Firms in Manitoba

As of December 31, 2013, 134 (not including sole practitioners) law firms were operating in Manitoba. Of these firms:

- 84.3% have 2-10 lawyers;
- 9.7% have 11-25 lawyers;
- 2.2% have 26-50 lawyers; and
- 3.7% have more than 50 lawyers.

Gender and Nature of Practice

There were 1,992 lawyers with active practising status in Manitoba as of December 31, 2013, of which 1279 or 64.2% were men and 713 or 35.8% were women. Of those women in active practice, 58% were engaged in private practice with the remaining 42% employed in corporate, government (including Legal Aid) and educational endeavours. Of the men in active practice, 72% were engaged in private practice and 23% in corporate, government and educational endeavours. **Table A** on page 9 provides a historical record of the number of practising lawyers in Manitoba and **Table B** provides a gender breakdown by years in practice.

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Years at the Bar

The breakdown of the profession in terms of number of years at the bar for the province's 1,992 practising lawyers is indicated in **Table B** below.

Table A: Practising Lawyers in Manitoba as of December 31st

1932 - 603	1975 - 910	1986 - 1,483	1997 - 1,711	2008 - 1,860
1950 - 551	1976 - 967	1987 - 1,526	1998 - 1,699	2009 - 1,883
1955 - 636	1977 - 1,105	1988 - 1,548	1999 - 1,731	2010 - 1,919
1965 - 683	1978 - 1,083	1989 - 1,609	2000 - 1,737	2011 - 1,946
1966 - 702	1979 - 1,169	1990 - 1,635	2001 - 1,760	2012 - 1,985
1968 - 704	1980 - 1,213	1991 - 1,680	2002 - 1,769	2013 - 1,992
1970 - 723	1981 - 1,252	1992 - 1,665	2003 - 1,778	
1971 - 746	1982 - 1,282	1993 - 1,659	2004 - 1,808	
1972 - 776	1983 - 1,304	1994 - 1,659	2005 - 1,825	
1973 - 795	1984 - 1,336	1995 - 1,671	2006 - 1,819	
1974 - 837	1985 - 1,387	1996 - 1,677	2007 - 1,836	

Table B: Practising Lawyers in Manitoba as of December 31st by Years at the Bar and Gender

Years at the Bar (Inclusive)	Male		Female		Total	
	#	%	#	%	#	%
0 - 5	198	51.6	186	48.4	384	19.3
6 - 10	108	43.2	142	56.8	250	12.6
11 - 15	118	54.6	98	45.4	216	10.8
16 - 20	126	60.6	82	39.4	208	10.4
21 - 25	142	67.0	70	33.0	212	10.6
26 - 30	140	67.6	67	32.4	207	10.4
31 - 35	154	75.9	49	24.1	203	10.2
36+	293	93.9	19	6.1	312	15.7
TOTAL	1,279	64.2	713	35.8	1,992	100.0

COMPLAINTS RESOLUTION

Complaints

The aim of the Law Society of Manitoba is a public well served by a competent, honourable and independent legal profession. The Complaints Resolution Department strives to meet that aim by resolving complaints in a way that is thorough, timely and fair. Law Society staff investigate and resolve the majority of complaints received about lawyers, while the Complaints Investigation Committee deals with the more serious complaints.

Law Society staff try to address verbal complaints quickly on an informal basis, if it is determined that it is appropriate to intervene. In the past fiscal year, staff resolved 182 such concerns through this type of early intervention.

The Law Society received 338 written complaints last year, 345 including arbitration files. Where a written complaint is received, a significant number are also resolved by Law Society staff. For example, this past year staff resolved 301 matters (some received in the prior fiscal year) as follows:

- a. 96 complaints were determined to be outside the Law Society's jurisdiction or did not merit investigation;
- b. 32 complaints were resolved to the satisfaction of the complainant and the lawyer through telephone conciliation;
- c. on 88 matters, it was determined that the lawyer had provided a satisfactory response to the complaint;
- d. on 68 occasions, the lawyer received a reminder letter with respect to his or her professional obligations;
- e. on 1 occasion, it was recommended that the lawyer follow a particular course of action;
- f. on 10 matters, the complaint was abandoned or withdrawn; and
- g. 6 matters were otherwise resolved by staff lawyers.

The Chief Executive Officer, pursuant to Law Society Rule 5-66(e)(i), authorized charges of professional misconduct against 3 lawyers on 6 matters for failing to respond to Law Society correspondence.

This past year the Complaints Investigation Committee was comprised of 8 benchers, 1 lay-bencher (i.e. a non-lawyer) and 5 non-bencher lawyers. The committee has a wide range of powers including the authority to order reviews of a lawyer's practice, authorize charges of professional misconduct, conduct unbecoming a lawyer or incompetence in a lawyer's practice of law. The committee can also issue formal cautions, direct personal appearances and suspend lawyers from practice on an interim basis.

Last year, the Complaints Investigation Committee had 10 meetings at which they considered 26 matters as well as concerns arising from the bankruptcies of 2 lawyers. Several matters were considered by the Committee on more than one occasion as the matters progressed. The Committee required 3 personal appearances in order to assist in the Committee's investigation. The Committee directed the following resolutions of the matters before it:

- a) charges were authorized on 20 matters, relating to 12 lawyers;
- b) 2 lawyers were suspended from practice;
- c) 1 lawyer was relieved of an undertaking previously provided;
- d) a practice review was directed for 1 lawyer;
- e) the Committee determined to take no further action on 1 matter; and
- f) the Committee issued a reminder to 3 lawyers.

Most complaints to the Law Society are made by clients or former clients and concerns relating to quality of service and excessive fees continue to be common.

However, the matters under consideration by the Committee dealt primarily with integrity related matters, competence concerns, breaches of trust conditions, conflicts of interest, as well as ungovernable members.

Fee Arbitration

The Law Society offers a fee arbitration program to members of the public, free of charge. Members of the legal profession donate their time to arbitrate fee disputes in a voluntary arbitration process. The program allows clients and lawyers the ability to resolve disputes about accounts in a more informal setting than through a court assessment. Members of the legal profession, however, are not required to agree to arbitration.

The Law Society received 105 complaints relating to excessive fees. No action was taken in 50 matters due to no follow through by complainants or the Society having no jurisdiction to deal with the complaint. There were 55 requests for arbitration upon which the Law Society was able to act. Ten of the arbitration requests resulted in a satisfactory settlement being reached between the lawyer and the complainant directly. No further action was taken on 25 requests due to the fact that the lawyer declined to arbitrate the dispute. There were three instances where an arbitration request was made, but the requests were later abandoned or withdrawn by the complainant prior to the conclusion of the arbitration process. Fourteen matters are ongoing, either pending an arbitration hearing or pending the lawyer's or the complainant's consideration.

Ten arbitration hearings were conducted between April 1, 2013 and March 31, 2014. Nine of those hearings related to arbitration proceedings which commenced prior to April 1, 2013. Of the 10 hearings, in 5 instances, the fees were upheld, in 2 instances the fees were reduced, and in 2 instances the parties settled during the arbitration hearing. We are awaiting the arbitration decision in one matter.

The Law Society protects the public interest in the delivery of legal services by prosecuting lawyers who are charged with professional misconduct, incompetence, or conduct unbecoming a lawyer. Once charges are authorized against a lawyer by the Law Society's Complaints Investigation Committee, the charges are formalized into Citations. Notices about charges are posted on the Law Society's website so that clients and prospective clients can see that a lawyer has been charged and can determine the nature of the allegations against the lawyer.

Charges are disposed of at hearings. Discipline hearings are conducted by panels of three members of the Discipline Committee, one of whom is a public representative to help ensure that the public interest is a key component of the hearing process. Parties to the hearing have the right to subpoena and cross examine witnesses. Lawyers who are charged may choose to be represented by counsel at these discipline hearings. Lawyers may plead guilty or not guilty to the charges laid against them. If facts can be agreed upon, a Statement of Agreed Facts is filed and this reduces the time it would otherwise take to prove the facts that demonstrate the misconduct. Frequently, a joint recommendation is made with respect to the conduct at issue and with respect to the sanction that would be appropriate.

Discipline hearings are open to the public unless there are compelling reasons for a panel to order that it is in the public interest for members of the public to be excluded.

At the conclusion of a discipline hearing, the panel must either dismiss the charges or make a finding that the lawyer is guilty of the alleged conduct. If a lawyer is convicted, s. 72(1) of *The Legal Profession Act* provides the panel with the authority to impose sanctions ranging from a reprimand through to an order that the lawyer be disbarred.

This year, 13 discipline hearings were conducted over a course of 11 days. Nine of the lawyers entered guilty pleas, three lawyers entered pleas of not guilty, and charges were stayed with respect to one lawyer. Out of the three not guilty pleas, one lawyer was found guilty of professional misconduct, one lawyer was acquitted of a charge that he failed to provide a complete response to a letter from the Law Society and we are awaiting the panel's decision with respect to the third member.

With respect to the ten convictions, two lawyers were disbarred and their names struck from the rolls of the Law Society. Another lawyer was suspended for a period of one month. One lawyer was given permission to resign (after he had agreed to pay the residual beneficiaries of an Estate a total of \$70,000.00 as a refund of fees taken). Six lawyers were ordered to pay fines ranging from \$1,000.00 to \$7,500.00. In addition to paying a fine, one of

the lawyers also signed an undertaking to retire from the practice of law and not apply to resume active practice for a period of at least two years. Another lawyer who was fined was also ordered by the panel to pay his outstanding debt to a doctor from whom he had ordered a medical report on behalf of a client and to provide an apology. He was also ordered to contact the Practice Management Advisor of the Law Society within one month of the hearing. All of the members who were convicted were also ordered to pay costs ranging from \$1,000.00 to \$30,000.00.

The charges of professional misconduct related to:

- **Integrity:** failing to act with integrity including charges of misappropriation of trust funds, back-dating statements of account, breaching conditions of practice, contravening a Law Society directive, misleading the Law Society, practising law while suspended, alteration of bank records, failing to properly supervise another lawyer's practice in accordance with supervisory obligations, representing to the Law Society that another lawyer had complied with conditions imposed upon him when the lawyer knew or should have known that this was not the case, engaging in an inappropriate personal relationship with a client thereby breaching fiduciary duties owed to the client, paying fees to an Executor of an Estate in excess of fees stipulated in the will without the prior knowledge and consent of the residual beneficiaries, preparing a mortgage in which the lawyer falsely identified the mortgagee, negotiating a cheque received from Legal Aid Manitoba which included funds for payment of a medical report and using all of the funds for the lawyer's own benefit;
- **Trust Accounting:** failing to comply with the Law Society accounting rules, including failing to deposit trust funds into trust, failing to render a statement of account, failing to maintain up-to-date trust records, failing to maintain monthly trust reconciliations, overdrawing a trust ledger, failing to maintain separate trust ledgers, failing to maintain a general operating account, failing to maintain a book of original entry, failing to maintain an accounts receivable ledger, failing to file an annual trust account report;
- **Fees:** charging fees that were not fully disclosed, fair and reasonable;
- **Conflict of Interest:** acting while in a conflict with a client;

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- **Advising Clients:** lawyer allowing himself to become the tool or dupe of an unscrupulous client;
- **Breach of Duties Owed to Other Lawyers:** failing to answer professional communications with reasonable promptness;
- **Failure to Meet Financial Obligation:** requesting a medical report on behalf of a client and then failing to pay it;
- **Failing to be Courteous and Act in Good Faith:** failing to respond to telephone and written communications seeking payment for a medical report; and
- **Law Society Rules:** failing to respond to communications from the Law Society, failing to notify the Law Society of an assignment in bankruptcy, early payment of real estate commissions.

Last year, there was a hearing before a discipline panel that related to a person who had applied for reinstatement (after being disbarred several years ago). The discipline panel issued a decision denying the application for reinstatement and an application for judicial review of that decision was made in the Court of Queen's Bench. The application was heard and the decision is pending.

The Law Society continued to participate in a pilot project through the Federation of Law Societies to test a set of national discipline standards. The standards are intended to address issues pertaining to timeliness, hearings, public participation, transparency, accessibility, quality, and qualification and training of adjudicators and investigators. The Law Society continues in its efforts to comply with all of the proposed standards.

As part of its overall mandate to regulate the legal profession in the public interest, the Law Society seeks to ensure that only those authorized to practice law in Manitoba will do so. Concerns relating to the unauthorized practice of law were investigated and resolved informally without the need to take any court action to prevent the offending conduct from continuing.

EQUITY INITIATIVES

The Law Society of Manitoba supports the full participation of men and women in the legal profession regardless of age, disability, race, religion, marital or family status or sexual orientation. The Society acknowledges the diversity of Manitoba's community and expects lawyers to respect the dignity and worth of all people and to treat all persons equally. Discrimination and harassment are against the law and are prohibited by the profession's Code of Professional Conduct.

The Justicia Project has been front and center this year in terms of Equity Initiatives. Justicia was developed by the Law Society of Upper Canada to help retain women in private practice. Statistics in Manitoba and the rest of the country have all shown that while women are entering the legal profession and private practice in record numbers, they are not staying. In May of 2013 the first annual Justicia partners' summit was held at the Law Society. Two lawyers who were instrumental in developing Justicia in Ontario spoke to managing partners and firm representatives.

Eleven firms, including the six largest firms in Manitoba and some medium and small firms agreed to participate in the program and have signed letters of commitment to be part of the Justicia Project. The eleven firms represented 59% of lawyers in private practise.

The Project is also firm driven and only the law firms that have signed written commitments to participate in the program have access to the guidelines that are being developed and the use of the Justicia logo. Once these guidelines are completed the working groups will consider what other guidelines and initiatives that might be helpful in retaining women lawyers in private practice.

The Equity Ombudsperson Program has been a permanent Law Society program since 2003. The Equity Ombudsperson functions independently of The Law Society and provides confidential and neutral advice to individuals who have concerns about any kind of discrimination or harassment. The Equity Ombudsperson also consults with and assists public and private law offices wanting to

raise staff awareness or develop office policies. She also provides educational seminars for members of firms, is available for personal speaking engagements and informal meetings, talks confidentially with firms about particular problems and mediates disputes.

The Law Society also has a standing equity committee that deals with issues relating to equality and diversity. This year the committee has worked hard to implement the Justicia Project.

During the 2013 calendar year the Equity Ombudsperson was contacted a total of 850 times, with some contacts raising more than one issue; 125 contacts dealt with issues or concerns relating to discrimination, 26 dealt with issues relating to sexual harassment and 15 related to workplace harassment issues or concerns.

The Law Societies Parental Support Program offers coaching sessions to lawyers and their spouses/life partners to help them plan for maternity and parental leave and meet the challenges of becoming new parents and juggling family and work life. Introduced in 2008 the program continues to be used by members but in decreasing numbers. The program has also been adopted for use in Nova Scotia and Ontario. The Law Society also continues to offer the Professional Boundaries Program for lawyers. It is a remedial program designed to help lawyers better understand when professional boundaries may have become blurred in their interaction with clients, employees and other lawyers and help them to avoid breaching their obligations under the Code of Professional Conduct. Six lawyers used the program this year.

The Law Society also gathers statistics on the composition of the profession which includes questions designed to better understand demographic trends, develop programs and initiatives within the mandate of the Society and help promote equality and equity by enhancing legal services provided by and for all communities that reflect the diversity of Manitoba.

EDUCATION AND COMPETENCE

The Law Society's mission is a public served by competent lawyers. To fulfil that mission the Law Society ensures that:

- Individuals applying for entry into the legal profession have the knowledge and skills required to provide legal services competently;
- The knowledge and skills required to become competent are articulated;
- Individuals applying for entry into the legal profession are of good moral character;
- Guidelines for what constitutes good moral character are articulated;
- Consideration of applicants for entry into the legal profession complies with legislative requirements;
- After entry into the legal profession lawyers take responsibility for maintaining their own competence.

Admissions & Education Committee

The Admissions and Education Committee assists Benchers governance by recommending policy in three areas:

- admission matters
- education of applicants seeking admission as lawyers
- continuing professional development of practising lawyers.

The Committee monitors the work of the Admissions and Membership Department and the work of the Education and Competence Department. In addition, the Admissions and Education Appeals Sub-Committee hears appeals from both admissions and education decisions.

The Admissions and Education Committee met four times during the year and considered the following issues:

- The Federation of Law Societies National Admissions Standards Project: Good Character and Fitness to Practice Requirement Consultation Report
- The application of the Law Society's Mandatory Continuing Professional Development Rules and Guidelines during maternity leaves
- Amendments to the Law Society Rules regarding the CPLED Program
- Amendments to the Appeal of Admission Decisions Guidelines

A panel of the Admissions and Education Appeals Sub-Committee granted the appeal from a CPLED student and permitted the student to complete a second supplemental competency evaluation. Three other appeals are pending.

CPLED and Articles

The Manitoba CPLED Program is part of a regional bar admission course offered in Manitoba, Saskatchewan and Alberta. The CPLED Program focuses on the essential skills that new lawyers need in the early years of practice and on the areas of substantive law that they are likely to encounter. The program combines traditional classroom and online delivery formats.

The 2013-2014 Manitoba CPLED Program began on August 26, 2013 with 95 new students and 3 students continuing from 2012-2013.

In addition to the CPLED Program students must complete 52 weeks of articles under the supervision of a lawyer approved as a principal. Articles provide students with realistic experiences in a supervised and reflective atmosphere. In 2013-2014 fifteen students articulated outside the City of Winnipeg for all or part of their articling period.

Students who complete the 2013-2014 CPLED Program and the required articling period will be called to the bar in ceremonies in Winnipeg and other centres in Manitoba.

On June 20, 2013 at a call to the bar ceremony for candidates who completed the 2012-2013 CPLED Program and articles the A.M. Montague Israels, Q.C. Prize was awarded to Corey Shefman.

Qualification Examinations

The Law Society may require that lawyers seeking to resume practice after being out of practice for a period for time and foreign lawyers wishing to practise in Manitoba complete qualification examinations. Between April 1, 2013 and March 31, 2014, five lawyers completed qualification examinations.

Continuing Professional Development (CPD)

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The Education and Competence Department provides educational opportunities to lawyers and their support staff to help them provide high quality legal services to the public. In planning continuing professional development (CPD) programs, the department is guided by a working definition of competence and strives to offer programs that address each component of the definition.

During the 2013-2014 year the Law Society offered 62 CPD programs:

- 53 in Winnipeg;
- 9 outside Winnipeg: 4 in Flin Flon, 2 in Brandon, 1 in Clear Lake and 2 in Carman.

These programs included:

- 10 webinars;
- 14 DVD replays of live programs;
- 4 programs also offered by teleconference; and
- 2 programs offered in French (one was cancelled due to insufficient registrations).

The 62 programs offered 209.25 hours of CPD including 97.5 hours of EPPM (Ethics, Professionalism and Practice Management).

The 62 programs attracted 3,271 registrations.

Continuing Professional Development (CPD) Programs delivered in 2013-14:

(this list does not include replays of DVD or Webinar programs)

- Ethics and Civility in the Practice of Criminal Law
- Encore Presentation Hot Topics in Real Estate
- Understanding Dignity: Insights on Vulnerability and Communication Skills
- Technology and Security: Are You Meeting Your Confidentiality Obligations (Webinar)
- Leadership Challenge: Skill-Sets and Mind-Sets for Leading People
- Dealing with Difficult People: Leading Edge Communication Skills for Lawyers
- Practice Management & 10 Things The Law Society Wants Western Bar Lawyers to Know (Brandon)
- Criminal Defence Advocacy Skills Workshop - Dealing with Impaired Driving and Police Witnesses
- The Approximately 10th Annual Accommodation in the Workplace: Featuring the Legal Workplace
- Bail Applications and Conditions on Release
- Canada's Anti-Spam Law (Webinar)
- Evidence for Trial Lawyers
- Revisiting Younger's 10 Commandments: An Update of Irving Younger's Classic Rules for Cross-Examination
- Northern Bar Annual Meeting (Flin Flon) - Bail Applications and Conditions on Release
- Northern Bar Annual Meeting (Flin Flon) - Family Law Relocation and Mobility Issues
- Time Mastery for Lawyers
- Time Mastery for Support Staff
- Central Bar Association Annual CPD - Family Law: Relocation & Mobility Issues
- Central Bar Association Annual CPD - Firearms in Canada
- Strategic Legal Writing
- Western Bar Annual CPD - Courtesy & Civility in the Courtroom – No More Mister Nice Gal?
- Lessons Learned: How to Avoid Being the Subject of a Complaint to the Law Society (Webinar)
- Triple Your Memory and Confidence, and Halve Your Stress

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Continuing Professional Development (CPD) Programs delivered in 2013-14:

(continued))

- Outstanding Client Service: 10 Key Ways to Win Cases, Create Client Satisfaction and Get Referrals
- The Income Tax of Share Sales and Reorganizations: Don't Let Your Clients Get Caught with High Rate Deemed Dividends
- Legal Technology & Practice Management: What's Coming and the Best of What's Out There Now
- Legal Drafting with Microsoft Word – Fundamentals
- Legal Drafting with Microsoft Word - Advanced Techniques
- Criminal Defence Advocacy Skills Workshop - Defending Sexual Assault Charges
- Effective Decision Writing for Administrative Adjudicators (for LSM Committee Members)
- Effective Decision Writing for Administrative Adjudicators
- Leadership Skills Series: Employee Engagement and Accountability: Build a High Performance Culture
- 2013 Pitblado Lectures: Human Rights Challenges & Achievements
- Travailler avec les Immigrants et les Nouveaux Arrivants au Canada
- Strategic Legal Writing (repeat program)
- Advanced Storytelling Presentation Skills
- Working with Immigrants and Newcomers to Canada
- Technology & Security Update: New Challenges for Law Firms? (Webinar)
- Resilience & Embracing Change: Critical Skills for Professional Success
- Working with Immigrants and Newcomers to Canada (Brandon)
- Generational Diversity: Maximize Performance Throughout Your Organization
- 2014 Annual Joint Family Law Program ChequeMate: Challenges of Spousal Support
- New Manitoba Private Sector Privacy Legislation (Bill 211) (Webinar)

The Law Society worked with other organizations to provide innovative programs. The Northern, Central and Western Bar Associations invited the Education and Competence Department to plan and implement CPD courses at their annual meetings. The Law Society partnered with the CDLA (Criminal Defence Lawyers' Association) to create a series of advocacy skills workshops. The Law Society and its co-sponsors, the Manitoba Bar Association and the University of Manitoba Faculty of Law presented a successful program entitled Human Rights Challenges and Achievements for the annual Isaac Pitblado Lectures. The Law Society joined forces with its Equity Ombudsperson to present the annual Accommodation in the Workplace program. ChequeMate: The Challenges of Spousal Support was jointly presented by the Law Society, the Court of Queen's Bench, Family Division and the Manitoba Bar Association. Finally, the Law Society partnered with the Association des Juristes d'expression Français du Manitoba (the AJEFM) to offer two French language programs.

In addition to presentations and workshops, the Law Society made available to the legal profession papers created for specific CPD programs and the CPLED Program Resource Materials.

New Media

The Law Society is committed to making CPD accessible to all of our members, regardless of their geographic location. As part of that initiative we record some of our live CPD sessions and make those recordings available to our members on DVD.

Through cpdonline we offer members the convenience of CPD resources at a time of their choosing, anywhere that they can connect to the internet. The cpdonline catalogue contains 35 courses and we regularly add new titles as they become available. This year we added the convenience of online payment for cpdonline courses.

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eLaw Electronic Update Series

The eLaw electronic update series is another tool to enhance the competence of Manitoba lawyers. Subscribing lawyers receive free regular email updates on cases, legislation, regulatory changes, and educational resources in seven broad practice areas: Property & Succession, Business Law, Family Law, Criminal Law, Litigation, Practice Management and Labour and Employment.

Remedial Education

From time to time the Society identifies lawyers whose skills or legal knowledge have deteriorated and who are not able to competently provide legal services. The Society provides remedial programs to assist these lawyers to reacquire and to demonstrate their competency. Between April 1, 2013 and March 31, 2014 one lawyer completed a remedial education program.

Volunteers

The Law Society is indebted to the many lawyers who contributed to the success of the CPLED Program, CPD programs and competence initiatives by volunteering their time and expertise as faculty, content advisers and authors.

PRACTICE ISSUES

The Law Society regularly receives calls from members of the profession with questions relating to ethical and practice issues. Frequently staff are able to assist lawyers by directing them to the Code of Professional Conduct, Law Society Rules, Practice Directions and other resources. In some instances, the lawyers will request a binding ruling from the Society, in which case members of the Society's Practice and Ethics Committee will be asked to consider the matter. Inquiries from lawyers relate to a variety of practice and ethics issues including conflicts of interest, transfer of files to new lawyers, and issues relating to confidentiality and solicitor client privilege.

The Law Society has made amendments to the Code of Professional Conduct in order to ensure harmonization with the Federation of Law Societies' Model Code of Professional Conduct. This year, new rules were passed to provide guidance to lawyers who provide legal services under limited scope retainers. This permits them to provide representation in respect of some, but not all of a client's legal matter. New rules will also facilitate the provision of short-term limited legal services of a summary nature under the auspices of a pro bono or not for profit legal services provider. Unlike with a standard retainer, comprehensive conflicts checks will no longer be required where lawyers have volunteered in such circumstances to provide summary legal advice to clients.

PROFESSIONAL LIABILITY CLAIMS FUND

The Professional Liability Claims Fund of the Law Society of Manitoba provides professional liability insurance coverage to all Manitoba lawyers except those exempt under the Legal Profession Act. The Professional Liability Claims Fund underwent an independent actuarial valuation to establish the program's actuarial liabilities and surplus position and recommend the appropriate insurance assessment. This process of independent actuarial advice and collecting sufficient funds for each policy year ensures that expected losses will be fully funded and allows for an adequate surplus to cover unexpected claims development. In the 2013/2014 fiscal year, the insurance assessment was levied at \$1,445 plus G.S.T.

The Law Society and nine other provincial and territorial Law Societies participate in the Canadian Lawyers Insurance Association (CLIA), a reciprocal insurance exchange. CLIA issues a comprehensive Policy of Insurance to the Law Society as Named Insured and members of the Law Society as Insureds. The Policy insures lawyers for damages and legal costs of up to \$1 Million per error and \$2 Million annually for claims alleging errors or omissions made

in the course of providing professional services to others. When a claim made against a lawyer is paid, that lawyer pays a deductible ranging from \$5,000 to \$20,000, depending on the lawyer's paid claims experience in the previous five year period.

The Law Society has a Professional Liability Claims Fund Committee which deals with policy matters affecting the insurance program as they arise.

During the 2013/2014 fiscal year, the Insurance Program paid claims totalling \$1,218,360 in damages and \$460,023 in legal defence costs. This compares to \$861,931 in claims and \$406,640 in legal defence costs paid during the previous fiscal year.

The Professional Liability Claims Fund also funds various loss prevention initiatives including a retainer agreement with Bjorn (Barney) Christianson, Q.C. to provide free practice advisory services to members on a broad range of practice management areas.

REIMBURSEMENT FUND

The Reimbursement Fund (the "Fund") was established by the Benchers of The Law Society of Manitoba in 1943 to compensate clients for losses resulting from the misappropriation or conversion by lawyers of client funds or property. This Fund is maintained solely for the benefit of clients who may suffer losses through the dishonesty of lawyers and it is financed by the levy of an annual assessment on all practicing lawyers within the province. In the 2013/2014 fiscal year, all practicing lawyers paid the sum of \$250 into the Fund. The Law Society maintains insurance in the amount of \$10 million on the Fund.

The initial payout on any approved claim is limited to \$100,000. At the end of a fiscal year, if the total awards do not exceed the annual retention (\$1 million) plus the insurance on the Fund, then the balance unpaid on any approved claim will be paid out together with

interest at The Court of Queen's Bench Act prejudgment interest rates from the date of the initial payment. If the aggregate claims awards exceed the annual retention plus the insurance coverage, payments in excess of \$100,000 will be prorated. There is a limit on recovery of \$300,000 per file. There is no limit on the number of claims an individual may bring.

Reimbursement Fund claims guidelines are considered in deciding whether to approve a claim. Claimants are provided with an application form and a copy of the payment guidelines which set out the terms for the submission, consideration and payment of claims.

In the 2013/2014 fiscal year \$42,666 was paid out of the Reimbursement Fund.

AUDIT PROGRAM

As part of the practice of law, lawyers are routinely required to hold funds in trust on behalf of their clients. For example, a lawyer may hold funds related to a real estate transaction or as a settlement between parties. Trust funds also include retainer funds provided by a client for future legal fees and disbursements. Trust funds do not belong to the lawyer and therefore, there are specific rules established to ensure these funds are properly safeguarded.

The Audit Department monitors compliance with the Law Society's regulatory requirements through two main processes:

- The Spot Audit Program
- Annual Trust Account Reports

Spot Audit Program

Since lawyers are required to keep their trust and general records up to date at all times, the spot audit is generally conducted without prior notice to a firm so that the auditor can observe the law firm's records in their usual state. There are three types of audits conducted:

- 1) New Firm audits are conducted within the first year of a firm opening its first trust account. These audits ensure proper accounting systems have been set up and provide an opportunity for the lawyer to ask the auditor questions regarding trust account requirements;
- 2) All Manitoba law firms that handle trust money have Regular audits on a rotational basis; and
- 3) Priority audits are conducted when firms have a history of trust account problems or when the Law Society receives information suggesting a law firm is of higher risk and should be audited sooner than the regular rotation.

During the fiscal year ended March 31, 2014, the following audits were completed:

Regular Audits	85
New Audits	22
Priority Audits	<u>10</u>
Total	117

This is a significant increase from previous years when some complex audits and loss of audit staff reduced our numbers.

Results of Audits

The Law Society's auditors devoted 44% of their time to conducting audits. During the past year, 95% of the audits completed showed that members were generally complying with the Law Society's accounting requirements and properly handling client trust funds. The other 5% of members audited showed many and/or serious accounting deficiencies or mishandling of trust funds.

Investigations

In comparison to a spot audit, an investigation involves more extensive and in depth audit procedures of the law firm's records. An investigation may be initiated as a result of a complaint or other information received from outside the Law Society. Alternatively a spot audit may evolve into a full investigation due to the initial audit uncovering serious deficiencies or conduct issues. In some cases the misconduct involves a misappropriation of trust funds. During the fiscal year ended March 31, 2014, the Audit Department spent 486 hours or 8% of its time conducting investigations, which was a fairly typical year. The majority of the time spent this year related to the investigation of two members whose matters are currently being dealt with through the Discipline process.

Annual Trust Account Reports

Law firms are required to file an Annual Trust Account Report in order to provide the Law Society with yearly information regarding their trust and general accounts, accounting systems and their compliance with the rules. The report will take the form of either a "Self-Report" or a "Form D with Accountant's Review". Most firms are provided the option - and most elect - to file a "Self-Report". This requires the member to complete a questionnaire and provide a month end trust reconciliation and supporting documents. However a relatively small number of firms are not given this option and are required to file a Form D. These firms have typically had poor audit results in the past and/or a history of discipline matters. The Form D requires the member to retain an independent professional accountant to review the records and test for compliance with the rules. The Law Society auditors review the Annual Trust Account Reports in detail and if required, write to the law firm outlining the necessary changes. A report indicating problems may trigger a spot audit. In addition, if a law firm does not file its Annual Trust Account Report by the required due date, the Law Society may conduct an inspection to determine if the firm is in compliance with the rules. The law firm will be responsible for the costs associated with this type of inspection. The Audit Department spent 19% of its time reviewing and following up on issues arising from Annual Trust Account filings. This time also included the administration of the process.

Other Activities

The Audit Department works closely with the Discipline Department and the Complaints Resolution Department when members have trust account related issues. This also includes providing custodial assistance where a member has been suspended, disbarred or has passed away without a succession plan.

In addition to conducting audits, investigations and reviewing the Annual Trust Account Reports, the auditors respond to a wide range of queries from lawyers and their support staff regarding trust accounting and related matters.



The Benchers of The Law Society of Manitoba 2012/2013

Front Row: (L to R) Allan Fineblit, Q. C., Chief Executive Officer, Charlie Curtis, David Swayze, President, Joelle Robinson, Marilyn Billinkoff, Deputy Chief Executive Officer **Second Row:** Robert Campbell, Roberta Campbell, Diane Stevenson, Jennifer Cooper, Q.C., Jack Cram, Past President, Helga Van Iderstine, Jasmine Zurbruggen, Anita Southall, David Gray **Third Row:** Dean Lorna Turnbull, Barry Effler, Kathy Bueti, Jim McLandress, Dean Scaletta, Peter Cole, Q.C. **On Stairs:** Ted Bock, Richard Buchwald, Marston Grindey, Karen Clearwater, Vice President **Absent:** Linda Brazier Lamoureux, Michael Finlayson, Boyd McGill, Corey Shefman

Officers (appointed June 13, 2013)

President:	David E. Swayze
Vice President:	Karen Clearwater
Past President:	John (Jack) D. Cram

Benchers

(elected for a two year term on May 2, 2012)

Winnipeg Electoral District

Theodor E. Bock
Richard D. Buchwald
Katherine L. Bueti
Roberta L. Campbell
Karen L. Clearwater
Barry C. Effler
Michael G. Finlayson¹
James E. McLandress
Dean I. Scaletta
Anita L. M. Southall

Eastern Electoral District

Peter J. Cole, Q.C.

Central Electoral District

Diane H. Stevenson

Dauphin Electoral District

Joelle C. Robinson

Northern Electoral District

David N. Gray

Western Electoral District

David E. Swayze
Karen L. Webb

Lay Benchers

Dr. Amarjit Arneja²
Linda Brazier Lamoureux
Robert Campbell
Charlie Curtis³
Marston Grindey

Faculty Bencher

Dean Lorna Turnbull

Student Bencher

Boyd McGill⁴
Corey Shefman⁵

¹ Became a Bencher in June, 2013

² Became a Lay Bencher in November, 2013

³ Ceased to be a Lay Bencher in November, 2013

⁴ Became a Student Bencher in September, 2013

⁵ Ceased to be a Student Bencher in September, 2013

Life Benchers

Winnipeg Electoral District

Hon. Douglas N. Abra
Hon. Laurie P. Allen
Douglas A. Bedford
Gregory G. Brodsky, Q.C.
Jennifer A. Cooper, Q.C.
Norman A. Cuddy
J. George Dangerfield, Q.C.
Richard K. Deeley, Q.C.
Hon. Robert A. Dewar
Douglas E. Finkbeiner, Q.C.
David G. Frayer, Q.C.
Hon. Martin H. Freedman
William S. Gange
Sidney Green, Q.C.
Hon. John P. Guy
William G. Haight
Hon. Barbara M. Hamilton
Irene A. Hamilton
Jeffrey B. Hirsch
Paul L. Jensen
Hon. Timothy J.P. Killeen
Bryan D. Klein
Christina V. Kopynsky, Q.C.
David J. Kroft
Heather S. Leonoff, Q.C.
Colin R. MacArthur, Q.C.
Hon. E. Alan D. MacInnes
Grant L. Mitchell, Q.C.
Hon. Peter S. Morse

E. William Olson, Q.C.
Chrys Pappas, Q.C.
Brian A. Pauls
Herbert J. Peters
Hon. Robert L. Pollack
G. Patrick S. Riley
Hon. Perry W. Schulman
Hon. Richard J. Scott
Hon. Vern I. Simonsen
Garth H. Smorang, Q.C.
Hon. Lori T. Spivak
Hon. P. Colleen Suche
J.F. Reeh Taylor, Q.C.
Helga D. Van Iderstine
Douglas G. Ward, Q.C.
Hymie Weinstein, Q.C.
Gavin M. Wood

Eastern Electoral District

John E. Neufeld, Q.C.
Jon van der Krabben
Lewis D. Wasel

Central Electoral District

John (Jack) D. Cram
Bjorn Christianson, Q.C.
Gary R. Gilmour
Gordon Hoeschen
Brock G. Lee, Q.C.

Northern Electoral District

Gordon D. Bates
John M. Ginnell, Q.C.
Donald R. Knight, Q.C.

Dauphin Electoral District

Eric B. Irwin
Hon. John A. Menzies
Alan J. Semchuk

Western Electoral District

George N. Bass, Q.C.
Hon. John H. Combs
Patricia L. Fraser
Hon. William R. Johnston
Hon. Donald M. Little
Col. Wolfgang W.A. Riedel, Q.C.
Norman H. Sims, Q.C.

Ex-Officio Benchers

The Hon. Peter MacKay
Minister of Justice and
Attorney General of Canada

The Hon. Andrew Swan
Minister of Justice and
Attorney General of Manitoba

Standing Committees

Note: The President and Vice-President are ex-officio members of all committees except the Admissions and Education Appeals Subcommittee and the Discipline Committee.

◆ Denotes Life Bencher

*Denotes Volunteer

**Denotes Public Representative

Admissions and Education Committee

McLandress, Jim (Chairperson)
 Finlayson, Mike (Vice Chair)
 Bueti, Kathy
 Campbell, Robert
 Dalmy, Joyce*
 Dawson, Robert*
 Grower, Paul*
 McGill, Boyd¹
 Murray, Liz*
 Pellizzaro, Robert*
 Shefman, Corey²
 Synyshyn, Andrew*
 Turnbull, Dean Lorna

Complaints Investigation Committee

Effler, Barry (Chairperson)
 Southall, Anita (Vice Chair)
 Buchwald, Richard
 Cole, Q.C., Peter
 Dixon, Kelly*
 Gray, David
 Grindey, Marston
 Hall, Raymond*
 Horst, Annette*
 Rachlis, Vivian*
 Scaletta, Dean
 Walsh, Sherri*

Discipline Committee

Stevenson, Diane (Chairperson)
 Van Iderstine, Helga◆ (Vice Chair)
 Hamilton, Irene◆ (Conflicts)
 Bates, Gordon◆
 Bedford, Douglas◆
 Bellay, Victor*
 Bock, Ted
 Brazier Lamoureux, Linda
 Brown, Miriam**
 Bueti, Kathy
 Campbell, Robert
 Campbell, Roberta
 Choy, Lindy*
 Christianson, Q.C., Barney◆
 Cohen, Neil**
 Cooper, Q.C., Jennifer◆
 Cox, Jim*
 Cram, Jack◆
 Dalmy, Joyce*
 Deeley, Q.C., Richard◆
 Douglas, Donald*
 Ferguson Sain, Lori*
 Finkbeiner, Q.C., Douglas◆
 Finlayson, Mike
 Finnbogason, Cathy*
 Fraser, Patricia◆
 Gabor, Q.C., Robert*

Gange, Bill◆
 Gibson, Lorne**
 Gilmour, Gary◆
 Good, Richard*
 Haight, Bill◆
 Hedley, James*
 Hirsch, Jeff◆
 Hoeschen, Gordon◆
 Hrynyk, Suzanne**
 Irwin, Eric◆
 Janzen, Jake*
 Jensen, Paul◆
 Knight, Q.C., Donald◆
 Kopynsky, Q.C., Christina◆
 Kroft, David◆
 Lee, Q.C., Brock◆
 Leibl, Ellen*
 Leonoff, Q.C., Heather◆
 Martin, Lorna**
 McLandress, Jim
 Mitchell, Q.C., Grant◆
 Molloy, Kenneth**
 Murray, Liz*
 Neufeld, Q.C., John◆
 Olson, Q.C., William◆
 Onchulenko, Wayne*
 Pauls, Brian◆
 Peters, Herbert◆
 Richmond, Keely**
 Riley, G. Patrick◆
 Robinson, Joelle
 Secter, Harvey*
 Semchuk, Alan◆
 Shaw, Jim*
 Sims, Q.C., Norman◆
 Smorang, Q.C., Garth◆
 Stefanson, Grant*
 Stewart, Wendy*
 Toews, Mark*
 Tolton, Catherine*
 Turnbull, Dean Lorna
 van der Krabben, Jon◆
 Webb, Karen
 Wolfe, Jim**

Admissions and Education Appeals Subcommittee

McLandress, Jim (Chairperson)
 Finlayson, Mike (Vice Chair)
 Brown, Miriam**
 Bueti, Kathy
 Campbell, Robert
 Cohen, Neil**
 Dalmy, Joyce*
 Dawson, Robert*
 Gibson, Lorne**
 Grower, Paul*
 Horst, Annette³
 Hrynyk, Suzanne**
 Martin, Lorna**
 McGill, Boyd⁴
 Molloy, Kenneth**
 Murray, Liz*
 Pellizzaro, Robert*
 Richmond, Keely**
 Scaletta, Dean⁵
 Shefman, Corey⁶
 Synyshyn, Andrew*
 Turnbull, Dean Lorna
 Wolfe, Jim**

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Standing Committees

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Equity Committee

Buchwald, Richard (Chairperson)
Scaletta, Dean (Vice Chair)
Arnal Soul, Kim*
Bock, Ted
Dear, Kyle*
Leven, Elliot*
Margolis, Rachel*
Phillips, Sandra*
Stevenson, Diane
Troup, Lynda*
Webb, Karen

Practice and Ethics Committee

Robinson, Joelle (Chairperson)
Stevenson, Diane (Vice Chair)
Effler, Barry
Frost, Issie*
Gorlick, Q.C., Celia*
Kantor, Mark*
Laurencelle, Alain*
Lavolette, Sidney*
Martin, Gregory*
McLandress, Jim
Reilly, Pam*
Thow, Mira*
Webb, Karen

Professional Liability Claims Fund Committee

Campbell, Roberta (Chairperson)
Stevenson, Diane (Vice Chair)
Derwin, George*
Gange, Bill♦
Rambow, Todd*
Rempel, Ryan*
Trippier, Faron*

Reimbursement Fund Claims Committee

Bueti, Kathy (Chairperson)
Robinson, Joelle (Vice Chair)
Cram, Jack♦
Frost, Issie*
Kantor, Mark*
Lavolette, Sidney*
McLandress, Jim
Offrowich, Leonard*
Phillips, Sandra*

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Special Committees/Working Groups

Access Stakeholders Committee

Gray, David (Chairperson)
 Bueti, Kathy (Vice Chair)
 Abel, Scott
 Ballantyne, Natalie
 Balfour, Marcel
 Buset, Hope
 Chartier, Judge Michel
 Clifford, Gil
 Curtin, Shauna
 Hamilton, Irene♦
 Hirsch, Jeff♦
 Katz, Joel
 Jewers, Hon. Gerald
 Lagimodiere, Julyda
 Leonoff, Q.C., Heather♦
 Lugtig, Sarah⁷
 Palace Churchill, Barbara
 Ramirez, Damarys
 Rivoalen, Acting Assoc. Chief Justice Marianne
 Sigurdson, Janet⁸
 Troszko, Mary
 Turnbull, Dean Lorna

Articling Task Force

Scaletta, Dean (Chairperson)
 Campbell, Roberta (Vice Chair)
 Asper, David*
 Barager, Susan*
 Billinghurst, Marla*
 Cole, Q.C., Peter
 Elgert, Kirsty*
 Gange, Daniel*
 Goldenberg, Eli*
 McLandress, Jim
 McDuff, Colleen*
 McGill, Boyd⁹
 Robinson, Joelle
 Schumacher, Gordon*
 Shefman, Corey*
 Turnbull, Dean Lorna
 Webb, Karen
 Yusim, Norman*

Conveyancing Practices Committee

Peters, Herbert♦ (Chairperson)
 Brown, Ned*
 Effler, Barry
 Golub, David*
 Hoeschen, Gordon♦
 Jones, John*
 King, Bruce*
 Neufeld, Q.C., John♦
 Shypit, Jeffrey*

Investment Committee

Hamilton, Irene♦ (Chairperson)
 Onchulenko, Wayne* (Vice Chair)
 Curtis, Charlie
 Lerner, Brian*
 Robinson, Joelle

**The President's Special Committee
on Re-Visioning Regulation**

Bock, Ted (Chairperson)
 Brazier Lamoureux, Linda (Vice Chair)
 Cohen, Neil**
 Cram, Jack♦
 Derwin, George*
 Finlayson, Mike
 Gabor, Q.C., Robert*
 Good, Richard*
 Hirsch, Jeff♦
 Kehler, Jarett*
 Stevenson, Diane

¹ Became a Committee member in September, 2013

² Ceased to be a Committee member in September, 2013

³ Ceased to be a Committee member in June, 2013

⁴ See endnote 1

⁵ Ceased to be a Committee member in June, 2013

⁶ See endnote 2

⁷ Became a Committee member in November, 2013

⁸ Became a Committee member in November, 2013

⁹ Became a Committee member in September, 2013

Executive and Administration

Chief Executive Officer	Allan Fineblit, Q.C.
Assistant to Chief Executive Officer	Pat Bourbonnais
Deputy Chief Executive Officer	Marilyn W. Billinkoff
Assistant to Deputy Chief Executive Officer and Family Law Access Centre Administrator	Lana Renaud
Chief Financial Officer	Colleen D. Malone
Assistant to Chief Financial Officer	Carol Hiebert
Director of Technology	Grant Gelinias-Brown
Assistant Director of Technology	Sean Rivera
Office Manager	James Ramsay
Office Clerk	Dana Earley
Administrative Assistant	Jennifer Jones
Office Receptionist	Corinne Penner

Admissions and Membership Department

Director of Admissions and Membership	Richard C. M. Porcher
Assistant to Director	Donna Mihalick
Administrative Assistant	Kelly Jordanov

Discipline Department

Senior General Counsel	C. Kristin Dangerfield
General Counsel	Darcia A.C. Senft
Assistant to Senior and General Counsel	Lee-Ann Harrison
Assistant to Senior and General Counsel	Lisa Ehnes

Complaints Resolution Department

Director of Complaints Resolution	Leah C. Kosokowsky
Legal Counsel	Noelia Bernardo
Legal Counsel	Omalara O. Badmus
Legal Counsel	Susan D. Billinkoff
Paralegal	Grace Page
Assistant to Director and Legal Counsel	Bernadette Penner

Insurance Department

Director of Insurance	Tana P. Christianson
Claims Counsel	Kathleen M.T. Craton
Claims Counsel	Joan M. Holmstrom
Insurance Assistant	Heather Vanrobaeys
Insurance Assistant	Kristin Forbister

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Professional Education and Competence Department

Director of Professional Education and Competence

Legal Counsel

Legal Counsel

Legal Counsel – Continuing Professional Development

Legal Counsel – Continuing Professional Development

Assistant to Legal Counsel

Assistant to Legal Counsel

Program Registration Assistant

CPLED Program Administrative Registrar

Publication Assistant

Brenda L. Silver

Ian F. Blomeley

Ellen J. Henry

Eileen S. Derksen Mead

Tracy M. Lloyd

Jennifer Lavallee

Uyoyo Obareh

Lori Gregory

Debra Rossol

Laura Ziemanski

Audit Department

Director of Audit

Auditor/Inspector

Auditor/Inspector

Auditor/Inspector

Assistant to Auditor/Inspectors

Kathy L. Levacque

Sandra A. Alleyne

Ronald Bailey

Deborah Metcalfe

Kelly Jordanov