

# The Law Society of Manitoba

# 2016 Annual Report

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# PRESIDENT'S REPORT



**Ted Bock**

I am pleased to provide this annual report upon the conclusion of my term as President.

My term began in May 2015. Long tradition has it that the newly elected President, Vice President and CEO attend the Law Society of Alberta's Annual Benchers Retreat and Business Meeting in Jasper, which we did in June 2015. This year's retreat was titled "Leading the way in a changing game". The focus of the retreat, as the title suggests, was how to initiate and manage regulatory change. In my view our attendance

at this retreat, and at other, similar events (for instance, Federation of Law Society meetings, invitations to visit other Law Societies, and ad hoc national and regional meetings), are an important part of the executive's work and deserve the Law Society's continued support. I hold this view for a number of reasons: personal attendances like these allow us to share, and learn from, common experiences with other Law Societies; they allow us to coordinate our regulatory efforts with other Law Societies in order to minimize regulatory differences; and they allow us to develop, sustain and build the institutional relationships that help us work with other Law Societies efficiently and effectively, and influence discussion at a national level. It is time and money well spent.

In Manitoba we have our own version of Alberta's Annual Benchers Retreat in Jasper – our annual meeting in Clear Lake, which is usually held in conjunction with the Western Bar Association Meeting in early September. The Benchers met in Clear Lake again in September 2015, and the meeting was a great success. This meeting fosters a real feeling of camaraderie among the Benchers. Because everyone has left the office behind, it's easy to focus our full attention on our work at the Benchers table during the meeting, and spend a little time together socializing afterward in a very lovely setting. I think it's a good idea to have at least one Benchers meeting per year outside of Winnipeg, and perhaps more thought could be given to expanding the scope of the Clear Lake meeting, as Alberta has done with its Benchers Retreat in Jasper. I would also encourage the Benchers to consider holding a second meeting outside of Winnipeg – I'm sure Benchers and lawyers from outside Winnipeg would appreciate the gesture. If nothing else, Benchers might consider holding a meeting in a Winnipeg location other than at the office on Kennedy St.

I attended two meetings of the Federation of Law Societies of Canada during my term. The first was hosted by us right here in Winnipeg from September 29 to October 2, 2015. The business meetings on September 29 and 30 were followed by a two-day conference. The subject of this conference was the Report of The Truth and Reconciliation Commission of Canada. I have been fortunate to attend several Federation conferences – this is one of the undeniable perks of being on the executive. I must say that this conference, organized by our own Law Society staff, was the best that I have ever attended. Many people that I spoke to from visiting Law Societies thought likewise.

The second Federation meeting was in Banff in March 2016. It included a brief presentation by me on the Federation's perceived value to, and burden on, its membership. My own view is that the work of the Federation has become enormously important to every Law Society in Canada, and Manitoba should continue to support it enthusiastically. It is no longer possible for any Law Society in Canada to ignore how the profession is being regulated beyond the borders of its jurisdiction.

There are several important Law Society events through the course of the year: the Call to the Bar, the Pitblado Lectures, the luncheon honoring members who were celebrating their 50th year of practice, the Richard J. Scott Award luncheon, the Lawyers for Literacy fundraiser. I was very pleased to participate in them all, and every one reminded me what a privilege it is to be a member of this profession, and what good people comprise its membership.

During my year as President I also had the privilege of bringing greetings from the Law Society at several swearing-in ceremonies for newly appointed judges to the Court of Appeal, Court of Queen's Bench and Provincial Court, as well as at the appointment of our past president, Karen Clearwater, to the Master's office.

The Benchers enjoyed several accomplishments this year. I would like to identify three in particular. First, significant changes to the composition of the Benchers table were introduced, increasing the number of appointed lay Benchers from four to six, and introducing, for the first time in Canada, four appointed lawyer Benchers. Second, the President's Special Committee on Entity Regulation began the work necessary to expand the Law Society's regulatory authority over entities other than lawyers who provide legal services to the public. Third, the Equity Committee began the task of developing an appropriate response to the Truth and Reconciliation Commission's Calls to Action to Canada's Law Societies. The important work involved in these three areas is just starting, and I encourage the Benchers to carry it forward in the years to come.

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Kris Dangerfield has now been the Law Society's CEO for almost two years. She took over in November 2014, but carries herself like someone with many more years' experience in the position. She has proven to be a very strong leader of the Law Society's staff and a very effective manager of the Law Society's operations. In addition, she has provided enormous support to me in my role as President, and to the Benchers as a whole, for which I express my sincere thanks.

I have had many opportunities over the course of the last year to appreciate the talent and commitment of our Law Society staff. I've visited many Law Societies during my tenure as a Bencher, and in my view we have a staff of professionals and support staff second to none in Canada.

I would like to extend thanks to my fellow Benchers. Each has volunteered hundreds of hours for the benefit of the profession and the public as a whole. No one ever got rich or famous by being a Bencher. I commend them all for their diligent preparation for, and thoughtful contributions to, the discussions at our Bencher and committee meetings. Special thanks to my Vice President, Roberta Campbell, who helped me shoulder the workload that comes with being President so capably and with such good humour. She now succeeds me as President, with Jim McLandress at her side as Vice President. I know that under their leadership the Law Society will be in good hands.

It has been a privilege to serve as President of the Law Society of Manitoba. I have enjoyed this experience as much as any in my professional life. Everyone should be so lucky.

# CHIEF EXECUTIVE OFFICER'S REPORT

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**C. Kristin Dangerfield**

The year 2015 has seen some exciting and innovative developments in the regulation of the legal profession in Manitoba. In November 2015 *The Legal Profession Amendment Act* received Royal Assent, ushering in significant changes to our regulatory model. The amendments provide the Law Society with the authority to regulate not just lawyers but also legal entities that deliver legal services. Entities may include not only traditional law firms but also associations of lawyers and non-lawyers, sometimes referred to as alternative business structures.

The potential benefits of entity regulation are enormous. A President's Special Committee was established to explore the development of a framework for implementing entity regulation. That Committee has been considering a proactive, outcomes focused model, which recognizes the significant influence that a law firm culture has on the lawyers who practice within an entity. An outcomes focused model would encourage firms to establish an ethical infrastructure based upon management principles around client, file and practice management. Through this process there is tremendous opportunity for the Law Society to enhance the competence of lawyers through the provision of resources that will support the ethical and effective delivery of legal services.

We are not alone in this work. The Law Society has been working closely with our counterparts in Saskatchewan and Alberta on Innovating Regulation. We are exploring together a model that will support entity regulation and have engaged in a comprehensive consultation process with the profession to obtain feedback on these important initiatives. We have also engaged with our colleagues in British Columbia, Nova Scotia and Ontario in this work, recognizing that harmonization of regulatory approaches is essential in an environment where lawyers can practice virtually anywhere in Canada.

There is reason to believe that entity regulation will address, at least in part, the access to justice concerns that exist, with many Canadians being unable to obtain legal services at a price that they can afford. By permitting lawyers to be more innovative in the way that they deliver legal services, there may be more options for the public at lower costs. The President's Special Committee will continue to explore those options over the course of the next year.

Access issues are at the heart of the work of the Access to Justice Steering Committee of the Law Society. The Access Committee focused its attention this year on a number of initiatives. A Family Law Working Group was struck to consider how to address gaps in the provision of domestic legal services available through the Society's FLAC program and those provided by Legal Aid Manitoba. Following a report from that Committee the Legal Aid eligibility guidelines were adjusted to mirror those in the FLAC program, thereby providing legal services to significantly more members of the public. The Working Group has also explored early resolution family law services including the establishment of a "robust front-end, early resolution services sector" so that "court if necessary, but not necessarily court" becomes an effective motto for family law dispute resolution. A Public Education and Information Working Group has been exploring the provision of greater information through a web portal which could be embedded in the websites of various access stakeholders. Finally, under the auspices of The Public Interest Law Centre, work has been done on assessing the viability of a "one-stop"shop, where the public could seek legal services and information in a central location.

The other significant change coming out of the legislative amendments made at the close of 2015 was a dramatic shift in the governance of the Law Society. Historically the Law Society Benchers table has consisted of lawyers who have been elected by their peers, plus some public representatives, the Dean of the Law School, the Attorneys General for Manitoba and Canada and a student Benchers. The amendments reduced the number of elected Benchers from 16 to 12, and added 4 appointed lawyer Benchers. The number of Lay Benchers has also been increased from 4 to 6 with the elimination of the Attorneys General positions. The Benchers spent a significant amount of time this year developing policies for the appointment of Benchers and a skills matrix, against which the competencies of prospective Benchers will be gauged. The Law Society is the first Law Society in Canada to move toward a skills based Board through the appointment of practising lawyers who will serve as Benchers.

This year also saw a President's Special Committee on Representative Capacity established to consider issues that arise where lawyers hold client funds while serving in a representative capacity, such as an executor or trustee. Existing restrictions on the manner and range of investment options available to lawyers acting in a representative capacity are not always in the interests of the client. The Committee has therefore explored an expanded scope of investment opportunities that could be permitted, providing there is oversight from the Law Society to ensure that the public is protected.

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In 2015 the Truth and Reconciliation Commission issued Calls to Action for Law Societies and the Federation of Law Societies to ensure that lawyers receive appropriate cultural competency training, including the history and legacy of residential schools. The Law Society of Manitoba has done an enormous amount of work in this regard. We began with the hosting of the Federation of Law Societies Annual Meeting and Conference in September 2015, which was focused on the TRC Report and the response by the legal profession. Throughout the year the Competence and Education Department has developed significant opportunities for professional development in relation to Indigenous Legal Traditions, Aboriginal Law and Understanding Treaties. This has also been a focus of the Equity Committee, which has been charged with considering the Law Society's response to the Calls to Action and to consider whether there are barriers to the legal profession unique to the Indigenous community that need to be addressed. Significant progress has been made in this important work which will remain a priority in the years to come.

There was also much to celebrate in 2015. The Law Society honoured nine lawyers, each of whom had practised more than 50 years. This distinguished group included Greg Brodsky, Q.C., Walter Kehler, Brian Pauls, Al Redekopp, Q.C., Lyle Smordin, Rheel Teffaine, Q.C., Jack Tepley, Sam Wilder, Q.C. and Sidney Wolchock. We can also celebrate the Law Society's continued support of West Broadway Youth Outreach, a program that offers drop-in recreational and life skills programs for children in the Broadway area. This year through the participation of more than 80 lawyers nearly \$15,000 was raised to support this important cause.

2015 continued to be a year of transition for the Law Society. Long time Deputy Chief Executive Officer Marilyn Billinkoff retired, after having served in that role for 20 years. Marilyn began her career at the Law Society as the Director of Insurance. She was replaced by Leah Kosokowsky who assumed the position under the new title of Director of Regulation. Our General Counsel, Darcia Senft, took on a newly created position as the Director of Policy and Ethics. In addition to her General Counsel duties she will focus on policy issues in the regulation of the legal profession and will also provide ethics advice to members of the profession. Rocky Kravetsky joined the Law Society as our Hearing Counsel, and is now responsible for all discipline hearings, admissions and education appeals and any related court proceedings. Finally, Grace Page, formerly our Complaints Resolution Department paralegal assumed the position of Office Manager.

With the addition of Hearing Counsel dedicated to conducting hearings and other proceedings, the Law Society has made significant progress in meeting the National Discipline Standards that came into effect in January 2015 to ensure that members of the public are treated promptly, fairly and openly wherever in Canada they have used the services of members of the legal profession. The National Discipline Standards are an excellent example of the significant benefit that flows from the collaborative work that the Law Society engages in with our colleagues across the country under the auspices of the Federation of Law Societies of Canada. This year saw the Federation led by our former Council member Jeff Hirsch, who took on the role of the President of the Federation of Law Societies.

Without the volunteers who serve as Benchers and Committee members, the work of the Law Society would be diminished. The collaborative effort between them and the hard working and talented staff at the Law Society enable us to continue our important work of regulating the legal profession. I extend my thanks to them for their enthusiasm, their energy and their commitment.

# COMPLAINTS REVIEW COMMISSIONER'S REPORT



**Drew Perry**

The role of the Complaints Review Commissioner is to provide an option for complainants of an independent review by a non-lawyer of certain decisions by the Law Society's Complaint Resolution Department staff.

Complainants have 60 days after a decision by Law Society staff to request a review by the Commissioner. They may do so if:

- (a) Complaints Resolution Department staff have initially reviewed a matter but have decided not to investigate the complaint on the basis of no merit; or
- (b) Following an investigation by staff, the matter has been concluded at that level without referring it to the more formal process of the Complaints Investigation Committee.

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

The options available to the Commissioner following a review are to:

- (a) confirm the initial staff decision;
- (b) require a staff investigation by a different staff member 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 2015-16 there were 56 requests for review, up from 47 and 32 in the previous two years. There did not appear to be any particular pattern to the increase in numbers.

In the case of 22 of the 56 review requests received last year, the initial decision by staff was that no investigation was required, on the basis that there was no merit to the complaint. All of these decisions were confirmed following a review (including one which was submitted after the 60-day limit for making a request).

For 34 of the 56 review requests, the staff decision was to investigate and to resolve the matter at a staff level, in some cases by issuing a letter of reminder to the lawyer in question regarding the need to observe particular Rules of the Law Society. Upon review, 30 decisions were confirmed. However, in the case of four matters the review determined that there was a sufficient basis for a more formal review by the Complaints Investigation Committee, and they were referred to that body for its consideration.

In conclusion, I will add that I have been pleased to be able to continue in this role through the past year. I remain convinced that it provides an important option for complainants to exercise if they are concerned that their matter has not been resolved initially to their satisfaction. It is my hope that the review process allowed for a greater sense of closure to be achieved by the parties involved.

The operations of the Law Society are divided into four areas or funds.

The General Fund (GF) summarizes the financial position and performance related to general operations of the Law Society, including accounting, admissions and membership, benchers, complaints resolution, discipline, Family Law Access Centre, general administration and information technology. Its main source of revenue comes from practising fees (\$1,700 per member in 2015/2016), supplemented by investment income and by other administrative fees and recoveries. Its major expenses include salaries/benefits related to its operation, grants (in particular support of the Great Library, Community Legal Education Association and Federation of the Law Societies of Canada), building maintenance/operations, committee/bencher support, professional assistance and general office supplies/operations.

The Reimbursement Fund (RF) exists for the benefit of clients who may suffer losses through the dishonesty of lawyers. It is financed by an annual assessment (\$500 per member in 2015/2016) on all practicing lawyers within the province, a grant from the Manitoba Law Foundation, investment income and, in the current year, a surplus rebate from CLIA. Its major expenses include repayments to clients who become victims of lawyer theft, Lawyers Trust Protection Insurance premiums and financing the Law Society's audit program, of which the major expenses relate to salaries/benefits.

The Professional Liability Claims Fund (PLCF) provides professional liability insurance coverage to all Manitoba lawyers. It is funded by an annual insurance levy (\$1,395 for both July 1 to June 30, 2015 and July 1, 2015 to June 30, 2016) and investment income. These funds cover damages/defence costs, mandatory and other insurance premiums and the costs for administering this service, with the major expense related to salaries/benefits.

The Education Fund (EF) supports lawyers by providing both the knowledge and skills to become and remain competently able to serve the public. This fund is financed by an annual contribution from fees (\$300 per member in 2015/2016), educational program revenue, CPLED tuition, a grant from the Manitoba Law Foundation and investment income. These funds are used to deliver educational programs to both existing and future lawyers. In particular, expenses include salary/benefits paid for those administering the programs, contributions towards CPLED development, material costs, honoraria for volunteer presenters, program speaker fees and more.

In total, the Law Society ended the year with a net loss, however it was substantially less than budgeted for. Compared to last year, the overall net income decreased significantly. The investment performance and net damage/defence payments have a major impact on meeting planned objectives. Both are extremely difficult to predict and are not consistent from year to year. This year's results were also impacted by the decision to re-evaluate the collectability of the amount owing to the Society from the Manitoba Law Library, thus writing down the receivable by \$350,000. Other than these factors, the year was a success.

# ADMISSIONS AND MEMBERSHIP

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## New Members

During the year ending March 31, 2016, 103 lawyers were called to the Bar in Manitoba. Of those:

- 14 lawyers transferred to Manitoba from other Canadian jurisdictions, under the National Mobility Agreement;
- 87 articling students were called to the Bar; and
- 2 lawyers received exemptions from articling based on foreign practising experience.

Of the total called to the Bar, 9 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, 2015 were practising in the following geographical areas:

- within the City of Winnipeg: 1739;
- within Manitoba, but not in the City of Winnipeg: 239; and
- outside Manitoba: 50.

## Law Firms in Manitoba

As of December 31, 2015, 132 (not including sole practitioners) law firms were operating in Manitoba. Of these firms:

- 84.8% have 2-10 lawyers;
- 9.1 % have 11-25 lawyers;
- 2.3% have 26-50 lawyers; and
- 3.8% have more than 50 lawyers.

## Gender and Nature of Practice

There were 2,028 lawyers with active practising status in Manitoba as of December 31, 2015, of which 1278 or 63% were men and 750 or 37% were women. Of those women in active practice, 52.6% were engaged in private practice with the remaining 47.4% employed in corporate, government (including Legal Aid) and educational endeavours. Of the men in active practice, 73.5% were engaged in private practice and 26.5% in corporate, government and educational endeavours. **Table A** 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 gender and number of years at the bar for the province's 2,028 practising lawyers is indicated in **Table B**.

**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	2014 - 2,014
1971 - 746	1982 - 1,282	1993 - 1,659	2004 - 1,808	2015 - 2,028
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	293	14.4	225	11.1	518	25.5
6 - 10	133	6.6	159	7.8	292	14.4
11 - 15	125	6.2	98	4.8	223	11.0
16 - 20	123	6.1	76	3.7	199	9.8
21 - 25	120	5.9	68	3.4	188	9.3
26 - 30	126	6.2	57	2.8	1863	9.0
31 - 35	116	5.7	46	2.3	162	8.0
36+	242	11.9	21	1.0	263	13.0
<b>TOTAL</b>	<b>1,278</b>	<b>63.02</b>	<b>750</b>	<b>36.98</b>	<b>2,028</b>	<b>100.00</b>

# 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 85 such concerns through this type of early intervention.

The Law Society received 356 written complaints last year. Where a written complaint is received, a significant number are also resolved by Law Society staff. For example, this past year staff resolved 312 matters (some received in the prior fiscal years) as follows:

- a. 119 complaints were determined to be outside the Law Society's jurisdiction or to not merit investigation;
- b. 15 complaints were resolved to the satisfaction of the complainant and the lawyer through telephone conciliation;
- c. on 73 matters, it was determined that the lawyer had provided a satisfactory response to the complaint;
- d. on 88 occasions, the lawyer received a reminder letter with respect to his or her professional obligations;
- e. on 10 occasions, it was recommended that the lawyer follow a particular course of action;
- f. on 6 matters, the complaint was abandoned or withdrawn; and
- g. on 1 matter, the Law Society lost jurisdiction.

The Chief Executive Officer, pursuant to Law Society Rule 5-66(e)(i), authorized charges of professional misconduct against 4 lawyers for failing to respond to complaints and to Law Society correspondence.

This past year the Complaints Investigation Committee was comprised of 7 benchers, 3 life benchers, 1 lay-bencher (i.e. a non-lawyer) and 3 non-bencher lawyers. The Committee has a wide range of powers including the authority to order reviews of a lawyer's practice, and to 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.

In accordance with Law Society policies and the Benchers' Code of Conduct, all complaints about benchers are presented to the Complaints Investigation Committee for consideration after investigation by an independent investigator.

Last year, the Complaints Investigation Committee had 8 meetings at which they considered 39 matters, including concerns arising from the bankruptcies of 4 lawyers and 2 complaints about a bencher. One matter was considered by the Committee on more than one occasion as the matter progressed. The Committee required 3 personal appearances on urgent matters or to assist in the complaint investigation. The Committee directed the following resolutions of the matters before it:

- a) charges were authorized on 25 matters, relating to 14 lawyers;
- b) 2 lawyers were suspended from practice;
- c) 1 lawyer accepted a caution in lieu of charges;
- d) practice restrictions were imposed upon 1 lawyer;
- e) 2 lawyers provided undertakings;

- f) 1 lawyer was given a reminder of her professional obligations;
- g) the Committee made recommendations to 2 lawyers;
- h) 3 lawyers were relieved of previous undertakings;
- i) no further action was taken on 2 matters;
- j) the Committee deferred consideration of 2 matters.

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. In 2015, the Law Society amended the process to allow for public representatives to sit on fee arbitration hearing panels. The program allows clients and lawyers 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 100 complaints relating to excessive fees. No action was taken in 28 matters due to no follow through by complainants or the Society having no jurisdiction to deal with the complaint. There were 72 requests for arbitration upon which the Law Society was able to act. Five of the arbitration requests resulted in a satisfactory settlement being reached between the member and the complainant directly. No further action was taken on 37 requests due to the fact that the lawyer declined to arbitrate the dispute. There were six 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. Twelve matters are ongoing, either pending an arbitration hearing or pending the member's or the complainant's consideration.

Ten arbitration hearings were conducted between April 1, 2015 and March 31, 2016. Four of those hearings related to arbitration proceedings which commenced prior to April 1, 2015. Of the ten hearings, in three instances, the fees were upheld, in four instances the fees were reduced, and in three instances the parties settled during the arbitration hearing. There are no pending arbitration decisions.

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 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. Out of over 2000 lawyers with active practising status this year only 15, or less than 3/4 of 1% were disciplined.

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. There were 17 disciplinary hearings concluded this year involving 15 lawyers. In each of these cases, the lawyer entered a plea of guilty. In 14 cases, the Discipline Committee Panel was presented with a joint recommendation. In the three in which the disposition was contested, the panel reserved their decision and delivered written reasons.

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. This year, there was one hearing in which an application was made to the panel to close the hearing. After hearing argument the panel denied the motion and as a result, all hearings this year were open to the public.

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. In four of the 17 matters concluded this year, the lawyer was ordered disbarred. In one case, the lawyer was ordered suspended for eight months and was ordered to practise under conditions if he returned to active practising status thereafter. In three cases, the lawyer was fined, in another four, the lawyer was fined and remedial conditions or restrictions were also imposed, and in one hearing, the lawyer was fined on one charge and reprimanded on another. Four cases were disposed of by a

reprimand. In every case the lawyer was also ordered to pay costs to the Society, which ranged from \$1,000.00 to \$42,000.00.

Of the 17 discipline hearings concluded this year, two were the continuation of hearings from last year. An 18th hearing was begun but not concluded this year. In that case, the lawyer has entered a plea of not guilty. The panel heard and disposed of two preliminary motions and heard some evidence over one day. Dates for continuation of the evidence were set for next year.

In addition to the 18 discipline hearings, one pardon application was heard and granted. The lawyer had accepted a formal caution in 1992. The panel found that the lawyer met all the criteria for a pardon and in light of the information concerning the member's conduct since then the panel concluded that the censure no longer reflects adversely on her character.

This year the Discipline Committee's 19 hearings were conducted over 18 days.

This year the charges that came before the Committee included:

- **Failing to act with integrity**, including misappropriation of client trust funds, misleading clients, misleading the Society;
- **Conflict of Interest**, including drawing a will leaving a gift to the lawyer, acting for clients with conflicting interests, acting when the lawyer's own interests conflicted with the client's interests;
- **Breach of trust accounting rules**, including withdrawing money from trust for fees without rendering a statement of account, failing to deposit retainer money to trust, failing to produce monthly trust account reconciliations, failing to maintain up to date trust records;
- **Breach of an undertaking given to the Society**, in the particular case an undertaking given to the Complaints Investigation Committee;
- **Improper fees**, including charging fees and disbursements that were not fully disclosed, fair and reasonable;
- **Failure to respond to the Law Society**, including failing to respond to "14 day letters" and failing to respond to audit department letters;
- **Failing to serve** the client in a conscientious, dili-

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gent and efficient manner, including failing to keep clients informed of the status of their matter, failing to take steps in a timely fashion, drafting a will in such a way as to invalidate a gift, failing to consult with client and take instructions, failing to respond to client communications, failing to discharge the duty owed to the client on withdrawal;

- **Failing to treat other counsel with courtesy and respect**, including failing to respond in a timely fashion to communications from opposing counsel;
- **Failing to advise the client of errors and omissions**;
- **Failing to treat the tribunal with courtesy and respect**; and
- **Failing to notify the insurer of potential claims**.

In matters involving two lawyers, hearings were adjourned. In one of those cases, the charges were stayed after the lawyer retired from practice and gave certain undertakings to the Society. In the other, the hearing was adjourned when the lawyer retired from practice and remains in abeyance while the lawyer fulfills under-

takings in relation to the winding down of his practice. In each of these cases, consideration was given to the member's particular personal circumstances and in each case, given the nature of the charges, the retirement of the lawyer from practice was considered to better serve the public interest than proceeding to a disciplinary disposition.

A Discipline Panel's decision made last year disbarring a lawyer was appealed to the Court of Appeal and a hearing was held in January 2015. The decision was reserved. Another lawyer has filed an appeal from his disbarment. That appeal is expected to be heard next year.

This year, the Society took steps to streamline the handling of complaints and discipline matters and as at year end, was functioning within the time limits set in Federation of Law Societies' National Discipline 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 practise 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.

## 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. Members are encouraged to contact the Law Society to seek advice about professional obligations as may be required. Such inquiries from our members affords us the opportunity to help resolve issues before concerns may be raised about a member's professional conduct. We are able to act as a resource and better govern the conduct of our members, in a proactive way, in the public interest.

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.

Over the last number of years, 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. We continue to monitor suggested amendments to the Model Code and to participate in a Law Society Liaisons Group with representatives across the country in order to stay informed, provide feedback, and then take recommendations to the Benchers about revisions to the Manitoba Code.

# EQUITY INITIATIVES

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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. It 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.

In order to better understand demographic trends, to develop programs and initiatives to help promote equality and equity and to enhance the delivery of legal services to the communities of Manitoba, the Law Society also gathers statistics on the composition of the profession.

In 2015, the Equity Committee focused on responding to the Truth and Reconciliation Commission's Report on the legacy left by Indian Residential Schools in Canada and the Call to Action to law societies to ensure that lawyers receive cultural competence training. The committee's work, which will continue into next year, included proposals for the education and training of articling students, lawyers, Law Society benchers, staff and committee members as well as addressing barriers that are faced by Indigenous lawyers and articling students.

Under the Equity Ombudsperson Program, 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 consults with and assists public and private law offices to raise staff awareness and to develop office policies. She also provides educational seminars for lawyers and firms, is available both for personal speaking engagements and informal meetings, speaks confidentially with firms about particular issues, mediates disputes and gathers statistics.

The Law Society's Parental Support Program offers coaching sessions to lawyers and their spouses/life partners to help them plan for maternity and parental leave, and to meet the challenges of becoming new parents and juggling family and work life. Together with private law firms under the Justicia Project, the Law Society continues to explore initiatives and guidelines to retain women lawyers in private practice.

The Law Society continues to offer the Professional Boundaries Program for lawyers, which is a remedial program designed to help lawyers identify professional boundaries and better understand when those boundaries may have become blurred in their interactions with clients, employees and other lawyers, and to help them avoid breaching their obligations under the Code of Professional Conduct.

# 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; and
- After entry into the legal profession, lawyers take responsibility for maintaining their own competence.

## Admissions and Education Committee

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

- admission matters;
- education of applicants seeking admission as lawyers; and
- 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 once during the year and considered the following issues:

- The Society's position in response to a proposal for a national assessment program for incoming lawyers. This proposal was prepared by the Federation of Law Society's National Admission Standards Steering Committee;
- Whether the current Forgivable Student Loan Program should be maintained in its current form or expanded in some fashion.

## 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 2015-16 Manitoba CPLED Program began on September 1, 2015 with 101 new students and 2 students continuing from 2014-15. Additionally, the Manitoba CPLED program hosted 1 student articling in Nunavut on the online educational platform so that they could meet the requirements of the Law Society of Nunavut to be called to the Bar in that jurisdiction.

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 2015-16 fifteen students articulated outside the City of Winnipeg for all or part of their articling period.

Students who complete the 2015-16 CPLED Program and the required articling period will be called to the Bar in ceremonies in Winnipeg and other centres in Manitoba.

On June 18, 2015 at a Call to the Bar ceremony for candidates who completed the 2014-15 CPLED Program and articles, and the A.M. Montague Israels, Q.C., Prize was awarded to Melissa Cattini.

## 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, 2015 and March 31, 2016, three lawyers completed or were involved in taking qualification examinations.

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## Continuing Professional Development (CPD)

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 2015-16 year the Law Society offered 63 CPD programs:

- 50 in Winnipeg; and
- 12 outside Winnipeg: 3 in Brandon, 1 in Clear Lake, 3 in Portage la Prairie, 3 in Thompson and 2 in The Pas;
- 1 solely online as a webinar (6 other webinars were offered simultaneously with in-person programs).

The 63 programs offered 168.5 hours of CPD including 63 hours of EPPM (Ethics, Professionalism and Practice Management).

The 63 programs attracted 3008 registrations.

These programs included:

- 6 webinars;
- 19 DVD replays of in-person programs;
- 5 programs offered by teleconference;
- 2 programs offered via video conference; and
- 1 program offered in French.

The Law Society is aware that another aspect of accessibility is cost. Programs are offered with very competitive registrations fees. In 2015-16 there were 7 programs that were offered for free.

## Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA) Project

In 2015-16, the Law Society worked on a special education project funded by Indigenous and Northern Affairs Canada. The purpose of this project was to develop educational resources for lawyers about the new FHRMIRA legislation. Five live programs were held throughout the province - 195 were registered for these programs. Resource materials were developed to hand out at each of these programs. The final product developed was an online educational resource, referred to as an e-Course. As this was a funded project all of the programs and resources developed were offered to members free of charge.

## Continuing Professional Development (CPD) Programs delivered in 2015-16

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

1. Influence: The Art and Science of Changing Minds
2. Dynamic Presentation Skills for Lawyers
3. 2015 Western Bar - The 12 Step Program: Not that one. This one is for lawyers.
4. 2015 Hot Topics in Real Estate (2 Live Presentations)
5. "French CPD - Nouvelle règle des droits linguistiques (New Language Rights Rule)"
6. 2015 Northern Bar
  - o Session 1: Child & Youth Advocacy: Representing Young People at the Cross-Roads of Justice & Child Welfare
  - o Session 2: Advocacy and your Criminal Law Practice: Practical Advice for Crown and Defence
7. Lawyers and Governing Boards: What You Need to Know to Protect Yourself and Your Clients from Common Pitfalls
8. Bail, Sentencing and other Considerations for Persons in Custody
9. Estate Administration for Paralegals and Support Staff (2 Live Video Conference Presentations)

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10. FASD and other Cognitive Challenges: What Lawyers Need to Know

**Continuing Professional Development (CPD) Programs delivered in 2015-2016**

(continued)

11. 2015 Central Bar Annual CPD: The 12 Step Program: Not that one. This one is for Lawyers & Updates From The Queen's Bench
12. 2015 Western Bar Annual CPD: The Rising Tide: Dealing with Self-Represented Litigants
13. Family Division Case Management Changes: Practical Tips and "How To" Session ( 3 Live Presentations)
14. Aboriginal Law Series: An Introduction to Aboriginal Law
15. "OMG, They're Insolvent! What Do We Do Now?"
16. 2015 Isaac Pitblado Lectures: Blackacre to BlackBerry: Redefining Property and Ownership
17. The Inaugural Child Protection Program
18. New Rights, New Obligations:  
An Introduction to the Family Homes on Reserves and Matrimonial Interests or Rights Act (5 Live Presentations)
19. ReelTime CLE: Wrestling with Ethical Dilemmas: We Have Met the Enemy...
20. ReelTime CLE: Don't Let the Jokers Drive you Batty!
21. ReelTime CLE: Practicing "Dirt Law" and Keeping your Nose Clean
22. ReelTime CLE: Wellness in Reel Life: Practical Guidance on Self-Care from the Movies
23. Working with Domestic Violence Clients (2 Live Presentations)
24. Self-Represented Litigants Series - Self-Represented Litigants in the Criminal Law Context: Tips for Defense Counsel
25. GAIN THE EDGE!® Negotiation Strategies for Lawyers
26. GAIN THE EDGE! Advanced Negotiation Strategies for Lawyers
27. Aboriginal Law Series - Understanding Treaties: A Primer
28. Aboriginal Law Series:  
Section 91(24): The Evolution of Federal Jurisdiction and Implications for Provincial Governments, Métis and Non-Status People
29. Self-Represented Litigants Series: Civil Litigation and Insurance Matters
30. Mindfulness Based Stress Reduction for Lawyers
31. 2016 Annual Joint Family Law Program - To Line 150 & Beyond: Exploring the Frontiers of Income Imputation
32. Aboriginal Law Series: Urban Reserves as a Tool for Economic Development
33. Criminal Defence Advocacy Skills Workshop: Pre-Trial Considerations & Cross-Examination

The Law Society collaborates with other organizations in order to provide the depth and breadth of available programs.

Partners included:

- Manitoba Bar Association and several of its subsections including Family Law and Aboriginal Law;
- Faculty of Law, University of Manitoba
- Queen's Bench Judges, particularly the Family Division
- **The Provincial Court Judges**
- Association of French Speaking Lawyers/ Fédération des associations de jurists d'expression française de common law (AJEFM)
- Northern, Central and Western Bar Associations
- Criminal Defence Lawyers' Association
- Indigenous and Northern Affairs Canada
- Domestic Violence & Family Law Network

Written materials from specific CPD programs as well as the CPLED Resource packages are also made available to the legal profession.



### **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 video record most of our live CPD sessions and make those recordings available to our members on DVD and via cpdonline.

We are now beginning to offer e-Courses which are self-paced interactive online learning modules. Our first e-Course, *New Rights, New Obligations: An Introduction to the Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA)*, was developed as part of the funded project referred to above

### **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 7 broad practice areas:

1. Property and Succession
2. Business Law
3. Family Law
4. Criminal Law
5. Litigation
6. Practice Management
7. 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, 2015 and March 31, 2016 three lawyers participated in remedial education programs such as practice management, time management and how to identify and address conflict issues.

### **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.

In 2015-16 the Law Society held a Volunteer Appreciation Event with special guest speaker, Steve Hughes.

# PROFESSIONAL LIABILITY CLAIMS FUND

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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 2015-16 fiscal year, the insurance assessment was levied at \$1,395 plus applicable sales taxes.

The Law Society and eight 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 2015-16 fiscal year, the Insurance Program paid claims totalling \$910,494 in damages and \$559,972 in legal defence costs. This compares to \$800,525 in claims and \$511,531 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

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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 practising lawyers within the province. In the 2015-16 fiscal year, all practising lawyers paid the sum of \$500 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 2015-16 fiscal year \$129,330 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 regulations through two main processes:

- The Spot Audit Program
- Annual Trust Account Reports

## Spot Audit Program

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

- 1) *New Firm audits* are generally conducted within the first year of a firm opening their first trust account;
- 2) *Regular audits* are conducted of all Manitoba law firms on a rotational basis;
- 3) *Priority audits* are conducted of firms having a history of trust account problems or if information received by the Law Society suggests a law firm is of higher risk and should be audited earlier than the regular rotation; and
- 4) *Closing audits*, implemented formally in 2015/16 as a separate category of audits, are conducted when a firm is closing a trust account and the firm has a history of trust account problems or has been identified as being of higher risk.

During the fiscal year ended March 31, 2016, the following audits were completed:

Regular Audits	65
New Audits	13
Priority Audits	8
Closing Audits	<u>3</u>
Total	89

This is a decrease from 2015 due to complex audits, staff transition, time spent on alternative monitoring methods (see "Other Activities"), and an increase in time related to custodial and other assistance.

## Results of Audits

During the past year, 93% 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 7% of members audited showed many and/or serious accounting deficiencies or mishandling of trust funds. These results are fairly typical of any given audit year.

## 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 of the Law Society. Alternatively a spot audit may evolve into a full investigation due to the discovery of serious deficiencies or conduct issues. In some cases the misconduct involves a misappropriation of trust funds.

## Annual Trust Account Report

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 permitted to file a "Self-Report", which 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 required to file a Form D, due to past poor audit results 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 need be, write to the law firm outlining the necessary changes. A report indicating problems may trigger a spot audit. In addition, if a member does not file their Annual Trust Account Report by the required due date, the Law Society may conduct an inspection to determine if the law firm is complying with the rules. The law firm is responsible for the costs associated with this type of inspection.

## Other Activities of the Audit Department

The Audit Department works closely with the Discipline Department and the Complaints Resolution Department regarding members with 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 recent years, the Audit Department has added and formalized alternative monitoring practices in the department. Specifically, in 2013-14 the Early Monitoring Program ("EMP") was implemented

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as a way of initiating early contact with members who open a trust account. This contact takes place prior to a new firm audit. In 2015-16, the Ongoing Monitoring Program (“OMP”) became a formalization of an earlier process where firms that require follow-up earlier than the next audit or Annual Trust Account Report are monitored for specific issues. In the 2015 fiscal period, 20 firms were monitored as part of the EMP, and 8 in the OMP.

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 Audit Department also provides more formal educational assistance to the Professional Education and Competence Department by providing materials for CPLED.



## The Benchers of The Law Society of Manitoba 2015/2016

**Front Row:** (L to R) Ted Bock, *President*, Marilyn Billinkoff, *Deputy Chief Executive Officer (Retired)*, Karen Clearwater, *Past President*, Allan Fineblit, Q.C., *Former Chief Executive Officer*, David Swayze **Second Row:** Richard Buchwald, Lynda Troup, Jim McLandress, Mike Finlayson, Marston Grindey, David Gray, Linda Brazier Lamoureux **Third Row:** Grant Driedger, Dean Scaletta, Dr. Amarjit Arneja, Anita Southall **On Stairs:** Ashley Joyce, Diane Stevenson, Kathy Bueti, Roberta Campbell, Karen Webb **Absent:** Robert Campbell, Neil Cohen, Barry Effler, Leah Leibl, Joelle Robinson, Dean Lorna Turnbull, Kristin Dangerfield (*Chief Executive Officer*), Leah Kosokowsky (*Director of Regulation*)

### Officers (appointed May 14, 2015)

President:	Ted E. Bock
Vice President:	Roberta L. Campbell
Past President:	Karen L. Clearwater

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## Benchers

(elected for a two year term on May 7, 2014)

### Winnipeg Electoral District

Ted E. Bock  
Richard D. Buchwald  
Katherine L. Bueti  
Roberta L. Campbell  
Barry C. Effler<sup>2</sup>  
Michael G. Finlayson  
James E. McLandress  
Dean I. Scaletta  
Anita L. M. Southall  
Lynda K. Troup

### Eastern Electoral District

Grant M. Driedger

### Central Electoral District

Diane H. Stevenson

### Dauphin Electoral District

Jeannelle L. Allard<sup>3</sup>  
Joelle C. Robinson<sup>4</sup>

### Northern Electoral District

David N. Gray

### Western Electoral District

Ashley T. Joyce  
Karen L. Webb

### Lay Benchers

Dr. Amarjit Arneja  
Robert Campbell  
Neil Cohen  
Marston Grindey

### Faculty Bencher

Dean Lorna Turnbull

### Student Bencher

Leah Leibl<sup>5</sup>  
Matthew Armstrong<sup>6</sup>

<sup>1</sup> Ceased to be Past President in March, 2016

<sup>2</sup> Became a Bencher in May, 2015

<sup>3</sup> Ceased to be a Bencher in June, 2015

<sup>4</sup> Became a Bencher in October, 2015

<sup>5</sup> Became a Student Bencher in September, 2015

<sup>6</sup> Ceased to be a Student Bencher in September, 2015

## Life Benchers

### Winnipeg Electoral District

Hon. Douglas N. Abra  
Hon. Laurie P. Allen  
Douglas A. Bedford  
Gregory G. Brodsky, Q.C.  
Master Karen L. Clearwater  
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  
Helga D. Van Iderstine  
Douglas G. Ward, Q.C.  
Hymie Weinstein, Q.C.  
Gavin M. Wood

### Eastern Electoral District

Peter J. E. Cole, Q.C.  
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 J. Hoeschen  
Brock G. Lee, Q.C.  
David E. Swayze

### 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.

# COMMITTEES

## 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

Lynda Troup (Chairperson)  
David Gray (Vice Chair)  
Matthew Armstrong<sup>1</sup>  
Kim Antonio\*  
Karen Clearwater<sup>2</sup>  
Joyce Dalmyn\*  
Kyle Dear\*  
Ashley Joyce  
Leah Leibl<sup>3</sup>  
Shauna McCarthy\*  
Karine Pelletier\*  
Todd Rambow\*  
Anita Southall  
Dean Lorna Turnbull

### Admissions and Education Appeals Subcommittee

Lynda Troup (Chair)  
David Gray (Vice Chair)  
Kim Antonio\*  
Matthew Armstrong<sup>4</sup>  
Miriam Browne\*\*  
Karen Clearwater ◆<sup>5</sup>  
Joyce Dalmyn\*  
Kyle Dear\*  
Lorne Gibson\*\*  
Suzanne Hrynyk\*\*  
Ashley Joyce  
Leah Leibl<sup>6</sup>  
Lorna Martin\*\*<sup>7</sup>  
Shauna McCarthy\*  
Kenneth Molloy\*\*  
Karine Pelletier\*  
Todd Rambow\*  
Keely Richmond\*\*  
Anita Southall  
Dean Lorna Turnbull  
Jim Wolfe\*\*

### Complaints Investigation Committee

Kathy Bueti (Chairperson)  
Richard Buchwald (Vice Chair)  
Jeannelle Allard<sup>8</sup>  
Dr. Amarjit Arneja  
Peter Cole, Q.C.◆  
Barry Effler  
Eli Goldenberg\*  
Elizabeth Murray\*  
Diane Stevenson  
Catherine Tolton\*  
Lynda Troup  
Jon van der Krabben◆  
Helga Van Iderstine◆

### Discipline Committee

Hon. Richard Scott (Chairperson)  
Mike Finlayson (Vice Chair)  
Irene Hamilton◆ (Conflicts)  
Gordon Bates◆  
Douglas Bedford◆  
Victor Bellay\*  
Miriam Browne\*\*  
Robert Campbell  
Bjorn Christianson, Q.C.◆  
Karen Clearwater◆<sup>9</sup>  
Neil Cohen  
Jennifer Cooper, Q.C.◆  
Jack Cram□  
Richard Deeley, Q.C.◆  
Don Douglas\*  
Grant Driedger  
Lori Ferguson Sain\*  
Doug Finkbeiner, Q.C.◆  
Cathy Finnbogason\*  
Patricia Fraser◆  
Bill Gange◆  
Lorne Gibson\*\*  
Gary Gilmour◆  
Jennifer Goldenberg\*  
Richard Good\*  
David Gray

Marston Grindey  
Bill Haight◆  
James Hedley\*  
Jeff Hirsch◆  
Gordon Hoeschen◆  
Suzanne Hrynyk\*\*  
Eric Irwin◆  
Jake Janzen\*  
Paul Jensen◆<sup>10</sup>  
Ashley Joyce  
Donald Knight, Q.C.◆  
Christina Kopynsky, Q.C.◆  
David Kroft◆  
Brock Lee, Q.C.◆  
Ellen Leibl, Q.C.\*  
Heather Leonoff, Q.C.◆  
Lorna Martin\*\*<sup>11</sup>  
Jim McLandress  
Grant Mitchell, Q.C.◆  
Kenneth Molloy\*\*  
John Neufeld, Q.C.◆  
Bill Olson, Q.C.◆  
Brian Pauls◆  
Herbert Peters◆  
Vivian Rachlis\*  
Keely Richmond\*\*  
G. Patrick Riley◆  
Dean Scaletta  
Harvey Secter\*  
Alan Semchuk◆  
Jim Shaw\*  
Norman Sims, Q.C.◆  
Garth Smorang, Q.C.◆  
Anita Southall  
Grant Stefanson\*  
Wendy Stewart\*  
David Swayze◆  
Mark Toews\*  
Dean Lorna Turnbull  
Karen Webb

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**Standing Committees**

...continued

**Equity Committee**

Karen Webb (Chairperson)  
 Grant Driedger (Vice Chair)  
 Kim Antonio\*  
 Robert Campbell  
 Kyle Dear\*  
 Barry Effler  
 Carolina Fridman\*  
 Sidney Laviolette\*  
 Sacha Paul\*<sup>12</sup>  
 Sandra Phillips\*  
 Dean Lorna Turnbull<sup>13</sup>

**Practice and Ethics Committee**

Diane Stevenson (Chairperson)  
 David Gray (Vice Chair)  
 Susan Barager\*  
 Douglas Bedford♦  
 Richard Buchwald  
 Kathy Bueti  
 Jennifer Cooper, Q.C.♦  
 Jack Cram♦  
 Kirsty Elgert\*  
 Carolina Fridman\*  
 Robert Gabor, Q.C.\*  
 Bill Gange♦  
 Jennifer Goldenberg\*  
 Annette Horst\*  
 Anthony Kavanagh\*  
 Alain Laurencelle\*  
 Elliot Leven\*  
 Shauna McCarthy\*  
 Cameron McKay\*  
 Daniel Minuk\*  
 Leonard Offrowich\*  
 Robert Pellizzaro\*  
 Sandra Phillips\*  
 Pam Reilly\*  
 Dean Scaletta  
 Corey Shefman\*  
 Kim Soul\*  
 Mira Thow\*  
 Sherri Walsh\*  
 Karen Webb  
 Norman Yusim\*

**Professional Liability Claims Fund Committee**

Mike Finlayson (Chairperson)  
 Ashley Joyce (Vice Chair)  
 Richard Buchwald  
 Kelly Dixon\*  
 Barry Effler  
 Rachel Margolis\*  
 Todd Rambow\*  
 Faron Trippier\*

**Reimbursement Fund Claims Committee**

Jim McLandress (Chairperson)  
 Jeannelle Allard\* (Vice Chair)  
 Kathy Bueti  
 Neil Cohen  
 George Derwin\*  
 Issie Frost\*  
 Cameron McKay\*  
 Gordon Schumacher\*

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**Special Committees/Working Groups**

**Access to Justice Steering Committee**

Neil Cohen (Co-Chairperson)  
 Jim McLandress (Co-Chairperson)  
 Melissa Beaumont\*  
 Irene Hamilton♦  
 Jeff Hirsch♦  
 Sam Raposo\*  
 Assoc. Chief Justice Marianne Rivoalen\*  
 Dean Lorna Turnbull  
 Jamie Wilson\*<sup>14</sup>

**Access to Stakeholders Sub-Committee**

Jim McLandress (Chairperson)  
 Neil Cohen (Vice Chair)  
 Melissa Beaumont\*  
 Natalie Ballantyne\*  
 Marcel Balfour\*  
 Shauna Curtin\*  
 Karen Dyck\*  
 Bruce Gammon\*  
 Irene Hamilton♦  
 Jeff Hirsch♦  
 Hon. Gerald Jewers\*  
 Assoc. Chief Judge Anne Krahn\*  
 Julyda Lagmodiere\*  
 Heather Leonoff, Q.C.♦  
 Sarah Lugtig\*  
 Barabara Palace Churchill\*  
 Damarys Ramirez\*  
 Nalini Reddy\*  
 Assoc. Chief Justice Marianne Rivoalen\*  
 Janet Sigurdson\*  
 Mary Troszko\*  
 Dean Lorna Turnbull

**Conveyancing Practices Committee**

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

**Investment Committee**

Irene Hamilton♦ (Chairperson)  
 Jim McLandress (Vice Chair)  
 Annette Horst\*  
 Brian Lerner\*  
 Wayne Onchulenko\*  
 David Swayze♦

**The President's Special Committee on Entity Regulation**

Mike Finlayson (Chairperson)  
 Grant Driedger (Vice Chair)  
 Kevin Antonyshyn\*  
 Dr. Amarjit Arneja  
 David Asper\*  
 Robert Campbell  
 Karen Clearwater♦<sup>15</sup>  
 Richard Good\*  
 Annette Horst\*  
 Andrew Synyshyn\*  
 Sherri Walsh\*

**The President's Special Committee Representative Capacity**

Anita Southall (Chairperson)  
 Karen Webb (Vice Chair)  
 Peter Cole, Q.C.♦  
 Jack Cram♦  
 Barry Effler  
 Robert Gabor, Q.C.\*  
 Marston Grindey  
 Cynthia Hiebert-Simkin\*<sup>16 17</sup>  
 Daniel Minuk\*  
 Vivian Rachlis\*  
 Pam Reilly\*  
 Dean Scaletta  
 Eleanor Wiebe, Q.C.\*

<sup>1</sup> Ceased to be a Committee member in September, 2015  
<sup>2</sup> Ceased to be a Committee member in March, 2016  
<sup>3</sup> Became a Committee member in September, 2015  
<sup>4</sup> See endnote 1  
<sup>5</sup> See endnote 2  
<sup>6</sup> See endnote 3  
<sup>7</sup> Ceased to be a Committee member in October, 2015  
<sup>8</sup> Ceased to be a Committee member in June, 2015  
<sup>9</sup> See endnote 2  
<sup>10</sup> Ceased to be a Committee member in September, 2015  
<sup>11</sup> See endnote 37  
<sup>12</sup> Became a Committee member in October, 2015  
<sup>13</sup> Became a Committee member in October, 2015  
<sup>14</sup> Ceased to be a Committee member in November, 2015  
<sup>15</sup> See endnote 2  
<sup>16</sup> Became a Committee member in September, 2015  
<sup>17</sup> Ceased to be a Committee member in October, 2015

## **Executive and Administration**

Chief Executive Officer	Kristin Dangerfield
Assistant to Chief Executive Officer	Pat Bourbonnais
Deputy Chief Executive Officer	Marilyn W. Billinkoff <sup>1</sup>
Director of Regulation	Leah C. Kosokowsky <sup>2</sup>
Assistant to Director of Regulation and Family Law Access Centre Administrator	Debra Rossol
Director of Policy and Ethics and General Counsel	Darcia C. Senft <sup>3</sup>
Chief Financial Officer	Colleen D. Malone
Assistant to Chief Financial Officer	Carol Hiebert
Office Manager	Grace Page <sup>4</sup>
Director of Information Technology	Sean Rivera
Information Technology	Simon Young
Office Clerk	Dana Earley
Office Receptionist	Shari Lough

## **Admissions and Membership Department**

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

## **Discipline/Prosecutions Department**

Hearing Counsel	Rocky H. Kravetsky <sup>5</sup>
General Counsel	Darcia A.C. Senft <sup>6</sup>
Assistant to Hearing Counsel	Anna Brown <sup>7</sup>
Assistant to General Counsel and Discipline Committee	Lee-Ann Harrison
Assistant to Senior and General Counsel	Lisa Ehnes <sup>8</sup>

## **Complaints Resolution Department**

Director of Complaints Resolution	Leah C. Kosokowsky <sup>9</sup>
Director of Complaints Resolution	Noelia Bernardo <sup>10</sup>
Legal Counsel	Noelia Bernardo <sup>11</sup>
Legal Counsel	Susan D. Billinkoff
Legal Counsel	Christopher C. Donaldson <sup>12</sup>
Legal Counsel	Jennifer L. Houser <sup>13</sup>
Paralegal	Grace Page <sup>14</sup>
Paralegal	Stefanie Krochak <sup>15</sup>
Fee Arbitration Coordinator	Debra Rossol
Assistant to Director and Legal Counsel	Stefanie Krochak <sup>16</sup>
Assistant to Director and Legal Counsel	Corinne Penner <sup>17</sup>

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**Insurance Department**

Director of Insurance  
 Counsel  
 Counsel  
 Assistant to Director and Counsel  
 Assistant to Director and Counsel

Tana P. Christianson  
 Kathleen M.T. Craton  
 James A. Cox  
 Heather Vanrobaeys  
 Kristin Forbister

**Professional Education and Competence Department**

Director of Education  
 Director of Professional Competence  
 Counsel - Online Education  
 Counsel - Publications  
 Counsel - Continuing Professional Development  
 Continuing Professional Development  
 Registrar  
 Registrar  
 Programs and Communication Assistant  
 Programs and Registration Assistant  
 Programs and Registration Assistant  
 Programs and Publication Assistant

Joan M. Holmstrom  
 Eileen S. Derksen Mead  
 Ian F. Blomeley  
 Ellen J. Henry  
 Tracy M. Lloyd  
 Alissa R. Schacter  
 Lori Gregory<sup>18</sup>  
 Lisa Ehnes<sup>19</sup>  
 Deirdre O'Reilly  
 Corinne Penner<sup>20</sup>  
 Kirsty Hyduk<sup>21</sup>  
 Laura Ziemanski

**Audit Department**

Director of Audit  
 Auditor/Inspector  
 Auditor/Inspector  
 Auditor/Inspector  
 Auditor/Inspector  
 Assistant to Auditor/Inspectors

Kathy L. Levacque  
 Sandra A. Alleyne  
 Ronald Bailey<sup>22</sup>  
 Jing Feng<sup>23</sup>  
 Deborah Metcalfe  
 Kelly Jordanov

<sup>1</sup> Retired in June, 2015

<sup>2</sup> Became Director of Regulations in July 2015

<sup>3</sup> Became Director in July, 2015

<sup>4</sup> Became Office Manager in July, 2015

<sup>5</sup> Joined the Law Society in August, 2015

<sup>6</sup> See endnote 3

<sup>7</sup> Joined the Law Society in July, 2015

<sup>8</sup> See endnote 19

<sup>9</sup> See endnote 2

<sup>10</sup> Became Director in July, 2015

<sup>11</sup> See endnote 10

<sup>12</sup> Joined the Law Society in June, 2015

<sup>13</sup> Left the Law Society in June, 2015

<sup>14</sup> See endnote 4

<sup>15</sup> Became paralegal in July, 2015

<sup>16</sup> See endnote 15

<sup>17</sup> Became Assistant in July, 2015

<sup>18</sup> Left the Law Society in July, 2015

<sup>19</sup> Became Registrar in July, 2015

<sup>20</sup> See endnote 17

<sup>21</sup> Joined the Law Society in July, 2015

<sup>22</sup> Left the Law Society in May, 2015

<sup>23</sup> Joined the Law Society in July, 2015