



# AGENDA

## Benchers

Date: Thursday, June 23, 2022

Time: 1:00 p.m.

Location: Law Society Offices, 200 - 260 St. Mary Avenue, Winnipeg, Manitoba  
and Via Videoconference

| ITEM  | TOPIC  | TIME<br>(min) | SPEAKER | MATERIALS | ACTION |
|---|--|---------------|---------|-----------|--------|
| <b>1.0 PRESIDENT'S WELCOME AND TREATY ACKNOWLEDGEMENT</b> |  |               |         |           |        |
|   | The President will welcome the President and Chief Executive Officer, Nicolas Plourde and Jonathan Herman respectively, newly appointed bencher Serena Ehrmantraut, guests and staff to the meeting.   |               |         |           |        |
| <b>2.0 IN MEMORIAM</b>                                    |  |               |         |           |        |
|   | <b>John Alan Davidson</b> , who passed away on February 11, 2022 at the age of 78. Mr. Davidson received his call to the Bar on June 29, 1970. He practised as an associate with Tupper & Adams for 26 years and then as an associate and partner with the firm most recently known as Bargaen Brown LLP for 20 years. In 2016 Mr. Davidson joined St. Mary's Law LLP, where he practised as a partner for an additional six years, before retiring in February of 2022. |               |         |           |        |

**Irvin David Perlov**, who passed away on May 13, 2022 at the age of 72. Mr. Perlov received his call to the Bar on June 24, 1975. He practised as a sole practitioner for ten years, as a partner in the firm known most recently as Perlov Stewart LLP for 25 years, and as an associate with Thompson Dorfman Sweatman LLP for eight years. Mr. Perlov retired from practice in 2018.

**David Leon Francis Hebert**, who passed away on May 26, 2022 at the age of 51. Mr. Hebert received his call to the Bar on June 19, 2003. During a career that spanned 19 years. He practised as a sole practitioner and associate of several Winnipeg firms and also served as counsel to Legal Aid Manitoba in Thompson, Manitoba. Mr. Hebert was a practising member of the Law Society at the time of his death.

| ITEM | TOPIC | TIME (min) | SPEAKER | MATERIALS | ACTION |
|------|-------|------------|---------|-----------|--------|
|------|-------|------------|---------|-----------|--------|

### 3.0 CONSENT AGENDA

The Consent Agenda matters are proposed to be dealt with by unanimous consent and without debate. Benchers may seek clarification or ask questions without removing a matter from the consent agenda. Any bencher may request that a consent agenda item be moved to the regular agenda by notifying the President or Chief Executive Officer prior to the meeting.

|     |   |   |  |          |             |
|-----|---|---|--|----------|-------------|
| 3.1 | Minutes of May 19, 2022 Meeting         | 5 |  | Attached | Approval    |
| 3.2 | Minutes of May 31, 2022 Special Meeting |   |  | Attached | Approval    |
| 3.3 | Discipline Committee Reports            |   |  | Attached | Information |

### 4.0 PRESENTATION TO STUDENT PRIZE WINNERS

|     |  |   |            |  |  |
|-----|--|---|------------|--|--|
| 4.1 | Presentation to Students with the Four Highest Standings in Third Year Law | 5 | Sacha Paul |  |  |
|-----|--|---|------------|--|--|

### 5.0 EXECUTIVE REPORTS

|     |                    |   |            |         |          |
|-----|--------------------|---|------------|---------|----------|
| 5.1 | President's Report | 5 | Sacha Paul | Pending | Briefing |
|-----|--------------------|---|------------|---------|----------|

| ITEM                              | TOPIC  | TIME (min) | SPEAKER                             | MATERIALS | ACTION               |
|-----------------------------------|--|------------|-------------------------------------|-----------|----------------------|
| 5.2                               | CEO Report   | 10         | Leah Kosokowsky                     | Attached  | Briefing             |
| 5.3                               | Strategic Plan Progress Report - June 2022                       | 10         | Leah Kosokowsky                     | Attached  | Briefing             |
| <b>6.0 DISCUSSION/DECISION</b>    |  |            |                                     |           |                      |
| 6.1                               | <i>Code of Professional Conduct - Language Rights Amendments</i> | 15         | Darcia Senft                        | Attached  | Discussion/ Decision |
| <b>7.0 MISCELLANEOUS BUSINESS</b> |  |            |                                     |           |                      |
| 7.1                               | Strategic Plan - Outreach to the Northern Bar                    | 10         | Leah Kosokowsky                     | Attached  | Briefing             |
| 7.2                               | Manitoba Blue Cross Report - Health and Wellness Program         | 10         | Leah Kosokowsky                     | Attached  | Briefing             |
| 7.3                               | Law Library Hub - Interim Report                                 | 10         | Darcia Senft                        | Attached  | Briefing             |
| 7.4                               | Insurance Levy - 2022-2023                                       | 5          | Leah Kosokowsky                     | Attached  | Briefing             |
| 7.5                               | FLSC Council Report  | 5          | Lynda Troup                         | Attached  | Briefing             |
| <b>8.0 MONITORING REPORTS</b>     |  |            |                                     |           |                      |
| 8.1                               | Equity, Diversity and Inclusion                                  | 10         | Leah Kosokowsky/<br>Alissa Schacter | Attached  | Briefing             |
| <b>9.0 GUEST PRESENTATIONS</b>    |  |            |                                     |           |                      |
| 9.1                               | Remarks from the President and CEO of the Federation             | 15         | Nicolas Plourde/<br>Jonathan Herman |           | Briefing             |

| ITEM                 | TOPIC   | TIME<br>(min) | SPEAKER | MATERIALS | ACTION      |
|----------------------|---|---------------|---------|-----------|-------------|
| 10.0 FOR INFORMATION |   |               |         |           |             |
| 10.1                 | Federation of Law Societies of Canada and National Work |               |         | Attached  | Information |
| 10.2                 | Media Reports   |               |         | Attached  | Information |

# The Law Society of Manitoba Strategic Plan 2022 – 2025

June 2022



## Mission Statement

The aim of the Law Society is a public well-served by a competent, honourable and independent legal profession.

| Competence  | Access to Justice  |
|---|--|
| <p><b>Regulate proactively to protect the public interest by ensuring that legal services are delivered by competent and ethical lawyers.</b></p> <ul style="list-style-type: none"> <li>Proactively support lawyers and law firms to mitigate risk</li> <li>Proactively ensure that lawyers are fit to practice by addressing capacity and well-being</li> <li>Proactively support, assess and address the competence of lawyers at stages of practice when it is most needed</li> <li>Proactively engage with articling students to provide support and resources as appropriate</li> </ul>   | <p><b>Advance, promote and facilitate increased access to justice for all Manitobans.</b></p> <ul style="list-style-type: none"> <li>Engage with Manitobans in northern and rural communities, members of Indigenous communities and others who are members of vulnerable and historically disadvantaged groups about unmet legal needs and opportunities to address those needs</li> <li>Explore opportunities to remove regulatory barriers to the delivery of legal services in new ways</li> <li>Promote and facilitate collaboration about access issues with the courts and other justice system stakeholders to increase access to justice</li> <li>Explore opportunities for the Law Society to increase the number of lawyers who practice law in remote/rural communities and improve retention</li> </ul> |
| <p><b>Progress:</b></p> <p><i>Practice management resources completed and posted on website related to file closing, withdrawal of legal services, absences and contingency planning; billing disbursements, retainers, retirement trust accounting (spring 2022)</i></p> <p><i>Practice area fundamentals revised, updated and posted on website related to criminal law, civil procedure (partial), corporate commercial, real estate wills and estates (spring 2022)</i></p> <p><i>Health Recovery Program framework, and consent form and agreement templates completed (March 2022)</i></p> <p><i>Health Recovery Program rule amendments presented to benchers for approval (May 2022)</i></p> <p><i>Health Recovery Program Coordinator position established (June 2022)</i></p> <p><i>Peer Support Program - Law(yer) Strong - established with ongoing awareness initiatives (2021 – 2022)</i></p> <p><i>Northern Bar CPD program - LSM resources and supports (June 2022)</i></p> | <p><b>Progress:</b></p> <p><i>Conduct engagement sessions with community organizations (February 2022)</i></p> <p><i>Review, analyze and summarize consultations (April 2022)</i></p> <p><i>Follow-up communications and surveys delivered to organizations (May 2022)</i></p> <p><i>Amendments to the Legal Profession Act allowing for the regulation of limited practitioners proclaimed (April 2022)</i></p> <p><i>Benchers approve of proposed structure for “regulatory sandbox” (April 2022)</i></p> <p><i>Benchers review Forgivable Loan Program (May 2022)</i></p> <p><i>Collaboration with Manitoba Law Foundation on survey of Manitobans (summer 2022)</i></p>  |

| <b>Equity, Diversity and Inclusion</b>  | <b>Stakeholder Confidence</b>   |
|---|---|
| <p><b><i>Promote and improve equity, diversity and inclusion within the legal profession, in the regulation of the legal profession and in the delivery of legal services.</i></b></p> <ul style="list-style-type: none"> <li>• Engage and inspire Indigenous youth in Manitoba to become lawyers</li> <li>• Remove inequitable barriers to admission into the legal profession for Indigenous people and other equity-seeking individuals</li> <li>• Consider imposing mandatory continuing legal education relating to cultural competency as a regulatory requirement for lawyers</li> <li>• Promote, support and facilitate equity, diversity and inclusion within law firms</li> </ul> | <p><b><i>Build public and stakeholder confidence in the Law society as the regulator of the legal profession.</i></b></p> <ul style="list-style-type: none"> <li>• Engage with members of the public who are from vulnerable and historically disadvantaged groups</li> <li>• Increase and improve engagement of the Law Society with members of the Northern Bar and members practising in other rural communities</li> <li>• Build members' confidence and competence by connecting them to Law Society resources and supports</li> </ul> |
| <p><b>Progress:</b></p> <p><i>Post inclusivity statement on website regarding the admissions process and the good character requirements (January 2022)</i></p> <p><i>Benchers resolve to require all Manitoba practising lawyers to complete one-time Indigenous intercultural awareness and competency training (March 2022)</i></p> <p><i>Benchers consider proposed amendments to Code of Professional Conduct re: French speaking clients and legal services (June 2022)</i></p> <p><i>Host SOGIC reception with MBA (June 2022)</i></p>   | <p><b>Progress:</b></p> <p><i>Engage with access to justice coordinator to identify organizations and leaders (spring 2022)</i></p> <p><i>Northern Bar communication - implementation of survey and mentorship supports (June 2022)</i></p>   |



## MEMORANDUM

To: Benchers  
From: Darcia Senft  
Date: June 14, 2022  
Re: **Code of Professional Conduct  
- AJEFM Request for Amendments**

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### A. INTRODUCTION

Many years ago, in light of the increased mobility of lawyers across jurisdictions, it was recognized that it would be desirable for law societies in different provinces and territories to harmonize professional conduct rules to the extent possible. Accordingly, through the Federation of Law Societies, a *Model Code of Professional Conduct* ("*Model Code*") was developed and adopted, in large part, by all but one Canadian law society. Concurrent with the Federation's work on the national *Model Code*, the Law Society of Manitoba embarked upon a complete review of its own *Code of Professional Conduct* and with a few small exceptions, Manitoba's *Code* largely mirrors the national *Model Code*.

From time to time, proposals are made to amend the *Model Code* and there is a Standing Committee on the *Model Code* that meets regularly to determine if amendments should be made. Fairly recently, the Standing Committee adopted a "national importance" test as a way to better manage its work.

The Standing Committee consults with the *Model Code Liaisons Group* (of which Manitoba is a member), which was created to ensure there is a mechanism for consulting with and obtaining feedback from law societies throughout the Committee's consideration and deliberations. Not only can the *Model Code Liaisons Group* suggest topics to the Committee for consideration, its feedback can help the Committee determine whether law societies think particular topics are priorities.

Amendments to the *Model Code* must be approved by the Federation Council, of which each law society is a member. Typically, the Standing Committee sends out consultation packages seeking feedback from the law societies before putting any amendments before the Federation's Council. For example, the benchers recently were asked to consider proposed amendments to the *Code* provisions regarding sexual harassment. Your views were delivered to the Standing *Model Code* Committee and we anticipate that they will be considered by the Federation Council in the next short while.

As noted above, Manitoba's *Code* largely mirrors the *Model Code*. It is not identical. Historically, the benchers have adopted the practice of only making amendments that they consider to be necessary in light of the desire to have consistent *Code* provisions across the country.

The Law Society has received a request from L'Association des juristes d'expression française du Manitoba (AJEFM) for amendments to the commentaries relating to language rights in Rule 3.2-2A and Rule 3.2-2B of the *Code*.

## B. LANGUAGE RIGHTS RULES

**Rule 3.2-2A** states:

*A lawyer must, when appropriate, advise a client of the client's language rights, including the right to proceed in the official language of the client's choice.*

**Rule 3.2-2B** states:

*Where a client wishes to retain a lawyer for representation in the official language of the client's choice, the lawyer must not undertake the matter unless the lawyer is competent to provide the required services in that language.*

The wording of the Manitoba rules is based on the corresponding rules found in the Federation's *Model Code*. The commentary that follows provides a concise overview of language rights at the national level and says that the lawyer should be aware that provincial or territorial legislation may provide additional language rights, including in relation to aboriginal languages as set out below:

[1] *The lawyer should advise the client of the client's language rights as soon as possible.*

[2] *The choice of official language is that of the client not the lawyer. The lawyer should be aware of relevant statutory and Constitutional law relating to language rights including the Canadian Charter of Rights and Freedoms, s.19(1) and Part XVII of the Criminal Code regarding language rights in courts under federal jurisdiction and in criminal proceedings. The lawyer should also be aware that provincial or territorial legislation may provide additional language rights, including in relation to aboriginal languages.*

[3] *When a lawyer considers whether to provide the required services in the official language chosen by the client, the lawyer should carefully consider whether it is possible to render those services in a competent manner as required by Rule 3.1-2 and related Commentary.*



### C. REQUESTED AMENDMENTS

Although the AJEFM notes that the Rules provide a concise and generic overview of language rights at the national level, they are of the view that the content would be greatly enhanced if it also identified the main components of the constitutional, statutory and policy framework applying the use of French and English in Manitoba. For example, they suggest that the language guarantees recently added to the *Divorce Act* should be taken into account given that they include the right to commence a divorce proceeding in either official language.

The AJEFM also has proposed that the following Manitoba-specific language be added to Commentary 2:

*In Manitoba, legislation, policies and guidelines pertaining to the use of English and French in the area of law and justice include:*

- *Section 23 of the Manitoba Act, 1870;*
- *The Manitoba Francophone Community Enhancement and Support Act;*
- *Part III of the Court of Appeal Rules [Manitoba Regulation 555/88 R];*
- *Translation and Interpretation Guidelines of Manitoba Courts;*
- *The Government of Manitoba's French Language Services Policy; and*
- *The Statement on the Appointment of a Greater Number of Bilingual Individuals to Quasi-Judicial Tribunals in Manitoba.*

The AJEFM seeks the referenced amendments to more fully contextualize the principles underlying the language rights rules with a view to providing clearer guidance to members.

### D. DISCUSSION

As noted above, the *Code* contains rules and commentaries. The wording in the rules sets out lawyers' professional obligations in terms of what a lawyer *must do* while the commentaries flesh out the ethical obligations and provide some guidance about what lawyers *should do* in order to comply with the rule. Lawyers must be competent in the delivery of legal services and the *Code* is not designed to provide lawyers with answers to questions that are best addressed through appropriate legal research.

As such, when considering proposed amendments, we suggest that you consider whether the amendment will provide guidance about the ethical obligation itself.

With that in mind, we agree that commentary 2 to Rule 3.2-2 ought to include a reference to the *Divorce Act* and to s. 23 of the *Manitoba Act, 1870* as lawyers ought to be aware of the rights that are granted to individuals to:

- Commence proceedings in either official language (s. 23.2 of the *Divorce Act*); and
- Have equal access to the legislature, the laws and the courts in both official languages (s. 23 of the *Manitoba Act, 1870*).

However, the balance of the suggested additions to the commentaries do not give rights to individuals. Rather, they either incorporate policy statements, rules or guidance on how services can be obtained from the government in the French language or through the Courts. There is a difference between a lawyer being aware of a client's constitutional language rights and understanding the corresponding ethical obligation to advise clients of their language rights and a lawyer being aware of other legislation that may set out a framework for the development of language rights or of policies or guidelines that may provide guidance about how a client may exercise their constitutional rights.

Accordingly, absent the effect of providing guidance to lawyers on how to comply with their professional obligations pursuant to Rules 3.2-2A and 3.2-2B, we are of the view that including reference to the other items on this list is not necessary.

## E. OTHER JURISDICTIONS

A quick scan of the Federation's interactive *Model Code* reflects that a majority of the provinces and territories (eight) have adopted the same generic language found in the commentary within the national *Model Code* and within Manitoba's *Code*. Some of the jurisdictions have revised their commentaries to varying degrees. For example, in British Columbia's *Code*, after the referenced Commentaries 1 – 3, there is a fourth commentary that states:

*[4] Civil trials in British Columbia must be held in English: Conseil scolaire francophone de la Colombie-Britannique v. British Columbia, 2013 SCC 42. Under section 530 of the Criminal Code, R.S.C. 1985, c. C-46 an accused has the right to a criminal trial in either English or French.*

In New Brunswick, after the commentaries found within the *Model Code*, the law society has added a fourth commentary that addresses, more specifically, the language rights contained within s. 19 of the *Charter* and within the *Criminal Code* (already referenced in Commentary 2) and then lists a language rights section contained within the *Insurance Act* provisions applicable in New Brunswick and several language rights sections contained with the provincial *Official Languages Act*.

## Recommendation

**We recommend that you approve amendments to Commentary 2 of Rule 3.2-2 as outlined in Appendix 1.**

Should you agree with our recommendation, we will apprise the Federation of the Manitoba *Code* amendments and include a recommendation that the Standing Committee consider the advisability of making a similar amendment to the *Model Code* in relation to the *Divorce Act* provision.

Atc.

## Language Rights

**3.2-2A** A lawyer must, when appropriate, advise a client of the client's language rights, including the right to proceed in the official language of the client's choice.

**3.2-2B** Where a client wishes to retain a lawyer for representation in the official language of the client's choice, the lawyer must not undertake the matter unless the lawyer is competent to provide the required services in that language.

### Commentary

[1] The lawyer should advise the client of the client's language rights as soon as possible.

[2] The choice of official language is that of the client not the lawyer. The lawyer should be aware of relevant statutory and Constitutional law relating to language rights including the Canadian Charter of Rights and Freedoms, s.19(1), and Part XVII of the Criminal Code and section 23.2 of the Divorce Act regarding language rights in courts under federal jurisdiction and in criminal and divorce proceedings. The lawyer should also be aware that provincial or territorial legislation may provide additional language rights, including in relation to aboriginal languages. The lawyer should be aware that, in Manitoba, there is a specific constitutional provision relating to language rights set out in section 23 of the Manitoba Act, 1870.

[3] When a lawyer considers whether to provide the required services in the official language chosen by the client, the lawyer should carefully consider whether it is possible to render those services in a competent manner as required by Rule 3.1-2 and related Commentary.



## MEMORANDUM

**To:** Benchers  
**From:** Leah Kosokowsky  
**Date:** June 10, 2022  
**Re:** **Strategic Plan – Outreach to the Northern Bar**

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### INTRODUCTION

Within Strategic Objective 1, Competence, one of the strategies is to proactively support, assess and address the competence of lawyers at stages of practice when it is most needed. In addition to delivering programming for small and solo practices, one of the identified activities was to incorporate continuing professional development offerings into regional bar meetings.

Within the context of Strategic Objective 4, Stakeholder Confidence, a related strategy (4.2) is focused on increasing and improving the engagement of the Law Society with members of the Northern Bar and members practising in other rural communities.

In furtherance of these objectives, the Law Society recently held a continuing professional development session with the Northern Bar.

### NORTHERN BAR EVENT – JUNE 3, 2022

The Northern Bar section of the Manitoba Bar Association hosts an annual event in early June with the location rotating among Flin Flon, The Pas and Thompson. Frequently, Law Society staff will travel north to deliver an in person continuing professional development program and will attend the social events. For the last few years, the event has been held virtually.

In the lead up to this year's event, we had envisioned a contingent of us traveling to the north, including members of the executive. However, in discussions with our continuing professional development leaders, we learned that the Northern Bar preferred to have a virtual session. We also were advised that the bar would appreciate receiving an information session regarding the various supports and resources that the Law Society offers and some additional information on the complaints resolution process.

Accordingly, a contingent of Law Society staff prepared to deliver a comprehensive information session, including Tana (insurance), Alissa (equity), Darcia (ethical advice), Kathy (audit), Noelia (complaints resolution) and Eileen and Betta (educational resources and wellness).

Of the 46 Northern Bar members, 12 attended. Early in the discussion, our staff members went off script to meaningfully discuss the concerns that were disclosed by the participating lawyers. The situation in the north is rather bleak.

During the session, members of the Northern Bar shared the following concerns:

- Much of the Northern Bar is junior and there is a lack of more experienced practitioners to provide mentorship;
- There is a shortage of qualified administrative staff and the private bar is unable to compete with the salaries offered by government;
- Recent changes to the Queen's Bench Rules in the area of family law have fundamentally and detrimentally affected practice in the north and have inhibited access to justice;
- The members no longer know each other. There is a lack of time and opportunity to socialize or connect with other Northern Bar members and cost (hotel, gas) is a barrier to in person events which are important for relationship building.

Law Society staff who attended the event observed evidence of some pretty significant stress levels with some of the members who attended. Accordingly, we held a debrief session and developed a game plan to take some immediate steps to address some of the concerns and additional steps to gather information to develop a long term strategy.

## NEXT STEPS

An email has been sent advising our northern practitioners that in the next short while, a team of Law Society staff members will call every northern district lawyer to review what was learned in our session and to ask where their concerns and priorities lie. If the lawyer is not comfortable speaking directly with staff, we will offer them the option of responding to an anonymous survey. The information obtained in these calls will be reduced to a report for consideration by a Law Society committee. We anticipate that the committee reviewing the Forgivable Loan Program is best suited for this work.

In the interim, we have recruited a number of senior Winnipeg practitioners who practise in the areas of criminal defence work, family law and real estate to not only act as mentors, but to be on call for northern practitioners requiring assistance. I am pleased to report that every Winnipeg lawyer that was contacted enthusiastically agreed to provide assistance and even offered to recruit others in their office in the event that they are not available.

When the initial phone calls have been completed, we will arrange for introductory Zoom sessions to facilitate the mentorship opportunities.

In addition, Eileen and her team in continuing professional development are compiling a list of specific resources which will be made available to northern lawyers and to their administrative staff. The list will be reviewed with each lawyer with information on how to access the information.

For the lawyers who appeared to be experiencing some particular stress and anxiety, Law Society staff members followed up directly following the education session with offers of assistance and access to supports.

### LONG RANGE

The above-noted actions are intended to be interim measures. Long range planning will be informed by information gathered and is likely to be multi-faceted, perhaps requiring collaboration with other parties, such as the Courts, Legal Aid and the Government of Manitoba.



## MEMORANDUM

To: Benchers

From: Leah Kosokowsky

Date: June 15, 2022

**Re: Manitoba Blue Cross Report - Health and Wellness Program**

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We recently received the annual report from Manitoba Blue Cross that provides statistical information on the utilization of their services over the year May 1, 2021 to April 30, 2022.

As most of you will know, the Law Society has focused much time and resources over the last two years on the health and wellness of the profession. In addition to providing programming and offering numerous articles and resources through the Communiqué and social media, the Society has been actively pursuing a diversion program from the complaints and discipline process and has been involved in the creation of the peer support program, Law(yer) Strong. Throughout these initiatives, we have worked hard to raise awareness within the profession of the Blue Cross EAP program. Cyndi Kindret, Clinical Services Coordinator with Manitoba Blue Cross, not only recorded a video for the Society, she has also become a board member of Law(yer) Strong.

This year, we have seen a significant increase in the utilization of the program. However, statistics are a funny thing – can we attribute the increase to increased awareness or are lawyers experiencing more stress and anxiety as of late? While we don't know the answer to this question, we do know that lawyers are accessing this valuable program.

While the complete report is attached for those who wish to explore it in detail, I will highlight the key statistics below.

Last year we reported the highest incidents of total cases over the previous five reporting periods, at 5% for lawyers. This year saw a further jump to 6.1%. While last year saw more returning clients, 2021-2022 saw a significant increase in new clients.

Similarly, while the legal profession lagged in usage behind the professional sector for many years, in the previous two years, usage by the legal profession exceed that of the professional sector. That trend continued in 2021-2022, with the gap widening further.

In terms of clinical categories and types of cases, personal issues with anxiety and stress far exceeded any other types of matters.

As with past reports, usage by articling students remains far lower than that by lawyers, although it has increased slightly. The female to male ratio has historically been in the area of 60% female to 40% male in terms of utilization. This past year, of those accessing the program, 66% were female and 34% were male.

Utilization be age group and by years at the Bar was:

| <b>Age Group</b> |     |  | <b>Years of Service</b> |     |
|------------------|-----|--|-------------------------|-----|
| 11 - 20 years    | 5%  |  | 0 - 5                   | 48% |
| 21 - 30 years    | 30% |  | 6 - 10                  | 14% |
| 31 - 40 years    | 38% |  | 11 - 15                 | 6%  |
| 41 - 50 years    | 13% |  | 16 - 20                 | 7%  |
| 51 - 60 years    | 7%  |  | 21 - 25                 | 3%  |
| Over 60 years    | 7%  |  | 26 - 30                 | 3%  |
|                  |     |  | Over 30 years           | 6%  |



## Employee Assistance Program Report

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Prepared for The Law Society of Manitoba

Report for the Period:  
May 1, 2021 to April 30, 2022

May 2022

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## Manitoba Blue Cross

### SUMMARY The Law Society of Manitoba

This report summarizes the activities of the EAP for The Law Society of Manitoba for the period May 1, 2021 – April 30, 2022. The information in this report is organized into separate sections which are derived from critical elements within the EAP field. Each section offers a grouping of EAP metrics to which your organization may refer in evaluating the performance of your EAP. This report is an additional resource to be considered along with other sources of data available to your organization when seeking to align member-related initiatives with emerging health and wellness themes within the member population.

- Utilization Figures – Clinical Services
- Clinical Overview
- Client Demographics
- Organizational Services

All of the information in this report has been organized and presented in a manner that preserves confidentiality.

#### Utilization Figures – Clinical Services

To ensure comprehensive reporting, a number of key variables are taken into account in preparing the EAP Utilization figures for The Law Society of Manitoba. Each of these variables produces a distinct utilization figure which is entirely based on clinical service activity.

- Total Case Ratio - *utilization based on the total number of active cases including new case openings and active cases carried over from the previous reporting timeframe.*
- New Case Ratio – *utilization based on the total number of new cases opened during the current reporting timeframe.*
- New Intake Ratio – *utilization based on the total number of new intakes for the current reporting timeframe.*

Taken together, these figures provide your organization with a comprehensive and transparent analysis of utilization. The utilization of EAP services which are of a non-clinical nature, such as consultations or attendance at educational events, is reported separately under the section entitled Organizational Services.

***All utilization figures presented in this report are based on a member count of 2,489. In all calculations the member count serves as the denominator and the variable serves as the numerator and the mean is rounded to the nearest whole number.***

## Manitoba Blue Cross

### **Clinical Overview**

This section is designed with two purposes in mind. The first purpose is to provide a summary of the concerns for which your members, and their family members, have sought counselling assistance and thereby identify any trends that may be emerging with respect to the health and well-being of your members. The section reports on the context of your members' concerns (e.g. personal, couple, family, employment/academic and addictions) as well as the specific nature of the problem leading to the request for assistance. To that end, this section reports on 5 clinical categories and over 100 problem types with respect to utilization.

The second purpose of this section is to provide an analysis of key metrics which illustrates the degree of comprehensiveness involved in planning and delivering the corresponding treatment for the client's concerns.

### **Client Demographics**

The aim of this section is to provide a confidential overview of which members are utilizing the EAP based on a series of client metrics (e.g. gender, age, union affiliation). A summary of this nature helps to determine the expanse and reach of the EAP among members at all levels within your organization. When compared to data on the general member population at large, client demographics may also point to whether certain groupings are over or underrepresented in terms of utilization.

To ensure confidentiality, discretion will be used in determining which client metrics will be reported, along with the number of cases and the nature of the report (e.g. quarterly, semi-annual, etc.).

### **Organizational Services**

The scope of this section includes a summary of clinical activities that are generated by the employer or a third party within the organization on behalf of one or more clients (e.g. consultation, mandatory referrals, workplace interventions, mediation). This area also encompasses activities of a non-clinical nature, such as workshops, seminars, or wellness events, which are provided to the organization.

# EAP Report

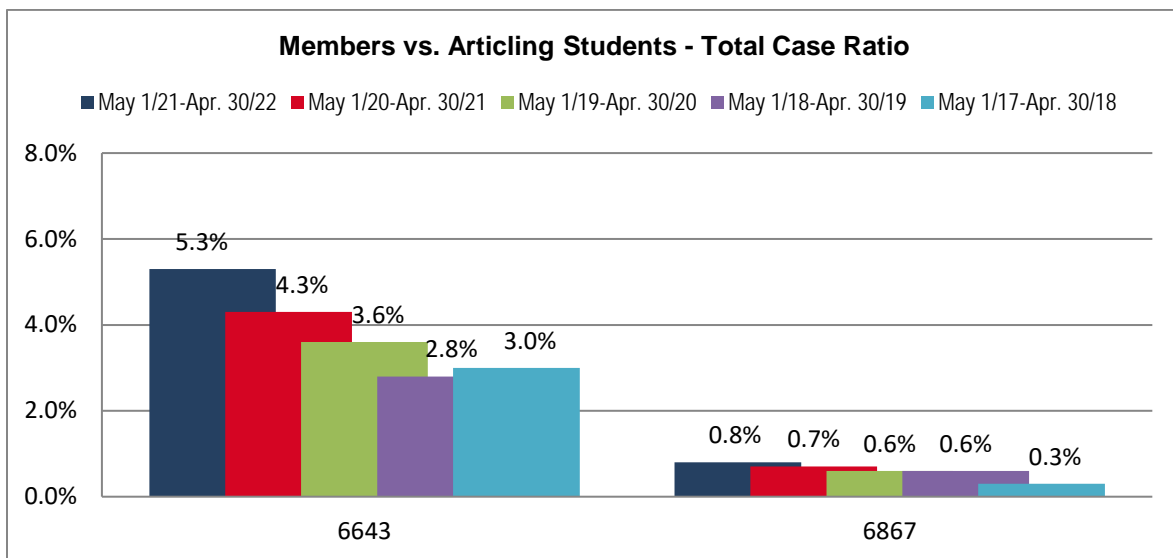
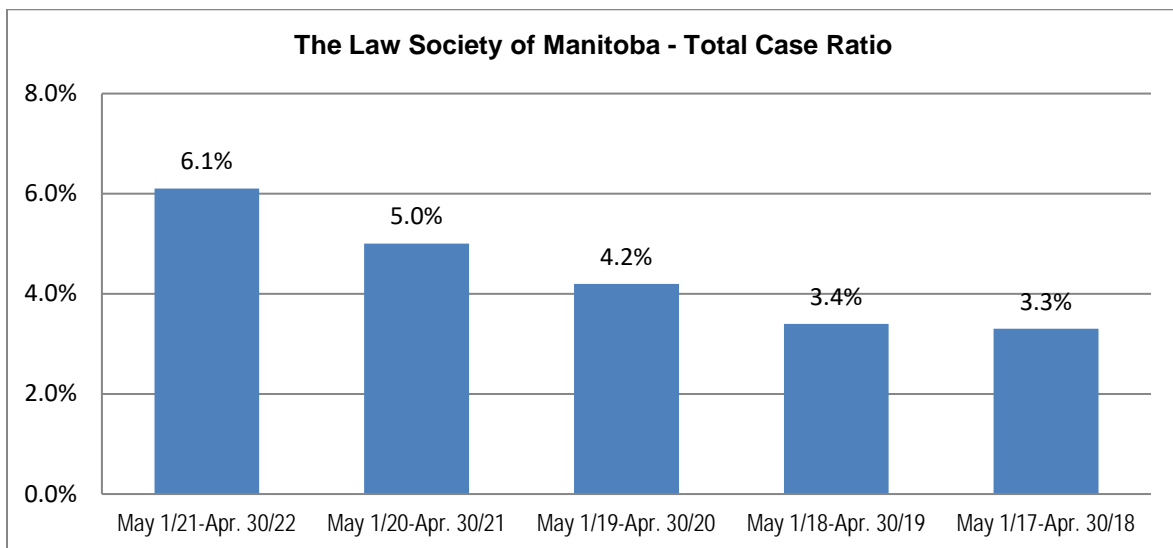
## Manitoba Blue Cross

### Utilization Figures – Clinical Services

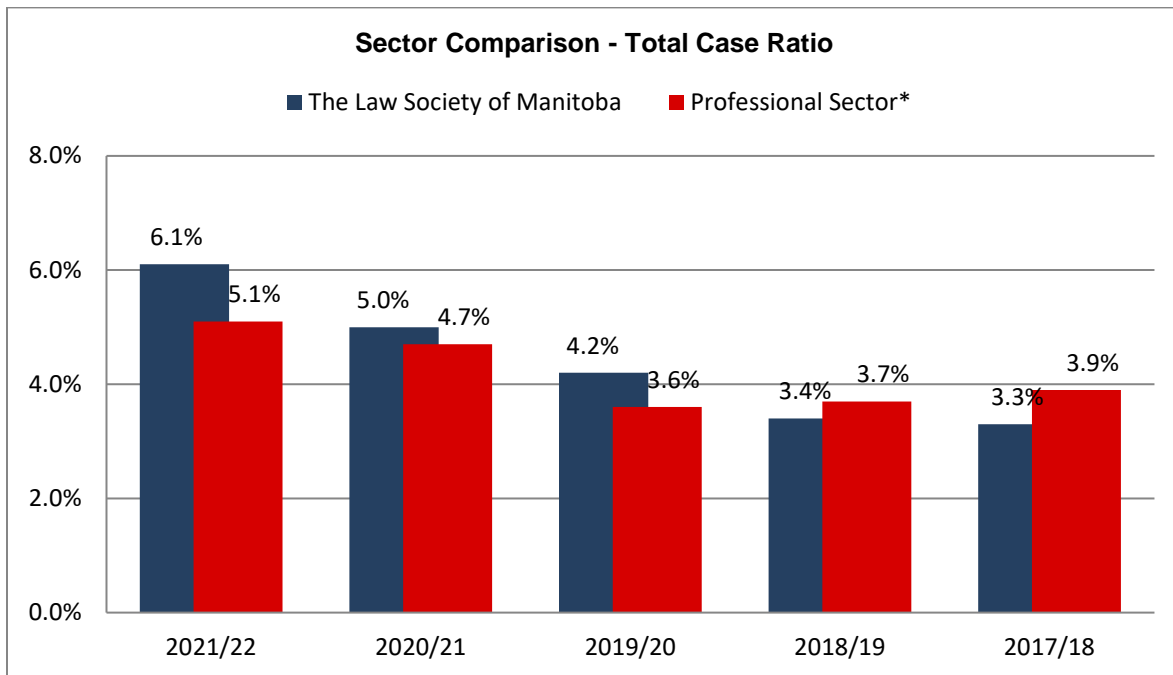
#### I. Total Case Ratio

The *total case ratio* captures all cases that show activity in the given reporting period and accounts for both new cases opened as well as those cases carried over from the previous timeframe. *Case status* is reached once a client is matched with a counsellor for services. A service provided in a single episode of care is equivalent to one case. Should the client have a second issue involving the assignment of a second therapist this second episode of care would constitute a second case.

***In total, 151 cases were open and active during the reporting period. Based on the member count of 2,489 the total case utilization figure is 6.1%.***



## Manitoba Blue Cross



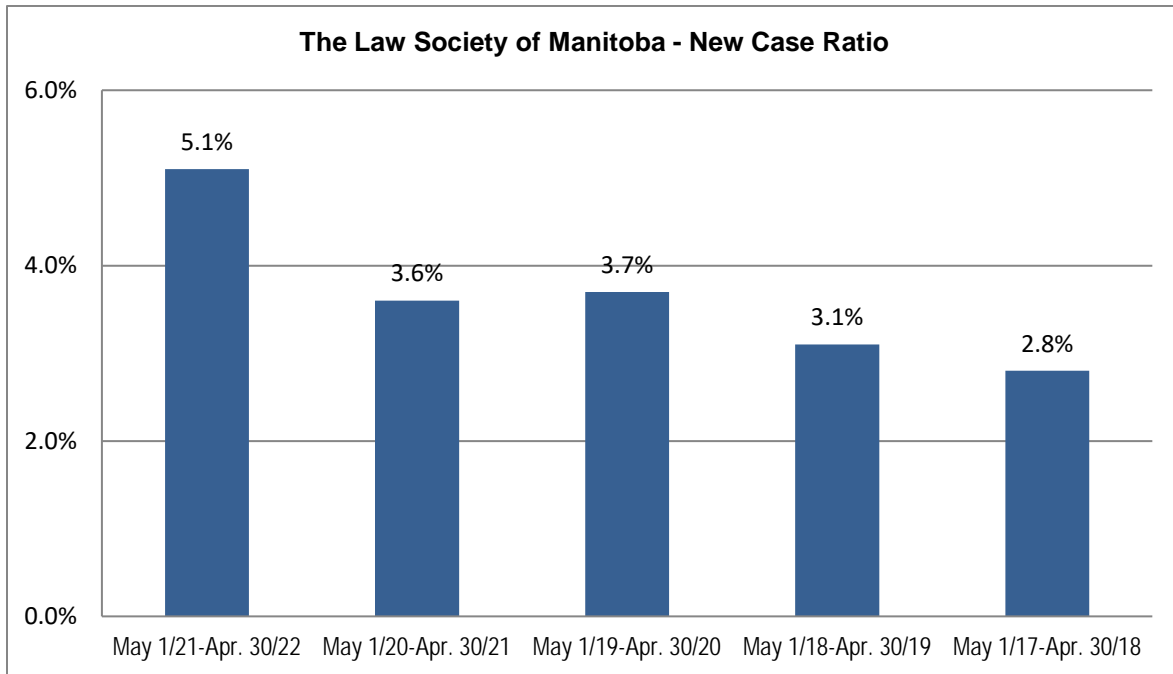
*\*Professional Sector – annual utilization is calculated using the calendar year (Jan-Dec 2021)*

## Manitoba Blue Cross

### II. New Case Ratio

The *new case ratio* captures the total number of new cases opened during the reporting period relative to the member population. *New case status* refers to first time users of the EAP or previous users who have been inactive for a minimum period of 90 days.

***The total number of new cases for the reporting period is 128 resulting in a new case utilization figure of 5.1%.***

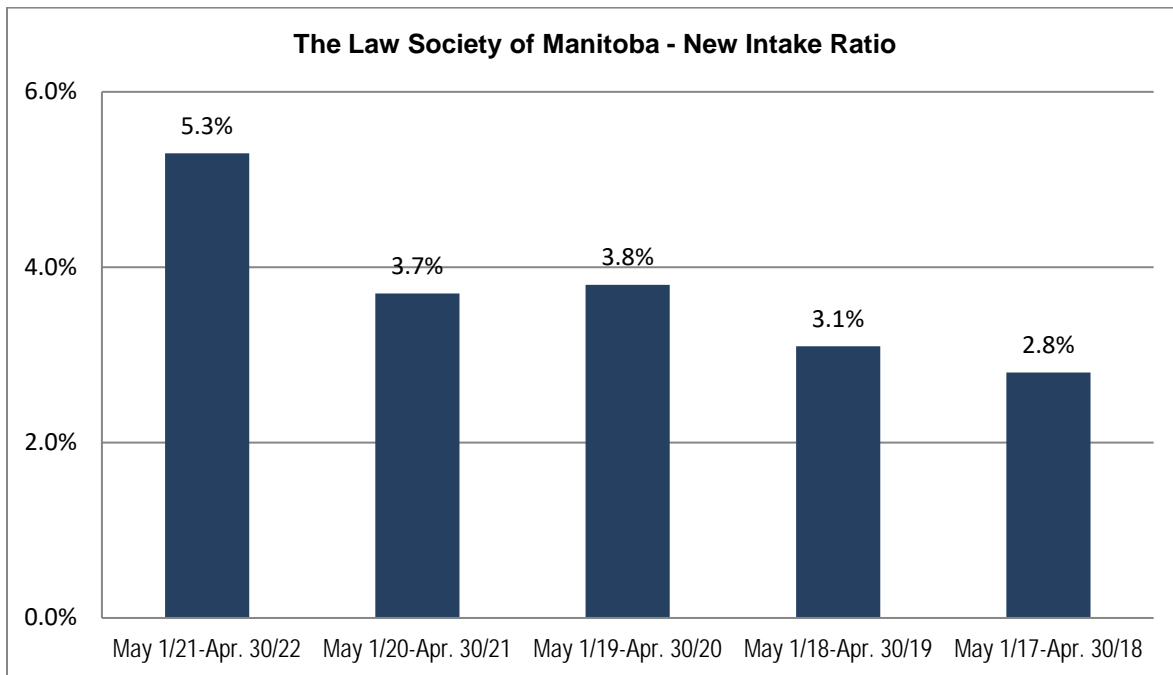


## Manitoba Blue Cross

### III. New Intake Ratio

The *new intake ratio* captures all client requests for assistance including those which reach full case status as well as those which do not require the clinical services of a therapist. This ratio accounts for the fact that a certain percentage of client concerns will be sufficiently resolved at intake through the provision of brief psychological care, provision of resource information, referral to an alternative treatment resource, or all of the above.

***The total number of new intakes for the reporting period is 132. Based on a member count of 2,489 the new intake ratio for the reporting period 5.3%.***





## Manitoba Blue Cross

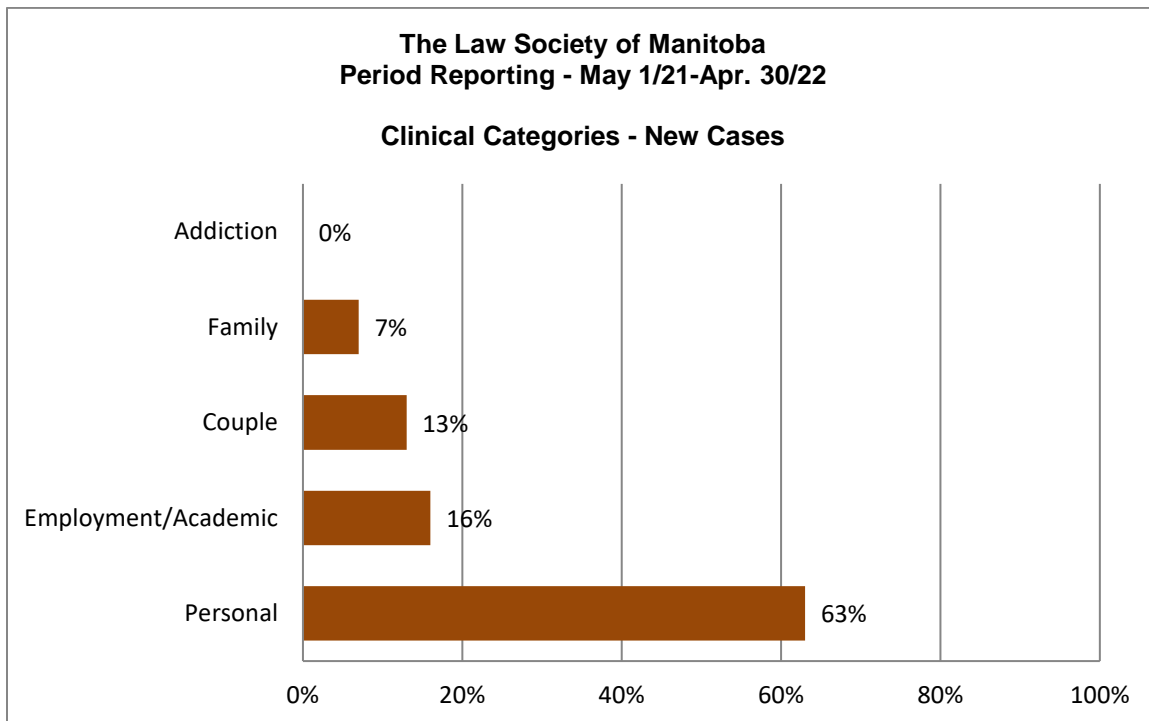
### Clinical Overview

#### I. Clinical Category and Problem Type Incidence

The Employee Assistance Centre offers counselling in a variety of clinical areas in order to assist members, their spouses, and dependents to maintain a healthy lifestyle. The Clinical Overview for this reporting timeframe begins with an analysis of the clinical concerns representing the focus of treatment with clients, based on assessment at first session. The analysis first summarizes the distribution of cases across a number of broader clinical categories (the context of the concern), followed by information on the specific nature and incidence of the client's concern (problem type).

The following graph reflects the percentage that each clinical category was recorded as of primary concern to individuals using the service and as assessed at the first session. For a more detailed summary, clinical categories are presented with the corresponding problem types and percentages in the Appendix.

As depicted in the graph, areas of primary concern were Personal (63%), Employment/Academic (16%), Couple (13%), Family (7%) and Addiction (0%).



## Manitoba Blue Cross

### a) *Breakdown by Problem Type Incidence*

Further analyzing the incidence and the specific nature of the problem types for which The Law Society of Manitoba clients sought assistance adds some insight into the types of concerns that are most prevalent among those utilizing the EAP for counselling and may also point to themes that may be pertinent to the health and well-being of the broader member group. The following table illustrates the most frequent assessed problem types for which assistance was provided during the reporting timeframe, from the 100+ problem types that may be assessed.

Problem Type Incidence - New Cases  
Period Reporting – May 1/21-Apr. 30/22

|   |     |
|---|-----|
| PERSONAL                                    |     |
| Personal – Anxiety Symptoms - Generalized   | 16% |
| Personal – Stress – Personal                | 13% |
| Personal – Depression Symptoms              | 9%  |
| Personal – Grief/Loss                       | 8%  |
| Personal – Stress - Lifestyle               | 5%  |
| EMPLOYMENT/ACADEMIC                         |     |
| Employment/Academic – Stress – Work         | 7%  |
| COUPLE                                      |     |
| Couple – Couple Relationship/Communication  | 8%  |
| Couple – Separation/Divorce                 | 3%  |
| FAMILY                                      |     |
| Family – Family Relationships/Communication | 2%  |
| Family – Mental Health – Family Member      | 2%  |
| Family – Parenting                          | 2%  |

## II. Case Metrics

### a) *Total Number of Sessions*

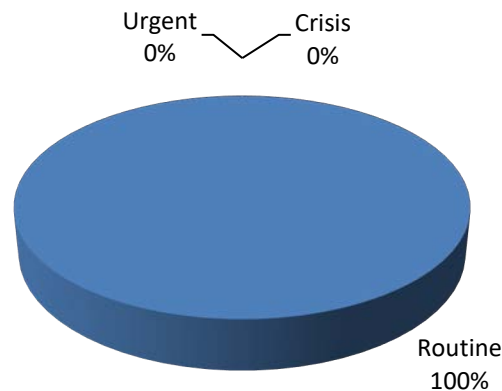
The total number of sessions provided to all active cases: 622.0 sessions

## Manitoba Blue Cross

### b) Degree of Urgency – New Cases

Based on 128 new cases during the reporting timeframe the degree of urgency was assessed as follows:

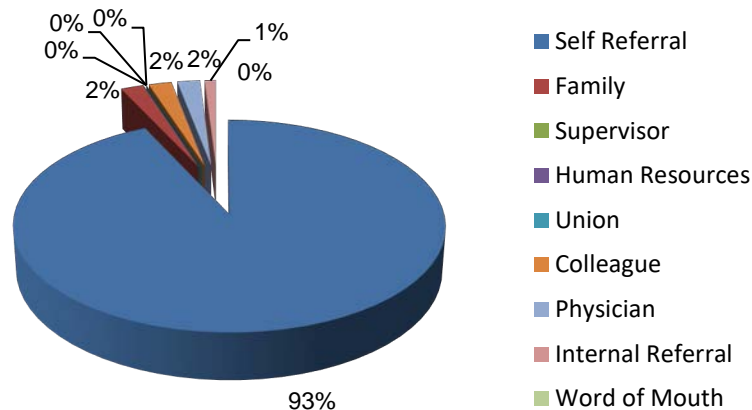
- Routine: 128 or 100% of cases assessed as routine
- Urgent: 0 or 0% of cases assessed as acute, not life threatening
- Crisis: 0 or 0% of cases assessed as urgent, acute and life threatening, immediate intervention



### c) Basis of Referral – New Cases

Based on 128 new cases during the reporting timeframe the basis of referral is as follows:

- Self-Referral: 119 or 93% of cases were self-referral
- Family: 2 or 2% of cases were referred by a family member
- Supervisor: 0 or 0% of cases were referred by a supervisor
- Human Resources: 0 or 0% of cases were referred by human resources
- Union: 0 or 0% of cases were referred by a union representative
- Colleague: 3 or 2% of cases were referred by a colleague
- Physician: 3 or 2% of cases were referred by a physician
- Internal Referral: 1 or 1% of cases were internal referrals
- Word of Mouth: 0 or 0% of cases were by word of mouth



## Manitoba Blue Cross

### **d) Requested Service Medium**

Based on 128 new cases during the reporting timeframe the following service mediums were requested:

- CanTalk: 0 or 0% of new cases requested language services through CanTalk
- Let's Talk: 0 or 0% of new cases requested services through Let's Talk
- Virtual: Telephonic/Video Conferencing: 86 or 67% of new cases requested virtual services

### **e) Average Number of Sessions**

The average number of sessions per contract during the reporting timeframe: 4.6 Sessions

## III. Treatment Planning Metrics

### **a) Psychiatric Consultation**

The EA Centre maintains standing consultation time with a consulting Psychiatrist. Through their standard EAP coverage The Law Society of Manitoba clients have seamless and prompt access to psychiatric consultation through a referral by their therapist.

Total number of Psychiatric Consultations - Adult: 0 Cases

Total number of Psychiatric Consultation – Child: 1 Case

### **b) Client – Therapist Matching**

Given the multi-faceted nature of assessment and treatment, The Manitoba Law Society clients have access to a diversity of helping professionals through their EAP. Upon completion of an initial assessment at intake, the client is matched with a therapist whose area of expertise is best suited to the client's treatment need(s). Meeting specific client preferences (therapist gender, availability, therapeutic requests) is also maximized through the diversity of the counselling group.

Total number of Therapists utilized in the delivery of clinical services: 55 Therapists

### **c) Client – Internal Referrals**

Total of number of internal referrals made for the reporting period: 1 Case

### **d) Client – Extensions**

Total number of extensions authorized for the reporting period: 0 Extensions/Cases

Total number of approved extension sessions for the reporting period: 0.0 Sessions

## Manitoba Blue Cross

### **IV. Addictions Management Program**

The Law Society of Manitoba clients have access to specialized addictions treatment through their EAP coverage. The Addictions Management Program provides non-residential assessment and treatment services for any addiction. The Program specializes in addictions complicated with depression, panic and anxiety, family dynamics, abuse and stress.

The Program provides evidence-based treatment with a cognitive/behavioural focus. The treatment process consists of testing, assessment, group treatment, and group follow-up as well as individual sessions. All treatment services are provided by a multidisciplinary team consisting of psychiatry, clinical psychology, social work and nursing. Onsite psychiatric consultation and medication review are available according to need. The services of the Addictions Management Program are available to members, and family members of The Law Society of Manitoba on a voluntary basis through their EAP coverage.

Total Number of Cases – Addictions Management Program: 2 Cases

Total Number of Clinical Hours – Addictions Management Program: 24.5 Hours

Total number of extensions authorized for the reporting period: 1 Extension/Case

Total number of approved extension sessions for the reporting period: 9.0 Hours

### **V. Trauma Response Services**

Trauma services include consultation, defusing's, critical incident stress debriefings and group work for individuals and groups of members who are exposed to a critical incident.

Trauma response services are available on a fee for service basis.

Total Number of Trauma Response Cases: 1 Case

Total Number of Clinical Hours: 1.0 Hour

### **VI. Conflict Resolution**

A range of conflict resolution services are offered to the employer and members, including consultation, mediation, and workshops/seminars. Emphasis is placed on designing a response from the continuum of conflict resolution services that will be appropriate and effective to the issues that are pertinent in each case. Services are provided by clinicians with specialized training and experience in conflict resolution techniques and process.

These services are available on a fee for service basis.

Total Number of Conflict Resolution Cases: 0 Cases

Total Number of Clinical Hours: 0.0 Hours

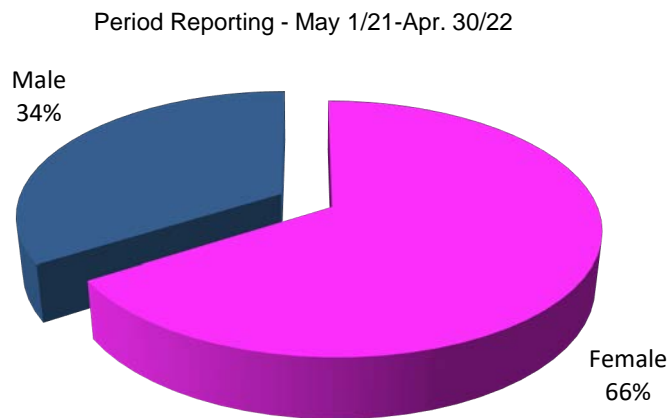
## Manitoba Blue Cross

### Client Demographics

#### I. Utilization by Gender – New Cases – Members/Spouse/Dependents

Information specific to each gender follows:

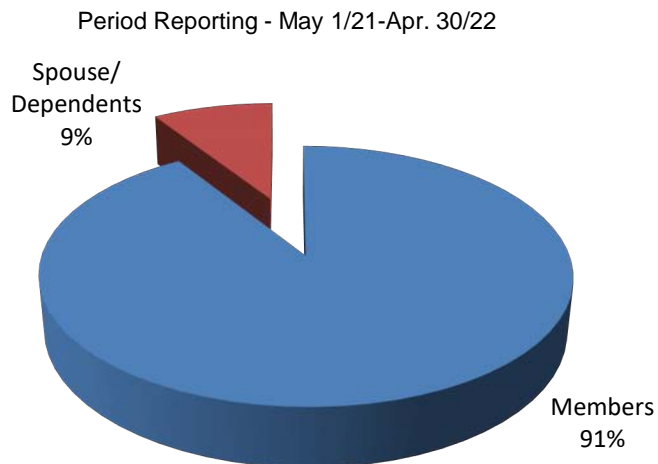
- Female (84) 66%
- Male (44) 34%



#### II. Members/Spouse/Dependents – New Cases

Information specific to member status follows:

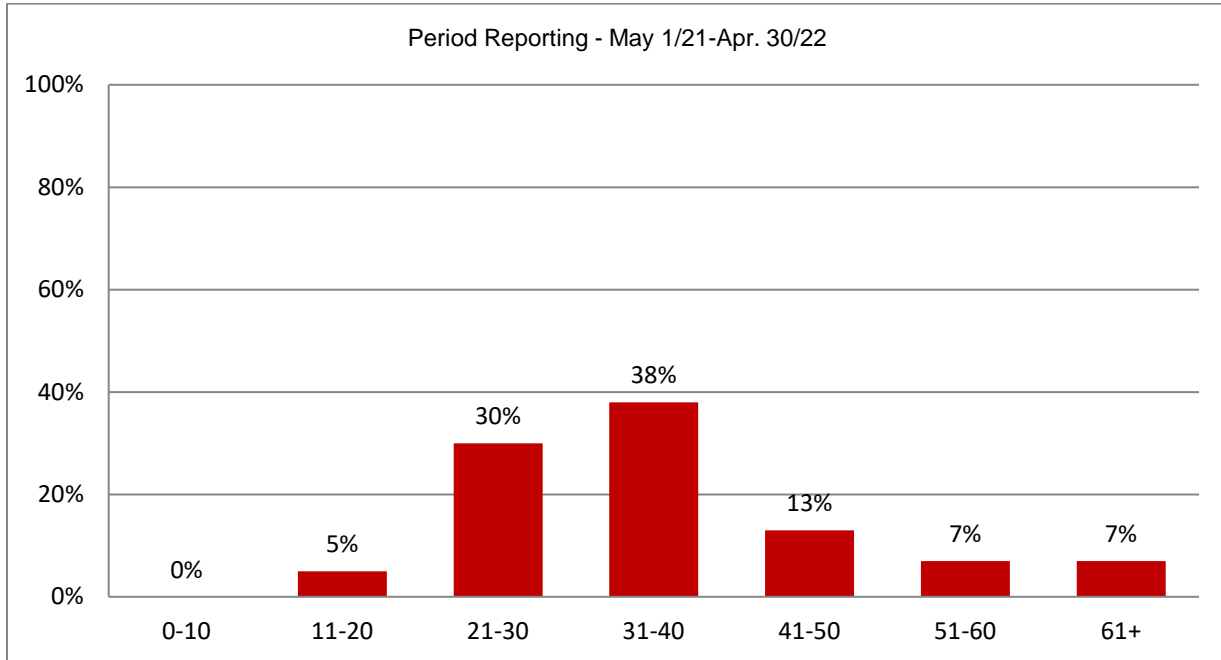
- Members (117) 91%
- Spouse/Dependents (11) 9%



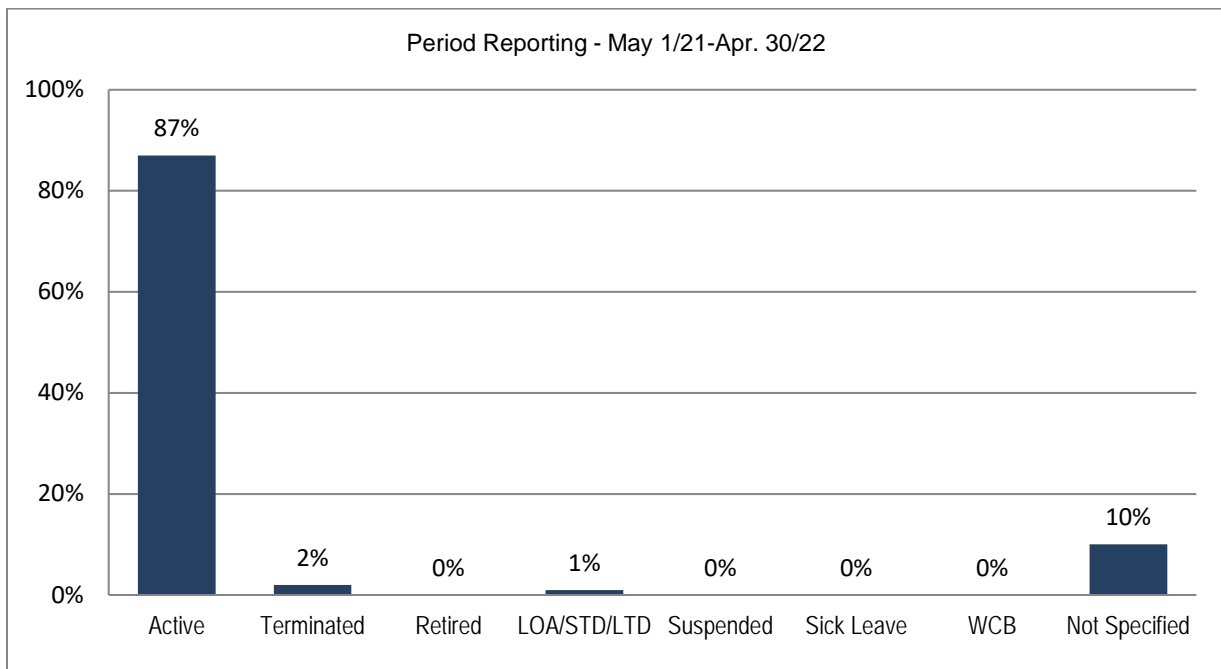
# EAP Report

## Manitoba Blue Cross

### III. Utilization by Age Band – New Cases – Members/Spouse/Dependents

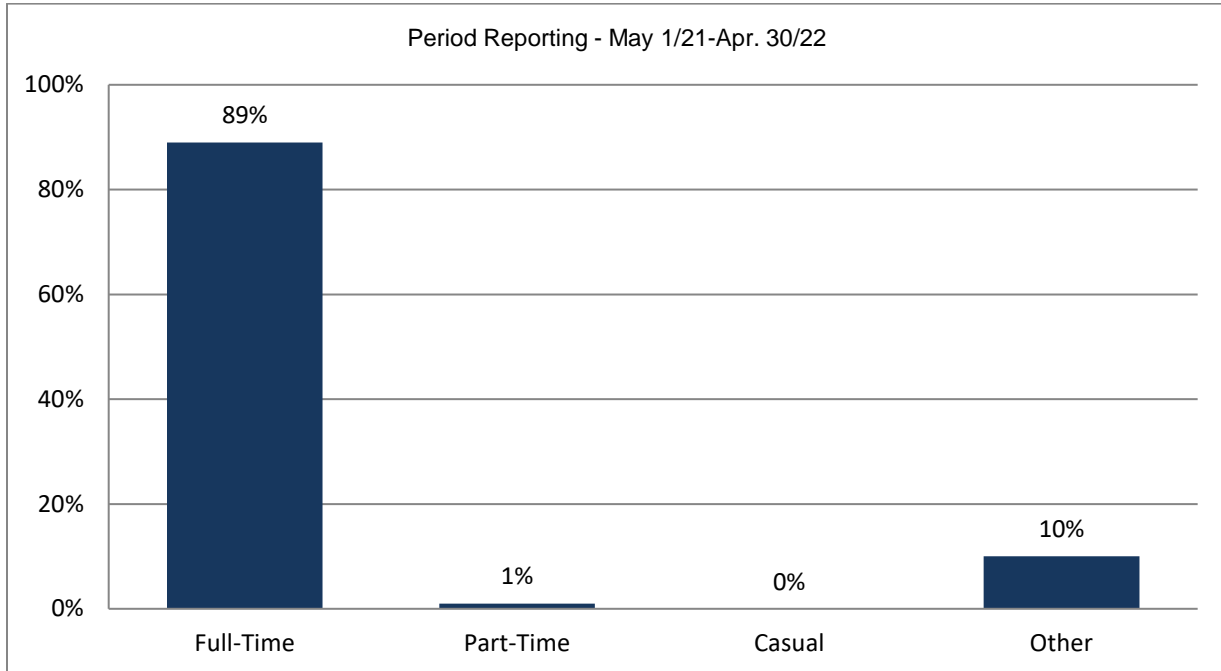


### IV. Utilization by Employment Status – New Cases - Members

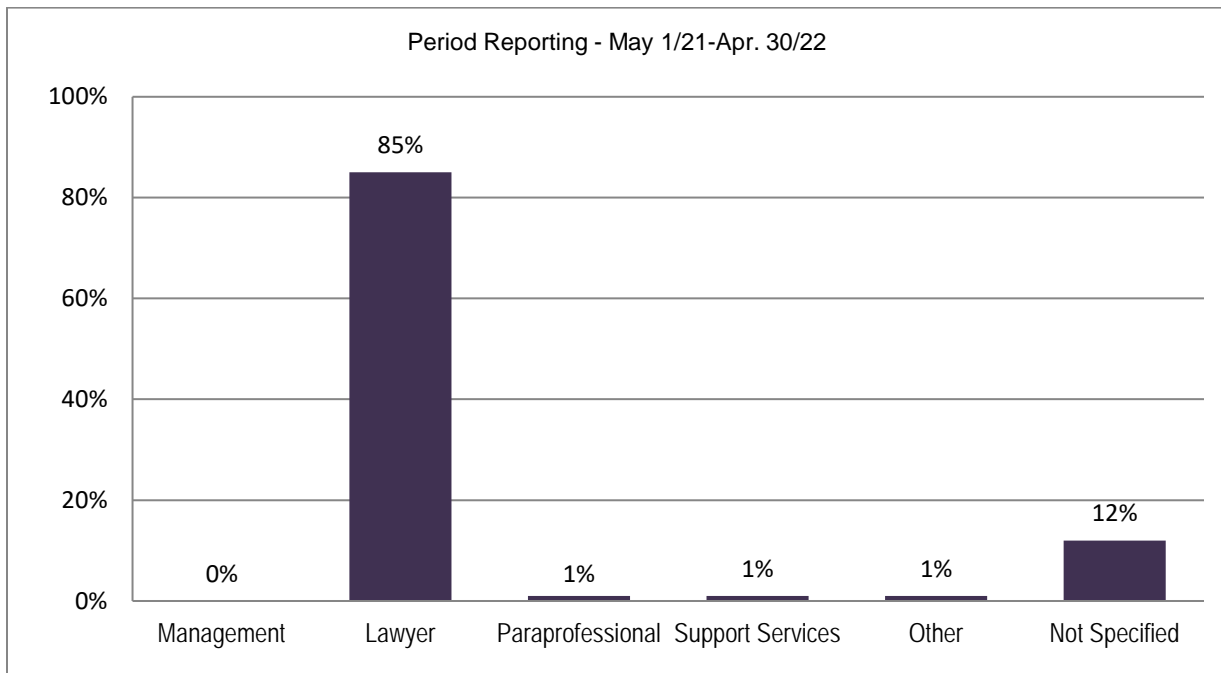


## Manitoba Blue Cross

### V. Utilization by Employment Type – New Cases - Members



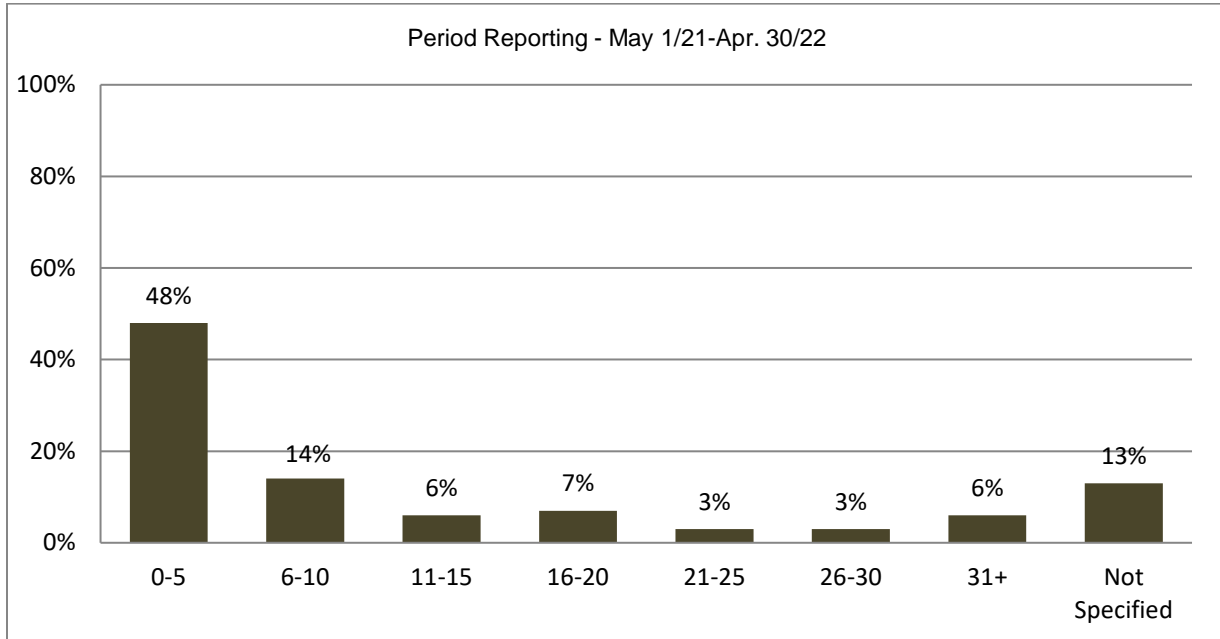
### VI. Utilization by Employment Classification – New Cases - Members





## Manitoba Blue Cross

### VII. Utilization by Years of Service – New Cases - Members



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## Manitoba Blue Cross

### Organizational Services

#### **I. Consultation**

Consultation is available to designated People Leaders within The Law Society of Manitoba to assist them in intervening effectively with members whose personal problems are negatively impacting their job performance, or in response to a request for assistance by a member.

Total Number of Consultations: 2 Consultations

Total Number of Consultation Hours: 1.0 Hour

#### **II. Workshops and Presentations**

Workshops and presentations are available on a fee for service basis.

The following workshops were provided during the reporting timeframe:

Total Number of Fee for Service Workshops: 1 Workshop

Total Number of Fee for Service Workshop Hours: 1.0 Hour

#### **III. Mandatory Referrals**

Mandatory Referrals involve cases where a member is required by the employer to utilize the services of the EAP. Such cases fall outside the scope of the usual intake process and typically involve situations where the member has presented workplace performance and or behavioural concerns which have violated company policy or which the employer has determined require intervention.

Mandatory referrals are managed on a fee for service basis.

Total Number of Mandatory Referrals: 0 Cases

Total Number of Clinical Hours: 0.0 Hours

## Manitoba Blue Cross

### IV. Organizational Assistance

Organizational Assistance encompasses specialized services which are requested through the employer to address organizational needs or resolve the effects of various issues that may arise in the workplace. Examples might include specialized interventions related to respectful workplace, morale/team building, and leadership coaching or post investigation debriefings. Services such as these typically involve consultation, assessment, facilitation and coaching.

Organizational Assistance services are available on a fee for service basis.

Total Number of Organizational Assistance Cases: Support Services / Intervention - 0 Cases

Total Number of Clinical Hours: 0.0 Hours

#### Committee Participation\*

Law(yer) Strong Peer Support Program – Cyndi Kindret, Clinical Services Coordinator – Board Member

#### Presentations / Meetings\*

|  |           |
|--|-----------|
| Law Society tour / report review – September 16, 2021    | 2.0 hrs.  |
| World Mental Health video recording – September 21, 2021 | 2.0 hrs.  |
| Criminal Defense Lawyer Conference – December 2, 2021    | 0.33 hrs. |
| Law Firm Benefit Presentation – February 8, 2022         | 1.0 hrs.  |

*\*not included in case/hours*

### V. Program Add-ons

**CONNECT NOW** – a real-time support that employees can call to instantly connect with a mental health professional from the Employee Assistance Program. Calls to Connect Now do not count as EAP sessions under the benefit plan.

Total number of Connect Now calls: 4 calls

Connect Now call range: 15-60 mins.

**COUNSELLOR CONNECT** – employees and their family members can now complete intake and request a first counselling appointment online through Counsellor Connect at [mb.bluecross.ca](http://mb.bluecross.ca).

Total number of Counsellor Connect Cases: 9 or 7% of Cases

**SHARING CIRCLE** - a Sharing Circle lead by our Indigenous Elders, provides a safe environment for participants to speak about what they are thinking, experiencing and feeling.

Sharing Circles can be arranged through the Employee Assistance Centre.

## Manitoba Blue Cross

### **VI. Self-Management Programs**

Self-management programs are an accessible, self-directed channel for support, allowing users to access psychoeducational content online at their convenience. Users progress through reading and video content at their own pace. Self-management programs are appropriate for mild to moderate levels of distress.

Registrations: The number of members who registered for a Learning Management System (LMS) account.

Enrollments: The number of users that enrolled in a self-management program within the LMS.

#### **Developing Healthy Couple Relationships Program**

Total number of program registrations – 0 Registrations

Total number of enrollments – 0 Enrollments

Manitoba Blue Cross

## **APPENDIX**

## Employee Assistance Centre Category Form

Please complete this form at the end of the first session AND if there is a change in category. Place a check to indicate the primary category of treatment. Attach this form to the regular claim form submitted for services rendered.

|   |  |   |  |
|---|--|---|--|
| Date:   | Client Name:   |   |  |
| Provider #  | Group #  | Contract #  |  |
| <input type="checkbox"/> First Session <input type="checkbox"/> Change Category | <input type="checkbox"/> Employee <input type="checkbox"/> Spouse <input type="checkbox"/> Dependent | <input type="checkbox"/> Child <input type="checkbox"/> Couple <input type="checkbox"/> Adult <input type="checkbox"/> Family |  |

### CLINICAL CATEGORY - PERSONAL

| PROBLEM TYPE  |  |   |
|---|--|---|
| <input type="checkbox"/> Abuse Behaviour/Offender       | <input type="checkbox"/> Abuse History – Child             | <input type="checkbox"/> Abuse History - Domestic             |
| <input type="checkbox"/> ADHD Symptoms                  | <input type="checkbox"/> Anger                             | <input type="checkbox"/> Anti-Social Behaviour                |
| <input type="checkbox"/> Anxiety Symptoms – Generalized | <input type="checkbox"/> Anxiety Symptoms - Panic          | <input type="checkbox"/> Anxiety Symptoms – Social            |
| <input type="checkbox"/> Assertiveness                  | <input type="checkbox"/> Critical Incident/Trauma Personal | <input type="checkbox"/> Cultural Adjustment Problem          |
| <input type="checkbox"/> Depression Symptoms            | <input type="checkbox"/> Diet/Nutrition                    | <input type="checkbox"/> Eating Disorder Symptoms             |
| <input type="checkbox"/> Financial - Debt Management    | <input type="checkbox"/> Financial – Other                 | <input type="checkbox"/> Financial – Preventative Money Mgmt. |
| <input type="checkbox"/> Grief/Loss                     | <input type="checkbox"/> Identity Problem                  | <input type="checkbox"/> Illness/Medical                      |
| <input type="checkbox"/> Legal Issue                    | <input type="checkbox"/> Life Cycle/Phase of Life          | <input type="checkbox"/> Lifestyle/Fitness                    |
| <input type="checkbox"/> Mental Health Symptoms         | <input type="checkbox"/> OCD Symptoms                      | <input type="checkbox"/> Pain Management                      |
| <input type="checkbox"/> PTSD Symptoms                  | <input type="checkbox"/> Rehabilitative Money Mgmt.        | <input type="checkbox"/> Self Esteem/Self Concept             |
| <input type="checkbox"/> Sexual Assault – Third Party   | <input type="checkbox"/> Sexual Dysfunction                | <input type="checkbox"/> Sexual Identity                      |
| <input type="checkbox"/> Sleep Disturbance              | <input type="checkbox"/> Smoking Cessation                 | <input type="checkbox"/> Spiritual/Religious Problem          |
| <input type="checkbox"/> Stress – Lifestyle             | <input type="checkbox"/> Stress – Personal                 | <input type="checkbox"/> Stress – Time Management             |
| <input type="checkbox"/> Suicide Risk                   | <input type="checkbox"/> Weight Loss/Control               | <input type="checkbox"/> Other                                |

### CLINICAL CATEGORY - COUPLE

| PROBLEM TYPE  |  |  |
|---|--|--|
| <input type="checkbox"/> Abuse/Domestic Violence    | <input type="checkbox"/> Abuse – Offender          | <input type="checkbox"/> Addiction – Partner               |
| <input type="checkbox"/> Affair/Infidelity          | <input type="checkbox"/> Anxiety – Partner         | <input type="checkbox"/> Couple Relationship/Communication |
| <input type="checkbox"/> Critical Incident – Trauma | <input type="checkbox"/> Depression – Partner      | <input type="checkbox"/> Extended Family – Relational      |
| <input type="checkbox"/> Fertility                  | <input type="checkbox"/> Financial – Conflict      | <input type="checkbox"/> Financial – Other                 |
| <input type="checkbox"/> Grief/Loss                 | <input type="checkbox"/> Illness/Medical – Partner | <input type="checkbox"/> Legal Issue                       |
| <input type="checkbox"/> Mental Health – Partner    | <input type="checkbox"/> Separation/Divorce        | <input type="checkbox"/> Sexual Assault – Third Party      |
| <input type="checkbox"/> Sexual Dysfunction         | <input type="checkbox"/> Stress – Lifestyle        | <input type="checkbox"/> Stress – Time Management          |
| <input type="checkbox"/> Suicide                    | <input type="checkbox"/> Other                     |  |

**CLINICAL CATEGORY - FAMILY**

| <b>PROBLEM TYPE</b>                                    |   |  |
|--|---|--|
| <input type="checkbox"/> Abuse – Adult                 | <input type="checkbox"/> Abuse – Child                      | <input type="checkbox"/> Abuse – Child Protection      |
| <input type="checkbox"/> Abuse – Elder                 | <input type="checkbox"/> Abuse – Incest                     | <input type="checkbox"/> Abuse – Offender              |
| <input type="checkbox"/> Abuse History - Child         | <input type="checkbox"/> ACOA                               | <input type="checkbox"/> Addiction – Family Member     |
| <input type="checkbox"/> Adoption                      | <input type="checkbox"/> Anxiety – Family Member            | <input type="checkbox"/> Blended Family                |
| <input type="checkbox"/> Care and Development of Child | <input type="checkbox"/> Critical Incident/Trauma           | <input type="checkbox"/> Depression – Family Member    |
| <input type="checkbox"/> Domestic Abuse Witness        | <input type="checkbox"/> Eldercare                          | <input type="checkbox"/> Extended Family/Relational    |
| <input type="checkbox"/> Family of Origin              | <input type="checkbox"/> Family Relationships/Communication | <input type="checkbox"/> Financial – Conflict          |
| <input type="checkbox"/> Financial – Other             | <input type="checkbox"/> Grief/Loss                         | <input type="checkbox"/> Illness/Medical Family Member |
| <input type="checkbox"/> Legal Issue                   | <input type="checkbox"/> Mental Health – Family Member      | <input type="checkbox"/> Parent-Child Relationship     |
| <input type="checkbox"/> Parenting                     | <input type="checkbox"/> Separation/Divorce                 | <input type="checkbox"/> Sibling Relational            |
| <input type="checkbox"/> Stress – Lifestyle            | <input type="checkbox"/> Stress – Time Management           | <input type="checkbox"/> Suicide                       |
| <input type="checkbox"/> Other                         |   |  |

**CLINICAL CATEGORY – EMPLOYMENT/ACADEMIC RELATED**

| <b>PROBLEM TYPE</b>                            |  |   |
|--|--|---|
| <input type="checkbox"/> Absenteeism           | <input type="checkbox"/> Behaviour – Workplace       | <input type="checkbox"/> Bullying                   |
| <input type="checkbox"/> Burnout               | <input type="checkbox"/> Career Planning/Development | <input type="checkbox"/> Conflict – Colleague       |
| <input type="checkbox"/> Conflict-Supervisor   | <input type="checkbox"/> Conflict – Work Group       | <input type="checkbox"/> Harassment – Code          |
| <input type="checkbox"/> Harassment – Personal | <input type="checkbox"/> Harassment - Sexual         | <input type="checkbox"/> Job Loss                   |
| <input type="checkbox"/> Job/Role Change       | <input type="checkbox"/> Job Satisfaction            | <input type="checkbox"/> Management Effectiveness   |
| <input type="checkbox"/> Organizational Change | <input type="checkbox"/> Outplacement                | <input type="checkbox"/> Retirement                 |
| <input type="checkbox"/> Retirement – Pre      | <input type="checkbox"/> Shiftwork                   | <input type="checkbox"/> Stress – Time Management   |
| <input type="checkbox"/> Stress – Work         | <input type="checkbox"/> Stress – Work-Life Balance  | <input type="checkbox"/> Trauma/CISD – Occupational |
| <input type="checkbox"/> Violence – External   | <input type="checkbox"/> Violence – Internal         | <input type="checkbox"/> Violence – Offender        |
| <input type="checkbox"/> Work Performance      | <input type="checkbox"/> Workload Issues             | <input type="checkbox"/> Other                      |

**CLINICAL CATEGORY - ADDICTIONS**

| <b>PROBLEM TYPE</b>                  |   |                                   |
|--------------------------------------|---|-----------------------------------|
| <input type="checkbox"/> Alcohol     | <input type="checkbox"/> Drugs and Alcohol  | <input type="checkbox"/> Food     |
| <input type="checkbox"/> Gambling    | <input type="checkbox"/> Illicit Drugs      | <input type="checkbox"/> Internet |
| <input type="checkbox"/> Pornography | <input type="checkbox"/> Prescription Drugs | <input type="checkbox"/> Sex      |
| <input type="checkbox"/> Shopping    | <input type="checkbox"/> Work               | <input type="checkbox"/> Other    |



## MEMORANDUM

To: Benchers  
From: Darcia Senft  
Date: June 15, 2022  
**Re: Law Library Hub – Interim Report**

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### A. INTRODUCTION

In the Strategic Plan for 2022-2025, Strategic Objective No. 2 states that the Law Society will: *“Promote and facilitate collaboration about access issues with the courts and other justice system stakeholders to increase access to justice.”*

Activity 2.3.1 sets out that the Society will, in collaboration with stakeholders, focus on the enhanced provision of legal information and advice through the Manitoba Law Library (i.e. the “Library Hub”) and other service providers. Step 1 requires the Society to obtain a status report to assess the viability of the in-person delivery method.

### B. INTERIM REPORT

We recently received the attached interim report from (newly elected Bencher) Leah Klassen, who acts as the lawyer supervisor for law students providing services to the public through the pilot project known as the Law Library Hub

Over the summer, we will request an extension of the pilot from the Manitoba Law Foundation to April 2023 and plan to resume in-person Hub operations, if possible, in the fall when new law students will be recruited through Pro Bono Students Canada.

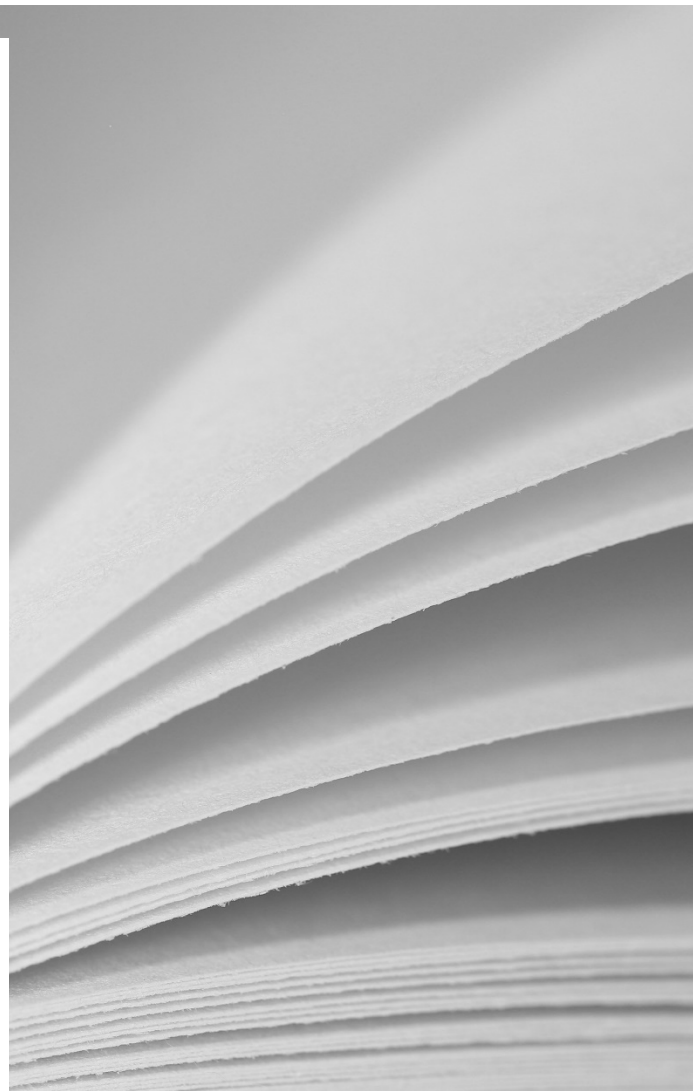
Thereafter, in conjunction with the Access to Justice Steering Committee, we will assess the viability of proceeding with Phase 2 of the Library Hub pilot namely, the creation of a website designed to provide legal information to the public.



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# Report on Law Library Hub

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**JUNE 16. 2022**

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**Authored by: Leah Klassen**

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## October 2021 – April 2022

### Overview

After a hiatus from April 2021 until October 2021, the Law Library Hub started up again, virtually, in October of 2021. This time, we partnered with Pro Bono Students Canada (PBSC) – Manitoba Chapter to create a project where 6 law students were placed to volunteer virtually under the supervision of Leah Klassen.

Below is numerical and anecdotal data showing the services that were provided during this time.

### Kind of Service Provided

Students were provided with training in October on how to conduct Attendee interviews and collect data on the types of matters and attendees of the Hub. This report is based on the data that was collected.

We changed the format from what it was in the first iteration of the Hub (SEE: Interim Report, dated June 1, 2021, attached as **Appendix A**).

For one half day every week (this date changed in the second term to accommodate student schedules), three students would be available for 3 hours, for 3, one hour slots to meet with attendees virtually. They would meet in Zoom break out rooms and Leah Klassen would be available in the main room to answer questions and supervise the interviews as needed by the students.

The student would speak with the supervising lawyer (Leah Klassen) to establish a plan for drafting documents, if applicable, or obtain answers to the attendee's question. The student would then draft the documents, have them reviewed by the supervising lawyer, and provide them to the attendee. They would also set up a further meeting with the attendee to answer any questions or obtain further information in order to draft the documents.

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## Attendees Seen

From October 2022 until April 2022, there was a total of 43 people assisted by the Library Hub.

We also changed the way in which Attendees were booked in to the Hub. Karen Sawatzky and her team at the Manitoba Law Library supported the Hub and facilitated the booking of appointments. Attached as **Appendix B** is a memo from Karen Sawatzky discussing the effectiveness of this system. I can add to the memo that once Karen's team provided us with the appointments, at that point I would send the attendees emails with a Zoom link for their date/time. All in all, I did find that it worked well, although as Karen references, speed of communication was at times an issue. This can be attributed to the fact that I was the only contact person sending out the Zoom links, as well as the fact that there is always some difficulty when dealing with the public, particularly those who are frustrated with the system, and this frustration does tend to be reflected at times in their communication with those handling the scheduling.

The following is an overview of the people seen and some general themes that we observed. Attached as **Appendix C** is a more fulsome summary of all the attendees.

We also asked the attendees survey questions, listed below:

1. How did you hear about the Law Library Hub/How were you referred?
2. Have you tried to access any other legal assistance services?
3. If so, which services have you accessed? (ex: CLEA, Legal Help Centre, Legal Aid, others)
4. If it were offered, would you have questions about any other area of law?
5. Would you prefer to use a service that is provided in French, if such a service was available?
6. If it were possible, would it be helpful for you to have this service available at the Courthouse? Elsewhere?
7. Where are you physically located?

We did not always receive answers to the survey questions, either due to the attendee being difficult, or sometimes only answering certain questions, or running out of time in the appointment and the student forgetting to administer the survey. I am including only the answers that provided some data. Below is a summary of the answers received:

| Question  | Answers   |
|---|---|
| How did you hear about the Law Library Hub/How were you referred?   | <ul style="list-style-type: none"> <li>- Family welfare agent,</li> <li>- called 911 and was referred by police,</li> <li>- through “family law”,</li> <li>- Child Advocate,</li> <li>- Family Resource Centre,</li> <li>- CLEA,</li> <li>- A Woman’s Place,</li> <li>- MEP</li> <li>- A Women’s Place</li> <li>- Manitoba Resolution Centre (tried mediation)</li> <li>- Court Specialist</li> <li>- Court</li> <li>- Social worker (friend)</li> <li>- Family Guide Court Specialist</li> <li>- Family Guide Court Specialist</li> <li>- A Woman’s Place</li> <li>- Get Help</li> <li>- Google</li> </ul> |
| Have you tried to access any other legal assistance services? If so, which services have you accessed? (ex: CLEA, Legal Help Centre, Legal Aid, others) | <ul style="list-style-type: none"> <li>- No,</li> <li>- No,</li> <li>- Legal Aid (didn’t qualify),</li> <li>- tried accessing a few different services both legal and not,</li> <li>- Family Resource Centre and Legal Aid (didn’t qualify)</li> <li>- CLEA, Legal Aid</li> <li>- No</li> <li>- Has a lawyer</li> </ul>   |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>- Legal Aid (not eligible)</li> <li>- Does not qualify for Legal Aid or LHC</li> <li>- First time with this kind of service</li> <li>- Not yet</li> <li>- Already accessed LHC and Legal Aid (didn't qualify)</li> <li>- Legal Aid, Family Guidance website, Family Court Guide</li> <li>- Legal Aid (didn't qualify)</li> <li>- Get Help, LHC, CLEA, CLEA</li> <li>- LHC and Legal Aid</li> </ul>  |
| <p>If it were offered, would you have questions about any other area of law?</p>                                     | <ul style="list-style-type: none"> <li>- Business law</li> <li>- Criminal Law</li> </ul>   |
| <p>Would you prefer to use a service that is provided in French, if such a service was available?</p>                | <ul style="list-style-type: none"> <li>- "Speed of service more important than language, but yes"</li> <li>- No</li> <li>- No</li> <li>- No</li> <li>- Would prefer Russian, but English will do</li> </ul>  |
| <p>If it were possible, would it be helpful for you to have this service available at the Courthouse? Elsewhere?</p> | <ul style="list-style-type: none"> <li>- Prefers Zoom</li> <li>- It would have been helpful if it was available at the Courthouse</li> <li>- No</li> <li>- Probably yes</li> <li>- "Yes, been to the courthouse trying to file appeals. Having someone there to guide would be phenomenal"</li> <li>- Ok with Zoom, but would also like a service available at the courthouse</li> <li>- Likes meeting on Zoom, accessible</li> <li>- "No, virtual is much better because nobody is wasting time to park and drive and is really convenient in this case"</li> </ul> |

|                                   |  |
|-----------------------------------|--|
|                                   | <ul style="list-style-type: none"> <li>- Face to face would be preferred</li> <li>- Prefers Zoom</li> <li>- “As long as it is legal assistance, I don’t mind where it is located”</li> </ul> |
| Where are you physically located? | Winnipeg, Winnipeg, Winnipeg, Winnipeg, Winnipeg, Winnipeg, Roblin, Kleefeld, Elm Creek, Winnipeg, Altona, Winnipeg, Winnipeg, Winnipeg, Mitchell, Winnipeg                                  |

Summary of Issues:

| Issue:                            | # of Attendees with Issue: |
|-----------------------------------|----------------------------|
| Help with Queen’s Bench Forms     | 22                         |
| Child Support                     | 16                         |
| Family violence                   | 14                         |
| Information on divorce/separation | 11                         |
| Parenting time                    | 10                         |
| Property                          | 10                         |
| Spousal support                   | 9                          |
| Protection orders                 | 8                          |
| Court processes                   | 7                          |
| Guardianship                      | 2                          |

Themes:

Help with Queen’s Bench Forms

- This is the issue we helped with the most by far – a little over half of the Attendees we saw needed help with this.

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## Family Violence

- There were a lot of issues with family violence – a total of 14 out of the 43 Attendees (about 32%) disclosed that they were experiencing or had experienced family violence in the home. Although we didn't ask or record peoples genders, it appears that all 14 of these Attendees were women.
- In all of these instances, we provided referrals to resources such as A Woman's Place, Willow Place, and the Fort Garry Women's Resource Centre.
- Many of these attendees were also in rural areas (.).

## Child Support/Parenting Time for Men

- A lot of men were looking for help with child support issues or issues with not having enough parenting time. In some cases, the child support payments were too much for the father and they were having trouble keeping up. In some cases, the child had transitioned to living with the father more often, so an adjustment of child support was needed. Some fathers were looking for more parenting time with their children, sometimes at the request of the children.

## Attendee qualified for the Legal Help Centre/Legal Aid

- A little less than half of the Attendees that we saw had income that may have allowed them to qualify for either the Legal Help Centre or Legal Aid. However, in the majority of these cases, they could not access either Legal Aid or the Legal Help Centre due to other issues in eligibility (eg: owned property, conflicts). Other Attendees indicated that they had made an appointment with the Legal Help Centre or were trying to get Legal Aid, but they were able to get in to see us sooner. There were a few of the Attendees that we referred to Legal Help Centre or Legal Aid once we realized that they would likely qualify.

## Repeat Attendees

- Although we only had 7 out of 41 Attendees return for future visits, many of these repeat Attendees came back 3-4 times. All of the repeat Attendees were helped with Queen's Bench Forms in some way, which may indicate that is a useful service for us to provide.

## Referrals

- We did refer attendees on a variety of occasions to Legal Aid, Legal Help Centre, CLEA, and women's shelters when appropriate

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## Rural Attendees

- At least seven attendees were from rural areas – it may have been more but it did not come out in the interview.

## Notes

- Most Attendees want service faster than we (or other service providers) can give it – this was a common refrain.



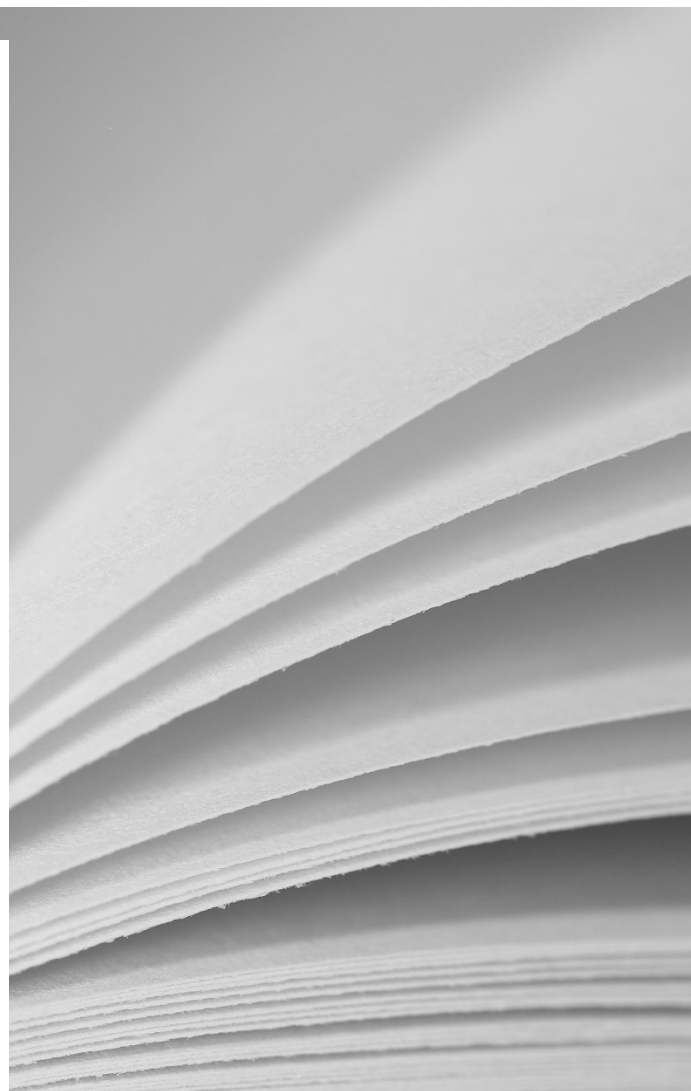
# Interim Report on Library Hub

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**JUNE 1. 2021**

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**Authored by: Leah Klassen**



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# **INTERIM REPORT – Library Hub**

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## Virtual: February 2021 – April 2021

### Overview

The Library Hub began on an in-person basis in February of 2020 with students from the Legal Help Centre, from the Advanced Family Law course at Robson Hall, and with several student volunteers with no particular program.

When COVID-19 restrictions came into play, the Library Hub project was put on hiatus. It started back up again in a virtual capacity in February of 2021 with 3 students from Natasha Brown's Advanced Family Law course. It continued in this capacity until the end of the school term in April 2021.

During these three months, under the supervision of Leah Klassen, the three students were able to assist people who were referred to us from the Family Resolution Service at the Court of Queen's Bench, which is led by Laura Moore, the Family Resolution Service Lead Court Specialist. We coordinated with Laura Moore to ensure that the people who were referred to us were not eligible for other services, such as Legal Aid or the Legal Help Centre, so that our service would fill in the gaps of unmet needs.

Below is numerical and anecdotal data showing the services that were provided during this time.

### Kind of Service Provided

Students would meet with attendees over Zoom in order to obtain an overview of their matter and what questions the attendee needed answering. The student would then meet with the supervising lawyer (Leah Klassen) to establish a plan for drafting documents, if applicable, or obtain answers to the attendee's question. The student would then draft the documents, have them reviewed by the supervising lawyer, and provide them to the attendee. They would also set up a further meeting with the attendee to answer any questions or obtain further information in order to draft the documents.

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## Clients Seen

From February 2021 until April 2021, there was a total of 23 people referred to the Library Hub.

4 of those people were referred by the Library Hub to the Legal Help Centre, as we determined that those people met LHC's income requirements.

The Library Hub assisted a total of 19 people. None of these people were eligible to receive assistance from Legal Help Centre or Legal Aid Manitoba.

In general, there were two categories of attendees, referenced as Group A and Group B here.

### Group A

12 people that we assisted were in this group. This group can be generally categorized as those who required straightforward assistance. Most of the people in this group were looking to initiate a process, usually either a Petition/Petition for Divorce or a Notice of Motion to Vary, and did not know where to start.

Some examples of what are as follows:

- Explained and assisted with filling out Court of Queen's Bench forms such as Financial Statements, Petitions, Petitions for Divorce, Notices of Motion to Vary, Affidavits, Affidavits of Service and Triage documents;
- Explained how to note another party in default;
- Gave guidance on how to communicate with counsel who were representing the opposing party;
- Reviewed and drafted orders;
- Explained the flow of a family file with the Court of Queen's Bench and directed to the Court of Queen's Bench Act and Rules;
- Referred to appropriate websites and resources such as CLEA when needed;

- 
- Answered general process questions

The students were able to provide substantial assistance to the people in this group under the supervision of the supervising lawyer.

Group B

7 people that we assisted were in this group. This group can be generally categorized as those who required assistance on very complicated matters. Many of the members of this group had Court of Queen’s Bench files that stretched back 5 years and some up to 20 years. These attendees generally had previously had counsel representing them, but for a variety of reasons that they relayed to us, no longer were represented by counsel.

Some examples of why were as follows:

- that they could no longer afford counsel (regardless of fairly high income, in some cases), due to how long the matter had gone on;
- that they fired their counsel as they were not happy with how counsel had handled their file; or
- that they simply felt that they now knew enough about the legal system to be able to represent themselves effectively.

We were often unable to substantially assist the people in this group. Their questions were typically extremely specific and related to the extensive facts of their file. We typically would refer the members of this group to CLEA in order to obtain counsel, as there was little that we could do to assist.

Income

Below are the incomes of the attendees:

|   |
|---|
| <b>Household Income</b>                               |
| \$65,000 – not eligible for LHC due to household size |
| \$65,000 – not eligible for LHC due to household size |

|   |
|---|
| \$42,500 – referred to LHC – did not assist   |
| \$61,000 – not eligible for LHC due to household size   |
| \$30,000 – Referred to LHC – did not assist   |
| \$67,000 – not eligible for LHC due to household size   |
| \$34,000 – referred to LHC – did not assist   |
| \$65,000 – not eligible for LHC due to household size   |
| \$88,000  |
| \$100,000   |
| \$65,000 – not eligible for LHC due to household size   |
| \$23,000 – referred to LHC – did not assist   |
| \$10,000 (aprox) – on disability – had property in India and neither Legal Aid nor Legal Help Centre would assist her |
| \$60,000 – not eligible for LHC due to household size   |
| \$85,000  |
| \$87,000  |
| \$56,000 – not eligible for LHC due to household size   |
| \$100,000   |
| Over \$100,000  |
| \$91,000  |
| \$104,000   |
| \$83,000  |
| \$100,000   |

**Manitoba Law Library Inc.**

331 – 408 York Avenue, Winnipeg, MB R3C 0P9

204-945-1959

ksawatzky@lawsociety.mb.ca

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April 14, 2022

**To:** Leah Klassen

**From:** Karen Sawatzky

**Re:** Law Library Hub

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When the Law Library Hub moved to a virtual delivery format, the Manitoba Law Library supported the the Hub by creating and maintaining an online registration page ([lawlibrary.ca/hub](http://lawlibrary.ca/hub)), responding to telephone calls from members of the public interested in booking an appointment, booking appointments for those who called in, and advising your team of the upcoming appointments. Overall, this was a fairly smooth process.

Manitoba Law Library employees George Roy and Jhoanna Altasin developed the registration system, with George creating a registration page and Jhoanna communicating with most of the registrants. Partially due to Jhoanna's limited hours in the law library, we identified some issues with last minute changes to the schedule, as well as errors in data entry. Accordingly, if the Hub continues with an appointment system, we will improve our service delivery by adjusting responsibilities among our team.

Another challenge identified was the ability to communicate in real time between our teams, due to being in multiple locations. For example, if a client did not receive their Zoom link, we were unable to promptly resolve the issue, resulting in some frustration for the clients. If the Hub were to continue to offer services virtually, we will need to explore solutions for the communication challenge.

We look forward to hosting the hub in the library again soon.

### ATTENDEE SUMMARIES (43 Attendees)

Attendees are referred to using first and last initial to maintain anonymity but ensure we can connect the information back to the original Attendee for reference where needed.

The number of people and numerical value in the parentheses indicate the number of people in the household of the attendee and the self-reported household income.

(The numbers assigned to Attendees are for reference, they do not represent the order we saw the Attendees)

**1. Attendee JS (3 people, \$60,000)**

- Issues: information about divorce/separation, help with Queen's Bench Forms, spousal support
- Not a repeat Attendee

**2. Attendee D (2 people, \$20,000)**

- Issues: family violence, protection orders
- Not a repeat Attendee

**3. Attendee JO (2 people, \$72,000)**

- Issues: child support, spousal support, help with Queen's Bench Forms
- Not a repeat Attendee

**4. Attendee RC (5 people, \$70-80,000)**

- Issues: child support, property, help with Queen's Bench Forms
- Repeat Attendee

**5. Attendee ZS (2 or 3? people, \$8,000?)**

- Issues: information on divorce/separation
- Not a repeat Attendee

**6. Attendee VH (5 people, \$30,000?)**

- Issues: court processes, parenting time
- Not a repeat Attendee

**7. Attendee ZZ (3 people, \$49,000)**

- Issues: property, parenting time
- Not a repeat Attendee

**8. Attendee KR (2 people, less than \$55, 000)**

- Issues: court processes, child support, help with Queen's Bench Forms
- Not a repeat Attendee

**9. Attendee JC (2 people, \$40,000)**

- Issues: family violence, protection orders, information on divorce/separation
- Not a repeat Attendee

**10. Attendee AM (2 people, \$60,000)**

- Issues: information on divorce/separation
- Not a repeat Attendee

**11. Attendee JW (5 people, \$16,000)**

- Issues: family violence, information on divorce/separation, help with Queen's Bench Forms
- Not a repeat Attendee



**12. Attendee SJ (3 people, \$46-47,000 [not including spouse's income])**

- Issues: information on divorce/separation, child support, spousal support, property
- Not a repeat Attendee

**13. Attendee K (2 people, \$55-58,000)**

- Issues: child support, spousal support, help with Queen's Bench Forms
- Not a repeat Attendee

**14. Attendee JK (1 person, \$115,000)**

- Issues: protection orders, child support
- Not a repeat Attendee

**15. Attendee HB (4 people, \$0 [not including spouse's income])**

- Issues: family violence, child support, spousal support, property
- Not a repeat Attendee

**16. Attendee AG (1 person, \$0)**

- Issues: family violence, protection orders, help with Queen's Bench Forms
- Not a repeat Attendee

**17. Attendee CR (3 people, \$28,000)**

- Issues: child support, spousal support, parenting time
- Not a repeat Attendee

**18. Attendee DM (2 people, \$40,000)**

- Issues: help with Queen's Bench Forms
- Not a repeat Attendee

**19. Attendee JM (1 person, \$55,000)**

- Issues: protection orders
- Not a repeat Attendee

**20. Attendee SA (3 people, \$37,000)**

- Issues: family violence, parenting time
- Not a repeat Attendee

**21. Attendee RF (3 people, \$0)**

- Issues: child support, help with Queen's Bench Forms
- Not a repeat Attendee

**22. Attendee JP (1 person, \$0)**

- Issues: family violence
- Not a repeat Attendee

**23. Attendee AG (2 people, \$80,000)**

- Issues: help with Queen's Bench Forms, information on court processes, guardianship
- Repeat Attendee

**24. Attendee AL (? People, \$?)**

- Issues: family violence
- Not a repeat Attendee

**25. Attendee BA (4 people, \$32,000)**

- Issues: help with Queen's Bench Forms, child support
- Not a repeat Attendee

**26. Attendee LEN (2 people, \$90,000)**

- Issues: ?
- Not a repeat Attendee

**27. Attendee BM (4 people, \$90-100,000)**

- Issues: child support, help with Queen's Bench Forms
- Not a repeat Attendee

**28. Attendee LM (2 people, \$22,143)**

- Issues: access, parenting time
- Not a repeat Attendee

**29. Attendee SP (1 person, \$25,000)**

- Issues: family violence, property, help with Queen's Bench Forms, negotiation
- Not a repeat Attendee

**30. Attendee SU (? people, \$?)**

- Issues: family violence, protection orders, help with Queen's Bench Forms
- Repeat Attendee

**31. Attendee JN (4 people, \$102,000)**

- Issues: guardianship
- Repeat Attendee

**32. Attendee CT (6 people, \$140,000)**

- Issues: parenting time, help with Queen's Bench Forms, court processes
- Repeat Attendee

**33. Attendee JW2 (2 people, \$80,000)**

- Issues: family violence, protection orders
- Not a repeat Attendee

**34. Attendee A (1 person, \$114,000)**

- Issues: parenting time
- Not a repeat Attendee

**35. Attendee MB (4 people, \$40,000)**

- Issues: family violence, property, court processes, help with Queen's Bench Forms, protection orders, information on divorce/separation
- Repeat Attendee

**36. Attendee JB (3 people, \$41,986)**

- Issues: help with Queen's Bench Forms, parenting time, child support
- Not a repeat Attendee

**37. Attendee VG (4 people, \$?)**

- Issues: family violence, information on divorce/separation, property
- Not a repeat Attendee

**38. Attendee WR (3 people, \$10,000)**

- Issues: property, information on divorce/separation, help with Queen's Bench Forms
- Not a repeat Attendee

**39. Attendee RM (4 people, \$74,000)**

- Issues: help with Queen's Bench Forms, parenting time, child support, spousal support, court processes
- Not a repeat Attendee

**40. Attendee PS (1 people, \$51,000)**

- Issues: information on divorce/separation, help with Queen's Bench Forms, property, negotiation, court processes
- Not a repeat Attendee

**41. Attendee SK (3 people, \$83,000)**

- Issues: child support, spousal support, help with Queen's Bench Forms
- Repeat Attendee

**42. Attendee RE (3 people, \$40,000)**

- Issues: child support, spousal support, information on divorce/separation, family violence, parenting time, property
- Not a repeat Attendee

**43. Attendee NC (1 person, \$58-60,000)**

- Issues: child support, help with Queen's Bench Forms
- Not a repeat Attendee



## MEMORANDUM

To: Benchers

From: Leah Kosokowsky

Date: June 15, 2022

**Re: Insurance Levy - 2022-2023**

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When the 2022-2023 budget was presented at the February 3, 2022 bencher meeting, we told you that because information required to set the insurance levy is not available until May of each year, the insurance levy projected in the February budget is just a guesstimate.

In the budget, we projected an annual insurance levy at \$1,500 per member plus an additional \$45 per member for cyber insurance, the same as it had been the previous year. Included in the \$1,500 was a \$300 per member premium to CLIA, leaving the Society with \$1,200 per member for damage and defence costs under our group deductible, operational expenses and loss prevention programs, including lawyers' assistance.

In April, we received our CLIA assessment which was determined by CLIA's actuary. It increased by \$150 to \$550. In early May, we were advised that the premium for the mandatory cyber insurance would also increase to \$74.

Our own actuary conducted an extensive valuation which was completed just after the May benchers' meeting. Our actuary has recommended a minimum levy of \$1,699, which includes the CLIA portion of \$550 and the cyber liability coverage of \$74. The Law Society's portion of the levy is \$1,075 which is less than we projected. In arriving at this figure, the actuaries took into account:

- The number and severity of claims;
- Interest earned on the Fund's investments;
- The premium assessed by CLIA;
- The extent to which the Claims Fund is able to subsidize the levy with investment income earned on the Fund's surplus.

Executive Limitation #7 provides that the insurance levy cannot be less than the amount recommended by the actuary. Because of this limitation and because we are confident in the advice of our actuary, we have accepted his recommendation. However, in the statements which you will receive over this fiscal year, we will be off budget.



# MONITORING REPORT

To: Benchers  
From: Alissa Schacter  
Date: June 15, 2022  
Re: **Equity, Diversity and Inclusion**

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## INTRODUCTION

### I. PURPOSE OF MONITORING REPORT

Monitoring reports are provided to you as benchers to offer you more detailed background information about the various programs and departments of the Law Society of Manitoba. This assists you in your policy work and your assessment of whether the ends and executive limitations set out in our governance policies are being fulfilled.

In the last Strategic Plan, Strategic Objective #3 related to equity, diversity and inclusion (EDI). The desired outcomes were as follows:

- The legal profession is equitable, diverse, and inclusive
- Lawyers are culturally competent in the delivery of legal services
- Benchers are culturally competent

### II. BACKGROUND

The last Monitoring Report was presented to the benchers in September 2000. At that time, the Law Society of Manitoba employed an Equity Ombudsperson on a contract basis, whose primary role was to assist individuals who were dealing with harassment or discrimination involving a lawyer. In 2018, the Law Society decided to bring the position of Equity Ombudsperson in-house. This presented an opportunity to re-imagine the role. The new position, Equity Officer and Policy Counsel (“Equity Officer”), continues to have responsibility for providing confidential assistance to individuals experiencing harassment and discrimination involving a lawyer or other equity related issues. The Equity Officer also works on a variety of external and internal equity and diversity related policy initiatives and programs and acts as counsel to the Law Society’s Equity Committee and Indigenous Advisory Committee.

### III. STAFF

Alissa Schacter is the Equity Officer and Policy Counsel. Alissa works .8 FTE. Since EDI touch on many aspects of the Law Society's work, the Equity Officer frequently collaborates with staff in other Law Society departments. Staff also consult her regarding equity issues that arise in the course of their work.

## PROVIDING CONFIDENTIAL ADVICE AND ASSISTANCE

The Equity Officer provides confidential information, advice and assistance to Manitoba lawyers, articling students, support staff and clients of lawyers in dealing with issues of harassment and discrimination as well as a range of other equity related concerns. The Equity Officer is not a finder of fact and while she provides support to the people who contact her, she remains neutral.

The nature of this work varies and can include discussing options for dealing with an ongoing situation in which someone is experiencing harassment, sexual harassment or discrimination in their workplace or elsewhere. People also call to discuss past experiences, from which they may continue to suffer the effects. The Equity Officer seeks to understand the outcome or resolution the individual is seeking and if possible, assists in facilitating this – through coaching, interceding on the individual's behalf, attempting to mediate a mutually agreeable resolution between the parties on an informal basis or other steps. The Equity Officer does not take any action without the individual's permission, subject to limited exceptions.<sup>1</sup> In some cases, individuals would like an apology. In other instances they want the behavior to stop and to ensure no one else has to experience what they have experienced. Sometimes they decide they are not prepared to take action, but indicate they found it valuable to discuss the matter and feel heard.

The Equity Officer also hears concerns of a more systemic nature regarding policies or practices that have an unintended discriminatory effect. Where possible, the Equity Officer will bring these issues to the attention of the appropriate party in an effort to initiate change.

Often individuals who reach out to the Equity Officer prefer to remain anonymous as they are worried about potential repercussions from speaking out. Depending on the circumstances, the Equity Officer can sometimes address the issue of concern while retaining the anonymity of the individual.

Individuals also contact the Equity Officer when they are seeking resources, for example model policies, educational resources or guidance, or speakers on a particular topic.

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<sup>1</sup> The Equity Officer is not relieved of the obligation to report to the Society under Section 7.1-3 of the *Code of Professional Conduct*.

The Equity Officer has been consulted by organizational leaders about how to address issues in their workplaces.

The following represents a breakdown of the number and type of requests for assistance the Equity Officer has received:

|                     | 2018/2019 | 2019/2020 | 2020/2021 | 2021/2022 |
|---------------------|-----------|-----------|-----------|-----------|
| Discrimination      | 8         | 13        | 16        | 12        |
| Sexual Harassment   | 4         | 7         | 3         | 4         |
| Harassment          | 3         | 7         | 8         | 5         |
| Office Policies     | 5         | 5         | 12        | 12        |
| Other Equity Issues | 13        | 12        | 19        | 17        |
| <b>TOTAL:</b>       | <b>33</b> | <b>44</b> | <b>58</b> | <b>50</b> |

## EDUCATION & TRAINING

### I. CONTINUING PROFESSIONAL DEVELOPMENT PROGRAMS AND PRESENTATIONS

The Law Society organizes Continuing Professional Development Programs (“CPDs”) on a variety of equity related topics. Recent examples include: *Commemorating 150 Years of Treaty 1 and 2: What You Need to Know*, September 17, 2021; *Systemic Racism: Everyday Impacts*, November 18, 2021; and *Black Lives Matter: Canadian Perspectives*, December 10, 2020. A list of these programs is attached as **Appendix A**.

The Equity Officer speaks at conferences, participates in CPDs and makes presentations to lawyers and students on EDI issues in the workplace, including respectful workplace practices, civility, harassment and discrimination, re-evaluating the concept of “fit” with a workplace, systemic racism, and strategies for increasing EDI. The following are examples of the presentations she has made over the last several years:

- Northern Bar CPD, *For Lawyers: Supports, Resources and Services*, June 3, 2022 – panel member;
- Law Society CPD, *Practice Directions on Forms of Address and Pronouns* CPD, September 15, 2021 - panel member;
- MBA Midwinter Conference, *The Business Case for Equity: Why Inclusive Workplaces are Successful*, January 21, 2021 - panel member;
- Presentation to senior management in Prosecutions and Legal Services Branches, Manitoba Justice, *Diversity in Action*, June 22, 2021;

- Presentation to Legal Services Branch, Manitoba Justice on *Equity, Diversity and Inclusion in the Workplace in 2020*, December 16, 2020;
- LPPR class, Robson Hall, *Sexual Harassment, Discrimination, Diversity and Inclusion*, December 2020;
- Manitoba Bar Association's Women Lawyers Forum, *Roundtable on Maternity Leave Issues* (December 2019) and *Returning from Maternity Leave*, panel member (December 2020);
- LPPR class, Robson Hall, *Why Can't We Just Get Along?* November 2019;
- Law Society CPD, *Sexual Harassment in Workplace in #MeToo Era*, October 24, 2019, panel member;
- MBA Midwinter Conference *#MeToo: What it Means for You*, January 14, 2019, panel member; and
- Presentation to the Western Bar in Brandon on *Harassment and Discrimination 2.0: Business Issue or Human Rights Issue?* May 3, 2019.

## II. CONNECTING WITH LAW AND ARTICLING STUDENTS

The Equity Officer speaks to the Practice Readiness Education Program ("PREP") students at the start of their articling year about harassment and discrimination and the services she offers. She also communicates with the students at the mid-point of their articling year and provides resources on health and wellness and a reminder that she is available to assist them if they think they might have experienced harassment or discrimination.

The Law Society and the Equality Issues subsection of the Manitoba Bar Association ("MBA") hosted four "coffee zoom" meetings with different equity related student groups at Robson Hall in the fall of 2020. The purpose of these events was to provide the students an opportunity to share any concerns or challenges they are having in a confidential environment and learn about the supports offered by the Law Society and the MBA.

## III. INCREASING AWARENESS

The Equity Officer writes articles for the Law Society's Communiqué on a variety of topics, including the following:

- Ableism as an overlooked problem in the legal profession;
- Understanding gender identity;



- How we think about racism needs to change;
- The connection between mental health and wellness and diversity and inclusion;
- The court's decision to allow Indigenous people to affirm oaths using an eagle feather in court proceedings;
- Re-thinking the meaning of "fit" when conducting articling interviews;
- An explanation of Traditional Land Acknowledgements;
- Why Indigenous Law Matters; and
- Accessibility issues related to *The Accessibility for Manitobans Act*.

Over the last several years, the Law Society has used its social media accounts and website to post information and links to educational resources on significant days such as National Indigenous Peoples Day, National Day for Truth and Reconciliation, Orange Shirt Day, Pride Week, Black History Month, International Women's Day, and the National Day of Awareness for Murdered and Missing Indigenous Women and Girls, among others.

In response to concerns expressed by students about being asked inappropriate questions during articling interviews, the Equity Officer developed a "Guide to Conducting Fair and Equitable Articling Interviews." The Law Society's CEO and the Dean of Robson Hall sent a joint email to the responsible lawyers at firms involved in the mass articling recruitment process, raising concerns about this issue and providing the *Guide* as a resource for the lawyers participating in the recruitment process.

#### IV. INTERNAL TRAINING

The Law Society also holds education and training programs for its benchers, staff and committee members. For example:

- In October 2019, the Law Society contracted with Christine Thomlinson of Rubin Thomlinson, LLP from Toronto to conduct a training session for Complaints Investigation Committee and Discipline Committee members on Challenges in Dealing with Sexual Harassment and Sexual Assault Cases.
- In the fall of 2021, training was provided to the Discipline Committee Chairs on the value of stating pronouns and forms of address at the start of a hearing and this was added to the Chairs' Guide to Discipline Hearings.

Other examples are referenced elsewhere in this Report.

## ONGOING JOURNEY TOWARD RECONCILIATION

Since the Truth and Reconciliation Commission (“TRC”) issued its 94 Calls to Action in 2015, the Law Society has grappled with what reconciliation means, and in particular, how to best respond to Call #27, which states:

*We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.*

In 2019, the Equity Committee and the benchers endorsed a Roadmap for Increasing Cultural Competency in the Delivery of Legal Services. It was intended as a dynamic or “living” document to be adapted and augmented over time, which would provide a framework for the Law Society to assist it in increasing its cultural awareness and competency. Some of the steps that the Law Society has taken on its journey to date include the following:

### I. CONTINUING PROFESSIONAL DEVELOPMENT

The Law Society has offered a variety of voluntary Continuing Professional Development courses that focus on or include the subject areas identified in Call to Action 27. As referenced earlier, a list of these programs is attached as **Appendix A**.

The Law Society recognizes that Indigenous intercultural awareness and competency training is an on-going process, rather than a box to be checked. For this reason, efforts also are made to incorporate Indigenous intercultural awareness and competency content into CPD programs on a variety of topics wherever possible. For example, a CPD on interpreting drug test results included an Indigenous speaker who addressed the special treatment required for hair and nail samples in Indigenous culture. Given that the Law Society relies primarily on volunteer faculty to deliver CPD programs, the ability to do this is limited by the availability and knowledge of the presenters, who are chosen for their subject matter expertise. The Law Society has had preliminary discussions with the Faculty of Law about sharing resources that the Faculty is currently developing to assist us in this endeavour.

Articling students in Manitoba participate in PREP and are required to complete a module on Indigenous Law, Cultures and People. The module was reviewed and endorsed by the Treaty Relations Commission of Manitoba.

In March 2022, you approved a recommendation by the Indigenous Advisory Committee to institute one-time, mandatory Indigenous intercultural awareness and competency training for all practising lawyers. More detail on this will be provided later in this report.

## II. GOVERNANCE AND OPERATIONS

- Beginning in 2016, the Law Society began acknowledging the treaty territory it is situated on in all CPD programs, bencher meetings and other events.
- The Law Society embedded its commitment to responding to the TRC's Calls to Action in its Strategic Plan for 2017- 2020.
- A single staff person was identified to coordinate the Law Society's work in response to the TRC's Calls to Action beginning in 2018.
- The Law Society added "Indigenous background" to the skills matrix in 2019 as a factor to be considered when assessing applicants for appointed benchers.
- In recognition of the cultural and historic context in Manitoba, the benchers revised their policies in 2020 to give particular regard to Indigenous candidates, whether as an elected or appointed lawyer bencher or as a lay bencher.
- The Complaints Resolution Department modified the complaints process to accommodate cultural or other issues. For example, Indigenous complainants can submit complaints orally over the phone and have a staff person transcribe the complaint, rather than completing the written complaint form.
- A representative of the Manitoba Metis Federation sits on the Law Society's Access to Justice Stakeholders Committee.
- The benchers voted to establish an Indigenous Advisory Committee to help guide the Law Society in its ongoing response to the TRC's Calls to Action. More information on the Committee is provided later in this Report.
- With respect to the admission process, the Law Society recently updated the information it provides regarding the "good character requirement" to clarify its commitment to the principles of equity and diversity and working toward reconciliation with Indigenous peoples. The Law Society's website encourages Indigenous applicants and others from racialized and marginalized groups to seek admission to the legal profession and clarifies for potential applicants that there is no absolute bar to admission and that when assessing whether an

applicant meets the good character requirement, the Law Society considers the historical and social factors that have affected an applicant.

- The Law Society has supported the local Indigenous owned business, The Feast, by having them cater a number of events.

### III. INTERNAL AWARENESS

The Law Society has committed to providing cultural competency training to staff as well as benchers and committee members. Steps taken to date include:

- Benchers and staff participated in an interactive blanket exercise workshop put on by KAIROS to gain a better understanding of the historic and contemporary relationship between Indigenous and non-Indigenous peoples in Canada (2017).
- Staff watched the video “But I Was Wearing a Suit”, a mini documentary that raises awareness about the racism and unconscious bias that Indigenous lawyers and law students face within the legal profession (March 2018).
- Benchers and some staff members participated in diversity and inclusion training at the benchers meeting held in Clear Lake. The session covered micro aggressions, unconscious bias, institutional racism and practical strategies for overcoming it (September 2018).
- Discipline Committee members participated in diversity and inclusion training, including training on unconscious bias, micro aggressions and systemic racism (November 2018).
- Benchers and Equity Committee members were invited to attend the full day CPD called “Tebwetijibajimowin” or “To Tell the Truth” held at Turtle Lodge on Sagkeeng First Nation in September 2018 at no cost. The program was planned in close collaboration with the Manitoba Indigenous Law Students Association (“MILSA”) and all content was developed and delivered by Indigenous Elders, with some assistance from MILSA students.
- Staff and benchers observed Orange Shirt Day on September 30, 2020 and National Truth and Reconciliation Day on September 30, 2021. Resources, including some compiled by the Manitoba Indigenous Law Students Association were made available and members of the profession and Law Society staff were encouraged to learn more about the history of residential schools and their legacy for survivors and their families. In 2021, Law Society staff collected hamper items for Ma Mawi Wi Chi Itata Centre and a group volunteered to deliver hampers to community members.

- Myrna McCallum presented on *Trauma Informed Lawyering* to a joint meeting of the benchers and the Manitoba Bar Association Council in December 2020.

#### IV. SUPPORT FOR INDIGENOUS MEMBERS

- The Law Society hosts the annual “Building Connections” Networking event for Indigenous law and articling students in partnership with the Aboriginal Law subsection of the Manitoba Bar Association and the Manitoba Indigenous Law Students Association. Each student is paired with a “host” lawyer for the evening and has the opportunity to meet and make connections with practicing lawyers in a relaxed environment. They also participate in multiple rounds of speed networking. The event has been held for four consecutive years.
- A voluntary Exit Survey was developed for all members who withdraw from practice. The data collected will assist the Law Society in determining if various groups, including Indigenous people, face barriers within the profession that cause them to leave and help inform Law Society policies relating to retention.
- A field was added to the Articling Application allowing students to self-identify as Indigenous. This will allow the Law Society to identify Indigenous students for the purpose of inviting them to events or programs, such as the Building Connections networking event. It also allows the Law Society to track the number of Indigenous new entrants into the profession over time.
- The Law Society raises awareness of important issues and educational opportunities and celebrate successes through its social media accounts and website. Examples of these communications include: tweeting about the launch of the Canadian Bar Association (CBA) course, The Path - Your Journey Through Indigenous Canada, the presentation of sacred Eagle feathers to Manitoba courts, the induction of the CBA’s first Indigenous president, Brad Regehr, Q.C., Orange Shirt Day, National Indigenous Peoples Day, the Building Connections networking event for Indigenous law and articling students and CPDs offered by the Law Society on implicit bias and systemic racism.
- The Equity Officer is available on a confidential basis to discuss issues involving discrimination and/or harassment. When students or members raise issues involving systemic discrimination, the Equity Officer can attempt to assist them in seeking redress, sometimes on an anonymous basis.

## V. COLLABORATION AND ENGAGEMENT

### The Law Society:

- Hosted the Federation of Law Societies national conference in Winnipeg on the theme of Truth and Reconciliation (October 2015).
- Partnered with Indigenous elders, the Manitoba Bar Association's Aboriginal Law section, the University of Manitoba's Faculty of Law and the Manitoba Indigenous Law Students' Association on a number of projects and initiatives, many of which are referenced elsewhere in this document relating to the TRC's Call to Action #27.
- Initiated discussions with the Chief Justice of the Manitoba Court of Queen's Bench to proactively consider the issue of requests for modifications to the Call to the Bar ceremony to accommodate Indigenous traditions and explore opportunities to incorporate Indigenous traditions into the ceremony in keeping with the TRC's Calls to Action.
- Engaged with Indigenous communities in relation to the Indian Day School Settlement Agreement in August and September 2019.
- Sponsored a reception following a sacred eagle feather gifting ceremony in the Great Library at the court house on September 26, 2019.
- Hosted an Engagement session with the Indigenous bar on November 21, 2019.
- As part of an ongoing consultation process, in 2022 Law Society staff engaged in consultation with front line service agencies from across the province, including Indigenous agencies to help identify where legal needs are not being met. The intention is to identify the type of limited licence that might be effective in addressing the legal needs that are not being met by the legal profession.

## VI. INDIGENOUS ADVISORY COMMITTEE

On October 29, 2020, you adopted the Equity Committee's recommendation to establish an Indigenous Advisory Committee (IAC) to help guide the Law Society in its ongoing response to the TRC's Calls to Action. You appointed The Honourable Murray Sinclair as the Chair and approved the IAC's Terms of Reference. The inaugural committee members were appointed in June 2021. The IAC began its work and in March 2022, you approved the IAC's recommendation that the Law Society institute one-time, mandatory Indigenous intercultural awareness and competency training for all practising lawyers. The training will consist of the online NVision course, *The Path*, to be

supplemented by the development of a Manitoba specific module. This requirement will come into effect on April 1, 2023.

The rationale for this decision was that most lawyers practising today did not receive Indigenous intercultural awareness and competency training in law school and are missing essential knowledge and understanding in this area. A mandatory course will ensure all lawyers have a basic foundation of knowledge and will begin filling in this gap in their education. It will also increase lawyer competence when dealing with Indigenous clients, which helps to protect the public and improve confidence in the legal profession and the administration of justice.

## EQUITY COMMITTEE

The Equity Committee is appointed in May every year following the bencher elections and is given a one year mandate. The committee typically consists of a combination of benchers and other members of the legal profession who are selected for their unique perspectives on equity issues. The committee meets on average twice per year.

The role of the Equity Committee is to consider and provide strategic advice and recommendations to the benchers on a variety of policy issues and program initiatives aimed at advancing equity, diversity and inclusion in the regulation of the legal profession and in the delivery of legal services. Some of these issues will be referred to the committee for review and consideration by the CEO, Equity Officer or members of the Executive. The committee may also make recommendations on issues that arise in discussions around the committee table.

The main focus of the Equity Committee over the last few years has been on:

- Recommendations to the benchers regarding the creation of the Indigenous Advisory Committee;
- Suggested issues for consideration by the IAC;
- The survey on part-time practising fees; and
- The part-time practising fees pilot program.

Some of the other initiatives the Law Society has pursued, such as the Building Connections Networking event, originated with the Equity Committee

## PART-TIME PRACTISING FEES PILOT PROGRAM

The Law Society began exploring the possibility of offering part-time practising fees in response to a request from the Manitoba Bar Association's Women Lawyers' Forum. The Equity Committee and

the benchers discussed the merits and potential concerns with the idea. The benchers approved the Equity Committee's recommendation to conduct a survey of the profession to solicit feedback on whether the Law Society should offer part-time practising fees, and if so, what an appropriate model would be. The survey results showed a majority of respondents were in favour of introducing part-time practising fees. At the recommendation of the Equity Committee, the benchers approved an 18 month part-time practising fees pilot program, commencing April 1, 2022, to help promote greater equity, diversity and inclusion in Manitoba's legal profession. Offering a part-time practising fee for lawyers who practice part-time to accommodate their child care or other regular family caregiving responsibilities is a way of recognizing that not all lawyers fit the traditional model of full-time practice. The goal of this initiative is to help reduce the rates of attrition of young female lawyers from private practice and provide flexibility to lawyers with significant, ongoing caregiving responsibilities for other family members. The pilot program will provide the Law Society an opportunity to gauge the level of interest in part-time practice before making any final decisions with respect to a part-time practising fee structure.

The pilot program offers a part-time practising fee to private practice lawyers who meet the definition of part-time work, which is no more than 750 billable hours annually and maximum gross billings of no more than \$80,000 annually. To be eligible, the lawyer must work reduced hours to accommodate their child care or other regular caregiving responsibilities.

As of June 9, 2022, there were 26 participants in the pilot program (21 parents or guardians of young children and 5 caregivers). We are collecting feedback on the pilot from members and will return to you with a report and recommendations in due course.

## PARTICIPATING IN THE NATIONAL CONVERSATION ON EQUITY, DIVERSITY AND INCLUSION

The Equity Officer is an active participant in the Federation of Law Societies Equity Network (LSEN) and served as Chair of the group in 2021. The LSEN works to identify and advance common equity issues nationally and share best practices.

The Director of the Complaints Resolution Department and the Equity Officer are part of a national joint working group through the Federation of Law Societies to consider how discipline departments and equity advisors across the country can come together for a broader national discussion and share best practices on sexual harassment, discrimination and bullying.

## OTHER INITIATIVES

- The Law Society co-hosts an annual reception with the Sexual Orientation and Gender Identity Community ("SOGIC") subsection of the MBA during Pride Week.



- In 2019, the Law Society updated the demographic categories it uses to collect information on members to reflect principles of equity, diversity and inclusivity. The gender categories in the Annual Member Report were expanded to include the options of “non-binary” and “other” in addition to male and female, and other demographic categories identifying individuals as members of equity seeking groups have also been updated to facilitate improved data collection on the diversity of the profession.
- The Law Society updated its forms to include the gender-neutral honourific “Mx.”.

## INTERNAL EFFORTS

The Law Society recognizes the importance of “walking the walk” on EDI issues and therefore has taken a number of steps to advance EDI internally, including:

- Updating its Respectful Workplace Policy in 2019 and implementing orientation for new staff and periodic reviews of the policy for all staff.
- In March 2021, the CEO sent an email to staff explaining the reasons for stating gender pronouns, invited staff to include their pronouns in their email signatures, and did so herself. A number of staff members voluntarily adopted this practice as well.
- In the fall of 2021, the Law Society created an internal committee called “EDIT” (Equity, Diversity and Inclusion Team) to discuss initiatives for improving EDI within the organization. EDIT has suggested sharing information among staff on significant dates and events and is also exploring the possibility of conducting an internal survey on EDI.
- The Law Society’s job ad template includes a statement indicating the organization recognizes the value of diverse opinions, abilities, identities, cultures and languages in our profession and workplace and encourages all qualified candidates to apply.
- The Law Society has developed a policy on accessibility to ensure it complies with the Regulations under *The Accessibility for Manitobans Act*. Training for staff is provided on each new regulation as it is introduced.

This work is ongoing and we remain open to identifying and adopting new policies and business practices that foster equity, diversity and inclusion in our workplace.

| Program Title   | Date, Length & Format   | Speaker(s)   | Description  |
|---|---|--|--|
| <p><b>Aboriginal Law Series</b><br/><b>Aboriginal Law 101</b></p> <p><i>This was a 5 part series.</i></p>                                     | <p>September 29, 2015</p> <p>1.5 hours</p> <p>In person</p> <p>Recording available on CPDonline</p>   | <p>Allison Fenske<br/>Sacha Paul</p>                               | <p>Aboriginal Law 101 will offer an introduction to the basics of Aboriginal rights, Aboriginal title, and treaty rights. What are these rights and how are they proven? It will introduce the elements of the duty of consultation and accommodation, identify when the duty is triggered and who owes the duty. This program will provide a basic foundation in Aboriginal law for lawyers who want to gain a better understanding of the area and will set the stage for the more in-depth topics to follow in the series.</p>  |
| <p><b>Aboriginal Law Series</b><br/><b>Understanding Treaties: A Primer</b></p>   | <p>December 8, 2015</p> <p>1.5 hours</p> <p>In person</p> <p>Recording available on CPDonline</p>   | <p>Tina Dion<br/>Brenda Gunn</p> <p>Moderator:<br/>Brad Regehr</p> | <p>Treaties are the foundation of relationships between Indigenous people and the Crown in Canada. This panel will explore the current legal framework around treaty making and treaty interpretation in Canada, navigating between pre-confederation and post-confederation treaties, modern treaties and those treaties currently being negotiated. Panelists will consider the law relating to interpretation, Crown duties and resolution of disputes from a variety of perspectives.</p>  |
| <p><b>New Rights, New Obligations:</b><br/><b>An Introduction to the Family Homes on Reserves and Matrimonial Interests or Rights Act</b></p> | <p>5 in person sessions:</p> <p>Nov 20, 2015<br/>in the Pas</p> <p>Nov 27, 2015<br/>in Thompson</p> <p>Dec 10, 2015<br/>In Winnipeg</p> <p>Feb 26, 2016<br/>In Portage</p> <p>March 16, 2016<br/>In Brandon</p> | <p>Sharon Kravetsky<br/>Maury Stephensen<br/>Mary Ann Thompson</p> | <p>This program will cover both substantive information about the Family Homes on Reserves and Matrimonial Interests or Rights Act (the Act), as well as practical information you will need to know when making applications under the Act. This program is relevant for lawyers practicing family law, wills and estates law, aboriginal law, and criminal law.</p> <p>Did you know that under the Act each First Nation (other than those excluded from the Act) may be able to enact its own laws to address matrimonial property interests or rights on reserve land, but that unless and until they do so, provisional rules under the Act apply?</p> <p>Under the provisional rules spouses and common law partners may have rights to property on reserves in cases of relationship breakdown or death.</p> <p>Topics that will be covered at this free program include:</p> |

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|  | Online course available via Member's Portal   |  | <p>Background – the legislative gap that led to the Act.</p> <p>Foundation of the Act, including:</p> <ul style="list-style-type: none"> <li>Application of the Act,</li> <li>First Nations to whom the Act applies,</li> <li>Transitional provisions,</li> <li>Jurisdiction of the court.</li> </ul> <p>Exclusive Occupation sections of the Act, including:</p> <ul style="list-style-type: none"> <li>Court of Queen's Bench Rule 70.03 (7.2) and relevant forms,</li> <li>Discussion of related Provincial laws and their interplay with the Exclusive Occupation sections of the Act.</li> </ul> <p>Matrimonial Property sections of the Act, including exclusions.</p> <p>Estates sections of the Act, and estate provisions of the Indian Act.</p> <p>Barriers to justice and how you can support your client.</p>  |
| <p><b>Aboriginal Law Series</b><br/> <b>Section 91(24):</b><br/> <b>The Evolution of Federal Jurisdiction and Implications for Provincial Governments, Métis and Non-Status People</b></p> | <p>February 1, 2016</p> <p>1.5 hours</p> <p>In person</p> <p>Recording available on CPDonline</p> | <p>Catherine Bell<br/> Gord Hannon</p> <p>Moderator:<br/> Allison Fenske</p> | <p>What are the legal obligations arising from section 91(24) and flowing from the fiduciary duty and honour of the Crown? The law has evolved over the last 40 years to reflect the changing role of provincial governments in relationships with First Nations and individual Aboriginal people. Join Professor Catherine Bell and Gord Hannon for a discussion of some of the seminal cases and developments in this area, including:</p> <ul style="list-style-type: none"> <li>• <i>R. v. Cardinal</i> (1974): First Nation reserves are not enclaves and Provincial laws apply of their own force</li> <li>• Section 35 of the Constitution Act (1982): the Crown's Duty of Consultation and Accommodation</li> <li>• <i>Tsilhqot'in Nation</i> (2014): Limitation of doctrine of Interjurisdictional Immunity</li> <li>• <i>Grassy Narrows First Nation v. Ontario</i> (2014): Province's ability to take up land under treaty and the duties of the Crown to apply to the Province</li> </ul> <p>The program will also include a discussion of the issues on appeal to the Supreme Court in <i>R. v. Daniels</i>, including what is the practical utility of section 91(24) jurisdiction over the Métis.</p> |
| <p><b>Aboriginal Law Series</b><br/> <b>Urban Reserves as a Tool for Economic Development</b></p>  | <p>March 16, 2016</p> <p>1.5 hours</p> <p>In person</p>   | <p>Christine Clifford<br/> Kim Gilson</p> <p>Moderator:<br/> Brad Regehr</p> | <p>Experienced practitioners Christine Clifford and Kim Gilson will deal with a variety of issues relating to urban reserves from both a municipality and First Nation's perspective, including: What is an urban reserve and what are the advantages of developing one? How do you advance First Nations' economic initiatives through the</p>  |

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|  | Recording available on CPDonline  |   | development of an urban reserve? What are the goals of the Nation, and how do they balance them with the needs of the federal and provincial governments, as well as third party interest holders? The program will also address practical considerations when negotiating agreements with the neighbouring municipalities including accessing municipal information, bylaw compatibility, compensation for loss of property tax revenue, available municipal services and mechanisms for dispute resolution.  |
| <b>Aboriginal Law Series</b><br><b>Indigenous Legal Traditions</b>   | May 17, 2016<br><br>5 hours<br><br>In person at Turtle Lodge<br><br>Not recorded  | Elder Harry Bone<br>Elder Dave Courchene<br>Grandmother Sherry Copenace<br>Justice Leonard Mandamin<br>Chief Judge Kenneth Champagne<br>Professor Aimée Craft<br>Dawnis Kennedy   | We often associate <i>law</i> with the courts, judiciary, legislatures or parliament. However law (referred to as <i>inaakonigewin</i> in the Anishinaabe language) is also about how groups of people make decisions, solve problems, repair relationships and act on their responsibilities toward one another. In this way, there is much to be learned through Indigenous legal perspectives and traditions and many opportunities for these perspectives and traditions to interact with the Canadian legal system. The Calls to Action of the Truth and Reconciliation Commission of Canada called on law schools and the Federation of Law Societies to ensure that lawyers are culturally competent and are aware of indigenous law.   |
| <b>2016 Pitblado Lectures</b><br><b>Pimoh téwin tati minowastánowahk (Journey to Reconciliation): Lawyers Called to Action</b> | Nov 4 & 5, 2016<br><br>10 hours<br><br>In person<br><br>May have some pieces recorded but nothing is posted for members to access | <i>Co-Chairs:</i><br>Chief Judge Kenneth Champagne<br>Brad Regehr<br><br><i>Organizing Committee:</i><br>Brenda Gunn<br>Leah Kosokowsky<br>Voula Karlaftis<br>Kusham Sharma<br>Joëlle Pastora Sala<br><br><i>Speakers:</i><br>Elder Harry Bone<br>Elder Florence Paynter<br>Elder Wally Swain<br>Elder Joe Hyslop | The Truth and Reconciliation Commission Report stresses that <i>everyone</i> has a role to play in renewing relationships between Indigenous and non-Indigenous peoples in Canada. As lawyers, we are specifically called to action by the Commission. As a necessary first step we have been challenged to ensure we receive appropriate cultural education about the history and legacy of residential schools, the <i>United Nations Declaration on the Rights of Indigenous Peoples</i> , Treaties and Aboriginal rights, Indigenous law and Aboriginal-Crown relations.<br><br>The Pitblado Lectures will provide answers to some questions you may have such as: Why should I care about the TRC Calls to Action? What is my role in the journey to reconciliation? What can I do as a lawyer who doesn't practice in Aboriginal law? What is the relevance of the <i>United Nations Declaration on the Rights of Indigenous Peoples</i> on my legal practice? |

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|   |  | <p>Chief Judge Thomas Crabtree<br/> Stacey Soldier<br/> Nancy Fazenda<br/> Celeste McKay<br/> Aimée Craft<br/> Romeo Saganash<br/> Jessica Saunders<br/> Cora Morgan<br/> Corey La Berge<br/> Terry Brown<br/> Aaron Mills<br/> Diana Kwan<br/> Tanya Kappo<br/> Sacha Paul</p> | <p>Join us for a timely and thought-provoking discussion on the role of lawyers in renewing relationships between Indigenous and non-Indigenous people in Canada.</p>  |
| <p><i><b>The Lawyer's Guide to Understanding and Interpreting Drug Test Results</b></i></p> | <p>February 23, 2017</p> <p>1.5 hours</p> <p>In person</p> <p>Recording available on CPDonline</p> | <p>Dr. Daniel Sitar<br/> Dr. Waylon Hunt<br/> Cecil Sveinson</p> <p>Moderator:<br/> Dave Phillips</p>   | <p>If you practice criminal law, child protection law, employment law or any other area of law and have had to deal with drug tests, this program is for you. It will cover the following:</p> <ul style="list-style-type: none"> <li>• What are the different types of drug tests and what do they test for?</li> <li>• <b>What are the cultural issues that arise and how can they be dealt with?</b></li> <li>• What factors can impact the test results?</li> <li>• How do elimination rates and levels work?</li> <li>• How accurate are test results?</li> <li>• What do you do with a hospital report?</li> </ul> |
| <p><i><b>B.C.'s experiment with First Nations Courts</b></i></p> <p><b>Northern Bar</b></p> | <p>June 23, 2017</p> <p>3 hours</p> <p>In person in The Pas</p> <p>No recording</p>                | <p>Judge Steven Merrick<br/> Suzette Narbonne</p>   | <p>Join B.C. Provincial Court Judge Steven Merrick and B.C. lawyer Suzette Narbonne for an interactive presentation on British Columbia's experiment with designated First Nations courts, the successes and challenges they have had and how they could work in other jurisdictions, including Manitoba.</p>  |

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| <p><b><i>Tebweta Ajiimowin<br/>(To Tell the Truth)</i></b></p> <p><b><i>Jointly presented with MBA,<br/>Faculty of Law and Manitoba<br/>Indigenous Law Students<br/>Association</i></b></p> | <p>September 27,<br/>2018</p> <p>In person at<br/>Turtle Lodge</p> <p>No recording</p>  | <p>Elder Dave Courchene<br/>Elder Wally Swain<br/>Elder Florence Paynter<br/>Dennis White Bird<br/>Danielle Morrison<br/>Alyssa Bird</p> <p>Red Shadow Singers<br/>Youth Drum Group</p> | <p>Tebwetibajimowin which translated from Anishinaabemowin is “<i>To Tell the Truth,</i>” is a program on Indigenous law that will be led by Elders and knowledge keepers. The program will serve as a primer for practicing lawyers looking to learn about Indigenous laws and customs and gain insight into how Indigenous peoples navigate various legal systems. The entire agenda will be set by Indigenous elders and will include ceremonies and presentations that embody some of the principles of Indigenous law. Indigenous law students from Robson Hall will provide support to the elders and share their views on the importance of Indigenous law.</p> <p>The Indigenous population in Manitoba is young and growing rapidly. Increasingly Indigenous peoples are influencing developments in law and policy in many spheres of life in Canada. It is critical that all Manitoba lawyers, regardless of their areas of practice, have an understanding of Indigenous law so that they can better understand issues that will arise, including the cultural and historic context for these issues.</p> <p>The program will take place at the Turtle Lodge in Sagkeeng First Nation. Turtle Lodge is internationally recognized as a place for sharing traditional Indigenous knowledge and ways of life, for reconnecting to the earth and nature, and for sharing that knowledge among people of all races and nations.</p> |
| <p><b><i>Cultural Diversity and<br/>Practicing Law</i></b></p>  | <p>September 7,<br/>2018</p> <p>3 hours</p> <p>In person in<br/>Clear Lake<br/>&amp;<br/>February 12,<br/>2018</p> <p>4 hours</p> | <p>Dr Rehman Abdulrehman</p>  | <p>This presentation will focus on the important topic of diversity and inclusion. Tips and strategies will be discussed to help you navigate these complex and sometimes uncomfortable interactions. Discussion and questions are encouraged so that examples you have encountered in your legal practice can be considered.</p> <p>Although recent global politics have highlighted the shrinking nature of global society, Canada has proudly remained diverse and multicultural for quite some time. The most recent census informs that almost 1 in 3 Canadians is a person of colour or an Indigenous person, and another 1 in 3 does not belong to a Christian heritage. It seems unavoidable then that any professional interaction with people is bound to be impacted by issues related to diversity, and yet many individuals and organizations struggle with the concept of inclusion.</p>  |

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|  | In person in Winnipeg<br><br>No recording for either   |  | Discussing these topics can be uncomfortable, and wrought with anxiety. These discussions can often feel polarized, making people feel they are either enemy or victim, without practical discussion how to improve professional engagement with those we perceive different than us. Our conversation will include complex issues such as the impact of unconscious bias and the impact of privilege on professional interactions.  |
| <b>2018 Pitblado Lectures</b><br><i>Reimagining Justice: Trust, Truth and Transformation(s)</i>                                  | November 2, 2018<br><br>6.5 hours in total<br><br>Spotlight on 2 presentations<br><br>No recording available                           | Linden MacIntyre<br>Dr Trevor Farrow<br>Jayne Mallin<br><b>Felix Walker</b><br>Chief Justice Glenn Joyal<br>D. Trevor Anderson<br><b>Michael Redhead</b><br><b>Champagne</b><br><b>James Favel</b><br>Victoria Espey | 2 presentations featured Indigenous content:<br><br>Big Ideas Panel – Reimagining Justice in the Community<br><br>and<br><br>Transforming Justice – A Community's Journey  |
| <b>Annual Child Protection Program</b>   | November 30, 2018<br><br>6 hours<br><br>In person<br><br>Recording not available to members but I may be able to find an internal copy | <b>Michael Redhead</b><br><b>Champagne</b><br><b>Dave Rundle</b><br>Lin Conover & Dr Joshua Nepon<br>Dr Tavis Bodnarchuk<br>Julie Lamothe<br>Dr Jim Simm<br>Sgt. Rick McDougall<br>Det. Sgt. Andrea Scott            | Mental health and addiction issues are prevalent for families involved with the child protection system –many would say these issues are the most common underlying concern leading to apprehensions.<br><br>This year's program will look at the complex and often concurrent issues of mental health and addiction. You will gain insight into the intergenerational impact of these issues for many families dealing with the painful legacy of Indian Residential Schools.<br><br>You will hear from professionals in the fields of medicine, psychology and law enforcement on the services they provide to individuals struggling with mental health and/or addiction, as well as their roles in relation to child protection matters. |
| <b>Criminal Defence Advocacy Skills Workshop:</b><br><i>A Case in Real Time: How to Achieve Success with Every Step You Take</i> | April 13, 2019<br><br>6 hours<br><br>In person   | <i>Co-chairs:</i><br>Justice Brenda Keyser Gerri Wiebe<br><br>Faculty included<br><b>Stacey Soldier</b>  | An efficient, effective and client centered approach will put you in the best possible position to defend the charges against your client. This approach will also serve you as counsel and your practice so that you are in the best position to thrive as a respected and successful defence lawyer.   |



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|   | No recording available   |  | An aspect of the workshop including the resource <i>Communicating Effectively with Indigenous Clients</i>  |
| <b><i>All About Bail Applications</i></b>   | May 15, 2019<br>2 hours<br>In person<br>No recording available                 | Georgia Couturier<br>Colin Gray & Paul Cooper<br>Judge Dale Harvey (did not present)<br>Judge Tim Killeen                        | Looking for a great overview of the important basics in Bail Court? With content that is relevant to both rural and urban practice and both Crown and Defence, this program is for law students entering articling in 2019, lawyers getting Called in 2019 and early career lawyers, including those who only occasionally do bail applications!<br><br>An aspect of the presentation included discussion about considerations for Indigenous clients.   |
| <b><i>Northern Bar Addiction: Facts and Fallacies</i></b>   | June 7, 2019<br>3 hours<br>In person in Flin Flon<br>No recording available    | Dr. Jim Simm   | You've seen the headlines about the addiction crises involving methamphetamine and opioids such as fentanyl. This presentation will inform you of the facts, as well as some of the fallacies, behind the headlines. You will learn about the warning signs of substance abuse and tips on how to communicate with a client who has an addiction issue. Treatment and recovery options will also be addressed.<br><br>An aspect of the presentation included a discussion on the impact of colonization and addictions in First Nations.   |
| <b><i>Annual Child Protection Program</i></b>   | November 29, 2019<br>6 hours<br>In person<br>Recordings available on CPDonline | <i>Presenters included:</i><br>Desiree Dorion<br>Terrance DeLaronde<br><br>Jackie Anderson, <i>Mama Mawi Wi Chi Itata Centre</i> | This year's program will focus on the need for counsel to adopt a modern, collaborative approach to child protection matters. Experienced practitioners will share tools for resolution that lawyers across the province can use to effectively explore settlement options.<br><br>Topics included:<br><ul style="list-style-type: none"> <li>• <b>Lessons from Dauphin Provincial Court</b></li> <li>• <b>Legislation update re Bill C-92</b></li> <li>• <b>Resources Available to Families Throughout the Province</b></li> <li>• <b>Mama Mawi Wi Chi Itata - Family Group Conferencing</b></li> </ul> |
| <b><i>An Overview of Bill C-92: An Act Respecting First Nations, Inuit and Métis Children, Youth &amp; Families</i></b> | January 14, 2020<br>1.5 hours<br>In person                                     | <i>Panelists:</i><br>Harold (Sonny) Cochrane<br>Luke Bernas<br>Elizabeth Debicka   | On January 1, 2020, An Act respecting First Nations, Inuit and Métis children, youth and families, came into force. This federal legislation sets out principles that apply on a national level to the provision of child and family services in relation to Indigenous children, and it will affect how courts and agencies deal with child protection cases involving Indigenous children.   |



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|  | Recording not available  | <i>Moderator:</i><br>Justice Kaye Dunlop   | This program will provide an overview of the new national standards established by the Act and will flag the key differences between the new Act and the current CFS legislation and system.  |
| <b>Northern Bar<br/>Child Protection</b>   | June 5, 2020<br><br>3 hours<br><br>Video Webinar<br><br>Recording available on CPDonline | <i>Presenters:</i><br>Terence DeLaronde<br>Desiree Dorion<br>Elizabeth Debicka<br><br><i>Moderator:</i><br>Justice Kaye Dunlop                                       | This program originally took place at the annual Northern Bar CPD on June 5, 2020. Due to the COVID-19 pandemic, the CPD was held online.<br><br>This half day CPD program covers two key areas that would be helpful to practitioners of Child Protection law. First, a discussion on <i>An Act respecting First Nations, Inuit and Métis children, youth and families</i> provides an up-to-date discussion on the law that pertains to First Nations, Inuit, and Métis children and youth. Elizabeth Debicka and Terrance DeLaronde both share their perspectives and experiences on how this new legislation will affect current practitioners of child protection law. The second key area is a panel discussion on practicing child protection law in the North, led by Justice Dunlop, presented by Terrance DeLaronde and Desiree Dorion. This panel discussion offers practical discussion on jurisdictional questions, brief-writing, and other helpful tips. |
| <b>Annual Child Protection Program</b>   | Nov 29, 2020<br><br>6 hours<br><br>Video Webinar<br><br>Recording available on CPDonline | <b>Note:</b> <i>the Honourable Murray Sinclair was scheduled to speak at this program but was unable due to a last minute health matter.</i><br><br>Dr. Peter Choate | A portion of the program was dedicated to a presentation on <i>Parenting Capacity Assessments: Indigenous, Disability &amp; Validity Issues</i> which provided perspectives on assessing Indigenous parenting with a post-colonial lens as well as parenting with FASD and mental health issues.<br><br><i>The Honourable Murray Sinclair was scheduled to speak about systemic bias in the child welfare system along with some perspective on Indigenous mental health.</i>   |
| <b>Critical Conversations about Systemic Racism and Implicit Bias in Law and Canadian Society:<br/>Black Lives Matter: Canadian Perspectives</b> | Dec 10, 2020<br><br>2 hours<br><br>Video Webinar<br>Recording available on CPDonline     | <i>Panelists:</i><br>Laurelle Harris<br>Stacey Soldier<br>Omri Plotnik<br><br><i>Moderator:</i><br>Zilla Jones   | We may have thought the situation was much better in Canada than in the U.S., but systemic racism exists here too. How do we as Canadians respond to the killing of George Floyd, Regis Korchinski-Paquet, and many others? What has the Canadian experience for BIPOC been? How has our history shaped our culture? What does it all mean for us as lawyers and citizens.  |

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| <p><b>Trauma Informed Lawyering</b></p>   | <p>March 25, 2021</p> <p>2 hours</p> <p>Video Webinar</p> <p>Recording available on CPDonline</p>   | <p>Myrna McCallum</p>                              | <p>Lawyers in all practice areas will benefit from this introductory session on trauma informed lawyering.</p> <p>The focus of the session will include:</p> <ul style="list-style-type: none"> <li>• learning about trauma,</li> <li>• defining trauma informed practice for lawyers,</li> <li>• improving trauma informed client engagement skills,</li> <li>• <b>learning to practice cultural humility</b>, and</li> <li>• educating lawyers on resilience strategies to safeguard their mental health.</li> </ul> <p>The session will be divided into four segments:</p> <ul style="list-style-type: none"> <li>• identifying trauma and its impacts on the brain;</li> <li>• strategies for bringing a trauma-informed approach in client interactions;</li> <li>• cultural humility + recognizing Indigenous trauma as a foundation for trauma-informed legal practice;</li> <li>• identifying risk factors for vicarious trauma + vicarious resilience and safeguarding the mental health of lawyers.</li> </ul> |
| <p><b>Commemorating 150 Years of Treaty 1 and Treaty 2: What You Need to Know</b></p> | <p>Sept 17, 2021</p> <p>1.25 hours</p> <p>Video webinar</p> <p>Recording available on CPDonline</p> | <p>Dr. Niigaanwewidam (Niigaan) James Sinclair</p> | <p>August 2021 marks the 150<sup>th</sup> anniversaries of the signing of Treaties No. 1 and 2 in Manitoba. In honour of this important milestone, Dr. Niigaanwewidam (Niigaan) Sinclair will discuss the history of the two treaties, the significance of Section 35 of the <i>Constitution Act, 1982</i> which entrenches treaty rights, and why an understanding of the treaties and the obligations and benefits that flow from them is essential knowledge for all Manitoba lawyers, regardless of your area of practice.</p>   |