



AGENDA

Benchers

Date: Thursday, March 24, 2022

Time: 12:30 p.m.

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

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
1.0 PRESIDENT'S WELCOME AND TREATY ACKNOWLEDGEMENT					
	The President will welcome benchers, guests and staff to the meeting.				
2.0 IN MEMORIAM					
	<p>Janet Kay Baldwin, who passed away on January 23, 2022 at the age of 78. Ms Baldwin received her call to the Bar on June 29, 1970. She served as a professor and as Associate Dean (1982 to 1997) at the University of Manitoba - Faculty of Law for 28 years, retiring in 1998.</p> <p>Ronald Dale Gibson, who passed away on January 29, 2022 at the age of 88. Mr. Gibson received his call to the Bar in Manitoba on May 11, 1960. He served as a professor of law at the University of Manitoba from 1959 to 1991 and at the University of Alberta from 1988 to 2001, and also</p>				

practised law in both jurisdictions until his retirement in 2008. Mr. Gibson resided in Edmonton at the time of his death.

David Margolis, Q.C., who passed on February 6, 2022, at the age of 81. Mr. Margolis received his call to the Bar on October 18, 1965. He practised in Manitoba for 42 years, primarily as a partner and associate of several Winnipeg firms, and was appointed Queen's Counsel in 1990. In 2007 Mr. Margolis relocated to Vancouver, where he continued to practice law. He resided in British Columbia at the time of his death.

Gerald Gregory Brodsky, Q.C., who passed away on February 9, 2022 at the age of 81. Mr. Brodsky received his call to the Bar on November 23, 1963. He practised as a partner with Walsh, Micay and Co. for 36 years and then with Brodsky & Company and Brodsky Amy & Gould for 21 years. Mr. Brodsky retired from practice in 2021. He was appointed Queen's Counsel in 1976 and, after serving as a bencher for ten years, was appointed a life bencher of the Law Society in 1988.

John Alan Davidson, 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 of several other Winnipeg firms for an additional 26 years. At the time of his death, Mr. Davidson was a practising partner of St. Mary's Law LLP.

Alan John Semchuk, who passed away on February 13, 2022 at the age of 62. Mr. Semchuk received his call to the Bar on June 27, 1985. He practised as an associate with a Winnipeg firm for one year before relocating to Dauphin, where he practised with Johnston & Company for 22 years. From 2008 until his retirement in 2021, Mr. Semchuk served as a crown attorney for Justice Manitoba - Public Prosecutions. He was appointed a life bencher in 2004 after serving eight years as a bencher of the Law Society. Mr. Semchuk resided in Winnipeg at the time of his death.

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
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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 February 3, 2022 Meeting	5		Attached	Approval
3.2	Appointment of Bencher Election Officers			Attached	Approval

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
3.3	Governance Policies - Amendments			Attached	Approval
3.4	Complaints Investigation Committee Report			Attached	Information
3.5	Discipline Committee Report			Attached	Information
4.0 EXECUTIVE REPORTS					
4.1	President's Report	5	Grant Driedger	Attached	Briefing
4.2	CEO Report	10	Leah Kosokowsky	Attached	Briefing
4.3	Strategic Plan - Activity Plan	10	Leah Kosokowsky/ Darcia Senft/ Rennie Stonyk	Attached	Discussion/ Decision
5.0 DISCUSSION/DECISION					
5.1	Articling Period Abridgement and Accelerated PREP Pilot	20	Rennie Stonyk/ Joan Holmstrom	Attached	Discussion/ Decision
5.2	Report of the Indigenous Advisory Committee	30	Jessica Saunders	Attached	Discussion/ Decision
5.3	President's Special Committee on Regulating Legal Entities	20	Christian Monnin	Attached	Discussion/ Decision
6.0 COMMITTEE REPORTS					
6.1	Access to Justice Steering Committee	10	Gerri Wiebe		Briefing

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
7.0 NOMINATING COMMITTEE REPORT					
7.1	Report to Benchers	30	Lynda Troup	Attached	Discussion/ Decision
7.2	Proposed Practising Bencher Appointment				Decision
7.3	Appointment of Election Scrutineers				Decision
7.4	Election of Incoming President				Decision
7.5	Election of Incoming Vice-President				Decision
7.6	Motion to Destroy Ballots				Decision
8.0 MISCELLANEOUS BUSINESS					
8.1	Report of Federation Council Member	10	Lynda Troup	Attached	Briefing
9.0 FOR INFORMATION					
9.1	Lawyers for Literacy			Attached	Information
9.2	Media Reports			Attached	Information



The Law Society of Manitoba

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MEMORANDUM

To: Benchers

From: Rennie Stonyk

Date: March 14, 2022

Re: Bencher Election Officers

The bencher election day is on May 4, 2022. The Rules provide that the current Vice President (Sacha Paul) is the Chief Electoral Officer. The Rules also require that you appoint two scrutineers and a substitute for the Vice President in the event that he is unavailable to act. Historically, the scrutineers have been the Chief Executive Officer and the Chief Financial Officer and the substitute for the Vice President has been the President.

The Executive Officers recommend that you appoint Leah Kosokowsky and Colleen Malone as scrutineers for the bencher election and that you appoint Grant Driedger as the substitute Chief Electoral Officer.



MEMORANDUM

To: Benchers

From: Leah Kosokowsky

Date: March 15, 2022

Re: Governance Policies - Amendments

In Section B of the Law Society of Manitoba Governance Policies, the following eight ends were established by the benchers:

B. ENDS

1. Lawyers are qualified on entry to the profession.
2. Lawyers provide legal services competently after the call to the Bar and are ethical and of good moral character in the practice of their profession. (1998-01-15) (2010-05-20)
3. The investigation and disposition of matters relating to non-compliance with the Code, Act and Rules are thorough, timely and fair.
4. To the extent permitted by law, the Law Society of Manitoba conducts its business in a manner that is transparent. (2010-05-20)
5. The legal profession is independent of government in a manner which best preserves and promotes the rule of law. (2010-05-20)
6. Legal services are reasonably available to the public at a reasonable cost. (2010-05-20)
7. The public are protected from financial loss arising from dishonest or negligent lawyers. (2010-05-20)
8. All persons may fully participate in the legal profession. (1998-04-16) (2010-05-20) (2017-12-14)

In the strategic planning retreat held in September 2021, you concluded that the eight strategic ends continue to be relevant, with two exceptions. You directed that the Society amend the sixth end to remove the words "*at a reasonable cost*" so that End #6 will read:

6. *Legal services are reasonably available to the public.*

You also directed that the current wording of End #8 be replaced with new wording that states:

8. *The legal profession will reflect the diversity of Manitoba.*

Once these amendments have been formally endorsed by benchers, the Governance Policies will be amended accordingly and posted on the portal of the website.



MEMORANDUM

To: Benchers

From: Leah Kosokowsky, Darcia Senft and Rennie Stonyk

Date: March 16, 2022

Re: Strategic Plan - Activity Plan

At the February 2022 bencher meeting, we advised you that we would provide to you a detailed activity plan to advance the strategic goals that you have set for the 2022 – 2025 period. We are pleased to attach a copy of the activity plan addressing each of the four strategic objectives.

We will provide you with progress reports at each bencher meeting.

ATC.



**The Law Society
of Manitoba**

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STRATEGIC PLAN
- ACTIVITY PLAN
2022 - 2025

STRATEGIC OBJECTIVE 1:

Competence

Regulate proactively to protect the public interest by ensuring that legal services are delivered by competent and ethical lawyers.

Desired Outcomes:

- Sole Practitioners and Lawyers in Small Firms are adequately prepared to run their law practices and are well-supported.
 - Articling students have greater awareness of and make use of Law Society resources.
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STRATEGY 1.1

Proactively support lawyers and law firms to mitigate risk.

Actions	Priority Level	Steps	Timeline
Activity 1.1.1 Complete a digital, interactive Practice Management Assessment Tool (PMAT) for sole practitioners and firms to mitigate risk by enhancing practice standards relating to specified management principles and by increasing practice supports.	Immediate	Step 1: Finalize and post Practice Management Workbook to LSM website. Step 2: Finalize interactive PMAT and launch on LSM website (not mandatory for members at this point) Step 3: Develop communication plan for the profession	April 30/22 May 31/22 See Stakeholder Engagement Strategy 4.3

Actions	Priority Level	Steps	Timeline
<p>Activity 1.1.2</p> <p>Complete the Practice Management resources</p>	<p>Immediate</p>	<p>Step 1: Finalize and post Practice Management Resources (or other resources related to practice management) for:</p> <ul style="list-style-type: none"> • File closing, retention, storage & destruction • Withdrawal of legal services • Absences and contingency planning and file closing • Billing disbursements commentary: online research and file charges • Retainers • Retirement – winding up practice • The Legal Profession • Trust Accounting • Links to rules, articles, other website resources (e.g. Equity, Money-Laundering, etc.) <p>Step 2: Finalize and Post Practice Management Resources for:</p> <ul style="list-style-type: none"> • Opening up our Own Law Firm • Client Communications • Conflicts – Practice Management or Professional Responsibilities <p>Step 3: Develop communication plan for the profession</p>	<p>Completed and posted</p> <p>Dec 31/22 *Note that this list may be adjusted</p> <p>See Stakeholder Engagement Strategy 4.3</p>

Actions	Priority Level	Steps	Timeline
<p>Activity 1.1.3</p> <p>Complete delivery of Practice Area Fundamentals</p>	Intermediate	<p>Step 1: Finalize/revise and post materials on website on:</p> <ul style="list-style-type: none"> • Criminal Law • Civil procedure (partial) • Corporate commercial • Real estate • Wills and estates <p>Step 2: Finalize and post materials on website on:</p> <ul style="list-style-type: none"> • Family law • Child protection • Civil Procedure – additional chapters to be added <p>Step 3: Develop communication plan for the profession</p>	<p>Completed and posted on website</p> <p>Sept/22</p> <p>See Stakeholder Engagement Strategy 4.3</p>

Actions	Priority Level	Steps	Timeline
<p>Activity 1.1.4</p> <p>Complete continuing legal education e-learning modules for practice management and identify other e-learning opportunities</p>	Intermediate	<p>Step 1: Complete Phase II of website “shopping cart” development</p> <p>Step 2: Complete and post modules to website:</p> <ul style="list-style-type: none"> • File closing, retention, storage and destruction • Withdrawal of legal services • Absences and contingency planning • Retainers • Retirement – winding up a practice <p>Step 3: Develop communication plan for the profession</p>	<p>August 31/22</p> <p>April 1/23 – completion of all modules</p> <p>See Stakeholder Engagement Strategy 4.3</p>

STRATEGY 1.2

Proactively ensure that lawyers are fit to practice by addressing capacity and well-being.

Actions	Priority Level	Steps	Timeline
<p>Activity 1.2.1</p> <p>Complete a Health Recovery Program which serves as a diversion from the complaints/discipline stream for members who suffer from mental health issues that affect legal practices.</p>	<p>Current</p>	<p>Step 1: Complete initial assessment consent form and Health Recovery Program agreement template</p> <p>Step 2: Present draft rules for Bencher review and approval</p> <p>Step 3: Formalize engagement with medical assessor</p> <p>Step 4: Create an internal program coordinator position</p> <p>Step 5: Provide training as needed (e.g. Program Coordinator, Complaints Investigation Committee; Discipline Committee)</p> <p>Step 6: Develop communication plan for:</p> <ul style="list-style-type: none"> a) LSM staff – lunch & learn b) profession 	<p>March 31/22</p> <p>May/22 Bencher Meeting</p> <p>June/22</p> <p>Complete</p> <p>Fall/22</p> <p>Dec/22</p>

Actions	Priority Level	Steps	Timeline
<p>Activity 1.2.2</p> <p>Enhance the well-being of lawyers and articling students by supporting/facilitating a Peer-Support Program</p>	<p>Current & Ongoing</p>	<p>Step 1: Law(yer) Strong established in partnership with the Manitoba Bar Association</p> <p>Step 2: Promote Awareness for Law(yer) Strong</p> <p>Step 3: Develop informal structure for referrals among three health and wellness programs (Blue Cross EAP, Health Recovery Program, and Law(yer) Strong)</p>	<p>Completed in 2021</p> <p>Ongoing</p> <p>Fall/22</p>

Actions	Priority Level	Steps	Timeline
<p>Activity 1.2.3</p> <p>Promote a culture of well-being in the legal profession</p>	<p>Intermediate</p>	<p>Step 1: Develop a comprehensive plan for wellness communications</p> <p>Step 2: Develop and promote a wellness pledge and a “wellbeing challenge” for the profession.</p> <p>Step 3: Dedicate an annual issue of the Communique to wellbeing</p> <p>Step 4: Offer CPDs on wellbeing & incorporate wellness content in a broad range of CPDs</p>	<p>Aug 31/22</p> <p>Fall/22</p> <p>October 22/23/24</p> <p>Ongoing</p>

STRATEGY 1.3

Proactively support, assess, and address the competence of lawyers at stages of practice when it's most needed.

Actions	Priority Level	Steps	Timeline
Activity 1.3.1 Connect small firms and solos to the resources and supports needed to practice safely and effectively	Immediate	Step 1: Deliver programming for small/solo practices Step 2: Incorporate CPD offerings into regional Bar meetings (e.g. Northern & Western Bar) Step 3: Promote E-Lex as a resource to small firms and solos Step 4: Collaborate with MBA small/solo sub-section – present at a meeting Step 5: Host Solo/Small Firm Forum	Ongoing June/22 & Ongoing Ongoing TBD 2023

Actions	Priority Level	Steps	Timeline
Activity 1.3.2 Conduct a practice check-up program on a pilot basis to support lawyers who are sole practitioners or who practice in small firms in early stages of practice.	Long-Term	Deferred for further consideration by the Benchers following further advancement of Activities 1.1.2, 1.1.3 and 1.3.1.	TBD

Actions	Priority Level	Steps	Timeline
<p>Activity 1.3.3</p> <p>Proactively support lawyers to consider retirement as an option and support those who are contemplating retirement or transitioning into retirement.</p>	<p>Long-Term</p>	<p>Step 1: Develop retirement series programming</p> <p>Step 2: Collaborate with Manitoba Bar Association & Canadian Bar Insurance Association relating to CPDs on financial planning - promote pensions</p>	<p>Developing two planned for 22/23 fiscal year</p> <p>2023/2024</p>

STRATEGY 1.4

Proactively engage with articling students to provide support and resources as appropriate.

Actions	Priority Level	Steps	Timeline
Activity 1.4.1 Work collaboratively with firms and principals to increase awareness of supports and resources.	Immediate	Step 1: Incorporate Law Society resources and supports into model education plan Step 2: Incorporate resource awareness into mid-year assessments	June/22 Dec/22

Actions	Priority Level	Steps	Timeline
Activity 1.4.2 Increase engagement with articling students	Long-term	Step 1: Host in-person event for students	2023

STRATEGIC OBJECTIVE 2:

Access to Justice

Advance, promote and facilitate increased access to justice for all Manitobans.

Desired Outcomes:

- Manitobans in northern and rural communities have increased access to legal services.
 - Manitobans can choose to access the delivery of legal services from a wider range of legal services providers.
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STRATEGY 2.1

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.

Actions	Priority Level	Steps	Timeline
Activity 2.1.1 Conduct outreach sessions with members of the public and other stakeholders (re: Limited Practitioners) to obtain views about other potential legal services providers.	Immediate	Step 1: Conduct engagement sessions with community organizations re: legal needs and ideas for scope of limited license. Step 2: Deliver follow-up communications to community organizations Step 3: Review and analyze responses from consultation sessions Step 4: Review and analyze responses from prior consultation with the profession	Completed Feb 15 & 16/22 March 31/22 May 31/22 June 30/22

Actions	Priority Level	Steps	Timeline
<p>Activity 2.1.2</p> <p>Conduct surveys of members of the public and other stakeholders (re: Limited Practitioners) following outreach sessions.</p>	<p>Immediate</p>	<p>Step 1: Develop communication plan for public survey</p> <p>Step 2: Conduct public survey</p> <p>Step 3: Review and analyze survey results</p> <p>Step 4: Report to Benchers regarding analysis of consultations and survey results</p>	<p>April 30/22</p> <p>May/22</p> <p>June/22</p> <p>October/22</p>

Actions	Priority Level	Steps	Timeline
<p>Activity 2.1.3</p> <p>Develop Limited Practitioner Proposals</p>	<p>Long-term</p>	<p>Deferred pending results of Activities 2.1.1 and 2.1.2.</p>	<p>TBD</p>

STRATEGY 2.2

Explore opportunities to remove regulatory barriers to the delivery of legal services in new ways.

Actions	Priority Level	Steps	Timeline
Activity 2.2.1 Pursue the advisability of a “regulatory sandbox” for the delivery of legal services in ways that could increase access to legal services and access to justice.	Current	Step 1: Regulating Legal Entities Committee Report to Benchers Step 2: Create applications forms & infrastructure Step 3: Develop communications plan Step 4: Launch Sandbox	March/22 Bencher meeting May 31/22 Summer/22 Fall/22

STRATEGY 2.3

Promote and facilitate collaboration about access issues with the courts and other justice system stakeholders to increase access to justice.

Actions	Priority Level	Steps	Timeline
<p>Activity 2.3.1</p> <p>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.</p>	Current & Ongoing	<p>Step 1: Obtain Status Report to assess viability of in-person delivery method</p> <p>Step 2: Request extension of pilot to April 2023 from MB Law Foundation</p> <p>Step 3: Resume in-person Hub operations if possible</p> <p>Step 4: In conjunction with A2J Steering Committee, assess viability of Phase 2 of Hub pilot (i.e. public website)</p>	<p>April 30/22</p> <p>Summer/22</p> <p>Sept/22</p> <p>Oct 31/22</p>

Actions	Priority Level	Steps	Timeline
<p>Activity 2.3.2</p> <p>Support the Access to Justice Coordinator to facilitate collaboration among stakeholders to address issues of common concern including the need for improved data collection and improved coordination of efforts to address unmet legal needs.</p>	Current & Ongoing	<p>Step 1: A2J Coordinator to facilitate collaboration regarding creation of A2J listserv and/or A2J website</p> <p>Step 2: A2J Coordinator to collaborate with access stakeholders on research and data collection</p> <p>Step 3: A2J Coordinator to conduct outreach in northern and remote rural areas</p>	All steps determined external to LSM

STRATEGY 2.4

Explore opportunities for the Law Society to increase the number of lawyers who practice law in remote/rural communities and improve retention.

Actions	Priority Level	Steps	Timeline
Activity 2.4.1 Review the Law Society's Forgivable Loans Program	Immediate	Step 1: Consider options to increase the number of lawyers in rural areas Step 2: Present memo to Benchers with options and recommendations Step 3: TBD following Bencher deliberation/direction	May/22 June/22 TBD

STRATEGIC OBJECTIVE 3:

Equity, Diversity and Inclusion

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.

Desired Outcomes:

- The Law Society's admissions process is equitable.
 - There are more Indigenous lawyers practising law in Manitoba.
 - The legal profession better reflects the diversity of Manitoba.
 - Lawyers strive to be culturally competent in the delivery of legal services.
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STRATEGY 3.1

Engage and inspire Indigenous youth in Manitoba to become lawyers.

Actions	Priority Level	Steps	Timeline
Activity 3.1.1 Create opportunities for Law Society outreach to high school students.	Intermediate	Step 1: Conduct initial outreach to identify high schools and their career day plans. Step 2: Establish a Special Committee to develop a high school outreach plan Step 3: Implement the committee recommendations	Fall/22 June/22 TBD

STRATEGY 3.2

Remove inequitable barriers to admission into the legal profession for Indigenous people and other equity-seeking individuals.

Actions	Priority Level	Steps	Timeline
Activity 3.2.1 Consider the admissions process such as the Good Character requirements.	Current	Step 1: Post inclusivity statement on Law Society website Step 2: Present report to Admissions and Education Committee Step 3: Admissions and Education Committee report presented to Benchers with recommendations Step 4: TBD based on Bencher deliberations	Completed April/22 May/22 TBD

Actions	Priority Level	Steps	Timeline
Activity 3.2.2 Consider options for financial support such as bursaries or scholarships.	Long-term	Step 1: Establish Special Committee (see Activity 3.1.1) to consider options Step 2: Report to Benchers on committee recommendations Step 3: TBD based on Bencher deliberations	June/22 Spring/23 TBD

STRATEGY 3.3

Consider imposing mandatory continuing legal education relating to cultural competency as a regulatory requirement for lawyers.

Actions	Priority Level	Steps	Timeline
Activity 3.3.1 Obtain recommendations from the Law Society's Indigenous Advisory Committee for the consideration of the Benchers.	Current & Ongoing	Step 1: Refer issue to IAC Step 2: IAC report to Benchers with recommendations Step 3: TBD following Bencher deliberations	Completed Fall/21 March/22 TBD

STRATEGY 3.4

Promote, support and facilitate equity, diversity and inclusion within law firms.

Actions	Priority Level	Steps	Timeline
Activity 3.4.1 Educate the profession in understanding and addressing issues relating to equity, diversity and inclusion.	Current & Ongoing	Step 1: Regular articles in the Communiqué Step 2: Deliver programming related to EDI issues Step 3: Equity Officer to offer sessions for Managing Partners on EDI issues Step 4: Post videos/vignettes on LSM website relating to EDI issues	Ongoing 2023 Spring/23 Fall/23

Actions	Priority Level	Steps	Timeline
Activity 3.4.2 Educate the profession regarding equity, diversity and inclusion in hiring and advancement.	Long-term	Step 1: Create/select content to weave into existing CPD curriculum Step 2: Develop communication plan, including Communiqué articles Step 3: Create stand-alone CPD programs regarding hiring, retention and advancement	Summer/23 Oct 31/23 Fall/24

STRATEGIC OBJECTIVE 4:

Stakeholder Confidence

Build public and stakeholder confidence in the Law Society as the regulator of the legal profession.

Desired Outcomes:

- Members of vulnerable and historically disadvantaged communities know about the Law Society and how we protect them
- Members of the Northern Bar and rural communities feel connected to the Law Society and its resources

STRATEGY 4.1

Engage with members of the public who belong to vulnerable and historically disadvantaged groups.

Actions	Priority Level	Steps	Timeline
<p>Activity 4.1.1</p> <p>Identify and connect with organizations and leaders who support or represent members of vulnerable and historically disadvantaged communities. (E.g. First Nations, Assembly of Manitoba Chiefs, IRCOM etc.)</p>	<p>Long-term</p>	<p>Step 1: Create list of organizations and identify leaders</p> <p>Step 2: Arrange opportunities to engage (webinars/meetings) in groups or one-on-one</p> <p>Step 3: Create appropriate and relevant content for engagements sessions (information about the Law Society and resources)</p> <p>Step 4: Host meetings or attend organizations to provide information about the LSM's public interest mandate and seek feedback from participants</p> <p>Step 5: Review and analyze feedback</p>	<p>June/24</p> <p>Sept 30/24</p> <p>Oct 15/24</p> <p>Nov 1/24 – Feb 28/25</p> <p>April 30/25</p>

Actions	Priority Level	Steps	Timeline
<p>Activity 4.1.2</p> <p>Organize Webinars/Town Halls in northern and rural Manitoba communities providing opportunities for outreach and engagement.</p>	<p>Long-term</p>	<p>Step 1: Create list of key community contact persons for northern and remote rural communities</p> <p>Step 2: Arrange outreach opportunities and engagement sessions</p> <p>Step 3: Create content for outreach and engagement sessions</p> <p>Step 4: Conduct outreach and engagement sessions and seek feedback from attendees</p> <p>Step 5: Review and analyze feedback</p>	<p>Mid-Feb./24</p> <p>March/24</p> <p>April 30/24</p> <p>May – mid June/24</p> <p>Summer/24</p>

STRATEGY 4.2

Increase and improve engagement of the Law Society with members of the Northern Bar and members practising in other rural communities.

Actions	Priority Level	Steps	Timeline
<p>Activity 4.2.1</p> <p>Increase attendance of Executive Committee members and Senior Law Society staff at the Northern Bar meeting and create time for dialogue with Northern Bar members.</p>	Immediate	<p>Step 1: Attend Northern Bar; build relationships; encourage open dialogue</p> <p>Step 2: Establish regular webinar engagement/dialogue sessions with members of the northern bar</p> <p>Step 3: Consider issues raised and create any required plans to address</p>	<p>June/22</p> <p>Nov/22 & June/23</p> <p>TBD</p>

Actions	Priority Level	Steps	Timeline
<p>Activity 4.2.2</p> <p>Proactively engage with groups of lawyers in rural communities to obtain viewpoints and identify needs.</p>	Intermediate	<p>Step 1: Identify and contact rural lawyers in different areas of the province</p> <p>Step 2: Arrange and conduct regional virtual Town Hall engagement sessions</p> <p>Step 3: Consider issues raised and create any required plans to address</p>	<p>Aug/23</p> <p>Fall/Winter 2023</p> <p>TBD</p>

STRATEGY 4.3

Build members' confidence and competence by connecting them to Law Society resources and supports.

Actions	Priority Level	Steps	Timeline
Activity 4.3.1 Connect members to Law Society resources and supports	Intermediate	Step 1: Devote issue of Communique to Law Society resources and supports Step 2: Deliver programming on how to navigate the Law Society website Step 3: Deliver programming on how to avoid and respond to complaints	Spring/23 Spring/23 Fall/23



MEMORANDUM

To: Benchers

From: Rennie Stonyk and Joan Holmstrom

Date: March 15, 2022

Re: **Articling Period Abridgement and Accelerated PREP Pilot**

INTRODUCTION AND BACKGROUND

At the outset of the COVID-19 pandemic, you approved of a policy permitting the abridgement of the 52 week articling period by up to 16 weeks upon request. This policy was first put in place in the spring of 2020 as a response to the uncertainty of how the COVID-19 pandemic would affect law firms and students.

At the December 17, 2021 benchers' meeting, you approved the extension of this policy for students enrolled in the December 2021 PREP intake. At that time, we advised you that further direction would be sought from the benchers on the articling period length for the June 2022 PREP intake and all intakes thereafter.

At the December benchers meeting, you were also advised about CPLED's three month accelerated PREP pilot program that had recently been completed in Alberta. CPLED offered this pilot program to provide students with more flexible options and CPLED also hoped that doing so would attract other jurisdictions, such as British Columbia, who already have pre-call education programs. CPLED believes that an accelerated PREP also might allow students to learn all of the skills-based competencies covered through PREP prior to working on actual files and dealing with clients during their articles. CPLED plans to offer the accelerated PREP program in the other CPLED jurisdictions, including Manitoba, this summer. So, as part of the consideration of an appropriate articling period going forward is the question of the length of the articling period for students enrolled in the accelerated PREP pilot.

Enrolment in the accelerated PREP pilot is limited to 32 students and is on a first-come, first-served basis. The accelerated PREP program will begin on May 30, 2022 and will continue for a period of 14

weeks. During this period, students will be expected to focus full-time on their PREP studies. After they have completed the 14 week program, they will be in a position to begin articling full-time.

We are asking for your direction on:

1. Whether or not to extend the policy allowing the CEO the discretion to abridge articles by up to 16 weeks to further student intake groups; and
2. What length of articling period is appropriate for students enrolled in the accelerated PREP pilot.

Below we provide further information and recommendations for your consideration on these two matters.

ARTICLING PERIOD ABRIDGEMENT

We canvassed the other Canadian jurisdictions and we surveyed law firms with principals to obtain their feedback on a variety of questions related to the length of the articling period.

Below is the most up-to-date status on the lengths of articling periods in other Canadian jurisdictions:

CPLED Jurisdictions

Alberta – abridgement allowance similar to Manitoba. They have not yet decided, but may be leaning toward a permanent shorter term.

Saskatchewan – abridgement allowance similar to Manitoba. They recently returned to a full 12 months articling period.

Nova Scotia – abridgement allowance similar to Manitoba. They extended the abridgement to the June 2022 intake, however, will likely return to a longer period thereafter.

Other Jurisdictions

British Columbia – They did not reduce their articling period due to COVID and remained at 9 months, in addition to its condensed, full time PLTC course.

Ontario – They moved from 10 months to 8 months due to COVID and are still investigating a return to 10 months.

Quebec – They did not reduce their articling period due to COVID and stayed at 6 months.

New Brunswick – They reduced to 9 months due to COVID and have returned to 12 months.

Newfoundland, Prince Edward Island, Nunavut, Northwest Territories and Yukon – All did not reduce their articling period due to COVID and remained at 12 months.

In summary, most Canadian jurisdictions have either maintained their usual articling periods throughout the pandemic or have recently resumed these periods. Ontario, Nova Scotia and Alberta have yet to decide what to do with their abridgements but it appears that Ontario and Nova Scotia will likely resume their pre-pandemic articling periods in the near future. Alberta may be the outlier.

We asked all firms in Manitoba who have principals to complete an online survey to obtain their feedback on the length of the articling period. We received a total of 47 responses, however not all respondents answered all questions. Of note:

- 65% of 43 respondents answered “NO” to the statement: *“In general, I believe that a student who has completed at least 36 weeks of articling and the PREP course is adequately prepared to practice on their own”*.
- 28 respondents answered the following question: *“To be adequately prepared to practice on their own, how many weeks at a minimum in total should the student article?”*
 - The most popular answer was 52 weeks (15 responses).
 - Other respondents provided comments to answer the question. Of note was that many respondents felt that there should be supervision for the first few years of practice beyond the 52 weeks of articling before a lawyer should be permitted to practice on their own.
 - Some respondents were okay with a shorter articling period (e.g. 36 weeks) but with the caveat that the lawyer should have to practice with a firm for a few years before practising on their own.
 - One respondent said the length of the articles is less important than the quality of the articles. If the quality is good, shorter articles are feasible and warranted.

- When asked which length of articles works best for their workplace, 63% of 41 respondents answered 52 weeks. The next most popular response was 48 weeks (5% of respondents) and finally 4% of respondents indicated 36 weeks.

In consideration of what the majority of other Canadian jurisdictions are doing, taken together with the feedback from the majority of the survey respondents, we recommend that the benchers direct the abridgement allowance to not be extended to any further PREP student intakes. That is to say, we recommend resuming the 52 week articling requirement for the June 2022 intake and all intakes going forward.

Our recommendation is also influenced by the fact that the province has lifted pandemic-related restrictions and many workplaces are beginning to ask their staff to return to office in some capacity. In addition, most workplaces have adjusted to the many waves of the pandemic and working virtually as and when needed.

As noted above, at the December 2021 benchers meeting, you approved of extending the abridgement allowance policy to all students in the December 2021 PREP intake, whether or not the student had secured articles by December 31, 2021. The intent of your decision was to provide equitable treatment to all students in the same cohort. However, given that all students have a three year window within which to complete both PREP and their articles, it is possible that some students registered in the December 2021 or earlier PREP intake will begin their articles at the same time or even after students who are registered in the June 2022 PREP intake. If you approve of removing the abridgement allowance policy for the June 2022 intake and subsequent intakes, there is the possible inequitable application of the articling policies to students, with some students having to complete 52 weeks of articling while others could obtain an abridgement and article for as little as 36 weeks.

To address this issue, we recommend that the abridgement allowance which you previously approved be limited to those students who begin their articles prior to July 1, 2022.

Recommendation:

That the benchers direct that the articling period of 52 weeks resume for:

- (a) those enrolling in the June 2022 PREP intake and all subsequent intakes; and**
- (b) those enrolled in or having completed a prior PREP intake who begin their articles on or after July 1, 2022.**

ACCELERATED PREP PILOT

If you are inclined to return to a 52 week articling period, we also are seeking your direction as to the appropriate length of articles that ought to apply to the students who will participate in the accelerated, 14 week, PREP pilot program that is being offered by CPLED this spring.

As noted above, in the accelerated program, CPLED will deliver the entire PREP program in 14 weeks. Students are expected to devote all of their time to the program and to begin their articles thereafter. When the students commence their articles, they can commit 100% of their time and energies to their work and training with the firm.

By contrast, students who participate in the standard PREP program in conjunction with their articles, must balance both obligations throughout the year. Firms are reminded to allow time for their students to focus on PREP, particularly at critical points of the program. Although there is no empirical data regarding how much time firms provide to students to focus on PREP, and it likely varies from firm to firm, one might surmise that students should be spending approximately 14 weeks out of the year focused on PREP and 38 weeks focused on their articles.

In addition, if students were required to complete a full 52 weeks of articling following the fourteen weeks spent in PREP, there would be little incentive for students to participate in the pilot program.

Accordingly, we recommend that the benchers consider limiting articles to a required 38 weeks for students who participate in the accelerated pilot program.

With that said, you may wish to consider the potential circumstance of students who complete the accelerated program but who have not yet secured an articling position as under our current policies, students are required to complete both PREP and articling within a three year window. In our view, students will benefit the most who commence articling shortly after they complete the accelerated program or who complete PREP and articling in conjunction with each other. It is possible for a student to complete the accelerated program, or even the standard nine month program and not secure an articling position for a full year after that time. In those circumstances, such a student may well require a full 52 week articling period to obtain the requisite training and skills to be an entry level lawyer. Accordingly, you may wish to consider restricting the 38 week articling period to those students who begin their articles within a certain time frame after the accelerated course concludes. For example, below are two options:

- Students in the accelerated program are required to complete 38 weeks of articles provided that they begin their articles no later than September 15, 2022 (so that they can be called to the bar in June 2023); or

- Students in the accelerated program are required to complete 38 weeks of articles provided that they begin their articles before the end of the 2022 calendar year. In this situation, some students may not be able to be called to the bar at the call ceremony in June 2023. They could still receive their administrative call upon completion of their articles, but would not be able to attend a call ceremony until the following year.

With either option, we are recommending that students not starting their articles within the timeframe stipulated by you, complete 52 weeks of articles.

Recommendation:

That the benchers approve of a 38 week articling period for students who participate in the accelerated PREP pilot, provided that they begin their articles by no later than a period to be determined by the benchers.



REPORT

To: Benchers
From: Indigenous Advisory Committee
Date: March 15, 2022
Re: Recommendations from the Indigenous Advisory Committee

1. TERMS OF REFERENCE

When the Indigenous Advisory Committee (IAC) met for the first time, Senator Sinclair invited the Committee members to think about whether the Committee's Terms of Reference were adequate, specifically the stated purpose of the Committee, as this will form the basis for the IAC's work going forward. This question was discussed over several meetings.

Recommendations

The IAC recommends the benchers approve the following changes to the IAC's Terms of Reference:

- Addition of a reference to providing advice and feedback to the Society on actions aimed at promoting and fostering anti-racism and anti-oppression (page 1, Section II Purpose, paragraph 1).
- Addition of a statement indicating the Committee will conduct itself in accordance with the Seven Sacred Teachings (page 2, under Governance Policies).
- Addition of a reference to respectfully observing the appropriate cultural practices and protocols when working with Elders (page 2, under Governance Policies).

The Terms of Reference are attached as Appendix "A" and the proposed changes are highlighted in yellow.

2. MANDATORY INDIGENOUS INTERCULTURAL AWARENESS AND COMPETENCY TRAINING

When you approved the creation of the IAC, you simultaneously referred to it the question of whether the Law Society should institute mandatory one-time Indigenous intercultural awareness and competency training for Manitoba lawyers, and if so, what the nature and content of this training should be. The IAC has now considered this question at length. Below is a summary of the

background and context the IAC considered, the Committee's recommendations and the supporting rationale.

Background and Context

Prior to considering the question of whether Indigenous intercultural awareness and competency training should be mandatory, the IAC reviewed the Society's approach to educational programming in this area over the last six years, the Society's previous evaluation of this issue and the approach being taken with respect to mandatory training by other Canadian law societies.

Other Jurisdictions' Approaches

The Law Society of British Columbia (LSBC) and the Law Society of Alberta (LSA) both recently introduced mandatory Indigenous intercultural awareness and competency training. The Nova Scotia Barristers' Society has approved a plan to go ahead with mandatory cultural competency training, however none of the details have been determined yet. The Law Society of Ontario is now also actively considering developing a mandatory Indigenous cultural awareness and training course for both licensees and Law Society staff. A summary of the approaches taken by the LSA and LSBC have been included below for your information.

Law Society of Alberta's Approach

In April 2021, the LSA introduced mandatory Indigenous cultural competency training for lawyers with active practising status. *The Path, Alberta* is based on the [Canadian Bar Association's course, *The Path*](#), however it includes an Alberta specific component. *The Path* was developed by NVision Insight Group Inc., a majority Indigenous owned consulting firm, with input from First Nations, Metis and Inuit advisors and reviewers. The course was also vetted by an Indigenous lawyer for accuracy related to legal references. *The Path Alberta* consists of five modules which take approximately five hours to complete. It is offered online and at no cost to members. All active lawyers have 18 months to complete the course or certify that they are eligible for an exemption. Members make their own assessment about their prior education and experiences in Indigenous cultural competency and then can certify that they believe they qualify for an exemption.

The rationale for the decision to introduce a mandatory training requirement was that to respond to the TRC's Call to Action 27, it was important for all Alberta lawyers to have a baseline level of knowledge with respect to Indigenous cultural competency.

Law Society of British Columbia's Approach

Effective in 2021, the LSBC requires all practising lawyers in British Columbia take an online Indigenous intercultural competency training course. The six hour online course is comprised of modules, is available at no cost and must be completed within two years. The course is eligible for CPD credit. It covers topics and themes referred to in the TRC's Report and Calls to Action and provides lawyers with a foundation of knowledge to be ready to inform and respond to changes in

laws and the legal system in an age of reconciliation. The course is intended to establish a baseline of knowledge for all lawyers in B.C. on these topics. It will be part of a broader, multi-phased intercultural competence education program, which will also require developing new skills and changing attitudes, both of which will take time.

The rationale for the decision to introduce this mandatory training requirement was that it reflects the language of TRC Call to Action 27, which directs that law societies “ensure” that lawyers receive intercultural competency training. It also reflects the language in the LSBC’s TRC Action Plan, which mandates this training for all lawyers. The objectives of intercultural competence training, including reconciliation, cannot be fully achieved unless all lawyers have a basic understanding of the topics and skills identified in Call to Action 27. The LSBC’s efforts toward reconciliation will be less effective if Indigenous intercultural competence training is optional, since it is likely this approach may only engage members who already have an interest in and understanding of Indigenous issues.

Recommendations

Following extensive discussion and deliberation, the IAC recommends that:

1. The Society’s benchers institute one-time, mandatory Indigenous intercultural awareness and competency training for practising members, effective April 1, 2023.
2. The one-time mandatory Indigenous intercultural awareness and competency training should consist of the online NVision course, *The Path*, to be supplemented by the development of a Manitoba module.
3. Indigenous lawyers should be able to apply for an exemption from taking either segments of the course, or the entire course. Requests for exemptions should be considered on a case-by-case basis. Criteria will be developed for assessing these requests.

Rationale for the recommendations

Recommendation #1 - The Society’s benchers institute one-time, mandatory Indigenous intercultural awareness and competency training for practising members effective April 1, 2023

In order for the Law Society to comply with the Truth and Reconciliation Commission’s Call to Action 27, which calls on law societies to **ensure** lawyers receive appropriate cultural competency training, the training must be mandatory for practising members. Indigenous intercultural awareness and competency training has been available in a variety of formats for years. If it is not mandatory, those who need it the most, are least likely to take it.

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.

Making this training mandatory sends a message to Indigenous communities that the Law Society is serious about reconciliation and takes its responsibility to ensure lawyers learn about the history and legacy of residential schools, Treaties, Aboriginal rights, UNDRIP, Aboriginal-Crown relations and Indigenous law seriously. It is also a way to honour the survivors of residential schools and their families.

The IAC wants to make it clear to the benchers and the profession, that one-time mandatory Indigenous intercultural awareness and competency training should not be viewed as “checking the box” to satisfy the obligation set out in Call to Action 27. Rather, lawyers should continue to further their knowledge and understanding of these topics throughout their careers and the Society should continue to look for meaningful ways to assist them. This includes providing invaluable in-person education and training opportunities.

Recommendation #2 - The one-time mandatory training consist of the online course, *The Path*, which should be supplemented by the development of a Manitoba specific module

The Path is a five-hour, online, interactive course developed by NVision Insight Group Inc., a majority Indigenous owned consulting firm, with input from First Nations, Metis and Inuit advisors and reviewers. A copy of the script for Law Society of Alberta’s version of *The Path* can be reviewed [here](#). The IAC members had an opportunity to review *The Path*, including the content developed by the Law Society of Alberta. The consensus among the IAC members was that *The Path* provides relevant and engaging content and is a good foundational program. It will provide Manitoba lawyers with a solid base of knowledge on which they can continue to build.

The IAC believes it is essential the course include Manitoba content, so that members learn about significant events in Manitoba’s history, including the residential schools that operated in the Province, the relocation of the Dene people and the history and contributions of the Metis. The Law Society of Alberta worked with NVision to develop an Alberta module to form part of the mandatory course and NVision is willing to work with us to create a Manitoba module.

The cost of offering *The Path* to the Society’s practising members is approximately \$43,000 (\$20 per member for apx. 2,150 members). This cost can be deferred until the 2023/2024 budget year, as this is when it is recommended the mandatory requirement come into effect. The cost of having NVision assist us in developing a 25 minute Manitoba module is approximately \$35,000. A placeholder has been included in the Society’s 2022/2023 budget to account for this cost.

Recommendation #3 - Indigenous lawyers should be able to apply for an exemption from taking either segments of the course, or the entire course. Requests for exemptions should be considered on a case-by-case basis and criteria will be developed for assessing these requests

IAC members had divergent views on whether Indigenous lawyers should be required to take the mandatory course. Some thought requiring Indigenous lawyers to spend five hours on this content, which a number of them have lived experience with may offend or anger some members. There was also concern that it could be re-traumatizing for members who live with inter-generational trauma. Others were of the view that Indigenous lawyers may be able to learn about traditions of other Indigenous communities from the course and there is value in Indigenous lawyers knowing what their colleagues are learning. Ultimately the IAC agreed that to be respectful of the knowledge and life experiences of Indigenous lawyers, criteria could be established to allow for exemptions and Indigenous lawyers could apply for an exemption from taking part or all of the course if they meet the criteria. Exemption requests would be considered on a case-by-case basis. The IAC will give further consideration to what the exemption criteria should be at a future meeting.

Additional issues requiring consideration

a. Will any Rule changes be required to enable the introduction of a one-time mandatory Indigenous intercultural awareness and competency training requirement?

Society staff will consider this and if so, we will return to you at a future meeting with the necessary proposed Rule changes.

b. How long will members have to complete the course?

It is proposed that the Society provide its members eighteen months to complete the course. This is ample time, especially since the course can be counted toward the existing 12 hour annual CPD requirement. It is also in alignment with what other law societies have done: as noted earlier, the LSA provided members eighteen months to complete a five hour course, and the LSBC provided members two years to complete a six hour course.

c. Will members be charged for *The Path*?

Historically when the Society has made a CPD course mandatory, the course has been offered to members at no charge. Typically these are shorter courses, for example one or two hours. However, the Society is facing another deficit budget year and there is an increasing demand to provide education to the profession at no cost. For reference, the Canadian Bar Association charges members \$95 plus tax and non-members \$195 plus tax to take *The Path*. Below are several options for your consideration:

i. The Society could charge members a nominal fee of \$20 for the 5.5 hour course. This will allow the Society to recover the costs of *The Path*, excluding the costs associated with

developing the Manitoba module. There is the risk that charging even a small amount for a mandatory course may not be well received by some members and could provoke backlash. However it is a minimal fee for which they will receive 5.5 hours of CPD credit. Given the imperative for the profession to engage in reconciliation, it is certainly defensible.

- ii. The Society could take a more indirect approach and raise member's fees by \$20 for the 2023/2024 year to offset the cost of *The Path*. The CEO needs to justify any fee increases in the Notice to Members, so the optics of requiring members to pay for a course deemed mandatory are no different.
- iii. The Society could absorb the cost of *The Path* rather than pass it on directly to members. This will impact the availability of funds for other purposes.

d. Will lawyers who have already completed *The Path* need to take it again?

No one will have taken the Manitoba module as it has yet to be developed, so all lawyers should be required to take this module at a minimum. Lawyers who have already taken the CBA's version of *The Path* will not be required to take it again. Instead they will be encouraged to take other Indigenous intercultural awareness and competency training of equal duration within the same time period.

e. There may be opposition to the imposition of a mandatory training requirement. How will the Society respond?

The Society will develop a strategic communications plan to ensure members understand the rationale for introducing the new mandatory training requirement, and hopefully help avoid any potential backlash, including against Indigenous members.

f. How will the Society address non-compliance with the mandatory Indigenous intercultural awareness and competency training requirement?

It is proposed that non-compliance be dealt with on a case-by-case basis and in a similar manner to the way the Society responds to members who fail to meet their mandatory CPD requirement.

Law Society of Manitoba
Terms of Reference for Indigenous Advisory Committee

I. BACKGROUND

The Law Society of Manitoba recognizes the significance of the work of the Truth and Reconciliation Commission (TRC) and the 94 Calls to Action directed at all segments of Canadian society. In particular, the Law Society endorses Call to Action #27 that calls upon law societies 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."

The Law Society is committed to responding to the Calls to Action as they relate to its mandate to ensure the public is well served by a competent, honourable and independent legal profession. The Law Society recognizes the work required to achieve reconciliation is ongoing and must be carried out in collaboration with Indigenous peoples. To guide the Law Society in its ongoing response to the TRC's Calls to Action, the benchers approved the creation of an Indigenous Advisory Committee on October 29, 2020.

II. PURPOSE

The Indigenous Advisory Committee will, after familiarizing itself with the components of the TRC Report giving rise to Call to Action #27, as its first priority develop a plan of action to help guide the Law Society in its ongoing response to the TRC's Calls to Action on issues within the mandate of the Law Society. More specifically, it will:

1. Provide advice and feedback to the Law Society on its educational programs generally, with regard to the potential for cultural bias, as well as actions aimed at increasing cultural competency **and promoting and fostering anti-racism and anti-oppression** within the profession.
2. Aid the Law Society in addressing the unique needs and perspectives of Indigenous peoples within the Law Society's regulatory processes.
3. Provide advice and guidance to the Law Society generally on how it should prioritize its work in this area. This will include acting as a resource and providing feedback on program initiatives and engagement related to supporting Indigenous lawyers and students.

4. Provide advice and support to the Law Society in effectively engaging and building further relationships with Indigenous peoples.
5. At the request of the benchers or the Law Society Executive, provide advice or recommendations on other issues affecting Indigenous peoples within the legal system.

III. COMPOSITION and GOVERNANCE

The Advisory Committee will consist of benchers, volunteer members and representatives of Indigenous communities appointed by the benchers of the Law Society. At least half of the Committee members will be members in good standing of the Law Society and at least one member will be a current bencher.

The selection of Committee members will be made in accordance with the Law Society's appointments practices. Efforts will be made to reflect:

- Different regions of the province, including urban, rural and northern locations;
- A broad range of Indigenous perspectives; and
- Gender diversity.

As a matter of priority, and a condition of appointment, all members must have demonstrated experience with and knowledge relevant to the issues under consideration, including knowledge of the history, culture and rights of Indigenous peoples, Indigenous law, the Canadian justice system, legal education and regulation of the legal profession as well as strong connections with Indigenous communities in Manitoba.

Membership Term

Members of the Committee will be appointed for either a one or two year term. No member will serve more than five consecutive years on the Committee.

Governance Policies

The Committee will operate in a manner consistent with the Law Society's governance policies.

The Committee will conduct itself in accordance with the Seven Sacred Teachings, namely: love, respect, courage, honesty, wisdom, humility, and truth.

The Committee will respectfully observe the appropriate cultural practices and protocols when working with Elders.

Remuneration

All Committee members will be reimbursed for pre-approved out-of-pocket expenses in accordance with Law Society policy. No further remuneration will be provided to Law Society members, however members of the public who serve on the Committee will be remunerated for their participation.

Meeting Practices

The Committee shall meet as required, typically three to four times per year.

The Committee will work to reach consensus in decision making. If consensus cannot be reached, then decisions may be deferred for further consideration, or if necessary, determined by majority vote.

Chair

The Chair of the Advisory Committee will be appointed by the Law Society's benchers. The role of the Chair is to:

- a. Collaborate with Law Society staff to manage the work of the Committee and its meetings;
- b. Work with Law Society staff to schedule meetings and develop agendas;
- c. Report as necessary to the Law Society benchers;
- d. Ensure the Committee fulfills its duties as outlined in these Terms of Reference; and
- e. Lead an annual evaluation of the Committee's Terms of Reference and make suggestions for improvement to the Law Society's benchers.

Role of Staff

The role of Law Society staff in supporting the Advisory Committee is to:

- a. Assist the Chair in scheduling meetings and developing agendas;
- b. Attend all Committee meetings and draft Minutes following the meetings;
- c. Identify issues and initiatives for review by the Committee; and
- d. Provide additional administrative support to the Committee.

IV. REPORTING

The Committee will report to the benchers in writing at least twice a year. The first report will identify priorities for the year and the second report will provide a progress update. The Committee may provide additional oral or written updates at regularly scheduled bencher meetings as necessary.

V. REVIEW OF TERMS OF REFERENCE

These Terms of Reference are subject to review from time to time as deemed appropriate by the Committee or the benchers.



REPORT

To: Benchers

From: President's Special Committee on Regulating Legal Entities

Date: March 16, 2022

Re: **Regulatory Sandbox Model**

I. INTRODUCTION

As you will recall, the Law Society is awaiting the proclamation of amendments to *The Legal Profession Act* that will enable the Society to establish a limited practitioner licence for the delivery of some legal services. Law Society staff currently are engaged in consultation with the profession and with front line service agencies to help to identify where legal needs are not being met and, in the near future, the Society will be surveying the public. At the end of the consultative process, 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.

In the meantime, last April this committee proposed to the benchers that you endorse the idea of the Society exploring a “sandbox” approach – a place where the public can safely access legal services from non-lawyers in defined circumstances. This approach is intended to provide a testing ground for legal services to be delivered that would otherwise run afoul of our regulatory structure.

Following the receipt of that recommendation, the benchers agreed with the sandbox approach and tasked this committee with considering the type of framework that would support such a program.

II. PRELIMINARY RECOMMENDATIONS

The committee met on three occasions and has a number of recommendations for the benchers' consideration. In developing our recommendations, we had the benefit of observing the various approaches that have been developed recently by the law societies in British Columbia, Alberta and Ontario. The committee was also made aware of expressions of interest that we have received in

Manitoba from a licenced paralegal in Ontario and from the director of a disability claims advocacy clinic who wishes to apply for a limited practice licence, once it is available.

After reviewing the various benefits that a sandbox would provide, the committee came to an early agreement on a number of preliminary issues that form the basis of the first recommendation. First and foremost, given that the purpose of the limited practitioner licence and the sandbox is to increase access to justice for Manitobans, we agreed that all proposals for legal service delivery must advance the goal of increasing access to justice. This primary criterion for eligibility could be addressed in the application process by having the applicant articulate the proposed services, who the proposed clients would be and how the proposed services will enhance access to justice. With that in mind, the first recommendation is outlined immediately below.

Recommendation No. 1

- a) The Law Society should develop a “made in Manitoba” sandbox;**
- b) The Law Society should be the entity responsible to provide oversight;**
- c) The proposed delivery model must advance access to justice; and**
- d) Participation should be open to any service providers who meet established criteria and applications should be considered on a case-by-case basis.**

III. CRITERIA AND FRAMEWORK

A. Eligibility

In the course of considering other eligibility criteria, we reviewed those that had been established in other provinces. While they are worthy of consideration, the committee does not recommend that you adopt all of the same criteria, as explained below.

Lawyers and Law Firms

Following our resolution that participation should be open to any service providers who meet established criteria, the committee discussed whether lawyers and law firms should be eligible to participate. We noted that in the models we have looked at in Ontario, Alberta and British Columbia, lawyers and law firms are eligible to participate, provided that they otherwise meet the criteria established in that jurisdiction. For example, in Ontario, lawyers or law firms may propose an innovative technology-focused model to deliver legal services that would fall outside of the current regulatory structure. The Law Society of Alberta specifically excludes from the sandbox suspended and disbarred lawyers as well as those who resigned from practice in the face of discipline.

We considered that in Manitoba, lawyers who are inactive, suspended or disbarred or who have been given permission to resign following a discipline hearing, are prohibited from offering legal services, including those services which may be provided to the public by persons who are not lawyers. Therefore, we recommend that lawyers who fall within that category be excluded.

We also debated whether lawyers and law firms should be excluded from participation, given that the purpose of the sandbox is to create new pathways through which legal services providers can provide assistance to the public and that lawyers already have a pathway through which they are able to provide legal services to the public – namely, by maintaining their practising certificates and paying their fees. It was noted, however, that a law firm could propose a service delivery model that would otherwise be offside of our current regulatory structure, such as allowing a paralegal to provide certain legal services without being supervised. It also is possible that an inactive/retired lawyer might propose a unique service delivery model that should be entertained. Accordingly, the committee decided to recommend against a blanket prohibition for the participation of lawyers.

Recommendation No. 2

With the exception of suspended lawyers, disbarred lawyers and lawyers who have been given permission to resign following a discipline hearing, no blanket prohibition should be imposed on lawyers and each application ought to be considered based on its merits, taking into account the member's record with the Law Society.

Identification of Risks and Mitigation

The committee weighed the pros and cons of requiring sandbox applicants to identify the risks associated with their proposals and also to identify how those risks would be addressed or mitigated. It was suggested that it may be unrealistic to expect that applicants will be forthcoming or aware of what the risks may entail. On the other hand, it was noted that the exercise might be beneficial because it will prompt applicants to turn their minds to possible risks and encourage them to consider how they would resolve those issues should they arise. The requirement might also assist the Society in identifying other risks. Overall, the committee saw no harm in either of these requirements and noted that it will be up to the Law Society to identify the areas and levels of risk as each application is considered.

Recommendation No. 3.

Applicants should be required to identify risks to the public that are associated with their proposal and to identify how any such risks would be addressed or mitigated.

Insurance

The committee reviewed the issue of insurance and generally agreed that it ought not to be a requirement that applicants carry errors and omissions insurance coverage as it may be too costly or difficult to obtain and could deter participation. However, it was noted that the Law Society should be advised about any coverage and prospective clients should also be aware of the applicant's insurance status, so that informed decisions can be made by them when considering whether to obtain assistance with a legal matter.

Recommendation No. 4

Applicants should be required to declare to the Law Society and to their clients whether they carry errors and omissions (or other) insurance.

Exit Strategy

One of the other Canadian programs requires applicants to include an exit strategy in their application. The committee discussed what might happen if it is determined that an accepted delivery model must cease operations during the pilot or the sandbox program itself concludes. Some were of the view that it would be beneficial to both the applicant and the Law Society for applicants to have an exit strategy planned, although it should not be a requirement. Others thought that an exit strategy might be difficult for applicants to provide although there would be no harm in asking applicants if they had one.

Balancing public protection against the desire for the sandbox project to be accessible, we noted the Society might address these issues by posting on its website that particular services have been removed from the sandbox and must be shut down. An alternative might be to include in an agreement with the Law Society a stipulation that the applicant will provide the Law Society with evidence of notice to their clients in the event that they are no longer permitted to operate.

Recommendation No. 5

Applicants should be asked if they have a planned exit strategy and, if so, be required to provide those details to the Society.

B. Approval: Policy Considerations

We also explored some policy considerations and factors that could provide assistance when determining whether a proposed delivery model should be approved and, if so, what conditions may be appropriate to impose under the particular circumstances.

For example, it may be that a proposed delivery model could address an unmet legal need; however, it would be important for the applicant to be able to demonstrate they have some ability/competence to respond appropriately to that need. It would also be important to take into account whether there may be any basis to be concerned about an applicant's integrity.

We considered that approval decisions could be influenced favourably or unfavourably depending upon the level of accountability that may be present. For example, if an applicant is an established non-profit with Board oversight, there would be some additional comfort in assessing potential risk to the public.

We also thought it important to take into account whether the proposed delivery model reflects diversity in those that will be delivering the legal services.

The committee concluded that, when considering applications for approval into the sandbox, the following policy considerations should be applied:

- access to justice
- competence
- integrity
- accountability
- diversity

Recommendation No. 6

When considering applications for the sandbox, the following policy considerations should be applied to the approval process:

- **access to justice**
- **competence**
- **integrity**
- **accountability**
- **diversity**

C. Conditions

Flexible and Proportionate to Risk

The committee agreed that the Society should have flexibility so that any conditions under consideration to protect the public are proportionate to the risk at hand. We further determined that applicants should be made aware of and expressly agree that the Law Society maintains the right to add or alter existing conditions at any time. The Society should consider what conditions may be appropriate on a case-by-case basis as each application is assessed.

Recommendation No. 7

- a) Conditions under consideration to protect the public should be proportionate to any risk posed and, therefore, the Law Society should have some flexibility when imposing conditions.**
- b) Applicants must be made aware of and agree that the Law Society maintains the right to add or alter existing conditions at any time.**

With that said, the committee agreed that, in every case, the following conditions ought to be imposed upon the applicant, as they relate to disclosure to the applicants' clients and reporting to the Society.

Disclosure

The committee observed that other jurisdictions require approved applicants to make written disclosures to their clients including that:

- the delivery model is a test, of limited duration, operating through the sandbox;
- the delivery model has not been proven;
- in allowing the applicant to provide certain services, through the sandbox, the Law Society is not endorsing the service provider or the delivery model;
- there is no guarantee of completion of their matter using the delivery model;
- communications will not be subject to solicitor-client privilege.

In addition to requiring applicants to disclose whether or not they have insurance, we see value in requiring applicants to make such disclosures to their clients as a means of protecting the public. Such disclosures may invite further discussions with clients and may assist them in determining whether or not to move forward with retaining the participant's services. Furthermore, it is

important that clients recognize that, even though they are receiving legal services, their communications are not protected by solicitor-client privilege.

Recommendation No. 8

Applicants must advise their clients, in writing, of certain issues as contemplated above and clients of approved applicants must sign an acknowledgement that the required information has been disclosed to them.

Reporting

The committee determined that the Law Society should have an ability to monitor, in some manner, the competence of the service providers and the ultimate success of any proposed pilot. We considered the type of information that would enable the Society to effectively evaluate the service provider, keeping in mind that reporting ought not to be so onerous as to discourage participation. In the committee's view, it would be helpful for the Society to receive reports on a quarterly or semi-annual basis containing the following information:

- the number of persons provided with assistance during the period in question;
- issues that have arisen;
- observations about the operation of the service delivery model;
- any complaints that may have been received and how they were addressed.

Furthermore, once a program or particular service concludes it is essential that the Society have the requisite information to decide how to move forward with the limited practitioner license that is contemplated under the recent amendments to *The Legal Profession Act*. Accordingly, the committee considered that participants should be required to provide a final report that would include the following information:

- whether the delivery model achieved its objective;
- performance outcomes;
- issues that affected the operation of the delivery model;
- consumer feedback;
- whether the model advanced access to justice;
- the cost of legal services delivered.

Recommendation No. 9

Successful applicants must provide regular reports to the Society (semi-annually/quarterly) and provide the information outlined.

Recommendation No. 10

Successful applicants must also provide a final report to the Society outlining the issues contemplated.

Complaints

We evaluated whether sandbox applicants ought to be required to implement an internal complaints process to the satisfaction of the Law Society and/or whether applicants must cooperate in any complaint investigation that may be conducted by the Law Society.

Some committee members were of the view that, at least for the pilot phase of the project, Law Society staff should be informed of and involved in the resolution of all complaints. Others thought that as a condition of approval, all applicants ought to have in place an internal complaints process and should do their best to independently resolve any complaints they may receive. However, some questioned how that might work if an applicant's business model consisted of only one legal services provider. If applicants were unable to resolve a complaint or if a complaint was made to the Law Society, it was suggested that Law Society staff should investigate the concerns, as opposed to a special working group set up for such a purpose.

We noted that unless legal services providers are practising lawyers, they would not be subject to the *Code of Professional Conduct*. Accordingly, the results of any Law Society investigations would be solely determinative of whether or not the service provider should be permitted to continue delivering the legal services or whether additional conditions ought to be imposed. After some discussion, the committee resolved to make the following recommendations relating to complaints:

Recommendation No. 11

- a) Applicants should be required to implement an internal complaints process to the satisfaction of the Law Society.**
- b) Applicants must cooperate in any complaint investigation that may be conducted by the Law Society.**

c) Law Society staff should be responsible for investigating the complaints considered by the Law Society.

D. Suspension or Revocation of Approval

We considered that the Society should be permitted to suspend the delivery of legal services under an approved model or revoke the approval in the event of a complaint being made that cannot otherwise be resolved. So as not to limit the circumstances when the Society may revoke its approval and for the sake of transparency with applicants, we considered what other circumstances could result in the suspension of services delivery or revocation of approval, such as:

- Breach of integrity;
- Failure to comply with the agreement;
- Criminal or other regulatory charges.

Recommendation No. 12

The Society should, in its discretion, suspend, modify or revoke its approval of the delivery of legal services where the protection of the public is implicated.

E. Acknowledgments

When an applicant is approved to operate a legal services delivery model, the Society will prepare an agreement setting out the terms and requirements with which an applicant must comply. Other jurisdictions have determined to include certain provisions and acknowledgements such as:

- confirmation that the applicant, if approved to pilot a legal services delivery model, is not engaged in the unauthorized practice of law;
- in the event the approval to operate a delivery model is suspended or revoked, the applicant has no recourse against the Law Society;
- there is no exclusivity in terms of the concept of the delivery model;
- acceptance into the sandbox is not an endorsement of the quality of the services to be provided or of the applicant's qualifications, competence or fitness to provide the services;
- approval does not amount to an agreement on the part of the Law Society, its benchers, officers, agents and employees, to insure or indemnify the applicant or their clients for any claims, demands, losses, damages, costs, fines, penalties and/or expenses that may arise in relation to the applicant's services and the applicant will remain solely responsible.

Recommendation No. 13

Agreements should include certain provisions and acknowledgements such as those outlined.

F. Consideration of Applications and Decisions

The committee reviewed how applications are considered and by whom decisions are made in other jurisdictions. Various options include: the hiring of designated staff to support the work of a sandbox project with assistance provided by an Advisory Council (Ontario); having Law Society staff conduct initial reviews with proposals vetted by an Advisory Group and then by the Law Society's Executive (British Columbia); and the establishment of a working group to decide applications based upon eligibility criteria established by benchers (Alberta).

We considered the fact that the Law Society is operating on a fairly lean budget and including additional layers of groups or committees to review and approve of applications would be resource intensive and less efficient. Presumably, if tasked with reviewing and approving applications, staff will develop expertise and consistency which is desirable to fairly and safely assess each application.

Recommendation No. 14

Applications for inclusion in the sandbox pilot should be considered and approved by Law Society staff based upon criteria and parameters established by the benchers.

G. Fees

Resources will be required to administer a sandbox program. Therefore, the committee considered whether or not the Law Society should charge a sandbox application fee and/or a "practising fee" for the privilege of continuing to operate. The intention of such a program is to increase access to justice and access to legal services for Manitobans. If the cost of participating is a barrier to some individuals or organizations, the pilot may not fulfill its purpose to assess how unmet legal needs may be addressed by legal services providers who are not lawyers. We noted that imposing a modest fee could offset at least some administrative costs and also discourage the submission of applications that are not sufficiently thought out or adequately prepared.

Recommendation No. 15

Applicants should be required to pay a nominal application fee as well as a nominal annual “practising fee” in order to participate in the sandbox.

H. Time Frame/Duration

Given that a sandbox program provides an opportunity for the Law Society to evaluate new models for delivering legal services in a pilot for a specified period of time, we considered that the duration of any pilot should be long enough to obtain relevant information to gauge the success of the delivery model being tested. We also discussed whether an applicant could continue to operate the service delivery model beyond the end of the initial pilot.

Different provinces have adopted different approaches. For example, in Ontario, each participant is expected to operate in the sandbox for two years. At the end of that period, the Law Society will determine whether and under what conditions the participant should be permitted to continue providing the services. The sandbox itself has a fixed duration of five years. At this point in time, the Law Society of British Columbia does not have an end date to their sandbox program. In Alberta it appears that the general expectation is that each participant will pilot their services for two years, although the time frame can be established as between the service provider and the Law Society. As is the case in British Columbia, the sandbox program itself does not have a fixed time frame.

We noted that implementing a short time frame might deter potential service providers from proposing new service delivery models. We also noted that if no time limit is set for the duration of the sandbox itself, some potential service providers might be leery of investing time and resources to develop a business plan for a new service delivery model without having some sense of commitment from the Law Society that it will run the sandbox program for a meaningful period of time.

We agreed that there should be a fixed end date for the sandbox program with the option of permitting successful and appropriate service providers to continue to operate beyond the end date of the pilot. In our discussions, we noted the importance of allowing applicants sufficient time to develop and implement their programs and of providing the Law Society with a sufficient period of time in order to make an informed decision about whether the program should continue and which providers ought to be permitted to carry on in the delivery of specified legal services.

Recommendation No. 16

The sandbox pilot program should operate for a minimum period of five years, at which time decisions should be made about which service providers may be permitted to continue to offer services to the public beyond the conclusion of the pilot.

IV. NEXT STEPS

Once you have decided on the components of a sandbox framework, Law Society staff will develop the necessary components to launch the program, including:

- A communication plan;
- A program guideline;
- Approval and monitoring policies and procedures;
- A fee structure; and
- Regular reporting to the benchers.



REPORT

To: Benchers
From: Nominating Committee
Date: March 16, 2022
Re: **Election of President and Vice-President
Bencher Vacancy and Committee Recruitment**

RULE REQUIREMENTS

2-54 At a meeting of the benchers to be held in April in each year, the nominating committee must propose the name of at least one lawyer bencher candidate for the position of president and the names of at least two lawyer bencher candidates for the position of vice-president. Nominations of additional lawyer bencher candidates for the positions of president and vice-president may be accepted at the meeting, if accompanied by the written consent of each candidate and the written endorsement of two benchers present at the meeting.

At the February 11, 2022 bencher meeting, you partially suspended the application of Rule 2-54 to allow for the nominations to be made at the March 24, 2022 bencher meeting, rather than in April.

NOMINATIONS FOR PRESIDENT AND VICE-PRESIDENT

The Nominating Committee nominates Sacha Paul for the position of president.

The Nominating Committee nominates Wayne Onchulenko and Gerri Wiebe for the position of vice-president. Biographical information for the two nominees is attached.

Each of the candidates has consented to their nomination.

BENCHER VACANCY

Vincent Sinclair was appointed a Judge of the Provincial Court on March 10, 2022, leaving a vacancy in the elected bencher position from the Northern Electoral District. Given that the bencher election process is underway, Vince's replacement will be determined on May 4, 2022.

BENCHER AND COMMITTEE RECRUITMENT

The Law Society has begun the lawyer bencher election and appointment process by issuing a notice to the profession inviting nominations and applications for bencher positions. We have advertised in the latest edition of the *Communiqué* and in social media. In each of these notices, we have provided contact information for Lynda, Grant, Sacha and Leah for interested members to contact. As we continue with our goal to diversify our bencher and committee membership, we ask all of you to encourage practising members to consider joining the Law Society in some capacity.

The Society is also finalizing postings for the lay bencher positions to be posted in the Winnipeg Free Press as well as rural publications throughout the province, given our intention to encourage greater rural participation of public representatives.

In accordance with Law Society Rule 2-57, the Nominating Committee will provide you with our recommendation regarding the appointment of the Officer-at-Large executive position at the May 19, 2021 bencher meeting.

The Nominating Committee will continue its work following the May 4th election and will return to you with a report at the May 31, 2022 special bencher meeting regarding appointed bencher positions as well as committee membership.

ANOMALY, MOTION AND POTENTIAL RULE CHANGE

Law Society Rule 2-56(1) provides that:

If the bencher holding the position of vice-president is an elected bencher at the time of a bencher election, he shall not be required to run for re-election and shall be deemed to be elected as a bencher for his or her electoral district, provided the vice-president:

- (a) is a practising lawyer on the first Monday in March of the election year;
- (b) has his or her name on the voting list on the first Monday in April of the election year;
- (c) continues to maintain his principal office in the electoral district for which he was last elected a bencher; and
- (d) is not a life bencher or an ex officio bencher.

In May 2020, Sacha Paul was elected as a bencher in the City of Winnipeg Electoral District. Although he continued to maintain an office at the Thompson Dorfman Sweatman Head Office in downtown Winnipeg, in August 2020 Sacha opened a satellite office on the Swan Lake First Nation, a few kilometres west of the Perimeter Highway on Highway No. 1. The satellite office is Sacha's principal place of business.

We very recently determined that the Swan Lake First Nation is in the Eastern Electoral District. The Eastern Electoral District covers a wide area of the province and includes the City of Winnipeg. However, the City of Winnipeg, within the boundaries of the Perimeter Highway, is designated a separate electoral district.

Although Sacha's office move does not affect his current status as an elected bencher, as the current vice-president, he no longer qualifies to be deemed to be elected as a bencher, without having to run for re-election. The executive and Nominating Committee have considered the issue and given the location of the Swan Lake First Nation and Sacha's substantial connection to the City of Winnipeg, we concluded that it would be more appropriate for Sacha to be considered for an appointed lawyer position, rather than running for election in the Eastern Electoral District. Accordingly, the Nominating Committee is recommending that you appoint Sacha Paul as an appointed lawyer bencher for the 2022-2023 term. If the benchers were to appoint Sacha as recommended, when Sacha concludes his term as president in May 2023, he will assume the past president seat at the bencher table, creating a vacancy in an appointed bencher position.

By proceeding in this fashion, we would ensure Sacha's smooth transition into his presidency. It would also leave open an elected seat in the Eastern Electoral District for a lawyer with a more rural practice and connection to that community. Sacha would not be taking an appointed bencher position from a current appointed lawyer bencher because two of our current appointed lawyer benchers have indicated that they will not be seeking re-appointment.

Accordingly, the Nominating Committee is recommending the appointment of Sacha Paul to an appointed lawyer bencher position effective May 19, 2022.

In further discussions at the executive level, it was observed that a number of Indigenous lawyers who are members of Winnipeg law firms are electing to practise from the Swan Lake First Nation. It was observed further that most of those lawyers will regard themselves as part of the City of Winnipeg Electoral District as would other lawyers who are practising in the Eastern Electoral District. Accordingly, the Nominating Committee will be asked to explore this issue further and may return to you with a recommendation that the rules be amended to include the Swan Lake First Nation in the City of Winnipeg Electoral District for the purposes of the 2024 bencher election.

ATC.

WAYNE ONCHULENKO



Thank you for the honour of considering me for the position of Vice-President of The Law Society of Manitoba.

For those that do not know much about my past experiences, I have practised at Levene Tadman Golub (and its predecessors) since 1985. I am a civil litigator.

I am currently involved with the Canadian Bar Association (I am their representative on the Board of Canadian Bar Insurance Association);

By way of background, I have been president of the Canadian Bar Association, Manitoba Branch, and have served as Treasurer of Canadian Bar Association National. I have been involved in the management of Levene Tadman Golub for more than 20 years. I am also now part of a Manitoba managing partner group (of about a dozen firms) trying to navigate the pandemic, by sharing experiences and ideas monthly. Unlike some, this group still thinks the pandemic exists, and is discussing how our firms will be different moving forward.

I have sat on the Board of Directors of the Forks/North Portage Corporation and on the Board of Directors of the United Way of Winnipeg.

For your ease of reference, I append a list of committees of the Law Society of Manitoba on which I have served. Thank you for having taken the time to read this.

SUMMARY OF COMMITTEE PARTICIPATION

- Discipline Committee 2021 (Vice Chairperson), 2020 (2011 to 2014 - Volunteer)
- Investment Committee 2016 to 2021 (Chairperson), (2010 to 2015 - Volunteer)
- President's Special Committee on Regulating Legal Entities 2021 (Vice Chairperson), 2020 (Chairperson)
- Admissions and Education Committee 2020
- Admissions and Education Appeals Committee 2020 (Vice Chairperson)
- Complaints Investigation Committee 2019 (Chairperson), 2018, 2017 (Vice Chairperson), 2016
- President's Special Committee on Health and Wellness 2019 (Vice Chairperson)
- Nominating Committee 2019
- Reimbursement Fund Claims Committee 2018 (Vice Chairperson), (2002 - Volunteer)
- President's Special Committee on Communications 2017
- Practice and Ethics Committee (2011, 2005 to 2008, 2001, 2000 - Volunteer)
- President's Special Committee on Paralegals (2009 - Volunteer)
- President's Special Committee on the Independence of the Legal Profession (2008 - Volunteer)
- President's Code of Conduct Committee (2006 and 2007 - Volunteer)
- Practice and Ethics Committee (2005 - Volunteer)
- Professional Liability Claims Fund Committee (2004, 2003, 1999 - Volunteer)

GERRI WIEBE



Hello fellow benchers. Hopefully you all know me already but if you don't, my name is Gerri Wiebe. I am a partner at Wasyliv Wiebe, and have been doing pretty much only criminal defence work since my call in 2004.

I'm a working mother of two (ages 7 and 5), so I am incredibly lucky to have a husband who is willing to work in our home and be a stay at home parent. That said, I can still often be found hanging out at the rink watching my kids play hockey, or at dance class or gymnastics with my daughter. For me, one of the best things about being a lawyer is the schedule flexibility that usually lets me have the best of

both worlds.

In addition to being a bencher, I do a fair bit of other volunteer work within the legal profession, including:

- President of the Criminal Defence Lawyers Association;
- Member of the Legal Aid Advisory Committee;
- Defence bar representative to the Court Liaison Committee;
- Co-Chair of the Law Society/CDLAM Advocacy Program;
- Crown/Defence Conference Planning Committee;
- Manitoba delegate to the Uniform Law Conference of Canada;
- Board Member of Law(yer) Strong;
- Guest Lecturer for the Robson Hall Advocacy Program.

If all this law-related stuff makes me sound one dimensional, don't worry – I'm also on the Board of Directors from my daughter's nursery school.

I have been an elected bencher since 2018, and have had the privilege of being on a number of LSM Committees. While I have enjoyed all of the committees that I have sat on, I am particularly proud of the work that has been done by the President's Special Committee on Health and Wellness during my tenure there. I believe that Law(yer) Strong in particular will really benefit the legal profession.

I truly enjoy being a bencher, not only because of the important work being done, but also because of the amazing people that I have had the opportunity to work with. If getting old has taught me one thing, it's that there's still so much that I don't know. The collective knowledge at the bencher table is amazing, and I benefit so much from being a part of it.

Thanks for reading! If you got this far, you have a better attention span than I do!



FLSC COUNCIL REPORT

To: Benchers
From: Lynda Troup
Date: March 7, 2022

This meeting usually coincides with a conference in which the staff and executives of the law societies of Canada attend for meetings and a CLE program. This year, the Federation meeting is proceeding as scheduled on March 7, with an intention for the CLE component with the broader group to proceed in-person in Montreal in April.

- NCA Assessment Modernization – as reported previously, this is the oversight committee tasked with overseeing the modernization process. A competency profile was developed through a task force of several lawyers. Feedback has now been received. While the task force has been focused on NCA, there is an intention to have it connected to the national requirement review (i.e. common law programs in Canada). As a result, there has been a lot of push back from the law deans and professors, among others, regarding what is being proposed as a competency profile. They are not happy with the profile drafted due to: 1) lack of perceived consultation; 2) specificity of content (where the competencies are to be acquired – i.e. law school vs. bar admission program; 3) worried generally that this will affect too much the national requirement review. The NCA AMC have decided to do a regroup and consider what our next steps are having regard to the feedback. A joint meeting is going to occur with the National Requirement Review committee. The committee may also look to a more high level approach rather than focus on a detailed competency profile in an effort to determine what the real concerns are.
- National Requirement Review – many people are focused on the NCA process and so it has been decided to meet with the NCA AMC committee as a preliminary step.
- Anti-Money Laundering Initiatives – there are proposed changes to the client identification rules, among others. There continues to be ongoing questions regarding the model rules and their application. There will be a consultation process. Timing to be determined. There is also ongoing discussions and work on standards to be followed by law societies when there is a breach of AML. There is also discussion about the preparation of further guidance materials.
- Reconciliation Initiatives – aiming for June meeting to have a recommendation for the population of the Indigenous Advisory Council.

- National Well-Being Study – research team is now analyzing survey results from the surveys that took place last year. Expect there will be a number of meaningful recommendations as a result of the survey and the analysis that has followed. Steps are underway to get phase 2 of the study on its way. The hope is the phase 1 report will be issued in the summer along with the start of phase 2 (interviews), which will focus first on the northern bar and then will go across Canada. There will be a request for volunteers in due course, which will circulate likely through the law societies. The goal is for broad and diverse information from various volunteers.
- Law Society Priority Roundup – each year the law societies across Canada identify the priorities for each of their organizations. Governance and A2J continue to be top priorities for most jurisdictions. The identified priorities help guide the FLSC programing and initiatives.
- Business matters, including the Federation’s activity plan and budget for the year, were also addressed.
- We discussed the plans to proceed to Montreal in April. I’m a bit nervous to let Grant out of the province but I couldn’t come up with a reason to challenge his invite. This will be the first in-person meeting in over two years. There has been a substantial turnover at the Federation table and a significant turnover in terms of the various law society executives. Everyone is looking forward to making and reinforcing old and helpful connections with our fellow law societies.
- Finally, the Federation is getting a twitter account like it’s 2009.