



AGENDA

Benchers

Date: Friday, September 9, 2022

Time: 12:00 p.m.

Location: Lakeview Gimli Resort, Salon A/B/C, 10 Centre Street, Gimli, Manitoba
and Via Teleconference

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
1.0 PRESIDENT'S WELCOME AND TREATY ACKNOWLEDGEMENT					
	The President will welcome newly appointed lay benchers, Terry Jaenen and Carmen Nedohin, guests and staff to the meeting.				
2.0 IN MEMORIAM					
	<p>Patricia Ritchie, Q.C., who passed away on June 11, 2022 at the age of 81. Ms Ritchie received her call to the Bar on December 17, 1964. She practised as an associate with Thompson Dilts until 1969 and then as a sole practitioner from 1970 until her retirement in 2001. Ms Ritchie was appointed Queen's Counsel in 1988.</p> <p>Louise Anna Lamb, who passed away on June 24, 2022 at the age of 69. Ms Lamb received her call to the Bar on June 30, 1977. She practised as a partner with Fillmore Riley LLP for 15 years</p>				

and as a sole practitioner for one year. In 1999 Ms Lamb joined the Department of Justice (Canada) where she served as counsel until her retirement in 2004.

Glen Lawrence Nazaruk, who passed away on July 5, 2022 at the age of 62. Mr. Nazaruk received his call to the Bar in Manitoba on June 29, 1989. He practised in Manitoba for four years before relocating to Alberta.

Hasmukhlal Devshanker Pandya, who passed away on July 11, 2022 at the age of 88. Mr. Pandya received his call to the Bar on June 28, 1972. He practised law for 33 years as a partner with several Winnipeg firms, including Pandya Davids Lazar and Inkster Christie Hughes. Mr. Pandya retired from practice in 2008.

David Paul Tackaberry, who passed away on July 17, 2022 at the age of 59. Mr. Tackaberry received his call to the Bar in Manitoba on June 26, 1986 but was not licensed to practice law in this jurisdiction.

Honourable Charles Nathan Rubin who passed away on July 31, 2022 at the age of 89. Mr. Rubin received his call to the Bar on November 22, 1958. He practised law with Newman & MacLean for 17 years. While practising, Mr. Rubin also served as a part-time judge of the Provincial Court of Manitoba in northern Manitoba from 1966 until 1975. He was then appointed a full time judge of the Provincial Court and served in this position until his retirement from the bench in 2007.

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 June 23, 2022 Meeting	5		Attached	Approval
3.2	Final Approval of Rule Amendments re: Diversion Program			Attached	Approval
3.3	Complaints Investigation Committee Report			Attached	Information

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
3.4	Discipline Committee Reports			Attached	Information
4.0 EXECUTIVE REPORTS					
4.1	President's Report	5	Sacha Paul		Briefing
4.2	CEO Report	10	Leah Kosokowsky	Attached	Briefing
4.3	Strategic Plan Progress Report - August 2022	10	Leah Kosokowsky	Attached	Briefing
5.0 MONITORING REPORTS					
5.1	Admissions and Membership	15	Leah Kosokowsky/ Richard Porcher	Attached	Briefing
5.2	Pension Plan Update	10	Leah Kosokowsky	Attached	Briefing
5.3	Investments Policies and Investment Compliance - June 30, 2022	10	Leah Kosokowsky	Attached	Briefing
6.0 MISCELLANEOUS BUSINESS					
6.1	Access to Justice Coordinator - Transition	10	Leah Kosokowsky		Briefing
7.0 COMMITTEE REPORTS					
7.1	Indigenous Advisory Committee	10	Alissa Schacter		Briefing
8.0 FOR INFORMATION					
8.1	Media Reports			Attached	Information



MEMORANDUM

To: Benchers

From: Rennie Stonyk

Date: August 29, 2022

**Re: Rule Amendments – Diversion Program
Part 5 – Division 6 – Complaints Investigation
Part 5 – Division 7 – Complaints Investigation Committee**

At the May 19th, 2022 bencher meeting, you reviewed and approved draft rule amendments related to the diversion program, which is being called the *Health Recovery Program*.

The rule amendments give authority to the Chief Executive Officer or to the Complaints Investigation Committee, as the case may be, to recommend that a member obtain healthcare treatment. The amendments will also prevent a complainant from requesting a review of a complaint disposition where a member has been referred to healthcare treatment.

The rule amendments have been translated into French and are attached for your final approval.

RLS

Division 6 – Complaints Investigation

Role of the complaints review commissioner

5-63(3) Subject to subsection (4), the complaints review commissioner may only review the following:

- (a) a determination by the chief executive officer under rule 5-62 not to investigate a complaint because it is of no merit; and
- (b) a decision by the chief executive officer under rule 5-66 not to refer a complaint to the complaints investigation committee for its consideration, except decisions under paragraphs (a)(iii), (e), (f) and (g) of rule 5-66.

Action after investigation

5-66 After investigating a complaint, the chief executive officer may:

- (a) take no further action if he or she is satisfied that;
 - (i) the complaint is without substance or its substance cannot be proved;
 - (ii) the member has provided a satisfactory explanation; or
 - (iii) the complaint has been satisfactorily resolved through informal means;
- (b) send a letter to the member reminding the member of his or her obligations under the Act, rules or code;
- (c) send a letter to the member recommending that a certain course of action be taken;
- (d) refer the complaint to the complaints investigation committee for its consideration;
- (e) direct that a charge be laid against the member when the member has:
 - (i) failed to respond to communication from the society or provide a full and substantive response to questions raised in the communication; or
 - (ii) breached any condition or restriction imposed on the member by the society or any undertaking given to the society;
- (f) require the member to appear personally before the complaints investigation committee to further the investigation of a complaint when the member has:
 - (i) failed to respond to communication from the society or provide a full and substantive response to questions raised in the communication; or
 - (ii) breached any condition or restriction imposed on the member by the

society or any undertaking given to the society;

- (g) recommend that the member obtain healthcare treatment.

Division 7 – Complaints Investigation Committee

Action on complaints

5-74(1) After considering a complaint under rule 5-71, the committee may:

- (a) decide to take no further action;
- (b) send a letter to the member reminding the member of his or her obligations under the Act, rules or code;
- (c) send a letter to the member recommending that a certain course of action be taken;
- (d) make recommendations to the member under rule 5-83, which, if carried out, will improve the member's practice of law;
- (e) decide to hold consideration of the complaint in abeyance until any related proceedings are concluded or until such time as the committee decides to resume consideration of the complaint;
- (f) issue a formal caution to the member under rule 5-77;
- (g) direct that a charge be laid against the member under rule 5-78(1);
- (h) accept a written undertaking from the member under rule 5-79;
- (i) impose restrictions on the member's practice of law or suspend him or her under subsection 68(c)(i) of the Act;
- (j) order a practice review of the member's practice under rule 5-82(1);
- (k) decide to hold disposition of the complaint in abeyance until the member has completed any action plan recommended under rule 5-83;
- (l) suspend or impose restrictions on the permit of a member's law corporation under subsection 37(1) of the Act;
- (m) recommend that the member obtain healthcare treatment.

Section 6 Enquêtes sur les plaintes

Mission du commissaire au réexamen des plaintes

5-63(3) Sous réserve du paragraphe (4), le commissaire au réexamen des plaintes ne peut être saisi que des décisions suivantes:

- a) la décision que le directeur général prend en vertu de l'article 5-62 de ne pas faire enquête sur une plainte en raison de son irrecevabilité;
- b) la décision que le directeur général prend en vertu de l'article 5-66 de ne pas envoyer une plainte au comité d'enquête sur les plaintes, à l'exception d'une décision prise en vertu du sous-alinéa 5-66(a)(iii) ou des alinéas (e), (f) et (g).

Conclusions de l'enquête

5-66

Au terme d'une enquête sur une plainte, le directeur général peut agir comme suit:

- a) ne prendre aucune autre mesure dans les cas suivants :
 - (i) la plainte est dénuée de fondement ou les faits allégués dans la plainte ne peuvent être prouvés;
 - (ii) le membre en cause a fourni une explication satisfaisante;
 - (iii) la plainte a été réglée à l'amiable de manière satisfaisante;
- b) envoyer une lettre au membre pour lui rappeler ses obligations selon la Loi, les règles ou le Code de déontologie professionnelle;
- c) envoyer une lettre au membre lui recommandant de prendre certaines mesures;
- d) renvoyer la plainte au comité d'enquête sur les plaintes;
- e) ordonner de porter une accusation contre un membre qui:
 - (i) soit a fait défaut de donner suite à une communication de la Société ou de fournir une réponse complète et substantielle aux questions qui y figurent,
 - (ii) soit a contrevenu à une condition ou une restriction que la Société lui a imposée, ou à un engagement qu'il a pris envers elle;
- f) ordonner au membre de comparaître en personne devant le comité d'examen des plaintes pour donner suite à une enquête sur une plainte lorsque le membre:
 - (i) soit a fait défaut de donner suite à une communication de la Société ou

de fournir une réponse complète et substantielle aux questions qui y figurent,

- (ii) soit a contrevenu à une condition ou une restriction que la Société lui a imposée, ou à un engagement qu'il a pris envers elle;
- g) recommander que le membre obtienne des soins de santé.

Section 7 Comité d'enquête sur les plaints

Suite donnée à la plainte

5-74(1) Après avoir étudié une plainte selon l'article 5-71, le comité peut agir comme suit:

- a) ne prendre aucune autre mesure relativement à la plainte;
- b) envoyer une lettre au membre pour lui rappeler ses obligations selon la Loi, les règles ou le Code de déontologie professionnelle;
- c) envoyer une lettre au membre lui recommandant de prendre certaines mesures;
- d) recommander au membre de prendre une ou plusieurs des mesures prévues à l'article 583, de sorte à lui permettre de s'améliorer dans l'exercice du droit;
- e) suspendre l'étude de la plainte jusqu'à la fin de toute instance connexe ou jusqu'à nouvel ordre;
- f) délivrer un avertissement formel au membre en vertu de l'article 5-77;
- g) ordonner qu'une accusation soit portée contre le membre aux termes du paragraphe 578(1);
- h) accepter un engagement écrit du membre, selon l'article 5-79;
- i) imposer des restrictions au droit d'exercice du membre, ou le suspendre, en vertu de l'alinéa 68(c)(i) de la Loi
- j) ordonner, en vertu du paragraphe 5-82(1), l'examen des activités professionnelles du membre;
- k) surseoir à sa décision sur une plainte, jusqu'à ce que le membre se conforme aux recommandations qui lui sont faites en vertu de l'article 5-83;
- l) suspendre le permis d'exercice du cabinet d'avocats à responsabilité limitée

dont fait partie le membre, ou y imposer des restrictions, en vertu du paragraphe 37(1) de la Loi;

m) recommander que le membre obtienne des soins de santé.

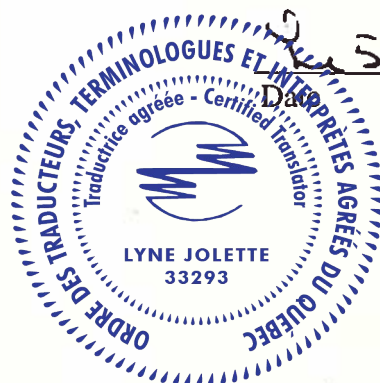


Centre de traduction et de documentation juridiques
Centre for Legal Translation and Documentation

CERTIFICATE OF TRANSLATION ACCURACY

I, Lyne Jolette, being a member of the Ordre des traducteurs, terminologues et interprètes agréés du Québec (OTTIAQ) hereby certify that I am fluent in the English and the French languages and that the translations in the here-attached document titled *May 2022 LSM Rules Amendments – Bilingual* are accurate.

Lyne Jolette
Certified translator
Translator-Editor



The Law Society of Manitoba Strategic Plan 2022 – 2025

September 2022



Mission Statement

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

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

Competence	Access to Justice
<p><i>Central Bar CPD program - LSM resources and supports (August 2022)</i></p> <p><i>Translated Rule Amendments (Final) approved - Health Recovery Program (September 2022)</i></p>	

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



MONITORING REPORT

To: Benchers

From: Leah Kosokowsky and Richard Porcher

Date: September 1, 2022

Re: Admissions and Membership Department

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INTRODUCTION

This is a report on the operations and performance of the Admissions and Membership Department of the Law Society of Manitoba. You last received a report on this Department in March 2019.

The purpose of this monitoring report is to:

- assist you to judge if we are meeting the *ends* you have established;
- assist you to consider whether the *ends* need modification;
- assist you to judge if we are complying with the Executive Limitations and whether they need modification; and
- provide you with a knowledge base that will help you in your work as a Bencher.

THE POLICIES

The following *ends* relates to the work of the Admissions and Membership Department:

- End #1* Lawyers are qualified on entry to the profession.
- End #4* To the extent permitted by law, the Law Society of Manitoba conducts its business in a manner that is transparent.
- End #8* The legal professional will reflect the diversity of Manitoba.

PEOPLE

Five people work in the Admissions and Membership Department. Richard Porcher is the Director and makes admission and registration decisions as the CEO's delegate. He is supported by Donna Mihalick who works .8 and is currently on leave. Malavika (Mal) Madhaven has been hired on a temporary basis while Donna is on leave. Donna, and now Mal, is mainly responsible for articling student applications, transfer applications from lawyers from other provinces, and for maintaining the membership database. She also deals with internationally educated applicants and prepares reports for the Fair Registration Practices Office. Kelly Southall works .4 in the Admissions and Membership Department and is primarily responsible for law student registrations, annual member reports, and applications from foreign legal consultants. Darlene Douglas also provides general administrative support (.8) to the department and works primarily on applications to resume or withdraw from practice and updates from members generally. Debbie Rossol works .2 in the department dealing with law corporations and limited liability partnerships.

DAY-TO-DAY

Membership

The department is responsible for maintaining accurate membership records and a current membership database. This is done primarily on an annual basis through the annual member reports and throughout the year when lawyers provide member updates or applications to withdraw from practice. The department is also tasked with having fair registration processes and is responsible for making all registration decisions with respect to:

- Registration as law students;
- Admission as articling students;
- Admission to the Bar after completion of the bar admission program;
- Transfer to the Bar from other Canadian provinces/territories under mobility agreements;

- Applications to resume practice following non-practising, inactive or suspended status;
- Withdrawals from practice;
- Applications for foreign legal consultant permits;
- Applications for interjurisdictional practice permits;
- Applications to abridge articles;
- Applications to be exempted from articles based on foreign practising experience;
- Applications for credit for articles served in another province/territory;
- Applications to be approved as a Principal;
- Applications for and renewals of law corporation permits; and
- Registration of limited liability partnerships.

Recent and soon to be implemented additions include:

- Part-time practising fees applications;
- Applications to register as a Civil Society Organization; and
- Sandbox proposals, in collaboration with the Director of Policy and Ethics.

Fair Registration Practices Office

Since 2009, the Law Society has been one of 33 regulated professions that are subject to *The Fair Registration Practices in Regulated Professions Act*. The intent of this legislation is to see improvements in the recognition of the qualifications of skilled professionals who have been educated outside of Canada so that they can practice their profession in Manitoba.

The *Act* requires the Society to employ registration practices that are transparent, objective, impartial and fair. The department works in cooperation with the Fair Registration Practices Office (formerly the Office of the Manitoba Fairness Commissioner - OMFC) to meet reporting requirements and to address areas of concern regarding our registration practices. The department provides yearly reports to the Fair Registration Practices Office (FRPO) with respect to our internationally educated applicants, which report provides details about the registration process and the length of time it takes those applicants to get licensed.

In addition to our reporting obligations, we cooperate with the FRPO in a review of our registration practices. Reviews were conducted in 2012 and again in 2017. The 2017 Report from the then-OMFC concluded that the Law Society's processes support fair practice and align with the intent of the *Act*. The OMFC had concerns about the National Committee on Accreditation's certification process, in particular with respect to the length of time it takes for candidates to obtain licensure.

Timeliness in the registration process for many regulated professions has continued to be of concern to the FRPO and in December 2021, the *Act* was amended, notwithstanding specific

concerns raised by the Law Society and by individual members of the profession regarding government interference in the independence of the legal profession.

The following amendments are of specific concern to the Society:

- s. 5 (2) – a regulated profession must provide the OMFC with 60 days notice prior to any intended change to its registration practices;
- ss. 6(2) and 16 (1) (b.1) – enables the government to create regulations that will require registration decisions, written responses and reasons to be made and provided within a specified time period;
- s. 8(3) – allows the government to determine if the criteria used to assess qualifications are necessary to assess competence;
- s. 8.1(1) – requires regulators to collaborate with education providers and employers to identify and develop programs to assist internationally educated individuals and unsuccessful applicants in obtaining registration; and
- ss. 15.4 and 17(1) (c) – the Minister may issue a compliance order requiring a regulator to take any measure specified in the order to remedy a failure to comply with the Fair Registration Practices Code (Part 2 of the *Act*). A compliance order could include requiring the regulator to make, amend or repeal any regulation, rule, by-law or assessment criteria. It is an offence not to comply with an order and there is no appeal provision.

Although the Minister of Economic Training and Development asserted to the Society that the government fully respects the autonomy of self-regulated professions to set entry to practice qualifications and standards in the public interest, the government has since established policies that reflect the government's intention to issue compliance orders and to enforce the duty to collaborate. In August 2022, the Minister issued a compliance order to the College of Registered Nurses of Manitoba to remove a regulatory barrier for internationally educated nurses to practice in Manitoba.

The next registration review of the Society is scheduled to occur between March 22, 2023 and June 21, 2023. The intent of this review is to determine the Law Society's compliance with newly created duties under the *Act*, specifically the duty to ensure that the Society:

- is using only necessary assessment criteria in making registration decisions;
- is in compliance with labour mobility obligations pursuant to domestic trade agreements; and
- is notifying the FRPO regarding changes to any assessment or registration practice.

While we remain confident in the fairness and transparency of our registration processes, we remain concerned with the Manitoba government's intrusion into the independence of the legal

profession. While we will cooperate with the review, we will continue to communicate our concerns and will continue to keep the benchers informed.

The former OMFC was also concerned about the difficulty that internationally educated lawyers (IELs) have in accessing articling positions in Manitoba. In response to those concerns the Society committed to working with the National Committee on Accreditation to seek further information about the IELs pursuing certification in Manitoba and to assist IELs by allowing them to be registered as law students.

The Society also undertook to assist students to network with lawyers to support better connections for IELs with the legal community in Manitoba. The Society has conducted two events for lawyers and students who had received law degrees outside of Canada to network and share experiences. The last event was on June 28, 2022 via Zoom and we hope the next event will be in person.

Good Character Requirement

Benchers will recall that the Society received a letter in March 2021 from the Canadian Civil Liberties Association which raised concerns about the necessity and usefulness of the Law Society's good character requirement for admission to the Bar. Upon further review of the good character requirement, the Society is working with the Federation of Law Societies to re-establish a working group to examine the good character requirement of all Canadian law societies and to work toward a national standard. Meanwhile, the department has taken steps to clarify for applicants the purpose and intent of the good character requirement, to clearly state that an individual's history is not an absolute bar to admission and that the Society takes into consideration historical and social factors.

The Society's Annual Report also has been changed to provide information on the good character requirement as well as the numbers of articling student applications, good character disclosures, investigations and denials. In particular, of 137 applications received, only one applicant was denied admission in 2021 for not meeting the good character requirement.

MONEY

The primary expenses for the Admissions and Membership Department are the salaries and benefits of our staff.

A FEW NUMBERS

The Admissions and Membership Department tracks statistics on the legal profession in Manitoba. You might find the numbers below interesting.

New Members

During the year ending March 31, 2022, 148 lawyers were called to the Bar in Manitoba. Of those:

- 23 lawyers transferred to Manitoba from other Canadian jurisdictions under the National Mobility Agreement;
- 125 articling students were called to the Bar; and
- 5 lawyers received a partial exemption from articling based on foreign practising experience.

Of the total called to the Bar, 29 had obtained law degrees outside of Canada and were admitted on the basis of a Certificate of Qualification issued by the National Committee on Accreditation.

Where Members are Practising

Law Society members with active practising status on December 31, 2021 were practising in the following geographical areas:

- within the City of Winnipeg: 1,873;
- within Manitoba, but not in the City of Winnipeg: 267; and
- outside Manitoba: 80.

Law Firms in Manitoba

As of December 31, 2021, 457 law firms, including sole practitioners, were operating in Manitoba. Of these firms:

- 258 are sole practitioners;
- 172 have 2-10 lawyers;
- 16 have 11-25 lawyers;
- 4 have 26-50 lawyers; and
- 7 have more than 50 lawyers.

Demographics and Nature of Practice

There were 2,140 lawyers with active practising status in Manitoba as of December 31, 2021, of which 1,267 or 59.21% were men and 872 or 40.8% were women. Of those women in active practice, 56% were engaged in private practice, with the remaining 44% employed in corporate, government (including Legal Aid) and educational endeavours. Of the men in active practice, 74% were engaged in private practice and 26% in corporate, government and educational endeavours.

The following are the number of lawyers who voluntarily reported that they identified as:

- 125 - Indigenous;
- 193 - Visibly Ethnic;
- 78 - Francophone;
- 69 - LGBT2SQ+;

- 46 - Person with Disability; and
- <10 - Non-binary.

EMERGING ISSUES TO MONITOR

Articling

Several Canadian law societies have been grappling with a number of issues that concern articling students and entry to practice. For example, in many jurisdictions there is not only a shortage of articling positions, but there also is disparity in the wages paid to articling students and in the articling experience itself.

As a result, some law societies are exploring different pathways for law graduates to be called to the bar, considering whether to require articling principals to complete a training session or program, and whether to impose a minimum wage for articling students. To inform much of this work, it is important to determine the core competencies required of articling students at the conclusion of their articles and for entry to the profession. Creating a competency framework for articling will provide the foundation for alternative pathways and for the training of principals.

Notably, CPLED has committed to updating PREP every three years to ensure that the program remains relevant and aligns with the law societies' needs and the students' needs. Accordingly, CPLED is developing a revised PREP for the June 2024 offering of the program. Among other things, CPLED has retained an organization to complete an external review of the competency framework and update the framework.

The CPLED jurisdictions have agreed that it would be beneficial and timely for the external agency to create a competency profile for articling. Their familiarity with the PREP program will help to inform this work and to determine how PREP and articling can best complement each other. Accordingly, the CPLED jurisdictions have requested a proposal from the same organization to prepare a draft competency profile for articling/pre-call work experience.

Based upon preliminary discussions, we anticipate that the cost will be reasonable and will not require a significant outlay from each participating jurisdiction.

Mobility

Most of you will know that Manitoba is a signatory to the national mobility agreement, which was established to facilitate the mobility of lawyers among most Canadian jurisdictions. Pursuant to the agreement, law societies in Canada enacted reciprocal rules to allow lawyers from other provinces and territories to practice law temporarily in Manitoba (up to 100 days per year) under their practising status in their home jurisdiction. The agreement and rules also have made it much easier to obtain practising status in another jurisdiction.

The reciprocal rules address insurance, investigation and discipline issues. However, each law society has distinct, specific rules related to the handling of trust monies, including the location of the trust account and the authority to audit the handling of monies.

The rules have been quite effective over the years to facilitate mobility while protecting the public interest. However, much has changed over the last 2 ½ years. The measures and accommodations put in place as a result of the global pandemic have resulted in a proliferation of lawyers practising from remote locations. That is, lawyers are not just practising from their living room or their cottage, they are carrying on their practice from other provinces, territories or countries. Practising law from other jurisdictions can have a significant impact on insurance coverage, the ability to conduct a meaningful investigation, and in relation to the handling of trust funds and the ability to audit those trust accounts.

While we are addressing issues as they arise, we anticipate that a national approach will be required to ensure the public interest remains protected.

CONCLUSION

Our Admissions and Membership Department has been very effective in responding to the pressures of the pandemic and has responded well to the issues raised under *The Fair Registrations in Regulated Professions Act*. We are confident that our processes and practices are transparent, objective, impartial and fair.