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President's Report



SACHA PAUL
President

On January 1, 2036, my Outlook will remind me to ask this question: where are the Indigenous lawyers in Manitoba? It was a question I asked the profession at the Pitblado Lectures in 2016. I have not stopped asking myself this question ever since.

I know how I will answer this question. I know how I will judge success. I will want to see that 20% of the profession in 2036 identifies as Indigenous. The number of 20% is meant to approximate how many Manitobans identify as Indigenous at that time. My hope is that the Indigenous public will see an Indigenous profession looking back in relatively proportionate numbers.

Right now about 18% of Manitoba is Indigenous. Right now, and check out the 2022 Annual Report, about 6% of the bar (125 of 2140 lawyers) is Indigenous. Today the Indigenous public in Manitoba does not see an Indigenous profession looking back in relatively proportionate numbers. Instead, there is a gap.

More is required.

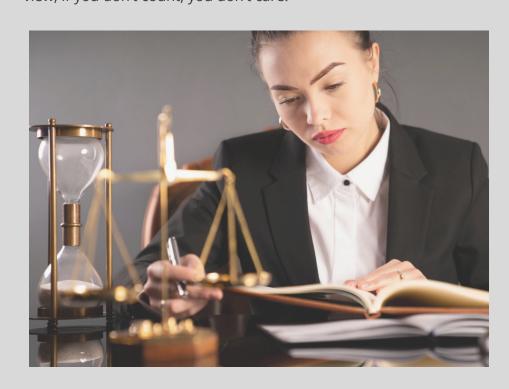
The starting of "more" begins very simply - you have to count. In my view, if you don't count, you don't care.

What's New

RETIREMENT GALA and CPD PROGRAM: on the occasion of the retirement of Chief Justice Richard Chartier

NEW REQUIREMENTS FOR CYBER INSURANCE

WITHDRAW FROM REPRESENTATION: What are the Ethical Obligations?



Since 2020, the Law Society's Annual Report is counting. In 2020, the number of Indigenous lawyers was 103. In 2021, it rose to 107. In 2022, it climbed to 125.

Right now, to have 18% of the profession identify as Indigenous would require there to be a total of 385 Indigenous lawyers. To the current 125 Indigenous lawyers in Manitoba, somehow a further 260 Indigenous lawyers would have to simply appear.

It will not happen this year.

As I understand it, to reach 20% of the bar in the year 2036 requires the addition of about 25 to 30 Indigenous lawyers each year from now to 2036.

This too is ambitious. It requires Indigenous people to get into law schools now and to choose to work in Manitoba.

It appears the profession and Robson Hall are "chipping away" at this. I was happy to see the Robson Hall Class of 1980 fund a bursary for Indigenous law students. The work of fundraising and organizing was done by such people as Norm Yusim, Lea Baturin, Mira Thow, and Frances Bidewell.

Big issues can be easily avoided because no one person and no one action can solve it. It leads to inaction. Inaction solves nothing.

Small action matters. The bursary won't solve the gap of Indigenous lawyers in the profession (and it does not pretend to), but it keeps the ball rolling.

I hope that this action will inspire other actions. Actions big and small.

In 2036, I personally will take stock. Only time will tell if my marker of success will be met.

Special Presentation



A special eagle feather presentation by Vice Chief Lawrence MacIntyre to President Sacha Paul at the President's Reception in June.

More photos from the 2022 President's Reception can be found on page 14.

News

CEO Report



LEAH KOSOKOWSKYChief Executive Officer

The Law Society held three separate in-person call to the bar ceremonies, in Winnipeg, Brandon and Dauphin where 131 candidates were admitted to the profession.

Last year at this time I reported that the Law Society of Manitoba, along with other parties, had been granted leave to intervene by the Supreme Court of Canada in the matter of *Law Society of Saskatchewan v. Peter V. Abrametz*, a discipline matter in which the Saskatchewan Court of Appeal had set aside a penalty of disbarment due to delays in the discipline proceedings. The appeal was heard on November 8, 2021 and the Court delivered its decision on July 8th, allowing the appeal and restoring the decision to disbar Mr. Abrametz. Among other things, the Court determined that *Jordan* does not apply to administrative proceedings and that when considering whether delay is inordinate, the court or tribunal must consider a number of contextual factors. The full decision can be found here.

After a two year hiatus, the Law Society was able to host a number of in-person events in the month of June. First, the Law Society held three separate in-person call to the bar ceremonies, in Winnipeg, Brandon and Dauphin where 131 candidates were admitted to the profession. Congratulations to all and welcome to Manitoba's legal profession.

On June 23rd, we also met in a hybrid format for our Annual General Meeting where the audited financial statements were presented by Deloitte LLP and at which time, the auditors were appointed for 2022-2023. The benchers also received the Annual Report for 2021–2022, which can be accessed here.



Immediately following the Annual General Meeting, the benchers held a regular meeting where we were able, once again, to welcome guests **Jonathan Herman**, Chief Executive Officer and **Nicolas Plourde**, President of the Federation of Law Societies of Canada. Our guests shared with the benchers the important work being done at the national level in the areas of anti-money laundering, modernization of the NCA assessment, the review of the national requirement and the national well-being study.

The benchers also received updates on Law Society outreach to members of the Northern Bar, a statistical report on the usage of the Manitoba Blue Cross Health and Wellness Program, the work of the Hub at the Great Library and a monitoring report on the work of our Equity Officer.

Later that afternoon, for the first time in two years, the benchers, life benchers and special guests headed off to the President's Reception to toast our first ever Indigenous President, **Sacha Paul**. It was an exciting occasion to mark this historic event, with a special presentation to Sacha by the Meadow Lake Tribal Council. We also took the opportunity to honour and express our gratitude to our two previous presidents, **Lynda Troup** and **Grant Driedger**, whom we had been unable to fete due to the pandemic restrictions.

Life Bencher Certificate



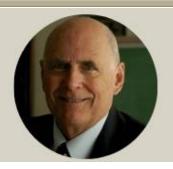
Sacha Paul (left) presenting Nicolas Plourde, President of the Federation of Law Societies of Canada with a life bencher certificate at the June bencher meeting.





News

Richard J. Scott Award



Call for Nominations - Due September 30, 2022 -

The Richard J. Scott Award is presented annually by the Law Society of Manitoba to an individual who advances the rule of law and contributes to a strong and independent legal profession through advocacy, litigation, teaching, research, writing or mentoring.

The award honours former Chief Justice Richard Scott, who served as Manitoba's Chief Justice for over 20 years and is a past president of the Law Society of Manitoba. The Honourable Richard Scott will serve as Chair of the Selection Committee. Learn More

How to Submit a Nomination

Submissions should include the nominee's C.V. and an explanation as to why the nominee deserves this award. The deadline for nominations is Friday, September 30, 2022.

By Mail:

Chief Executive Officer The Law Society of Manitoba 200 - 260 St. Mary Avenue Winnipeg, MB R3C 0M6 By e-mail: Pat Bourbonnais, Executive Assistant to the CEO at pbourbonnais@lawsociety.mb.ca.

For more information, contact Leah Kosokowsky, CEO at 204-926-2030 or by e-mail at lkosokowsky@lawsociety.mb.ca



The Honourable Richard Chartier is retiring this fall as Chief Justice of Manitoba.

There are two special events in honour of this occasion.

Context Matters: Rediscovering the Origins of Manitoba Law

October 27, 2022 | 1:00 p.m. – 4:00 p.m. | RBC Convention Centre

Join the Chief Justice of Manitoba, Richard Chartier and special guest presenter, Professor Aimée Craft, for a fun and interactive exploration of the impact of historical events on the legal system in Manitoba and Canada.

The afternoon will also feature a keynote address by Supreme Court of Canada Justice Nicholas Kasirer.



The Honourable Richard Chartier



The Honourable Nicholas Kasirer



Professor Aimée Craft

Register Now

Eligibility for CPD Hours:

This program may be reported for up to 3 hours of CPD activity, including 3 hours EPPM.

Retirement Gala for the Chief Justice of Manitoba, Richard Chartier

October 27, 2022 | 5:30 p.m. start | RBC Convention Centre - York Ballroom

Do not miss this special evening with guest speaker The Right Honourable Richard Wagner, P.C., Chief Justice of Canada.

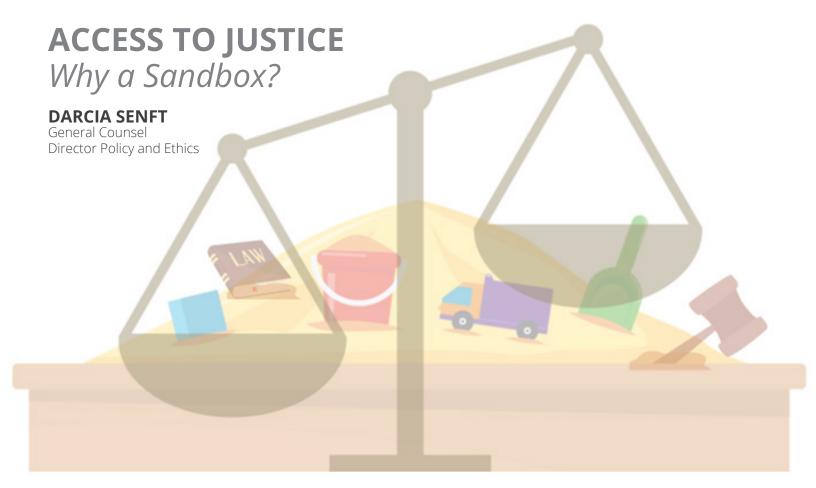
• **Cocktail reception:** 5:30 p.m. – 6:45 p.m.

• **Dinner and formal program:** 7:00 p.m.

• Dress code: Business/Cocktail

Reserve Your Seat





Recent amendments to *The Legal Profession Act* will enable the Law Society to establish a "Limited Practitioner" licence for the delivery of some legal services within a defined scope. We have consulted with the profession and with front line service agencies to help identify where legal needs are not being met. Currently, we are participating in a survey of the public being conducted by the Manitoba Law Foundation.

To inform this work, the benchers also decided to create a regulatory sandbox as a place where the public can safely access specified legal services from persons who are not lawyers in defined circumstances in order to increase access to justice. The sandbox will also permit lawyers and firms to make a pitch for the delivery of legal services in new ways.

A framework has been created for this sandbox pilot where applicants will be asked to provide information about:

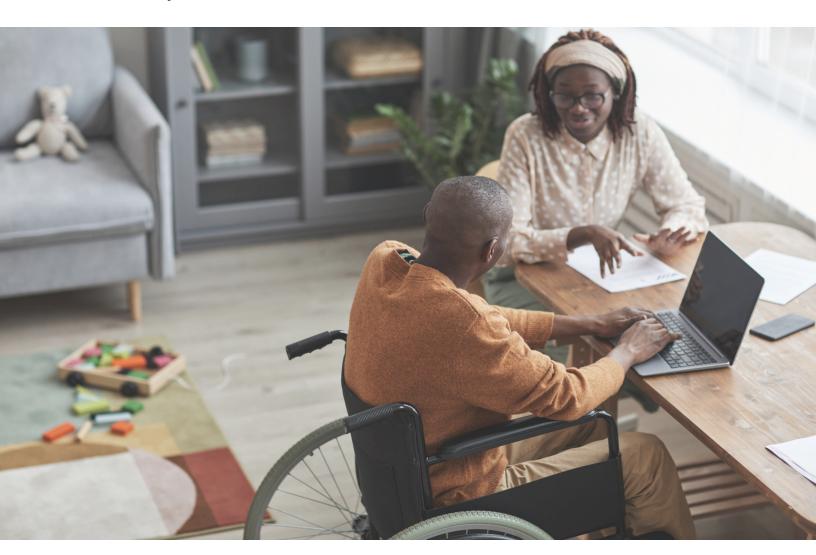
- · the proposed services;
- the expected clients;
- how the services will increase/improve access to justice;
- · who will be part of the pilot and their relevant credentials, education and training; and
- what risks to the public, if any, may be associated with the services or proposed business model.

News

The Law Society understands the many ways that lawyers improve access to justice not only by providing their legal services in creative ways (e.g. offering limited scope retainers) and by providing legal services on a pro bono basis, but also by volunteering with a wide-variety of charities and not-for-profits, often as Board members.

If you are involved in volunteer work with organizations that already provide some limited legal services but may wish to provide additional services or that might be well-suited to begin offering some specific legal services through persons who are not lawyers, we would appreciate hearing from you. Maybe you have an idea about how your law firm could improve access to justice by offering legal services in a new way that would otherwise be "off-side" the current regulatory framework. The sandbox provides an opportunity to innovate and create new pathways for the delivery of legal services so as to improve Manitobans' access to justice.

Further details about this exciting initiative to be shared on our website in the coming weeks, so stay tuned. In the meantime, feel free to connect with Darcia Senft at 204-926-2023 or by email at: dsenft@lawsociety.mb.ca







Congratulations to the following new lawyers!

Ahn, Seulmi Aiello, Adrianna Aiello, Franco Akong, Rebecca Al Fekih, Menal Bailey, Alexis Bannatyne, Tyson Barbour, David Bauch, Stephanie Bauer, Madlen Bhadoria, Shilpa Bjorklund, Meghan Blair, Reanna Brar, Sukhmenjit Breckman, Stephen Brenner, Erika Buchanan, Reid Campbell, Larissa Carlson, Chanel Cerilli-Stankevicius, Clair Charach, David Charles, Dallas Chrusch, Evan Ciprick, Emma Cleverley, Connor Comegan, Daphne Cook, Emilie Cornick, Braeden Davies, Victoria Desai, Pari

Djuissi, Ruphine Down, Chenoah Dressler, Steven Fekete, Justin Flaman, Kara Franz, Hannah Frederickson, Cassandra Freynet-Gagné, Chloé Friesen, Bethany Fuga, Graham Geddes, Matthew Getachew, Lidet Giles, Autumn Gravoso, Christian Guerrero, Athanasia Hansch, Ernst Harms, Amber Hessmann Dalaqua, Giovana Hester, Kathleen Jensen, Mathew Kavanagh, Kyla Khalil, Sarah Koshowski, Tyler Koulack, Silas Lacanilao, Mary Claire Lakhi, Suraj Lalji, Aliza Langstaff, Martyn Lantin, Jonhelyn Laurin, Francine Laval, Madison

Leung, Meghan Lorange, Michael Macey, Taylor MacKay, Justin MacRae, Elizabeth Marcoux, Simone Mbamali, Chukwudifu McDonald, Brayden McFadden, Michelle McMillan, Matthew Merry, Jaidan Micflikier, Joshua Mika, David Moar, Alexsondra Molloy, Devon Nash, Victoria Neil, Parker Oladiji, Abosede Olfert, Joel Oluwasanmi, Olutosin Pappas, Elizabeth Park, Owen Parker, Madison Patriarca, Dan Peketawasin, Pamela Peña, Matthew Penner, Eric Philippot, Alexandra Podaima, Evan Purohit, Ketki Pusztay, Gregory

Rempel, Emily Robillard, Scott Sader, Lucas Sasek, Owen Scaramuzzi, Katrina Schipper, Daniel Scribner, Amy Shams, Zaid Sharpe, Avery Sheppard, Breanna Silva, Kulappuwa Singh, Gurdeep Slonosky, David Smith, Alexa Stadnyk, Steven Standil Margovski, Jarod Stefanson, Jilian Stewart, Merissa Stoneham, Frances Swan, Tyler Taiwo, Funmilayo Tramley, Erin Tymko, Courtney Vandale, Jana Weber, Andrew Wiebe, David Wilson, Nicole Yakimchuk, Trevor

Dhillon, Amandeep



After two years of new lawyers sworn into the legal profession by virtual call ceremonies, the Law Society was pleased to host the in-person Call to the Bar on June 16, 2022. The ceremony took place for the first time at a new venue, the RBC Winnipeg Convention Centre.













A. Montague Israels, Q.C. Prize

Congratulations to **Menal Al Fekih**, the 2022 A. Montague Israels, Q.C. Prize Winner! Hon. Justice David Kroft presented Menal with her certificate.

The A. Montague Israels, Q.C. Prize is selected by a special Selection Committee and awarded annually to a student from the graduating class of the Bar Admission Course who demonstrates a sense of justice transcending technical competence. Established in 1974, this award honours the memory of A. Montague Israels, Q.C. (1904-1973) recognizing those attributes of scholarship, character, skill, and breadth of interest that he valued and so well exemplified in his own life and career.



For more information about this award, the 2022 recipient and past honourees, visit the A. Montague Israel, QC Prize page found on the <u>About LSM Community</u> section of the Law Society website.

Call to the Bar - Brandon, Manitoba

Congratulations to the following new lawyers who were called to the Bar in a special ceremony held in Brandon, Manitoba on June 16, 2022:

Abu-Dahab, Omar Patel-David, Premmal Pearson, Michelle Peplinski, Shequille Suski, Carter







Call to the Bar - Dauphin, Manitoba

Congratulations to the following new lawyers who were called to the Bar in a special ceremony held in Dauphin, Manitoba on June 17, 2022:

Henry, Connor Hillis, Zachary, Smith-Peloquin, Graham Syvitski, David Smith, Peyton

President's Reception June 23, 2022

Hotel Fort Garry



































ROBSON HALL CLASS OF 1980 PUTS RECONCILIATION INTO ACTION:

Bursary Created for Indigenous Law Students



ALISSA SCHACTEREquity Officer and Policy Counsel

The Law Society
recognizes the
importance of
ensuring that
Indigenous youth have
exposure to the legal
profession so they can
consider it as a career
option.

It began with an email exchange among a group of alumni from Robson Hall's graduating class of 1980, noting it was 40 years since they were called to the Bar. This was shortly after the discovery in May 2021 of the potential unmarked graves at the site of the former Indian Residential School in Kamloops, British Columbia. One of the members of the class, Lea Baturin, suggested that in honour of this anniversary, the class start a bursary for Indigenous law students as a way to encourage and support them. Her former classmates were immediately on board with the idea.

Norm Yusim, a member of the class of 1980, explained the thinking in an online article in the University of Manitoba publication *UMToday* on July 15, 2022: "She (Lea) thought it would be a fantastic idea to contribute to a bursary for an Indigenous law student for a number of reasons. One, it was to support Robson Hall. Two, it was to leave a legacy. And three, it was to honour, really, the residential school survivors and victims in Canada."





According to **Mira Thow**, another member of the class of 1980, "A few of us including Lea Baturin, Frances Bidewell, and Norm Yusim, got together to figure out what we would need to do to make this happen. We began reaching out to our former classmates to start raising money. Our initial goal was to raise \$7,500, but we quickly exceeded that. We have collected \$36,000 and we hope to collect more."

Although Manitoba has seen an increase in the number of practicing lawyers who self-identify as Indigenous¹, Indigenous peoples continue to be significantly under-represented in the legal profession. The creation of this bursary will help make it possible for Indigenous students who are interested in a career in law, but face financial as well as other barriers, to achieve their goals.



The Law Society recognizes the importance of ensuring that Indigenous youth have exposure to the legal profession so they can consider it as a career option. If they do not know any lawyers, it may not be on their radar. The Law Society is planning to engage in outreach with Indigenous high school students to encourage them to think about law as a career. Having Indigenous lawyers speak to students will provide them with role models and allow them to imagine a legal career as a possibility for themselves.

The ongoing, pernicious effects of colonialism on Indigenous peoples and communities is clear for us all to see. In creating the first bursary for Indigenous students at Robson Hall, the class of 1980 has provided us with an inspiring example of what we can do to address the inequities.

The funds will be available to students in the fall of 2023.

MAKE A DONATION to the Law Class of 1980 Bursary Fund

¹ In 2020, 103 or 5% of practicing lawyers in Manitoba self-identified as Indigenous. In 2022, the number rose to 125 or 6% of practicing lawyers





TANA CHRISTIANSON,

Director - Insurance

On July 13, 2022, you received an email from the Law Society with the subject heading Action Required: *Cyber Insurance – Important Change to Conditions of Your Coverage* (if you did not, check your spam filter and review the email at this link.



As, the message says, the Law Society arranges mandatory first response cyber insurance coverage for all insured lawyers. However, there are conditions you must satisfy if you want protection under that policy.

You MUST have:

- Multi-factor authentication must be enabled on email accounts and for remote network access (also known as VPN or Virtual Private Networking, or remote desktop access).
- **Email scanning** must be enabled on your mail services to ensure each email is scanned before entering your inbox or leaving your sent box for malicious attachments, links, or other content.
- Weekly backups of data must be done and stored offsite and tested at least annually.
- **Critical Patches** to your systems, anti-virus software, and anti-spyware software must be made within two weeks of release.
- **Firewalls and endpoint protection** (also known as anti-virus and anti-spyware) must be installed and maintained, and actively monitored within reasonable business practices.
- **Cyber Awareness Training** must be completed by firm members before June 30, 2023.

Although the July 13, 2022 email set out six important things you must do to improve cyber security at your firm and qualify for cyber coverage, most of the questions we received were about the education requirement. So, here is some additional information about the cyber awareness training requirement:

Cyber training has to be completed by all lawyers in the firm before June 30, 2023, next year.

The cyber insurer is not currently mandating any particular course. The insurer has not yet specified how long the course should be or what it must contain.

The Law Society's CPD staff are working on a program that will meet the requirement which will be offered before June 2023. There will definitely be something new and exciting available well before that deadline.

There are also some older programs available through CPD online that are still relevant, like <u>Avoiding Cyber Dangers</u> which we know will satisfy the insurer's requirements and also qualify as eligible CPD activities which can be counted towards your EPPM (Ethics, Professionalism and Practice Management requirement).

If we see good programs offered by other law societies and insurers that will meet the insurer's requirements, we will publicize them.

The Law Society and the cyber insurer have not endorsed any other particular programs at this point. When the cyber insurer gives us more information about training requirements, the Law Society will pass that on to members directly. Keep your eye on future *Communiqués* for updates.



WITHDRAWAL FROM REPRESENTATION

What are the Ethical Obligations?



DARCIA SENFTGeneral Counsel
Director Policy and Ethics

If a lawyer has been fired by a client, the lawyer can no longer make representations to the court... From time to time, we receive calls from counsel who are seeking guidance about their ethical obligations when they seek to withdraw as counsel.

Rule 3.7-1 of the *Code of Professional Conduct* states that a lawyer must not withdraw from representation of a client except for good cause and on reasonable notice to the client. The related commentaries remind lawyers that although the client has the right to terminate the lawyer-client relationship at will, a lawyer does not enjoy the same freedom of action. Having said that, there may be justifiable cause for a lawyer to terminate the solicitor-client relationship.

Rule 3.7-2 of the *Code* deals with "optional withdrawal" and sets out that a lawyer may withdraw if there has been "a serious loss of confidence between the lawyer and the client." In those circumstances (more fully described in Commentary 1), a lawyer may withdraw in accordance with Rules 3.7-8 and 3.7-9. These rules set out the *manner of withdrawal* and outline specific ethical obligations owed upon either discharge by the client or withdrawal by the lawyer.

Can a lawyer withdraw if a client fails to provide a retainer or funds on account of disbursements? Rule 3.7-3 states that a lawyer may withdraw in those circumstances in accordance with the referenced "manner of withdrawal" obligations unless "serious prejudice to the client would result." Consider the situation where a lawyer asks for a retainer to conduct a trial that is scheduled to proceed in six months but waits until a week before the trial to follow up with the client who has not yet provided that retainer. The client says they cannot pay so the lawyer wants to withdraw before prepping for the pending trial that is fast approaching. Clearly, serious prejudice to the client would result if the lawyer brought a motion to withdraw as counsel so close to the trial date.

But what happens when a client fires their lawyer or persists in instructing the lawyer to act contrary to ethical obligations? What if the lawyer is not competent to continue handling a client's legal matter? Rule 3.7-7 of the *Code* states that in those situations, a lawyer has an obligation to withdraw; it is no longer a situation where counsel has the "option" to withdraw.

If a client has fired a lawyer or if the lawyer must withdraw for ethical reasons, the lawyer must still comply with the "manner of withdrawal" rules. In a matter before the court, the lawyer may be required to seek an order permitting the withdrawal. In cases where

the lawyer is required to file a notice of motion seeking to withdraw, the affidavit in support of the motion should be factual and should not contain information that would otherwise be subject to solicitor-client privilege.

Being discharged by the client is not privileged information. If a lawyer has been fired by a client, the lawyer can no longer make representations to the court on behalf of the client. They no longer have a client from whom to take instructions.

Should you find yourself in a situation where you must file a motion to withdraw as counsel, be aware that there is case law relating to when a court may deny such a motion. For example, in *R. v. Cunningham*, 2010 SCC 38 the Supreme Court of Canada held that if withdrawal is sought because of non-payment of legal fees, the court may exercise its discretion to refuse counsel's request. In exercising its discretion on the withdrawal request, the court will consider a non-exhaustive list of factors, including whether it is feasible for the accused to represent themselves, other means of representation, impact on the accused from delay in the proceedings (particularly if an accused is in custody), impact on the Crown and any co-accused, impact on complainants, witnesses and jurors, fairness to defence counsel, the history of the proceedings, and if counsel gave reasonable notice to the accused to allow the accused to seek other means of representation or if counsel sought leave of the court to withdraw at the earliest possible time.

On the basis of such factors, the court must determine whether allowing withdrawal would cause serious harm to the administration of justice and if so, withdrawal may be refused.

However, the Supreme Court in *Cunningham* also cited other cases for example *R. v. C. (D.D.) (1996)*, 110 C.C.C. (3d) 323, leave to appeal refused, [1997] 1 S.C.R. vii , at p. 328 and *R. v. Deschamps*, 2003 MBCA 116, at para. 23 and held that if withdrawal is sought for an ethical reason, then the court must grant the withdrawal.

If you find yourself in a situation where you are unsure about whether you have an ethical obligation to withdraw, please contact the Law Society for some guidance.

For additional information, review the Law Society practice resource:

Withdrawal of Legal Services



WILL YOUR PASSWORDS SURVIVE YOU?

TANA CHRISTIANSON, Director - Insurance

What If You Drop Dead

If you dropped dead tomorrow, what would happen to all the information you store or access electronically? I am not talking about your Facebook account or the app where you have stored your vacation photos (although those are something to think about). If you died suddenly, what would happen to the electronic aspects of your practice? Who could login to your computer, your email, your trust accounting software, your practice management software, your calendar and all your stored electronic file materials?

If your passwords die with you, it becomes difficult for those you leave behind to look after your clients and wrap up your practice. This can be an enormous problem on the death of a lawyer in solo practice.



Sole Practitioners and Designates

Hopefully, if you are a sole practitioner, you have taken the Law Society's advice and made arrangements with another lawyer about <u>assuming your practice in an emergency</u> and you have equipped that other lawyer with the <u>tools</u> they will need to step in.

Password Protection

On the one hand, it is extremely important to have safe and secure passwords. You should not use the same password for every account, you should have passwords that are strong and complex, and you should never leave your passwords on a sticky note on your monitor. These password rules are critically important to protect your practice and your clients' personal information from cyber bad guys. But on the other hand, no one's interests are served if important information is no longer accessible because you are no longer around. So, you need to take steps today to do something about your passwords.

Old School

You could go old school and leave a list of passwords, starting with your login password, for your executor or a designated lawyer, to be accessed only in the event of your death. You could put that list in a sealed envelope in your safe or safety deposit box, provided your executor knows where to look and knows where to find the combination or the key. You would have to update this password list every time you changed or added a password. It would take some effort and planning, but it could save your estate a lot of time and money and protect the interests of both your clients and your heirs.

Password Managers

Or, you could subscribe to a password manager service. A password manager is basically a secure encrypted digital 'safe' that stores all the password and login information you need to access your computer and the software, apps and various accounts you might use. You have only one password to remember – the password to your password manager. The password manager then generates strong complicated and unique passwords for all your devices and software and everywhere you go on the internet, but the password manager manages it all for you so you don't have to remember a bunch of crazy passwords.

Password Manager Services

There are many password manager services. Some are free, some are by subscription and some are features of software you might already own. When you are looking at password managers, you need to consider ease of use, cost and compatibility with your existing systems. However, a very important consideration should be whether there is an **emergency access** feature in the password manager you have selected.

Emergency Access Features

An emergency access feature in a password manager gives certain persons you designate (family member/executor/another lawyer) access to your account in the event of a medical emergency or your death. However, not all password managers have that emergency access feature and many of them seem to offer it only to those who have purchased a premium membership. Make sure the password manager version you select has this important recovery feature. There are lots of good articles on the internet comparing various popular password managers. Google 'password manager – emergency access' or consult with your IT advisor. And don't forget to tell your designated persons about your password manager so that they can trigger the emergency access if required.

Don't Let Your Passwords Die With You

Lawyers who do estate work can tell you stories about the difficulties that executors face when a testator's passwords die with them. When a lawyer in a solo practice dies without arrangements to pass on their passwords, it is even worse. Time and money must be spent (payable by your estate) trying to crack your passwords, with no guarantee of success. While someone hired by a law society appointed custodian is trying to hack into your computer, important deadlines might pass, triggering insurance deductibles or other financial consequences for your estate. And if you think your software providers will help your survivors access your accounts, think again. Microsoft must first be formally served with a valid subpoena or court order to **consider** whether it is able to lawfully release a deceased or incapacitated user's information. Gmail says it cannot provide passwords or other login details and that any decision to satisfy a request about a deceased user will be made only after a careful review.

Other services and software vendors have similar policies. If access is granted (and that is not guaranteed), it could take months.

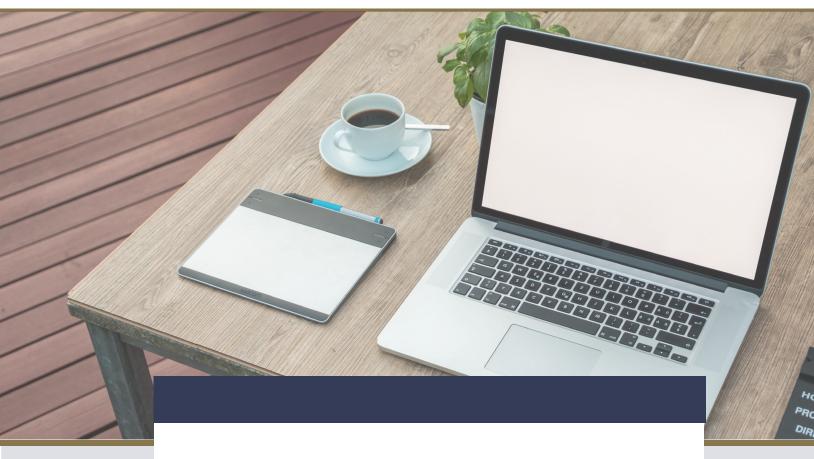
So, investigate a password manager to protect your practice and your digital personal life. Make sure that you select a password manager which will give your family, executors or the person who takes over your law office access to your passwords when you are no longer able to do so. Or put into place an effective old school system. Just don't leave those you leave behind locked out.





PRACTICE MANAGEMENT QUICK TIPS To Make Practice (and Life) Easier

TANA CHRISTIANSON, Director - Insurance



Barney (Bjorn) Christianson is the Law Society of Manitoba's Practice Management Advisor. Barney has practiced as a litigator and solicitor, in both small and large firms and has first-hand experience running a law practice effectively and efficiently.

If you are looking for advice on how to make your practice more efficient and less aggravating, contact Barney. His practice management advice is free and confidential.

Practice Management Software

Lately, Barney has been fielding inquiries about picking the right practice management software package.

Here is what Barney has to say:



"I am often asked why the Law Society of Manitoba endorsed X-software for practice management, rather than any comparable product? Sometimes the question is simply "is X-software endorsed by the Law Society of Manitoba?" The answer to both is "no way", usually with an adjective included.

The Law Society of Manitoba has **not** endorsed any software for practice management. Any software vendor that tells you, or even implies that their product is endorsed by the LSM is not an outfit you want to deal with. Read that again.

I know it's a challenge for solos and small firms to carefully review what they will actually be getting as opposed to what the salesperson wants you to think you will be getting. So start with the article entitled *What is Practice Management Software and Do I Need It?* in the February 2020 edition of the *Communiqué*. Look for vendors that will give you access to their training videos and seminars even before you buy. Plan to seriously work a demo for at least two weeks - don't just faff around with it for 20 minutes on the first day.



Practice management software is a different beast than that new car you are going to buy. A 20-minute test drive is not good enough. Buy the wrong software and it will end up costing you, in terms of wasted time, money, and aggravation, more than that new car. Really. And you need the practice management software more than a new car.



If you would like to contact Barney Christianson, Q.C., the Law Society of Manitoba's <u>Practice Management Advisor</u>, for free confidential advice about practice management issues, call him directly at 204-857-7851 or by email at <u>barney.christianson@gmail.com</u>.

Well-Being

Manitoba Blue Cross Employee Assistance Program

All practising lawyers, articling students and their families have **free and confidential support** through Manitoba Blue Cross.

Call anytime 24 hours a day, 7 days a week

Winnipeg: 204-786-8880 Toll Free: 1-800-590-5553

Manitoba Blue Cross will assist you with any questions or concerns you have that relate to your well-being.

Your well-being includes financial matters, mental health, relationships, addictions and managing career transitions just to name a few

You can get immediate access to support or schedule an appointment. They are here for you.





Law(yer) Strong, is the new independent confidential peer support organization supporting Manitoba's legal profession through peer supports, community health activities, and education.

For more information or assistance, connect with Law(yer) Strong:

C 204-201-1764

support@lawyerstrong-mb.ca

@Law(yer)StrongMB

in Linkedin

PHASE 2: NATIONAL WELL-BEING STUDY Request for Participants



Wellness in law: be part of the solution!

Participate in the next phase of Canada's first national health study of the legal profession. The participation of Manitoba lawyers and articling students is essential to the success of the study.

Last summer, the Federation of Law Societies of Canada, in partnership with the law societies and the Canadian Bar Association, launched a National Well-being Study collecting data from over 7,000 legal professionals across Canada through a national survey. The next phase of this study is now underway, with the research team conducting confidential interviews with legal professionals to explore differences between provinces and territories.

Interview participants will be selected on a first come, first served basis. If you would like to share your thoughts on wellness in law through a confidential, virtual interview with a member of the research team, submit your expression of interest by no later than **Wednesday**, **September 14**, **2022**.

Learn More

Thank you for your interest in this important initiative for the legal profession in Canada.











PREP and ARTICLING - *Important Dates*

With more than one offering of the bar admission program provided each year, please refer to the following table which highlights the important dates for articling students according to the relevant program, depending on which offering of PREP is being taken.

	December 2021 Intake	Accelerated PREP	Summer 2022 Intake	Winter 2022 Intake
August 2022	Phase Three: Virtual Firm Family Law and Real Estate rotation continues	Phase Three Completion and Capstone Assessment: Monday, August 29 to Thursday, September 1, 2022	Complete work on Phase One	
September 2022	Phase Four: Capstone Assessment Monday, September 19 to Thursday, Sept. 22, 2022		Complete Foundation Workshop Pre-work	
October 2022		Capstone results issued October 13, 2022	Phase Two Foundation Workshops: Group A (October 3, to 7); Group B (October 17 to 21); and Group C (October 24 to 28)	
November 2022	Capstone results issued November 3, 2022		Phase Three Virtual Law Firm: Business Law Rotation begins November 4th	Check www.cpled.ca for details on registration

Firms Seeking Articling Students

If you are looking for an articling student to start in 2022, please know that the Law Society has resumes from a number of individuals looking for articling positions. These resumes can be provided to you upon request by contacting Lisa Ehnes by email at lehnes@lawsociety.mb.ca.



Notice of Benchers' Meeting

The next regular meeting of the benchers of the Law Society of Manitoba will be held on:

Friday, September 9, 2022 at 12:00p.m. at the Lakeview Hotel in Gimli, Manitoba in person and via teleconference. The dates of future meetings of the benchers are as follows:

- November 10, 2022
- December 15, 2022
- February 9, 2023
- March 23, 2023
- May 18, 2023
- June 22, 2023

Members of the Law Society are encouraged to attend and participate in the deliberations of the governing body.

If you wish to attend a meeting via videoconference, please contact Pat Bourbonnais at <u>phourbonnais@lawsociety.mb.ca</u>.

Agenda and meeting minutes are published on the website here.

IN MEMORIAM

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 with the firm most recently known as Bargen Brown LLP for 20 years. In 2016 Mr. Davidson joined St. Mary's Law LLP, where he practised as a partner for an additional six years, before retiring in February of 2022.

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

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

Notices



Inactive to Practising:

June 8, 2022 June 24, 2022	Fiona H.K. Li Gregory L. Bauman
June 27, 2022	Melissa R. Danish
June 27, 2022	Steven J. Dressler
•	
July 4, 2022	Allison M. Kravetsky
July 4, 2022	Stephen D. Breckman
July 4, 2022	Daphne N. Comegan
July 4, 2022	Menal M. Al Fekih
July 11, 2022	Steven M. Stadnyk
July 11, 2022	Courtney C. Tymko
July 11, 2022	Larissa M. Campbell
July 11, 2022	Martyn L.M. Langstaff
July 13, 2022	Giovana Hessman Dalaqua
July 13, 2022	Pamela Peketawasin
July 17, 2022	Sarah L. Rentz
July 18, 2022	Catherine A.M. Kelly
July 26, 2022	Stacey L. Belding
August 1, 2022	Paula M.H. Ethans
August 1, 2022	R. Dule Vicovac
August 2, 2022	C. Marie Gravoso
August 3, 2022	Kathleen Tokaruk

Debbie Buors

Suspended to Practising:

August 3, 2022

June 14, 2022 Orvel L. Currie

Practising to Inactive:

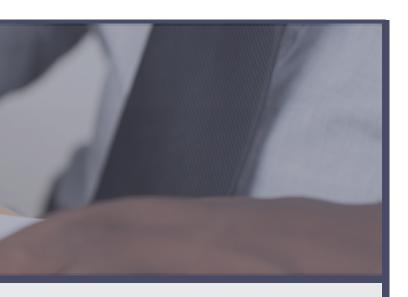
June 3, 2022	Karas N. Elbardisy
June 10, 2022	Leiba R. Feldman
June 16, 2022	Nathan S. Phelan
June 30, 2022	Kelly E. Riediger
June 30, 2022	Roland E. Rivalin
June 30, 2022	Stephen F. Vincent
July 1, 2022	Debbie L. Buors
July 4, 2022	Anita G. Balakumar
July 6, 2022	Jasmine V. Bissoon
July 12, 2022	Frances E. Stoneham
July 18, 2022	Robert H. Johnston
July 20, 2022	Duston T. Ernewein
July 22, 2022	Paul A. Bishoff
July 29, 2022	Zaid Shams
July 29, 2022	Peter M. Klymkiw
August 1, 2022	J. Milton Christiansen
August 2, 2022	Tyler N. Swan
August 12, 2022	John T. McGoey
August 19, 2022	Ryan M.D. Krahn

Practising to Non-Practising:

n
on

Update your membership information by using the <u>Member Forms</u> located in the For Lawyers, Membership Services section of the Law Society's website.

Notices



Non-Practising to Practising:

June 8, 2022 Robert C. Arthur
June 13, 2022 Keri K. Anderson
June 20, 2022 Diana C. King
July 1, 2022 Abiodum O. Obafemi
July 18, 2022 Nancy R. Zettler
July 26, 2022 Guillaume G. Dragon
August 9, 2022 Alison B. Beyer

Suspended to Inactive:

June 20, 2022 Gregory L. Bauman

New Admissions:

June 6, 2022	Meghan S. Leung
June 6, 2022	Carter R. Suski
June 16, 2022	Alex C.F. Lam
June 23, 2022	Moyosore T. Olumola-Davies
July 11, 2022	Patrick A. Thompson
August 2, 2022	Samantha S. Campbell
August 2, 2022	Stephanie A.M. Barros
August 2, 2022	Gabriel Paquette Allard





UNIVERSITY OF MANITOBA

HOMECOMING FACULTY OF LAW

PAST, PRESENT & FUTURE OF THE UM COMMUNITY LAW CENTRE CELEBRATING A 50-YEAR PARTNERSHIP BETWEEN LEGAL AID MANITOBA AND ROBSON HALL WEDNESDAY, SEPTEMBER 21, 2022 AT 5:00 P.M. (CDT) ON ZOOM

RSVP BY SEPTEMBER 19 TO LAW.ALUMNI@UMANITOBA.CA

Did You Pay Your Practising Fees by Instalment? Next Payment is Due:

September 1, 2022



On August 1st, all lawyers who paid their practising fees by instalment received a reminder email about the upcoming payment which is due on or before **Monday**, **September 1**, **2022**.

Check your email!
Your invoice is in the Member's Portal.

Our payment methods can be found here.

Don't Delay! Avoid Penalties!

GREAT LEXPECTATIONS

KAREN SAWATZKY, Director - Legal Resources **GEORGE ROY,** Legal Information Professional



This summer we have been working on meeting as many small firms as possible to introduce you to our services. The library has been "remote working" long before the pandemic forced most offices to close. We respond to research requests by email or over the phone, scan and deliver content attached to an email. However, nothing beats meeting up in person. We'd love to give a personal demonstration of how the library can help you in your legal research, whether you're a firm of five or less, or 15 and up. Please call and set up a time.



Follow us on Twitter <a>@MBLawLibrary for the latest updates on essential legal information and resources.

Great Library Hours

Monday to Friday: 8:30 a.m. to 4:30 p.m. For assistance, please continue to contact us by phone 204-945-1958 or email at <u>library@lawsociety.mb.ca</u> as much as possible.

LEGAL RESEARCH TIP

Many years ago, I watched an episode of Grey's Anatomy where the patient died on the operating table. Dr. Bailey made the residents continue to try to resuscitate the patient, even after it was obvious she was dead. "This way," she said, "you can honestly tell her loved ones that you did everything you could to save her life."

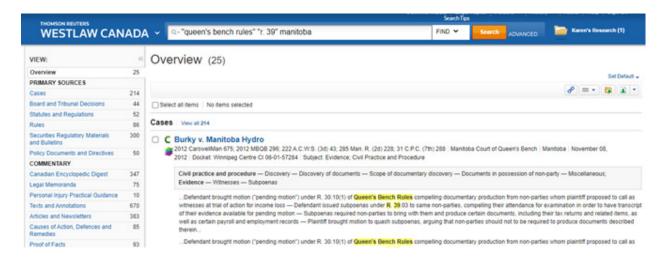
I am reminded of this episode whenever I try to find something and none of my methods are turning up anything. This can be particularly frustrating if it is the Queen's Bench Rules. Busby's Manitoba Annotated Queen's Bench Rules is an excellent source for understanding how the Rules are interpreted by a judge, but sometimes you find there are no annotations for a particular rule. This doesn't mean it hasn't ever been considered, just that it wasn't a significant enough consideration to deserve its own annotation. So, instead, I do a natural language search for the rule across all caselaw. My preferred database is Westlaw.

Let's say I want to know if there are additional cases which cite r. 39.

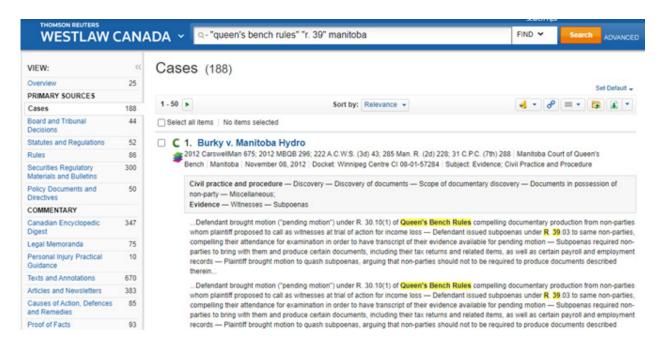
Starting from the main search page, I will enter the following:



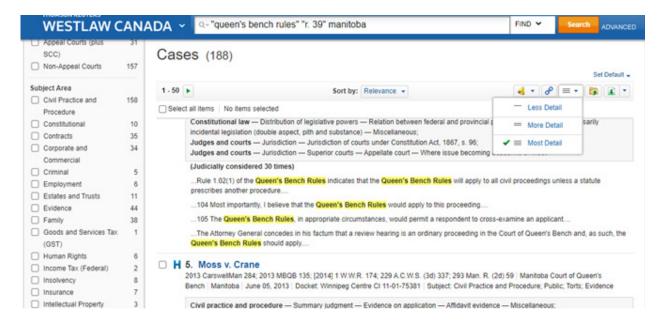
Although this looks like a Boolean search, it's actually a natural language search. I end up with 214 cases.



Next, I'm going to filter by jurisdiction. I select "Cases" and then "Manitoba" and apply. This is gets me down to 188 results.

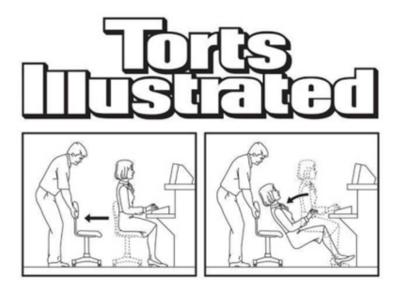


There are ways to bring that down to a smaller number, but I find it pretty easy to run through 188 cases when the view is set to "Most Detail".



And if I still find nothing, like Dr. Bailey, I can say to the client in all honesty, that I did everything I could.

Tort Law Collection Update



Whether it was a <u>five year old pulling out your chair</u>, or <u>a snail in your ginger beer</u>, it's good to know where the law stands when you've been wronged. The library has a thorough collection of texts on Tort law available, including two recently updated titles.

Newest Additions



<u>Canadian Tort Law — 12th ed.</u> by Allen M. Linden, Bruce Feldthusen, Margaret Isabel Hall, Erik S. Knutsen, Hilary A. N. Young

"The twelfth edition of the leading treatise on tort law in Canada continues the standard of excellence achieved by each previous edition and answers questions for all professionals in this field."

Remedies in Tort. by Lewis Klar, Linda Rainaldi, Earl Cherniak, and Peter Kryworuk [looseleaf]

"Remedies in Tort is the only Canadian publication that summarizes tort law completely and in a readily accessible manner. This five-volume work has a total of 28 chapters that are constantly updated with the most recent guidelines and court decisions."



Main Collection

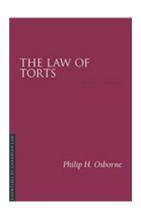
Browse our <u>catalog for even more titles on Torts</u>, or take a look at some of the popular titles currently in our print collection:

- Tort Law 6th ed. by Lewis Klar
- Economic Interests in Canadian Tort Law by Peter Burns, & Joost Blom
- Fiduciary Duties in Canada by Mark Vincent Ellis
- The Law of Torts in Canada 3rd ed. by G.H.L. Fridman
- The Law of Product Warnings and Recalls in Canada by Douglas Harrison
- The Law of Nuisance in Canada by Gregory Pun & Margaret Hall
- Products Liability by S.M. Waddams

Online Titles

The Law of Torts. 6th ed. by Philip Osborne, Toronto: Irwin Law, 2020. Available on vLex.

"An indispensable resource for practitioners, judges, and students seeking a concise and accessible introduction to the principles of tort law in Canada, as well as the social policies underlying the law and current trends in judicial decision making. The book reviews the foundations, characteristics, and objectives of tort law with specific discussions of negligence, intentional torts, strict liability, vicarious liability, nuisance, and defamation."



Newsletters and Current Awareness

<u>LexisNexis® Tort Law Netletter(TM)</u> – an electronic current awareness service covering recent judicial developments in tort law, including property torts, torts affecting the person (including defamation), torts by and against the Crown, passing off, and negligence, including professional negligence by medical, legal and other professionals. <u>Email the library</u> to subscribe.



For even more resources visit the <u>Library Resources</u> section of the Member's Portal and see what HeinOnline has to offer. They offer both recent articles in their Law Journal Library as well as historical and rare titles in their Legal Classics database.

Education Centre Calendar of Events

Upcoming Programs

Amendments to QB Probate Rules 74 and 75

Rediscovering the Origins of Manitoba Law

Legal Education Seminar on the Occasion of the Retirement of

Rule changes come into force on October 1, 2022

The Path Forward:

Context Matters:

Conversations around Reconciliation

the Chief Justice of Manitoba, Richard Chartier

September 22, 2022 12:00 noon - 2:00 p.m.

September 28, 2022

12:00 noon - 1:30 p.m.

October 27, 2022

1:00 p.m. - 4:00 p.m.

Register

Save the Date!

Register

December 1 & 2, 2022

Save the Dates!

Practice Resources

Wills & Estates (2 day program)

Practice Area Fundamentals: Real Estate, Criminal Law, Wills & Estates, Corporate Commercial, Civil Procedure... and updated Family Law is coming soon!

If you are new to a practice area or if you simply want a refresher on the current law and practice in Manitoba, the Practice Area Fundamentals are a great place to start.

- **Professional Responsibilities:** Trust Accounting, Equity, Anti-Money Laundering, and more
- **Practice Management:** Retainers, Withdrawl of Legal Services, Contigency Planning, Retirement, and more

Did You Know?

Continuing Professional Development - So Many Options!

Now, more than ever, you have a vast array of options to enhance your own professional development. Online resources abound and you can access them at virtually any time of day. This is excellent news as we know that the needs of individual lawyers vary a great deal and there is no one provider of CPD that can offer all things to all lawyers.

Read **this article** for some of the places you can look for high quality CPD.

Upcoming IMPORTANT DATES At a Glance



SEPTEMBER 1

PAYMENT DUE

2022-2023 Practising Fee (2nd Installment) for Lawyers paying by instalment

SEPTEMBER 9

BENCHER MEETING

12:00 p.m.

OCTOBER 1

PAYMENT DUE

2022-2023 Practising Fee and Insurance (2nd Instalment) for lawyers called to the Bar on June 16, 2022

OCTOBER 27

ON THE OCCASION OF THE RETIREMENT OF CHIEF JUSTICE RICHARD CHARTIER

LEGAL EDUCATION SEMINAR

1:00 p.m. to 4:00 p.m.

RETIREMENT GALA

5:00 p.m.



SEPTEMBER 30

September 30th is Orange Shirt Day and National Day for Truth and Reconciliation, a day to recognize and reflect on the legacy of residential schools.



PRESIDENT

Sacha Paul

VICE PRESIDENT

Wayne Onchulenko

CHIEF EXECUTIVE OFFICER

Leah Kosokowsky

DIRECTOR OF REGULATION

Rennie Stonyk

Mailing Address

200 - 260 St. Mary Ave Winnipeg, Manitoba R3C 0M6 - MAP

Telephone: 204-942-5571 Facsimile: 204-956-0624 Toll-free: 1-855-942-5571

Office Hours

Monday to Friday 8:30 a.m. - 4:30 p.m.

Law Society staff working remotely remain available by either email or phone during core office hours.

lawsociety.mb.ca

