



Communiqué

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FEATURED ARTICLE:

MANDATORY INDIGENOUS INTERCULTURAL AWARENESS TRAINING LAUNCHES OCTOBER 1ST:

*Filling the Gap in our Education
is Imperative for Competent
Practice*

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Image Courtesy of University of Manitoba : Archives & Special Collections
Josiah Jones Bell Fonds, Maps (MSS 157): 1869-1874 (3), Box 2, Folder 3.

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President's Report



SACHA PAUL
President

I realize that annual reports of any institution, including the Law Society, are not page turners. I have never overheard anyone in a coffee shop talk about our annual report. No one has come to me wishing to talk about the annual report. Such reports exist on the internet eagerly awaiting some bold (or bored?) person to review it.

Assuming that many in the public and in the profession have not read our annual report, I simply want to put the Mission Statement before you all. It reads:

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

Every one of the over 2,000 lawyers in Manitoba takes part in meeting this aim.

Let me be more direct. **You**, as a lawyer, maintain the aim of the Law Society each day in your practice. The hard advice you give to your client demonstrates the competence of the profession to the public. The fact you comply with trust accounting rules as money comes in and out of your trust account demonstrates the honourable nature of the profession to the public.

What's New

RULE AMENDMENTS

Respecting Language Rights in the Code of Professional Conduct

BENCHER BY-ELECTION RESULTS

GENERATIVE AI:

What is it? What are the Ethical Considerations Relating to its Use?

OVERDUE MORTGAGE DISCHARGES



Our collective competence and honour allows us, as a profession, to be independent. It allows us all to advocate zealously and ethically for our clients. Our collective independence allows the public comfort that, when we are retained, we are solely in our client's corner.

To serve the public well requires the profession to guard and maintain our collective independence. It requires people. It requires time. It requires you.

The staff at the Law Society - Leah Kosokowsky, Rocky Kravetsky, Pat Bourbonnais, etc.- work daily on our behalf to maintain our independence and to serve the public. The members of various Law Society committees and the benchers do this too. These good people leave their files on their desk to assist in the aim of the Law Society. This includes our incoming President Wayne Onchulenko and Vice President Gerri Wiebe. They will work hard leading the Law Society in the coming year.

My time as President is now coming to a close. I thank each member of the profession for allowing me to serve as a bencher and President. I thank each member of the Law Society staff for supporting and guiding me and other benchers as we meet our aim. I thank my fellow committee members and benchers for their efforts.

As my tenure ends, my commitment to the aim of the Law Society will not. Like each member of the profession (like you), I shall strive to practise competently and honourably so that our profession can continue to be regulated independently.

Masi Cho (Thank you).

Notice of Annual Meeting

The Annual Meeting of the Law Society of Manitoba will be held on **Thursday, June 22, 2023** at **12:30 p.m.** at the Law Society offices and via videoconference.

All members are invited to attend.

Please contact Pat Bourbonnais at pbourbonnais@lawsociety.mb.ca to receive the videoconference information.



CEO Report



LEAH KOSOKOWSKY
Chief Executive Officer

“
... the financial statements show a solid performance for the first ten months of the fiscal year.

On March 23rd, 2023 the benchers elected our President and Vice-President for the 2023-2024 year. Congratulations to **Wayne Onchulenko** (President) and **Gerri Wiebe** (Vice-President) who will take office at the May 18th, 2023 bencher meeting. They round out the executive table with **Sacha Paul** serving an additional year as the Past President and lay bencher **Miriam Browne** serving her final year as the Officer at Large.

At the March 23rd meeting, the benchers and staff also had the benefit of receiving a presentation from **Tamara McCaffrey** (Coordinator) and **Greg Evans** (board member) of Law(yer) Strong, the peer support program established for Manitoba lawyers and articling students. If you haven't done so already, take a moment to check out the Law(yer) Strong website lawyerstrong-mb.ca to learn of all of the fabulous supports and programs that have already been established. You can also contact Tamara through Law(yer) Strong to request a presentation for your organization or workplace.

Other business before the benchers included a discussion as to whether lawyers employed exclusively by the Government of Canada ought to be exempted from certain aspects of the national mobility rules. The benchers agreed that the proposed exemptions were appropriate. In order for them to take effect, however, the law societies in all nine common law provinces must agree.



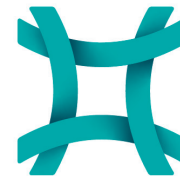
The benchers received a detailed outline of a joint project of the law societies of British Columbia, Alberta, Saskatchewan and Manitoba to develop a competency profile for all individuals at the conclusion of the articling year. It is an exciting project, the results of which will assist in the development of many potential initiatives, such as alternatives to a traditional articling arrangement and the training of principals.

Monitoring reports were delivered to the benchers on the Law Society's investment compliance and our financial statements. Although it has been a tough year for everyone on the investment front, the financial statements show a solid performance for the Law Society for the first ten months of the fiscal year.

Finally, the benchers received a report on the transition to the University of Manitoba, Faculty of Law of the Access to Justice Steering Committee and the Access to Justice Standing Committee work. While all of us at the Law Society are sad to see her leave the Law Society, the excellent access work that has been accomplished to date will continue under the direction of **Natasha Brown** at Robson Hall. Furthermore, the Law Society's commitment to access to justice remains. We will continue with our own access work and will remain a part of the broader work spearheaded by Natasha.



For further information, see the [published materials](#) for the March 23, 2023 benchers meeting.



Law(yer) Strong

Manitoba's Peer Support
Program for Lawyers

Contact Us



204-201-1764



support@lawyerstrong-mb.ca



[@Law\(yer\)StrongMB](https://twitter.com/Law(yer)StrongMB)



[LinkedIn](#)

24/7 CRISIS COUNSELLING:

204-786-8880

New Executive Members

Congratulations to **Wayne Onchulenko** who will take over from Sacha Paul as President when the benchers next meet on May 18, 2023. Joining Wayne will be the newly elected Vice President, **Gerri Wiebe**, who practises with Wasylin Wiebe in Winnipeg.



Wayne Onchulenko, President



Gerri Wiebe, Vice President

Bencher By-Election RESULTS

Congratulations to **Sarah Inness**, the successful candidate in the 2023 by-election for the City of Winnipeg electoral district!

Sarah will take her place at the bencher table once she is formally appointed by the benchers at the May 18th bencher meeting..



Call to the Bar - March 24, 2023

Congratulations to the new lawyers who were called to the Bar in a special ceremony held at the Law Courts in Winnipeg on March 24, 2023.



Special Visit

Last month our executive team was pleased to meet with the Minister of Justice and Attorney General of Canada, **David Lametti**, to discuss judicial appointments in the Court of Appeal, the work being done with the legal profession to combat money laundering and terrorist financing, and improving access to justice across the province for all Manitobans.



Left to Right: Grant Driedger, Wayne Onchulenko, Sacha Paul, David Lametti, Leah Kosokowsky, Rennie Stonyk, Gerri Wiebe

RULE AMENDMENTS

AMENDMENTS TO RULES RESPECTING LANGUAGE RIGHTS IN THE *CODE OF PROFESSIONAL CONDUCT*

At their February meeting, the benchers gave final approval to amendments to the commentaries pertaining to Rules 3.2-2A and 3.2-2B of the [Code of Professional Conduct](#). Under these rules, lawyers have a duty to inform clients of their language rights and they must not undertake a matter on behalf of a client unless they are competent to deliver the required legal services in the client's official language of choice.

The amendments were designed to assist lawyers by providing them with broader context in connection with language rights applicable in Manitoba. For example, information has been added regarding section 23 of the *Manitoba Act, 1870* and the clients' rights to full and equal access to the laws and to the courts in Manitoba in both French and English. The amendments also address s. 23.2 of the Divorce Act that grants individuals the right to commence proceedings in either official language.

The amendments were developed based on a request submitted by the Association des juristes d'expression française du Manitoba (AJEFM). They had shared with the Law Society their concerns that while the French population in Manitoba is growing due to increased immigration from French speaking countries, Manitoba lawyers are not recognizing their professional obligation to advise clients of their rights to receive legal services in French and to decline a retainer if they are not competent to provide legal services in French.

Recognizing that expanding the language of the commentaries may not be sufficient to remind lawyers of their ethical obligations relating to French language rights, it was agreed that some additional measures should be taken to educate the profession.

To that end, collaborative work will be undertaken with the AJEFM to create tools aimed at making legal professionals more familiar with access to justice in French and more aware of the practical requirements stemming from their ethical duties in respect of language rights. The following activities have been identified as appropriate for this purpose:

- A Practice Direction fleshing out the content of Rules 3.2-2A and 3.2-2B; and
- A Continuing Professional Development activity primarily tailored for an audience of lawyers who do not have the required language skills to provide their professional services in French.

The Law Society appreciates the assistance provided by the AJEFM on the wording of the amendments and looks forward to further collaboration with the Association in the days ahead.

BUILDING CONNECTIONS NETWORKING EVENT TURNS “5” *and Returns to In-Person Format*

The Law Society opened its doors once again to host a group of Indigenous law and articling students along with a group of volunteer lawyers for the 5th annual Building Connections Networking Event on March 16, 2023. The event is held in partnership with the Aboriginal law section of the Manitoba Bar Association and the Manitoba Indigenous Law Students Association. After holding the event over Zoom for the last couple years, it was great to gather together in-person again and share good company and tasty snacks provided by The Feast.

The event is a wonderful opportunity for the students to meet and mingle with lawyers from a variety of practice areas and settings. The students and lawyers engaged in several convivial rounds of speed networking and judging from the laughter in the room, it's fair to say a good time was had by all.

A big thank you to all our volunteer lawyers for participating in this important event!

Interested in learning more about this event? Contact Alissa Schacter, Equity Officer and Policy Counsel at aschacter@lawsociety.mb.ca.



GENERATIVE AI: *What is it? And What are the Ethical Considerations Relating to its Use?*



DARCIA SENFT
General Counsel
Director Policy and Ethics



We all know that the internet is an important source of information as well as a dangerous repository for misinformation ...

Technological Competence

You have probably heard about ChatGPT that was released by OpenAI last November. If you haven't heard of it, take note now. It is important that lawyers understand current technology and implications regarding its use in the delivery of legal services. Rule 3.1-2 of the *Code of Professional Conduct* ("Code") requires that a lawyer perform all legal services undertaken on the client's behalf to the standard of a competent lawyer. Commentaries 4A and 4B of that rule explain the requirement that lawyers be "technologically competent." While you are not expected to acquire the knowledge that a tech guru might possess, you are expected to keep abreast of new technologies and understand the benefits and pitfalls of using or not using such technologies in your practice.

Generative AI

ChatGPT is an example of "Generative AI" or a form of artificial intelligence that is capable of responding to queries by using large language models to obtain data from the reams of information available on the Internet. Generative AI is being touted as an impressive disruptor within modern enterprises. Currently, there are several types of generative AI, including some that are specifically targeted for use by lawyers, such as "Harvey". It seems everyone is in a race to ensure they can compete with the release of ChatGPT. Google has "Bard" and Microsoft has "Bing Chat" (which is powered by GPT-4 technology).



Things to Consider:

Accuracy, Misinformation, Biased Opinions

There has been remarkable interest shown in ChatGPT and much hype about its abilities to provide comprehensive responses to just about any question posed with incredible speed and a remarkable degree of accuracy, or so it seems. An updated version was recently made available to paid subscribers and it has demonstrated a marked improvement in terms of accuracy. For example, the latest version (ChatGPT - 4) was able to ace the LSAT and a bar exam.

For a number of reasons, care must be taken with its use. The responses provided to questions posed are based on data gleaned from the internet. We all know that the internet is an important source of information as well as a dangerous repository for misinformation as well as opinions based on incorrect or biased assumptions.

If you decide to test out the capabilities of generative AI, such as ChatGPT, you will see a warning, when you sign up, that responses may contain inaccuracies. When ChatGPT does not know the answer to a particular issue, it may provide a made-up response and these are called “hallucinations.” Sometimes, it is easy to spot such errors but the responses can also sound reasonable and be very persuasive.

ChatGPT’s responses are based on data available up to the end of 2021. As such, it would be dangerous (from both a conduct and negligence perspective) for you to rely upon answers supplied by different types of generative AI without checking and verifying information provided and conducting research to obtain current relevant information.

Confidentiality

You must also keep in mind your ethical obligation to maintain confidentiality as required by Rule 3.3-1 of the *Code*. The terms of ChatGPT state that any content shared using ChatGPT may be reviewed and is not private. It would be one thing to type in a question based on some generic facts, seeking guidance about a legal issue. But lawyers must not breach the ethical duty to maintain confidentiality as set out in Rule 3.1 of the Code by providing specific details of a client’s case or disclosing personal or confidential information that may result in a breach of that duty.



... continued

Supervision

What about your ethical duty to supervise, such as the obligation contained in Rule 6.1 of the *Code* to directly supervise staff and assistants to whom you delegate particular tasks and functions? Does that encompass the need to supervise a machine? You should take care that those in your firm using ChatGPT, lawyers and non-lawyers alike, are properly trained and understand the ethical considerations surrounding its use. If an error is made, you cannot blame the technology because it can only generate text based on patterns it learned from the data it was trained on. When it isn't trained on the data you need, remember that it is pretty adept at making up responses. You should supervise and review any output produced by generative AI and train your legal professionals to verify outputs before using them.

Effective Tool

As with any new technology, it may take some time to fully appreciate how it may be an effective tool in the delivery of legal services such that it may become expected to take advantage of it for the benefit of clients. A lawyer choosing to conduct legal research by hand today is almost unimaginable and there are cases where judges have reduced legal fees because the lawyers did not use technology effectively and efficiently to conduct research. Members of the public and many different professionals are using types of generative AI to assist them in writing reports to boards, analyzing complex fact situations to assist in arriving at a medical diagnosis and creating essays or even sonnets.



Impact on Access

There is great potential for generative AI to have an incredible impact on access to justice issues. However, concerns have been raised that there is potential for real harm if members of the public, especially vulnerable or marginalized persons, rely solely on responses based on internet-scraped data to resolve legal issues without the assistance of skills that only a competent human being can provide.

For more information about ethical issues to consider when using generative AI, [Beware of Ethical Perils When using Generative AI](#) is an informative article to review.

To learn more about generative AI from the perspective of the Law Library, check out the article in this Communiqué on [page 36](#).

MEMORY LANE 2.0

LEAH KOSOKOWSKY, Chief Executive Officer

In the March edition of the Communiqué, we included the June 1961 Winnipeg Legal Telephone Guide. Congratulations to **Allan Fineblit, K.C.** who was the first to respond and who provided the most correct list of judicial appointments of those lawyers listed in the guide. A fancy Law Society prize is on its way to Allan.

Here are the appointments that we found with the assistance of Rocky Kravetsky, Law Society historian.

Supreme Court of Canada

Brian Dickson

Manitoba Court of Appeal

Alan Philp, Roy Matas, Charles Huband, Gordon Hall, Joseph O'Sullivan

Court of Queen's Bench

Sidney Schwartz, Archibald Dewar, Scott Wright, Vernon Simonsen, Israel Nitikman, Nathan Nurgitz, Wilfred DeGraves,

Provincial Court

Ian Dubiensi, Samuel Minuk, Robert Kopstien, Edwin Kimelman, Theodore Lismer (nee Lizakowski), Robert Trudel, William Marantz, Sydney Cohan, Winston Norton, Mary Warwykow

Part-time Provincial Court

Arthur Rich, Manly Rusen, Jack Walker

Juvenile and Family Court

Roy Stubbs

Master

Gray Richardson, Ronald Cantlie



The Provincial Judges Association of Manitoba
presents
**A Cocktail Reception
Celebrating the Tenure of
Chief Judge Margaret Wiebe**

Thursday, June 15, 2023

4:30 - 7:30 p.m.

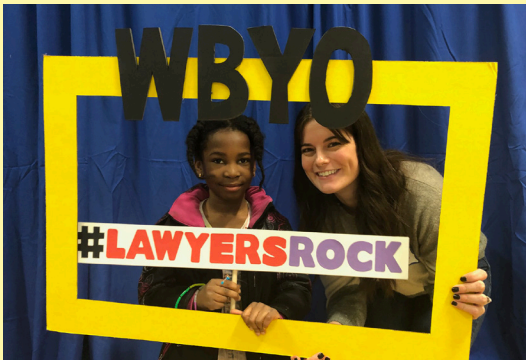
Ilavut Entrance Hall
Winnipeg Art Gallery
300 Memorial Blvd.

Tickets \$30.00

Available from Michelle.Bacon@gov.mb.ca

UPDATE: Lawyers for Literacy

West Broadway Youth Outreach is grateful to the legal community who so generously donated their time and money to the 13th Annual Read-a-Thon with the kids on Saturday, March 11th. Everyone in attendance will agree that both the WBYO kids and lawyers enjoyed a wonderful day of reading and fun.



Together we raised
\$6,293.00
in 2023!

More photos
on [pages 22 and 23](#)
in this issue!



Speak Now or Forever Hold Your Peace

TANA CHRISTIANSON, Director - Insurance

Your professional liability coverage under the current insurance policy will expire July 1, 2023. So, if you are aware of an issue which might possibly, at some point in the future, give rise to an insurance claim against you, report it now.

What should you report?

Report all files that have the potential to turn into a claim where:

- 1) You think you might have made an error or are concerned about a file;
or,
- 2) Someone is making allegations (even unmeritorious allegations) against you.

Why should I report now?

The new insurance policy only covers claims where you had no knowledge of the claim or potential claim before July 1, 2023 and could not have reasonably foreseen that a claim might arise. That means if you want coverage and are aware of a problem or have a file keeping you up at night, report before July 1, 2023 when the current policy runs out.

How should you report?

Call or email

Tana Christianson	204-926-2011	e-mail: tchristianson@lawsociety.mb.ca
Kate Craton	204-926-2012	e-mail: kcraton@lawsociety.mb.ca
Jim Cox	204-926-2024	e-mail: jcox@lawsociety.mb.ca
Will Barnstead	204-926-2013	e-mail: wbarnstead@lawsociety.mb.ca

Or, go to the [Member's Portal](#) on the Law Society website and fill in and submit a Claim Report form. If you would like a form mailed or e-mailed to you, contact:

Kristin Forbister	204-926-2047	e-mail: kforbister@lawsociety.mb.ca
Heather Vanrobaeys	204-926-2036	e-mail: hvanrobaeys@lawsociety.mb.ca

Late reporting can compromise your insurance coverage!
So speak now or forever hold your peace.

OVERDUE MORTGAGE DISCHARGES

KATE CRATON, Insurance Counsel



In British Columbia, lawyers are required by LSBC Rule 3-96 to report to the Law Society the failure of a mortgagee to provide a discharge of mortgage within 60 days of any real estate transaction. The lawyer for the buyer also has a duty to report to the Law Society the failure of the sellers' lawyer to provide evidence of filing a discharge of the seller's mortgage within that 60-day period.

Manitoba lawyers do not have a comparable mandatory reporting requirement, and would not wish for that further regulatory obligation. But anyone who practises in real estate knows that long overdue discharges of mortgage are a growing problem, with consequences going far beyond the inconvenience of being unable to close transactional files for many months. With worrisome regularity, the Claims Fund is being contacted by buyers needing to refinance ahead of rising interest rates and who find themselves unable to do so because the sellers' mortgage is still on title. Sellers' lawyers, in default of their obligation to attend to mortgage discharge within 60 days, find themselves potentially exposed to buyers' claims for damages in the form of those increased interest costs and other lost opportunities. Less frequently but with much more serious implications, we also encounter situations where the discharge has not been provided because the mortgagee cannot or will not provide one, perhaps through bankruptcy or in worst case because the funds were misappropriated and the beneficial mortgagee has not been paid. In cases of misappropriation, the longer it goes undetected, the greater the number of victims and the severity of the losses.

The existence of the BC rule highlights the importance of this issue. An outstanding discharge is not merely an administrative nuisance. It signals an unfulfilled lawyer's undertaking with liability and discipline implications for the profession. The lawyer who undertook to discharge the mortgage but cannot fulfill that undertaking is in

breach of Rule 7.2-11 of the *Code of Professional Conduct*. Reporting to the Law Society is not a substitute for your own regular follow-ups and best efforts to obtain the discharge voluntarily, but notice should be given to the Claims Fund of a mortgagee's persistent and extended non-response to repeated requests for the discharge, as it is a circumstance of potential claim against a seller's lawyer which our mandatory professional liability insurance policy requires be reported.

As for when the situation should be reported to the Claims Fund, that may vary case by case. At 60 days post-payout, the fact that the discharge is outstanding and overdue should be brought clearly to the mortgagee's attention, using the Canadian Bar Association [Contact List for Mortgage Discharge Escalation](#), where possible. Mortgagees should be reminded that:

- Section 105.1(1) of *The Real Property Act (Manitoba)* obligates a mortgagee to provide a registrable discharge of mortgage within 60 days after all obligations under the mortgage had been satisfied.
- It is an offence to commit a wrongful act under that legislation and parties who do so may be subject to penalties.
- If buyers are delayed in the funding of a new mortgage and suffer damages in the form of an increase in the interest rate, they may be entitled to look to the mortgagee for those damages.

Don't let a file sit with an undischarged encumbrance. If you acted for the seller and gave an undertaking to discharge the existing mortgages, press your clients' mortgage lender to provide the discharge, and follow-up regularly and frequently. If you acted for the buyer and the discharge is overdue, pester the sellers' lawyer. If more than a few months have passed without the discharge arriving, consider whether it is time to contact the Claims Fund.



LAWYERS NOT INSURED FOR ACTING AS LONG-TERM TRUSTEES FOR LIFE LEASES

TANA CHRISTIANSON, Director - Insurance



A recent news release by the Government of Manitoba about [modernization of life leases](#) has prompted some calls about what role Manitoba lawyers can play in life lease projects.

A life lease is a specific type of residential tenancy arrangement, generally but not exclusively targeted at the 55+ market.

Life lease tenants don't purchase their units in a life lease building. Instead, the life lease tenant pays an "entrance fee" for a unit and is granted a right of occupancy for life or for a fixed term of not less than 50 years. That entrance fee – a significant amount of money – is held in trust until the life lease is terminated, at which time the tenant or their estate receives back their capital contribution. Those entrance fees need to be held for a very long time by a qualified corporate trustee in a refund fund. A lawyer cannot be the long-term trustee of the refund funds. A lawyer who did act as long-term trustee would not have coverage under Professional Liability Insurance Policy and neither would the lawyer's firm nor innocent partners. Also, the Law Society's Reimbursement Fund would not respond if the refund funds were misappropriated.

There is a role for a lawyer as a trustee under a life lease, but only as trustee for a limited period of time during the development of a new or expanded project. Before and during the construction phase of a life lease project, a lawyer can hold entrance fees, provided that the following three conditions are met:

- 1) the lawyer is both practising and insured by the Law Society;

and

- 2) the lawyer is providing legal services to the life lease landlord in respect of the development of the residential complex;

and

- 3) the funds are deposited into the lawyer's trust account with an approved and qualified trust account supervisor.

Once construction is complete, typically within 18 months, the entrance fees must be transferred by the lawyer to a qualified corporate trustee to be held in a refund fund.

If you are currently holding entrance fees for a life lease even though construction of the life lease project has been completed, you must immediately make arrangements to transfer those funds to a qualified corporate trustee. Section 2 of Life Lease Regulation 143/99 qualifies lawyers to hold entrance fees, but only during that short period of time when they are providing legal services in respect of the construction and development of the life lease. Once the development has been completed, the lawyer no longer holds the entrance fees in a professional capacity, and so would not be entitled to coverage under either the Professional Liability Claims Fund or the Reimbursement Fund. Regulation 143/99 was enacted by the Province with a view to restricting lawyers to acting as section 19(1) trustees only. The section 19(2) refund fund is to be held and administered by a qualified corporate trustee, which is far more likely to be alive and well 50 years down the road when the tenancy terminates.

The Residential Tenancies Branch has prepared detailed materials on Life Leases available [here](#). You should also review *The Life Leases Act* C.C.S.M. c. L130 and the often-overlooked Life Lease Regulation 143/99.



Mandatory Indigenous Intercultural Awareness and Competency Training Launches October 1st: Filling the Gap in our Education is Imperative for Competent Practice



ALISSA SCHACTER



The Truth and Reconciliation Commission's Call to Action #27 speaks specifically to the duty of law societies to ensure lawyers receive appropriate cultural competency training.

The Honourable Murray Sinclair is often quoted as saying: "Education is the key to reconciliation. Education got us into this mess and education will get us out of it." Since lawyers across Manitoba have varying levels of knowledge about Indigenous history, culture and perspectives, the Law Society's benchers decided it was imperative that all legal practitioners acquire a baseline educational foundation in these issues. As you may recall reading, the benchers decided to introduce one-time mandatory Indigenous intercultural awareness and competency training for all practising lawyers in Manitoba. The mandatory training will consist of an updated version of The Path, as well as new Manitoba content. The Law Society's Indigenous Advisory Committee has been working with an Indigenous owned consulting firm, NVision, on the development of the Manitoba content over the last many months.

The online course will be introduced on **October 1st** and all practising members will have **18 months** to complete it. The course consists of six modules and will take approximately six hours to complete, but it will not need to be completed in a single sitting. The course will be available to practising members at no cost and the hours can be applied toward your mandatory continuing professional development (MCPD) requirement, including the EPPM requirement.

"I don't have any Indigenous clients. Why is this course relevant to me and my practice?"

There are a number of reasons:

- Most of us did not learn about Indigenous peoples' history, cultures and experiences in the school system or in law school. The course will begin to fill in this critical gap in our education.
- To competently represent Indigenous clients, or other clients in matters involving Indigenous people or organizations, lawyers require a basic awareness and understanding of the history of Indigenous peoples and their cultures, perspectives and governance systems. Statistics Canada estimates that by 2041, Indigenous people will comprise 20% of Manitoba's population. Given this demographic reality, you will likely act for or be involved in a matter involving an Indigenous person or organization at some point in your career.

- The Truth and Reconciliation Commission’s Call to Action #27 speaks specifically to the duty of law societies to ensure lawyers receive appropriate cultural competency training. Introducing this mandatory course responds directly to Call to Action #27. We are not alone; the law societies in Alberta and British Columbia have already introduced mandatory Indigenous intercultural awareness training, and this past March, the Law Society of the Yukon decided to do the same. Other law societies around the country are considering a similar approach.
- Law has been used as a tool to oppress Indigenous peoples in Canada and the legacy of this oppression persists. As members of the legal profession, we have a responsibility to be active participants in reconciliation and help redress the many resulting injustices. This starts with awareness and understanding.

“Do I need to take this course if I completed the CBA version of The Path?”

If you completed the CBA version of The Path, you will only be required to take the new Manitoba content, which was not part of the CBA course. The Manitoba segment of the course is approximately one hour in length.

More details about The Path will be available on our website as the launch date draws nearer.

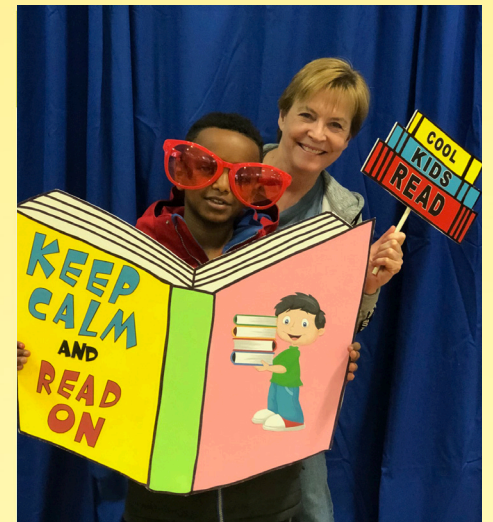
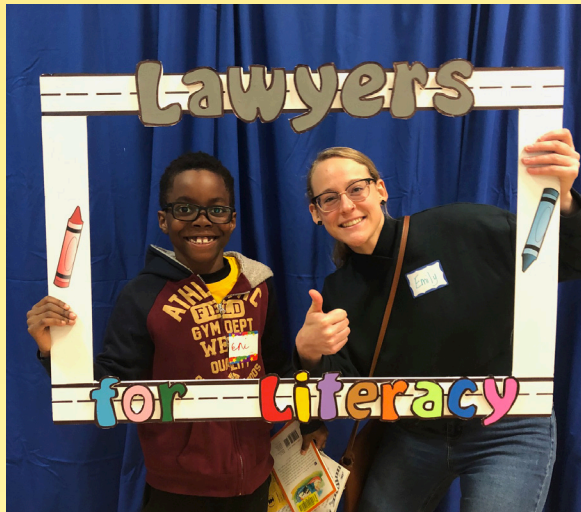
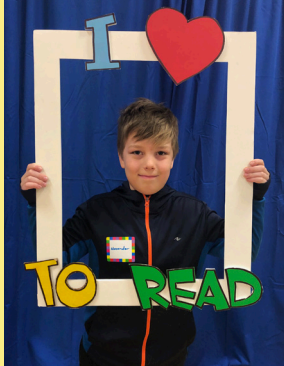


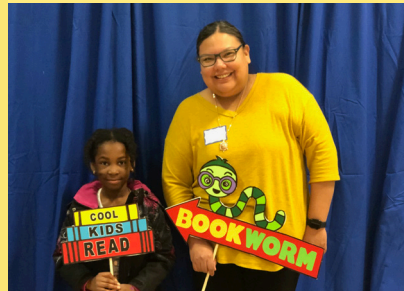
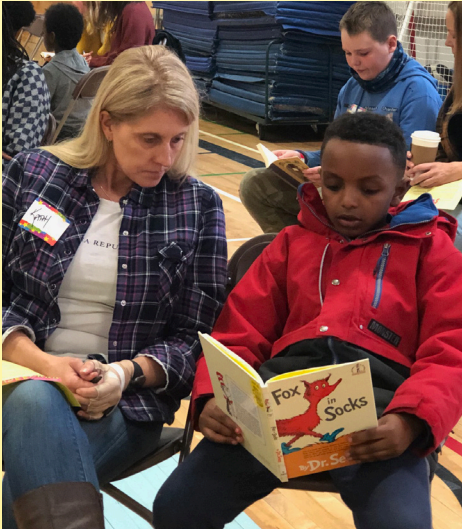
THE PATH

Your Journey Through Indigenous Canada

Art by Colleen Gray

13th Annual
LAWYERS for LITERACY
March 11, 2023







Manitoba Blue Cross

Employee Assistance and Wellness Solutions



Winnipeg
204-786-8880

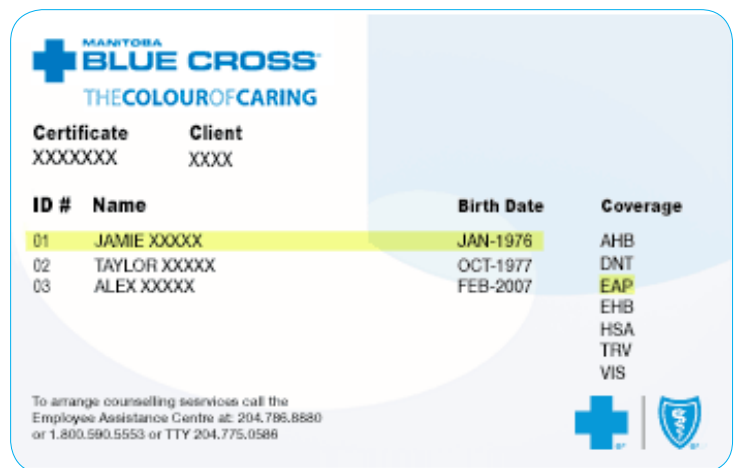
Toll-Free
1-800-590-5553

Hearing-Impaired Line
204-775-0586

Free and **confidential** services for practising lawyers, articling students and their families to support you with any well-being concerns, including financial stress, relationships, career transitions, mental health, addictions and more.

Support is available 24 hours per day, seven days a week throughout the year.

Ready to access
Online Resources
with Your
Manitoba Blue
Cross ID Card



Last month Manitoba Blue Cross issued new identification cards and mailed them to the business address of all articling students and practising Law Society members. This ID card verifies your coverage with the Manitoba Blue Cross Employee Assistance Program (EAP) and assists with easier access to all online support services.

NEW! Digital Wellness Platform from Manitoba Blue Cross

Access a wide range of health and wellness resources and services to support you – all in one central location at www.wellness.mb.bluecross.ca

Register Now



Monday Run/Walk Club

Join In!

Law(yer) Strong has been running and walking every Monday at noon all fall and throughout the winter months. Now that the weather is warmer and drier, there's no better time than now to spring into action and start a healthy habit! [Contact Law\(yer\) Strong](#) if you are interested in joining in for exercise and fresh air with other lawyers on Mondays.

Check out their website for great resources, including podcasts, and subscribe to the newsletter to keep up-to-date on new events and programs.

[LEARN MORE](#)

The [Spring Newsletter](#) is out now!

Law Society

HEALTH RECOVERY PROGRAM

Focusing on support, rehabilitation and recovery.

The program offers a positive alternative to discipline where a lawyer's conduct or competence issues are linked to health conditions, such as addiction, depression, or other mental health issues.

[Learn More](#)

DO YOU KNOW ABOUT THE CURRENT BAR ADMISSION PROGRAM?

JOAN HOLMSTROM, Director - Competence



Since 2020, articling students seeking to be called to the Bar in Manitoba have been required to successfully complete PREP – the Practice Readiness Education Program. PREP is operated by CPLED, the Canadian Centre for Professional Legal Education. PREP is a competency-based curriculum designed for students to learn, practice and improve upon the skills and competencies expected of a newly called lawyer, no matter the nature of their practice. At the end of the program, students are assessed in a four-day Capstone in which they complete written and video submissions to demonstrate their skills in the context of virtual clients with legal matters requiring services ranging from legal research to preparation of contracts, submissions to court, and negotiated resolutions.

Starting in the summer of 2023, there will be two offerings of PREP each year: Traditional PREP and Accelerated PREP.

TRADITIONAL PREP

The traditional offering of PREP starts in June with results issuing in May of the following year. Students will complete phase one on their own through self-study over the summer months. In the fall, the students will participate in phase two, a weeklong workshop during which they will start putting into practice what they learned in phase one. In phase three, students will be a part of a virtual law firm completing assignments similar to those encountered on actual files. Phase three takes place over a period of three to four months with assignments due every day or two just as they might be due on a real file. During phase three, students' work will be assessed and they will be given feedback to assist them in improving their skills. This is a formative phase of the course and it is not expected that students will be demonstrating competency on every skill that is evaluated. Students are expected to review the feedback given and to implement it going forward. Finally, in phase four, the students participate in a four-day Capstone where they must complete several assignments each day. These assignments will be assessed to determine if the students have demonstrated the level of competency of the skills expected of a newly called lawyer. If a student is unsuccessful on the Capstone, they will not be eligible to be called to the Bar until they have successfully completed a subsequently offered Capstone. Most students article while completing traditional PREP.



ACCELERATED PREP

The offering known as Accelerated PREP will start at the end of May, with the Capstone being completed by the students at the end of August. Results will issue in early October. Accelerated PREP takes all of the content and activities from traditional PREP but condenses the timeline for completion from nine months to 14 weeks. As a result, students will not be able to actively article while completing the Accelerated PREP course. Students will have to complete their articles either immediately before or immediately after the Accelerated PREP and consideration can be given to reducing the articling period from 52 weeks to 38 weeks as was done with the pilot offering of the program in 2022 for students who completed Accelerated PREP and started their articles by mid-September 2022. This allowed the three students who participated in Accelerated PREP in 2022 to participate in the Mass Call to the Bar Ceremony in June 2023.





The 2023 Mass Call to the Bar Ceremony will be held on Thursday, June 15th at 9:00 am at the RBC Convention Centre. The ceremony will be presided over by Chief Justice Glenn Joyal. All members are invited to attend. If you would like to be a part of the procession of robed members attending the ceremony, please contact jholmstrom@lawsociety.mb.ca.

There will also be ceremonies at the courthouses in The Pas on Monday, May 29th at 3:00 p.m. and in Brandon on Tuesday, June 20th at 9:00 a.m. Practitioners in those jurisdictions are invited to attend.

If you have robes or waistcoats you are no longer using, please consider permanently donating them to the Law Society for us to make available to persons getting called to the bar to wear at their Call ceremonies.

Questions About the Call Ceremony? Contact

Joan Holmstrom, Director | Competence
204-926-2017
jholmstrom@lawsociety.mb.ca.

Recruitment Guidelines for Articles Starting in Winnipeg in Spring/Summer 2024

The [recruitment guidelines](#) for workplaces looking to hire articling students to start in the spring/summer of 2024 are posted on our website.

If you have any questions, please contact jholmstrom@lawsociety.mb.ca.



PREP and ARTICLING - Important Dates

With more than one offering of the bar admission program now provided each year, and to assist with managing schedules, below you will find an overview of some of the important dates for articling students according to the applicable PREP offering.

If you have articling students in your workplace, please familiarize yourself with this table so you can be aware of the bar admission program’s demands on your students. Detailed schedules can be found [here](#).

	June 2022 Intake	December 2022 Intake	Accelerated PREP	June 2023 Intake
May 2023	Capstone Results released May 11	<p>Phase Two: Foundation Workshops</p> <p><i>Students attend week long workshops.</i></p> <p><i>Workplaces are reminded to not assign any work to students during their assigned Workshop Week.</i></p> <p>Phase Three: Virtual Firms open on May 24 with the Business Law rotation</p>	<p>Registration closes May 18</p> <p>Phase One: Foundation modules opens May 26</p>	Registration is ongoing
June 2023	<p>Call to the Bar Ceremony June 15th, 2023 at RBC Convention Centre</p> <p>Capstone Re-Assessments</p>	<p>Phase Three: Virtual Firm Business Law rotation continues</p> <p>Criminal Law rotation opens June 24</p>	<p>Complete work on Phase One: Foundation Modules</p> <p>Phase Two: Foundation Workshops</p>	Phase One: Foundation modules opens
July 2023		<p>Phase Three: Virtual Firm Business Law rotation continues</p> <p>Family and Real Estate rotation opens July 26</p>	Phase Three: Virtual Law Firm begins	<p>Registration closes July 20</p> <p>Continue work on Phase One</p>



**The Law Society
of Manitoba**

INCORPORATED 1877 | INCORPORÉ EN 1877

NOTICE OF SUSPENSION

Michael Mark Wasylin

Pursuant to a resolution of a Panel of the Discipline Committee of The Law Society of Manitoba made on March 31, 2023, **MICHAEL MARK WASYLIN** of **WASYLIN LAW OFFICE** was found guilty of professional misconduct and is suspended from the practice of law for a period of thirty (30) days, commencing on May 3, 2023 through to and including June 1, 2023.

April 11, 2023

Leah Kosokowsky
Chief Executive Officer

Issued: April 11, 2023



NOTICE OF DISBARMENT

Dean Courtney George Richert

By resolution of a Panel of the Discipline Committee of The Law Society of Manitoba, **DEAN COURTNEY GEORGE RICHERT** was found guilty of professional misconduct. He was ordered to be disbarred and his name struck from the Rolls of Barristers and Solicitors of the Society.

April 4, 2023

Leah Kosokowsky
Chief Executive Officer

Issued: April 4, 2023

IN MEMORIAM

Balmukand Kapoor, who passed away on January 30, 2023 at the age of 86. Mr. Kapoor received his call to the Bar on June 25, 1974. He practised as a sole practitioner for eight years before joining the Manitoba Public Insurance Corporation, where he served as inhouse counsel for 16 years. Mr. Kapoor retired from practice in 1997.

Marcel Andre Desautels, C.M., O.Ont., LL.D, O.M., who passed away on January 31, 2023 at the age of 88. Mr. Desautels received his call to the Bar on September 2, 1959. He served as inhouse counsel to Great West Life Assurance Company and the Treasury Board of Canada, and then moved on to other entrepreneurial and philanthropic endeavors. Mr. Desautels was a recipient of the Order of Canada, the Order of Ontario, and the Order of Manitoba. He resided in Toronto at the time of his death.

Harvey Irvin Pollock, K.C., who passed away on February 5, 2023 at the age of 89. Mr. Pollock received his call to the Bar on October 1, 1958. He began his career serving as inhouse counsel to the Children's Aid Society of Winnipeg. From 1961 to 1968 he practised as a sole practitioner and then opened the firm known today as Pollock & Company, where he continued to practice up to the date of his death. Mr. Pollock was appointed King's Counsel in 1970 and in 2009 was recognized by the Law Society for having practised law for 50 years.

Donald Andrew Slough, who passed away on February 7, 2023 at the age of 37. Mr. Slough received his call to the Bar on June 16, 2016. He served as a crown attorney with Justice Manitoba - Public Prosecutions up to the date of his death.

Garry Ruben Samaria Micflikier, who passed away on March 5, 2023 at the age of 74. Mr. Micflikier received his call to the Bar on June 25, 1974. He practised as a sole practitioner and as an associate with several Winnipeg firms during the course of his career which spanned 49 years. Mr. Micflikier was a practising member at the time of his death.

Notice of Benchers' Meeting

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

Thursday, May 18, 2023
at 12:30 p.m.
at the Law Society offices
and via videoconference.

The dates of future meetings of the benchers are as follows:

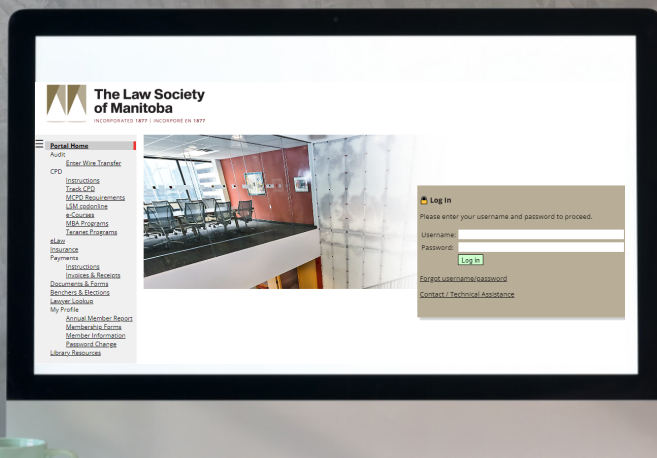
- June 22, 2023
- September 7, 2023
- November 2, 2023
- December 14, 2023
- February 8, 2024
- March 21, 2024
- May 16, 2024
- June 27, 2024

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 pbourbonnais@lawsociety.mb.ca.

Agenda and meeting minutes are published on the website [here](#).

Practising Fees - Receipts



Receipts for the April 2023 practising fee payments are now available in the Member's Portal.

Membership Changes

Inactive to Practising:

April 1, 2023	David M.R. Bruni
April 1, 2023	Afolaki O. Koyi
April 3, 2023	Kira Petersson-Martin
April 3, 2023	Connor D.P. Henry
April 3, 2023	Jill K. Duncan

Practising to Inactive:

March 10, 2023	Carolyn G. Reimer
March 21, 2023	Gary W. Goodwin
March 24, 2023	Kathleen E. Tokaruk
March 28, 2023	Shawn E. Arksey
March 30, 2023	Rebecca C. Akong
March 30, 2023	David A. Grohmueller
March 31, 2023	Charles L. Chappell
March 31, 2023	J. Douglas Sigurdson
March 31, 2023	Jack M. Rabkin
April 1, 2023	Steven A. Gingera
April 1, 2023	Janet V. Sigurdson
April 1, 2023	Sharon M. Boonov
April 1, 2023	Nora C. Fien
April 1, 2023	Jan Barak
April 3, 2023	Kevin M. Warkentin
April 3, 2023	Bradley J. Favel
April 4, 2023	Moyosore Olumola-Davies
April 11, 2023	Kelly A. Hjorth
April 13, 2023	Aaron B.D. Starr

Practising to Non-Practising:

March 10, 2023	Brittany K. Rankine
March 20, 2023	Mathew P. Good
March 21, 2023	Jessica L.M. Isaak
March 31, 2023	R. Beverley Mulholland
March 31, 2023	Robert C. Arthur
March 31, 2023	Philip H. Sieklicki
April 1, 2023	Robert R. Fabbri
April 1, 2023	Angel D. Koniuck
April 1, 2023	Richard K. Deeley, K.C.
April 1, 2023	Danielle J. Dubois
April 1, 2023	Derek A. Booth
April 3, 2023	Chelsey Morgado
April 3, 2023	Samantha J. Goodine
April 5, 2023	Lori A. Hunter
April 6, 2023	Steven M. Stadnyk
April 8, 2023	Kelsey M. Yakimoski
April 11, 2023	Anostin V. Grieves
April 12, 2023	Rachel J.O. Smith
April 13, 2023	Jeffrey D. Nichols

Non-Practising to Practising:

March 31, 2023	Ketki D. Purohit
April 10, 2023	Krista D. Klassen
April 13, 2023	Reanna N. Blair

New Admissions:

April 3, 2023	Sushil Simoliya
April 3, 2023	Christopher J. Abtosway
April 13, 2023	Vasilis F.L. Pappas

Update your membership information by using the [Member Forms](#) located in the For Lawyers, Membership Services section of the Law Society's website.

Practice Resources >>>



NEW! EDUCATION CENTRE RESOURCES

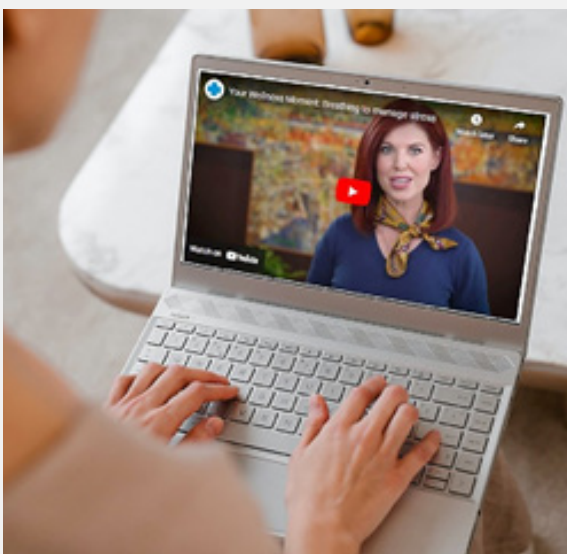
Practice Management - Cyber Security Resource Library

Explore useful content from various sources in a variety of formats, from articles and infographics, to quizzes and videos that have been curated especially for you. Also find our featured Cyber Security Awareness Bytes to help you and your staff block cyber criminals.

[Learn More](#)

Health and Wellness Resource Library

Resources from the Law Society, Manitoba Blue Cross and other Partner Organizations



NEW! Digital Wellness Platform from Manitoba Blue Cross www.wellness.mb.bluecross.ca

From one central location you can now access:

- Counselling support
- Relationship learning program
- Yoga and meditation program
- Sleep assessment
- Budgeting and financial self-directed courses
- And much more

[Learn More](#)

For curated content, tips and resources to help YOU, start by taking a quick 10-minute [wellness assessment](#).

GREAT LEXPECTATIONS

KAREN SAWATZKY, Director - Legal Resources

GEORGE ROY, Legal Information Professional

*DO CHATBOTS DREAM OF ELECTRIC SHEEP?*ⁱ

Libraries are no strangers to changing technology. While the ubiquitous image of a room full of books and hushed voices remains a stereotypical view, libraries have updated their collections with online content, pivoted services around digital resources, and adjusted to how information delivery has changed. So the sudden rise of Artificial Intelligence doesn't surprise us that much. It's even been around longer than you might think.

A recent Canadian decision *Haghshenas v. Canada (Citizenship and Immigration)*, [2023 FC 464](#), brought up the use of automated software in immigration decision making. The software has been around since 2018, and concerns began almost right away. One [article](#) mentions that after its implementation,

Study visa refusal rate jumped from 34% in 2018 to 40% in 2019. Furthermore, refusal rate has increased from 40% to 53% in 2020. Also, the study permit refusal rate for India has increased from 34% in 2018 to 57% in 2020.ⁱⁱ

Maybe even more concerning may be the use of ChatGPT in actual decisions. A [Columbian judge](#)ⁱⁱⁱ

... asked ChatGPT the precise legal matter at hand: "Is an autistic minor exonerated from paying fees for their therapies?"

In both of these instances, the use of software was justified in the name of efficiency.

Our library has been using and offering artificial intelligence resources for several years through the [Vincent AI](#) assistant on vLex. While you cannot "chat" with Vincent, uploading a memo into Vincent lets the AI look for decisions you may have missed in your original research. Lawyers must be aware of their ethical obligations to client privacy by stripping any memos of personal identification before uploading as the assistant will be using these documents to grow its knowledge base.

Great Library

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

For assistance, please contact us by phone 204-945-1958
or email at library@lawsociety.mb.ca.

In 2022 the federal government introduced the [Digital Charter Implementation Act, 2022](#)^{iv} to help [reduce dangers of misuse and guide a positive integration](#)^v with this new technology.

In the same way that the internet won't get rid of libraries, chatbots and AI [won't be replacing lawyers anytime soon](#)^{vi}. Powerful tools still need human verification (see [chatbot hallucination](#)^{vii}). Just as you wouldn't rely on a summary of a decision to include in a factum or brief, you wouldn't rely on a memo developed through an artificial intelligence tool without reviewing the source materials.

Artificial intelligence is here to stay. Be aware of the new tools being developed, but be wary as well.



ⁱ Apologies to Phillip K. Dick.

ⁱⁱ Satinder Bains. **Know about "Chinook" – IRCC Tool to Speed up Processing!** Immigration News Canada, 1 September 2022, viewed 13 April 2023.

ⁱⁱⁱ Luke Taylor. **Columbian Judge says he used ChatGPT in Ruling.** The Guardian, 3 Feb 2023, viewed 13 April 2023.

^{iv} *An Act to enact the Consumer Privacy Protection Act, the Personal Information and Data Protection Tribunal Act and the Artificial Intelligence and Data Act and to make consequential and related amendments to other Acts*, First reading completed June 16, 2022.

^v **The Artificial Intelligence and Data Act (AIDA) – Companion Document.** Canada – Innovation, Science and Economic Development Canada. Date modified: 13 March 2023, viewed 13 April 2023.

^{vi} Zena Olijnyk. **ChatGPT May Improve Access to Justice, But Won't Replace Lawyers: Law Commission of Ontario Webinar.** Law Times, 15 March 2023, viewed 13 April 2023.

^{vii} **Hallucination (artificial intelligence).** Wikipedia, viewed 13 April 2023.



The Manitoba Law Library is on Twitter!
Follow us [@MBLawLibrary](#) for the latest updates on
essential legal information and resources.

Resources

NEW BOOKS

The popular Emond **Criminal Law Series** includes a new title: ***Witness Preparation, Presentation and Assessment*** by Justice Cameron Gunn, Mona Duckett and Patrick McGuinty. From the publisher:

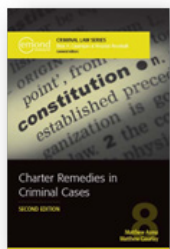
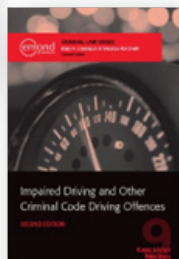
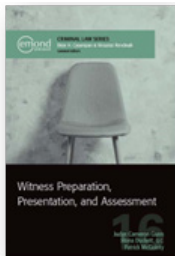
A critical component of virtually every criminal trial, witness testimony has the power to make or break your theory of the case. Incorporating insights from Crown, defence, and judicial perspectives, *Witness Preparation, Presentation, and Assessment* offers readers practical guidance on handling the myriad of legal issues that may arise in the preparation, presentation or assessment of witnesses.

[Emond](#) has also added new editions of other titles with the second editions of ***Impaired Driving and Other Criminal Code Driving Offences*** (Karen Jokinen and Peter Keen) and ***Charter Remedies in Criminal Cases*** (Matthew Asma and Matthew Gourlay). All of these titles, along with the rest of the award-winning **Criminal Law Series** are available by signing in to the Members' Portal and clicking on "Library Resources" at the bottom of the left hand navigation pane.

The Irwin Law collection (available on the vLex platform) has the following new publication:

The 2023 Annotated Mental Health Provisions of the Criminal Code, Part XX.1, an excerpt from the recently published ***Annotated Ontario Mental Health Statutes, 5th ed.*** (Richard D. Schneider)

We strive to provide a relevant curated collection of legal resources in both print and online formats. If there are any titles in particular that you think we should be carrying, please let us know.



eLex

Have you had a chance to review eLex? This is a monthly newsletter available to all members of the Law Society of Manitoba. It provides a quick summary of the state of the law in Manitoba, summarizing the latest decisions, the status of legislation, and selected articles of interest to the practising bar. It's easy to skim or read in depth. If you'd like to subscribe, let us know by emailing library@lawsociety.mb.ca.

To learn more visit: lawlibrary.ca/elex/.

CPD Events and Resources

Upcoming Programs

2023 Joint Wills and Estates Program: Estate Administration Fundamentals

*Jointly presented by The Law Society of Manitoba and
The Manitoba Bar Association, Wills, Estates and Trusts Section*

May 12, 2023
9:00 a.m. - 4:15 p.m.

[Register](#)

This one-day program covers estate administration fundamentals from A-Z. Topics include:

- Opening a file (and what to ask before you do!);
- Probate registry process and forms;
- Advising personal representatives;
- Administration before and after probate;
- And much more!

There are limited spots available in the Law Society classroom, so be sure to register early if you wish to attend in-person.

Northern Bar CPD

to be held in Thompson, MB

June 2, 2023

[Register](#)

Cyber Security

New Cyber Security Awareness Byte

Our new [Cyber Liability Byte](#) covers six things you can and should do to improve your cyber security.

Coincidentally, they also satisfy the conditions of your mandatory cyber policy.

Don't delay!

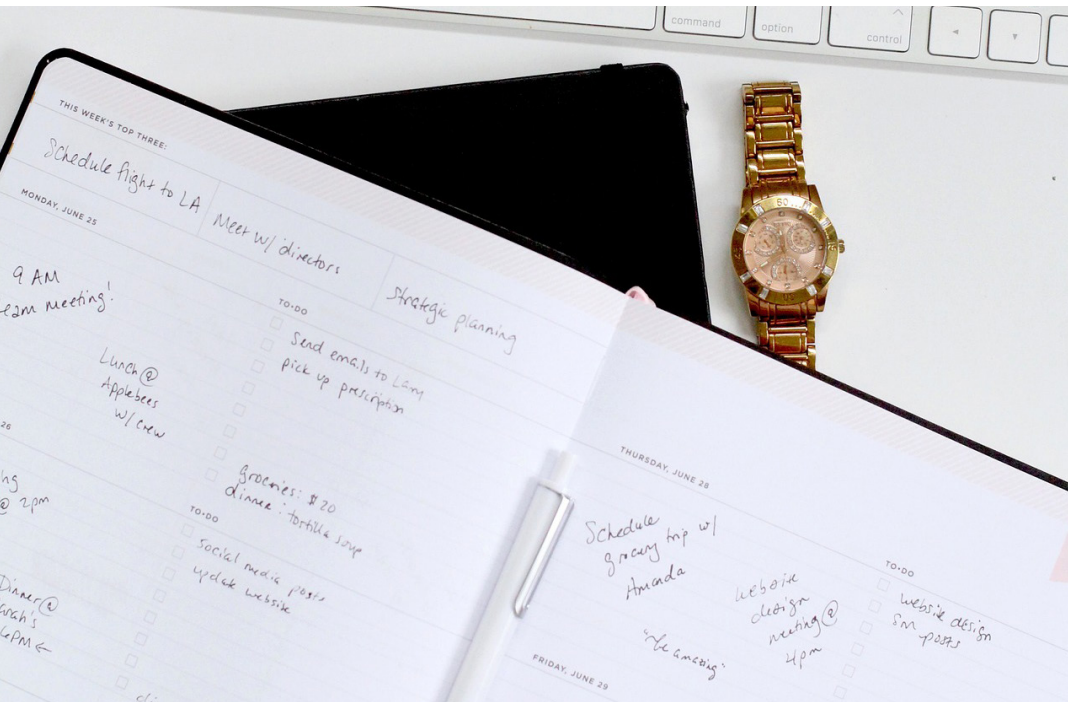
- Access the Byte on demand.
- Apply it your MCPD requirements.
- Share it with your staff.



Take the [Cyber Liability Byte](#) today!

The Cyber Liability Byte (and our first Byte about Phishing) can also be accessed from our new [Cyber Security](#) resources page on the Education Centre website.

Upcoming IMPORTANT DATES At a Glance

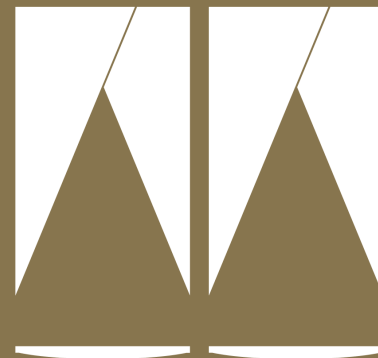


MAY 18
BENCHER MEETING
12:30 p.m.

JUNE 15
CALL TO THE BAR
RBC Convention Centre
9:00 a.m.

JUNE 22
**ANNUAL MEETING
AND
BENCHER MEETING**
12:30 p.m.

JULY 3
PAYMENT DUE
2023-2024 Insurance Payment



PRESIDENT
Sacha Paul

VICE PRESIDENT
Wayne Onchulenko

CHIEF EXECUTIVE OFFICER
Leah Kosokowsky

DEPUTY CEO
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.

lawsociety.mb.ca

