



Communiqué

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PRESIDENT'S REPORT

WAYNE ONCHULENKO

What's New

**NEW EXECUTIVE and
Bencher Election Results**

**GENERATIVE ARTIFICIAL
INTELLIGENCE**
Guidelines for Law Practice

DON'T MISS THE LIMIT
The Limitations Act

By the time you read this you will have a newly elected group of benchers. Congratulations to all who have put their name forward.

I have enjoyed my year as President, as well as all my years as a bencher. I have many Law Society of Manitoba volunteers and staff to thank. Most volunteers hope that the time spent volunteering is productive. For me, this goal has been exceeded each year.

Kris Dangerfield and Leah Kosokowsky have been great leaders, and the management team has always made it easy for benchers to do as much as they are able. My co-executive members over the past couple years (Sacha Paul, Gerri Wiebe, Grant Driedger, Miriam Browne, Leah Kosokowsky, and Rennie Stonyk) have been teachers, supportive, and fun.

Thank you to my firm and family for agreeing to let me tilt at a few windmills when I probably should have been taking care of business at home and at my home away from home.

The Law Society has a great working relationship with the Law School through Dean Jochelson and with the Manitoba Bar Association, first with Stacey Nagle and now with Michelle Falk and other executive members (both Brad and now John have been national presidents during my time).

We also continue to build our positive and collaborative relationships with our provincial and federal governments by looking to partner on initiatives that aim to improve access to justice in Manitoba.

PRESIDENT'S REPORT continued...

Here are some of the highlights from the past couple years:

The Law Society has developed and launched a self-assessment tool, and has updated the online practice management resources and practice area fundamentals. The Health Recovery Program is operational. Ongoing work in health and wellness has resulted in the establishment of the peer support program, Law(yer) Strong. The Law Society has also delivered a number of programs for a retirement series.

Following outreach sessions and surveys conducted with the public and community organizations, the Law Society developed a regulatory sandbox for the delivery of legal services by individuals and organizations which are not traditional lawyers or law firms. In addition, the Law Society rules have been expanded to allow for charities, not-for-profit and stand-alone pro bono clinics to deliver legal services to their clients on a pro bono basis, with some regulatory oversight.

The Law Society is currently engaged with the University College of the North and the Faculty of Law to determine how it might support students who enroll in the UCN pre-law program that is under development.

The mandatory Indigenous intercultural awareness and competency program, The Path, was launched in October 2023. To date, the response has largely been positive. The part-time practising fees pilot was successful in its first two years and has been extended for an additional three years.

What I have learned:

The Law Society helps a lot of people, many of them lawyers. While its most prominent role may be discipline (thus the fear caused by a letter from the Law Society), discipline represents a small component of the Law Society's role. The above-mentioned highlights provide a broader representation of the work being done.

Your elected and appointed volunteers are engaged and hard working. The benchers have always tried to "stay in our lane" by focusing on our mandate to protect the public interest.

New challenges are on the horizon, including the newly tabled legislation in British Columbia which proposes the establishment of a single regulator for lawyers, notaries public and independent paralegals. We support the concerns raised by the Law Society of British Columbia that the proposed legislation encroaches on the independence of the legal profession.


You are in good hands with your new President, Gerri Wiebe, and the always thoughtful Law Society team as they address these challenges and continue their work to fulfill the mandate of protecting the public interest by an independent regulator.

Thank you for the honor of having been able to serve you. I look forward to my year as Past President.

**Take the Next Step
Connect with**



All contacts are confidential

 204-201-1764

 support@lawyerstrong-mb.ca

 www.lawyerstrong-mb.ca



CEO'S REPORT LEAH KOSOKOWSKY

“
... we remain concerned
about the government's
intrusion into the
independence of the
legal profession and the
independence of the legal
regulator.”

When the benchers last met on March 21, 2024, they elected the President and Vice-President of the Law Society for the 2024-2025 year. I am very pleased to announce the election of **Gerri Wiebe, K.C.** as President and **Christian Monnin** as Vice-President and I look forward to working closely with both of them over the next year.

The benchers also approved, in principle, the Law Society's plan to permit lawyers to move funds electronically out of their trust accounts. The Law Society's Deputy CEO, **Rennie Stonyk** and Director of Audit, **Kathy Levacque** are working closely with a consultant to develop parameters and controls and will return to the benchers with specific recommendations. Stay tuned for further developments on this exciting project.

Following a rigorous consultation with focus groups across the western provinces, the advisory group delivered the final recommendations to the benchers regarding a Western Canada Competency Profile for entry to practice. The benchers approved of the profile and, if it is approved by all participating jurisdictions, it will be rolled out to the profession along with education and guidance regarding its application to the articling program. Many thanks to Rennie Stonyk, who was the project lead for Manitoba and to Task Force members **Kelli Potter, Lisa Stiver, K.C.** and **Mark Alward** for their hard work and leadership.

A monitoring report from the Admissions and Membership Department was received by the benchers which detailed the department's operations, but focused largely on the latest proposed regulations of the provincial government under *The Fair Registration Practices in Regulated Professions Act*. While the Law Society is confident

CEO REPORT continued...

in its ability to meet the proposed regulations, we remain concerned about the government's intrusion into the independence of the legal profession and the independence of the legal regulator. In particular, one proposed regulation purports to set the language proficiency requirements for internationally trained lawyers seeking registration to practice law in Manitoba. The Law Society continues to voice its concerns to the Fair Registration Practices Office.

The Law Society remains committed to remove barriers for internationally trained lawyers and recently collaborated on a networking event with the Manitoba Bar Association's new subsection for internationally trained lawyers. We were very pleased to host approximately 50 individuals at various stages of their journey and were thrilled at the level of engagement by the profession. See event photos on page 8.

The Law Society is also an active participant in a national committee that is seeking to establish a consistent good character requirement for entry to practice across all Canadian jurisdictions.

The benchers have been closely monitoring a development in British Columbia regarding the proposed establishment of a single legal regulator for lawyers, notaries public and independent paralegals. Bill 21 was tabled in the BC legislature on April 10, 2024 and while it has laudable goals, we are very concerned about the intrusion into the independence of the legal profession and the ability of lawyers to vigorously represent the public in opposition to government action. The Law Society of British Columbia has communicated its intent to litigate should the Bill pass in its current form and the Law Society of Manitoba has communicated its support for the position of the Law Society of British Columbia.

The 2024 bencher election has concluded and we were pleased to observe the number of candidates vying for seats in the City of Winnipeg electoral district, along with contests in the Northern and Dauphin-Central electoral districts. You can check out the results of the election on the following pages.



Notice of Annual Meeting

The Annual Meeting of the Law Society of Manitoba will be held on **Thursday, June 27, 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.

New Executive Members

Congratulations to **Gerri Wiebe, K.C.** who will take over from Wayne Onchulenko as President when the benchers next meet on May 16, 2024. We extend warm congratulations to her as our 104th president. Gerri practises with Gindin Wiebe Segal Law in Winnipeg. She will be joined by the newly elected Vice President, **Christian Monnin** who practises with MLT Aikins LLP. They will commence their official duties at the May 2024 bencher meeting.



Gerri Wiebe, K.C., President



Christian Monnin, Vice President

New Benchers

Congratulations to the new slate of benchers elected on May 1, 2024. We are pleased to welcome new benchers **Kathrine Basarab** and **Josh Weinstein** (both from the Winnipeg Electoral District), **Kassy Baker** (Dauphin Electoral District), **Simon Jack** (Northern Electoral District) and **Trent Sholdice** (Western Electoral District).

Congratulations go out to the following:

Elected Benchers



Kathrine Basarab



Kyle Dear



Sharyne Hamm



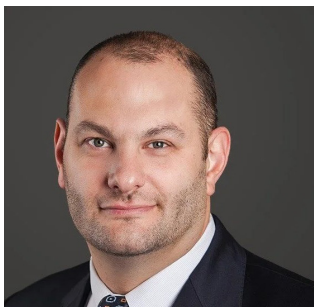
Ken Mandzuik



Christian Monnin



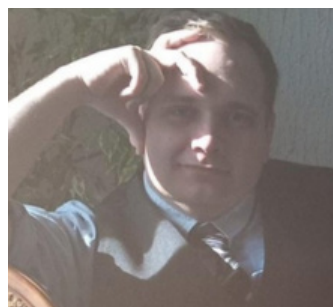
Leah Unruh



Josh Weinstein



Kassy Baker



Simon Jack

Benchers by Acclamation

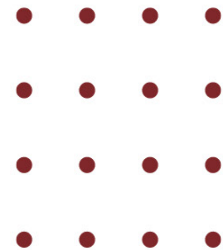


Trent Sholdice



Mathieu Lafreniere

CONNECTIONS FOR SUCCESS



Internationally Trained Lawyers Networking Event

Together with the Manitoba Bar Association, the Law Society was delighted to sponsor the first official Internationally Trained Lawyers (ITL) Section Networking Event on Wednesday, April 10th. Congrats to MBA Section co-chairs Chidera Anadi-Mbanefo and Ayodeji Olunlade for leading this fantastic event, encouraging connection, camaraderie and community. The room was buzzing with energy, with approximately 50 participants, including guest speakers Lara Badmus, Jason Gisser, Tolu Odupe and Wayne Onchulenko. Looking forward to the next community building ITL event!

Research
Project

CALLING FOR CRIMINAL DEFENCE LAWYERS

Manitoba Criminal Defence Lawyers are invited to take part in a short survey to assist with advancing knowledge of legal representation for marginalized litigants and help improve access to justice.

The aim of the survey is to ask defence lawyers across Canada about their experiences in order to understand how social context is taken into account in practice and in court proceedings.

Learn More



Take the Survey

Health and Wellness Resource Library

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

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

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



Learn More

UPDATE: Lawyers for Literacy

West Broadway Youth Outreach is grateful to the legal community who so generously gave their time and donated towards the 14th Annual Read-a-Thon held on Saturday, March 16th. Both the WBYO kids and lawyers enjoyed a wonderful day of reading. It's hard to tell who had more fun.

Together we raised
\$5,630.00
in 2024!

 **VIEW VIDEO**



Plan to volunteer next year and invest a few hours to make a positive impact in the next generation.

Photos on pages 18 and 19 in this issue!



**The Law Society
of Manitoba**

INCORPORATED 1877 | INCORPORÉ EN 1877

We're Hiring!

AUDITOR INSPECTOR

Audit

We are looking for a Chartered Professional Accountant to join our Audit Department.

Do you know someone motivated by the challenging work of learning different business processes and financial components of varying legal matters? Do they have an inquisitive nature and interest in compliance? Share this incredible opportunity with others who might be interested. Note audit experience is considered an asset but not a requirement for the position. [View the full job posting here.](#)

Application Deadline: Friday, May 10, 2024

GENERATIVE ARTIFICIAL INTELLIGENCE

Guidelines

For Use in the Practice of Law



We are all hearing about Artificial Intelligence (AI) – in particular “Generative AI” - and how it may impact legal practice. While there is rapid development which seems challenging to keep pace with, it may be helpful to keep in mind the basic principles that ground your professional responsibilities.

To assist you, the Law Society has prepared [Guidelines for Use of Generative Artificial Intelligence in the Practice of Law](#) for your consideration as you assess how you may use Generative AI in a manner consistent with professional obligations set out in the *Code of Professional Conduct (Code)*.

The Guidelines include definitions of the terms used in AI discussions and also some notes about the benefits and risks to consider before using Generative AI when delivering legal services. They also provide examples of how the use of Generative AI in your legal practice connects to your *Code* responsibilities, such as obligations to:

- 1. Be Technologically Competent**
- 2. Maintain Confidentiality**
- 3. Guard Against Discrimination, Harassment, Bias**
- 4. Supervise**
- 5. Treat Tribunals with Candour and Respect**
- 6. Comply with Applicable Laws and Rules**
- 7. Communicate with Clients**
- 8. Charge Appropriately**

Please take a look at these [Guidelines](#).

If you have questions, do not hesitate to contact contact the Law Society for guidance at 204-942-5571.

DON'T MISS THE LIMIT: *The Limitations Act*

TANA CHRISTIANSON, Director - Insurance



September 30, 2024 is an important date for limitation periods in Manitoba because it marks the end of the transition from the old *Act* to the new.

After September 30, 2024, all that will matter is *The Limitations Act* (which came into force September 30, 2022, with some later tweaks effective May 30, 2023). At the end of this article, you will find a list of important things to do before September 30, 2024.

The New Act - Highlights

Basic Limit

- There is a basic limitation period of two years from the date the claim is discovered, no matter what the cause of action – tort, contract, other.

Ultimate Limit

- Most claims will now have an ultimate drop-dead limitation period of 15 years, regardless of the date they were discovered.
- On aboriginal claims, the ultimate limit is 30 years.
- A limited class of claims have no ultimate limitation, including sexual assault and assault by a person in an intimate or dependent relationship.
- Certain debtor/creditor claims live for longer than 15 years (see section 18(1)) but review the *Act* carefully to see how they apply to the files on your desk.

Limitation Periods in Other Acts

- If there are limitation periods contained in another Act, those would take precedence over *The Limitations Act*.
- And don't forget those *Acts* with very short notice requirements like those under *The Municipal Act* or *The City of Winnipeg Act*.

Direction from Case Law

- The wording in our new *Act* is similar, but not identical, to legislation in a number of Canadian provinces.
- Unfortunately, the wording is just different enough from these other statutes that case law interpreting other provinces' legislation might be distinguishable by the Manitoba courts.

When does the Clock Start Ticking?

A claim must be commenced within two years from the day the claim is discovered.

In most cases, the injury/loss/damage is going to be discovered on the day it occurs. However, what "discovered" means will need to be judicially considered. **Important** – damages do **not** need to be crystalized.

What does Discovered Mean?

Section 7 reads as follows:

- 7) A claim is discovered under this *Act* on the day the claimant first knew or ought to have known all of the following:
 - (a) that injury, loss or damage has occurred;
 - (b) that the injury, loss or damage was caused by or contributed to by an act or omission;
 - (c) that the act or omission was that of a person against whom the claim is or may be made;
 - (d) that, given the nature and circumstances of the injury, loss or damage, a proceeding would be an appropriate means to seek to remedy it.

Helpful SCC Case

[Grant Thornton LLP v. New Brunswick, 2021 SCC 31 \(CanLII\)](#)

- The Supreme Court considered when the plaintiff had actual or constructive knowledge of the material facts to draw a plausible inference of liability.
- A plaintiff must only have knowledge of the material facts that a loss occurred that was caused or contributed to by the defendant. The plaintiff does not need knowledge of all the material facts necessary to satisfy each element of negligence, including breach of the standard of care.
- Both direct and circumstantial evidence can be used to assess the plaintiff's state of knowledge.
- A plaintiff will have constructive knowledge when the evidence shows the plaintiff ought to have discovered the material facts by exercising reasonable diligence.
- The limitation period doesn't just start when the plaintiff knew there was damage, but when the plaintiff ought to have known there was damage.
- The onus is on a plaintiff to be proactive in investigating a situation.
- Plaintiff's failure to take appropriate investigations within a reasonable time frame will not protect the plaintiff from having brought an action out of time.

Another Instructive Case

[Hamilton \(City\) v. Metcalfe & Mansfield Capital Corporation, 2012 ONCA 156 \(CanLII\)](#)

looks at what 'damage' and 'damages' mean in limitation litigation.

"Damage is the condition of being worse off as a result of the act or omission".

"Damages is the monetary measure of the extent of that loss."

"The fact that the plaintiff did not know the extent of its loss does not prevent the cause of action from having accrued."

To suffer damage, the potential plaintiff merely needs to be in a worse condition as a result of the act or omission. They do not need to crystalize their loss, or have an understanding of the measure of the loss (damages). This means, as counsel, you may not be able to wait for an expert opinion or an estimate of repair costs.

Transition Considerations – Things to do Before September 2024

All claims discovered before September 30, 2022 should be filed before September 30, 2024

The Limitations Act s. 31(3) says, if your client's claim was discovered before September 30, 2022, the Statement of Claim must be filed

before the earlier of

(a) September 30, 2024; and

(b) the day the limitation period under the former Act expires or would expire.

There is an exception for sexual assault and assault in an intimate partner or dependant relationship [see section 18(1)-(3)] and to certain debtor-creditor proceedings [s. 18(1)].

If it is not immediately clear when a claim was discovered:

When you are first retained, it might be difficult to come to a confident opinion about when a claim was discovered and when the two-year clock started ticking. So:

- 1) File the action as quickly as possible.
- 2) If you want to postpone the filing of an action for whatever reason, seek a written agreement to extend (a standstill or tolling agreement). This extension won't be effective against parties who did not agree to the extension.
- 3) Explain to your client that the Act is new, has not been considered by the court, and that determining when the limitation period starts is not yet certain. Put this in writing. Include it in your retainer letter. Manage the client's expectations.
- 4) Make sure your client understands that they must give you all the information they have about the events giving rise to a claim as soon as possible. Their delay prior to retaining you may have already put them outside the limitation period.

Shorter limitation periods mean that the pace of litigation will just get faster.

The Limitations Act, in conjunction with Manitoba Court of King's Bench dismissal for delay rules, reinforces the idea that the ball is always in the plaintiff's court. So, plaintiff's counsel, don't delay in commencing actions, and don't delay in prosecuting actions.



Watch for more education resources to come on this topic. In the meantime, there is a CPD on [The New Limitations Act available in CPDOnline](#) which was recorded in April 2022 prior to the Act coming into force.

Thank You

For Your Contribution

The Law Society would like to extend its deepest thanks for all the hard work and significant amount of time the members of our **Indigenous Advisory Committee** devoted to the development of the Manitoba content for *The Path*. Their expertise, thoughtfulness, and attention to detail were invaluable and the Law Society is extremely appreciative.

Thank you for your hard work on this very important project, as well as your ongoing contributions to the work of the Indigenous Advisory Committee:

The Honorable Murray Sinclair, C. C., M.S.M. LL.B
(*Chairperson*)

Jessica Saunders (*Vice Chair*)

Desiree Dorion

E. J. Fontaine

Eva Wilson-Fontaine

Kenneth Mandzuik, K.C.

Elissa Neville

Sacha Paul

Frankie Snider

To honour the contribution of the Indigenous Advisory Committee members, a donation has been made to the Law Class of 1980 Bursary in support of Indigenous undergraduate students in the Faculty of Law at the University of Manitoba.



Have Your Say in the 2024 Articling Survey

Are you a current articling student, new lawyer (under five years of call), principal, firm recruiter or mentor of articling students?

We Need Your Input!



The Law Society of Manitoba (in conjunction with the law societies of Alberta, British Columbia and Saskatchewan, and the Nova Scotia Barristers' Society) is seeking feedback on the types of training and mentoring articling students are receiving, issues related to discrimination or harassment and how prepared articling students feel to practice law in the 21st century.

In 2019, we conducted a similar survey with Alberta and Saskatchewan and have now developed a revised version to capture additional information that may be relevant in 2024. Given the scope and impact of the information gathered in 2019, it is important to follow up and do comparative analysis to understand if progress has been made on any key issues and what challenges still need to be addressed.

Once again, we will conduct two surveys tailored to each distinct audience to pinpoint parallel issues within the articling system and gather the unique perspectives of both:

1. **Students** - articling students and new lawyers (under five years of call), and
2. **Mentors** - principals and recruiters

Your experiences and feedback as an articling student, new lawyer, principal, recruiter or mentor are extremely important to help us further our understanding. We strongly encourage members who have been significantly involved in the articling process to participate and have your say by completing a survey.

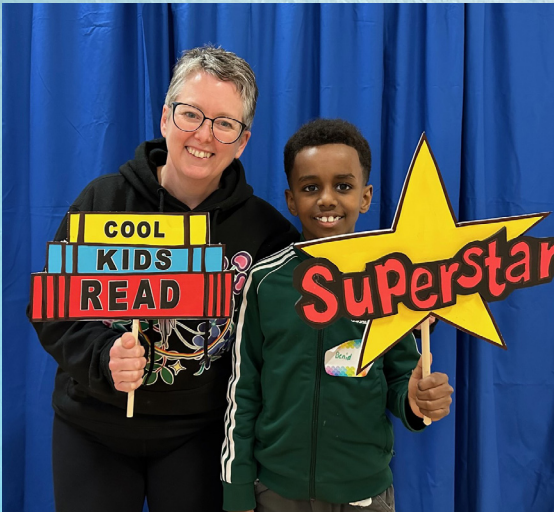
The surveys take approximately 15 minutes to complete **and your survey responses are anonymous and confidential**. As an incentive, you will have the option of submitting your name at the end of the survey for a chance to win a complimentary registration to a Law Society of Manitoba CPD of your choice (some exclusions may apply and prize must be redeemed within the next year).

We will email the profession once the surveys launch and are ready to be completed later this month. The articling surveys are being hosted on the Law Society of Alberta website and will be analyzed by a third-party consultant. A summary of the findings will be published once finalized.

Thank you in advance for your participation.

For more information on the articling survey, visit our [website](#). If you still have questions, please contact Rennie Stonyk, Deputy Chief Executive Officer at rstonyk@lawsociety.mb.ca.

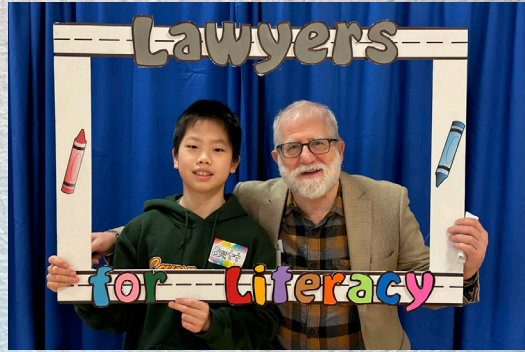
Lawyers for Literacy



Saturday,
March 16th



Making
a
Difference



Enriching
Young
Lives



USING AN AGENT TO VERIFY IDENTITY

TANA CHRISTIANSON, Director - Insurance

Did you know you can always use an agent to verify your client's identity?

Use an agent to verify the identity of any client you cannot meet in person, whether that client is outside the country or province or just not able to meet with you face to face.

WHO CAN ACT AS AN AGENT?

There are no set qualifications or credentials for who can act as an agent, so use your professional judgement.

Find an agent who is reputable, reliable, accountable, and, if possible, familiar with anti-money laundering due diligence requirements. Lawyers, notaries, accountants, investment advisors, securities dealers, real estate agents, and people who work in the financial sector would be familiar with anti-money laundering due diligence requirements. Peace officers or justices of the peace would also be appropriate.

If the client is in a country identified as high risk for money laundering by the Financial Action Task Force or the Canadian government, check if an embassy or consulate might offer verification of identity services.

WHO SHOULD CHOOSE THE AGENT?

You should always choose the agent.

Don't let the person whose identity is being verified select the agent.

If your client does suggest a potential agent, do your due diligence and investigate that agent. For example, if the proposed agent is a member of a regulated profession, like a lawyer or an accountant, check their status with their regulator.

If you cannot identify a suitable candidate to act as agent, reach out to the local regulator for the legal profession. They may be able to suggest someone or may have a list of lawyers in good standing in that jurisdiction.



HOW TO USE AN AGENT?

You must have a written agreement with the agent. The agreement may be set out in a letter or email. Give the agent enough detail so they understand the purpose of the arrangement and what they are expected to do.

What Should be in the Agent Agreement/ Letter?



- Be sure the agreement includes the agent's full name, occupation and business address.
- Confirm which method the agent will use or has used to verify the client's identity. Most often, you will be asking the agent to verify identity using government issued photo ID, but they can also verify by virtual authentication with a DIACC software provider, or two documents from a reliable source or even the credit check method.
- The agent should send you copies of the information and documents they obtained to verify the client's identity.
- The agent should confirm the date when they verified the identity and you should record the date the agent delivered the information to you.

PREVIOUS VERIFICATION WORKS

If an agent has previously verified the clients Identity, you can rely on that verification. For instance, you can accept a verification obtained by the real estate agent on a transaction. Ask the agent to send you an email that gives their full name, occupation and business address, tells you how and when they verified the client's identity and have them provide copies of the information they relied upon. You can also take the same steps when a client is being referred to you by a lawyer or accountant who has previously verified that client's identity.

A sample introduction letter and a sample agent verification details statement are on the following pages.

AGENT INTRODUCTION LETTER/EMAIL

Verification of Client's Identity (Individual):

DATE:

TO: Agent's full name
Agent's business Address

RE: Verification of Identity of [CLIENT]

I have been retained to act for [CLIENT] on (briefly describe the financial transaction – e.g. the sale of Property in Neepawa, Manitoba).

Law Society of Manitoba Rules require that the identity of clients be verified. [CLIENT] is unable to meet with me in person, but the Rules allow for verification of a client's identity by an agent.

I want to retain you as agent to verify the identity of my client, [CLIENT]. [CLIENT] advises me that they have current government issued photo ID and are prepared to meet with you to be identified. (If client does not have current valid photo ID, you will need to explain alternate methods).

To identify [CLIENT], please:

1. Meet with [CLIENT] in person. [CLIENT] will produce one valid, original and current identification document. The document must be issued by the federal government, a provincial or territorial government or a foreign government and must contain the [CLIENT's] name and photograph.

Acceptable identification documents

- a) valid and current driver's license
 - b) passport
 - c) secure Certificate of Indian Status or similar record
2. Exam the identification document and to the best of your knowledge, determine whether is valid, original and current.
 3. In the presence of [CLIENT], verify that he/she is the same person depicted in the identification document.
 4. Copy, scan or photograph the information that you obtained to verify the client's identity.
 5. Note the date upon which you obtained this information.
 6. Complete the attached verification of details statement (or something similar you have drafted).
 7. Send the copy/scan photograph to me together with your statement of account.

VERIFICATION DETAILS STATEMENT

Agent's full name
Agent's Occupation
Agent's business Address

Date of meeting with client
Scan/copy/photograph of ID documents

I state that:

1. I, [Agent name] am a [agent status or occupation] in [location]. My business address, email and telephone number are _____;
2. I met with [CLIENT NAME](hereinafter "the client") in person on the ____ day of _____, [20__];
3. in the Client's presence, I examined his or her original [type of government-issued identification document], issued by [name of government authority] on [date of issue] and bearing document number [number] (the "Document");
4. the photograph in the Document appeared to be a true likeness of the client;
5. to the best of my knowledge, the Document appeared to be valid, original and current; and
6. the attached copy is a true copy of the Document, the original of which I examined.

Signed by me on the ____ [day] of _____ [month], [20__] at _____ [place].

Signature

THE MILLION DOLLAR QUESTION

TANA CHRISTIANSON, Director - Insurance



It is time to consider whether
**\$1 Million is Enough
Professional Liability
Insurance for Your Practice**

Your mandatory \$1 million coverage

All insured lawyers in the province of Manitoba have **mandatory** insurance coverage of \$1 million per claim with an annual aggregate limit of \$2 million. The \$1 million per claim limit means if a disgruntled former client presents a claim against you between July 1, 2024 and July 1, 2025 you would have coverage for up to \$1 million on that claim (defence and damages combined). The annual aggregate means if multiple unhappy clients each make separate claims against you between July 1, 2024 and July 1, 2025, you have a total of \$2 million to cover the damage and defence costs on those claims. Once you hit that \$2 million cap, you are on your own.

CLIA Excess Insurance

You should consider these limits of insurance when you decide how much is enough coverage for your practice. You can purchase excess insurance that covers you for claims that might arise after your \$1 million per claim and \$2 million aggregate limits have been exhausted. Excess coverage is available through the Law Society from the Canadian Lawyers Insurance Association (CLIA) in amounts from \$1 million to \$35 million. The [online application](#) is available after May 1, 2024 or you can contact CLIA directly at service@clia.ca for more information.

Claims Made

Like most excess liability policies, CLIA's excess liability program is "**Claims Made**" meaning that you will need to have insurance in place when a claim is made and not when the work was done. It is **not** transaction-based coverage. You can't buy insurance specific to a particular file or deal. Firms that do not renew their excess insurance will not have coverage for losses reported after the expiry date of the policy. So, if you purchased coverage with a specific transaction in mind, that coverage will need to be renewed as long as the possibility of a claim arising out of that transaction still exists.

Excess insurance is different from mandatory coverage in this respect. On your mandatory coverage, as long as you had insurance at the date of the alleged error, you are covered for that claim even if, when the claim is presented, you are no longer insured, practising or alive. Mandatory coverage stays with you forever. Excess insurance does not.



Seamless Coverage

Purchasing your excess liability coverage through CLIA provides you with seamless coverage. Your initial report to Professional Liability Claims Fund staff here in Manitoba is deemed a report to CLIA. So, if a claim that initially looked like it wasn't going anywhere suddenly and unexpectedly goes south some years later, you will still be covered because it was considered reported to CLIA at day one.



Coverage in retirement

Lawyers contemplating retirement often call us about continuing coverage. If you were insured under the mandatory coverage when you did the work, you continue to have \$1 million mandatory coverage even if you are no longer practising when a claim is made. But, depending on your practice before you retired, you may need more than that \$1 million mandatory limit of coverage to give you comfort in your retirement. CLIA is able to provide retired inactive lawyers with excess insurance at a discounted rate. Check with your accountant, but for most retired lawyers that premium would also be tax deductible.

Things to consider when making your decision to buy excess insurance:

1 Does your client require it?

Some clients require proof of excess insurance. Lenders may require insurance at a level that matches a loan advance. Some government agencies or large corporations may require proof of a minimum level of insurance that is higher than the mandatory \$1 million as a condition of the retainer. You can buy excess from CLIA now or at any time throughout the year, but remember, coverage purchased with a single transaction in mind should be renewed as long as the possibility of a claim relating to that transaction still exists.

2 Do you or your partners practise in an area of law with a higher risk of many claims or of larger claims?

Some areas of law consistently result in more frequent claims. For instance, real estate files account for the highest number of claims by volume, but these are usually less costly per claim. Missed limitations on medical malpractice or personal injury files, or securities or tax law related claims arise less frequently, but damages tend to be more severe. If you or your partners do plaintiffs' work, consider the catastrophic impact of the new dismissal for delay rules. We have seen over 70 claims reported since the inception of the new rules and several firms have had to report multiple dismissal motions. When you are deciding whether to purchase excess insurance and in what amount, consider whether your practice and that of your partners and associates falls into areas of law that are high risk for frequent claims or high risk for severity.

5 Do you have a large tolerance for personal risk?

In the United States, only two states require lawyers to have any professional liability insurance. Lawyers there 'creditor proof' themselves against claims by clients and hope that they don't make any mistakes. Consider whether you are comfortable being personally exposed to a claim that exceeds \$1 million.

3 Do you handle large dollar value files?

You should also assess the potential quantum of damages arising out of potential claims. Valuable estates, farm transactions and family law files where the value of assets is high all have the potential to develop into large claims. Personal injury, including medical malpractice, has potentially high value if limitations are missed or claims are dismissed for delay. If you and your firm seldom deal with matters where more than \$500,000 is at issue, you may not feel such a pressing need. However, large claims continue to arise out of unforeseen areas of law. For instance, ten years ago, we did not expect to see drafting and executing wills as a top five area of law for frequency of claims. We also did not expect ineffective counsel at first instance to be a common ground of appeal in criminal law, with resulting claims.

4 Could large defence expenses erode your \$1 million coverage?

You should also remember that it is not only the indemnity or damage payment which might ultimately erode the limits of your insurance. Defence costs eat into your coverage limits. There have been claims in Canada where costs incurred in defending lawyers in complex legal malpractice suits have exceeded \$1 million, with the mandatory limit totally gone before damages are paid. We have had several professional liability files in Manitoba where legal defence costs were more than \$700,000 (preliminary motions, multiple parties, expensive experts and then lengthy trials, appeals and leave applications all add up). The cost of defending these claims dramatically decreases the amount left to satisfy damage awards.

The decision is yours

You are the only one who can assess your firm's exposure to a claim or series of claims that might take you over the mandatory \$1 million limit or the annual \$2 million aggregate limit. Take some time and consider your exposure today.

The Canadian Lawyers Insurance Association (CLIA) offers excess coverage in amounts from \$1 million to \$35 million in excess of the \$1 million mandatory insurance. They also offer extended and stand-alone cyber insurance.

If you would like more information on this year's CLIA Excess Program, excess coverage for retired lawyers, or Cyber insurance, please contact CLIA by email at service@clia.ca.

The [online application](#) to apply for Voluntary Insurance products can be completed any time after May 1, 2024. The renewal period will be open until July 31, 2024. Applications submitted after that date will be prorated for coverage.



Why Buy Your Excess Errors and Omissions Coverage from CLIA?

CLIA specializes in errors and omissions insurance (E&O) and has been providing quality affordable E&O insurance to Canadian lawyers since 1988.

CLIA is different from typical Commercial Insurers:

1. CLIA is not an incorporated entity, but a contractual arrangement between the Law Societies;
2. As a reciprocal, CLIA can only insure the lawyers who are licensed by subscribing Law Societies. CLIA is financially supported by its subscribers through premiums collected. The subscribers are the shareholders and there are no commissions charged by CLIA;
3. CLIA can tailor insurance products to meet the needs of its subscribing Law Societies' membership and ensures availability of coverage, even when the commercial market is behaving strangely;
4. CLIA funds claims based on the loss experience of the program and is not directly affected by the volatility of commercial insurance markets;
5. Discounts may be provided to subscribing members in the form of premium credits.

Voluntary Excess Insurance Limits

By customer request, CLIA' s Voluntary Excess Program (VEP) now offers the flexibility of additional coverage limits, extending **up to \$35M per claim, with an annual aggregate limit of \$35M**. Coverage options under the VEP include limits of \$1M, \$2M, \$3M, \$4M, \$6.5M, \$9M, \$14M, \$19 M, \$24M, \$29M, and \$34M, in excess of a \$1M base.

For more information, see the CLIA website:

- [Overview of the CLIA Voluntary Excess Program.](#)
- [Do You Need Excess Coverage?](#)

Cyber Insurance

CLIA offers a stand-alone cyber insurance product that protects you from claims against your firm that arise as a result of a cyber attack. This stand-alone product gives you higher limits than the mandatory cyber coverage. The stand-alone cyber insurance can be purchased in conjunction with the excess liability coverage or on its own. See [Cyber Insurance Overview](#) materials for more information.

Application Process

To learn more about CLIA's excess E&O and cyber coverages, check out [CLIA's website](#). If you have any questions, please email CLIA at service@clia.ca.



Speak Now or Forever Hold Your Peace

TANA CHRISTIANSON, Director - Insurance

Your professional liability coverage under the current insurance policy will expire July 1, 2024. 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, 2024 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, 2024 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.



We all have the capacity to be compassionate, and we know that doing so can make an enormous difference. As lawyers we don't usually find it difficult to be kind to our clients, particularly when they are facing challenges. So why is it so hard to be kind to ourselves?

In May the Canadian Mental Health Association (CMHA) marks [Mental Health Week](#) and this year the focus is on the healing power of compassion. "Compassion is the practice of meeting suffering - whether our own or the suffering of others - with kindness. We all have the capacity to be compassionate and can benefit from its healing qualities," says Margaret Eaton, National CEO of CMHA.

CMHA makes "A Call to be Kind" and emphasizes how compassion connects us all. We can practise compassion by:

- Showing warmth and understanding during times of suffering, failure, or perceived inadequacy;
- Acknowledging that both suffering and personal shortcomings are unavoidable aspects of the shared human experience;
- Adopting a balanced approach to emotions to ensure feelings are neither suppressed nor exaggerated.

What we often forget in the practice of law, as we search for success, is to be compassionate to our colleagues and to ourselves. Too many of us strive for perfection, work excessively, and feel the need to triumph over others. But we also compare ourselves to others and doubt whether we are good enough. All of this can lead to stress, anxiety, depression, and burnout.

If you are ever feeling self-doubt, stress, or anxiety, remember we are a community of imperfect people who are doing important (but challenging) work. And don't forget it's cool to be kind – especially to yourself!

If you would like the support of a peer along the way, Law(yer) Strong is here to assist.

For Confidential Peer Support

Contact us:



lawyerstrong-mb.ca



support@lawyerstrong-mb.ca



204-201-1764



Upcoming EVENTS

May
15

Online Peer
Support Groups
Wednesdays
3:30 to 5:00

May
30

SafeTalk
*(Suicide Alertness
Training)*

- May 15 - Anxiety
- May 22 - Focus
- May 29 - Depression
- June 5 - Burnout
- June 12 - Self-Care
- June 19 - Coping



June
12

Mental Health
First Aid



Law Society

HEALTH RECOVERY PROGRAM


A positive alternative

Focusing on
support, rehabilitation
and recovery.

[Learn More](#)

NEWS: *BAR ADMISSION PROGRAM*

JOAN HOLMSTROM, Director - Competence



Here's some
information you
need to know.

Students registering for Accelerated PREP who have articles lined up to start in September 2024 will be eligible to participate in the Mass Call to the Bar ceremony in June 2025 provided their articles start no later than September 26, 2025. This will allow the completion of the required 38 weeks of articles for those participating in Accelerated PREP.

Students cannot article while participating in the Accelerated PREP Program. Students participating in Traditional PREP usually article on a full time basis while participating in PREP, with their workplace allowing sufficient time over the work week to attend to PREP course work.

Students enrolled in Accelerated PREP are encouraged to submit their application documents for admission as an articling student with the Law Society of Manitoba before May 15, 2024 (***even though their articles may not start until September***) to have the PREP tuition subsidy offered by the Law Society applied during the course rather than having to pay the full PREP tuition upfront themselves.

For further information, please contact Joan Holmstrom at 204-926-2017 or at 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.

	Accelerated PREP 2023	June 2023 Intake
May 2024	Capstone Re-Attempts results issued on May 9	Capstone Re-Attempts results issued on May 9
June 20, 2024	Call to the Bar at RBC Convention Centre	Call to the Bar at RBC Convention Centre

	Accelerated PREP 2024 (students not to be actively articling during coursework and Capstone)	June 2024 Intake (Traditional PREP)
May 6, 2024	Registration Opens (limited capacity) www.cpled.ca	Registration Opens at: www.cpled.ca
REGISTRATION DEADLINE	May 15, 2024	May 29, 2024
May 23, 2024	Course work begins	
June 3, 2024 to September 5, 2024		Phase One: Foundation Modules
September 9 to 12, 2024 or September 16 to 19, 2024	Capstone Assessment <i>(students from earlier PREP courses re-take Capstone if required)</i>	
September 23, 2024 or October 7, 2024		Phase Two: Foundation Workshops



CALL TO THE BAR

The 2024 Mass Call to the Bar Ceremony is scheduled to take place on

**Thursday, June 20, 2024
9:00 a.m.
RBC Convention Centre**

The 2024 Mass Call to the Bar Ceremony is on Thursday, June 20 at 9:00 am. at the RBC Convention Centre. Members of the profession are encouraged to attend and welcome our newest members.

Tickets can be obtained by contacting Lisa Ehnes by email at lehnes@lawsociety.mb.ca. If you would like to be a part of the procession of robed members and be seated along side fellow members, please let Lisa know when you contact her for tickets.



ARTICLING RECRUITMENT GUIDELINES

Workplaces looking to hire articling students to start in the spring/summer of 2024 can refer to the guidelines posted on our website.

[RECRUITMENT GUIDELINES](#)

Membership Changes

Practising to Non-Practising:

February 23, 2024	Stephen Halas	April 1, 2024	Pamela M. Reilly
March 11, 2024	Victoria L. Weir	April 1, 2024	Sydney C. Ramsay
March 12, 2024	Rebecca M. Thomson	April 1, 2024	Thomas J. Van Buekenhout , K.C.
March 12, 2024	Jennifer L. Houser	April 1, 2024	John (Jack) D. Cram
March 16, 2024	Dale R. Melanson	April 1, 2024	Brodie R. Quinton
March 17, 2024	Megan E. Fultz	April 1, 2024	Kristine K. Barr
March 20, 2024	Wendy E. Friesen	April 1, 2024	Akinwuni O. Ogunranti
March 24, 2024	Andrew G. Clark	April 1, 2024	Emma L. Ciprick
March 25, 2024	Natalie A.M. Copps	April 1, 2024	M. Lynne Harrison
March 25, 2024	Robynne B. Kazina	April 1, 2024	Daniel Cilliers
March 28, 2024	Daniel R. Schipper	April 1, 2024	Michael D. Richards, K.C.
March 29, 2024	Katherine E. Jones	April 1, 2024	Sacha M. Nelson
March 30, 2024	Douglas J. Johnston	April 1, 2024	Paul L. Chartrand
March 30, 2024	Ranish Raveendrabose	April 1, 2024	Kathleen M. McLean
March 31, 2024	Sharon L. Maltz	April 1, 2024	Tamara McCaffrey
March 31, 2024	Caroline R. McNeill	April 1, 2024	Rohit Gupta
March 31, 2024	Albina P. Moran	April 8, 2024	Nicole A. Evans
March 31, 2024	Hayden R. Anning	April 15, 2024	Sarah K. Davis
March 31, 2024	Lynne M. Arnason		
March 31, 2024	Allison L.K. Pejovic		
March 31, 2024	Steven M. Meltzer		

Non-Practising to Practising:

March 18, 2024	Jessica L.M. Isaak
March 19, 2024	Marc D. Pelletier
March 19, 2024	Lisanne L. Lambert
April 1, 2024	Kelsey M. Yakimoski
April 1, 2024	Karas N. Elbardisy
April 15, 2024	David A. Grohmueller
April 15, 2024	Madison Y. Pearlman

New Admissions:

March 14, 2024	Albert J.L. Troisfontaines
April 5, 2024	Aashray Choudhary
April 8, 2024	Adam R.W. North
April 8, 2024	Selly N. Bonsu

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

NOTICE OF BENCHERS' MEETING

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

 Thursday, May 16, 2024

 The Law Society offices
and via videoconference

 12:30 p.m.

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



The date of the next meeting of the benchers is as follows:

- June 27, 2024

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](#).

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- Career Transitions
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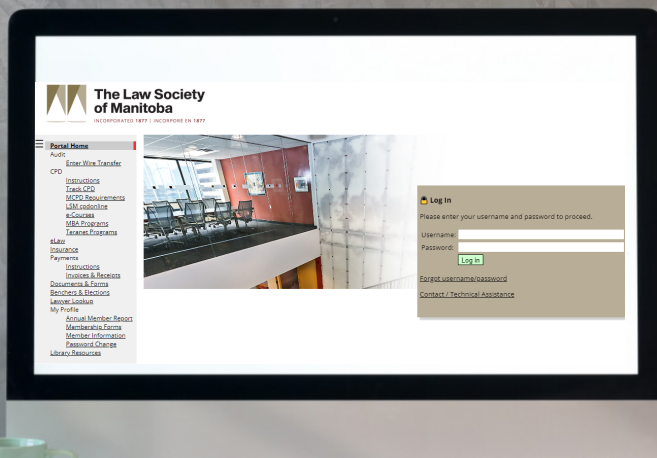
Winnipeg: 204-786-8880
Toll-Free: 1-800-590-5553
Hearing-Impaired Line: 204-775-0586

IN MEMORIAM

Robert Alexander Reimer, who passed away on February 17, 2024 at the age of 71. Mr. Reimer received his call to the Bar on June 24, 1982. He practised for five years in Winnipeg as a sole practitioner before relocating to British Columbia where he continued to practice up to the date of his death.

The Honourable Walter Scott Wright, who passed away on February 27, 2024 at the age of 93. Mr. Wright received his call to the Bar on September 30, 1955. He was a practising member of the Law Society for 18 years before being appointed a judge of the Court of Queen's Bench in 1973. Mr. Wright served on the bench until his retirement in 2005.

Practising Fees - Receipts



Receipts for the April 2024 practising fee payments are now available in the Member's Portal.

Notices



Finance

Taxation Division

Room 101 Norquay Building, 401 York Avenue, Winnipeg, Manitoba Canada R3C 0P8

T 204 945-5603 F 204 948-2088 **MB Toll Free** 1 800 782-0381

www.gov.mb.ca/finance/taxation • E-mail: MBTax@gov.mb.ca

April 24, 2024

The Law Society of Manitoba
200 – 260 St. Mary Ave.
Winnipeg, Manitoba, R3C 0M6

To Whom It May Concern:

RE: Manitoba Tax Clearance Certificate Fee

Please advise your membership that effective May 1, 2024, the \$50.00 tax clearance certificate fee is eliminated for all new bulk sale tax clearance certificates applications received on or after that date. Tax clearance certificates are still required to be obtained for all bulk sales. An updated bulk sale clearance application form will be available on our website soon.

This change was announced as part of the Manitoba Budget Address made on April 2, 2024.





If you require further information or have any questions, please do not hesitate to contact our office or visit our website at the address indicated in the header.

Sincerely,

Brad Senkiw, CPA, CA
Senior Tax Information Officer

CPD Education Centre

Upcoming Programs

 May 9	<u>POAs, HCDs and Committeeships</u> Wills and Estates fundamentals for new and experienced practitioners.	Register
 May 15	<u>Fight the Paper: Organize Your Digital Matter File!</u> Learn how to centralize and securely maintain paperless files.	Register
 May 29	<u>Documenting & Mapping Your Processes</u> Learn how to create & save documentation, maps, checklists, etc.	Register
 June 7	<u>2024 Northern Bar CPD</u> Practical information and guidance in the area of criminal law.	Register

CPD on Demand for Productivity

These great CPD on Demand titles are available for a **limited time!** Why not seize the opportunity? Gain practical tips, tools, and insights from engaging presenters Paul Unger and Barron Henley.

Don't take it from us. Here's what attendees have to say:

“*Paul explained everything in understandable & relatable language, examples, etc.*”

Barron always provides high energy extremely knowledgeable presentations.

The entire presentation was VERY practical... I wish that I had taken this in Uni.”

How To Beat Procrastination

Time & Distraction Management

Email Management

Microsoft Word Styles

Only until August 15!

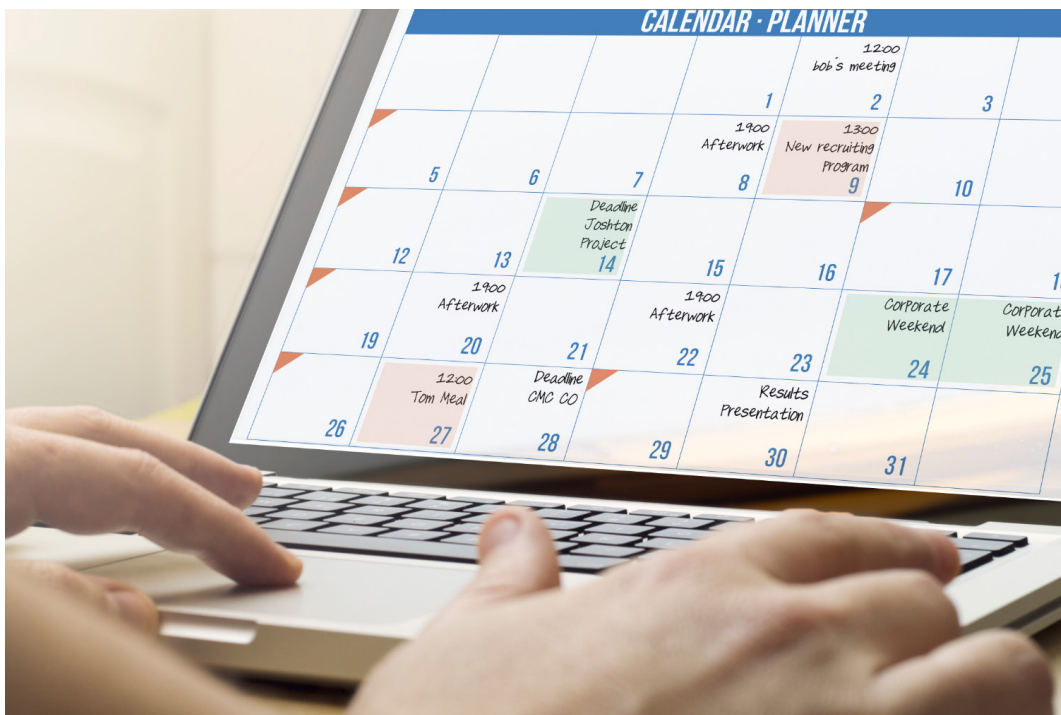
Coming Soon

September 30, 2024 is an important date for limitation periods in Manitoba because it marks the end of the transition from the old *Act* to the new.

The Limitations Act

Check out the article **“Don't miss the limit - *The Limitations Act*”** in this issue and watch for more education resources to come on this topic.

Upcoming IMPORTANT DATES At a Glance



MAY 16
BENCHER MEETING
12:30 p.m.

JUNE 20
CALL TO THE BAR
RBC Convention Centre
9:00 a.m.

JUNE 27
**ANNUAL MEETING
AND
BENCHER MEETING**
12:30 p.m.

JULY 2
PAYMENT DUE
2024-2025 Insurance Payment



PRESIDENT
Wayne Onchulenko

VICE PRESIDENT
Gerri Wiebe, K.C.

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

