

# Communiqué

## SPECIAL EDITION - Lawyers and Well-Being

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Inside this special edition of Communiqué dedicated to **Well-Being**, you will find resources, articles and tips from the legal community. While mental health is one important aspect of well-being, there are other critical dimensions which all contribute to optimizing your professional performance. These dimensions include physical, emotional, intellectual, social, occupational, spiritual and cultural.

**Learn more about**  
[creating a well-being practice.](#)



*"An ounce of prevention is worth a pound of cure."*

#### FEATURED ARTICLE:

Purging Perfectionism - Christine Williams

6

## President's Report



**GRANT DRIEDGER**

President

This edition places a particular emphasis on the well-being of our profession. Lawyers' high rates of mental health challenges is well established and not particularly surprising – it is literally our job to try to imagine legions of worst case scenarios, to see catastrophe in mundane daily activities.

To state the obvious, events over the past 20 months have added enormous additional strain on everyone.

For the Law Society's role in regulating the profession and protecting the public, the well-being of the profession is an important issue. It is not unusual for health issues and professional misconduct to become intertwined.

Across all aspects of society, recognition of mental health as quite simply a health issue has substantially increased in recent years, yet some degree of stigma lingers. As lawyers, we are naturally loathe to admit to anything that might be perceived as a vulnerability. In June of 2019, Robin Lehner, a highly accomplished goaltender who wrestled with mental health issues, said, in his acceptance speech for winning the NHL's Masterton Trophy, "I'm not ashamed to say I'm mentally ill, but that does not mean I'm mentally weak". As lawyers we should be able to say things like this out loud as well, and maybe even without writing "without prejudice" into the subject line of the email.

The pages that follow include information about resources and programs which are available to you to support your mental health and well-being. No one should feel shame for accessing them.

## What's New

**Law(yer) Strong**  
*Resource for Lawyers*

**New Policy of  
Insurance**

**New Regulations**  
*Remote Witnessing of  
Document*



## CEO Report

On September 9 and 10, 2021, immediately following the benchers meeting, senior staff and benchers engaged in a two day, on-line, strategic planning retreat. While we still have some work to do to finalize the next strategic plan, it is safe to say that our collective health and well-being remains a high priority for the benchers.

So, what does that mean for the profession? For one thing, you can expect to see a lot of communication and resources from the Law Society to support your health. It might be a yoga tip, suggestions on how to check-in with yourself during the day or a lengthier article about coping. You will also see us report from time to time as we develop our diversion program in the complaints and discipline area and the peer support program in conjunction with the Manitoba Bar Association. These initiatives are part of the work of the President's Special Committee on Health and Wellness. Reach out to the [committee members](#) to learn more about these efforts.

For the Law Society staff, we are taking advantage of our unused meeting room space and are creating a wellness room where they will find a calm serene space to meditate, do an art project (active meditation) or attend a yoga class, among other things.

For me, I'm going to read and reread Christine Williams' excellent article about purging perfectionism whenever those nagging doubts creep into my working day.

I'm also going to reach out to my colleagues and friends – just to check in and see how they're doing. We can all use that support. I know that I always appreciate it when someone checks in with me.

If you find this publication to have useful information, please tell your friends and colleagues. We're all in this together.



**LEAH KOSOKOWSKY**

Chief Executive Officer

**“**  
**... you can expect  
to see a lot of  
communication  
and resources from  
the Law Society to  
support your health.**





## ANNOUNCING LAW(YER) STRONG



### The New Peer Support Program for Manitoba's Legal Profession

On World Mental Health Day, October 10, 2021 the Law Society announced the establishment of Law(yer) Strong, the new peer support organization for the legal profession in Manitoba.

A joint initiative of the Manitoba Bar Association and the Law Society of Manitoba, it reflects our recognition that a robust and independently operated peer support program is invaluable to the well-being of lawyers in Manitoba.

#### Members of the inaugural board of directors for Law(yer) Strong include:

- **Maria Mitousis**, *Mitousis Lemieux Howard Law Corporation*
- **Gerri Wiebe**, *Wasyliw Wiebe Law Corporation*
- **Martin Minuk**, *MLT Aikins LLP*
- **Greg Evans**, *Evans Family Law Corporation*; and
- **Cyndi Kindret**, *Manitoba Blue Cross*

The board of directors will be working to operationalize the new peer support resource in the coming year.

**Stay tuned for future updates on this resource!**



**We asked members of the profession for their reflections and tips on well-being. Look for their “thought bubbles” throughout this issue!**

*My positive thought comes in the form of a Leonard Cohen lyric: There is a crack in everything, that's how the light gets in.*

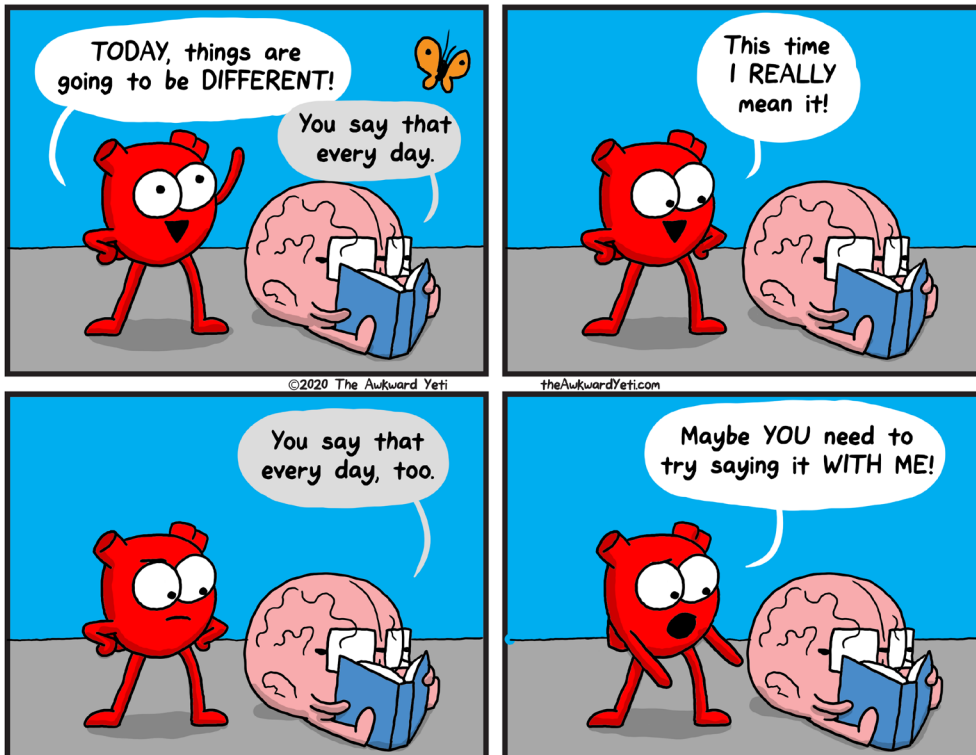
~ Greg Evans  
Law(yer) Strong board member

*I try to walk 5 km. a day. I love to listen to music and podcasts which take me away from the stress and seriousness of the day.*

~ The Honourable Chief Judge  
Margaret Wiebe

*In moments of self-doubt, I've written a letter to my past self. Being in touch with who you were can serve as a reminder of everything you've done and that you can be proud of.*

~ Michelle Falk  
Executive Director MBA



To thrive in life you need three bones.  
A wishbone.  
A backbone.  
And a funny bone.

Reba McEntire

## PURGING PERFECTIONISM

CHRISTINE WILLIAMS

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Imagine being a lawyer and not being perfect. I know, it's unfathomable. Worse still, imagine being a lawyer writing about perfectionism to other lawyers and not being perfect. Simply impossible. But here is my attempt anyways.

I bet you are very familiar with the expression "nobody's perfect", but I also bet, as a lawyer, you try really, really hard to be perfect. Most lawyers are perfectionists – some lawyers even believe it is a favourable trait, something to embrace, something that drives us, something we proudly declare as our biggest flaw when asked in a job interview. On the surface, perfectionism seems like a positive characteristic for any good lawyer. It must mean they are detail-oriented, successful, and have the ability to win their clients lots of money. Right? Well, maybe not. As the famed University of Houston research professor Dr. Brené Brown has found, perfectionism is not about striving for excellence, it is a way of avoiding shame, blame, and judgment.

During my short tenure in the legal profession, I have found that perfectionism is a lawyer's shield against vulnerability. It is the mechanism we use to avoid criticism by our peers, negative feedback from our clients, or a scolding from the court. I personally aim for perfection in the areas where I feel most inadequate, the places where I already feel I am being shamed, blamed, and judged. If I'm being honest, I don't strive for perfection because I'm a high achiever, I strive for perfection so others *perceive* me as a high achiever. And where does that get me? The insatiable need to be perfect makes me want to avoid challenges instead of taking them on. As a result, my excruciatingly high standard for myself does not actually make me a better lawyer; it inhibits my ability to even show up. As Dr. Brown has observed, perfectionism does not protect us from judgment, it just prevents us from being seen. This can have detrimental consequences on our mental health and well-being.

I am slowly learning that the less I focus on executing a task perfectly, the better I am at simply getting it started. The more I loosen my grip on perfectionism, the deeper I can connect with my clients, my colleagues, and the people who matter most to me. The more I let go of perfectionism, the better I get at embracing moments of growth and creating abundance.

I'm a recovering  
perfectionist and an  
aspiring "good-enoughist".  
~ Brene Brown

I have found the best way to unchain myself from the restraints of perfectionism is to bring myself to the present moment, ask myself what it is I am truly fearing, and practice a little self-compassion. Showing up and being seen are my new goals, not perfection. Sometimes that will come in the form of writing an imperfect article on perfectionism. And that's perfectly okay.



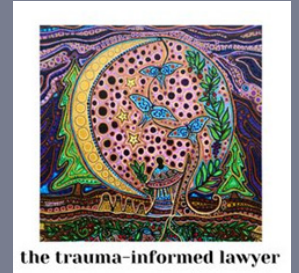
Christine Williams



# PODCASTS

We read a LOT. You can give your eyes a rest and connect on a different level by listening to podcasts.

## THE TRAUMA-INFORMED LAWYER hosted by Myrna McCallum

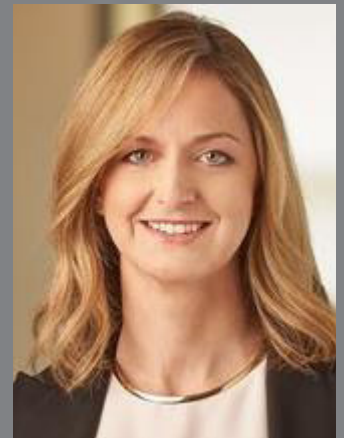


[Listen Now](#)

*Inspiring interviews, courageous conversations  
and thoughtful commentary.*

**Check out this recent episode  
of the Trauma Informed Lawyer  
featuring Law(yer) Strong board  
member Maria Mitousis**

*Maria shares details  
about the day she  
received a bomb at her  
law office which was  
meant to end her life.*



[Listen Now](#)



## What Can Your Firm Do to Support Well-Being?

Rumour has it that our pets are experts at improving not only our mood but our physical health as well. This has been one of the benefits of working from home during the pandemic. But who says it needs to end with a return to the office?

Read more about [Why Lawyers Should Bring Their Dogs to the Office](#).

Many lawyers and firms are taking steps to enhance their firm culture with genuine efforts to recognize the importance of well-being. More than just being the “right thing” to do, there is a real business case for investing in the health of your valuable human resources. Learn more about why you might hire someone to lead these efforts in this article from Attorney at Work, [Meet Your Law Firm’s New Director of Lawyer Well-Being](#).



*Like lawyers, judges need to take care of their well-being. This summer, the Canadian Judicial Council published new and modernized Ethical Principles for Judges, which now includes the following new principle: Judges strive to maintain their wellness to optimize the performance of judicial duties and they should set aside sufficient time and make a commitment to the maintenance of physical and mental wellness.*

~ The Honourable Richard Chartier  
Chief Justice of Manitoba

*My inspiration in advocating for health and wellness in the legal profession is to never have to lose another friend to suicide.*

~ Gerri Wiebe  
Law(yer) Strong board member  
and President of CDLAM

**Almost everything will work again if you unplug it for a few minutes, including you.**

HELLOBOMBSHELL.COM

## Wellness resources

Your well-being is our priority.

### Wellness Library

Find articles, advice and tools to support your overall well-being

[View Wellness Library](#)

### Live Well / Be Well

Explore our health and wellness blog with a Manitoba focus

[Read Blog](#)

### Your Wellness Moment

Discover quick one-minute videos to help you take care.

[Watch More](#)



**Cyndi Kindret**  
Your EAP Rep.

*I practice self-compassion by imagining someone or something I care deeply for and reflect on the feelings and thoughts it brings up for me. Then I go about my day and direct those feelings of compassion and kindness towards myself. I often imagine my daughter. This has been and continues to be my guiding principle.*

~ Cyndi Kindret

Clinical Services Coordinator, Manitoba Blue Cross  
Law(yer) Strong board member



To learn more about your free and confidential Employee Assistance Program, watch this short video with Cyndi.

Call: (Winnipeg) 204-786-8880 or Toll-Free: 1-800-590-5553

# What does Health and Wellness have to do with Insurance Claims? *More Than You Might Think!*

**TANA CHRISTIANSON**, Director - Insurance

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## ***An Insurance Claim Can make you Feel Terrible***

When you discover you may have made a mistake or someone else alleges you have made an error, you may be surprised by how badly it makes you feel. I try to assure lawyers who call the Claims Fund that everybody makes mistakes, even very good lawyers. When lawyers make mistakes, they tell me they feel terrible.

Lawyers tell me about claims giving them sleepless nights or how the allegations make them question whether they should even continue practising. Facing a claim is hard. It can be embarrassing. It undermines your self-confidence. It makes you feel awful. We know that at the Claims Fund and try to be as supportive as possible. Professional liability insurance means the insurer can take on the burden of managing, defending and indemnifying a claim so you don't have to. Although a claim can cause much initial anxiety, for most lawyers, the horrible feelings fade once the matter is handed over to the Claims Fund. Don't be afraid to call us at the Claims Fund and let us help you through the process. For information on how and where to report claims, see this helpful document on [Reporting Claims](#).

## ***Feeling Terrible May Result in Insurance Claims***

Some insurance claims arise when lawyers struggling with their own wellness try to keep slogging through their practice when they really need to be taking time to see to their own mental health.

Most of the time, professional liability claims against lawyers come to light sometime after the actual error was made. When the lawyer reports the claim, they often confide that the error was probably made because things in their own lives at that time made it difficult to meet their professional obligations and practise safely and effectively. Looking back to the date of the error, lawyers have told me that they were struggling to attend to their practices because they were consumed with a personal crisis; whether a marriage breakdown, serious illness of a family member or of the lawyer themselves, depression or other issues affecting their mood, thinking or behaviour. On reflection, they see how their state of mind at that time led to a problem in their practice.





## *Take a Break!*

If you are feeling overwhelmed by the rest of your life, sometimes the smartest thing is to recognize that and take a break. You may need a block of time to concentrate on you and not on your practice. If you work in a firm, ask your partners and associates to babysit your practice. Tell clients that you will be unavailable for medical reasons and unable to attend to their matters for a finite time. Refer time-sensitive files out. Most clients will accept that graciously and wish you well. Clients who are nasty enough to insist that a person who is unwell continue to work on their files are clients that are not worth having anyway.



If you are in a solo practice, taking that needed break can be more complicated. Because law firm employees must work under the supervision of a practising lawyer, if you need to be absent for some period, you must have another practising lawyer monitoring your practice. Ask another practising lawyer to agree to supervise your files during the absence. You do not need Law Society approval provided the lawyer will not be signing trust cheques but feel free to call the Law Society to talk about that process. If the lawyer might need to sign a trust cheque, get Audit Department approval in advance and advise your financial institution of the arrangement. For more information on [planning for absences from practice](#), see the linked LSM Practice Resource which takes you through the process and lays out what you should consider.



If you are having trouble, take the time to see to your own wellness. Stepping back for awhile and putting steps in place to protect your clients may have a financial cost in the short term but nothing compared to the devastation of having a series of professional liability claims, complaints, lawsuits, and dissatisfied and disappointed clients.

Sometimes your own health and wellness  
just has to come first.  
***You are worth it.***

## *Do You Need Someone to Talk to?*

[The Lawyer's Health and Wellness Program](#) is a **free and confidential service** available to all practising lawyers, articling students and their families through the Manitoba Blue Cross Employee Assistance Program. They will assist you with any questions or concerns you have related to your well-being, such as financial matters, mental health, relationships, addictions or managing career transitions.

**Call anytime 24 hours a day, 7 days a week.**

In Winnipeg: 204-786-8880 or

Toll Free: 1-800-590-5553



## Nature Prescription Could be Just What the Doctor Ordered.

Take a hike in the forest and call me in the morning.

Instead of prescribing just a pill or ointment, doctors could soon be telling patients to head to the great outdoors.

PaRx, a national nature prescription program, has launched in Manitoba to help address mental and physical health problems and to encourage people to get outside to exercise.

[Read more...](#)



*Be kinder to yourself. This doesn't mean you need to compliment yourself or buy yourself flowers...it means having some compassion for yourself and recognizing that a standard of perfection is unreasonable both for yourself and for others! Be sure to truly acknowledge the things you accomplished in your day even when it feels that so much else is going wrong or seems beyond your control.*

~ Maria Mitousis  
Law(yer) Strong board member

The Federation of Law Societies' National Well-Being Survey officially closed on August 30, 2021. Thank you to all members who took the time to complete the survey. This study will provide important data to inform future efforts to address the experiences of the profession across the country.

Phase 2 of the study continues this fall with interviews with individuals in each jurisdiction. Initial reports on the survey results are expected in mid-2022.

**National  
Well-Being  
Study**



# Some Things I Have Learned So Far...

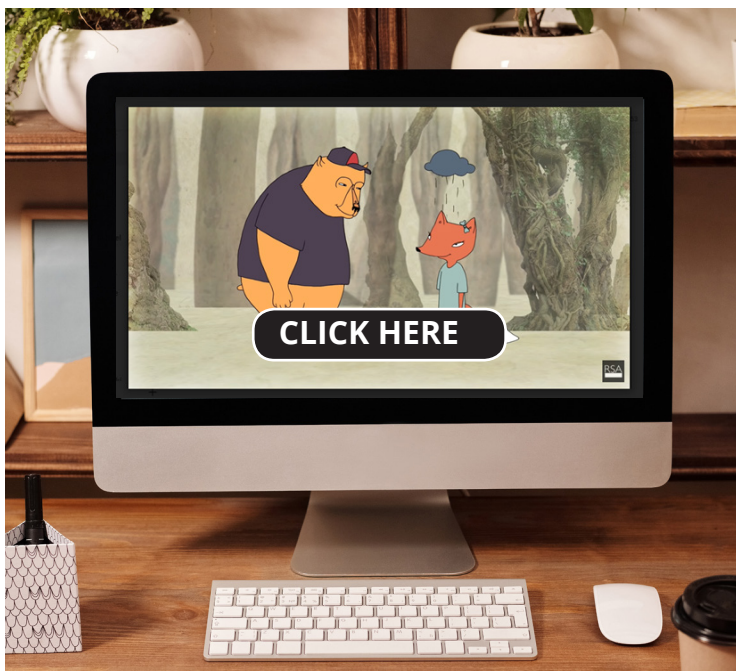
EILEEN DERKSEN, Director - Continuing Professional Development

As you can guess by now as you have been perusing this special edition of the Communiqué, well-being is the special sauce that optimizes our work efforts (and pretty much anything else that we put our energy into).

One of the perks of my job is the opportunity to continue to learn things, not just about the law but about myself and what makes me more competent and content at work...and even more often I learn what makes me less so.

Here are the ingredients that foster my well-being... add your own spices to make this recipe work for you!

**Empathy** – This is the most impactful skill I am learning. Judgment – real or perceived – is soul crushing. Learning how to empathize rather than judge or distance ourselves from what others are experiencing changes everything. I know that to be especially true when I have felt genuine empathy extended towards me. Dr. Brene Brown has a terrific video short that explains the difference between empathy and sympathy. I encourage you to give this some thought.



**Self compassion** – As Pema Chodron says, often the hardest times are the ones we give ourselves. This is just the flip side of empathy – it's tough to feel genuine empathy for others if we don't have much for ourselves. The self-judgment and self-criticism are not only unkind, they are likely untrue and even worse (maybe) they are completely ineffective. I really don't do a better job when I beat myself up. I'm simply human. Enough said.

**Space** – Graphic designers talk about the need for white space on a page so there is a place for the eyes to rest. Space also gives us greater perspective particularly when we are dealing with complex scenarios. I need white space in and around all the responsibilities and activities in my schedule. This doesn't necessarily mean doing nothing (although I am not against that!), sometimes it's just a change. Sometimes working with my hands allows my mind to rest. Last week it was canning a big batch of salsa.

**Practice** – Just like the practice of law, these skills take practice. We know most of the things we "should" do – the trick is actually doing them day to day. We need to catch ourselves and each other when we engage in the unhealthy trap of taking on too much or find ourselves feeding our stories of judgment. This is definitely a work in progress for me. But as Pema Chodron would gently remind us, we simply need to start where we are...and then keep starting where we are over and over.

**Strength** – It takes a great deal of strength to walk the talk. Making the choice to address well-being challenges in the day to day takes intention and energy. Each time we show up with and for each other we shift the culture ever so slightly. Give yourself credit for the strength you reveal when you do this.

I hope you set aside some time to reflect on your well-being recipe and then give yourself permission to whip up a batch on a regular basis!



## More Resources

*I try to find time to connect with my kids each day. They make me laugh and help me to not take myself too seriously.*

~ Leah Kosokowsky, CEO

## Ushering in a New Decade: Time to Take Stock

This article, written by Alissa Schacter in February 2020, reflects on our progress and offers thoughts going forward.

[Read more...](#)



**ALISSA SCHACTER**

Equity Officer and Policy Counsel



There are many made in Manitoba resources that we encourage you to explore. One such resource, recently noted on CBC, is the Black Mental Health Toolkit.

The aim of the project is to develop a Mental Health Promotion Toolkit that will be easily available for practitioners/clinicians as well as members of the population to use as a guide/resource for promoting positive mental health among black people in Manitoba.

[Read more...](#)



## Other Sources of Well-Being Inspiration



Our colleagues in BC have a collection of webinars (many of which offer CPD hours) and other resources all available at no cost. We encourage you to peruse their collection and access anything that resonates with you.

[Click Here](#)

Our thanks to CLEBC for their generosity!

### ***Books, TV and, of course, Cat Videos***

**Ted Lasso,**  
Seasons 1 and 2  
available on Apple TV

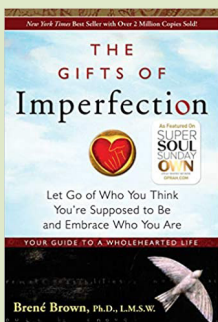


or follow him on Twitter [@TedLasso](#)



**Ted Lasso** @TedLasso · 4d  
A wise man once said "don't let what you can't do stop you from doing what you can do." Thanks to him, I once sang Always Be My Baby at karaoke and started coachin' a sport I knew nothing about.

*The Gifts of Imperfection*  
by Brene Brown



[Cat Video](#)

Just one of many



*To take care of others,  
begin by taking care of  
yourself.*

~ Marty Minuk

Law(yer) Strong board member

*Every day, take a moment to  
acknowledge all that you have  
and appreciate the gifts in your  
life - focus on gratitude for the  
past, sustenance today, and hope  
for tomorrow.*

~ Dr. Richard Jochelson

Dean of Law

# Education Centre Calendar of Events

## CPD for your Well-Being

Attending to your well-being is one important way to optimize your competence and performance as a lawyer. You will find a variety of CPD program recordings available to you on-demand on [CPDonline](#) that check these boxes.

Under the category of [Well-Being](#) you will find:

- [Life Beyond Law: Where Does the Practice of Law Fit Into your Life?](#)
- [Breaking the Cycle of Stress & Poor Sleep](#)
- [You are Not Alone: The Lawyer's Guide to Dealing with Anxiety \(FREE\)](#)
- [Mental Health and Lawyers: An Unspoken Struggle \(FREE\)](#)
- [Trauma Informed Lawyering](#)

Under the category of [Practice Management](#) you will find:

- [Time and Distraction Management](#)
- [Email Management](#)
- [Task, Goal, and Deadline Management](#)
- [Procrastination and Professional Liability Insurance Claims \(FREE\)](#)



## Upcoming Programs

**Access to Justice: Indigenous Perspectives**

**October 25, 2021**

11:00 a.m. - 12:30 p.m.

[Details and Registration](#)

**Fight the Paper – Organize your Digital Matter File!**

**November 4, 2021**

12:00 noon - 1:15 p.m.

[Details and Registration](#)

**Remote Witnessing of Documents:  
Processes under the Permanent Regulations**

**November 10, 2021**

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

[Details and Registration](#)

**Critical Conversations:  
Systemic Racism: Everyday Impacts**

**November 18, 2021**

12:00 noon - 2:00 p.m.

[Details and Registration](#)

**2021 Isaac Pitblado Lectures:  
A Shot in the Arm: Can We Achieve Client Immunity in Contract Law?**

**November 26, 2021**

9:00 a.m. - 4:00 p.m.

[Details and Registration](#)

**Hot Topics in Real Estate**

**December 9, 2021**

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

[Details and Registration](#)



# Read on for Your Regular Law Society Notices



## NEW POLICY OF INSURANCE

**TANA CHRISTIANSON**, Director - Insurance

Your new policy of professional liability insurance came into effect on July 1st. We don't mail the policy out to everyone anymore, but you can review the policy anytime on the Member Portal under the Insurance tab. Or you can click [here](#):

The following chart explains the scope of coverage under your policy.

### Coverage at a Glance

	Risks	Covered? Yes or No
WHO	Lawyers in private practice	Yes
	In-house counsel	Yes
	Legal Aid staff lawyers	Yes
	Lawyers who were insured at the time of the alleged occurrence but who are now retired or in a position that does not require insurance	Yes
	Lawyers employed exclusively by the federal, provincial or municipal government	No
	Articling students	No
	Lawyers who volunteer at the Legal Help Centre or CPLED, even if otherwise exempt or retired	Yes

*continued ...*

This chart is also kept up to date on the Member Portal under the Insurance tab.

If you have questions about the scope of coverage, please contact us at the Professional Liability Claims Fund.

Tana Christianson 204-926-2011  
Kate Craton 204-926-2012  
Jim Cox 204-926-2024

... continued

	Risks	Covered? Yes or No
<b>WHAT ACTIVITIES</b>	Error made in the rendering of professional services to others Lawyers in private practice	Yes
	Services normally provided or supervised by a lawyer within the scope of the usual solicitor/client relationship	Yes
	Repair costs	Yes
	Services rendered in alternative dispute resolution as an arbitrator or a mediator	Yes
	Services as an executor, administrator, trustee, personal representative, committee, guardian or patent or trademark agent	Yes, if connected with and incidental to your law practice
	Ancillary activities (activities of a quasi-legal or non-legal nature including financial investment and accounting services, brokerage services and real estate development and appraisal)	No
	Theft or misappropriation of trust funds or property	No, but see <a href="#">LSM Reimbursement Fund</a>
	Dishonest fraudulent or criminal acts	No, although innocent partners may be covered
	Malicious acts of omissions (such as defamation, malicious prosecution)	No, although the insurer will reimburse reasonable defence costs incurred in a successful defence
	Penalties assessed against an insured under Section 163.2 of the <i>Income Tax Act</i> or under the <i>Proceeds of Crime (money laundering) and Terrorist Financing Act</i>	No, although the insurer will reimburse reasonable defence costs incurred in a successful defence
	Fines or penalties assessed against an insured under the <i>Personal Information, Protection and Electronic Documents Act</i> (PIPEDA)	No, but see <a href="#">LSM Cyber Liability Policy</a>
	Physical damage to tangible property	No

continued ...



## Coverage at a Glance

... continued

Risks		Covered? Yes or No
<b>WHAT ACTIVITIES</b> continued...	An insured acting in the capacity of a director or officer	No, but see <a href="#">LSM Directors and Officers Policy</a>
	Damage or loss of use of tangible property, loss of data, disclosure of confidential information from computer viruses or unauthorized interference with internet connection, network computer or telecommunication device	No, but see <a href="#">LSM Cyber Liability Policy</a>
	Fines or penalties	No
	Punitive or exemplary damages or unpaid or unbilled legal fees or disbursements or fees that have been paid but that the insured is asked to return, even if claimed as general damages	No
	Stealing trust funds or property	No, but see <a href="#">LSM Reimbursement Fund</a>
<b>WHERE</b>	Professional services provided in another Canadian province pursuant to the National Mobility Agreement	Yes
	Professional services provided from an office outside of Canada	No
	Practise of laws of a non-Canadian jurisdiction	No
<b>WHEN</b>	Mistakes made while a lawyer was insured, even if mpy discovered until after the lawyer retired or moved to an uninsured position	Yes
	Claims reported as soon as practicable after learning of a claim or circumstance that might give rise to a claim, however unmeritorious	Yes
<b>HOW MUCH</b>	Claims up to \$1 million (including defence costs)	Yes
	Claims over \$1 million (including defence costs)	No, unless your firm purchased <a href="#">excess insurance</a>

## NEW REGULATIONS *Remote Witnessing of Documents*

**TANA CHRISTIANSON**, Director - Insurance

Effective October 1, 2021, new permanent regulations apply to the remote witnessing of documents by video conference in Manitoba, replacing the temporary measures that had been in place.

The process and Jurats have changed. There have also been significant changes to the remote execution of wills. Both witnesses to a will executed by the testator by video conference must be together when they watch the testator sign the will and again when they affix their signatures as witnesses. Multi-party video conference execution of wills is no longer acceptable.

Attend the [CPD on November 10th](#) to learn more.



Please consult the new regulations listed below:

[Remote Witnessing Regulation under the Powers of Attorney Act;](#)

[Remote Witnessing Regulation under the Wills Act;](#)

[Remote Commissioning Regulation under the Manitoba Evidence Act;](#)

[Remote Witnessing Regulation under the Homesteads Act;](#)

[Remote Witnessing Regulation under the Real Property Act;](#) and

[Remote Witnessing Regulation under the Health Care Directives Act.](#)



## NOTICE

### MANITOBA COURT OF APPEAL

#### RE: LEAVE REQUIRED FOR MOST INTERLOCUTORY APPEALS

**October 1, 2021**

As of January 1, 2022, amendments to *The Court of Appeal Act*, CCSM c C240, will be proclaimed into force. The new sections, sections 25.1 and 25.2, govern appeals to the Court from decisions of the Court of Queen's Bench.

The new sections provide that no appeal may be made to the Court of Appeal with respect to an interlocutory order of a judge of the Court of Queen's Bench unless leave to appeal is granted by a judge or the Court. Leave to appeal is not required:

- (a) in a proceeding involving:
  - (i) the liberty of a person; or
  - (ii) the custody of a minor.
- (b) if the order grants or declines to grant a stay or an interlocutory injunction.

ISSUED BY:

“Original signed by Chief Justice Chartier”

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The Honourable Richard J. Chartier  
Chief Justice of Manitoba  
DATE: October 1, 2021





## AVIS

### COUR D'APPEL DU MANITOBA

#### OBJET : AUTORISATION REQUISE POUR LA PLUPART DES APPELS INTERLOCUTOIRES

**1<sup>er</sup> octobre 2021**

À compter du 1<sup>er</sup> janvier 2022, les modifications apportées à la Loi sur la Cour d'appel, C.P.L.M. c. C240, entreront en vigueur. Les nouveaux articles, les articles 25.1 et 25.2, régissent les appels devant le tribunal de décisions rendues par la Cour du Banc de la Reine.

Les nouveaux articles stipulent qu'il ne peut être interjeté appel devant la Cour d'appel d'une ordonnance interlocutoire rendue par un juge de la Cour du Banc de la Reine que si un juge ou le tribunal a accordé une autorisation d'appel. Une telle autorisation n'est pas requise :

- (a) dans une instance concernant :
  - (i) la liberté d'une personne;
  - (ii) la garde d'un mineur.
- (b) lorsque l'ordonnance accorde ou refuse d'accorder une suspension ou une injonction interlocutoire.

FAIT PAR :

« Original signé par le juge en chef Chartier »

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Richard J. Chartier  
Juge en chef du Manitoba  
DATE : 1<sup>er</sup> octobre 2021

## Membership Changes

### Practising to Non-Practising:

August 23, 2021	Rory C. Churchill-Henry
September 11, 2021	Alyssa B. Munce
September 14, 2021	Jessica N. Symington
September 15, 2021	Pamela E.E. Clarke
September 25, 2021	Rita (Margaret) Vint
October 8, 2021	Garry R. Bergeron
October 12, 2021	Danielle J. Dubois

### Inactive to Practising:

September 3, 2021	Dajin Kim
September 7, 2021	Lori A. Watts
September 7, 2021	Jonathan A. Richert
September 20, 2021	Dianna R. Nesbit

### Non-Practising to Practising:

August 30,, 2021	Luis Zubizarreta Prieto
September 20, 2021	Debra L. Malmquist
September 27, 2021	Sarah R.S. McKinnon
October 1, 2021	Mary L. Heinrichs
October 4, 2021	Adedomola (Damola O. Asiwaju
October 12, 2021	Bradley M. Erratt

### Practising to Inactive:

August 14, 2021	Erica D. Prefontaine Dean
August 23, 2021	Caroline D. Tess
August 31, 2021	Lauren Atkinson
September 1, 2021	Amber A.A. Lamboo
September 1, 2021	Brendan C. Forrest
September 28, 2021	Brittany K. Goodman
September 28, 2021	Darren F. Pawella
October 1, 2021	Daniel N. Booy
October 4, 2021	Shannon C. McNicol

### New Admissions:

August 13, 2021	Damola O. Asiwaju
August 13, 2021	Kevin M. Warkentin
August 18, 2021	David J. Syvitski
August 23, 2021	Ketki D. Purohit
September 1, 2021	Rory A. ffrench
September 2, 2021	Shams M. Shamsuddeen
September 14, 2021	David J. Dick
September 20, 2021	Brandon M. Trask
September 28, 2021	Sarah Khalil
October 1, 2021	Zachary A. Rodgers
October 4, 2021	Meghan F. Payment
October 5, 2021	Omar Abu-Dahab
October 8, 2021	Marc D. Pelletier

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

## IN MEMORIAM

**Paul Gregory Saranchuk**, who passed away on June 8, 2021 at the age of 70. Mr. Saranchuk received his call to the Bar on June 24, 1975. After serving as in-house counsel with Manitoba Public Insurance for four years, Mr. Saranchuk relocated to Alberta where he practised for eight years. In 1987 he returned to Winnipeg, joining D'Arcy & Deacon LLP in practice for 24 years. Mr. Saranchuk retired from practice in 2012.

**John Douglas Fraser Strange**, who passed away on July 10, 2021 at the age of 75. Mr. Strange received his call to the Bar on June 28, 1972. He practised as an associate and partner in several Winnipeg firms for 13 years. In 1985 he joined Manitoba Public Insurance where he served as in-house counsel until his retirement in 2001.

**Darius Bramha Hunter**, who passed away on August 11, 2021 at the age of 25. Mr. Hunter received his Juris Doctor degree from the University of Manitoba, Faculty of Law on May 19, 2021. He then joined Phillips, Aiello to complete his articles while registered as a student under the PREP program.

**Alan William Scarth, C.M., Q.C.**, who passed away on August 13, 2021 at the age of 99. Mr. Scarth received his call to the Bar on May 27, 1948. He practised as a partner with Scarth Honeymoon Scarth for eight years and then Scarth, Simonsen for 28 years. In 1987 Mr. Scarth joined Thompson Dorfman Sweatman LLP, where he practised for 18 years. He practised as a sole practitioner for an additional two years before retiring in 2007. Mr. Scarth was appointed Queen's Counsel in 1962 and in 2001 was appointed a Member of the Order of Canada.

**Colleen Ann McDuff**, who passed away on August 25, 2021 at the age of 53. Ms McDuff received her call to the Bar on June 23, 1994. She served as a Crown Attorney with Justice Manitoba - Public Prosecutions for 16 years and also as a sole practitioner for one year. Ms McDuff retired from practice in 2017.

## Notice of Benchers' Meeting

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

Thursday, October 28, 2021  
at 12:30 p.m. in person and  
via videoconference.

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

- Thursday, December 16, 2021
- Thursday, February 3, 2022
- Thursday, March 24, 2022
- Thursday, May 19, 2022
- Thursday, June 23, 2022

*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, please contact  
Pat Bourbonnais at [pbourbonnais@lawsociety.mb.ca](mailto:pbourbonnais@lawsociety.mb.ca).*

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



## PREP and ARTICLING - *Important Dates*

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

	December 2020 Intake	June 2021 Intake
October 2021		<ul style="list-style-type: none"> <li>- Foundation Workshops continue October 4 to 8 or 18 to 22</li> <li><i>Students will be attending the workshops online for 5 full days.</i></li> <li><i>Workplaces are reminded to not assign any work to students during their participation in the workshops.</i></li> </ul>
November 2021	<ul style="list-style-type: none"> <li>- Capstone results released November 5</li> </ul>	<ul style="list-style-type: none"> <li>- Phase 3 starts with the Business Law Virtual Firm (October 30 to December 9)</li> <li><i>Students will have assignments due every day or two during a virtual firm rotation.</i></li> <li><i>Workplaces are reminded to allow students sufficient time to complete these assignments. They are to be treated as any other high priority client matter within the office.</i></li> </ul>
December 2021		<ul style="list-style-type: none"> <li>- Continuing work on Business Law Virtual Law Firm</li> </ul>
January 2022		<ul style="list-style-type: none"> <li>- Criminal Law Virtual Firm opens January 3</li> </ul>
February 2022		<ul style="list-style-type: none"> <li>- Family Law and Real Estate Virtual Firm (January 30 to March 10)</li> </ul>
March 2022		<ul style="list-style-type: none"> <li>- Phase 4 Capstone Assessment takes place online: March 14 to 17 or 21 to 24 or 28 to 31</li> <li><i>Students will be completing assessment assignments online for 4 full days.</i></li> <li><i>Workplaces are reminded to not assign any work to students during their assigned Capstone week.</i></li> </ul>



**Lawyers who chose to pay their insurance and practising fees by instalment are reminded of the following upcoming due dates:**

**DECEMBER 1**

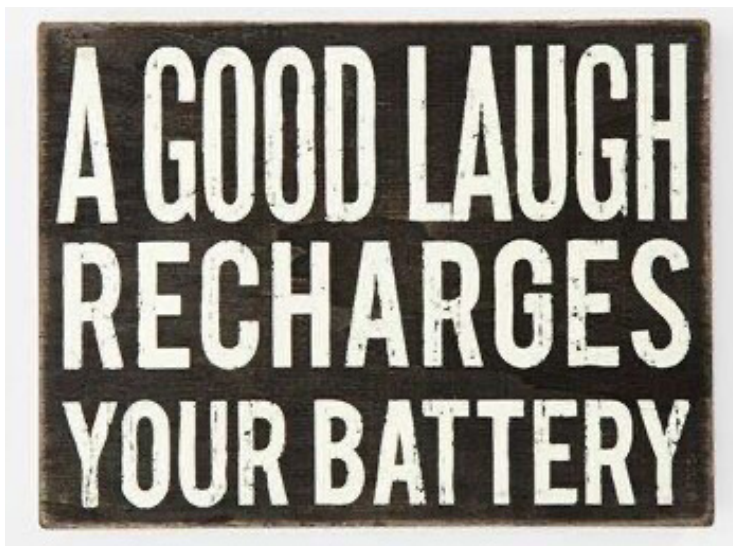
**PAYMENT DUE**

2021/22 Practising Fee & Insurance  
(3rd Instalment)  
for students called to the Bar  
on June 24, 2021

**DECEMBER 1**

**PAYMENT DUE**

2021/22 Practising Fee  
(3rd Instalment)



**PRESIDENT**

Grant Driedger

**VICE PRESIDENT**

Sacha Paul

**CHIEF EXECUTIVE OFFICER**

Leah Kosokowsky

**DIRECTOR OF REGULATION**

Rennie Stonyk

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

**Office Hours**

Monday to Friday  
8:30 a.m. - 5:00 p.m.

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

[lawsociety.mb.ca](http://lawsociety.mb.ca)



**The Manitoba Law Library is now on Twitter!**  
Follow them @MBLawLibrary  
for the latest updates on essential legal  
information and resources.

