

The Law Society of Manitoba

2011

Annual Report

Reports

President's Report	2
Chief Executive Officer's Report	4
Complaints Review Commissioner's Report.....	7
Finances	9
Admissions and Membership.....	10

Areas of Activity

Complaints and Discipline	12
Equity Initiatives	17
Education and Competence	19
Practice Issues	23
Professional Liability Claims Fund	24
Reimbursement Fund	25
Audit Program	26
Benches.....	29
Committees	32
Staff	34



Irene Hamilton

I am pleased to have this opportunity to look back over the past year and highlight some of the many accomplishments of the Law Society of Manitoba in 2010/11. These things were accomplished because of the tremendous dedication of those who volunteer their time and skills, as Benchers, committee members, educators and tribunal members. The work is developed and guided by the vision of Allan Fineblit and Marilyn Billinkoff and the dedicated staff of the Law Society. All of these efforts combined keep our Law Society meeting and exceeding the goal of upholding and protecting the public interest in the delivery of legal services with competence, integrity and independence.

At the beginning of the year, a review was completed of the governance policies of the society to review and determine if changes were needed to the governance model that was implemented a number of years ago. As well the rewritten and revised Code of Professional Conduct was passed into force January 2011. In conjunction with the adoption of the Code the Benchers decided that training on it would be mandatory and would have to be completed by each member of the Society by December 2011. To ensure that this was a realistic requirement for members, extensive training was offered in a variety of formats throughout the province, free of charge.

Continuing professional development was approved to become a requirement effective January 2012. A new annual reporting format was created so that members could easily report on their CPD activities. The report also contains the law corporation renewal form, the trust exemption form and updates contact and practice information. The report can be completed

online to make administrative requirements as easy as possible for members to meet.

During the year I was able to travel to discuss things that we are doing and to hear from other Law Societies about work they are involved in. Allan and I were asked to present to the BC Benchers on the family law access initiative. The Benchers travelled to Brandon for a meeting there that was well-attended by members of the Western Bar. I attended meetings of the Federation of Law Societies in St. John, New Brunswick and Banff, Alberta, and swearings-in in The Pas and Dauphin.

One of the issues that we discussed over the year was how to improve member participation in bench elections; not only the issue of getting out the vote, but also how to ensure that the benchers are representative of the community in which we work, but also of the profession. With 2012 as an election year, everyone should consider whether they can become involved in the work of the society as a committee member, by running to become a

bencher; but regardless of how one is able to participate, it is imperative that everyone vote during the bencher election.

During the year we were pleased to welcome two new representatives of the public who agreed to serve as lay benchers. We welcomed Niranjan Venugopal and Robert Campbell. We were also pleased to welcome Dean Lorna Turnbull who had been serving as a bencher in her acting capacity, and was chosen as the new dean of Robson Hall in March 2011.

Robson Hall will have two students this fall who will benefit from the forgivable loan program that was developed to promote legal services in under-served communities, by the Law Society providing loans of \$25,000 that are forgivable at the rate of 20% for each year that student practices in her or his home community following graduation.

We also approved the development of a program similar to Ontario's Justicia Project to promote the retention of women in practice. We approved a streamlined discipline

process to deal with matters more administrative in nature to make the system more efficient and effective. I was pleased to represent the Law Society at the swearings-in of a master and eleven judges of the three levels of Court in Manitoba. Although these events are ceremonial in nature, it is a good opportunity to speak about the role of the Law Society and reinforce the purpose as set out in The Legal Profession Act. These ceremonies are also a wonderful demonstration of the strong and important relationship among the Courts, the bar and the faculty of law.

The legal profession is well represented in the life of our community. There are few boards of voluntary organizations that do not have one or more lawyers serving on them.

The generosity of the profession was underlined at the community event that I was privileged to be able to choose this year. "Lawyers for Literacy" raised money for West Broadway Youth Outreach programs by getting the kids of WBYO to become the fundraisers by reading to us and letting us assist in

reading to them. Lawyers donated more than \$15000 to this event, and donated books, toys clothes, and importantly, time to show the kids of West Broadway that they matter to us.

It has been a privilege to have served as president of the Law Society, to have met colleagues who served in many capacities, and to have worked with the dedicated and wonderful staff. I would like to thank Jeff Hirsch, Past President and Helga Van Iderstine, Vice President, for their contributions made with insight, intelligence and humour.

Irene A. Hamilton
President



Allan Fineblit, Q.C.

The Law Society of Manitoba is a regulator. It regulates the delivery of legal services on behalf of the public. For that reason, the highlight of the 2010/11 Law Society year has to be the rolling out our new Code of Professional Conduct. The Code was five years in the making and is both similar to our old Code and radically different. The style is very different, but much of the content is the same. There are new rules dealing with ethical problems that didn't exist in 1992 (the last time our Code was revised).

There are two unique and highly significant features of this Code. The first feature that is noteworthy is that this Code follows a new

Model Code adopted by the Federation of Law Societies of Canada. Canadian law societies have come to realize that more and more we need to harmonize our rules and practises. Lawyers are now fully mobile and can practice in every jurisdiction. Client needs cross borders. If we are to be effective at protecting the public, we need to work together.

The second feature of the new Code is that every practising lawyer will be required to attend a continuing professional development program to learn about what's new in it. The Benchers of the Law Society of Manitoba decided this year that mandatory continuing professional development would come into effect starting in 2012, but that in the meantime mandatory Code training needed to be taken by every practising lawyer before the end of 2011.

The Law Society took steps in 2010 to expand the role of the Complaints Review Commissioner, giving him jurisdiction to review all complaints where a decision was made not to charge the

lawyer (see the Complaints Review Commissioner's section of this Annual Report). The Law Society also advertised for non-lawyer public representatives to sit on all hearing panels and had an overwhelming response. We selected ten public representatives and they have already made a valuable contribution to our work. The Complaints Review Commissioner and the ten public representatives, along with our four Lay Benchers, allow for significant public participation in the governance of the legal profession in Manitoba. The Benchers also completed a review of our Governance Policies which had been in place since 1998. They generally endorsed the policy governance model and made changes to the policies to reflect the experience (good and bad) we have had since 1998.

A bi-annual Bencher election was held in May of 2010. Several new Benchers were elected: Roberta Campbell, Jim McLandress, Dean Scaletta, and David Gray. In addition, a new Student Bencher, Alison

Cathcart, was elected by her classmates in September of 2010. Also, two new Lay Benchers, Niranjana Venugopal and Robert Campbell, were appointed in January of 2011.

Two dedicated and hardworking Benchers, David Kroft and Bill Gange, became Life Benchers in 2010 having served the maximum eight years and Jeff Hirsch, at the end of his term as President, also became a Life Bencher. Jane Ursel resigned as a Lay Bencher in 2010 after having made a significant contribution in the area of access to legal services.

A special committee on communications reported to the Benchers in May of 2010. The committee recommended a communications strategy that focussed on outcomes achieved and the development of national standards against which our performance could be measured objectively.

A special committee on the role of paralegals also reported to the Benchers in 2010 and recommended an expanded scope of practice for paralegals who are properly trained and work under the supervision of

lawyers. The recommendations of the committee were endorsed by the Benchers.

This year we introduced a mandatory annual report for each practising lawyer. The annual report combines several existing reports and gathers and updates the membership information we need. The first report was due at the end of March, 2011.

In 2010 we introduced a forgivable loan initiative for students who come from under-serviced communities. Our hope is that this initiative will encourage more lawyers from underserved communities to attend law school and return to those communities to practice after graduation. The first forgivable loan students will start in September of 2011.

In December of 2010 the Benchers decided to appoint a new investment manager for the Law Society, Mawer Investment Management Ltd. Our investment portfolio, including our insurance reserve, is managed under a set of guidelines prepared by our Investment Committee. Mawer is only

the second investment counsel we have ever had.

There were a few staff changes during this year. Lara Badmus and Stefanie Krochak joined our Complaints Investigation Department and Lisa Ehnes joined our General Counsel Department.

In January of 2011, President Irene Hamilton organized a community service project called *Lawyers for Literacy*. Sixty lawyers spent a day reading with kids at the West Broadway Youth Outreach program and raised over \$15,000 in support of WBYO.

In February of 2011 Benchers voted to adopt a new initiative to promote the retention of women in private practice modelled on the Justicia Project in Ontario.

A lot of our attention and energy in 2010/11 was dominated by a discipline case that attracted unprecedented public and media attention. Some of that attention was directed at the Law Society and how we do our work. While there are many things we could have done differently, the decisions we made were

all based on sound policies applied in a principled way. While some may legitimately disagree with those decisions, I feel particularly proud of the Law Society staff and Benchers who made those policies and followed them. Whether we were introducing innovative access initiatives, significantly increasing public participation in our governance, developing model ethical rules, or making difficult and occasionally controversial decisions, I believe the public has been well served by the competent, honourable and energetic Benchers and staff of the Law Society of Manitoba.

Complaints Review Commissioner's Report



Drew Perry

As Complaints Review Commissioner for the past year, I have appreciated the opportunity to carry out the role set out in the Rules of the Law Society – that of a non-lawyer who functions independently of the Law Society in order to review certain decisions of staff in discipline matters.

In 2010 the title of Complaints Commissioner (in place since 1994), was changed to Complaints Review Commissioner and the jurisdiction was expanded. Prior to 2010, the Commissioner could only review decisions by Law Society staff not to investigate a complaint and, if the Commissioner did not

agree with that decision, require that the complaint be investigated. This responsibility continues, but in addition there may now be a review requested after a staff investigation. In cases where staff have investigated but have determined that the complaint is without substance, or the lawyer has provided a satisfactory response, been sent a reminder letter or required to take certain action, the Commissioner can direct that the complaint be referred to the Complaints Investigation Committee.

Members of the public have 60 days to request a review of their complaint. On receiving a request, the Complaints Review Commissioner contacts the Law Society and obtains the client's complaint file and makes a decision based on the information contained in the file. Complainants do not meet with the Commissioner. The decision of the Complaints Review Commissioner is final and there are no further reviews or appeals.

In 2010-11, the Commissioner considered 28 matters. Since this total

is the same as the two previous years, the expansion of jurisdiction for the Commissioner has not so far resulted in an overall increase in reviews.

Of the total, 22 cases involved matters the Law Society declined to investigate. Upon review, the staff decision was confirmed in 20 of the cases; one case contained new information and was referred back to staff; and one matter was directed to be investigated.

The remaining 6 reviews involved matters where an investigation had taken place, but the matter had not been sent to the Complaints Investigation Committee. Following the review by the Commissioner, the staff decision was confirmed for 3 of the matters; for 2 there was no jurisdiction for the Commissioner to act, since they had originated prior to the rule change in September 2010; and one matter was directed to be reviewed by the Complaints Investigation Committee.

Of the complaints reviewed by the Commissioner this year, some involved lawyers

complaining about the actions of other lawyers, but most involved individuals with unresolved property, estate or family issues who complained that either their lawyer or the lawyer for the opposing party had been unprofessional or not been competent. The matters often involved difficult personal circumstances as complainants continued to try to resolve their issues.

In reviewing the files for the 28 complaints, I found that complaints received careful consideration by staff, and that clear explanations were provided about the reasons for the initial decision as well as the role of the Law Society in resolving complaints.

The General Fund is used to pay for most of the operations of the Law Society that are not covered by one of the other special funds. The General Fund pays the employer contribution to our employees' Pension Plan and this year, as a result of a valuation of the Pension Plan which took place in relatively poor market conditions, the Law Society was required to significantly increase its contributions to the Pension Plan in order to ensure its solvency.

The Law Society has made a number of changes to the Pension Plan to reduce the long-term impact of this unusually large payment from the General Fund, but it did offset any of the benefits of improved investment revenue and under expenditure in other General Fund items. Had we not had to make this unusual expenditure, we would have had a very positive year in the General Fund instead of finishing the year pretty much as budgeted.

The Reimbursement Fund is used to repay clients who are victims of lawyer theft and to fund the Law Society's audit program.

While the Fund had no paid claims in the 2010/11 fiscal year, there are a number of claims in process that we know will be paid in the 2011/12 fiscal year.

The Professional Liability Claims Fund is the errors and omissions insurance program for lawyers in Manitoba. Claims paid were well under budget as were legal fees to defend claims. The levy charged to lawyers for their insurance is heavily subsidized by our excess reserves and having a good year means that those excess reserves are available to subsidize the levy again in future years.

The Education Fund pays for continuing professional development programming and for the CPLED program which trains articling students on the skills they will need to practice law safely and effectively. The Fund benefited from a large CPLED class and significant participation by the legal profession in continuing professional development activities. The Education Fund finished the year as a result slightly better than budgeted.

Overall, the Law Society's financial situation is stable

and we are comfortably able to deliver the public protection infrastructure that we are responsible for providing.

New Members

During the year ending March 31, 2011, 84 lawyers were called to the Bar in Manitoba. Of those:

- 4 lawyers transferred to Manitoba from other Canadian jurisdictions, under the National Mobility Agreement; and
- 80 articling students were called to the Bar.

Where Members are Practising

Law Society members with active practising status on December 31, 2010 were practising in the following geographical areas:

- within the City of Winnipeg: 1645;
- within Manitoba, but not in the City of Winnipeg: 222; and

- outside Manitoba: 52.

Law Firms in Manitoba

As of December 31, 2010, 123 law firms were operating in Manitoba. Of these firms:

- 83.0% have 2-10 lawyers;
- 10.5% have 11-25 lawyers;
- 2.4% have 26-50 lawyers; and
- 4.1% have more than 50 lawyers.

Gender and Nature of Practice

There were 1919 lawyers with active practising status in Manitoba as of December 31, 2010, of which 1259 or 65.6% were men and 660 or 34.4% were women. Of those women in active practice, 52% were engaged

in private practice with the remaining 48% employed in corporate, government (including Legal Aid) and educational endeavours. Of the men in active practice, 74% were engaged in private practice and 26% in corporate, government and educational endeavours. **Table A** below provides a historical record of the number of practising lawyers in Manitoba and **Table B** provides a gender breakdown by years in practice.

Years at the Bar

The breakdown of the profession in terms of number of years at the bar for the province's 1,919 practising lawyers is indicated in Table B on the following page.

Table A: Historical Record of Practising Lawyers in Manitoba as of December 31st

1932 - 603	1975 - 910	1986 - 1,483	1997 - 1,711	2008 - 1,860
1950 - 551	1976 - 967	1987 - 1,526	1998 - 1,699	2009 - 1,883
1955 - 636	1977 - 1,105	1988 - 1,548	1999 - 1,731	2010 - 1,919
1965 - 683	1978 - 1,083	1989 - 1,609	2000 - 1,737	
1966 - 702	1979 - 1,169	1990 - 1,635	2001 - 1,760	
1968 - 704	1980 - 1,213	1991 - 1,680	2002 - 1,769	
1970 - 723	1981 - 1,252	1992 - 1,665	2003 - 1,778	
1971 - 746	1982 - 1,282	1993 - 1,659	2004 - 1,808	
1972 - 776	1983 - 1,304	1994 - 1,659	2005 - 1,825	
1973 - 795	1984 - 1,336	1995 - 1,671	2006 - 1,819	
1974 - 837	1985 - 1,387	1996 - 1,677	2007 - 1,836	

**Table B: Practising Lawyers in Manitoba as of December 31st
by Years at the Bar and Gender**

Years at the Bar	Male		Female		Total	
	#	%	#	%	#	%
0 - 5	148	7.71	192	10.00	340	17.71
6 - 10	105	5.47	107	5.58	212	11.05
11 - 15	140	7.29	95	4.95	235	12.25
16 - 20	126	6.57	86	4.48	212	11.05
21 - 25	155	8.08	81	4.22	236	12.30
26 - 30	162	8.44	58	3.02	220	11.46
31 - 35	163	8.49	33	1.72	196	10.21
36+	260	13.55	8	0.42	268	13.97
TOTAL	1259	65.60	660	34.40	1919	100.00

Complaints

The aim of the Law Society of Manitoba is a public well served by a competent, honourable and independent legal profession. The Discipline Department strives to meet that aim by resolving complaints in a way that is thorough, timely and fair. Law Society staff investigate and resolve the majority of complaints received about lawyers, while the Complaints Investigation Committee deals with the more serious complaints.

Law Society staff try to address verbal complaints quickly on an informal basis, if it is determined that it is appropriate to intervene. In the past fiscal year, staff resolved 98 such concerns through this type of early intervention.

The Society received 411 written complaints last year. Where a written complaint is received, a significant number are also resolved by Law Society staff. For example, this past year staff resolved 315 matters (some received in the prior fiscal year) as follows:

- a. 104 complaints were determined to be outside the Law

Society's jurisdiction or did not merit investigation;

- b. 31 complaints were resolved to the satisfaction of the complainant and the lawyer through telephone conciliation;
- c. on 71 matters, it was determined that the lawyer had provided a satisfactory response to the complaint;
- d. on 73 occasions, the lawyer received a reminder letter with respect to his or her professional obligations;
- e. on 7 occasions it was recommended that the lawyer follow a particular course of action;
- f. on 17 matters, the complaint was abandoned or withdrawn; and
- g. 12 matters were otherwise resolved by staff lawyers.

This past year the Complaints Investigation Committee was comprised of 6 Benchers and 5 non-Benchers lawyers. The Committee has a wide range of powers including

the authority to order reviews of a lawyer's practice, authorize charges of professional misconduct, conduct unbecoming or incompetence, issue formal cautions, direct personal appearances and suspend lawyers from practice on an interim basis.

Last year, the Complaints Investigation Committee had 10 meetings in which they considered 75 matters as well as concerns arising from the bankruptcies of 3 lawyers. Several matters were considered by the Committee on more than one occasion as the matters progressed. One lawyer's conduct (which was referenced in 7 separate investigations) was repeatedly considered by the Committee, first in an effort to have the lawyer cooperate with the investigation, secondly as a personal appearance which resulted in charges and the imposition of restrictions and then on several occasions thereafter at the member's request, to have the Committee amend the restrictions. This lawyer's matters accounted for 35 of the 75 matters considered. The Committee also required 4 lawyers to appear personally in order to assist

in the Committee's investigation. The Committee directed the following resolutions of the matters before it:

- a. charges were authorized on 33 matters, relating to 14 lawyers;
- b. undertakings were sought from 4 lawyers relating to their practice;
- c. restrictions were imposed on one lawyer's right to practice;
- d. 2 lawyers were relieved of their undertakings;
- e. practice reviews were directed for 2 lawyers;
- f. the Committee determined to take no further action on 3 matters;
- g. the Committee issued a reminder on 1 matter; and
- h. and 3 matters were resolved by the Committee directing the lawyer to cooperate with the

investigation or a practice review.

Most complaints to the Law Society are made by clients or former clients and concerns relating to quality of service and excessive fees continue to be common. However, the matters under consideration by the Committee dealt primarily with integrity related matters, competence concerns, breaches of trust conditions, conflicts of interest, as well as ungovernable members.

Fee Arbitration

The Law Society offers a fee arbitration program to members of the public, free of charge. Members of the legal profession donate their time to arbitrate fee disputes in a voluntary arbitration process. The program allows clients and lawyers the ability to resolve disputes about accounts in a more informal setting than through a court assessment. Members of the legal profession, however, are not required to agree to arbitration.

The Law Society received 68 complaints relating to excessive fees. No action was taken in 16 matters due

to no follow through by complainants, direct settlement between the parties, or the Society having no jurisdiction to deal with the complaint. Eight fee-related complaints could not be dealt with due to the Law Society having no jurisdiction. There were 52 requests for arbitration upon which the Law Society was able to act. Six of the arbitration requests resulted in a satisfactory settlement being reached between the member and the complainant directly. No further action was taken on 24 requests due to the fact that the lawyer declined to arbitrate the dispute. There were five instances where an arbitration request was made, but the requests were later abandoned or withdrawn by the complainant prior to the conclusion of the arbitration process. Ten matters are ongoing, either pending an arbitration hearing or pending the member's or the complainant's consideration.

Fifteen arbitration hearings were conducted between April 1, 2010 and March 31, 2011. Eight of those hearings related to arbitration proceedings

which commenced prior to April 1, 2010. Of the fifteen hearings, in three instances, the fees were upheld, in eleven instances the fees were reduced, and in one instance the parties settled during the arbitration hearing.

Discipline

When a member of the profession has been charged with professional misconduct, conduct unbecoming or incompetence by the Complaints Investigation Committee, the Discipline Committee of the Law Society will conduct an inquiry into the conduct. A panel of the Discipline Committee consisting of two members of the profession and one public representative will be appointed to hear evidence and then make a determination as to whether a member is guilty and, in the event of a conviction the appropriate penalty. Hearings are open to the public unless there are compelling reasons for a panel to order that it is in the public interest that members of the public be excluded.

During the reporting period, the Discipline Committee conducted 12 inquiries over the course of 15 days. One inquiry was an application for a pardon, which was granted by the Discipline Panel hearing the matter. Another inquiry related to an application for reinstatement which was denied. Convictions were entered in each of the other ten matters, which included charges of professional misconduct relating to:

- **Quality of Service:** failing to serve a client in a conscientious, diligent and efficient manner so as to provide a quality of service at least equal to that which lawyers generally expect of a competent lawyer in a like situation;
- **Conflict of Interest:** acting for clients when the interests of the lawyer or an associate of the lawyer conflict with those of the client; proposing a sexual relationship with a client; entering into a business relationship with a client;

- **Integrity:** failing to discharge with integrity duties owed to clients, the court, other members of the profession and the public by acting in breach of fiduciary obligations owed to a client; failing to account to law firm for fees; misleading the Society, members of profession and the court; filing an affidavit in court material by omission; sexual harassment of a client; failing to treat the court with courtesy and respect; failing to attend in court for trial date set; possessing and distributing child pornography; while acting as an Executor, advising a beneficiary that a receipt is of no use to the Estate, and then requesting and receiving the charitable receipt in the lawyer's own name;
- **Civility:** failing to respond to a lawyer with reasonable

promptness or at all; failing to comply with a trust condition imposed by another lawyer; sending communications inappropriately criticizing opposing counsel;

- **Trust Accounting:** failing to comply with the Law Society trust accounting rules, including withdrawing money from trust for fees or disbursements without preparing or sending statements of account to the client; appropriating money from trust without the express or implied authority of the client; failing to deposit money received as a retainer into a pooled trust account; failing to maintain up-to-date trust records;
- **Fees:** charging and accepting a disbursement that was not fully disclosed, fair and reasonable; charging fees on an estate in excess of that permitted by

the Queen's Bench Rules without consent or court approval; depositing Estate funds into a specified trust investment account for his firm, and not for the Estate or the client on behalf of the Estate;

- **Law Society Rules:** failing to respond to communications or the substance of communications from the Law Society; failing to notify the Law Society Insurer of a potential professional liability claim.

Section 72(1) of *The Legal Profession Act* provides the Discipline Panel with the authority to impose sanctions ranging from a reprimand through to disbarment. In the 10 discipline hearings that were conducted this year, two members were disbarred. One of those members has filed an appeal to the Manitoba Court of Appeal. Three other members were suspended. Three members were ordered to pay fines ranging from \$1,500.00 to

\$15,000.00 and two other members received reprimands for their conduct. As well, conditions of practice were imposed upon two of the members who were suspended with respect to their return to practice, including a condition that one of the members have his trust account supervised for a period of one year and a condition that a member only be allowed to practice under supervision.

In respect of matters heard in the previous fiscal year, two members who had been disbarred appealed their disbarments to the Court of Appeal. One of those appeals was heard and determined. In that case, the Court of Appeal substituted the member's disbarment with a one year suspension and imposed a condition that he be required to prove his repayment of some funds before he could resume practice. The other appeal was outstanding as of the end of the fiscal year. In another matter heard in the previous year, the panel determined to impose various practicing conditions such that the member must practice under supervision, complete

remedial education in certain practice areas, retain an accountant to certify on a monthly basis that the member's trust accounts are completed, and undertake not to practice in the areas of criminal law and family law.

Decisions of Discipline Panels are reported in detail on the Law Society's website.

As part of its mandate to protect the public interest, the Law Society seeks to ensure that only those authorized to practice law in Manitoba will do so. This year, a number of concerns relating to the unauthorized practice of law were investigated and resolved informally while other matters remain under consideration. Typically, a cease and desist letter is written to the individual in an effort to prevent the offending conduct from continuing and then the Society monitors compliance before considering whether it may be necessary to take court action.

The Law Society of Manitoba supports the full participation of men and women in the legal profession regardless of age, disability, race, religion, marital or family status or sexual orientation. The Society acknowledges the diversity of Manitoba's community and expects lawyers to respect the dignity and worth of all people and to treat all persons equally. Discrimination and harassment are against the law and are prohibited by the lawyers' *Code of Professional Conduct*.

The Equity Ombudsperson Program is one of the Society's most active equity initiatives. It has been a permanent Law Society program since 2003. The Equity Ombudsperson functions independently of the Law Society and provides confidential and neutral advice to individuals who have concerns about any kind of discrimination or harassment. The Equity Ombudsperson also consults with and assists private and public law offices wanting to raise staff awareness about the importance of a respectful workplace environment or develop office policies. She

also provides educational seminars for members of firms, is available for personal speaking engagements and informal meetings, talks confidentially with firms about particular problems and mediates disputes. The Law Society also has a standing Equity Committee that deals with issues relating to equality and diversity.

During the 2010 calendar year the Equity Ombudsperson was contacted a total of 940 times, down slightly from last year's number of 959; 336 of these contacts dealt with issues or concerns related to discrimination, 109 dealt with issues relating to sexual harassment and 242 related to workplace harassment issues or concerns. Calls this year were the second highest since the program started with only a slight decrease of 19 calls from last year's record number. Calls in the area of sexual harassment declined for the first time in the history of the program. There was also an increased proportion of calls from outside Winnipeg, an increase in calls from clients and a significant shift towards

predominately female contacts. It is too early, however, to determine whether any of these changes are part of a trend.

Thirteen new individual cases were handled as part of the Parental Support Program introduced in October, 2008, which offers coaching sessions to lawyers and their spouses or life partners to help them plan for maternity and parental leave and meet the challenges of becoming new parents and juggling family and work life. Last year fourteen lawyers contacted the program.

Calls to the Equity Ombudsperson declined this year due to the easing of contacts concerning daycare articles and resulting initiatives, although there were a substantial number of calls due to continuing following up and consultation that was required by the daycare working group. This year the Equity Ombudsperson received an Honourable Mention from LEAF National as one of a total of twenty-five women lawyers from across Canada who have made a positive difference to the law through mentorship, their

legal practice or the advancement of women's equality.

Last year the Law Society implemented a new Professional Boundaries Program for lawyers. It is a remedial program designed to help lawyers better understand when professional boundaries may have become blurred in their interaction with clients, employees and other lawyers and help them to avoid breaching their obligations under *The Code of Professional Conduct*. It is modeled on a similar program in place for the medical profession in Manitoba and is the first of its kind in Canada for the legal profession. There is currently one lawyer enrolled in the program.

This year the Law Society's Equity Committee completed its review of the Law Society of Upper Canada's Justicia Project, which is designed to help law firms identify and adopt principles and best practices to promote the retention and advancement of women in private practice. The Benchers approved the Committee's recommendation to implement parts of the

Justicia Project in Manitoba and will be developing an implementation plan for consideration by the Benchers.

The Law Society's mission is a public served by competent lawyers.

Admissions and Education Committee

The Admissions and Education Committee provides policy direction on admission matters to the Admissions and Membership department. It also provides policy direction to the Education and Competence department regarding the education of applicants seeking admission as lawyers and on the continuing professional development of practising lawyers. In addition, the Committee hears appeals from both admissions and education decisions.

The Admissions and Education Committee met 4 times during the year and considered the following policy issues:

- Mandatory continuing profession development
- Foreign trained lawyers and exemptions from articles and the CPLED Program
- Admissions and Education appeal processes

The Committee discussed mandatory continuing professional development for lawyers over several meetings. These discussions culminated in recommendations for guiding principles, which the benchers of the Law Society approved. The Committee defined continuing professional development activities as learning activities that enhance a lawyer's competency in the protection of the public and are relevant to the professional needs of the lawyer, pertinent to the long-term career options as a lawyer, in the interests of the employer of the lawyer, or related to the professional ethics and responsibilities of lawyers.

The Committee recommended to the benchers that the chief executive officer have discretion to exempt foreign trained lawyers from all or part of the articling or CPLED Program requirements.

The Committee began discussing gaps in the current appeal process. This discussion will continue next year.

Appeal panels made decisions on two appeals.

CPLED and Articles

Law graduates seeking admission to the Manitoba bar must complete the Manitoba CPLED Program. The Manitoba CPLED Program is part of a regional bar admission course offered in Manitoba, Saskatchewan and Alberta. The CPLED Program focuses on the essential skills that new lawyers need in the early years of practice and on the areas of substantive law that they are likely to encounter. This year's program began on August 30, 2010 with 80 new students and ended on March 15, 2011 with 79 students. Sadly, one student passed away during the program. The program consisted of nine modules. Three modules were completed in traditional classroom and seminar settings, and six modules were completed online. Students completed 10 assignments and 10 competency evaluations during the program to demonstrate their competency to practise law.

In addition to the Manitoba CPLED Program, law

graduates must complete 52 weeks of articles under the supervision of a lawyer who has been approved as a principal. Ten students articulated outside the City of Winnipeg. The objective of articles is to provide students with realistic experiences in a supervised and reflective atmosphere. At the end of the articling term, principals must provide an assessment of their students' competency in the essential skills and legal knowledge required by an entry level lawyer.

Continuing Professional Development (CPD)

The Education and Competence Department provides educational opportunities to lawyers and their support staff to help them provide high quality legal services to the public. In planning continuing professional development (CPD) programs, the department is guided by a working definition of competence and strives to offer programs that address each component of the definition.

Practising members of the Manitoba Bar must annually report on their CPD

activities. The Law Society recommends that each practising member participate in at least 12 hours of CPD activities per year. The 2010 CPD Report was combined with the new Annual Member Report and submitted electronically through the members' portal on the Law Society's website.

The new *Code of Professional Conduct* was completed in 2010 and came into effect January 1, 2011. All practising members must participate in training on the new *Code* by December 31, 2011. Education sessions were offered in December 2010 and a variety of training opportunities are planned throughout 2011.

The Law Society offered 42 CPD programs throughout the province; 33 were offered in Winnipeg (11 of these were available by teleconference) and 6 were offered outside of Winnipeg (2 in Flin Flon, 2 in Brandon, 1 in Clear Lake and 1 in Treherne). Three other programs were offered by teleseminar. The 42 programs attracted a total of 3350 attendees. A variety of topics were covered, including Privacy Law,

Estate Planning for Common Law Couples & Blended Families and writing and public speaking skills for lawyers.

Continuing Professional Development (CPD) Programs delivered in 2010-2011:

- Accommodation in the Workplace
- Purchasing Assets from Receivers
- Powers of Attorney: Accountability: A Litigator's Perspective
- Caveat Emptor and the Pros and Cons of Greater Sellers' Disclosure
- Trust Conditions
- Bench & Beer: From Small Claims to the Court of Appeal
- Northern Bar Association Annual Meeting & CPD Program
- Legal Research Boot Camp
- Improving Your Powers of Attorney (Brandon)
- Central Bar Association Annual Meeting & CPD Program (Treherne)
- Time Mastery for Lawyers (Teleseminar)
- Western Bar Association Annual Meeting & CPD Program (Clear Lake)
- Mines & Minerals and Land Titles Issues
- La Terminologie du Droit en Français

- Law Firm HR Challenges for the Future
- Lawyers Acting as Executors & Trustees
- Privacy Law Update
- Bench & Beer Series: Examinations for Discovery
- Writing to Win for Solicitors
- Speaking to Win
- Bench & Beer Series: Affidavits, Expungements & Case Conferences
- Estate Planning for Common Law Couples & Blended Families
- Resolving Inter-Generational Conflicts in Law Firms
- 2010 Pitblado Lectures, Remedies: From Dollars to Sense?
- Bench & Beer Series: Hearings Before the Master
- Decision Writing
- Update on the JADR Review Committee
- One Day MBA for Lawyers
- Annual Hot Topics in Real Estate
- Gain the Edge! Negotiation Strategies for Lawyers
- Les Mauvais Traitments Envers Les Aines
- Real Estate for Support Staff
- Getting to 20/20, Refining our Focus: Putting Children first

(Annual Joint Family Law Program)

- 5 sessions on the new *Code of Professional Conduct*

The Law Society worked with several other organizations to provide innovative programs. The Northern, Central and Western Bar Associations invited the Education and Competence Department to plan and implement professional development courses at their annual meetings. The Law Society and its co-sponsors, the Manitoba Bar Association and the University of Manitoba Faculty Of Law presented a successful program entitled "Remedies, From Dollars to Sense?" for the annual Isaac Pitblado Lectures. The Law Society also joined forces with its Equity Ombudsperson and the Manitoba Bar Association's specific sections to present a number of programs. "Refining our Focus, Putting Children First" was jointly presented by the Law Society, the Court of Queen's Bench, Family Division and the Manitoba Bar Association. Finally, the Law Society partnered with the Association des Juristes d'expression Français du

Manitoba to offer two French language programs.

In addition to presentations and workshops, the Law Society provided educational opportunities for the legal profession by making available papers created for specific CPD programs and the CPLED Program Resource Materials. The latter are available in hard copy or on CD.

New Media

The Law Society recognizes the need to provide continuing professional development to its members through diverse delivery methods. During the period ending March 31, 2011, the Law Society captured some of its traditional live CPD programs on video so that members can access programs regardless of location and time.

eLaw Electronic Update Series

The eLaw electronic update series is another tool to enhance the competence of Manitoba lawyers. Subscribing lawyers receive free regular email updates on cases, legislation, regulatory changes, and

educational resources in six broad practice areas: Property & Succession, Business Law, Family Law, Criminal Law, Litigation and Practice Management. In 2010-2011 we saw an increase in subscriptions for this service.

Remedial Education

From time to time the Society identifies lawyers whose skills or legal knowledge have deteriorated and who are not able to competently provide legal skills. The Society provides remedial programs to assist these lawyers to reacquire and to demonstrate their competency. Between April 1, 2010 and March 31, 2011 two lawyers were enrolled in remedial programs.

Volunteers

The Law Society is indebted to the many lawyers who contributed to the success of the CPLED Program, CPD programs and competence initiatives by volunteering their time and expertise as faculty, content advisers and authors.

This year has seen a significant development in the area of practice and ethics as a new *Code of Professional Conduct* came into effect on January 1, 2011. The new *Code* follows an intensive review of the former *Code* by a Committee consisting of Benchers and members of the profession. This Committee consulted with the profession at large as well as other stakeholders. The new *Code* provides a clear, concise and updated ethical framework by which lawyers are now expected to conduct themselves.

All members of the profession are required to complete some form of training on the *Code* by December 31, 2011. The Society began to deliver programming with respect to the form and content of the new *Code* in December 2010 in both Winnipeg and Brandon. Since then training has been provided across the province via teleconference, DVD, general presentations and in-house sessions to law firms and legal departments. By the end of the fiscal year well over one half of the members of the profession had completed their training on the

provisions of the new *Code*. While many of the principles remain the same, some of the key changes include new rules with respect to:

- The exchange of valuable consideration in return for influencing the Crown or a regulatory authority not to proceed with a charge or to seek a reduced penalty;
- The permissive and mandatory disclosure of confidential information;
- Responsibility to clients with diminished capacity;
- Conflicts of interest;
- Withdrawing as counsel;
- Communicating with witnesses giving evidence;
- Receiving communications inadvertently; and
- Mandatory reporting of professional misconduct.

The Law Society also provided programming on issues pertaining to lawyers acting as executors and trustees. In particular the profession was provided with guidance through a Statement of Principles on

Fees in Estate Matters which was posted on the Law Society website.

Members of the profession continue to seek guidance from the Society with respect to a variety of ethical and practice issues both informally and formally.

The Professional Liability Claims Fund of the Law Society of Manitoba provides professional liability insurance coverage to non-exempt Manitoba lawyers. The Professional Liability Claims Fund underwent an independent actuarial valuation to establish the program's actuarial liabilities and surplus position and recommend the appropriate insurance assessment. This process of independent actuarial advice and collecting sufficient funds for each policy year ensures that expected losses will be fully funded and allows for an adequate surplus to cover unexpected claims development. In the 2010/2011 fiscal year, the insurance assessment was levied at \$575 plus G.S.T.

The Law Society and nine other provincial and territorial Law Societies participate in the Canadian Lawyers Insurance Association (CLIA), a reciprocal insurance exchange. CLIA issues a comprehensive Policy of Insurance to the Law Society as Named Insured and members of the Law Society as Insureds. The Policy insures lawyers for

damages and legal costs of up to \$1 Million per error and \$2 Million annually for claims alleging errors or omissions made in the course of providing professional services to others. When a claim made against a lawyer is paid, that lawyer pays a deductible ranging from \$5,000 to \$20,000, depending on the lawyer's paid claims experience in the previous five year period.

The Law Society has a Professional Liability Claims Fund Committee which deals with policy matters affecting the insurance program as they arise.

At March 31, 2011, 96 claims had been reported during the 2010/2011 policy year. During the 2010/2011 fiscal year, the Insurance Program paid claims totalling \$738,103 in damages and \$183,772 in legal defence costs. This compares to \$1,372,987 in claims and \$262,312 in legal defence costs paid during the previous fiscal year.

The Professional Liability Claims Fund also funds various loss prevention initiatives including a retainer agreement with

Bjorn (Barney) Christianson, Q.C. to provide free practice advisory services to members on a broad range of practice management areas.

The Reimbursement Fund (the "Fund") was established by the Benchers of The Law Society of Manitoba in 1943 to compensate clients for losses resulting from the misappropriation or conversion by lawyers of client funds or property. This Fund is maintained solely for the benefit of clients who may suffer losses through the dishonesty of lawyers and it is financed by the levy of an annual assessment on all practicing lawyers within the province. In the 2010/2011 fiscal year, all practicing lawyers paid the sum of \$100 into the Fund. The Law Society maintains insurance in the amount of \$10 million on the Fund.

The initial payout on any approved claim is limited to \$100,000. At the end of a fiscal year, if the total awards do not exceed the annual retention (\$1 million) plus the insurance on the Fund, then the balance unpaid on any approved claim will be paid out together with interest at *The Court of Queen's Bench Act* prejudgment interest rates from the date of the initial payment. If the aggregate claims awards

exceed the annual retention plus the insurance coverage, payments in excess of \$100,000 will be prorated. There is a limit on recovery of \$300,000 per file. There is no limit on the number of claims an individual may bring.

Reimbursement Fund claims guidelines are considered in deciding whether to approve a claim. Claimants are provided with an application form and a copy of the payment guidelines which set out the terms for the submission, consideration and payment of claims.

In the 2010/2011 fiscal year there were no reimbursement claims.

Manitoba lawyers regularly handle trust funds and other property on behalf of their clients in connection with their practice of law. Lawyers are required to follow the rules established by the Law Society of Manitoba in order to ensure that these funds are properly safeguarded. Financial accountability requirements with respect to the appropriate handling of clients' trust and general funds, include maintaining up to date and accurate accounting records of funds received and disbursed. To ensure compliance with the requirements, the Law Society reviews lawyers' accounting records on a regular basis through the Spot Audit Program. In addition, lawyers are required to file an Annual Trust Account Report which provides up to date information on the law firm's accounts and associated accounting records.

Spot Audit Program

The main goal of the spot audit is to ensure compliance with the accounting rules, detect problems and on occasion identify serious misconduct.

The spot audit is generally conducted on a "surprise" basis so that the auditor will observe the law firm's records in their usual state. There are three types of audits conducted:

- 1) *Regular Audits* are conducted of all Manitoba law firms on a rotational basis;
- 2) *New Firm audits* are conducted within the first year of a firm opening its first trust account. These audits ensure appropriate accounting systems are established and provide an opportunity for the lawyer to ask the auditor questions about trust account requirements.
- 3) *Priority audits* are conducted of firms having a history of trust account problems or if information suggests a law firm is of higher risk and should be audited sooner than the regular rotation.

During the fiscal year ended March 31, 2011, the

following audits were completed:

Regular Audits	50
New Audits	21
Priority Audits	<u>6</u>
Total	<u>77</u>

Results of Audits

A typical audit will take 1-2 days but may take longer depending on the size of the firm and the state of the law firm's records. Once the audit is complete, the Law Society auditor provides the law firm with a letter outlining the results of the audits and detailing any necessary changes. If the audit reveals serious accounting deficiencies and/or inappropriate handling of trust funds, the results of the audit will be referred to the Discipline Department for further follow up. During the past year, 16 of the above audits (20%) revealed serious accounting deficiencies or mishandling of trust funds. Seven of those audits were referred to the Discipline Department while the remaining members

received instructions from the Audit Department. The Law Society's auditors devoted 34 % of their time to conducting audits. This is 7% less time than the 2010 fiscal year end and 12 % less than the year prior to that. This is largely due to the time that the auditors were involved in Investigations.

Investigations

During the fiscal year ended March 31, 2011, the Audit Department devoted 1098 hours or 20 % of its time to conducting investigations, an increase of 12 % from the 2010 year end. The majority of this time related to the investigation of two members, with some time also spent on one ongoing matter originating a couple of years ago. In comparison to a spot audit, an investigation involves a more in depth inspection of the law firm's records and typically involves serious conduct issues relating to the handling of trust funds. In some cases the misconduct involves a misappropriation of trust funds. An investigation may start out as a typical spot audit or an investigation may also be initiated as a

result of a complaint or other information received from outside the Law Society.

Annual Trust Account Report

Every law firm handling trust funds must file an Annual Trust Account Report. This provides the Law Society with up to date information about the firm's trust accounts and their accounting systems. Most firms are provided the option of filing a "Self-Report" which requires the member to complete a questionnaire and submit a month end trust reconciliation and supporting documents. However a few firms with previously inadequate accounting systems and/or unfavourable past audit results are required to file a Form D with an independent accountant's review. A few law firms elect to file a Form D because they prefer the independent check being done of their records and affirmation their records are in order. The Law Society auditors review the Annual Trust Account Reports in detail and if need be, write to the law firm outlining the

necessary changes in order to comply with the rules.

Other Activities of the Audit Department

In addition to the monitoring function fulfilled by the Law Society's auditors, educational assistance is also provided to members to help them meet their professional obligations with respect to trust funds. This includes more formal assistance through involvement in the Legal Studies programs as well as informal guidance on a day to day basis. The auditors respond to a wide range of queries from lawyers and their support staff ranging from banking issues, proper accounting procedures, to clarification of trust account requirements. In recent years there has been an increase in queries relating to frauds and scams targeting law firms.



Front Row: (L to R) Allan Fineblit, Q. C., Chief Executive Officer, Charlie Curtis, Irene Hamilton, President, Jeff Hirsch, Past President, Marilyn Billinkoff, Deputy Chief Executive Officer **Second Row:** Christina Kopynski, Q.C., Peter Cole, Q.C., Jennifer Cooper, Q.C., Ted Bock, Helga Van Iderstine, Vice President, David Swayze, Acting Dean Lorna Turnbull, Linda Brazier Lamoureux **Third Row:** James McLandress, Dean Scaletta, Karen Clearwater **On Stairs:** Roberta Campbell, Diane Stevenson, Jack Cram **Absent:** Robert Campbell, Alison Cathcart, David Gray, Jodi Koffman, Brian Lerner, Joelle Robinson, Dr. Jane Ursel, Niranjana Venugopal

Officers

(appointed May 20, 2010)

President:	Irene Hamilton
Vice President:	Helga Van Iderstine
Past President:	Jeff Hirsch

Benchers

(elected for a two year term on May 5, 2010)

Winnipeg Electoral District

Theodor E. Bock
Roberta L. Campbell
Karen L. Clearwater
Jennifer A. Cooper, Q.C.
Irene A. Hamilton
Christina V. Kopynsky, Q.C.
Brian D. Lerner
James E. McLandress
Dean I. Scaletta
Helga D. Van Iderstine

Eastern Electoral District

Peter J. Cole, Q.C.

Central Electoral District

Diane H. Stevenson

Dauphin Electoral District

Joelle C. Robinson

Northern Electoral District

David N. Gray¹

Western Electoral District

John D. Cram
David E. Swayze

Lay Benchers

Linda Brazier Lamoureux
Robert Campbell²
Charlie Curtis
Dr. Jane Ursel³
Niranjan Venugopal⁴

Faculty Bencher

Acting Dean Lorna Turnbull

Student Bencher

Alison Cathcart⁵
Jodi Koffman⁶

¹ Became a Bencher in August, 2010

² Became a Bencher in January, 2011

³ Ceased to be a Bencher in July, 2010

⁴ Became a Bencher in January, 2011

⁵ Became a Bencher in September, 2010

⁶ Ceased to be a Bencher in September, 2010

Life Benchers

Winnipeg Electoral District

Hon. Douglas N. Abra
Hon. Laurie P. Allen
Donald G. Baizley, Q.C.
Douglas A. Bedford
Gregory G. Brodsky, Q.C.
A. Lorne Campbell, Q.C.
Norman A. Cuddy
J. George Dangerfield, Q.C.
Richard K. Deeley, Q.C.
Hon. Robert A. Dewar
Douglas E. Finkbeiner, Q.C.
David G. Frayer, Q.C.
Hon. Martin H. Freedman
William S. Gange
Hon. Gilbert R. Goodman
Sidney Green, Q.C.
Hon. John P. Guy
William G. Haight
Hon. Barbara M. Hamilton
Jeffrey B. Hirsch
Paul L. Jensen
Timothy J.P. Killeen
Bryan D. Klein
David J. Kroft
Heather S. Leonoff, Q.C.
Colin R. MacArthur, Q.C.
Hon. E. Alan D. MacInnes
Grant L. Mitchell, Q.C.
Hon. Peter S. Morse

E. William Olson, Q.C.
Chrys Pappas, Q.C.
Brian A. Pauls
Herbert J. Peters
Hon. Robert L. Pollack
G. Patrick S. Riley
Hon. Perry W. Schulman
Hon. Richard J. Scott
Hon. Vern I. Simonsen
Garth H. Smorang, Q.C.
Hon. Lori T. Spivak
Hon. P. Colleen Suche
Alan Sweatman, Q.C.
J.F. Reeh Taylor, Q.C.
Douglas G. Ward, Q.C.
Hymie Weinstein, Q.C.
Gavin M. Wood

Eastern Electoral District

John E. Neufeld, Q.C.
Jon van der Krabben
Lewis D. Wasel

Central Electoral District

Bjorn Christianson, Q.C.
Gary R. Gilmour
Gordon Hoeschen
Brock G. Lee, Q.C.

Northern Electoral District

Gordon D. Bates
John M. Ginnell, Q.C.
Donald R. Knight, Q.C.

Dauphin Electoral District

Eric B. Irwin
Hon. John A. Menzies
Alan J. Semchuk

Western Electoral District

George N. Bass, Q.C.
Hon. John H. Combs
Patricia L. Fraser
Hon. William R. Johnston
Hon. Donald M. Little
Lawrence R. McInnes, Q.C.
Col. Wolfgang W.A. Riedel,
Q.C.
Norman H. Sims, Q.C.

Ex-Officio Benchers

The Hon. Robert Nicholson
Minister of Justice and
Attorney General of Canada

The Hon. Andrew Swan
Minister of Justice and
Attorney General of
Manitoba

Standing Committees

Note: The President and Vice President are ex-officio members of all committees except the Admissions and Education Appeals Sub-Committee and the Discipline Committee.

*Denotes Non-Bencher
**Denotes Public Representative

Admissions and Education Committee

Clearwater, Karen (Chair)
Robinson, Joelle (Vice Chair)
Burgess, Q.C., John*
Campbell, Roberta
Cathcart, Alison¹
Curtis, Charlie²
Dixon, Kelly*
Hatch, Gwen*
Koffman, Jodi³
Moir, Jennifer⁴
Neufeld, Q.C., John
Pellizzaro, Robert*
Rachlis, Vivian*
Scaletta, Dean
Shaw, Jim*
Stefanson, Grant*
Turnbull, Acting Dean Lorna
Venugopal, Niranjana⁵

Admissions and Education Appeals Sub-Committee

Clearwater, Karen (Chair)
Robinson, Joelle (Vice Chair)
Browne, Miriam**
Burgess, Q.C., John*
Campbell, Roberta
Cathcart, Alison⁶
Cohen, Neil**
Curtis, Charlie⁷
Dixon, Kelly*
Garinger-Niekamp, Marla**

Gibson, Lorne**
Grindey, Marston**
Hatch, Gwen*
Hrynyk, Suzanne**
Koffman, Jodi⁸
Martin, Lorna**
Moir, Jennifer⁹
Molloy, Kenneth**
Neufeld, Q.C., John
Pellizzaro, Robert*
Rachlis, Vivian*
Richmond, Keely**
Scaletta, Dean
Shaw, Jim*
Stefanson, Grant*
Turnbull, Acting Dean Lorna
Venugopal, Niranjana¹⁰
Wolfe, Jim**

Complaints Investigation Committee

Swayze, David (Chair)
Lerner, Brian (Vice Chair)
Campbell, Robert¹¹
Dalmyn, Joyce*
Effler, Barry*
Finlayson, Michael*
Hirsch, Jeff
London, Steven¹²
McDuff, Colleen*
McLandress, Jim
Pauls, Cameron*
Ursel, Dr. Jane¹³

Discipline Committee

Bock, Ted (Chair)
Cole, Q.C., Peter (Vice Chair)
Mitchell, Q.C., Grant (Conflicts)
Bates, Gordon
Bedford, Douglas
Bellay, Victor*
Brazier Lamoureux, Linda
Browne, Miriam**
Campbell, Roberta
Christianson, Q.C., Bjorn
Clearwater, Karen
Cohen, Neil**
Cooper, Q.C., Jennifer
Cram, Jack
Curtis, Charlie
Deeley, Q.C., Richard
Douglas, Donald*
Ferguson Sain, Lori*
Finkbeiner, Q.C., Douglas
Fraser, Patricia
Gabor, Q.C., Robert*
Gange, William¹⁴
Garinger-Niekamp, Marla**
Gibson, Lorne**
Gilmour, Gary
Good, Richard*
Gorlick, Q.C., Celia*

Standing Committees

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*Denotes Non-Bencher
**Denotes Public Representative

Gray, David²⁵
Grindey, Marston**
Haight, William
Hedley, James*
Hoeschen, Gordon
Hrynyk, Suzanne**
Irwin, Eric
Killeen, Tim
King, Q.C., Roger*
Knight, Q.C., Donald
Kopynsky, Q.C., Christina
Kroft, David
Labossiere, Keith*
Leibl, Q.C., Ellen*
Leonoff, Q.C., Heather
Martin, Lorna**
McInnes, Q.C., Lawrence
Miller, Q.C., Donna¹⁶
Molloy, Kenneth**
Neufeld, Q.C., John
Pappas, Q.C., Chrys
Pauls, Brian
Peters, Herbert
Rachlis, Vivian*
Richmond, Keely**
Riley, G. Patrick
Robinson, Joelle
Scaletta, Dean
Secter, Harvey*
Semchuk, Alan
Smorang, Q.C., Garth

Stevenson, Diane
Tolton, Catherine*
Turnbull, Acting Dean Lorna
van der Krabben, Jon
Ward, Q.C., Douglas¹⁷
Wolfe, Jim**

Equity Committee

Stevenson, Diane (Chair)
Clearwater, Karen (Vice Chair)
Arnal, Kimberly*
Brazier Lamoureux, Linda
Dear, Kyle*
Frost, Issie*
Kroft, David
Leven, Elliot*
Margolis, Rachel*
Scaletta, Dean
Van Iderstine, Helga

Practice and Ethics Committee

Cooper, Q.C., Jennifer (Chair)
Lerner, Brian (Vice Chair)
Bock, Ted
Bueti, Katherine*
Campbell, Roberta
Cram, Jack
Dawson, Robert*
Derwin, George*
Elgert, Kirsty*

Gabor, Q.C., Robert*
Good, Richard*
Hirsch, Jeff
Horst, Annette*
King, Q.C., Roger*
Kopynsky, Q.C., Christina
Laurencelle, Alain*
Leven, Elliot*
Martin, Gregory*
McLandress, Jim
Phillips, Sandra*
Rambow, Todd*
Roitenberg, Evan*
Southall, Anita*
Stewart, Wendy*
Swayze, David
Thompson, Mary Ann*
Thow, Mira*

Professional Liability Claims Fund Committee

Robinson, Joelle (Chair)
Van Iderstine, Helga (Vice Chair)
Bauman, Gregory*¹⁸
Bock, Ted
Dawson, Robert*
Rambow, Todd*¹⁹
Swayze, David
Thompson, Mary Ann*

Standing Committees

Note: The President and Vice President are ex-officio members of all committees except the Admissions and Education Appeals Sub-Committee and the Discipline Committee.

*Denotes Non-Bencher

**Denotes Public Representative

Reimbursement Claims Fund Committee

Cole, Q.C., Peter (Chair)
 Cooper, Q.C., Jennifer (Vice Chair)
 Brazier Lamoureux, Linda
 Clearwater, Karen
 Phillips, Sandra*
 Reilly, Pam*
 Scaletta, Dean
 Stewart, Wendy*
 Swayze, David
 Thow, Mira*
 Ursel, Dr. Jane²⁰

Conveyancing Practices Committee

Peters, Herbert (Chair)
 Brown, Ned*
 Effler, Barry*
 Fillmore, Parker*
 Golub, David*
 Hoeschen, Gordon
 Jones, John*
 King, Bruce*
 Neufeld, Q.C., John
 Shypit, Jeffrey*
 Stevenson, Diane

Investment Committee

Lerner, Brian (Chair)
 Bock, Ted
 Curtis, Charlie
 Onchulenko, Wayne*
 Robinson, Joelle

President's Special Committee on Elections

Kopynsky, Q.C., Christina (Chair)
 Bock, Ted (Vice Chair)
 Brazier Lamoureux, Linda
 Choy, Lindy*
 Cole, Q.C., Peter
 Gray, David²¹
 Mayes, Brian*
 Paul, Sacha*
 Rachlis, Vivian*
 Scaletta, Dean
 Toews, Mark*

President's Special Committee on Emerging Issues

Cram, Jack (Chair)
 Stevenson, Diane (Vice Chair)
 Asper, David*
 Bowman, Myfanwy*
 Brazier Lamoureux, Linda²²
 Cathcart, Alison²³
 Gabor, Q.C., Robert*
 Grower, Paul*
 Kantor, Mark*
 Koffman, Jodi²⁴
 Lerner, Brian
 McLandress, Jim
 Mitchell, Q.C., Grant
 Troup, Lynda*
 Turnbull, Acting Dean Lorna
 Walsh, Sherri*

¹ Became a committee member in September, 2010

² Ceased to be a committee member in September, 2010

³ Ceased to be a committee member in September, 2010

⁴ Ceased to be a committee member in September, 2010

⁵ Became a committee member in February, 2011

⁶ See footnote 1

⁷ See footnote 2

⁸ See footnote 3

⁹ See footnote 4

¹⁰ See footnote 5

¹¹ Became a committee member in February, 2011

¹² Ceased to be a committee member in January, 2011

¹³ Ceased to be a committee member in July, 2010

¹⁴ Ceased to be a committee member in January, 2011

¹⁵ Became a committee member in August, 2010

¹⁶ Ceased to be a committee member in August, 2010

¹⁷ Ceased to be a committee member in January, 2011

¹⁸ Became a committee member in August, 2010

¹⁹ Became a committee member in August, 2010

²⁰ See footnote 13

²¹ See footnote 15

²² Became a committee member in February, 2011

²³ See footnote 1

²⁴ See footnote 2

Executive and Administration

Chief Executive Officer
Assistant to Chief Executive Officer
Deputy Chief Executive Officer
Assistant to Deputy Chief Executive Officer
Comptroller
Assistant to Comptroller
Director of Technology
Assistant Director of Technology
Office Manager
Office Clerk
Office Receptionist
Office Receptionist

Allan Fineblit, Q.C.
Pat Bourbonnais
Marilyn W. Billinkoff
Lana Renaud
Ryan W. Sasaki
Carol Hiebert
Grant Gelinias-Brown
Sean Rivera
James Ramsay
Dana Earley
Susan Mott
Jennifer Jones

Admissions and Membership Department

Director of Admissions and Membership
Assistant to Director

Richard C. M. Porcher
Donna Mihalick

Discipline Department

Senior General Counsel
General Counsel
Assistant to Senior and General Counsel
Assistant to Senior and General Counsel
Director of Discipline
Discipline Counsel
Discipline Counsel
Discipline Counsel
Discipline Paralegal
Discipline Assistant

C. Kristin Dangerfield
Darcia A.C. Senft
Lee-Ann Harrison
Lisa Ehnes
Leah C. Kosokowsky
Noelia Bernardo
James A. Cox
Omalara O. Badmus
Grace Page
Stefanie Krochak

Insurance Department

Director of Insurance
Claims Counsel
Claims Counsel
Claims Examiner
Insurance Assistant
Insurance Assistant

Tana P. Christianson
Kathleen M.T. Craton
Joan M. Holmstrom
Louise Ritchie
Heather Vanrobaeys
Kristin Forbister

Education and Competence Department

Director of Education and Competence
Counsel
Counsel

Brenda L. Silver
Ian F. Blomeley
Ellen J. Henry

Program Counsel – Continuing Professional Development
Program Counsel – Continuing Professional Development
Assistant to Program Counsel
Administrative Registrar
Publications Assistant

Eileen S. Derksen Mead
Tracy M. Lloyd
Jennifer Lavallee
Debra Rossol
Laura Ziemanski

Audit Department

Director of Audit
Auditor/Inspector
Auditor/Inspector
Auditor/Inspector
Assistant to Auditor/Inspectors

Sherri J. Jack
Colleen D. Halpenny
Nancy E. Zacharias
Kathy L. Levacque
Lara Brescacin