

# The Law Society of Manitoba

# 2015 Annual Report

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# PRESIDENT'S REPORT



**Karen Clearwater**

This past year has been a very busy one for the Benchers and one that has been filled with moments of sadness, excitement and anticipation, and also triumph. It was a very busy but fulfilling path for me as President as we worked our way through a myriad of provincial and national issues, moved towards major changes in regulation and governance and kicked off a new chapter at the Law Society itself.

Within days of my being elected as President, and even before officially taking over the reins, the Benchers

were faced with the pending departure of long time CEO of the Law Society, and all around "Superstar", Allan Fineblit. I knew right then the Benchers would have to make some big decisions that year, and to move forward quickly in order to keep up the momentum we had gained over the past few years.

Thanks to a very dedicated and busy Search Committee, and to the pool of very skilled and talented applicants from across the country and our own backyard, a new Superstar was born. Our new CEO, Kris Dangerfield, was appointed unanimously by the Benchers early last fall, after a very extensive search process and job competition. Given the integrity of the hiring process, as well as the existing skills and dedication of the staff of the Law Society, including Kris herself, the transition has been both seamless and flawless. The Benchers, the public and the members of the Law Society continue to be served very well as a result.

Over the past year, the Benchers have also been very hard at work on a number of initiatives kick-started last year at our "Re-Visioning Retreat" strategy planning which occurred during Past President Swayze's tenure. Chaired by our own incoming President Bock, the Retreat generated a number of initiatives for change to our regulatory processes. Discussions commenced with the Benchers to flesh out some of these changes this year and identification of required legislative amendments were flagged by the staff.

Since those discussions began, the Benchers have resolved to participate in moving towards Alternative Business Structures (ABS), and discussions continue with our counterparts across the country in relation to this initiative. Hand in hand with ABS discussions was the Benchers' adoption of Entity Regulation concepts. Legislative amendments have been drafted and, to our surprise and delight, are in the process of being adopted by the Legislature already.

In addition to changes to Entity Regulation provisions in the Act, the Benchers resolved to change its own governance structure to better reflect and address public interest regulation during this past year. Legislative changes have been proposed which, amongst other things, will add public representatives to our Bencher table and address gaps in skills and diversity issues around the Bencher table by adopting a mix of appointed and elected lawyer Benchers. While specifics are still being discussed, the change is moving forward with draft legislative amendments already in the Legislature along with the Entity Regulation provisions.

We also have continued to progress on a number of national initiatives this year, including the adoption of the National Discipline Standards. In order to meet these standards, we have added a part-time independent Discipline Chair to manage the process (former Chief Justice of Manitoba, Richard Scott currently holds that position). The duties of the Chair, amongst other things, are to assign hearing officers, manage progress on hearings and decisions, and to address some preliminary issues as required. The addition will go a long way to moving us towards meeting the adopted National Standards.

We have also recently adopted amendments to our Code of Conduct based on the National Model Code Committee's recommendations. These changes include the adoption of short-term summary legal services language to facilitate access to legal services for not-for-profit legal services providers, adoption of language rights rules, revised conflict rules that incorporate the current common law principles and the adoption of rules that more clearly address appropriate conduct relating to incriminating physical evidence.

2014-2015 will be marked down for me as one of the best, the busiest and the most rewarding years of my career. Significant progress was made by the Benchers towards updating and making our regulatory process more fluid and flexible. Major leadership changes have occurred within the Law Society, and throughout all of those changes, the staff have continued to work tirelessly and to excel in all areas of operations. None of this would have been achieved without the Law Society staff's continued dedication and professionalism. Many congratulations to those who have retired, moved on, or moved up as the case may be, and many thanks to all of the rest of you who continue to be the best of the best in your work every day.

It wouldn't be fair of me to forget to thank, from the bottom of my heart, David Swayze, for his help and guidance as he retires from his role of Past President this year. David's constant presence and enthusiasm for the work of the Benchers continues to be a source of energy at our table, and while his presence as past President will be missed, we will continue to benefit from his involvement as our

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Federation of Law Societies' representative in the years to come.

Lastly, but not by any means the least, are my congratulations to your new President Ted Bock, and your new Vice-President Roberta Campbell. None of the work I've done would have been possible without Ted's help and I know he will be an amazing "95th" President. I wish them both all the successes in the world as they work through many of these continuing and challenging issues in the next year.

# CHIEF EXECUTIVE OFFICER'S REPORT

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**C. Kristin Dangerfield**

The Benchers spent a lot of time this year peering into the future. What will the practice of law look like in the years to come? How will lawyers be regulated? The genesis for this thinking was a Re-Visioning Retreat held in March 2014 which looked at the rapid changes in the regulation of the legal profession and focussed on innovation and regulatory reform. In the end, the Benchers concluded that there are a number of ways to transform the manner in which legal services are regulated, and directed that a detailed plan be developed to:

- permit non-lawyer ownership of law practices;
- regulate law firms rather than only individual lawyers;
- explore proactive regulation to prevent, rather than react, to problems; and
- consider a new governance model with a mix of elected, appointed and public benchers.

A proposal to permit non-lawyer ownership of law practices and to regulate law firms was presented to the Minister of Justice in June 2014 for legislative amendment and that work is now well underway.

The Benchers spent considerable time reviewing our current model of governance and determined that it would benefit from increased diversity: not only gender and racial diversity, but also with respect to skills. They also recognized that the appointment of more public representatives would lead to a model that would address the sometime criticism that self-regulation is self-interested regulation. These proposed changes will be implemented over the course of the next year and will reflect a bold new approach to regulation of the legal profession in Manitoba.

We continue to face challenges with respect to the retention of women in the profession. Statistics show that while women are entering the legal profession and private practice in record numbers, they are not staying. That led to the Justicia Project which is an initiative to retain women in private practice. Eleven firms, representing 59% of the lawyers in private practice, have agreed to participate in the program. Guidelines on maternity leave and flexible work arrangements are intended to encourage women lawyers to remain in private practice.

Our numbers in CPLED, our bar admission program, continue to grow. We are beginning to experience in Manitoba a shortage of articling positions, due in part to the number of unplaced students from Ontario who are seeking articling positions. We were able to host four students from Nunavut to meet the requirements of the Law Society of Nunavut to be called to the Bar in that jurisdiction.

This year was marked by change in personnel, both volunteers and staff. In May of 2014, three new Benchers were elected: Ashley Joyce, Jeannelle Allard and Lynda Troup. Grant Driedger became a new Bencher in June 2014 when he filled a vacancy in the Eastern Judicial District. Linda Brazier Lamoureux, one of our very dedicated lay benchers, left in September 2014 and was replaced by Neil Cohen.

This is a year in which we experienced significant staffing changes. Our long-time Director of Legal Education Brenda Silver retired in August 2014 after 23 years of shepherding articling students through the bar admission program and introducing mandatory continuing professional development to the profession. Brenda's responsibilities grew so significantly during her tenure that she was in fact replaced by two people: Eileen Derksen Mead assumed the position of Director of Competence and Joan Holmstrom became the Director of Education. We were joined in June 2014 by Jim Cox, who returned to the Law Society as legal counsel in the Continuing Professional Development Department and then switched in November to the Insurance Department. Alissa Schacter stepped into Jim's place and Dierdre O'Reilly joined us as a Programs and Communication Assistant in the Continuing Professional Development Department. Jenny Jones, Uyoyo Oberah and Lara Badmus left us during the year.

Most significantly, Allan Fineblit, Q.C. left his position as Chief Executive Officer of the Law Society as of November 1, 2014. Allan saw the Law Society through a time of tremendous change in the way that lawyers practise law and left the Law Society in the enviable position as a leader in the regulation of the legal profession, both nationally and internationally. He championed new initiatives in access to justice, such as the Family Law Access Centre, which continues to be a success, demonstrating a cost-effective method for delivering family law legal services to the working poor. He initiated a Forgivable Loans program for law students in an effort to increase the number of law-

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yers in underserved communities by offering tuition assistance in return for a commitment to remain in the student's home community. Mobility of lawyers across the country was formalized during Allan's tenure and Manitoba lawyers can now, with only a few limitations, practise anywhere in Canada other than in Quebec. With this development, Allan recognized the move toward national regulation and he was a key player in the development of National Discipline Standards and National Admission Standards through the Federation of Law Societies of Canada.

A Search Committee to replace Allan was struck in May 2014 and at the completion of the process, effective November 2, 2015, I assumed the position of Chief Executive Officer. While there were very big shoes left for me to fill, I look forward to the challenge of continuing the good work of my predecessor. I am fortunate to have the support of a very talented, creative and resilient staff at the Law Society. Their hard work supports the volunteer efforts of our Benchers and over 100 lawyers and volunteers who give their time and energy to regulate the legal profession in the public interest. I thank them all and look forward to working with them.

# COMPLAINTS REVIEW COMMISSIONER'S REPORT



**Drew Perry**

The Complaints Review Commissioner provides an independent review by a non-lawyer of certain decisions by the Law Society's Complaints Resolution Department staff.

Complainants have 60 days to request a review by the Commissioner of their matter if:

- (a) Complaints Resolution Department staff decide not to investigate a complaint on the basis of no merit or no jurisdiction; or
- (b) Following an investigation, staff conclude the matter without referring it to the Complaints Investigation Committee.

Based on a file review the Commissioner provides a written decision to the complainant, with a copy to the lawyer in question. The Commissioner's decision is final.

The options available to the Commissioner are to:

- (a) confirm the initial staff decision;
- (b) require an investigation in cases where one has not been conducted; or
- (c) where an investigation has taken place, direct the Law Society to refer the matter to the Complaints Investigation Committee for its consideration.

In 2014-2015 there were a total of 47 requests for review, which represents an increase from 32 requests received in the previous year. In the case of 17 of the 47 matters, the initial decision by staff was that no investigation was required on the basis that there was either no merit or no jurisdiction. All of these decisions were confirmed following a review.

In the case of 30 of the 47 review requests, the staff decision was to investigate and resolve the matter at a staff level; in some of these cases a letter of reminder was issued to the lawyer in question regarding particular Rules of the Law Society. Upon review by the Commissioner, 27 of the 30 decisions were confirmed. However, three of the matters were thought to warrant a more formal review and were referred to the Complaints Investigation Committee.

It was a privilege to have had the opportunity over the past year to undertake these reviews, knowing that they are not easy matters for either the complainants or the lawyers involved. It is my hope that the option of an independent review has assisted some complainants in finding some resolution for their issues.

The operations of the Law Society are divided into four areas or funds.

The **General Fund** (GF) summarizes the financial position and performance related to general operations of the Law Society, including accounting, admissions and membership, benchers, complaints resolution, discipline, Family Law Access Centre, general administration and information technology. Its main source of revenue comes from practising fees (\$1,650 per member in 2014-2015) and investment income, supplemented by other administrative fees and recoveries. Its major expenses include salaries/pension costs related to its operation, benefit/special pension payments incurred in other funds, grants (in particular support of the Great Library, Community Legal Education Association and the Federation of Law Societies of Canada), building maintenance/operations, committee/bencher support, file custodial services and general office supplies/operations.

The **Reimbursement Fund** (RF) exists for the benefit of clients who suffer losses through the dishonesty of lawyers. It is financed by an annual assessment (\$350 per member in 2014-2015) on all practising lawyers within the province, a grant from the Manitoba Law Foundation and investment income. Its major expenses include repayments to clients who become victims of lawyer theft, Lawyers Trust Protection Insurance premiums and covering the Law Society's audit program expenses, including salaries and pension.

The **Professional Liability Claims Fund** (PLCF) provides professional liability insurance coverage to all Manitoba lawyers. It is funded by an annual insurance levy (\$1,445 for July 1 to June 30, 2014 and \$1,395 for July 1, 2014 to June 30, 2015) and investment income. These funds cover damages/defence costs, mandatory and other insurance premiums and salary/pension payments for those administering this service.

The **Education Fund** (EF) supports lawyers by providing both the knowledge and skills to become and remain competent to serve the public. This fund is financed by an annual contribution from fees (\$275 per member in 2014-2015), educational program revenue, CPLED tuition, a grant from the Manitoba Law Foundation and investment income. These funds are used to deliver educational programs to both existing and future lawyers, and include payments for salary and pension costs for those administering the programs, contributions towards CPLED development, material costs, honoraria for volunteer presenters, program speaker fees and equity initiatives.

The Law Society ended the year with a net income substantially higher than budgeted for in the previous year. This financial success is attributed to an unexpected premium rebate from our reciprocal insurer, better than expected investment performance, reduced net damage/defence payments, a significant reduction in the mandatory insurance premiums, reduced salary costs due to personnel changes, a marked decrease in pension costs and continued efforts to monitor and control all costs associated with the regulation of the legal profession in Manitoba.

# ADMISSIONS AND MEMBERSHIP

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## New Members

During the year ending March 31, 2015, 103 lawyers were called to the Bar in Manitoba. Of those:

- 16 lawyers transferred to Manitoba from other Canadian jurisdictions, under the National Mobility Agreement;
- 87 articling students were called to the Bar; and
- 12 applicants had obtained law degrees outside of Canada and were admitted on the basis of a Certificate of Qualification from the National Committee on Accreditation. Of those, 2 applicants received exemptions from articling based on foreign practising experience.

## Where Members are Practising

Law Society members with active practising status on December 31, 2014 were practising in the following geographical areas:

- within the City of Winnipeg: 1727;
- within Manitoba, but not in the City of Winnipeg: 235; and
- outside Manitoba: 52.

## Law Firms in Manitoba

As of December 31, 2014, 139 law firms were operating in Manitoba. Of these firms:

- 84.9% have 2-10 lawyers;
- 9.4 % have 11-25 lawyers;
- 1.4% have 26-50 lawyers; and
- 4.3% have more than 50 lawyers.

## Gender and Nature of Practice

There were 2,014 lawyers with active practising status in Manitoba as of December 31, 2014, of which 1,277 or 63.4% were men and 737 or 36.6% were women. Of those women in active practice, 52.6% were engaged in private practice with the remaining 47.4% employed in corporate, government (including Legal Aid) and educational endeavours. Of the men in active practice, 73.6% were engaged in private practice and 26.4% in corporate, government and educational endeavours. **Table A** provides a historical record of the number of practising lawyers in Manitoba.

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**Years at the Bar**

The breakdown of the profession in terms of gender and number of years at the bar for the province's 2,014 practising lawyers is indicated in **Table B**.

**Table A: 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	2011 - 1,946
1966 - 702	1979 - 1,169	1990 - 1,635	2001 - 1,760	2012 - 1,985
1968 - 704	1980 - 1,213	1991 - 1,680	2002 - 1,769	2013 - 1,992
1970 - 723	1981 - 1,252	1992 - 1,665	2003 - 1,778	2014 - 2,014
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 (Inclusive)	Male		Female		Total	
	#	%	#	%	#	%
0 - 5	237	11.80	219	10.87	456	22.67
6 - 10	105	5.20	137	6.80	242	12.00
11 - 15	117	5.80	97	4.82	214	10.62
16 - 20	119	5.90	81	4.02	200	9.92
21 - 25	139	6.90	70	3.48	209	10.38
26 - 30	135	6.70	69	3.43	204	10.13
31 - 35	145	7.20	47	2.33	192	9.53
36+	280	13.90	17	0.84	297	14.74
<b>TOTAL</b>	<b>1,277</b>	<b>63.40</b>	<b>737</b>	<b>36.60</b>	<b>2,014</b>	<b>100.00</b>

# COMPLAINTS RESOLUTION

## Complaints

The aim of the Law Society of Manitoba is a public well-served by a competent, honourable and independent legal profession. The Complaints Resolution 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 174 such concerns through this type of early intervention.

The Law Society received 372 written complaints last year, 383 including arbitration files. Where a written complaint is received, a significant number are also resolved by Law Society staff. For example, this past year staff resolved 301 matters (some received in the prior fiscal year) as follows:

- a. 109 complaints were determined to be outside the Law Society's jurisdiction or to not merit investigation;
- b. 29 complaints were resolved to the satisfaction of the complainant and the lawyer through telephone conciliation;
- c. on 122 matters, it was determined that the lawyer had provided a satisfactory response to the complaint;
- d. on 107 occasions, the lawyer received a reminder letter with respect to his or her professional obligations;
- e. on 6 occasions, it was recommended that the lawyer follow a particular course of action;
- f. on 16 matters, the complaint was abandoned or withdrawn; and
- g. 1 matter was otherwise resolved by staff lawyers.

The Chief Executive Officer, pursuant to Law Society Rule 5-66(e)(i), authorized charges of professional misconduct against 2 lawyers for failing to respond to Law Society correspondence.

This past year the Complaints Investigation Committee was comprised of 6 Benchers, 1 lay Bencher (i.e. a non-lawyer) and 7 non-Bencher 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 a lawyer or incompetence in a lawyer's practice of law. The Committee can also issue formal cautions, direct personal appearances and suspend lawyers from practice on an interim basis.

Last year, the Complaints Investigation Committee had 8 meetings at which they considered 28 matters as well as concerns arising from the bankruptcy of 1 lawyer. Several matters were considered by the Committee on more than one occasion as the matters progressed. The Committee required 1 personal appearance 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 14 matters, relating to 11 lawyers;
- b) 1 lawyer was suspended from practice;
- c) 1 lawyer withdrew pending the inquiry into his conduct;
- d) 2 lawyers provided undertakings;
- e) a practice review was directed for 1 lawyer;
- f) the Committee determined to take no further action on 5 matters; and
- g) the Committee issued a reminder to 4 lawyers.

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 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 104 complaints relating to excessive fees. No action was taken in 54 matters due to no follow through by complainants or the Society having no jurisdiction to deal with the complaint. There were 50 requests for arbitration upon which the Law Society was able to act. Five of the arbitration requests resulted in a satisfactory settlement being reached between the member and the complainant directly. No further action was taken on 29 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. Seven matters are ongoing, either pending an arbitration hearing or pending the member's or the complainant's consideration.

Nine arbitration hearings were conducted between April 1, 2014 and March 31, 2015. Five of those hearings related to arbitration proceedings which commenced prior to April 1, 2014. Of the nine hearings, in three instances, the fees were upheld, in three instances the fees were reduced, and in two instances the parties settled during the arbitration hearing. We are awaiting the arbitration decision in one matter.

The Law Society protects the public interest in the delivery of legal services by prosecuting lawyers who are charged with professional misconduct, incompetence, or conduct unbecoming a lawyer. Once charges are authorized against a lawyer by the Law Society's Complaints Investigation Committee, the charges are formalized into Citations. Notices are posted on the Law Society's website so that clients and prospective clients can see that a lawyer has been charged and can determine the nature of the allegations against the lawyer.

Charges are disposed of at hearings. Discipline hearings are conducted by panels of three members of the Discipline Committee, one of whom is a public representative to help ensure that the public interest is a key component of the hearing process. Parties to the hearing have the right to subpoena and cross examine witnesses. Lawyers who are charged may choose to be represented by counsel at these discipline hearings. Lawyers may plead guilty or not guilty to the charges laid against them. If facts can be agreed upon, a Statement of Agreed Facts is filed and this reduces the time it would otherwise take to prove the facts that demonstrate the misconduct. Frequently, a joint recommendation is made with respect to the conduct at issue and with respect to the sanction that would be appropriate.

Discipline hearings are open to the public unless there are compelling reasons for a panel to order that it is in the public interest for members of the public to be excluded.

At the conclusion of a discipline hearing, the panel must either dismiss the charges or make a finding that the lawyer is guilty of the alleged conduct. If a lawyer is convicted, s.72(1) of *The Legal Profession Act* provides the panel with the authority to impose sanctions ranging from a reprimand through to an order that the lawyer be disbarred.

This year, 8 discipline hearings were conducted over a course of 9 days. Seven of the lawyers entered guilty pleas and one lawyer entered a plea of not guilty. That lawyer was found guilty of professional misconduct and we await the sentencing phase of the matter.

With respect to the other seven convictions, two lawyers received reprimands. Two lawyers had conditions placed on their practising certificate. Two lawyers were suspended, one for a period of one month and the other for a period of one year. One lawyer was given permission to resign membership in the Law Society and that member's name is struck from the rolls of the Law Society. One lawyer was ordered to pay a fine in the amount of \$3,500.00. All of the lawyers who were convicted were also ordered to pay costs ranging from \$2,000.00 to \$15,000.00.

The charges of professional misconduct related to:

- **Integrity:** failing to act with integrity including charges of misappropriation of trust funds, purporting to having witnessed the execution of Powers of Attorney without having actually witnessed their execution, misleading responses to the Law Society, misrepresenting facts, misleading clients, misleading opposing counsel, practising law while suspended;
- **Trust Accounting:** failing to comply with the Law Society accounting rules, including failing to deposit trust funds into trust, failing to file Annual Trust Account Report, misleading the Law Society with respect to failure to disburse funds held in trust to which the client was entitled, withdrawing money from trust account without rendering a statement of account;
- **Fees:** charging fees that were not fully disclosed, fair and reasonable;
- **Breach of Duties Owed to Other Lawyers:** failing to comply with trust conditions, failing to answer professional communications with reasonable promptness;
- **Breach of Duties Owed to the Court:** failing to treat Court with courtesy and respect;
- **Failure to Prevent Unauthorized Practice:** retaining the services of an inactive lawyer to provide legal services;
- **Quality of Service:** failing to serve client in a conscientious, diligent, efficient and civil manner;
- **Failing to be Courteous and Act in Good Faith:** failing to respond to telephone and written communications; and
- **Law Society Rules:** appropriating money on account of fees without express or implied authority of the client, paying personal and/or business debt from trust account, failing to comply with undertaking from the Law Society Complaints Investigation Committee, failing to respond to communications from the Law Society.

There is a current matter in which the lawyer has entered a guilty plea, but the matter is contested as to sanction. This matter has utilized 6 hearing dates in 2014 and continues to be in the hearing process.

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There were two matters in 2014 that were adjourned *sine die*. In one matter, the lawyer signed an undertaking to withdraw from the practice of law. For that reason, the Society determined not to proceed with the Citation. In the other matter, the lawyer was already a non-practising member due to significant health issues and it was determined that there was no need to proceed.

In 2012, there was a hearing before a discipline panel that related to a person who had applied for reinstatement after being disbarred several years ago. The discipline panel issued a decision denying the application for reinstatement and an application for judicial review of that decision was made in the Court of Queen's Bench. The decision of the Court was received in June 2014 and the application was dismissed.

In December 2014, the discipline panel issued a decision relating to penalty for a discipline hearing that took place in 2013. As a result of the hearing conducted in 2013, the lawyer was found guilty of professional misconduct. The panel ordered that the lawyer be disbarred and also pay costs in the amount of \$38,108.23. The lawyer has filed a Notice of Appeal in the Court of Appeal.

The Law Society continued to participate in a pilot project through the Federation of Law Societies to test a set of national discipline standards. The standards are intended to address issues pertaining to timeliness, hearings, public participation, transparency, accessibility, quality, and qualification and training of adjudicators and investigators. The Law Society continues in its efforts to comply with all of the proposed standards.

As part of its overall mandate to regulate the legal profession in the public interest, the Law Society seeks to ensure that only those authorized to practise law in Manitoba will do so. Concerns relating to the unauthorized practice of law were investigated and resolved informally without the need to take any court action to prevent the offending conduct from continuing.

## PRACTICE ISSUES

The Law Society regularly receives calls from members of the profession with questions relating to ethical and practice issues. Frequently staff are able to assist lawyers by directing them to the Code of Professional Conduct, Law Society Rules, Practice Directions and other resources. In some instances, the lawyers will request a binding ruling from the Society, in which case members of the Society's Practice and Ethics Committee will be asked to consider the matter. Inquiries from lawyers relate to a variety of practice and ethics issues including conflicts of interest, transfer of files to new lawyers, and issues relating to confidentiality and solicitor-client privilege.

The Law Society has made amendments to the Code of Professional Conduct in order to ensure harmonization with the Federation of Law Societies' Model Code of Professional Conduct. This year, new rules were passed to ensure that lawyers who provide representation in respect of some, but not all of a client's legal matter, disclose to the client the limited nature of the services they are providing. New rules will also require lawyers, when appropriate, to advise clients of their right to proceed in the official language of their choice. A new rule will prohibit the concealment, destruction or alteration of incriminating physical evidence. Finally, new amendments to the rules on conflicts of interest were adopted that will provide much more clarity in respect of the duties of confidentiality and loyalty owed to clients.

# EQUITY INITIATIVES

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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 profession's Code of Professional Conduct.

Once again the Justicia Project has been front and centre this year in terms of Equity Initiatives. Justicia was developed by the Law Society of Upper Canada to help retain women in private practice. Statistics in Manitoba and the rest of the country have all shown that while women are entering the legal profession and private practice in record numbers, they are not staying. In May of 2013 the first annual Justicia partners' summit was held at the Law Society. Two lawyers who were instrumental in developing Justicia in Ontario spoke to managing partners and firm representatives.

Eleven firms, including the six largest firms in Manitoba and some medium and small firms, agreed to participate in the program and have signed letters of commitment to be part of the Justicia Project. The eleven firms represented 59% of lawyers in private practice.

The Project is also firm-driven and only law firms that sign written commitments to participate in the program will have access to the guidelines that are being developed and the use of the Justicia logo. Two guidelines have been completed. One guideline deals with maternity leave and the other with flexible work arrangements. The working groups will consider what other guidelines and initiatives might be helpful in retaining women lawyers in private practice.

The Equity Ombudsperson Program 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 public and private law offices wanting to raise staff awareness 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, mediates disputes and gathers statistics.

The Law Society also has a standing Equity Committee that deals with issues relating to equality and diversity. This year Committee members have worked hard to implement the Justicia Project.

The Law Society's Parental Support Program offers coaching sessions to lawyers and their spouses/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. Introduced in 2008, the program continues to be used by members but in decreasing numbers. The program has also been adopted for use in Nova Scotia and Ontario. The Law Society also continues to offer the 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.

The Law Society also gathers statistics on the composition of the profession which includes questions designed to better understand demographic trends, develop programs and initiatives within the mandate of the Society, and help promote equality and equity by enhancing legal services provided by and for all communities that reflect the diversity of Manitoba.

# EDUCATION AND COMPETENCE

The Law Society's mission is a public served by competent lawyers. To fulfil that mission, the Law Society ensures that:

- Individuals applying for entry into the legal profession have the knowledge and skills required to provide legal services competently;
- The knowledge and skills required to become competent are articulated;
- Individuals applying for entry into the legal profession are of good moral character;
- Guidelines for what constitutes good moral character are articulated;
- Consideration of applicants for entry into the legal profession complies with legislative requirements; and
- After entry into the legal profession, lawyers take responsibility for maintaining their own competence.

## Admissions and Education Committee

The Admissions and Education Committee assists Benchers governance by recommending policy alternatives in three areas:

- admission matters;
- education of applicants seeking admission as lawyers; and
- continuing professional development of practising lawyers.

The Committee monitors the work of the Admissions and Membership Department and the work of the Education and Competence Department. In addition, the Admissions and Education Appeals Sub-Committee hears appeals from both admissions and education decisions.

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

- Whether the Law Society ought to take any steps with respect to CPLED students without articling positions;
- Re-certification of members;
- Amendments to the Law Society Rules regarding requirements for those starting the CPLED program and the number of supplemental evaluations a CPLED student may be permitted to take.

## CPLED and Articles

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. The program combines traditional classroom and online delivery formats.

The 2014-2015 Manitoba CPLED Program began on August 25, 2014 with 101 new students and 3 students continuing from 2013-2014. Additionally, the Manitoba CPLED program hosted 4 students articling in Nunavut on the online educational platform so that they could meet the requirements of the Law Society of Nunavut to be called to the bar in that jurisdiction.

In addition to the CPLED Program, students must complete 52 weeks of articles under the supervision of a lawyer approved as a principal. Articles provide students with realistic experiences in a supervised and reflective atmosphere. In 2014-2015 twelve students articulated outside the City of Winnipeg for all or part of their articling period.

Students who complete the 2014-2015 CPLED Program and the required articling period will be called to the Bar in ceremonies in Winnipeg and other centres in Manitoba.

On June 18, 2014 at a Call to the Bar ceremony for candidates who completed the 2014-2015 CPLED Program and articles, the A.M. Montague Israels, Q.C. Prize was awarded to Joelle Pastora Sala.

## Qualification Examinations

The Law Society may require that lawyers seeking to resume practice after being out of practice for a period of time, and foreign lawyers wishing to practise in Manitoba, complete qualification examinations. Between April 1, 2014 and March 31, 2015, five lawyers completed or were involved in taking qualification examinations.

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### 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.

During the 2014-2015 year the Law Society offered 73 CPD programs:

- 59 in Winnipeg; and
- 9 outside Winnipeg: 2 in Brandon, 1 in Clear Lake, 2 in Portage la Prairie and 4 in The Pas;
- 5 solely online as webinars.

These programs included:

- 5 webinars (1 was a replay);
- 19 DVD replays of live in-person programs;
- 7 programs offered by teleconference;
- 8 programs offered by tele-presentation (which is a program which is presented simultaneously in-person and by webinar); and
- 2 programs offered in French.

The 73 programs offered 172 hours of CPD, including 65.25 hours of EPPM (Ethics, Professionalism and Practice Management).

The 73 programs attracted 4,439 registrations.

### Continuing Professional Development (CPD) Programs delivered in 2014-2015

(list does not include **replays** of DVD or Webinar programs):

1. Things You Need to Know About Wrongful Dismissal (Webinar)
2. Hot Topics in Real Estate (plus an Encore live presentation)
3. Client Management – Instant Pain Relief! (Brandon)
4. Criminal Defence Advocacy Skills Workshop – Jury Trials
5. Wrestling with Ethical Dilemmas: “We have met the Enemy...”
6. “Accidental Racists” – and other Elephants in the Room: The Impact of Subtle forms of Bias on Access to Justice
7. Wellness in Reel Life: Practical Guidance on Self-Care from the Movies
8. Cours sur les procurations et les directives en matière de soin de santé
9. The Great Legal Reset
10. Leadership Skills Series: Presenting With Confidence
11. Northern Bar Association Annual CPD & Meeting (The Pas)
  - o Assisted Reproduction: Legal Parentage & Birth Registration
  - o Ethics/Practice Management Topic: Office Safety Plans
  - o Recent Developments in Aboriginal Law
  - o Criminal Law Topic: Sentencing Calculations
12. iPad for Legal Professionals
13. Technology: Slave or Servant
14. Acrobat for Legal Professionals
15. Canada’s Anti-Spam Law: What Your Clients Need to Know (Webinar)
16. Central Bar Association Annual CPD & Meeting (Portage la Prairie)
  - o The Impact of Family Law on Estate Matters
  - o CSI – Winkler

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**Continuing Professional Development (CPD) Programs delivered in 2014-2015**

(continued)

17. Western Bar Association Annual CPD & Meeting (Clear Lake)
  - o Alternative Business Structures - New Approaches to the Delivery of Legal Services
18. Mental Health and Lawyers: Real Life Lessons
19. Making Great and Lasting First Impressions (Webinar)
20. Grace Under Pressure: Taking the "I" Out of Family Law
21. Limited Scope Retainers: Tips and Traps (Webinar)
22. Everyday Ethics: Conflicts 101... Avoiding, Spotting, Resolving Them
23. Perfecting the 21st Century Law Practice
24. Intellectual Property: Protection and Enforcement
25. Anatomy of an Estate
26. The Approximately 11th Annual Accommodation in the Workplace, featuring an Analysis of Recent Cases
27. Canadian Competitive Bidding Law
28. Everyday Ethics: Complaints and Discipline (The Inside Story)
29. Assisted Reproduction: Legal Parentage and Birth Registration
30. New Legislation: The Municipal By-Law Enforcement Act
31. Criminal Defence Advocacy Skills Workshop: Drug Charges
32. Property Registry Land Titles Deposit Accounts: Understanding and Managing Changes (Brandon and two Winnipeg sessions)
33. 2014 Isaac Pitblado Lectures – Accessing Justice: Beyond Barriers
34. Le professionnalisme au quotidien
35. Everyday Ethics: Money 101 (Billing, Accounting, Borrowing and Lending)
36. Can't We All Just Get Along: Using Estate Planning Agreements to Address Family Issues
37. Everyday Ethics: Privilege and Confidentiality
38. New Legislation: The Condominium Act
39. Everyday Ethics: Mobility 101... From Pangnirtung to Chicoutimi
40. Dealing with Expert Opinion Evidence: A Lightning Round Overview of Important Issues and Considerations
41. Wills that Work: Practical and Proficient Drafting
42. Estate Administration for Paralegals and Support Staff
43. Everyday Ethics: Glass ½ Full (Little Things that Cause Big Problems)
44. Forensic Psychiatry: What Lawyers Need to Know
45. Collaborative Law Practice Workshop
46. 2015 Annual Joint Family Law Program: SOS - Settlement Options and Solutions

The Law Society collaborates with other organizations in order to provide the depth and breadth of available programs. Partners included:

- Manitoba Bar Association and several of its subsections including:
  - o Family Law
  - o Constitutional & Human Rights
- Faculty of Law, University of Manitoba
- Queen's Bench Judges, particularly the Family Division
- Association of French Speaking Lawyers/ Fédération des associations de juristes d'expression française de common law (AJEFM)
- Northern, Central and Western Bar Associations
- Criminal Defence Lawyers' Association
- Equity Ombudsperson
- Collaborative Practice Manitoba

Written materials from specific CPD programs as well as the CPLED Resource packages are also made available to the legal profession.

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### **New Media**

The Law Society is committed to making CPD accessible to all of our members, regardless of their geographic location. As part of that initiative, we video record most of our live CPD sessions and make those recordings available to our members on DVD and via cpdonline.

Through cpdonline, we offer members the convenience of CPD resources at a time of their choosing, anywhere that they can connect to the internet. The cpdonline catalogue contains 59 courses and we regularly add new titles as they become available. This year we added the convenience of online payment for cpdonline courses.

### **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 7 broad practice areas:

1. Property and Succession
2. Business Law
3. Family Law
4. Criminal Law
5. Litigation
6. Practice Management
7. Labour and Employment

### **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 services. The Society provides remedial programs to assist these lawyers to reacquire and to demonstrate their competency. Between April 1, 2014 and March 31, 2015, one lawyer completed a remedial education program.

### **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.

# PROFESSIONAL LIABILITY CLAIMS FUND

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The Professional Liability Claims Fund of the Law Society of Manitoba provides professional liability insurance coverage to all Manitoba lawyers except those exempt under *The Legal Profession Act*. 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 2014-2015 fiscal year, the insurance assessment was levied at \$1,395 plus G.S.T.

The Law Society and eight 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.

During the 2014-2015 fiscal year, the Insurance Program paid claims totalling \$800,524 in damages and \$511,531 in legal defence costs. This compares to \$1,218,360 in claims and \$460,023 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.

## REIMBURSEMENT FUND

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The Reimbursement 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 practising lawyers within the province. In the 2014-2015 fiscal year, all practising lawyers paid the sum of \$350 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 2014-2015 fiscal year, \$9,800 was paid out of the Reimbursement Fund.

# AUDIT PROGRAM

As part of the practice of law, lawyers are routinely required to hold funds in trust on behalf of their clients. For example, a lawyer may hold funds related to a real estate transaction or as a settlement between parties. Trust funds also include retainer funds provided by a client for future legal fees and disbursements. Trust funds do not belong to the lawyer and therefore, there are specific rules established to ensure these funds are properly safeguarded.

The Audit Department monitors compliance with the Law Society's regulations through two main processes:

- The Spot Audit Program
- Annual Trust Account Reports

## Spot Audit Program

Since lawyers are required to keep their trust and general records up to date at all times, the spot audit is generally conducted without prior notice to a firm so that the auditor will observe the law firm's records in their usual state. There are three types of audits conducted:

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

During the fiscal year ended March 31, 2015, the following audits were completed:

Regular Audits	112
New Audits	24
Priority Audits	<u>12</u>
Total	148

This is a significant increase from previous years when some complex audits, investigations, and loss of audit staff reduced our numbers.

## Results of Audits

The Law Society's auditors devoted 46% of their time to conducting audits. During the past year, 92% of the completed audits showed that members were generally complying with the Law Society's accounting requirements and properly handling client trust funds. The other 8% of members audited showed many and/or serious accounting deficiencies or mishandling of trust funds. These results are fairly typical of any given audit year.

## Investigations

In comparison to a spot audit, an investigation involves more extensive and in depth audit of the law firm's records. An investigation may be initiated as a result of a complaint or other information received from outside the Law Society. Alternatively a spot audit may evolve into a full investigation due to the initial audit uncovering serious deficiencies or conduct issues. In some cases the misconduct involves a misappropriation of trust funds. During the fiscal year ended March 31, 2015, the Audit Department spent 72 hours or 1% of its time conducting investigations, which is the lowest level it has been in recent years.

## Annual Trust Account Report

Law firms are required to file an Annual Trust Account Report in order to provide the Law Society with yearly information regarding their trust and general accounts, accounting systems and their compliance with the rules. The report will take the form of either a "Self-Report" or a "Form D with Accountant's Review". Most firms are provided the option - and most elect - to file a "Self-Report". This requires the member to complete a questionnaire and provide a month-end trust reconciliation and supporting documents. However a relatively small number of firms are not given this option and are required to file a Form D. These firms typically have had poor past audit results and/or a history of Discipline matters. The Form D requires the member to retain an independent professional accountant to review the records and test for compliance with the rules. 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. A report indicating problems may trigger a spot audit. In addition, if a member does not file their Annual Trust Account Report by the required due date, the Law Society may conduct an inspection to determine if the law firm is in compliance with the rules. The law firm is responsible for the costs associated with this type of inspection. The Audit Department spent 18% of its time on the review and follow-up of issues arising from the Annual Trust Account filings, which is consistent with a typical year. This time also included the administration of the process.

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### **Other Activities of the Audit Department**

The Audit Department works closely with the Discipline Department and the Complaints Resolution Department regarding members with trust account related issues. This also includes providing custodial assistance where a member has been suspended, disbarred or has passed away without a succession plan.

In addition to conducting audits, investigations and reviewing the Annual Trust Account Reports, the auditors respond to a wide range of queries from lawyers and their support staff regarding trust accounting and related matters.

The Audit Department also provides more formal educational assistance to the Professional Education and Competence Department by speaking and providing materials to students enrolled in the CPLED program.



## The Benchers of The Law Society of Manitoba 2014/2015

**Front Row:** (L to R) Ted Bock, *Vice President*, Marilyn Billinkoff, *Deputy Chief Executive Officer*, Karen Clearwater, *President*, Allan Fineblit, Q.C., *Chief Executive Officer*, David Swayze, *Past President* **Second Row:** Richard Buchwald, Lynda Troup, Jim McLandress, Mike Finlayson, Marston Grindey, David Gray, Linda Brazier Lamoureux **Third Row:** Grant Driedger, Dean Scaletta, Dr. Amarjit Arneja, Anita Southall **On Stairs:** Ashley Joyce, Diane Stevenson, Kathy Bueti, Roberta Campbell, Karen Webb **Absent:** Jeannelle Allard, Robert Campbell, Neil Cohen, Boyd McGill, Dean Lorna Turnbull

### Officers (appointed May 22, 2014)

President:	Karen L. Clearwater
Vice President:	Ted E. Bock
Past President:	David E. Swayze

## Benchers

(elected for a two year term on May 7, 2014)

### Winnipeg Electoral District

Theodor E. Bock  
Richard D. Buchwald  
Katherine L. Bueti  
Roberta L. Campbell  
Karen L. Clearwater  
Michael G. Finlayson  
James E. McLandress  
Dean I. Scaletta  
Anita L. M. Southall  
Lynda K. Troup

### Eastern Electoral District

Grant M. Driedger<sup>1</sup>

### Central Electoral District

Diane H. Stevenson

### Dauphin Electoral District

Jeannelle L. Allard

### Northern Electoral District

David N. Gray

### Western Electoral District

Ashley T. Joyce  
Karen L. Webb

### Lay Benchers

Dr. Amarjit Arneja  
Linda Brazier Lamoureux<sup>2</sup>  
Robert Campbell  
Neil Cohen<sup>3</sup>  
Marston Grindey

### Faculty Bencher

Dean Lorna Turnbull

### Student Bencher

Matthew Armstrong<sup>4</sup>  
Boyd McGill<sup>5</sup>

<sup>1</sup> Became a Bencher in June, 2014

<sup>2</sup> Ceased to be a Lay Bencher in September, 2014

<sup>3</sup> Became a Lay Bencher in December, 2014

<sup>4</sup> Became a Student Bencher in September, 2014

<sup>5</sup> Ceased to be a Student Bencher in September, 2014

## Life Benchers

### Winnipeg Electoral District

Hon. Douglas N. Abra  
Hon. Laurie P. Allen  
Douglas A. Bedford  
Gregory G. Brodsky, Q.C.  
Jennifer A. Cooper, 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  
Sidney Green, Q.C.  
Hon. John P. Guy  
William G. Haight  
Hon. Barbara M. Hamilton  
Irene A. Hamilton  
Jeffrey B. Hirsch  
Paul L. Jensen  
Hon. Timothy J.P. Killeen  
Bryan D. Klein  
Christina V. Kopynsky, Q.C.  
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  
J.F. Reeh Taylor, Q.C.  
Helga D. Van Iderstine  
Douglas G. Ward, Q.C.  
Hymie Weinstein, Q.C.  
Gavin M. Wood

### Eastern Electoral District

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

### Central Electoral District

John (Jack) D. Cram  
Bjorn Christianson, Q.C.  
Gary R. Gilmour  
Gordon J. Hoeschen  
Brock G. Lee, Q.C.  
David E. Swayze

### 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  
Col. Wolfgang W.A. Riedel, Q.C.  
Norman H. Sims, Q.C.

### Ex-Officio Benchers

The Hon. Peter MacKay  
Minister of Justice and  
Attorney General of Canada

The Hon. James Allum  
Minister of Justice and  
Attorney General of Manitoba

# COMMITTEES

## Standing Committees

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

◆ Denotes Life Bencher

\*Denotes Volunteer

\*\*Denotes Public Representative

### Admissions and Education Committee

Finlayson, Mike (Chairperson)  
Gray, David (Vice Chair)  
Allard, Jeannelle  
Antonio, Kim\*  
Armstrong, Matthew<sup>1</sup>  
Dalmyn, Joyce\*  
Margolis, Rachel\*  
McLandress, Jim  
Rambow, Todd\*  
Schumacher, Gordon\*  
McGill, Boyd<sup>2</sup>  
Synyshyn, Andrew\*  
Trippier, Faron\*  
Turnbull, Dean Lorna

### Admissions and Education Appeals Subcommittee

Finlayson, Mike (Chairperson)  
Gray, David (Vice Chair)  
Allard, Jeannelle  
Antonio, Kim\*  
Browne, Mirian\*\*  
Cohen, Neil\*\*  
Dalmyn, Joyce\*  
Gibson, Lorne\*\*  
Hrynyk, Suzanne\*\*  
Margolis, Rachel\*  
Martin, Lorna\*\*  
McLandress, Jim  
Molloy, Kenneth\*\*  
Rambow, Todd\*  
Richmond, Keely\*\*  
Schumacher, Gordon\*  
McGill, Boyd  
Synyshyn, Andrew\*  
Trippier, Faron\*  
Turnbull, Dean Lorna  
Wolfe, Jim\*\*

### Complaints Investigation Committee

Southall, Anita (Chairperson)  
Bueti, Kathy (Vice Chair)  
Arneja, Dr. Amarjit  
Choy, Lindy\*  
Cole, Q.C., Peter◆  
Goldenberg, Eli\*  
Kavanagh, Anthony\*  
Murray, Elizabeth\*  
Stevenson, Diane  
Tolton, Catherine\*  
Troup, Lynda  
Van Iderstine, Helga◆

### Discipline Committee

Scott, Hon. Richard (Chairperson)  
Campbell, Roberta (Vice Chair)  
Hamilton, Irene◆ (Conflicts)  
Bates, Gordon◆  
Bedford, Douglas◆  
Belay, Victor\*  
Brazier Lamoureux, Linda<sup>3</sup>  
Browne, Miriam\*\*  
Buchwald, Richard  
Bueti, Kathy<sup>4</sup>  
Campbell, Robert  
Cohen, Neil\*\*  
Cooper, Q.C., Jennifer◆  
Cram, Jack◆  
Deeley, Q.C., Richard◆<sup>5</sup>  
Douglas, Donald\*  
Driedger, Grant  
Ferguson Sain, Lori\*  
Finnbogason, Catherine\*  
Finkbeiner, Q.C., Doug◆  
Finlayson, Mike  
Fraser, Patricia◆  
Gange, Bill◆  
Gibson, Lorne\*\*  
Gilmour, Gary◆  
Good, Richard\*  
Gray, David

Grindey, Marston  
Haight, Bill◆  
Hedley, James\*  
Hirsch, Jeff◆  
Hoeschen, Gordon◆  
Hrynyk, Suzanne\*\*  
Irwin, Eric◆  
Janzen, Jacob\*  
Jensen, Paul◆  
Joyce, Ashley  
Knight, Q.C., Donald◆  
Kroft, David◆  
Lee, Q.C., Brock◆  
Leibl, Q.C., Ellen\*  
Leonoff, Q.C., Heather◆  
Martin, Lorna\*\*  
McLandress, Jim  
Mitchell, Q.C., Grant◆  
Molloy, Kenneth\*\*  
Neufeld, Q.C., John◆  
Olson, Q.C., Bill◆  
Onchulenko, Wayne\*  
Pauls, Brian◆  
Peters, Herbert◆  
Richmond, Keely\*\*  
Riley, G. Patrick◆  
Scaletta, Dean  
Secter, Harvey\*  
Semchuk, Alan◆  
Shaw, James\*  
Sims, Q.C., Norman◆  
Smorang, Q.C., Garth◆  
Stefanson, Grant\*  
Stewart, Wendy\*<sup>6</sup>  
Swayze, David◆  
Toews, Mark\*  
Turnbull, Dean Lorna  
van der Krabben, Jon◆  
Webb, Karen  
Wolfe, Jim\*\*

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## Standing Committees

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### Equity Committee

Campbell, Roberta (Chairperson)  
 Webb, Karen (Vice Chair)  
 Barager, Susan\*  
 Brazier Lamoureux, Linda<sup>7</sup>  
 Driedger, Grant  
 Frost, Issie\*  
 Grindey, Marston  
 McKay, Cameron\*  
 Shefman, Corey\*  
 Soul, Kim\*

### Practice and Ethics Committee

Bueti, Kathy (Chairperson)  
 Stevenson, Diane (Vice Chair)  
 Barager, Susan\*  
 Bedford, Douglas♦  
 Buchwald, Richard  
 Campbell, Roberta  
 Cole, Q.C., Peter♦  
 Cram, Jack♦  
 Driedger, Grant  
 Effler, Barry\*  
 Elgert, Kirstin\*  
 Finlayson, Mike  
 Gabor, Q.C., Robert\*  
 Hoeschen, Gordon♦  
 Laurencelle, Alain\*  
 Leven, Elliot\*  
 McLandress, Jim  
 Mitchell, Q.C., Grant♦  
 Phillips, Sandra\*  
 Scaletta, Dean  
 Shefman, Corey\*  
 Soul, Kim\*  
 Southall, Anita  
 Swayze, David♦  
 Thow, Mira\*  
 van der Krabben, Jon♦  
 Van Iderstine, Helga♦  
 Walsh, Sherri\*  
 Yusim, Norman\*

### Professional Liability Claims Fund Committee

Webb, Karen (Chairperson)  
 Finlayson, Mike (Vice Chair)  
 Derwin, George\*  
 Gange, Bill♦  
 Laviolette, Sidney\*  
 Pellizzaro, Robert\*  
 Reilly, Pamela\*  
 Troup, Lynda

### Reimbursement Fund Claims Committee

Gray, David (Chairperson)  
 McLandress, Jim (Vice Chair)  
 Allard, Jeannelle  
 Brazier Lamoureux, Linda<sup>8</sup>  
 Campbell, Robert  
 Joyce, Ashley  
 Offrowich, Leonard\*  
 Troup, Lynda  
 Webb, Karen

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**Special Committees/Working Groups**

**Access to Justice Steering Committee**

Cohen, Neil (Co-Chairperson)  
 McLandress, Jim (Co-Chairperson)  
 Abel, Scott\*  
 Hamilton, Irene♦  
 Hirsch, Jeff♦  
 Raposo, Sam\*  
 Rivoalen, Acting Assoc. Chief Justice Marianne\*  
 Turnbull, Dean Lorna  
 Wilson, Jamie\*

**Access to Stakeholders Sub-Committee**

McLandress, Jim (Chairperson)  
 Brazier Lamoureux, Linda (Vice Chair)<sup>9</sup>  
 Cohen, Neil (Vice Chair)<sup>10</sup>  
 Abel, Scott\*  
 Ballantyne, Natalie\*  
 Balfour, Marcel\*  
 Brown, Natasha\*<sup>11</sup>  
 Buset, Hope\*<sup>12</sup>  
 Clifford, Gil\*  
 Curtin, Shauna\*  
 Hamilton, Irene♦  
 Hirsch, Jeff♦  
 Katz, Joel\*  
 Jewers, Hon. Gerald\*  
 Lagimodiere, Julyda\*  
 leMaistre, Associate Chief Judge Janice\*  
 Leonoff, Q.C., Heather♦  
 Lugtig, Sarah\*  
 Palace Churchill, Barbara\*  
 Ramirez, Damaris\*  
 Rivoalen, Acting Assoc. Chief Justice Marianne\*  
 Sigurdson, Janet\*  
 Troszko, Mary\*  
 Turnbull, Dean Lorna

**Conveyancing Practices Committee**

Peters, Herbert♦ (Chairperson)  
 Brown, Ned\*  
 Effler, Barry\*  
 Golub, David\*  
 Hoeschen, Gordon♦  
 Jones, John\*  
 King, Bruce\*  
 Neufeld, Q.C., John♦  
 Shypit, Jeffrey\*

**Investment Committee**

Hamilton, Irene♦ (Chairperson)  
 McLandress, Jim (Vice Chair)  
 Horst, Annette\*  
 Lerner, Brian\*  
 Onchulenko, Wayne\*  
 Swayze, David♦

**The President's Special Committee on Fees and Disbursements**

Buchwald, Richard (Chairperson)  
 Webb, Karen (Vice Chair)  
 Allard, Jeannelle  
 Asper, David\*  
 Cohen, Neil\*\*  
 Cole, Q.C., Peter♦  
 Dixon, Kelly\*  
 Gabor, Q.C., Robert\*  
 Grindey, Marston  
 Horst, Annette\*  
 Leven, Elliot\*  
 Swayze, David♦  
 Yusim, Norman\*

**The President's Special Committee on Trust Safety**

Scaletta, Dean (Chairperson)  
 Stevenson, Diane (Vice Chair)  
 Campbell, Robert  
 Cram, Jack♦  
 Dear, Kyle\*  
 Effler, Barry\*  
 Good, Richard\*  
 Joyce, Ashley  
 Minuk, Daniel\*  
 Rachlis, Vivian\*  
 Walsh, Sherri\*

<sup>1</sup> Became a Committee member in September, 2014  
<sup>2</sup> Ceased to be a Committee member in September, 2014  
<sup>3</sup> Ceased to be a Committee member in September, 2014  
<sup>4</sup> Ceased to be a Committee member in December, 2014  
<sup>5</sup> Ceased to be a Committee member in December, 2014  
<sup>6</sup> Became a Committee member in January, 2015  
<sup>7</sup> See endnote 3  
<sup>8</sup> See endnote 3  
<sup>9</sup> See endnote 3  
<sup>10</sup> Became a Committee member in December, 2014  
<sup>11</sup> Became a Committee member in September, 2014  
<sup>12</sup> Ceased to be a Committee member in September, 2014

## Executive and Administration

Chief Executive Officer	Allan Fineblit, Q.C. <sup>1</sup>
Chief Executive Officer	Kristin Dangerfield <sup>2</sup>
Assistant to Chief Executive Officer	Pat Bourbonnais
Deputy Chief Executive Officer	Marilyn Billinkoff
Assistant to Deputy Chief Executive Officer and Family Law Access Centre Administrator	Debra Rossol
Chief Financial Officer	Colleen Malone
Assistant to Chief Financial Officer	Carol Hiebert
Acting Director of Technology	Sean Rivera
Assistant Director of Technology	Simon Young
Office Clerk	Dana Earley
Administrative Assistant	Jennifer Jones <sup>3</sup>
Office Receptionist	Shari Lough

## Admissions and Membership Department

Director of Admissions and Membership	Richard Porcher
Assistant to Director	Donna Mihalick
Administrative Assistant	Kelly Jordanov

## Discipline Department

Senior General Counsel	Kristin Dangerfield <sup>4</sup>
General Counsel	Darcia Senft
Assistant to Senior and General Counsel	Lee-Ann Harrison
Assistant to Senior and General Counsel	Lisa Ehnes

## Complaints Resolution Department

Director of Complaints Resolution	Leah Kosokowsky
Legal Counsel	Noelia Bernardo
Legal Counsel	Omalara Badmus <sup>5</sup>
Legal Counsel	Susan Billinkoff
Legal Counsel	Jennifer Houser <sup>6</sup>
Paralegal	Grace Page
Assistant to Director and Legal Counsel	Stefanie Krochak

## Insurance Department

Director of Insurance	Tana Christianson
Claims Counsel	Kathleen Craton
Claims Counsel	James Cox <sup>7</sup>
Assistant to Director and Claims Counsel	Heather Vanrobaeys
Assistant to Director and Claims Counsel	Kristin Forbister

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**Professional Education and Competence Department**

Director of Professional Education and Competence  
 Director of Education  
 Director of Professional Competence  
 Legal Counsel – Continuing Professional Development  
 Legal Counsel – Continuing Professional Development  
 Continuing Professional Development  
 Legal Counsel - Online Education  
 Legal Counsel - Publications  
 CPLED Administrative Registrar  
 Programs and Communication Assistant  
 Programs and Communication Assistant  
 Programs and Registration Assistant  
 Programs and Publication Assistant

Brenda Silver<sup>8</sup>  
 Joan Holmstrom<sup>9</sup>  
 Eileen Derksen Mead<sup>10</sup>  
 James Cox<sup>11</sup>  
 Tracy Lloyd  
 Alissa Schacter<sup>12</sup>  
 Ian Blomeley  
 Ellen Henry  
 Lori Gregory  
 Uyoyo Oberah<sup>13</sup>  
 Deirdre O'Reilly<sup>14</sup>  
 Corinne Penner  
 Laura Ziemanski

**Audit Department**

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

Kathy Levacque  
 Sandra Alleyne  
 Ronald Bailey  
 Deborah Metcalfe  
 Kelly Jordanov

<sup>1</sup> Ceased to be Chief Executive Officer in November, 2014

<sup>2</sup> Became Chief Executive Officer in November, 2014

<sup>3</sup> Left the Law Society in February, 2015

<sup>4</sup> See endnote 2

<sup>5</sup> Left the Law Society in November, 2014

<sup>6</sup> Joined the Law Society in November 2014

<sup>7</sup> Joined the Insurance Department in November, 2014

<sup>8</sup> Left the Law Society in August, 2014

<sup>9</sup> Became Director in July, 2014

<sup>10</sup> Became Director in July, 2014

<sup>11</sup> Joined the Law Society in May, 2014

<sup>12</sup> Joined the Law Society in November, 2014

<sup>13</sup> Left the Law Society in July, 2014

<sup>14</sup> Joined the Law Society in August, 2014