

The Law Society of Manitoba

August 2018

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# President's Report



I am pleased to be providing my first report to you as president. As you know, there have been many changes at the Law Society recently. We are now getting settled into our new premises. It is nice to have all of our staff under one roof for the first time in years.

For the first time in our 141 year history, the President, Vice-President, Chief Executive Officer and many of the senior staff positions are held by women. We also have recently finished appointing both appointed lawyer benchers and lay benchers (members of the public) based upon a skills matrix that was developed in the last few years. As a result, we now

have one of the most diverse benchers tables that we have ever had.

In the appointment process, we identified the skills and backgrounds that were missing around our table and now have a broad cross-section of benchers that reflects a variety of ages, ethnicities, genders, sexual orientation, visible minorities and languages. The lawyers around the table have varying levels of seniority and come from sole practices, small, mid-size and large firms, different practice areas, from city and rural locations, and include in-house counsel and government lawyers. We had over 70 applicants for less than 10 positions as appointed and lay benchers. The caliber of applicants was exceptional.

Our lay benchers are essential in bringing a crucial perspective needed to fulfil our mandate of protection of the public. We have some of the most capable public representatives from all walks of life with a variety of backgrounds, whether it be finance, government, education, board governance and regulation or administration to name but a few. This has gone a great way to help meet our strategic goals of equity and diversity.

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Another objective we hope to work towards is making the Law Society less punitive and more pro-active. There are a series of initiatives underway that are designed to help lawyers and firms to identify problem areas before they reach the discipline stage.

Along with that, the Law Society also plans to have more open communication with its many stakeholders. To accomplish this, we will try and use more plain language and are in the process of updating our website and doing some re-branding to make thngs more relatable understandable, especially for members of the public.

These are just some of the initiatives that are underway. We would love to have your input on these and any other areas.

NOTICE OF BENCHERS' MEEETING
The next regular meeting of the Benchers of the Law Society of Manitoba will be held on <b>Friday, September 7, 2018 at 1:00 p.m.</b> at Elkhorn Resort in Clear Lake Manitoba.
The dates of future benchers' meetings scheduled for 2018 and 2019 are as follows: • Thursday, November 1, 2018 • Thursday, December 13, 2018 • Thursday, February 14, 2019 • Thursday, April 4, 2019 • Thursday, May 23, 2019 • Thursday, June 27, 2019
Members of the Society are encouraged to attend and participate in the deliberations of the governing body.

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# 2018 Important Dates to Note



September 10 to 14 CPLED classes

#### September 7 and 8

Western Bar Annual CPD and Meeting Clear Lake, Manitoba

September 18 CPLED - online modules begin

October 1

2018/2019 Practising Fee and Contributions (2nd Instalment) PAYMENT DUE

#### **October 1**

2018/19 Practising Fee and Contributions (2nd Instalment) for members called to the Bar on June 14, 2018 PAYMENT DUE **October 31** 

Annual Trust Account Report with Accountant's Review (Form D) for members with June 2018 year end FILING DEADLINE

> **November 2** 2018 Pitblado Lectures

#### **December 1**

2018/19 Prof. Liability Claims Fund Contribution (2nd Instalment) PAYMENT DUE

**December 1** 

2018/19 Practising Fee and Contributions (3rd Instalment) for members called to the Bar on June 14, 2018 PAYMENT DUE

> December 3 to 7 CPLED classes

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Receipts for practising fees and insurance are now available in the Members' Portal

# **CEO** Report

KRIS DANGERFIELD, CHIEF EXECUTIVE OFFICER



The benchers gathered for the first time at our new offices at 200-260 St. Mary Avenue on Thursday, June 28, 2018. As our new classroom was not yet up and running the benchers weaved their way through moving boxes and trollies to meet in the kitchen for their meeting.

The day began with the Annual Meeting, at which the benchers approved the audited financial statements, received the Annual Report for the year ending March 31, 2018 and appointed auditors for the 2018/2019 practising year. If you are interested in reading the Annual Report you may access it <u>here</u>.

The benchers then jumped into the regular agenda. President **Kathy Bueti** welcomed our guests from Saskatchewan, Executive Director **Tim Brown Q.C.**, President **Craig Zawada Q.C.** and Vice-President **Leslie Belloc-Pinder**. In addition we were joined by three of the four law students from the University of Manitoba Faculty of Law who received this year's awards for high standing in third year law. The recipient of the Margaret Hypatia Crawford Award for the highest standing in third year law was **Kevin Bruce**,

the winner of the Law Society prize for second highest standing in third year law was **Davis Hirsch**, third highest standing in third year law went to **Matthew Nordlund** and the prize for the fourth highest standing in third year law went to **Kaitlan Buchko**.

The benchers spent some time reviewing the Strategic Plan and Activity Plan that they had previously adopted in October 2017 for 2017 to 2020. They considered the status of the initiatives that had been adopted to support the four primary strategic goals of:

- Regulating proactively to protect the public interest by ensuring that legal services are delivered by competent and ethical lawyers;
- Demonstrating leadership in the advancement, promotion and facilitation of increased access to justice for all Manitobans;
- Promoting and improving equity, diversity and inclusion in the regulation of the legal profession and in the delivery of legal services;
- Building public and stakeholder confidence in the Law Society as the regulator of the legal profession.

Some key initiatives flowing from these broad ranging goals include the redevelopment of the CPLED program, the development of a practice management assessment tool as part of the approach to regulating legal entities, the creation of a small firm practice management course, enhancements at the Great Library for the delivery of legal information, and the promotion of equity, diversity and inclusion in the legal profession.





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#### **CEO** Report

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A significant policy issue on the agenda was the Trust Safety Program that the benchers had previously endorsed as an initiative to support competent practice and the safety of client trust funds. The benchers approved a framework effective January 1, 2019 that will require all practising lawyers who wish to operate a trust account to obtain the approval of the Law Society and meet prescribed requirements. The essential element of the program is that every trust account must be operated under the direction and control of a Trust Account Supervisor, who must be approved by the Law Society and who must successfully complete an on-line trust accounting program prior to opening a trust account. Communications to the profession will begin this fall to ensure that lawyers and firms are able to comply with the requirements that will better protect client trust funds.

The benchers resolved to appoint **Drew Perry** as the Complaints Review Commissioner for a final two year term. The Complaints Review Commissioner reviews decisions by the Society not to conduct an investigation into the conduct of a lawyer following receipt of a complaint on the basis that the complaint was without merit on its face, was beyond the jurisdiction of the Complaints Department, or was closed following an investigation without a referral to the Complaints Investigation Committee. This will be Mr. Perry's last term, as the benchers also adopted a policy that a Complaints Review Commissioner may be appointed for a two year term, with an aggregate limit of eight years.

The benchers received reports from the Complaints Investigation Committee, the Access Stakeholders Sub-Committee and on the National Discipline Standards.

The meeting wrapped up with some presentations to our Saskatchewan guests after we heard from them about the issues faced in that jurisdiction and the many collaborative efforts in which our law societies have engaged. And then, as tradition dictates, everyone headed over to the Fort Garry Hotel to fete our new President **Kathy Bueti**.



Kathy Bueti with Tim Brown, Q.C..



Kathy Bueti with Craig Zawada, Q.C.



Kathy Bueti with Leslie Belloc-Pinder





Kathy Bueti with her husband Kurt Montgomery

### **Traditional Land Acknowledgements**

Alissa Schacter - Equity Officer and Policy Counsel



#### Traditional Land Acknowledgements: More than Just a Gesture

Many of you will have noticed that a couple of years ago the Law Society began acknowledging the traditional territory of Indigenous peoples at the beginning of all of our CPD programs and other events. In doing so, we joined a growing number of organizations that routinely acknowledge the traditional territory of the Indigenous people who called this land home long before the arrival of European settlers. You can now hear similar acknowledgements at the start of Jets home games, concerts, religious and civic events and many other public gatherings.

When we began this practice we had a few lawyers ask why we were doing it. In the intervening years, some have commented appreciatively about it and others have remarked that it strikes them as a *pro forma* and empty gesture. A few fair minded and well intentioned people have expressed a genuine lack of understanding of the relevance of making a land acknowledgement at events that don't have a direct connection to Indigenous issues, for example a CPD on costs in estate litigation. This article aims to shed some light on the purpose of the practice.

#### Why do we acknowledge the traditional territory of Indigenous peoples?

There are various reasons. Acknowledging the land and territory which you are on is a long-standing Indigenous cultural practice. Land is sacred to Indigenous people and much of their traditional knowledge and teachings derive from the land, so acknowledging the land is a way of showing respect for it, according to Stryker Calvez, a Saskatchewan based Indigenous educator and researcher. Adopting this practice is a way to prompt us to think about our relationships with Indigenous peoples as well as incorporate an Indigenous tradition into our usual mode of operations.

When asked, Alyssa Bird, an Anishinaabe-Kwe (Ojibway Woman) and Ininiwi-Iskew (Cree Woman) from Peguis First Nation of Treaty 1, and third-year law student at Robson Hall had this to say on the topic: "Manitoba is fully covered from north to south by treaties that were signed by Indigenous Nations and Crown. Indigenous Nations did not approach the negotiations and signing of the treaties lightly. Days were spent having discussions between leadership, traditional ceremonies were held to seek out guidance from the Creator and negotiations with treaty commissioners were extensive. Indigenous Nations deeply believed that entering into a treaty with the Crown would be the start of a meaningful and reciprocal relationship with those living within treaty boundaries. The acknowledgement and reminders of that treaty history and whose original homelands you are on is an important practice and a small way to show respect and acknowledge the time when treaties were signed, because it is likely that those leaders, years ago, were also thinking of you."

Since the Truth and Reconciliation Commission released its 94 Calls to Action in 2015, Canadians have been grappling with what reconciliation means practically and how to engage in it. The TRC defined reconciliation as being about "establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country." The Calls to Action enumerate a series of concrete steps we should take, but establishing a respectful relationship starts with the simple act of acknowledging one another – seeing the other for who they are and "making space" for them. This goes to the heart of one of the deepest human needs: to be understood and accepted. The approach Canada has taken toward Indigenous peoples for most of its history – denying their fundamental rights and attempting to forcibly assimilate them - has been in diametrical opposition to this basic human need.

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#### **Traditional Land Acknowledgements**

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Land acknowledgements are a way of creating space for Indigenous peoples. They are a way of saying "we see you, we acknowledge you were here on this land before us and we are committed to reconciling our relationship." Taking a couple of minutes to recognize the traditional lands we are on gives us an opportunity to reflect on and re-frame our understanding of where we are. It demonstrates respect by acknowledging our history, which is that the communities we live in today were built on land that Indigenous peoples inhabited long before Canada became a country, and that functional and vibrant systems of Indigenous law and governance were replaced by European systems.

It is because generations of Indigenous people have suffered and continue to suffer profoundly from complex social problems as a result of the policies adopted by Canadian governments that we need to actively make space for and acknowledge Indigenous peoples – even at a CPD on costs in estate litigation.

In response to those who posit that land acknowledgements are *pro forma* and meaningless, we routinely sing "Oh Canada" at the start of many events and ceremonies without the suggestion that its meaning is diminished through repetition. Is this really any different?

Acknowledging that we are on the traditional territory of Indigenous peoples is a nod to our country's history and a gesture of respect. It is but one of many steps on the journey toward reconciliation.

Alissa Schacter Equity Officer & Policy Counsel 204-926-2029 aschacter@lawsociety.mb.ca

# Dates For 2018-2019 CPLED Course Year

The CPLED course for 2018-2019 will start on Monday, September 10, 2018 with the first of three in-person instruction weeks for the year. The other in-person instruction weeks are scheduled for the weeks of December 3rd and February 4th. The remaining weeks between September 10th and March 26th will involve completing work through the online CPLED platform. There will be a winter break between December 18th and January 8th. The Call to the Bar is scheduled for June 20, 2019. (These dates and modules are subject to change.)

September 10 to 14, 2018 September 18 to October 9, 2018 October 9 to October 30, 2018 November 6 to November 27, 2018 December 3 to December 7, 2018 December 11 to December 18, 2018 January 8 to January 29, 2019 February 4 to 9, 2019 February 12 to March 5, 2019 March 5 to March 26, 2019 April, 2019 June 20, 2019 In person – Interviewing and Advising Online – Legal Research and Writing Online – Written Advice and Advocacy Online – Drafting Pleadings In person – Oral Advocacy Online - Ethics and Professionalism Online - Drafting Contracts In Person – Negotiations Online – Practice Management Online – Client Relationship Management Supplemental Evaluation period Call to the Bar

#### Congratulations to the following new lawyers who were Called to the Bar of Manitoba in the Mass Call on June 14, 2018:

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Agpalza, Adriel Authier, Simon Bachand, Brendan Baker, Donald Baker, Kassy Balakumar, Anita Blashko, Michael Bogucki, Brianna Brandson, Faye Caligiuri, Joseph Camejo, Lindsey Cannon, Scott Chambers, Matthew Chechelnitsky, Svetlana Chopra, Hitakshi Clendenning, Krista Dinh, Julie Dubois, Danielle Elbardisy, Karas Evans, Nicole Falkenberg, Susan Falkingham, Steve Goldberg, Stefanie Graham, Kaitlyn Gray, Ellen Grohmueller, David Hacault, Myriam

Hale, Desiree Hamm, Blake Heller, Rebecca Hersey, Jessica Heslop, Amanda Hiebert, Deanna Holloway, Samantha Jolly, Avnish Kasdorf, Spencer Kredentser, Mitchell Lawlor-Forsyth, Erin Mackenzie, Rhoni MacWilliam, Kelly Mahatoo, Brendan Mangat, Rajeshwar Mason, Melissa McClelland, Bradley McKinnon, Jennifer Meyers, Adam Mirecki, Kyle Morry, Josh Nelko, Sharna Paasa, Alma Palay, Leo Plotnik, Omri Porath, Kaitlynn Prendiville, Thomas

Quinton, Brodie Rahimi, Kobra Raveendrabose, Ranish Refvik, Joel Rieger, Bryn Saliga, Shantel Sandhu, Arshdeep Saper Silver, Abram Schille, Rebecca Sharma, Rajan Sidhu, Amrita Singh, Jaspreet Sutherland, Chad Tait, Myra Tallon, Scott Taylor, Brett Tetrault, David Walichnowski, Robert Wall, James Wolfe, Rachel Woligroski, Jody Wong, Samantha Wood, Rachel Yakimoski, Kelsey Yan, Julie Zubizarreta Prieto, Luis

# 2018 Call to the Bar June 14, 2018

**Centennial Concert Hall** 



**Presentation of the diplomas** 





Hon. Justice David Kroft presents the A. Montague Israels, Q.C. Prize to **Rebecca Heller** 



Signing of the roll books

#### Bits&Bytes

#### Kris Dangerfield, Chief Executive Officer

- 1. You may have seen in the paper that Sofia Mirza of Fillmore Riley LLP (formerly a student bencher) is competing in the 13th International Shotokan Karate Federation Pan-American Championships World Championships in Panama City in August with her son Rahim. It was no small feat for her to get there. Sofia qualified for the event by winning gold medals at the Canadian nationals the past three years. Equally as impressive is the fact that they both train "several hours a day, six days a week." For a busy practitioner that alone is something worthy of a gold medal!
- 2. Congratulations to Rebecca Heller who won the Montague Israels Prize at the Call to the Bar Ceremony on June 20, 2018. Rebecca articled at Thompson Dorfman Sweatman LLP and is continuing to practise there. The prize is conferred annually on the CPLED student who possesses the professional and personal attributes of scholarship, character, skill and breadth of interest that Mr. Israels (the director of the first bar admission course in Manitoba) valued and exemplified in life.
- **3.** Speaking of CPLED, it starts on September 10, 2018 this year. We currently have 105 students registered and some of them are still looking for articling positions. If you can take the time this year to serve as a principal, please contact Joan Holmstrom at jholmstrom@lawsociety.mb.ca.
- 4. There have been a lot of changes at the Law Society of Ontario (formerly Upper Canada) over the last year. In addition to the name change, there was the hiring of Diana Miles to take over the reins of the largest law society in Canada and the implementation of a range of new regulatory initiatives. Much credit can go to the outgoing Treasurer, Paul Schabas, who spearheaded significant changes during his tenure. Paul was recently named as one of Canada's Top 25 Most Influential as a Changemaker by Canadian Lawyer magazine. It was a well-deserved honour to Paul who is now back to his day job as a litigator at Blake, Cassels & Graydon LLP.
- 5. And, while I am extending congratulations, I must congratulate Paul's successor at the LSO, our good friend Malcolm Mercer. He will be no stranger to many of you as he is a partner at McCarthy Tetrault and a prolific and brilliant writer on ethics and regulatory issues. With his election I am confident the good work in Ontario will continue and benefit all of us in the legal profession in Canada.





## **GREAT LEXPECTATIONS**

Karen Sawatzky, Director of Legal Resources

#### New Books in the Library

New to our library are texts from <u>Emond's Criminal Law Series</u>. The series was awarded the <u>2018 Hugh Lawford Award</u> for excellence in legal publishing at the CALL/ACBD annual conference in Halifax.

The new titles are:

- Indigenous People and the Criminal Justice System: A Practitioner's
  Handbook by Jonathan Rudin (Criminal Law Series)
- <u>Digital Evidence : A Practitioner's Handbook</u> by Gerald Chan (Criminal Law Series)
- <u>Criminal Appeals: A Practitioner's Handbook</u> by Mark Halfyard et al. (Criminal Law Series)
- <u>Prosecuting and Defending Sexual Offence Cases: A Practitioner's</u> <u>Handbook</u> by Daniel Brown, Jill Wiltkin (Criminal Law Series)
- Personal Injury Damages in Canada, Third Edition by Ken Cooper-Stephenson
- Government Procurement, 4th Edition by Paul Emanuelli
- <u>The Law of Search and Seizure in Canada, 10th Edition</u> by James A Fontana, M. David Keeshan
- Sopinka and Gelowitz on the Conduct of an Appeal, 4th Edition
- <u>Mistake in Contracting</u> by Bruce MacDougall
- <u>Mining Law of Canada</u> by Dwight Newman

Newer books are kept in our reserve room, but can still be borrowed for a 48 hour period.

For all your legal information needs, please contact Allyssa McFadyen or me at the Great Library.

Karen Sawatzky <u>ksawatzky@lawsociety.mb.ca</u> <u>http://www.lawsociety.mb.ca/manitoba-law-libraries</u> <u>www.lawlibrary.ca</u> 204-945-1958







Le ministère de la Justice Canada mène un sondage qui a pour but de recueillir renseignements à jour sur les caractéristiques des dossiers traités par les juristes spécialisés en droit de la famille au Canada, ainsi que des renseignements auprès des avocats et des juges sur les questions liées au droit de la famille. Des versions précédentes de ce sondage ont été administrées lors de colloques passés. Ces sondages nous aident à cerner les tendances en droit de la famille au fil du temps et à aborder les nouveaux enjeux. Vos réponses au sondage de cette année nous sont très utiles, et nous vous en remercions.

Vous pouvez répondre au sondage en français ou en anglais. Les liens ci-dessous vous mèneront aux versions anglaises, mais si vous souhaitez répondre à la version française, il suffit de sélectionner l'option dans le coin supérieur droit de l'écran.

Vous pouvez sauvegarder le sondage et le terminer plus tard. Si vous souhaitez remplir le sondage en plusieurs séances, sélectionnez tout simplement l'option « enregistrer »; vous serez invité à fournir une adresse de courriel. Vous recevrez un lien vers votre sondage, que vous pourrez terminer plus tard.

Si vous avez des collègues en droit de la famille qui pourraient être intéressés par ce sondage, n'hésitez pas le leur transmettre. Toutefois, chaque répondant ne peut remplir le sondage qu'une seule fois.

Merci pour votre participation au sondage.

#### Avocat:

https://form.simplesurvey.com/f/s.aspx?s=ff3adf9e-8619-4279-a834-71d573df591d&lang=EN

#### Juge:

https://form.simplesurvey.com/f/s.aspx?s=c1d4ee3c-5f2a-4675-90cd-0991e2282647&lang=EN



# **Membership Changes**

The following members have changed their membership status effective on the date shown:

#### **Non-Practising to Practising:**

May 1, 2018 May 3, 2018 May 14, 2018 June 1, 2018 June 4, 2018 June 5, 2018 June 5, 2018 June 25, 2018 June 25, 2018 Eugene M. Peterson Gordon M. Peters Meghan A. Menzies G. Carter Cottam Amy C. Wood Susan D. Baragar Jaime Rosin Tamara Reimer Anne M. Gregory

#### **New Admissions:**

May 16, 2018	Katerina P. Mikos
May 16, 2018	Laura M. Nagy
May 16, 2018	Levi A. Taylor
May 16, 2018	Benjamin D. Wickerstrom
May 16, 2018	Melanie S. Wire
May 16, 2018	Ansif Anwar
June 4, 2018	Stephen Branigan
June 4, 2018	Eleni L. Dick
June 4, 2018	Holly H. Holm
June 4, 2018	Ellen T. McCarville
June 4, 2018	Tyler M. MacLean
June 4, 2018	G.W. Michael Boyd
June 4, 2018	Patrick D. Trumpy
June 11, 2018	Jill N. Quilty
June 11, 2018	Rohit Gupta
June 27, 2018	Michael C. Reimer

#### **Inactive to Practising:**

May 1, 2018 May 1, 2018 May 1, 2018 May 1, 2018 May 7, 2018 June 4, 2018 June 7, 2018 June 14, 2018 June 18, 2018 July 3, 2018 July 9, 2018 July 10, 2018 July 25, 2018

Sara Gardezi Veena C. Gupta Jacqueline D. Hawkins Irvin D. (Issie) Frost Clifford L. Anderson Navtej (Navi) Kaur Dhaliwal Ian S. McIvor Robert J. Walichnowski Anita G. Balakumar Blake T.F. Hamm Karas N. Elbardisy Julie B. Yan Luis D. Zubizarreta Prieto Joel A.E. Refvik James B. Wall Krista E. Clendenning Simon Authier Myra J. Tait Eleni L. Dick Bryn J. Rieger Robert T. Buternowsky

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# **Membership Changes**

The following members have changed their membership status effective on the date shown:

#### **Practising to Non-Practising:**

May 1, 2018
May 3, 2018
May 28, 2018
May 31, 2018
June 3, 2018
June 8, 2018
June 18, 2018
June 23, 2018
June 25, 2018
June 28, 2018
June 30, 2018
July 1, 2018
July 1, 2018
July 3, 2018
July 9, 2018

Kathleen A. Butler Ali Shaikh Alison B. Beyer Mary-Ellen D. Wayne Johanna A. Willows Radha D. Curpen Natasha J. Szach Catherine M.E. Tolton Kara-Anne Yaren Paul R. Anderson Garth P. Reimer I. David Perlov Glen A. McLeod Charles R. Huband Ursula B. Goeres Paulina Hiebert Jean-Daniel B. Boulet Rebekah L. Powell

#### **Practising to Inactive:**

May 1, 2018 May 10, 2018 May 15, 2018 May 17, 2018 May 31, 2018 June 4, 2018 June 4, 2018 June 25, 2018 June 30, 2018 July 1, 2018 July 3, 2018 July 5, 2018 July 13, 2018 July 17, 2018 James S. Ross Michael J.G. Dunn Jason P. Hatherly Denyse T. Cote Shawn E. Arksey Katherine E. Jones Craig A. Johnston Lisette M. LeBlanc Joanne M. Clouston Terri E. Deller Elizabeth J. Mitchell Jean-Daniel B. Boulet Veena C. Gupta Samantah A.L. Holloway Robert G. Siddall

Update your membership information by using the Member Forms located in the "Forms" section on the Society's website: http://www.lawsociety.mb.ca/forms/members-forms

#### **TWU Update**

Kris Dangerfield, Chief Executive Officer

The Supreme Court of Canada recently issued decisions in relation to Trinity Western University: *Trinity Western University v. Law Society of Upper Canada*, 2018 SCC 33 and *Law Society of British Columbia v. Trinity Western University*, 2018 SCC 32.

These decisions upheld the right of the Law Society of Ontario and the Law Society of British Columbia to refuse accreditation for Trinity Western University's proposed law school. The basis for the Law Societies' refusal had been the TWU requirement that all of its students must sign a "Community Covenant" which prohibits "sexual intimacy that violates the sacredness of marriage between a man and a woman." The majority of the Supreme Court said that the decisions not to accredit the law school were reasonable and struck a proportionate balance between the religious rights of the TWU community and the Law Societies' objectives to protect the public interest.

By way of background, the Federation of Law Societies of Canada, the coordinating body for Canada's 14 provincial and territorial law societies, is tasked with approving Canadian Common Law Degree Programs. The Approval Committee is responsible to ensure that each Canadian law school meets the national requirements agreed to by Canadian law societies. In 2012 the Law Society of Manitoba adopted a rule which in effect delegated to the Federation of Law Societies the authority to approve common law degree programs. As a result, a student is only eligible for admission as an articling student in Manitoba if they have a degree from a faculty of common law at a Canadian university approved by the Federation of Law Societies or an equivalent qualification.

In December 2013 the Approval Committee granted preliminary approval for the TWU law school program based on a review of the proposed curriculum and resources.

Following the preliminary approval of TWU by the Approval Committee, the benchers considered issues relating to TWU on a number of occasions in 2014. Submissions on the question of TWU's status were received by the Law Society in writing and in person at the Annual General Meeting in June 2014. It was the conclusion of the benchers that whether the TWU Law School should be approved was best addressed at a national level. The benchers therefore resolved to continue to monitor the work of the Federation of Law Societies as it considered the extent of a proposed review of its law school approval criteria. The Law Society also monitored the ongoing litigation that followed from decisions in Ontario and British Columbia which ultimately led to the matters before the Supreme Court of Canada.

On August 14, 2018, TWU resolved that the Community Covenant would no longer be mandatory for students. However, while the TWU Law school initially was approved by the Province of British Columbia, that approval was withdrawn in December 2014. The result is that TWU is not currently authorized to open a law school.



Congratulations to Kevin Bruce, winner of the Margaret Hypatia Crawford Award for the hightest standing in third year law.

#### **Prize Winners**



Congratulations to Davis Hirsch, second highest standing in third year law.



Congratulations to Kaitlan Buchko, fourth highest standing in third year law.

Law Society of Manitoba

#### **In Memoriam**

**Mario Joseph Albert Perreault**, who passed away on September 11, 2017 at the age of 80. Mr. Perreault received his call to the Bar on September 4, 1962. He was a practising member of the Law Society for 34 years, serving as legal counsel for the Attorney General's Department, Manitoba Housing and Renewal Corporation, and Justice Manitoba - Legal Services Branch. Mr. Perreault retired from practice in 1996.

**Douglas Walter Buhr,** who passed away on November 18, 2017 at the age of 67. Mr. Buhr received his call to the Bar on June 24, 1975. He served as legal counsel to the City of Winnipeg - Law Department Services for 33 years, retiring in June of 2008.

**Alvin Edward Breitman**, who passed away on April 13, 2018 at the age of 78. Mr. Breitman received his call to the Bar in Manitoba on September 21, 1964. He practised law in Winnipeg for 16 years. In 1983 Mr. Breitman relocated to Calgary, Alberta where he resided at the time of his death.

**The Honourable Robyn Moglove Diamond**, who passed away on May 29, 2018 at the age of 65. Ms Diamond received her call to the Bar on June 25, 1976. She served as a Crown Attorney and Director for the Department of Justice - Family Law Branch. In 1989 Ms Diamond was appointed a Justice of the Court of Queen's Bench, a position she held until her retirement in September of 2017. In 2002 she was awarded the Queen Elizabeth II Golden Jubilee Medal.

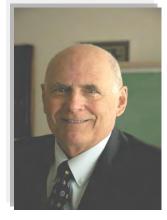
**The Honourable Gordon Jacob Barkman**, who passed away on May 14, 2018 at the age of 92. Mr. Barkman received his call to the Bar on February 27, 1953. He was a practising member of the Law Society for 19 years. In 1972 Mr. Barkman was appointed a Judge of the County Court of Manitoba and then Chief Judge of the Court in 1983. In 1984 he was appointed a Justice of the Court of Queen's Bench, a position he held until his retirement in 2001.

**Roland Penner, Q.C.**, who passed away on May 31, 2018 at the age of 93. Mr. Penner received his call to the Bar on May 31, 1961. He was a practising member of the Law Society from 1961 to 1991. From 1972 to 2009 Mr. Penner served as a Professor of the Faculty of Law, as Dean from 1989 to 1994, and as a Senior Scholar from 2009 to the date of his death. Mr. Penner was an elected Member of the Legislative Assembly, serving as Attorney-General for the Province of Manitoba from 1981 to 1987. He was appointed Queen's Counsel in 1971, was named to the Order of Canada in 2000, and was named to the Order of Manitoba in 2014.

**Darryl Roger Ferguson**, who passed away on June 4, 2018 at the age of 53. Mr. Ferguson received his call to the Bar in Manitoba on March 9, 2016. He served as counsel to the City of Winnipeg - Legal Services Department.

**Randolph Bruce McNicol**, Q.C., who passed away on June 8, 2018 at the age of 67. Mr. McNicol received his call to the Bar on June 25, 1974. He practised law as a partner in the firm Fillmore Riley LLP for 30 years, retiring in 2004. Mr. McNicol was appointed Queen's Counsel in December of 1990.

## **RICHARD J. SCOTT AWARD**



#### **Call for Nominations**

The Richard J. Scott Award is presented annually by the Law Society of Manitoba to an individual who advances the rule of law through advocacy, litigation, teaching, research or writing. Activities that support an independent judiciary, an independent legal profession, access to legal services, access to justice, and public interest advocacy are all eligible.

The award honours former Chief Justice Richard Scott, who served as Manitoba's Chief Justice for over 20 years and is a Past President of the Law Society of Manitoba. The award is presented in conjunction with the annual Pitblado Lectures in November of each year. The Honourable Mr. Scott will serve as Chair of the Selection Committee.

The deadline for nominations is September 28, 2018. Nominations can be sent to:

Chief Executive Officer The Law Society of Manitoba 200 - 260 St. Mary Avenue Winnipeg, MB R3C 0M6 or by e-mail to Pat Bourbonnais at pbourbonnais@lawsociety.mb.ca.

Nominations should be accompanied by the nominee's c.v. and an explanation as to why the nominee deserves this award.

For more information, contact Kris Dangerfield at 204-926-2013 or by e-mail at <u>kdangerfield@lawsociety.mb.ca</u>.

# We've Moved!

After more than three decades of being situated at 219 Kennedy Street the Law Society has moved. You will now find us only a few blocks down the street at 260 St. Mary Avenue. That is a really big change for those of us who spent twenty plus years heading over to the same office building on Kennedy. But as they say, change is good. We were fortunate to find a great space that was virtually move in



ready, and which even included the furniture that the former tenants chose not to take along with them. A coat of fresh paint and some new carpet was all that was required to rejuvenate the second floor on which most staff are situated. We are delighted to finally have our audit department back under the same roof after many years of leasing space for them elsewhere. The only substantial renovation that was undertaken was the conversion of some existing offices on the 3rd floor to a classroom, in order to house both CPLED and the many CPD programs that are presented throughout the year. We have also added some new chairs for you in the classroom and enhanced the technology and the HVAC, all of which should significantly improve the user experience (no more being compacted like sardines or requiring space heaters to warm up!) So be sure to attend one of our many CPD offerings this fall and check out the LSM's new home.

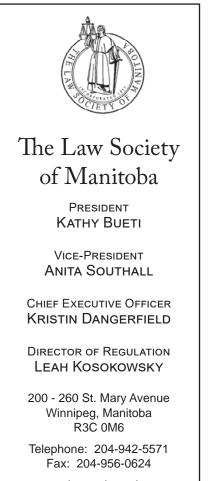
We look forward to seeing you all here.



The Canadian Bankers Association ("CBA") has provided the Law Society with an updated list of bank officials to contact in the case of delays in the discharge of mortgages.

#### **CLICK HERE**

to see the listing at the end of this publication.



www.lawsociety.mb.ca



# **CPD** calendar of Events 2018

### **Upcoming Programs**

August 24 9:00 am to 12:00 pm

**Central Bar Annual CPD** - *Portage La Prairie, MB* Topic 1 - Real Estate Conveyancing: 3 Types of Closing Topic 2 - Bill C-46, Criminal Code Transportation Offences

9:00 am to 12:00 pm

Western Bar Annual CPD - Clear Lake, MB Cultural Diversity & Practising Law

**September 27** 9:30 am to 4:00 pm

Indigenous Law Program Tebwetibajimowin - To Tell the Truth

**October 18** 12:00 pm to 2:00 pm

**Companies Online** A Live System Demonstration

November 2

September 7

8:30 am to 4:45 pm

**2018 Pitblado Lectures** Reimagining Justice: Trust, Truths and Transformation(s)

## **Program Spotlight**

October 11

12:00 pm to 2:00 pm

**Renouncing U.S. Citizenship** 

Why, How and What are the Consequences?

#### Featured Out of Town Speaker



### Alexander Marino

Moodys Gartner Tax Law (Calgary)

Alexander visits the Law Society for the first time this fall for a timely and informative program on the topic of Renouncing U.S. Citizenship. A U.S. tax lawyer with Moodys Gartner Tax Law (Calgary), Alexander has presented to a wide range of audiences across the globe about the pros and cons of renouncing U.S. citizenship. He has also assisted hundreds of clients through the renunciation process.

### Newly Added Program ~ 2 Dates Offered

**October 2 - Winnipeg** 

November 20 - Brandon

#### **Drafting Wills and Estate Administration 101**

with Eleanor Wiebe, Q.C. & Robert (Bob) Fabbri

Part 1 - Drafting Wills 9:00 am to 12:00 pm

#### Part 2 - Estate Admin. 1:00 pm to 4:00 pm

Register for one or both sessions!

# Save the Date!

**November 30** 2018 Child Protection Program

#### December 14

CPD en français: Précédents Droit des testaments et des successions et droit immobilier

March 15 2019 The Annual Family Law Program

# 2018 Pitblado Lectures REIMAGINING JUSTICE: Trust, Truths and Transformation(s)

Friday, November 2 | 8:30 am - 4:45 pm Grand Ballroom, Fort Garry Place

The Canadian justice system is rooted in the concept of fairness for all but is it delivering on that promise? Speakers will challenge you to reimagine justice; addressing truths about what exists, examining trust in our communities and sharing ideas and experiences with change.

# Linden MacIntyre

Award Winning Author, Investigative Journalist (formerly on The Fifth Estate)

# **Felix Walker**

Nisichawayasihk Cree Nation (NCN), Family and Community Wellness Centre CEO

# Dr. Trevor C.W. Farrow

Professor and Associate Dean (Academic), Osgoode Hall Law School

# **Chief Justice Glenn Joyal**

Manitoba Court of Queen's Bench

## **Trevor Anderson**

Senior Scholar, University of Manitoba, Faculty of Law

Big Idea Panel Presenters:

## **James Favel**

Executive Director Bear Clan Patrol

## Victoria Espey

Chair, The Hub Table Portage La Prairie

6.5 CPD hours, including 3 EPPM ~ Reserve your seat today!

Early Bird Registration until September 28

www.pitbladolectures.com

### CBA Contact List for Matters Involving Mortgage Discharges

Bank	Contact Information
Bank of Montreal	All inquiries: Contact the office that provided the payout documentation
	<b>Escalation only:</b> For all provinces except Quebec: <u>discharge.escalations@bmo.com</u> Quebec: <u>quittance.escalations@bmo.com</u>
CIBC	All inquiries: <u>CIBC Mortgages Inc (Registered as CIBC Mortgages Inc.)</u> Mortgage Call Centre: 1-888-264-6843
	Simplii (Registered as CIBC Mortgages Inc.) Mortgage Call Centre: 1-888-866-0866 option 3
	<u>FirstLine Mortgages (Registered as CIBC Mortgages Inc.)</u> Mortgage Call Centre: 1-800-970-0700
	<u>Collateral Mortgages (Registered as Canadian Imperial Bank of Commerce)</u> CIBC: contact the local branch of account President's Choice Financial (Secured Borrowing Accounts): 1-888-872-4724 or 1-888-723-8881
	Escalation only: Mailbox.DischargeEscalation@cibc.com
	Secondary: Tom Spall Senior Director, Retail Mortgage Operations tom.spall@cibc.ca
Canadian Western Bank	All inquiries: Contact the office that provided the payout documentation
	Escalation only: Lucia Bermedo 780-423-9732 <u>lucia.bermedo@cwbank.com</u>
Equitable Bank	All inquiries: discharges@eqbank.ca
	Escalation only: Becky Leibold Director, Mortgage Services <u>bleibold@eqbank.ca</u>

Bank	Contact Information
Home Capital / Home Trust / Home Bank	All Inquiries: Home Bank Service Centre 1-855-270-3630
	Escalation Only:
	Miki Asano VP Customer Experience
	miki.asano@hometrust.ca
HSBC	All inquiries: Contact the office that provided the payout documentation
	Escalation only: HSBC Bank Canada; HSBC Trust Company (Canada):
	Bonnie Pow Assistant Manager, Unit Operations
	Secured Lending West (Maintenance/Security)
	bonnie_pow@hsbc.ca june_yao@hsbc.ca
	<b>Secondary:</b> Ruby Callahan
	Senior Operations Specialist
	Secured Lending West ruby_callahan@hsbc.ca
	HSBC Finance Mortgages; Household Realty Corporation Limited Liliana
	Terriaca <u>ca.csc.discharge@us.hsbc.com</u>
Laurentian Bank of Canada	All inquiries: For Quebec LBC branches and LBC Ottawa branch number 118
	Customer service – Credit 514-284-7800 option 2
	Antonietta Di Raddo
	514-284-4500 extension 4505 Antonietta.dirado@banquelaurentienne.ca
	Chantal Tourchot
	514-284-4500 extension 5101
	Chantal.tourchot@banquelaurentienne.ca
	For B2B Bank
	Shirin (Sherry) Sharif Senior Manager, Credit
	416-865-5707 (65707)
	shirin.sharif@b2bbank.com
	Backup:
	Jonathan Chavez
	Vice President, Operations (Administration) Phone: 416-865-5768
	Mobile: 437-778-7283
	Email: jonathan.chavez@b2bbank.com

Bank	Contact Information
Manulife Bank of Canada	All inquiries: Manulife Bank Service Centre 1-877-765-2265
	Escalation only:
	Kendra Lowry
	Director, Mortgage Services, Bank Admin 519-594-8214
	Kendra_Lowry@manulife.com
National Bank Financial Group	All inquiries: Contact the office that provided the payout documentation
	Escalation only:
	Discharge department
	1-800-361-8688, ext. #20360 ctph.guittances@bnc.ca
Royal Bank	All inquiries:
	Contact the office that provided the payout documentation
	Escalation only: 1-844-418-9436
	disescal@rbc.com
Scotiabank	All inquiries: Contact the office that provided the payout documentation
	Escalation only:
	For all provinces except Quebec: <u>discharge.escalations@scotiabank.com</u> Quebec: <u>montreal.cmu@scotiabank.com</u>
TD Canada Trust	All inquiries: Contact the office that provided the payout documentation
	Escalation only:
	Ontario: <u>TD.DischargeEscalationsOntario@td.com</u> or <u>Seema.Sharma@td.com</u> and <u>Katie.Knox@td.com</u>
	Western Provinces and Territories:
	Kelli.bird@td.com or TD.WesternCASLEADS@td.com
	TD.westemCASLEADS@td.com
	Quebec and Atlantic Provinces:
	Alexander.Erenburg@td.com and Anthony.Nobile@td.com
Tangerine Bank	Escalation only: servicing@tangerine.ca
	Secondary:
	Nassur Ibrahim Client Business Support
	nibrahim@tangerine.ca



#### Liste des personnes-ressources pour les dossiers de quittance hypothécaire

Banque	Coordonnées
Banque de Montréal	Toutes les demandes de renseignement Communiquer avec le bureau qui a fourni la documentation de remboursement.
	Porter le dossier à un échelon supérieur Québec : <u>quittance.escalations@bmo.com</u> Les autres provinces : <u>discharge.escalations@bmo.com</u>
Banque CIBC	Toutes les demandes de renseignement
	<u>Hypothèques CIBC inc. (enregistrée sous Hypothèques CIBC inc.)</u> Centre d'appels pour hypothèques : 1-888-264-6843
	Simplii (enregistrée sous Hypothèques CIBC inc.) Centre d'appels pour hypothèques : 1-888-866-0866, option 3
	<u>Hypothèques FirstLine (enregistrée sous Hypothèques CIBC inc.)</u> Centre d'appels pour hypothèques : 1-800-970-0700
	Hypothèques accessoires (enregistrée sous Banque Canadienne Impériale de Commerce)CIBC : Communiquer avec la succursale du compte Services financiers le Choix du Président (comptes d'emprunts garantis) : 1-888-872-4724 ou 1-888-723-8881
	Porter le dossier à un échelon supérieur <u>Mailbox.DischargeEscalations@cibc.com</u>
	<b>Secondaire</b> Tom Spall Directeur principal, Prêts hypothécaires de détail
Den mus sens d'anne de	tom.spall@cibc.ca
Banque canadienne de l'Ouest	Toutes les demandes de renseignement Communiquer avec le bureau qui a fourni la documentation de remboursement.
	Porter le dossier à un échelon supérieur Lucia Bermedo 780-423-9732 lucia.bermedo@cwbank.com
Banque Équitable	Toutes les demandes de renseignement discharges@eqbank.ca
	Porter le dossier à un échelon supérieur Becky Leibold Directrice, Service des prêts hypothécaires <u>bleibold@eqbank.ca</u>

Banque Home / Home Capital / Home Trust	Toutes les demandes de renseignement Centre de service Banque Home : 1-855-270-3630
	Porter le dossier à un échelon supérieur Miki Asano Vice-président, Expérience client miki.asano@hometrust.ca
Banque HSBC	Toutes les demandes de renseignement Communiquer avec le bureau qui a fourni la documentation de remboursement.
	Porter le dossier à un échelon supérieur Banque HSBC Canada; Société de fiducie HSBC (Canada) :
	Bonnie Pow Directrice adjointe, Exploitation de division Prêts garantis, Ouest (entretien/service) <u>bonnie_pow@hsbc.ca</u> june_yao@hsbc.ca
	Secondaire Ruby Callahan Spécialiste principale de l'exploitation Prêts garantis, Ouest <u>ruby_callahan@hsbc.ca</u>
	Financement hypothécaire HSBC; Household Realty Corporation Limited Liliana Terriaca ca.csc.discharge@us.hsbc.com
Banque Laurentienne du Canada	Toutes les demandes de renseignement
	Succursales BLC au Québec et succursale BLC 118 à Ottawa Service à la clientèle – Crédit 514-284-7800, option 2
	Antonietta Di Raddo 514-284-4500, poste 4505 antonietta.dirado@banquelaurentienne.ca
	Chantal Tourchot 514-284-4500, poste 5101 <u>chantal.tourchot@banquelaurentienne.ca</u>
	Banque B2B Shirin (Sherry) Sharif Directrice principale, Crédit 416-865-5707 (65707) shirin.sharif@b2bbank.com
	Remplaçant Jonathan Chavez Vice-président, Opérations (administration) Tél : 416-865-5768 Cell. : 437-778-7283 jonathan.chavez@b2bbank.com

Banque Manuvie du	Toutes les demandes de renseignement Centre de service de la Banque Manuvie : 1-877-765-2265
Canada	Porter le dossier à un échelon supérieur
	Kendra Lowry
	Directrice, Prêts hypothécaires 519-594-8214
	kendra_lowry@manulife.com
Banque Nationale du Canada	<b>Toutes les demandes de renseignement</b> Communiquer avec le bureau qui a fourni la documentation de remboursement.
	Porter le dossier à un échelon supérieur
	Service des quittances 1-800-361-8688, poste 20360
	<u>ctph.quittances@bnc.ca</u>
Banque Royale du Canada	Toutes les demandes de renseignement Communiquer avec le bureau qui a fourni la documentation de remboursement.
	Porter le dossier à un échelon supérieur 1-844-418-9436
	Courriel : disescal@rbc.com
Banque Scotia	Toutes les demandes de renseignement Communiquer avec le bureau qui a fourni la documentation de remboursement.
	Porter le dossier à un échelon supérieur Québec : <u>montreal.cmu@scotiabank.com</u> Les autres provinces : <u>discharge.escalations@scotiabank.com</u>
Banque TD Canada Trust	Toutes les demandes de renseignement Communiquer avec le bureau qui a fourni la documentation de remboursement.
	Porter le dossier à un échelon supérieur
	Québec et provinces de l'Atlantique
	alexander.erenburg@td.com anthony.nobile@td.com
	Ontario TD.DischargeEscalationsOntario@td.com ou
	seema.sharma@td.com ou
	katie.knox@td.com
	Provinces et territoires de l'Ouest
	kelli.bird@td.com ou
	TD.WesternCASLEADS@td.com
Banque Tangerine	Porter le dossier à un échelon supérieur
	servicing@tangerine.ca
	Secondaire
	Nassur Ibrahim
	Soutien à la clientèle nibrahim@tangerine.ca

