

The Law Society of Manitoba

Communiqué

March 2018

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President's Report

JIM MCLANDRESS

Year End Report and New Year Prognostications Part 2



In the last Communique I looked back at what the Benchers had done last year. This time, as promised, I want to look into the future and highlight some things I see on the horizon.

In no particular order my predictions are that by the time we reach March of 2023...

• Something will have happened in another jurisdiction that had the potential to seriously threaten the LSM's ability to maintain its independent status and risked pushing the legal profession to a

UK model where lawyers lost the ability to govern themselves. However, the LSM was able to meet the challenge in no small part because of the efforts it put into engaging with the public and other key stakeholders and into continuing its efforts to revamp how the profession is governed. Our stakeholders will believe us when we say we govern the profession in the public interest. They'll believe us because there will have been a measurable increase in the public's understanding of the LSM's role. Our activities will be more transparent to the public and the profession and more responsive to what the public has the right to expect of a self-governing profession. (The corollary is, if we *don't* keep doing this work, we may not be able to meet the challenge.)

 The LSM will actively regulate law firms. For 140 years we've only regulated individual lawyers. The implications of this

President's Report

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change are far-reaching but one impact will be to up the business game of all firms. That's not because the Law Society will be telling anyone how to run their business but because the requirements for regulating firms will involve firms taking a hard look at their systems and how they do what they do. Since there's room for improvement in every business it seems to me to be inevitable that, unless everyone ignores the shortcomings and opportunities they uncover, firms will get better at what they do.

- And speaking of improvement the profession will have accepted that just like every other profession, lawyers need CPD. No doubt there will still be a few hangers-on who remain convinced CPD for lawyers is a waste of time. But most of us will understand that lawyers aren't any better or smarter than other professionals and that as the Supreme Court recently said, "A lawyer's professional education is a lifelong process". That doesn't mean CPD requirements will remain as they are. I have no doubt CPD offerings will improve and requirements will become considerably more refined and perhaps tied to declared areas of specialization. But, we will all accept that "going back to school" every year is necessary.
- The LSM will be acknowledged for its efforts in fostering reconciliation and more particularly, in leading the profession on this front. Failure in this task really isn't an option. It was the legal profession that wrote and defended the laws and policies that wreaked havoc on our First Nation, Inuit and Metis compatriots. We cannot stand by while others work to undo the mess we helped create. Sadly, we have seen that racism is alive and well in some members of our profession but, I take comfort in the knowledge they represent only a small percentage of a disappearing demographic. That doesn't mean there isn't work to be done. There is lots of it. It took generations to create the mess and will take generations more to come to terms with it.
- The LSM will also be recognized for its contributions to access to justice. This is another one where failure is
 not an option. We will have secured and acted on legislative changes to our Act to formally relax our current
 legislated monopoly on legal services. Other service providers and other forms of practice will be authorized in
 order to extend legal assistance to at least some of the vast swathe of society who simply can't afford a traditional
 lawyer.
- Through the Federation of Law Societies the LSM, along with our sister Societies across the country, will have
 moved closer to a common framework for all lawyers. There will be a single discipline standard across the
 country. We will have or be close to having a single standard by which to assess the competence of graduates of
 Canadian law schools and NCA students. What we now call "articling" won't be the same across the country but
 at least we'll be agreed on the competencies all candidates will have to meet in order to be called to the bar.
- Lawyers in Manitoba won't suffer heart palpitations when they receive a letter from the Law Society addressed
 to them. They'll actually recognize the LSM as having implemented a proactive model aimed primarily at helping
 to prevent problems from arising rather than trying to pick up the pieces and hold people accountable after the
 wheels have come off.
- More prosaically, the number of staff at the LSM will have grown by about 10% because more people are needed
 to do the job properly. Fortunately, and barring some unforeseen calamity, fees will only have increased by about
 the rate of inflation because the LSM will continue to manage its finances carefully, effectively and responsibly.
- And finally, the Goldeyes will have won another championship. The Jets will have gone as deep as a team can go
 in the Stanley Cup playoffs. (I'd go further in the prediction but I don't want to jinx anything.) And the Bombers...
 will still be in Winnipeg.

As always, if anyone has any feedback, I'd be happy to hear it. You can find me at imclandress@waa.ca.

NOTICE OF BENCHERS' MEEETING



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

Thursday, April 19, 2018 at 12:30 p.m.,

in the Society's classroom, 219 Kennedy Street, Winnipeg, Manitoba

The dates of future benchers' meetings scheduled for 2018 are as follows:

- Thursday, May 24, 2018
- Thursday, June 28, 2018
- Friday, September 7, 2018
- Thursday, November 1, 2018
- Thursday, December 13, 2018
- Thursday, February 14, 2019
- Thursday, April 4, 2019
- Thursday, May 23, 2019
- Thursday, June 27, 2019

In Memoriam

Nancy Irene Anderson, who passed away on December 18, 2017 at the age of 59. Ms Anderson received her call to the Bar on June 29, 1989. She practised law in Winnipeg for five months and then left practice to pursue other endeavours.

The Honourable Benjamin Hewak, who passed away on December 21, 2017 at the age of 82. Mr. Hewak received his call to the Bar on September 21, 1960. He was a practising member of the Law Society for 11 years. In 1971 Mr. Hewak was appointed a judge of the County Court of Manitoba. In 1977 he was appointed a justice of the Court of Queen's Bench, and in 1985 he was appointed Chief Justice of the Court. Mr. Hewak retired from the Bench in 2003 after 32 years of service.

Herbert Liffmann, who passed away on January 29, 2018 at the age of 77. Mr. Liffmann received his call to the Bar on June 26, 1968. During a career that spanned 49 years, Mr. Liffmann practised as a partner and associate with several Winnipeg firms, and most recently as a sole practitioner.

CEO Report

KRIS DANGERFIELD, CHIEF EXECUTIVE OFFICER



The benchers met on February 15, 2018 for their first meeting of the new year and there were some interesting items on the Agenda. The benchers received an update on the Law Society's Strategic Plan for 2017 to 2020. The update was part of a regular report that will ensure that the Benchers are able to keep the plan front and centre and allow them to effectively monitor its implementation. One of the initiatives outlined in the plan called for the development of a Small Firm Practice Management Course, which is intended to support competent lawyering. This was an idea first proposed by Allan Fineblit, Q.C. back in the day and an enormous amount of work has been done on it since that time. The benchers received a full report on the course, which is being developed by the Competence and Education Department in response to the recognition that the leading cause of insurance claims, client complaints and audit concerns is a lack of practice management skills. The course will focus on a range of practice management skills including how to set up an office, manage new technologies, improve client management and communications and effectively handle trust accounts. The course will be a tremendous resource for the profession that will be delivered online and will be both self-paced and self-testing. The benchers discussed whether the program ought to be mandatory for some or all members of the profession.

but concluded that at least initially it will be made generally available to the entire profession at no cost.

Speaking of costs, February is the month that we do some budgeting at the Law Society and so the benchers received the annual budget for 2018/2019. This was somewhat more challenging than usual as we are having to anticipate the costs of our new premises at St. Mary Avenue, while at the same time maintaining our building at 219 Kennedy Street. In the end result we were able to maintain practising fees for the 2018/2019 practising year at the same level that they were in 2017/2018. The benchers also received a regular monitoring report on investment compliance which confirmed that Law Society investments are in compliance with the guidelines established by the benchers.

The benchers heard reports from a number of committees with respect to the work that is being done this year on a range of initiatives. The chair of the Equity Committee, **Sacha Paul**, reported that the Committee was working to develop strategies and initiatives that would support the Law Society's ability to raise awareness of, and address the barriers to the profession which affect Indigenous members as well as other visible minorities. The committee is also in the process of reviewing model workplace policies that would support the Law Society's commitment to equity, diversity and inclusion. The President's Special Committee on Alternate Legal Services is chaired by **Karen Webb**, who reported that the committee is continuing to explore the opportunities for alternate legal service providers to provide some legal services to the public in order to address unmet legal needs. Finally, **Grant Driedger**, Chair of the President's Special Committee on Communications reported on the Committee's efforts to develop a communication strategy to engage with key stakeholders and deliver consistent messaging on the mandate, role and work of the Law Society.

The benchers continued a discussion they had begun last year that related to governance and whether lay benchers ought to be eligible to serve as a President of the Law Society. While a number of the lawyers around the table were of the view that "a bencher is a bencher", the lay benchers themselves expressed some concerns about their abilities and the appropriateness of a person who is not legally trained serving in the capacity of a leader of the Law Society. In the end the benchers decided to instead add a position on the executive for a lay bencher, who will be elected by the benchers but not eligible to serve as the President of the Law Society.



FAST TRACK PHOTO ID

Your Fast Track Photo ID card expires on March 31st

Renewal is Easy!

Simply complete the renewal form and submit it to our office with your payment.

\$26.25 \$25.00 plus \$1.25 GST)

Photos are valid for 5 years.

Click <u>here</u> to access the renewal form available on our website.

Your 2017-2018 card will allow you access to the Law Courts until April 30th.

Contact Shari Lough at 204-942-5571 or email

slough@lawsociety.mb.ca

NOTICE OF SUSPENSION

TAKE NOTICE that by resolution of the Complaints Investigation Committee of the Law Society of Manitoba, effective the 15th day of March, 2018, **JUNLING WANG** is suspended from practising law pursuant to Section 68 of *The Legal Profession Act* pending completion of an investigation into her conduct and any disciplinary proceeding that may follow.

TAKE FURTHER NOTICE that pursuant to Section 37 of *The Legal Profession Act*, the permit of **JUNLING WANG LAW CORPORATION** to practise law is suspended, effective the 15th day of March, 2018

DATED at the City of Winnipeg, in the Province of Manitoba, this 15th day of March, 2018.

Kristin Dangerfield
Chief Executive Officer

Working Toward #NotUsToo

Alissa Schacter - Equity Officer and Policy Counsel



Over the last five months, we have been inundated with stories about powerful men who have been swiftly felled by allegations of sexual misconduct, including sexual harassment. The fields of entertainment, media and politics have been rocked by the fallout. Some are asking if and when the day of reckoning will come for the legal profession. As lawyers, many of us have watched the evolution of the #MeToo movement with mixed feelings: great relief that women and men who have been victimized by those in positions of power now feel they can speak out and be heard; and yet keenly aware that the court of public opinion is a dangerous place to be tried.

In light of the widespread public discussion on this topic, it's timely to consider some of the issues in the context of our profession.

Why this Affects Us All

Many of us have heard about senior lawyers who are reputed to engage in sexual misconduct with junior lawyers, students or staff. While stories circulate through the rumor mill, partners may turn a blind eye, especially if the individual in question

is a rainmaker. In the current climate, it's less likely that this behavior can be quietly swept under the rug. And it's about time. Sexual harassment is against the law and is a violation of the *Code of Professional Conduct*.

If you're a partner in a firm or a manager in a law office, you need to be aware that the *Code of Professional Conduct* defines harassment to include *failure by a lawyer who knew, or ought reasonably to have known of the harassment, to take reasonable steps to prevent or stop the harassment* by any of their partners, employees, associates or agents under their direction or control. Manitoba human rights legislation contains similar provisions. Willful blindness isn't a defence.

There has long been a legal and ethical imperative to address these situations, but increasingly, it's also a matter of risk management, and simply good business. A sexual harassment scandal could cause significant damage to the reputation and bottom line of a firm or organization. There can be far reaching ripple effects, including poisoning of the workplace culture and difficulties with hiring and retention.

So What Should You Do?

Be proactive and prepared. If your office doesn't already have a respectful work place policy dealing with harassment, develop one. Then be sure that everyone – support staff, students, associates and partners – is aware of it. If possible, designate someone trusted within your organization to handle complaints when they arise and provide training for that individual on dealing with these issues, especially if the person alleging harassment wants an assurance of confidentiality. Offer regular work place training for all staff on equity issues and what constitutes harassment. If you know of a colleague who has engaged in this type of behavior, you can't afford to overlook it, regardless of their billings or influence. It's time to address it head on.

Err on the Side of Caution

We all have different personal boundaries, perspectives and senses of humour. However the definition of harassment is not concerned with the intentions behind the behavior, rather the focus is on its effect. Sexual jokes or images shared by email may seem funny and innocuous to the sender, while being offensive and demeaning to the recipient.

The practice of law often involves long hours and the lines between personal and professional lives can sometimes blur. Lawyers work closely with junior colleagues, students and support staff on demanding files and work days can extend into

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Working Towards #NotUsToo

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evenings and include dinners or drinks. If you're in a position of authority, think twice about how you conduct yourself. Repeatedly asking your junior or articling student to go out with you may be sexual harassment. As cordial or friendly as your work relationships may be, they're professional ones. Remember that people who work for you may feel obliged to defer to you.

If you think you may have experienced sexual harassment in your workplace, you can contact the Law Society of Manitoba's Equity Officer to discuss your options on a confidential basis.

The definition of sexual harassment under the *Code of Professional Conduct* (section 6.3-3 and 6.3-4 - page 93) can be found <u>here</u>.

Alissa Schacter Equity Officer & Policy Counsel 204.926.2029 aschacter@lawsociety.mb.ca

April 1st ANNUAL PRACTISING FEE RENEWAL



Did you receive the email on February 27th regarding your annual practising fee renewal?

Your personalized invoice for the 2018-2019 practising fee will be in your <u>Member's Portal</u> on the Law Society website.

If you require assistance or did not receive your 2018-2019 renewal, please contact:

Carol Hiebert at 204-926-2046 or <u>chiebert@lawsociety.mb.ca</u>

TIME TO REPORT YOUR 2017 CPD ACTIVITIES!

Eileen Derksen Mead, Director of Professional Competence

The 2017 Annual Member Report (AMR) is now open. It must be completed by **April 1, 2018.**



Top Tips and Pitfalls to note when you complete your AMR and MCPD Report:

1. The MCPD Report is part of the AMR

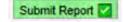
The AMR includes and links to the Mandatory Continuing Professional Development (MCPD) Report. The AMR asks you to confirm that you have submitted your MCPD report – which is contained in the CPD Tracker. This is where members can report and confirm their completed CPD activities. You can access the **CPD Tracker** at any time in the main menu of the Members' Portal, located at the top left hand side of the page or you can click the direct link provided n the AMR.



2. The Members' Portal Home Page has a handy Checklist for you

Log in to Members' Portal and you will see a checklist which shows you a summary of your reports. Items in **YELLOW** are not yet done.

3. Don't forget to Click "Submit"!



A number of members have been surprised to find out that their CPD activities were not saved because they failed to complete the last little step...

Once you have completed the CPD Tracker and the AMR be sure to hit the Submit button at the bottom of the reports. If your report has been successfully received, this should now show as being completed on the home page checklist, with a time stamp confirming the date and time the report was submitted.

4. If you practised for any portion of 2017 you must complete the AMR

All members with active practising status at any time throughout the year must complete and submit the AMR and MCPD report, with a minimum of one CPD hour being completed for every month practised in the 2017 calendar year. If practising for 3 or more months, these CPD hours must include 1.5 EPPM hours.

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Time to Report Your 2017 CPD Activities!

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5. It's the Calendar Year...

CPD is tracked by calendar year so the 12 hours must be completed between January 1 and December 31 even though the report isn't due until April 1 of the following year.

6. Newly Called Lawyers

If you received your Call in 2017 you are required to complete the AMR and MCPD report. However, in the year of your Call there is no minimum requirement for the number of CPD hours you must complete. If you participated in CPD, please report those activities. If you had zero activities that is acceptable.

7. EPPM (Ethics Professionalism Practice Management)

The EPPM requirement of 1.5 hours per year is not in addition to the overarching requirement of 12 CPD hours. The EPPM is included within the 12 CPD hour requirement. This means of the 12 CPD hours you have completed, 1.5 of these hours must qualify as EPPM.

8. There is No Need to Wait

Fill out the CPD Tracker throughout the year....and make sure to click submit!

9. It's your Responsibility to find Relevant CPD

The MCPD Guiding Principles define a CPD activity (in part) as any learning activity that is relevant to the professional needs of a lawyer. The Law Society does not accredit what is and is not acceptable because we feel that you are the best judge of what education you need. If you consider the many, many CPD options available you should be able to avoid CPD that you believe is not relevant. That is up to you.

10. Questions?

For any questions or concerns about the MCPD requirement please contact us at mcpd@lawsociety.

Did you know?

Professional development is important for everyone in your office. Programs are sometimes offered specifically for support staff, office managers, etc. If you have staff who would like to receive our upcoming program notices directly please tell them they can contact us at cpd@lawsociety.mb.ca to be added to our email list.

Did you know this?

There is an EPPM page on the Law Society website which highlights upcoming programs with EPPM content. So, if you are looking specifically for those kinds of programs this is good starting place. We'd also recommend using this chart to help guide you when looking at what kind of programming is eligible and in particular which topics fall into the EPPM categories.

2018 Important Dates to Note



April 1

2018 Annual Member Report FILING DEADLINE

April 1

2018 Mandatory Continuing
Professional Development (MCPD) Report
FILING DEADLINE

April 1

Law Corporation Permit RENEWAL DEADLINE

April 2

2018/19 Practising Fee and Contributions
(or first instalment)
PAYMENT DUE

April 19

12:30 p.m. **Benchers' Meeting**

April 30

Annual Trust Account Report with Accountant's
Review (Form D)
for members with December 2017 year end
FILING DEADLINE

May 2

Bencher Election

May 24

12:30 p.m. Benchers' Meeting

June 13

PAYMENT DUE
2018/19 Practising Fee and Contributions
(or first instalment)
for students being called to the Bar
on June 14, 2018

June 14

9:00 a.m.

Call to the Bar Ceremony

Centennial Concert Hall

lune 15

Deadline to file application for CLIA Excess Professional Liability Insurance coverage

June 22 to 23

Northern Bar Annual CPD and Meeting Thompson, MB

June 28

12:30 p.m.
Annual Members' Meeting and Benchers' meeting

July 3

2018/19 Prof. Liability Claims Fund Contribution
(or first instalment)
PAYMENT DUE

August 27

Annual Trust Account Report (Self-Report)
for members with June 2018 year end
FILING DEADLINE

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2018 Important Dates to Note



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September 10 to 14

CPLED classes

September 7 and 8

Western Bar Annual CPD and Meeting Clear Lake, Manitoba

September 25

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

Dates for CPLED 2018-2019 Course Year **See page 15**

2019-2020 Articling Recruitment Dates **See page 13**

Bencher Election, May 2, 2018

Leah Kosokowsky, Director of Regulation



This year's bencher election will be held on May 2, 2018. There are 11 vacancies for the 12 elected bencher positions because the rules dictate that the vice-president of the Law Society is not required to run for re-election. There are seven vacant seats in the City of Winnipeg, and one seat in each of the Northern, Eastern, Western and combined Central and Dauphin Electoral Districts.

We encourage all practising lawyers to consider running for election. Nomination forms are available on the Law Society website and must be received by the Chief Executive Officer by no later than 5:00 p.m. on Monday, April 2, 2018.

If you have any questions, please contact Leah Kosokowsky at 204-926-2030 or lkosokowsky@lawsociety.mb.ca.



This year's Annual Member Report is now available in the <u>Members' Portal</u> and is due April 1, 2018. It combines your annual report on your continuing professional development activities in 2017 and your Law Corporation renewal (for those that have them). This report must be filed by every lawyer who had practising status in Manitoba at any time in 2017.

Completing and submitting this report is mandatory. If you have provided us with your business email address, then you should have already received notification by email that your personalized online report is ready for completion. The email notification would also have contained your user ID and login instructions on how to access the Members' Portal for easy completion and filing of the report. If you have not received your email notification but believe you should have, then please contact Donna Mihalick at dmihalick@lawsociety.mb.ca or by phone at 204-926-2050. If you have not provided the Law Society with your business email address, please do so immediately.

Anatomy of a Ransomware Attack: One Firm's Story

Tana Christianson, Director of Insurance



Barney Christianson, the Law Society of Manitoba's Practice Management Advisor, alerted me to an excellent article written by Hong Dao, Practice Management Advisor with the Oregon State Bar Professional Liability Fund. Her article, titled *Anatomy of a Ransomware Attack: One Firm's Story*, tells the true-life story of an Oregon law firm hit by a cyber-attack. Someone opened an attachment that appeared to be a resume and cover letter from a job applicant. The attachment was actually a nasty version of ransomware which infected and paralyzed the computer system for the entire firm. Hong's article takes you step-by-step through the infection, the ransom demand, payment in bitcoin, and the impact on the firm. Hong also details the administrative safeguards the firm put into place after it was down for seven days recovering from the ransomware attack.

Follow the link to this article, reprinted with the permission of the Oregon State Bar Professional Liability Fund (PLF). (All rights reserved. If you would like reprint permission, contact the PLF at 503-844-7425.)

https://www.osbplf.org/inpractice/anatomy-of-a-ransomware-attack--one-firms-story/

This Oregon firm's experience is both instructive and frightening. It could happen to you. If you are a Manitoba lawyer insured by CLIA, you do have one additional safeguard. CLIA's Cybercrime Insurance Policy gives Manitoba lawyers the benefit of access to a Breach Coach, who can help you figure out what to do if faced with a ransom demand, assist you in identifying and fulfilling your obligations to notify clients, and assist covering the expenses you incur to retrieve, restore and replace information jeopardized through an attack. To access this assistance through your CLIA coverage, take the following steps:

- 1. email cybercrimes@clia.ca;
- 2. call 1-800-383-1488;
- 3. call your own IT person right away; and
- 4. put the Professional Liability Claims Funds staff at the Law Society of Manitoba on notice so they can provide you with information and assistance.

Change = Claims

Tana Christianson, Director of Insurance

I generally subscribe to the philosophy that change is good. But, twenty-five years at the Professional Liability Claims Fund has shown me that changes to the law sometime lead to claims against lawyers who missed out on those changes. Recent changes to the Queen's Bench Rules may result in a surge of claims against lawyers.

The new Queen's Bench Rules on summary judgment, case management, dismissal for delay, judicial involvement in managing cases and pre-trial conferences and scheduling trial dates are a major shake-up. The litigation landscape is not the same as it was before the new rules came into force.

If you ever touch a litigation file you should attend *The New Civil Queen's Bench Rules: From Principles to Practice* which will be held from 12:00 to 2:00 on April 13, 2018 at the Law Society classroom. Click <u>here</u> for a link to the registration form. Chaired by Bernice Bowley; the program features Associate Chief Justice Shane Perlmutter, QB Trial Coordinator Sharon Phillips and Dean Scaletta. This program promises to be a practical nuts and bolts session. I am sincerely hoping that the panel will spoon feed me the new rules.

After the last round of Queen's Bench changes introducing Rule 20A, we saw a series of claims because lawyers did not appreciate that the court would construe the rules strictly and actually order costs or strike claims where counsel did not comply with required steps or time limits. I anticipate a raft of claims arising out of the new dismissal for delay rules.

Until now, the oft-cited *Law Society of Manitoba v. Eadie*, 1988 CanLII 206 (MBCA) established the fundamental principal "a litigant is entitled to have his case decided on its merits unless he is responsible for the undue delay which has prejudiced the other party". But things have changed: the stated objective of the recent amendments to the Queen's Bench Rules is proportionality and the timely and affordable access to justice. Rule 24.01 creates an express (but rebuttable) presumption that where the delay is inordinate and inexcusable, significant prejudice results and the claim will be dismissed.

Rule 24.02, or what I call the "almost automatic drop dead" rule has the potential for a tsunami of claims. After January 1, 2019, if three or more years have passed without a significant advance in the court process must, on motion, dismiss the action. There are very few exceptions to this automatic dismissal so, you should read the rules carefully and attend the upcoming program. These provisions are similar but not identical to the Alberta Rules of the Court 4.33, which rules resulted in more than one claim against visiting Manitoba lawyers who were caught unaware.

If you currently have litigation files that have stalled or have been moving slowly, don't wait until January 2019. Contact your client now and tell them that changes to the rules mean that steps have to be taken to advance the litigation or they will



lose their right to pursue their action forever. Then confirm this advice in clear and simple language in a letter or an email. If you haven't moved forward because your client has not provided you with the required retainer or information, make it clear to your client that you can't move the action forward without their cooperation and retainer and failing to move forward will result in the claim being dismissed for delay. Again, confirm this advice in writing. If litigation has been stagnating as the parties wait for the outcome of another event, and you are the plaintiff, get the express written agreement of all the parties to the delay.

If the litigation has been sitting because you have lost contact with your client or they are no longer cooperating with you, make an application to withdraw as counsel of record in accordance with Section 3.7 of the Code of Professional Conduct,

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Change = Claims

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as you do not want to be counsel on the record when the claim is dismissed. Again, be sure to warn the client that changes to the rule mean they must take steps quickly if they want to keep their action alive.

The Professional Liability Claim Fund is almost always representing the defendant. We always have a number of old inactive lawsuits against lawyers, but we could never bring a dismissal for delay motion until there had been many years of complete inactivity. This meant that dawdling plaintiffs could take their time without consequences. It looks like those days are over. No one can say for sure how the court is going to apply these sections, but I predict more claims are going to be dismissed for delay, sooner and more professional liability insurance claims will result.

Be sure to sign-up for the upcoming CPD, which can also be accessed by teleconference. In the meantime, pull all the files where you act for the plaintiff in litigation and consider what effect these rules are going to have on your clients' cases effective January 1, 2019.

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

September 10 to 14, 2018
September 18 to October 9, 2018
October 9 to October 30, 2018
October 30 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 8, 2019
February 12 to March 5, 2019
March 5 to March 26, 2019
April, 2019
June 20, 2019

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

In person – Interviewing and Advising

Bits&Bytes

Kris Dangerfield, Chief Executive Officer

- It is only March and we have already seen a whole lot of change in the world of legal regulation in Canada. At the beginning of 2018, the organization that we formerly referred to as LSUC (the Law Society of Upper Canada) began to use its new name, The Law Society of Ontario, to more clearly and accurately reflect where it might actually be located on a map. Then to top things off, on March 8, 2018 (which was coincidentally International Women's Day) Diana Miles was named as the new Chief Executive Officer of the LSO. Diana has an enormous amount of experience in the regulation of the legal profession, having played a central role at the Society in Ontario over the years. I very much look forward to working with her.
- Diana is not alone in her new role. At a recent meeting of the Federation of Law Societies, four other newly minted Executive Directors were in attendance: Don Avison from the Law Society of British Columbia, Linda Doll from the Law Society of Yukon, Glenn Tait from the Law Society of the Northwest Territories and finally Tilly Pillay from the Nova Scotia Barristers Society. They are an exceptionally capable group of people and will bring some valuable perspectives to the work that we do nationally.
- We have seen some of our own changes around the LSM in 2018. Effective January 8, 2018 Betta Wishart joined us as Program Counsel in the Competence and Education Department and immediately hit the ground running. Betta has her call to the Bar in three provinces including Quebec, where she completed the Bar Admission course in French. We are thrilled to have her skills to assist us in planning our French programs among other things.
- 4. On March 5, 2018 the new CEO of the CPLED program, Dr. Kara Mitchelmore began her work in redeveloping the CPLED program. Karen will be based in Calgary as we are working on this project together with our colleagues on the prairie provinces. She has already paid a visit to us here in Manitoba and we are very excited about the opportunity to build what we have affectionately been calling CPLED 2.0.





2019-2020 Articling Recruitment Guidelines

A reminder to those workplaces in the city of Winnipeg that plan to hire articling students for the 2019-2020 year that there are strict rules in place regarding the recruitment and hiring of articling students for positions in Winnipeg.

Monday, March 26, 2018 by 4:00 p.m.

Employers are to provide information about the firm's practice, office facilities, number of available articling positions, documents required from applicants, the name of any contact persons, address to which an application ought to be sent and any other pertinent information. This information is to be given to the Faculty of Law, Career Development Office via e-mail to

lisa.griffin@umanitoba.ca.

Friday, March 30, 2018

The date employer information will be posted to the Faculty of Law Career Development website.

Friday, May 11, 2018

Application Deadline for students to submit requisite information to prospective employers.

Friday, May 25, 2018 between 10:00 a.m. and 2:00 p.m.

The only time period during which offers to interview students can be made.

Monday, May 28, 2018 at 8:00 a.m. to Friday, June 1. 2018 at 5:00 p.m.

The time period during which interviews can be conducted.

Monday, June 4, 2018 at 4:00 p.m.

No offer of an articling position for the 2019-2020 year can be made before this time. Each offer must be kept open for a minimum of 24 hours (unless accepted or rejected by the student within that period).

Offers made subsequent to June 4 must remain open until 10:00 a.m. the following day unless accepted or rejected by a student.

Employers looking to hire articling students for positions in Winnipeg are encouraged to participate in this process as it provides access to the greatest number of potential applicants. People looking for articling positions that may be coming from other locales have the ability to participate in this recruitment process but may otherwise not have access to the information maintained and distributed by the Career Office at the Faculty of Law.

Speak Now or Forever Hold Your Peace

Tana Christianson, Director of Insurance

I know summer is coming when it's time to send out this annual notice. The current Policy of Insurance expires on July 1, 2018. Make sure that you report any potential problems that you know about now which might possibly, at some point in the future, give rise to an insurance claim against you.

The new 2018-2019 Insurance Policy will only provide you coverage if you had no knowledge of the claim or potential claim before the policy period commenced and could not reasonably have foreseen that a claim might arise. If you think you might have made an error in providing professional services to others or someone is making allegations (even unmeritorious allegations) that you have made an error or you are concerned about a file now, please call email or write the Professional Liability Claims Fund staff and put us on notice before the policy year runs out on July 1, 2018. Late reporting can compromise your coverage, so speak now or forever hold your peace.

Here's how you can contact Claims Fund staff:

Tana Christianson 926-2011 e-mail: tchristianson@lawsociety.mb.ca
Kate Craton 926-2012 e-mail: kcraton@lawsociety.mb.ca
e-mail: tchristianson@lawsociety.mb.ca

or go to our website at www.lawsociety.mb.ca, through to the Members Portal, and fill in and submit a Claim Report form. If you would like a form mailed or e-mailed to you contact:

Kristin Forbister 926-2047 e-mail: kforbister@lawsociety.mb.ca
Heather Vanrobaeys 926-2036 e-mail: hvanrobaeys@lawsociety.mb.ca

If you are dropping off or mailing a Claim Report form, remember, the Law Society is moving to 260 St. Mary Avenue in June.

NOTICE OF DISBARMENT

TAKE NOTICE that by resolution of a Panel of the Discipline Committee of the Law Society of Manitoba, **ANAND VARUUN PERSAD** was found guilty of professional misconduct and it was ordered that he be disbarred and his name struck from the Rolls of Barristers and Solicitors of the Society.

DATED at the City of Winnipeg, in the Province of Manitoba, this 13th day of March, 2018.

Kristin Dangerfield
Chief Executive Officer

8th Annual "Lawyers for Literacy" In Support of West Broadway Youth Outreach





More to come in the next issue!



Membership Changes

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

Practising to Inactive:

January 16, 2018	Shannon C. McNicol
January 20, 2018	Allison L.K. Pejovic
January 31, 2018	Daryl J. Rosin
January 31, 2018	James H. Dixon
January 31, 2018	Clifford L. Anderson
February 1, 2018	Sheilla Leinburd
Feburary 1, 2018	Leiba R. Feldman
February 6, 2018	Aminah Rafique
February 13, 2018	Julie M. Frederickson
February 14, 2018	Jayne L. Kapac
February 24, 2018	Jason L. Clouston
February 27, 2018	Stacey L. Belding
February 27, 2018	Cory Doug-Yeung Lo

New Admissions:

January 22, 2018	Brigitte A. Dupuis
January 25, 2018	Scott J. Hammel, Q.C
January 25, 2018	Jonathan H. Mays
February 27, 2018	Virginia E. Torrie
February 27, 2018	Jeremy W. Trickett

Non-Practising to Practising:

March 5, 2018 Denise R.J. Finlay

Inactive to Practising:

January 17, 2018	Scott M. Christiansen
January 23, 2018	Betty Johnstone
March 5, 2018	Monica Muller
March 8 2018	Renee J.M. St-Goddard

Practising to Non-Practising:

January 26, 2018	Carolyn G. Reimer
January 31, 2018	Marcella M. Dyck
February 3, 2018	Suzette R. Golden-Greenwood
February 13, 2018	Kusum Sharma
February 27, 2018	Nalini D. Persaud
February 28, 2018	Debra A. Ammeter
March 1, 2018	Annika M. Friesen

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

2018-2019 Articling Students

Joan Holmstrom - Director of Education

There are still individuals looking for articling placements for 2018-2019. There is at least one student looking for a placement in a northern workplace (Dauphin, the Pas, Thompson, Flin Flon...) Some of the students looking for articles are University of Manitoba students. Some are Manitobans who have gone to other universities and are returning to Manitoba to practice. Please contact jholmstrom@lawsociety.mb.ca if you are willing to take on an articling student to start with you this spring/summer. Joan can send you a set of the resumes that she has on hand for you to review and consider. Alternatively, Joan can distribute your firm name and description to the group of students that she knows is looking for an articling position. Even if you have already forwarded an ad to the University of Manitoba, please also send one to Joan. The ads at the University of Manitoba are generally accessible to only University of Manitoba students. Manitobans who went elsewhere will not have access to your ad if that is the only place where you posted it. Please help support the future lawyers of our province by taking on an articling student if you can.





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.



The Law Society of Manitoba

PRESIDENT
JIM MCLANDRESS

VICE-PRESIDENT KATHY BUETI

CHIEF EXECUTIVE OFFICER KRISTIN DANGERFIELD

DIRECTOR OF REGULATION LEAH KOSOKOWSKY

219 Kennedy Street Winnipeg, Manitoba R3C 1S8

Telephone: 204-942-5571 Fax: 204-956-0624

www.lawsociety.mb.ca



CPD Calendar of Events 2018

Upcoming Programs

April 13 12 noon to 2:00 pm

The New Civil Queen's Bench Rules:

From Principles to Practice

May 3 12 noon to 3:00 pm

Valuations & Accounting Issues under The Family Property Act (FPA):

What every Lawyer Needs to Know

May 10 9:00 am to 12 noon

Hot Topics in Tax:

Considerations for Your Practice Structure, Billing Practices and Income

May 17 12 noon to 1:00 pm

~WEBINAR ~

CLIA Cyber Liability Insurance Group Policy

Protecting Your Firm and Your Clients

New Program Announcement

May 31 12 noon to 1:30 pm

Tax 101 for Commercial Lawyers

Save the Date!

October 2

Drafting Wills 101 (Morning Session)

Estate Administration 101 (Afternoon Session)

November 2

2018 Isaac Pitblado Lectures

November 30

2018 Child Protection Program

Reminder 2017 Annual Member Report Due April 1, 2018

The annual member report is available online through the Members Portal.

This report must include your required CPD activities for 2017.

Every lawyer who had practicing status in Manitoba at any time in 2017 is required to complete this report.

CBA Contact List for Matters Involving Mortgage Discharges

Bank	Contact Information
Bank of Montreal	All inquiries: Contact the office that provided the payout documentation Escalation only: For all provinces except Quebec: discharge.escalations@bmo.com
	Quebec: quittance.escalations@bmo.com
CIBC	All inquiries: CIBC Mortgages Inc (Registered as CIBC Mortgages Inc.) 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
	Collateral Mortgages (Registered as Canadian Imperial Bank of Commerce) 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: Alanna C. Walters Senior Manager, Centralized Services alanna.walters@cwbank.com
Equitable Bank	All inquiries: discharges@eqbank.ca
	Escalation only: Becky Leibold Director, Mortgage Services bleibold@eqbank.ca

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
	Secondary: Ruby Callahan Senior Operations Specialist Secured Lending West ruby callahan@hsbc.ca
	HSBC Finance Mortgages; Household Realty Corporation Limited Liliana Terriaca ca.csc.discharge@us.hsbc.com
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: Wendy Hill Director of Client Services, Manulife Bank Operations wendy_hill@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.quittances@bnc.ca
Royal Bank	All inquiries: Contact the office that provided the payout documentation
	Escalation only: 1-844-418-9436 mail: disescal@rbc.com
Scotiabank	All inquiries: Contact the office that provided the payout documentation
	Escalation only: For all provinces except Quebec: discharge.escalations@scotiabank.com Quebec: montreal.cmu@scotiabank.com
TD Canada Trust	All inquiries: Contact the office that provided the payout documentation
	Escalation only: Ontario: TD.DischargeEscalationsOntario@td.com_or AnneMarie.Pemberton@td.com
	Western Provinces and Territories: debbie.pauquette@td.com_or TD.WesternCASLEADS@td.com
	Atlantic Provinces: Anthony.Morello@td.com or Melina.Konstantopoulos@td.com
	Quebec: Anthony.Morello@td.com or Melina.Konstantopoulos@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 : quittance.escalations@bmo.com Les autres provinces : discharge.escalations@bmo.com
Banque CIBC	Toutes les demandes de renseignement
	Hypothèques CIBC inc. (enregistrée sous Hypothèques CIBC inc.) 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
	Hypothèques FirstLine (enregistrée sous Hypothèques CIBC inc.) 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 Mailbox.DischargeEscalations@cibc.com
	Secondaire Tom Spall
	Directeur principal, Prêts hypothécaires de détail 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 Alanna C. Walters Directrice principale, Services centralisés alanna.walters@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 bleibold@eqbank.ca

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) bonnie_pow@hsbc.ca june_yao@hsbc.ca
	Secondaire Ruby Callahan Spécialiste principale de l'exploitation Prêts garantis, Ouest ruby_callahan@hsbc.ca
	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 chantal.tourchot@banquelaurentienne.ca
	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 Canada	Toutes les demandes de renseignement Centre de service de la Banque Manuvie : 1-877-765-2265
	Porter le dossier à un échelon supérieur
	Wendy Hill
	Directrice, Services à la clientèle
	wendy_hill@manulife.com
Banque Nationale du	Toutes les demandes de renseignement
Canada	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 ctph.quittances@bnc.ca
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 1-8444-418-9436
	Courriel: disescal@rbc.com
Danaura Cantin	
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 : montreal.cmu@scotiabank.com
	Les autres provinces : discharge.escalations@scotiabank.com
	and the province of the state o
Banque TD Canada	
Banque TD Canada Trust	Toutes les demandes de renseignement Communiquer avec le bureau qui a fourni la documentation de remboursement.
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	Toutes les demandes de renseignement Communiquer avec le bureau qui a fourni la documentation de remboursement. Porter le dossier à un échelon supérieur Québec Anthony.Morello@td.com ou Melina.Konstantopoulos@td.com Ontario
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	Toutes les demandes de renseignement Communiquer avec le bureau qui a fourni la documentation de remboursement. Porter le dossier à un échelon supérieur Québec Anthony.Morello@td.com ou Melina.Konstantopoulos@td.com Ontario AnneMarie.Pemberton@td.com ou TD.DischargeEscalationsOntario@td.com Provinces et territoires de l'Ouest
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	Toutes les demandes de renseignement Communiquer avec le bureau qui a fourni la documentation de remboursement. Porter le dossier à un échelon supérieur Québec Anthony.Morello@td.com ou Melina.Konstantopoulos@td.com Ontario AnneMarie.Pemberton@td.com ou TD.DischargeEscalationsOntario@td.com Provinces et territoires de l'Ouest debbie.pauquette@td.com ou TD.WesternCASLEADS@td.com Provinces de l'Atlantique
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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 Anthony.Morello@td.com ou Melina.Konstantopoulos@td.com Ontario AnneMarie.Pemberton@td.com ou TD.DischargeEscalationsOntario@td.com Provinces et territoires de l'Ouest debbie.pauquette@td.com ou TD.WesternCASLEADS@td.com Provinces de l'Atlantique Anthony.Morello@td.com ou Melina.Konstantopoulos@td.com
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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 Anthony.Morello@td.com ou Melina.Konstantopoulos@td.com Ontario AnneMarie.Pemberton@td.com ou TD.DischargeEscalationsOntario@td.com Provinces et territoires de l'Ouest debbie.pauquette@td.com ou TD.WesternCASLEADS@td.com Provinces de l'Atlantique Anthony.Morello@td.com ou Melina.Konstantopoulos@td.com Porter le dossier à un échelon supérieur servicing@tangerine.ca Secondaire

