



The Law Society of Manitoba

Communiqué

2.0

May 2019

INSIDE THIS ISSUE:

President's Report	1
Meeting Notice	2
CEO Report	3
New Officers	4
Notice of Annual Meeting	4
Report Your Insurance Claims Now!	5
Excess Insurance and Your Firm	5
Reporting Claims	6
Understanding Gender Identity	10
2019 Important Dates	13
Bits & Bytes	14
Thank You From WBYO	15
In Memoriam	16
2019 Call to the Bar	17
Dates for 2019-2020 CPLED	18
Bencher By-Election	18
Great Lexpectations	19
Lawyers for Literacy	20
Membership Changes	22
Articling Surveys	23
Save the Date	24
CPD Programs	25
Federation Family Law Program	26

Communiqué 2.0

is published by
The Law Society of Manitoba

200 - 260 St. Mary Avenue
Winnipeg, Manitoba
R3C 0M6

Telephone: 204-942-5571
Fax: 204-956-0624
www.lawsociety.mb.ca

President's Report

KATHY BUETI



It's hard to believe that this is my last article as president of the Law Society. I thought I would take the opportunity to deal with an issue that was first brought to the attention of the benchers by the Manitoba Bar Association Women Lawyers' Section. The Association asked that consideration be given to recognizing part-time practising status by offering discounted practising and insurance fees for lawyers who practise part-time. It was noted that lawyers who practise part-time are disproportionately young mothers who reduce their hours of work to care for their children. While lawyers currently practise in all kinds of arrangements and in a range of reduced work schedules, there is

currently no opportunity to pay a reduced practising fee or professional liability levy.

While the issue was raised in the context of parental leaves, as one can imagine this notion of a more flexible work schedule isn't just an issue for childcare. As our population continues to age the need for elder care continues to grow as well. Now more than ever lawyers find themselves caring for aging parents. The ability to practise part time is of interest to lawyers on sick leaves, those who are transitioning to retirement, or lawyers trying to find more of a work life balance.

Until very recently British Columbia and Ontario were the only jurisdictions to have recognized the ability to practise on a part-time basis. Lawyers in those jurisdictions who work part time are eligible for discounted insurance fees (but not practising fees). In such circumstances, where a provincial law society recognizes part-time practice the Canadian Bar Association also offers a discounted membership rate.

The unique nature of the reciprocal insurance arrangement that we have in place in Manitoba prevents the ability to underwrite insurance policies individually and extend a reduced levy to lawyers who practise on a reduced basis. The much larger number of lawyers and the different insurance programs in each of Ontario and BC make it possible to do so in those jurisdictions.

continued on page 2

President's Report

continued from page 1

Practising fees are different than insurance levies, which are calculated by an actuarial calculation. Currently, no law societies in Canada offer part-time practising fees. However, the Alberta Law Society recently approved part-time practising (but not insurance) fees for lawyers beginning in 2020. As part of a pilot project there will be no increase in practising fees for the profession over the course of the next 18 month period commencing in 2020.

What constitutes part-time practice for a lawyer is a complex issue. Most lawyers do not work traditional work weeks or conventional work hours. Different law societies have approached this conundrum in different ways. The benchers at the Law Society of Alberta opted to implement a part-time fee structure that reduces the membership fee by 50% for active lawyers who qualify for part-time status based on billable tasks (750 hours per year) and gross billings. In BC lawyers who practise part-time are eligible for a 50 % reduction in insurance fees providing they work 25 hours per week or less on average over six months.

Over the next year the Equity Committee of the Law Society will explore the viability of part time practising fees in the context of both parental leave and beyond. There will be some difficult questions to answer and some important policy issues to address both for the committee and ultimately the benchers. In the event that part time fees are introduced should they be restricted to those with young children? Or should the Law Society consider a more expansive model that would facilitate a wide range of part time practice? And what is part time practice anyway? Will reduced practice fees encourage more lawyers to remain in practice and improve access to justice? At the end of the day there is no magic formula to determine what constitutes part time practice. But there are important discussions to have around the principles that might support a part time practising levy. The benchers would love to hear your input on this issue. Watch your inbox for a survey this year that will identify some of the key considerations and ask for your thoughts.

NOTICE OF BENCHERS' MEETING



The next regular meeting of the benchers of the Law Society of Manitoba will be held on
Thursday, May 23, 2019 at 12:30 p.m.
at the offices of the Society, 200 - 260 St. Mary Avenue, Winnipeg, Manitoba.

The dates of future benchers' meetings scheduled for 2019 are as follows:

- **Thursday, June 27, 2019**
- **Friday, September 6, 2019**
- **Thursday, October 31, 2019**
- **Thursday, December 19, 2019**
- **Thursday, February 13, 2020**
- **Thursday, April 23, 2020**
- **Thursday, May 28, 2020**
- **Thursday, June 25, 2020**

Members of the Society are encouraged to attend and participate in the deliberations of the governing body.

CEO Report

KRIS DANGERFIELD, CHIEF EXECUTIVE OFFICER



Spring is always the time for new beginnings and this year was no exception when the benchers met on April 4, 2019. The benchers elected the dynamic duo of **Anita Southall** as President and **Lynda Troup** as Vice President of the Law Society for the 2019-2020 term. They will each assume their respective roles when the benchers meet again in May. The benchers thanked **Grant Driedger** for having allowed his name to stand as a candidate for Vice-President.

The benchers received a monitoring report on the Admissions and Membership Department of the Law Society. The department is responsible for membership records including the membership database. The benchers discussed three policy issues arising from the report:

- They reviewed and approved a proposed amendment to the guidelines for admission and education appeals to streamline the appeals process for applicants for admission.
- They discussed the process by which candidates are called to the Bar and approved in principle providing more flexibility for some lawyers (for example those transferring in from another jurisdiction) to commence practising law before a formal call ceremony. Consideration will be given to the necessary process and required rule amendments that would be required and brought back to the benchers.
- Finally the benchers considered and approved a proposal to provide honorary posthumous calls to the Bar to law students who were killed in World War I. A book is being compiled about the 43 Manitoba students who lost their lives, who would have been called in 1919 or 1920.

The new Trust Safety Program came into effect on April 1, 2019. The chief executive officer has the authority to deny a lawyer's application to become a trust account supervisor, to approve an application with conditions and to revoke someone's status as a trust account supervisor. The benchers approved a set of guidelines for an appeal process from those decisions to the Trust Safety Appeal Committee, which includes an expedited process where an existing trust account is affected by such a decision.

The benchers had to make some decisions about filling vacancies for three bencher positions that have arisen for a variety of circumstances. There are presently three openings, one for a vacancy in the City of Winnipeg Electoral District, one in the Central and Dauphin District and one vacancy for an appointed practising bencher. The benchers decided to conduct a referendum for each of the two elected positions and tasked the Nominating Committee with interviewing candidates for the appointed bencher position.

The benchers received a number of reports from the Complaints Investigation Committee, the Discipline Committee, the Practice and Ethics Committee and the President's Special Committee on the Delivery of Legal Services.

Finally the benchers received a preview of the new CPLED Prep (Practice Readiness Education Program) from Dr. Kara Mitchelmore, who has been working diligently with her team to develop CPLED 2.0. It is an exciting new program that will change the nature of pre-call education for law students and will better equip them to practise law.

NEW OFFICERS

Anita Southall
President



On April 4, 2019 the benchers elected Anita Southall to serve as President of the Law Society for the 2019-2020 term. Anita was first elected as a bencher in 2012 and has served on many Law Society committees, including as chair of the Equity Committee, the Practice and Ethics Committee and the President's Special Committee on Representative Capacity. Anita practises in the area of wills, trusts and estate management including estate litigation and administrative law as a partner at Fillmore Riley LLP. She serves on the board of the Winnipeg Foundation and is most excited as she is about to become a grandmother.

Lynda Troup
Vice-President



The benchers elected Lynda Troup to serve as Vice-President of The Law Society of Manitoba for the 2019-2020 term. Lynda has been a bencher since 2014 and has served on a multitude of Law Society committees, including as chair of the Complaints Investigation Committee and the President's Special Committee on the Delivery of Legal Services. Lynda practises civil litigation as a partner at Thompson Dorfman LLP and teaches remedies at Robson Hall. In her spare time she volunteers at the Legal Help Centre.

Notice of Annual Meeting

The Annual Meeting of the Law Society of Manitoba will be held on
Thursday, June 27, 2019 at 12:30 p.m.
in our new offices at 200 - 260 St. Mary Avenue, Winnipeg, Manitoba.
All members are invited to attend.

Report Your Insurance Claims Now!

Tana Christianson, Director of Insurance

Although lawyers in Manitoba have been insured by the Canadian Lawyers Insurance Association (CLIA) since 1988, we have been insured under 31 successive CLIA policies. The current policy of insurance expires on July 1, 2019. This means that before July 1, you should 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 insurance policy only provides you with coverage if you had no knowledge of the claim or potential claim before July 1, 2019 and could not have reasonably foreseen that a claim might arise. So, if you think you might have made an error in providing professional services to others or, if someone is making allegations (even unmeritorious allegations) against you or, if you are just concerned about a file, please call, email or write the Professional Liability Claims Fund staff and put us on notice before the policy year runs out. Late reporting can compromise your coverage, so speak now or forever hold your peace.

Canada Day is Monday, July 1st and the Law Society offices will be closed that day, so don't leave things to the last minute. "Don't leave things to the last minute" is probably good advice in any event.

Here is how you can contact the Professional Liability Insurance Claims Fund staff:

Tana Christianson	204-926-2011	e-mail: tchristianson@lawsociety.mb.ca
Kate Craton	204-926-2012	e-mail: kcraton@lawsociety.mb.ca
Jim Cox	204-926-2024	e-mail: jcox@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 please contact:

Kristin Forbister	204-926-2047	e-mail: kforbister@lawsociety.mb.ca
Heather Vanrobaeys	204-926-2036	e-mail: hvanrobaeys@lawsociety.mb.ca

Excess Insurance and Your Firm

Tana Christianson, Director of Insurance

Lawyers who are insured in Manitoba have mandatory insurance with a \$1 million limit and a \$2 million aggregate limit. That means that on a single claim, you have coverage up to \$1 million (which includes any defence costs incurred in defending your claim). The \$2 million aggregate limit means you will be covered for two \$1 million claims or for a series of claims brought in one policy year where the cumulative amount of the damages and defence costs are up to \$2 million. Only you and your firm can assess your firm's potential exposure to a claim or series of claims that would take you over the \$1 million per claim, \$2 million in the aggregate limit.

The Canadian Lawyers Insurance Association (CLIA), the mandatory insurer in Manitoba, also offers insurance in excess of the \$1 million per claim \$2 million aggregate limit. CLIA excess insurance packages and rates will be available shortly. Applications for renewal and new coverage will be available on the CLIA website at www.clia.ca.

Reporting Claims

Tana Christianson, Director of Insurance

Professional Liability Insurance Claim

So you think you might be faced with an insurance claim. This is never a pleasant prospect, but when you find yourself in this situation, here are some questions you need answered.

Notice?

The mandatory insurance policy that covers all lawyers in private practice in Manitoba has a condition that states: "...as soon as **practicable** after learning of a **Claim** or becoming aware of circumstances that might constitute an **Occurrence** or give rise to a claim..." (Policy of Insurance provision 4.3) you should give notice to the **Insurer**. Law Society Rule 5-34 and the *Code of Professional Conduct 7.8-2* say much the same thing.

Who is the Insurer?

The Canadian Lawyers' Insurance Association (CLIA) is the insurer under the policy. CLIA is a reciprocal insurance exchange. All Canadian provinces and territories except Quebec, Ontario, Alberta and British Columbia are members of CLIA. CLIA provides mandatory \$1 million coverage to The Law Society of Manitoba and its members. The Law Society of Manitoba is CLIA's local administrative office and Law Society staff members who work for the Law Society's Professional Liability Claims Fund (the Claims Fund) are prepared to accept notice of your claim.

Practicable?

So just what does practicable mean? Black's Law Dictionary defines it as "that which may be done, practised or accomplished, that which is performable, feasible or possible." This means you don't have to call the Claims Fund staff the minute you realize that there may have been an occurrence, especially if you come to that realization in the middle of the night. But it does mean that you should not put it off. The contact should ideally be made the next business day. This will put you inside the policy and may have other benefits to you (read on).

Claim?

Claim means the allegation of an occurrence or a demand for money, property or services arising out of an occurrence, including the threat or institution of a suit or legal proceeding. So, if you think you made a mistake or, someone else alleges you have made a mistake, you have an obligation to report. Even if the allegation of the claim is totally without merit, you still have an obligation to report.

If you are served with a statement of claim, call the Claims Fund immediately so the Claims Fund can appoint counsel to defend you. The Claims Fund picks up defence fees and disbursements at no cost to you and our staff (unfortunately) is extremely experienced in responding to claims brought against lawyers. The Claims Fund needs early notice to respond quickly on your behalf.

Occurrence?

The policy says you have to report if you become aware of circumstances which might constitute an occurrence. The policy says occurrence means an error in the rendering of professional services for others. This means that if you realize you have made a mistake, you should report it to the Claims Fund. You should contact the Claims Fund when you realize there may have been an occurrence. Don't wait until someone else notices it and puts you on notice. Waiting to report and worrying about the error can interfere with sleep. Waiting can also compromise your coverage, if your delay in reporting prejudices the insurer by losing an opportunity to repair the situation or mitigate damages. Also, claims must be reported in the policy year in which they became known to you. Don't let a June 30th policy year end pass without reporting your claim.

continued on page 7

Reporting a Claim

continued from page 6

Where and how do I report?

Mail and e-mail

The policy requires written notice to the insurer at The Law Society of Manitoba. You can write us or e-mail us. Here are those coordinates:



Mail: Professional Liability Claims Fund
Law Society of Manitoba
200 – 260 St. Mary Avenue
Winnipeg, Manitoba
R3C 0M6



E-mail: Tana Christianson
Kate Craton
Jim Cox

tchristianson@lawsociety.mb.ca
kcraton@lawsociety.mb.ca
jcox@lawsociety.mb.ca

Forms on the website



Also, you can go to the [Member's Portal](#) of our website and fill in and e-file a reporting form, or download one to be filled out off-line. If you want to look at the policy of insurance, it is in the Member's Portal.



Phone

You can also call. Sometimes you just need to talk to someone about a claim before you do anything else. Feel free to do that. We can talk to you about the process and what sort of information would be valuable to include in your written report of the claim. Here is where you can reach us:

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

Who will know if I report?

You are not required to report a claim or potential claim to any other department of the Law Society, nor will the fact that you have reported a claim to the Claims Fund be disclosed to other Law Society departments, unless you authorize that disclosure in writing. The Claims Fund does not share information with The Law Society of Manitoba Complaints Resolution Department or Discipline Department, so if the claim is also the subject of a letter of complaint to discipline, we won't know about it. You must advise the Claims Fund directly. Your report is a confidential report to Claims Fund staff made in contemplation of litigation. It is not shared with benchers or Law Society committees.

continued on page 8

Reporting a Claim

continued from page 7

What should I do before I report?

Once you realize that there is a claim or a potential claim, stop what you are doing and take no further steps without first consulting with Claims Fund staff and taking our direction. You should report your claim to the Claims Fund promptly and please, do not take any steps on your own. If the steps you take on your own make the situation worse, your entitlement to insurance coverage could be jeopardized.

Also, if you wait too long to report and the possibility of taking steps to remedy or repair the situation is lost to the Claims Fund, you may only be covered to the extent that the Claims Fund's position has not been prejudiced by your failure to give prompt notice.

What should I tell my client?

When a lawyer discovers an error or omission that is, or may be damaging to a client and cannot be rectified readily, the lawyer is to promptly inform the client of the error or omission without admitting legal liability, recommend independent legal advice and advise that the lawyer may no longer be able to act. This has to be balanced against the lawyer's obligations under the policy of insurance. Provision 4.4(d) of the policy says that the insured should not make any admissions or take any other actions that might reasonably be expected to prejudice conduct of the defence unless the Insurer is aware of and consents to the admission or action in advance. When you think you have made a mistake, you have to walk a fine line between your requirements under the *Code* and your requirements under the policy of insurance. This is recognized in commentary to 6.08 of the *Code*. That's why we suggest you call the Claims Fund prior to advising your client of an error you have just discovered.

Who knew a claim would make me feel so bad?

Don't beat yourself up. Aside from the fact that a late report may compromise your insurance coverage, there are good reasons to call the Claims Fund as soon as you are aware of a potential claim. We have taken a lot of claim reports over the years and we have lots of experience. Everybody makes mistakes, even very good lawyers. That is why we have insurance. When good lawyers make mistakes, they feel terrible. Let us help you to feel not so terrible. Lawyers who have to call us to report a claim routinely tell us they would rather have a root canal. One lawyer told me he had not felt that bad since his high school girlfriend dumped him. Others suggest the feelings a claim engenders might parallel the stages of grief. (Denial, anger, bargaining, depression and acceptance)

What if the claim or allegation has no merit?

Sometimes, you have to report a claim, not because you made a mistake, but because you have been targeted by a difficult individual or brought into litigation as a party because you have insurance. Even if there is no merit to the claim against you, you must put us on notice. Even meritless claims can be expensive to defend. Take advantage of your entitlement to a free defence under the policy of insurance. Also, on these meritless claims, sometimes, the Law Society's Professional Liability Insurance Claims Fund can have more success in convincing a claimant or claimant's counsel that there is no merit to the claim, before that claim reaches the litigation stage.

Once your claim is reported to the Professional Liability Claims Fund, what happens?

The first thing we will do is ask you to complete a Professional Liability Insurance Claim Report form. This Claim Report form, which we will provide to you in hard copy or by e-mail and which is also available at the Law Society website in the Member's Portal, asks for information about you, the person making the claim against you, the date the alleged error occurred, when you knew about it, etc. and asks for a narrative account of the potential claim and copies of relevant correspondence and other documents.

continued on page 9

Reporting a Claim

continued from page 8

The claim report information is useful to the Claims Fund. We are interested in how claims arise and develop. We are also interested in what types of matters get reported and do not develop into full-blown claims. Statistical information generated from the forms is relevant to the Claims Fund's actuaries to predict patterns of development on claims now and in the future.

Once the Claims Fund staff receives your completed Claim Report, we will review it and the documents you submit with it and we will determine whether a claims file should be opened or whether the matter does not truly fit within the definition of claim under the policy and should be classified as a pre-claim or pending claim file. Some claims that go into the pre-claim or pending claim file never develop into full-blown claims. However, if they do, then the Claims Fund has a record of an early report and you will have no concerns about late reporting.

If a claims file is opened, the claim will be assigned to one of the lawyers who work in the Professional Liability Insurance Claims Fund. You will receive a letter explaining the Professional Liability Claims Fund program, what will happen with your claim, information about the scope of coverage, etc. The lawyer assigned to your file, will contact you to obtain as much information as possible and to determine a strategy for dealing with the claim.

The majority of our professional liability claims are handled in-house by the Professional Liability Claims Fund staff. However, if outside defence counsel need to be appointed, you will be involved in their selection, although ultimately, under the policy of insurance, both the selection of counsel and conduct of defence are controlled by the Claims Fund.

What to tell your client

Apology Act notwithstanding, do not tell your client that you were an idiot and that your insurer will take care of everything. The *Code of Professional Conduct*, 7.8-1 requires that you tell a client if you discover an error. The *Code* also points out that you have to do so in such a manner that you do not prejudice your insurer or compromise your coverage under your insurance policy. After all, your insurance coverage ultimately protects your client. If you blow your coverage by reporting late or by making admissions of liability, your client also suffers. Claims Fund staff can help you to think through how the client should be informed of a potential problem and how that should be dealt with. You also have to appreciate that it is very frightening for a client to be advised that the lawyer has made an error that potentially jeopardizes the client's position. Take direction from 7.8-1 of the *Code*:

- a) promptly inform the client of the error or omission without admitting legal liability;
- b) recommend that the client obtain independent legal advice concerning the matter, including any rights the client may have arising from the error or omission; and
- c) advise the client of the possibility that, in the circumstances, the lawyer may no longer be able to act for the client.

What if I have more questions?

If you have any other questions about reporting claims, call, write or e-mail Claims Fund staff.



Understanding Gender Identity: A Primer on the Gender Spectrum

Alissa Schacter - Equity Officer and Policy Counsel



Transgender. Transsexual. Cisgender. Queer. We hear these terms more frequently, yet not all of us are clear on what they mean. In addition, the vocabulary continues to shift and there isn't universal agreement on the precise meaning of terms or which ones are most appropriate. This article is intended as a primer to help you navigate this terrain if it is unfamiliar.

Why is this relevant?

As lawyers, the essence of our job is to represent and advocate for our clients' interests and needs. To do this effectively, we need to understand the different types of people who engage with the legal system in which we work. We don't have extensive data on the percentage of Canadians who identify as **LGBT2SQ** (lesbian, gay, bisexual, transgender, Two-Spirit, queer and questioning)¹. One study estimates it's 13% of the population², however data from the U.S. shows that as society becomes more accepting of LGBT2SQ people, the number who self-identify rises. We can assume the same is true in Canada. The bottom line is, if you don't already have individuals from the LGBT2SQ community as clients, you will.

"Sometimes there's a misconception that since we now have marriage equality, along with section 15 *Charter* rights and human rights laws, we've solved this issue and we're done. While we've made huge strides, there's still lots of work to be done", explains Joel Lebois, Chair of the MBA's Sexual Orientation and Gender Identity Community Section (SOGIC). He adds, "As lawyers, we have an obligation to stay current and keep informed about the fact that there are members of the community who approach legal services from a specific lens. They may face few barriers to the services they require, or they may be experiencing direct or institutional human rights violations on a daily basis. Whether it's in the context of incarceration, accessing health care services or public bathrooms, or related to birth certificates and ID documents, the issues are manifold."

Sex and gender aren't the same thing

In the past these terms have often been used interchangeably, however we now recognize the need to differentiate as society acknowledges that an individual's genetically assigned sex doesn't always correspond with their gender identity.

Sex refers to the biological differences between males and females, such as genitalia, reproductive organs and other physical characteristics determined by genes. The [World Health Organization](https://www.who.int/news-room/fact-sheets/detail/sexual-orientation-and-gender-identity) (WHO) defines sex as "the biological characteristics that define humans as female or male. While these sets of biological characteristics are not mutually exclusive, as there are individuals who possess both, they tend to differentiate humans as males and females." Some individuals are **intersex**, which means they have anatomy or sexual characteristics that can't be categorized as exclusively male or female.

¹ This will soon change. Statistics Canada plans to include new and modified questions on sex at birth and gender to provide respondents an opportunity to list their gender in a non-binary fashion on the 2019 Census.

² According to "LGBT Realities", a 2017 Canadian study by Fondation Jasmin Roy, accessed at <https://www.newswire.ca/news-releases/according-to-lgbt-realities-the-first-pancanadian-survey-on-lgbt-communities-conducted-by-crop-for-the-benefit-of-the-fondation-jasmin-roy-13-of-the-canadian-population-belongs-to-the-lgbt-community-639432223.html> on April 22, 2019.

continued on page 11

Understanding Gender Identity: A Primer on the Gender Spectrum

continued from page 10

Gender is a social construct and includes the individual's concept of themselves. The WHO defines gender as “the socially constructed characteristics of women and men, such as norms, roles and relationships of and between groups of women and men. It varies from society to society and can be changed.”



Gender is a spectrum

Many of us grew up thinking of gender in binary terms; you were either male or female. We now understand this is not always the case. If you're **cisgender**, your sex at birth matches the gender you identify with. For example, if you were born with female sex traits and you have always identified as female, you are cisgender. Looking at gender as a spectrum requires a shift in perspective. Individuals whose gender identities don't align with their sex at birth identify themselves in a number of different ways. One of the umbrella terms used is **non-binary**, which refers to a gender identity that is neither entirely male nor entirely female. Some people identify as **agender**, meaning they see themselves as gender neutral and don't identify with a gender.

Certain cultures have long recognized and even celebrated those who don't identify as either strictly male or female. In Indigenous culture, prior to contact with Europeans, Two-Spirited people were considered gifted because they carried both the male and female spirit. They were honoured and revered and were often the visionaries and healers. Today the term **Two-Spirit** includes people who identify as gay, lesbian, bisexual and transgender.

What is the difference between transgender and transsexual?

According to the Rainbow Resource Centre, **transgender** is an umbrella term that represents many individuals whose gender identity differs from their birth sex and or their expression does not conform to society's standards of how men and women look and or act.

Transsexual is an older term and refers to a person who experiences discomfort with the disparity between their physical body and their sense of self. Some people seek treatment through hormones and or surgical procedures to bring their body in closer alignment to their gender identity. Most people who identify as transsexual want to be perceived as the gender that corresponds with their gender identity regardless of what physical changes they have made.

According to Lebois, “The trend is that younger generations are rejecting the dichotomization of gender. It is now more common to encounter individuals openly identifying as transgender, but also agender or non-binary, and they're not necessarily transitioning from one traditional gender to another. Trans individuals may indicate their preferred pronouns, and may choose to use the neutral pronoun of they/them.”

Gender is different than sexual orientation

Sexual orientation is solely about who you are attracted to. A transgender individual's sexual orientation (attraction) varies and is not dependent on gender identity. Transgender people may identify as straight, gay, lesbian, bisexual, etc.

Genderqueer or **Queer** is an umbrella term to describe someone who doesn't identify with conventional gender identities or sexual orientations, and the roles, expression and or expectations that come along with them.

continued on page 12

Understanding Gender Identity: A Primer on the Gender Spectrum

continued from page 11

Tips for working with transgender clients

- If you don't know what pronoun to use, it's acceptable to ask as long as you're respectful.
- Consider addressing your clients in writing by their first initial and surname to avoid gendered honorifics of Mr., Mrs., Ms. etc.
- Transgender should be used as an adjective, not a noun, for example, "John is a transgender man"³, rather than "John is a transgender".
- If you encounter transgender individuals in your work, you need to educate yourself. The [Rainbow Resource Centre](#) is a great general resource. If you have a more specific question, you can contact the Law Society's Equity Officer or the SOGIC Section of the MBA for assistance.
- People who are transgender experience an additional level of stress arising from navigating a society that can be unaccepting. Research shows that LGBT2SQ people have higher rates of mental health challenges than the general population due to their heightened and prolonged exposure to societal and institutional prejudice and discrimination.⁴ Recognize that your clients bring this experience with them when they walk into your office.

Language is complex, localized and ever-evolving to reflect changing social mores. The terms used in this article aren't meant to represent the final word as some people will prefer different terminology. What is constant is the need to be tolerant and accepting of individuals who are different from us, even in ways we may not understand.

³ This means John lives as a man today but was thought to be female when he was born.

⁴ Accessed at <http://www.heretohelp.bc.ca/visions/lgbt-vol6/lgbt-people-and-mental-health> on April 23, 2019.

2019

Important Dates to Note



May 23
12:30 p.m.
Benchers' Meeting

June 7 to 9
Northern Bar
Annual CPD and Meeting
Flin Flon, MB

June 19
PAYMENT DUE
2019/20 Practising Fee and Contributions
(or first instalment)
for students being called to the Bar
on June 20, 2019

June 20
9:00 a.m.
Call to the Bar Ceremony
Centennial Concert Hall

June 27
12:30 p.m.
Annual Members' Meeting
and Benchers' meeting

July 2
2019/20 Prof. Liability Claims Fund Contribution
(or first instalment)
PAYMENT DUE

September 9 to 13
CPLED classes

September 6 and 7
Western Bar
Annual CPD and Meeting
Clear Lake, Manitoba

September 3
2019/20 Practising Fee and Contributions
(2nd Instalment)
PAYMENT DUE

October 1
2019/20 Practising Fee and Contributions
(2nd Instalment)
for members called to the Bar
on June 20, 2019
PAYMENT DUE

October 1
Trust Safety Education Module
COMPLETION DATE

November 8
2019 Pitblado Lectures

December 1
2019/20 Prof. Liability Claims Fund Contribution
(2nd Instalment)
PAYMENT DUE

December 1
2019/20 Practising Fee and Contributions
(3rd Instalment)
for members called to the Bar on June 20, 2019
PAYMENT DUE

Bits&Bytes

Kris Dangerfield, Chief Executive Officer

1. By now you should have heard about the new CPLED course called PREP (Practice Readiness Education Program). We will be running a pilot project in Manitoba in January 2020 and by September 2020 the program will be in place for all students in Manitoba, Saskatchewan and Alberta. This is an exciting new program with a significantly different spin on what we have always called CPLED. Check it out at www.cpled.ca.
2. CPLED of course goes hand in hand with articling. With the introduction of the new CPLED Prep course in 2020 it will be an opportune time to take a look at the articling process that is currently in place in Manitoba. Jurisdictions across the country have different articling requirements that vary significantly. Articling positions are increasingly harder to find. The nature and quality of articles can differ greatly for students. So it is time to think about whether improvements can be made to the articling process. In order to better inform our discussions about articling, the Law Society of Manitoba, together with the Law Societies of Alberta and Saskatchewan, will conduct a survey of articling students and lawyers about articling and the training and support of new lawyers. Included in the survey will be questions around discrimination and harassment in response to recent concerns identified in Ontario about the articling experience in that province. Watch your inbox for an invitation to participate in the survey and make your thoughts known.
3. Lawyers for Literacy was once again a success this year. On March 16, 2019, 66 lawyers and 45 kids gathered at Mulvey School and managed to read 861 books together. A total of \$10,643.00 was raised to support the excellent programming for children delivered by West Broadway Youth Outreach. If you have never attended in the past I encourage you to take the time to do so next year. Whether kids are struggling or excelling at reading their choice of books, they are always an inspiration and a lot of fun to spend time with. Thanks to all of you who donated your time and money to make this a success.
4. Just in case you missed Lawyers for Literacy, the West Broadway Youth Outreach organization is holding its annual "5ish Run" on June 2, 2019. The 5ish Run is a great, fun event for a good cause. Check it out at <http://www.westbroadwayyouthoutreach.com/5ish-fun-run.html>.
5. There will be some staffing changes at the LSM this spring. We are losing **Allyssa McFadyen**, our very capable library assistant at the Great Library to British Columbia and we wish her well. She has been replaced by **Adam Klassen Bartel** who is a recent graduate from the Library and Information Technology program at Red River College. Also joining us is **Tatiana Bubnowicz**, who is filling a one-year term position as Competence Counsel following the retirement of **Ian Blomeley**. And finally on the subject of retirements, **Ellen Henry**, the author of the excellent e-Laws that many of you subscribe to, has announced her retirement after 28 years at the Law Society. Ellen has served in a variety of roles at the Law Society during her time here, but she will be especially missed for her quiet, calm presence and her great sense of humour (not to mention her incredible tortes).
6. Ellen no doubt wonders where the years went. I feel much the same as I reflect on the fact that I entered law school forty years ago this September. So I guess that I should not have been insulted when I was offered the "seniors" discount while visiting Toronto recently and getting on the subway. But it still hurts. Almost as much as the Jets fizzling out in the first round.
7. Have you taken the trust safety exam yet? The Trust Safety Program was introduced on April 1, 2019 and you have until October 1, 2019 to take and successfully complete the exam if you intend to operate a trust account. So far we have a 100% success rate for those who have completed the exam. So don't have exam anxiety. Get it done before the deadline arrives.
8. Please mark this year's Pride Reception, sponsored by the MBA's SOGIC (Social Orientation and Gender Identity Community) and the Law Society of Manitoba in your calendars. It will be held on May 29, 2019 from 5:30 p.m. to 7:30 p.m. at the Law Society of Manitoba and will celebrate the legal achievements of lesbian, gay, bisexual and transgender lawyers in promoting equality and human rights. Please join us.



Thank You from West Broadway Youth Outreach



"We are always so appreciative of all the support we get from you and the rest of the crew. Every year we see so many awesome lawyers who take the time to read to our kids and THAT is so important. The relationships they build in those few minutes are what really counts; not only does it motivate the kids by seeing how much an adult cares, but keeps them interested in coming back each year to read on a Saturday - something we wouldn't trade for the world! Any amount helps as it all goes back to the kids. And trust me when I say this, they really feel the positive impact and support when we are able to expand, or simply just continue, programming. So again, thank you thank you thank you for always being in our kids corner!"

~ West Broadway Youth Outreach



More photos of the event on page 20-21

In Memoriam

David Haney Jones, Q.C., who passed away on December 14, 2018 at the age of 93. Mr. Jones received his call to the Bar in Manitoba on September 8, 1949. He was a practising member of the Law Society for 18 years. Mr. Jones resided in Ontario at the time of his death.

The Honourable Michael Edward Martin, who passed away on January 13, 2019 at the age of 92. Mr. Martin received his call to the Bar in Manitoba on June 17, 1953. He was a practising member of the Law Society for two years before relocating to Ontario, where he continued to practise until he was appointed a judge of the Ontario Court in 1988. Mr. Martin resided in Ontario at the time of his death.

Rivan Kenneth Halprin, who passed away on February 11, 2019 at the age of 91. Mr. Halprin received his call to the Bar on August 9, 1951. He practised as a partner and as a sole practitioner in the firm Halprin & Halprin until his retirement in 2005. Mr. Halprin was recognized by the Law Society in 2002 for having practised law for 50 years.

Roger James Hansell, Q.C., who passed away on February 13, 2019 at the age of 89. Mr. Hansell received his call to the Bar on May 28, 1954. He practised law at the firm known today as MLT Aikins LLP for 54 years and then continued to practice as a sole practitioner for an additional five years. Mr. Hansell was appointed Queen's Counsel in December, 1980. In 2005 he was recognized by the Law Society for having practised law for 50 years.

Manly Sherman Rusen, who passed away on February 24, 2019 at the age of 88. Mr. Rusen received his call to the Bar on September 30, 1955. He practised law as a sole practitioner, partner and associate with several Winnipeg firms before retiring in 2008. He also served as a part-time judge of the Provincial Court of Manitoba from 1976 to 1987. Mr. Rusen was recognized by the Law Society in 2007 for having practised law for 50 years.

Donovan Anderson McCarthy, Q.C., who passed away on February 28, 2019 at the age of 90. Mr. McCarthy received his call to the Bar on September 14, 1951. He practised as an associate with P.C. Locke & Co. for three years before joining Prudential Insurance of America as in-house counsel. In 1968 Mr. McCarthy joined Monarch Life Assurance Co. where he served as Vice-President and in-house counsel. He retired from Monarch in 1985. Mr. McCarthy was appointed Queen's Counsel in December, 1967.

Ronald Lloyd Olesky, who passed away on March 15, 2019 at the age of 73. Mr. Olesky received his call to the Bar on June 30, 1977. He practised law in Winnipeg for 42 years as a sole practitioner.



Call to the Bar

June 20, 2019

9:00 a.m.

Manitoba Centennial Concert Hall

The Law Society of Manitoba will conduct its annual Call to the Bar ceremony on Thursday, June 20, 2019 at 9:00 a.m. at the Manitoba Centennial Concert Hall. The ceremony is a special sitting of the Court of Queen's Bench. The judiciary of Manitoba will be participating, along with The Law Society of Manitoba and the Manitoba Bar Association. Members of the bar are invited to attend.

It is anticipated that 77 candidates will be presented for admission to the bar on this day. Others from the 2018-19 bar admissions class will be called to the bar at proceedings taking place before or after June 20th at various courts throughout Manitoba.

The A. Montague Israels, Q.C. Memorial Prize for the outstanding Bar Admission Course student will be presented to one of the candidates by Justice David Kroft.

If you would like to attend and participate in the procession of robed members, please contact Joan Holmstrom at 204-926-2017. Members wishing to attend but not robing are invited to sit in the audience along with the candidates' friends and family. All are asked to be seated before 9:00 a.m.

Dates For 2019-2020 CPLED Course Year

September 9 to 13, 2019	In person – Instruction Week
September 24, 2019 to November 19, 2019	Online Modules Begin
December 2 to December 6, 2019	In person – Instruction Week
December 9, 2019	Students must have articling position or will be unable to continue with CPLED
December 10 to December 17, 2019	Online Module
January 7 to January 28, 2020	Online Module
February 3 to 7, 2020	In person – Instruction Week
February 11 to March 26, 2020	Online Modules
June 18, 2020	Call to the Bar
February to October 2020	CPLED Prep Program Pilot Project

You are now able to cast your vote in the 2019 Bencher By-election.
You can vote any time up until 5:00 p.m. on
Wednesday, May 15, 2019.

Biographies for all candidates are available on the Law Society [website](#).

2019 Bencher By-Election

To cast your vote: Access the
on-line voting polls directly
through the Law Society
[Member's Portal](#).

Select the **Benchers & Elections**
option from the navigation menu
on the left.

In the Dauphin-Central Electoral District,
Jay Funke
has been elected by acclamation.

Therefore there will be an election for the
one bencher vacancy in the City of
Winnipeg Electoral District.



GREAT LEXPECTATIONS

Karen Sawatzky, Director of Legal Resources

Another guide and an updated Goldsmith's.

Free legal research tools have come a long way. [Lexbox](#), "your online legal research workspace" is a way to improve organizing research conducted in CanLII.org as well as other sites. Allyssa McFadyen has created a guide using Lexbox to make receiving Manitoba decisions right to your inbox even easier. [How to Create an Alert in CanLII Using Lexbox](#) demonstrates how to receive alerts using Lexbox by searching Manitoba docket information. This guide will show you how to set up a free account with Lexbox, how to search for Manitoba decisions on CanLII using the docket information and how to create folders in Lexbox. Check out all our guides on our [Legal Ease](#) page.



In response to high demand, new to our collection will be an updated edition of *Goldsmith's Damages for Personal Injury and Death in Canada*. This text will be available for use in the library only. If there are other titles you would like to see in our collection, please let us know so we can review.

In staff news, Allyssa will be leaving the library next month. Her last day will be June 7th. Adam Klassen Bartel will be her replacement, and will start May 13th. Adam is a recent graduate of the Library and Information Technology program at Red River College.

Please feel free to contact either me, Allyssa or Adam for any of your legal research needs.

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



9th Annual "Lawyers for Literacy"



In Support of
West Broadway Youth Outreach







APPLICATION TO WITHDRAW FROM PRACTICE - LEAVING A FIRM / EMPLOYMENT

FOURTEEN AND SEVENTEEN 100
Admission & Membership Department
The Law Society of Manitoba
221 Canada Street, Winnipeg, Manitoba, R2C 1G6
Tel: (204) 984-6622
manitoba@lsmcc.org.ca

I, _____, with application to the Law Society of Manitoba, withdraw my membership (except time lost of previous practice) to:

☐ **Non-Practising Member** (except for 14(1)(b) and 14(1)(c) to become a non-practising member and not practice law in any jurisdiction)

☐ **Inactive Member** (not practising law in any jurisdiction)

I wish to withdraw from practice because:

☐ I am retiring from my legal practice effective _____

☐ I am taking a sabbatical period for a re-examining _____

Assigned date of return to work: _____

☐ I am taking a leave of absence from my employment/practice commencing _____

Assigned date of return to work: _____

☐ Other: _____

Change my membership category effective: _____

CONTACT INFORMATION

Name of Firm: _____

Current Address: _____

Address: _____

Phone: _____

Cellphone: _____

Direct line: _____

Other line: _____

Thru (416) 882-0000 1-800-387-1234

Membership Changes

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

Non-Practising to Practising:

March 18, 2019	Katherine (Katy) E. Sweet
April 1, 2019	Brodie R. Quinton
April 2, 2019	Natasha J.P. Szach
April 15, 2019	Allison L.K. Pejovic
April 21, 2019	J. David L. Soper

Inactive to Practising:

March 28, 2019	Douglas A. Ripley
April 8, 2019	Vanessa-Lee Routley
April 8, 2019	Robert G. Sly
April 11, 2019	Jon M. Sigurdson

Practising to Inactive:

March 7, 2019	Keith C. Eyrikson
March 20, 2019	Ian F. Blomeley
March 22, 2019	Heather K. Unger
March 25, 2019	Cheryl A. Jason
March 26, 2019	Stephanie C.P. Harland
March 31, 2019	Welland R. Whidden
March 31, 2019	Douglas V. Tingey
March 31, 2019	Brendan J. Bachand
April 1, 2019	Marvin Bernstein
April 1, 2019	Shane M. Paterson
April 1, 2019	David S.Z. Khan
April 1, 2019	Sophia Mapara
April 1, 2019	Lori A. Watts
April 1, 2019	Brian G. Wilford
April 8, 2019	Derek M. Olson
April 25, 2019	Robert P. Parashin

Practising to Non-Practising:

March 20, 2019	Robert A. Scramstad
March 29, 2019	Lori A. Lavoie
March 30, 2019	Beverly J. Froese
March 31, 2019	Joshua M. Morry
March 31, 2019	Roxroy O.O. West
April 1, 2019	Esther Hirsch
April 1, 2019	Bradley T. King
April 1, 2019	Valerie C. Perry
April 1, 2019	Mona-Lowanna C. Pollitt-Smith
April 1, 2019	Gary C. Senft
April 8, 2019	William M. Sumerlus
April 13, 2019	Esmeralda K. Bautista
April 15, 2019	Rebecca L. Schille
April 19, 2019	Angela Czarnecki

New Admissions:

March 26, 2019	Michael C. Koppang
March 26, 2019	Jeffrey A. P. Losch
March 26, 2019	Vanessa-Lee Routley
March 26, 2019	Dany M. Theberge

ARTICLING SURVEYS

The Law Society of Manitoba will be launching two surveys this month to gather feedback from articling students and new lawyers (under five years of call) as well as from principals, recruiters and those who mentor articling students or new lawyers. One survey will be directed at articling students and new lawyers, the other at principals, recruiters and mentors. The information gathered will be used by the Law Society to determine if changes need to be made to the articling process. We are conducting these surveys jointly with the Law Societies of Alberta and Saskatchewan.

Why do we want to hear from articling students and new lawyers about their articling experiences?

Articling, as a form of applied learning, is part of the traditional journey into the Canadian legal profession. The articling system has been in place for many years in various forms across Canada. A positive articling experience can provide young lawyers with a strong foundation for an ethical and competent legal career. A negative articling experience can lead to issues throughout the career of a lawyer.

We want to hear from students, young lawyers, principals and mentors about their experiences so we can understand any current issues associated with the articling experience and the training of new lawyers generally.

The legal marketplace is rapidly changing due to the emergence of new technologies and increased need from the public for affordable and accessible legal services. We need to ensure that we are training new lawyers for the 21st century.

The skills that new lawyers need to serve the public today are not the same skills needed 10 or 20 years ago. The training of new lawyers needs to be responsive to the changes in technology and the needs of the 21st century client.

These issues have led law societies to question how new lawyers are being prepared for the practice of law. It is essential that we look at both the current articling process as well as the training and support that may be required by new lawyers in early years of practice.

At this stage, we want to gain a more comprehensive picture of the current state of articling by gathering feedback from as many current articling students and new lawyers as possible. We want to hear about the types of training and mentoring articling students are receiving, any issues related to discrimination or harassment and how prepared articling students feel to practice as 21st century lawyers.

What will we do with the Survey Data?

The surveys are designed to help the law societies better understand the experiences and supports that articling students are receiving during their articling term in order to critically assess whether our existing systems are appropriately preparing lawyers for the future.

The survey responses will be analyzed in aggregate form only. Nothing shared by a respondent will be linked to the individual respondent.

How can you help?

Your experiences and feedback as a new lawyer/articling student or principal/recruiter/mentor are extremely important to help us further our understanding. We strongly encourage members who fall into one or more of those categories to complete a survey. An email containing a link to each survey will be sent out on May 16, 2019. And please note, for completing the survey you will be eligible to **win a complimentary registration to any Law Society of Manitoba CPD of your choice (prize must be redeemed within the next year).**



If you have any questions, please contact Richard Porcher, Director of Admissions and Membership, recruiters at rporcher@lawsociety.mb.ca or Kris Dangerfield at kdangerfield@lawsociety.mb.ca.



Notice to the Members of the Legal Profession of Manitoba

Mark your calendars for an historic dinner with the
Justices of the Supreme Court of Canada

**SAVE
THE
DATE**

Date: Thursday, September 26, 2019
Location: RBC Convention Centre, Winnipeg, MB (TBC)
Keynote Speaker: The Right Honourable Richard Wagner, PC
Chief Justice of Canada

Save the date now so that you do not miss this special evening.

More details to follow.



@lawsocietymb



The Law Society of Manitoba

PRESIDENT
KATHY BUETI

VICE-PRESIDENT
ANITA SOUTHALL

CHIEF EXECUTIVE OFFICER
KRISTIN DANGERFIELD

DIRECTOR OF REGULATION
LEAH KOSOKOWSKY

200 - 260 St. Mary Avenue
Winnipeg, Manitoba
R3C 0M6

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

www.lawsociety.mb.ca



Avis aux membres de la profession juridique du Manitoba

Un dîner avec les juges de la Cour suprême du
Canada. Notez cet événement historique
à votre calendrier.

**RÉSERVEZ
LA
DATE**

Date : jeudi 26 septembre 2019
Lieu : Centre des congrès RBC, Winnipeg, MB
Conférencier d'honneur : le très hon. Richard Wagner, C.P.,
juge en chef du Canada

Inscrivez cette date à votre calendrier pour ce qui promet
d'être une soirée mémorable.

Plus de détails à suivre.



CPD Calendar of Events 2019

Upcoming Programs

All About Bail Applications

May 15, 2019 | 4:00 pm to 6:00 pm

Presenters From the Provincial Court of Manitoba: Judge Tim Killeen (Chair) and Judge Dale Harvey
Joined by Georgia Couturier, *Justice Manitoba* and Colin Gray, *Smith Corona Van Dongen & Cook*

Northern Bar Annual CPD - Flin Flon

June 7, 2019 | 9:00 am to 4:30 pm

Part 1: Morning Session 9:00 am - 12:00 pm

Addiction – Facts and Fallacies

Dr. Jim Simm, Staff Psychiatrist, Health Sciences Centre and Medical Director PACT Logan

Family Law Roundtable Discussion

Part 2: Afternoon Session 1:00 pm - 4:30 pm

Estate Administration 101

Robert (Bob) Fabbri, Deeley Fabbri Sellen Law Corporation

Legal Research Tools

Karen Sawatzky, Director of Legal Resources at the Manitoba Law Library

Save the Dates!

August 23	Central Bar Annual CPD	Portage la Prairie
September 6	Western Bar Annual CPD	Clear Lake
October 3	Bills of Exchange	LSM Classroom
November 8	2019 Pitblado Lectures	Fort Garry Place
November 29	2019 Child Protection Program	LSM Classroom



Federation of Law Societies of Canada
2020 Family Law Program

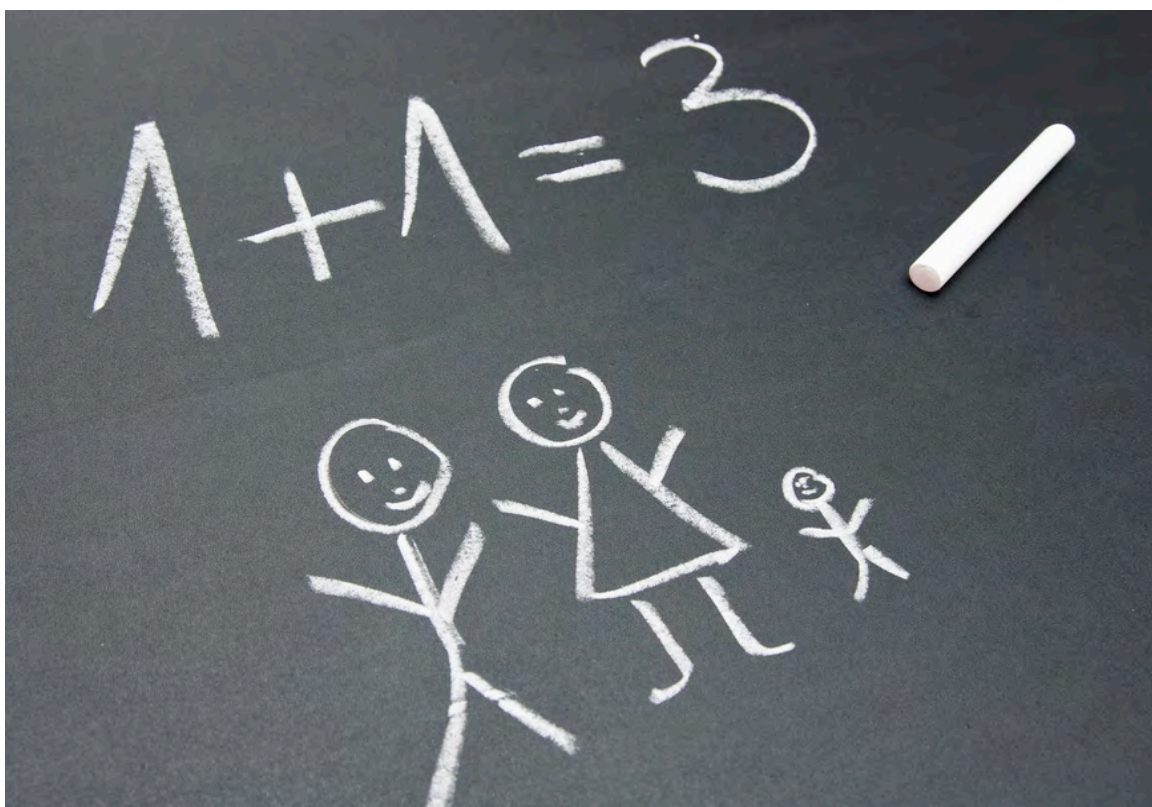
Our 2020 Program will be in Halifax, N.S.!

July 13 - 16, 2020

Halifax Marriott Waterfront Hotel

Please consult our web site for program updates:

<https://national-family-law-program>



CALL FOR PAPERS

- Your proposal must be received no later than May 30, 2019
- Please see Page 2 for details



Federation of Law Societies of Canada 2020 Family Law Program

Planning for the National Family Law Program in 2020 is underway. We are inviting submissions of proposals for Papers/Presentations under the following guidelines:

1. Summary of topic(s), format of presentation, possible co presenters and estimated time for presentation or workshop.
2. Your agreement to participate in other presentations as workshop leader or panelist if needed.
3. Please include a copy of your curriculum vitae (and that of your co-presenter if applicable) with your submission.
4. Your agreement to provide an original written paper on the topic(s), short bio for each presenter and summary of topic to include in conference handbook by May 15, 2020.

***Your written submissions for a topic(s) must be received
no later than May 30, 2019***

Please submit your Family Law proposal to:

**Heather Walker, Program Co-ordinator
National Family Law Program
P.O. Box 244
Woodville, ON K0M 2T0**

e-mail: nationalfamilylawprogram@sympatico.ca

Messages: 705.879.3082

*Due to the volume of submissions, please indicate the proposal as
a submission for the 2020 program in the Re: line of your email.*

**Note: Presenters will only receive a contribution toward
travel and accommodation expenses.**

Please consult our web site for program updates:

<https://flsc.ca/national-family-law-program/>