

## CHAPTER 1 – INTERPRETATION AND DEFINITIONS

## 1.1 DEFINITIONS

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1.1-1 In this Code, unless the context indicates otherwise:

**“associate”** includes a lawyer who practices law in a law firm through an employment or other contractual relationship;

**“civil society organization”** means a registered charity under the *Income Tax Act* (Canada), a not-for-profit corporation incorporated under the laws of Manitoba, or a not-for-profit corporation permitted under the laws of Manitoba to operate in the Province.

**“client”** means a person who:

- (a) consults a lawyer and on whose behalf the lawyer renders or undertakes to render legal services; or
- (b) having consulted the lawyer, reasonably concluded that the lawyer has agreed to render legal services on his or her behalf;

and includes a client of the law firm of which the lawyer is a partner or associate, whether or not the lawyer handles the client’s work;

<b>Commentary</b>
[1] A lawyer-client relationship may be established without formality.
[2] When an individual consults a lawyer in a representative capacity, the client is the corporation, partnership, organization, or other legal entity that the individual is representing.
[3] For greater clarity, a client does not include a near-client, such as an affiliated entity, director, shareholder, employee or family member, unless there is objective evidence to demonstrate that such an individual had a reasonable expectation that a lawyer-client relationship would be established.

**“conflict of interest”** means the existence of a substantial risk that a lawyer’s loyalty to or representation of a client would be materially and adversely affected by the lawyer’s own interest or the lawyer’s duties to another client, a former client, or a third person;

**“consent”** means fully informed and voluntary consent after disclosure:

- (a) in writing, provided that, if more than one person consents, each signs the same or a separate document recording the consent; or
- (b) orally, provided that each person consenting receives a separate written communication recording the consent as soon as practicable;

**“law firm”** includes one lawyer or two or more lawyers practising together, and may include:

- (a) a sole proprietorship;
- (b) a law corporation or limited liability partnership;
- (c) a partnership or association of lawyers or law corporations or a combination of both;

but excludes arrangements where lawyers share office space and certain common expenses, but otherwise practise as independent practitioners;

**“lawyer”** means a member of the Society as defined in *The Legal Profession Act*, S.M. 2002, c. 44 - Cap. L107;

**“Society”** means The Law Society of Manitoba;

**“tribunal”** includes a court, board, arbitrator, mediator, administrative agency or other body that resolves disputes, regardless of its function or the informality of its procedures.