



Decision No. 20100811A

## **THE LAW SOCIETY OF MANITOBA**

**In the Matter of:**                    **Applicant A - Appeal of Admission Decision**

**Hearing Date:**                    **August 11 & 25, 2010**

**Panel:**                                **John Neufeld, Q.C. – Chair**  
    **Miriam Browne**  
    **James Shaw**

### **DECISION**

**RE Interim Motion in Respect of an Appeal by Applicant A of an admission decision of The Law Society of Manitoba dated June 10, 2010.**

### **REASONS FOR DECISION**

1. Applicant A (the "Appellant" or "Applicant A") has appealed the decision of The Law Society of Manitoba (the "Law Society") dated June 10, 2010 rejecting his application for admission to the Manitoba CPLED Program and as an Articling Student for 2010-2011 (the Admission Decision"). Before the hearing, Applicant A made six "preliminary motions" (his phrase). During the hearing, he made an additional motion. On the first day of the hearing, he withdrew the first preliminary motion that, in effect, asked the Chairperson of the panel "to voluntarily step down". All of the remaining motions, except one, were dismissed by the Panel during the hearing. The motion that was not disposed of at the hearing, and on which the panel reserved its decision, was to permit the Appellant to immediately enrol in the 2010-11 Manitoba CPLED Program, "on a without prejudice basis pending a completion of all different appeal proceedings regarding his application".(Appellant's Preliminary Motion No. 6)

2. The appeal and motions were heard over two full days, being August 11th and 25th, 2010. Applicant A was unrepresented. Ms. Darcia Senft appeared on behalf of the Law Society. The parties proceeded on the basis of their extensive written materials and oral submissions. No sworn testimony was presented.

3. The current application of the Appellant was made less than a year after a similar application was made by the Appellant and after unsuccessful legal challenges were launched in court by him and for which costs are still outstanding against him which have not been paid.

4. The Panel has carefully considered the parties submissions and respective interests that are at stake. At the time this Panel advised the Law Society of its interim decision on September 21, 2010, without providing any written reasons, it believed that it was still possible for Applicant A to be admitted to the CPLED Program.

5. The Appellant's sixth preliminary motion reads as follows:

Immediately enrolling the Appellant in the 2010-11 Manitoba CPLED Program, which is anyhow taken by the Students mostly on the internet, on a without prejudice basis and pending a completion of a different appeal proceedings regarding his application. (Interim Motion Number 6)

6. For the Appellant to succeed on Interim Motion Number 6, he would at least have to convince the Panel that he has a reasonable prospect of success on his appeal of the Admissions and CPLED Decisions. He has failed to do so.

7. The principal issue underlying both Applicant A's Appeal and Interim Motion Number 6, is whether or not the Appellant is "of good moral character and a fit and proper person to be admitted" [Law Society Rules 5-4(c)].

8. The law is clear, and was acknowledged by all the parties, that the issue to be determined is the current character and fitness of the Appellant.

9. The Rules of the Law Society are also clear that the burden is on the Appellant to establish that he is of good moral character and fit to be admitted. After two days of hearings with extensive written and oral arguments, the Panel believes it has ample objective evidence from which it can assess Applicant A's present character and fitness. The Panel is unanimous in concluding that the Appellant has failed to establish that he is of good moral character and a fit and proper person to be admitted. As a result Interim Motion Number 6 shall fail. As well, it is acknowledged that this conclusion also determines the main issue of the Appeal but the Panel will be providing full written reasons in respect of the

main Appeal at a later date.

10. Interim Motion Number 6 is therefore dismissed.

October 12, 2010