

The Law Society of Manitoba

2019 Annual Report

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PRESIDENT'S REPORT



Kathy Bueti

I am pleased to provide this annual report at the conclusion of my term as President.

This year saw many positive changes at the Law Society, from moving into new premises to the composition of the benchers' table and the executive. For the first time ever, the executive includes a lay bencher, Neil Cohen, who occupies the position of officer-at-large. With the bencher election, we were able to welcome new and returning elected benchers and the nominating committee then had the difficult task of nominating appointed lawyer and lay benchers from an exceptional slate of candidates. At the conclusion of the election and appointment process, we once again used our new Benchers' orientation format which allowed for the benchers to meet all of the senior staff.

During my term, I was involved in no fewer than seven swearings-in of Court of Queen's Bench Masters, Judges of the Provincial Court, and Justices of both the Court of Queen's Bench and the Court of Appeal. I also sat on the selection committees for the Provincial Court Judicial vacancy in The Pas, the Richard J. Scott Award and the Queen's Counsel appointments. I was honoured to speak at the June 2018 Call to the Bar ceremony.

The Law Society is fortunate to have a very collegial relationship with the Manitoba Bar Association and the first event I attended as President was a Pride Reception that was jointly sponsored by the Sexual Orientation and Gender Identification Committee of the Manitoba Bar Association and the Law Society. I was pleased as well to attend our jointly sponsored Robson Hall New Student Welcome Reception and the Manitoba Bar Association Midwinter Conference Bench and Bar Reception, Awards lunch, and Council meeting.

For me, a highlight of the year had to be the Indigenous Law Continuing Professional Development Program: Tebwetibajimowin - To Tell the Truth in Sagkeeng First Nation. This event was followed by the Faculty of Law Homecoming Reception. A successful presentation was made to the University of Winnipeg Criminal Justice Department and I was also able to attend the Isaac Pitblado Lectures on Reimagining Justice: Trust, Truths, and Transformations. Law Society community engagement continued as the Lawyers for Literacy event in support of disadvantaged youth was a great success.

On the national front, I attended the Federation of Law Societies' 2018 Annual Conference and Business Meetings in Prince Edward Island with further meetings in Ottawa and Montreal, where we wrestled with a number of pressing issues such as entity regulation, mental health and wellness of lawyers, anti-money laundering regulations, mobility reciprocity with Quebec, access to justice, the Truth and Reconciliation Commission's Calls to Action and the impact of artificial intelligence on the practise of law. I was very fortunate to attend the Law Society of Alberta Bencher Retreat where we examined how innovation and culture have an impact on the regulator.

The Law Society has made significant progress on a number of initiatives over the past year. The Prairie Provinces Entity Regulation Committee has made significant strides in their collaborative work throughout the year. The long awaited Anti-Money Laundering and Terrorist Financing rule amendments also have come a step closer to completion.

CPLED (the pre-call admission program) as we currently know it has held one of its last classes as the program is being re-vamped with pilot courses starting in the next articling year. Dr. Kara Mitchelmore, the Chief Executive Officer of CPLED, and her team have gone to great lengths to make the course content more relevant and practical. This year we were able to address some of the challenges experienced by lawyers who practice in the North including the establishment of a pilot project to provide mentoring to junior criminal lawyers.

We conducted several successful information sessions regarding the launch of the new Trust Safety Program on April 1, 2019. The President's Special Committee on the Delivery of Legal Services and the Access to Justice Steering Committee have done extensive work throughout the year making great progress on significant issues.

We also were able to amend the Law Society Rules to facilitate the mobility of Quebec lawyers who wish to practise in Manitoba. Finally, the Practice and Ethics committee has done a great deal of work examining the feasibility of introducing practice audits into the regulatory work of the Law Society in furtherance of our strategic objective to regulate proactively in the public interest.

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The Law Society executive and senior staff had a very productive meeting with the Deputy Minister of Justice, the Deputy Attorney General and the Director of Provincial Prosecutions about approaches to respond to the Truth and Reconciliation Calls to Action and in particular to address issues within the criminal justice system. We also had the opportunity to meet with the present and past Ministers of Justice during my presidency.

As you will have gleaned from this report, a great deal of progress has been made this year on new initiatives and those already underway. None of this work would be possible without the exceptional Law Society staff. We are very fortunate to have such competent and dedicated people to support and advise us throughout the process.

Specifically, I want to recognize our Chief Executive Officer Kris Dangerfield whose leadership is an example to all of us. The senior staff in their respective departments are second to none. I would also like to thank Leah Kosokowsky for all of her advice and hard work. Behind the scenes keeping the entire organization running is Pat Bourbonnais, without whom I'm convinced nothing would get done.

I know that our organization will continue to thrive under the leadership of Anita Southall as President with the assistance of Lynda Troup as Vice-President. I hope that as Past President I can provide the support and guidance that Jim McLandress has been able to provide me. Neil Cohen will continue to provide the invaluable public perspective that is much needed at the executive level.

I would like to take this opportunity to thank all of the benchers for your support. Without your dedication and commitment we would not be able to do our important work. I am humbled by the opportunity to have had this experience.

CHIEF EXECUTIVE OFFICER'S REPORT



C. Kristin Dangerfield

The Law Society of Manitoba enthusiastically embraced change in 2018, both operationally and strategically. After 36 years of being situated in the same premises, the Law Society moved down the street to establish itself in new space that will meet the organization's needs for years to come. With the move came the opportunity to design an environment and systems that accommodates our need to engage with the profession to ensure that legal services are delivered competently, with integrity and independence.

We welcomed some excellent new benchers to the table following the 2018 election and appointment process. The appointment process includes both practising lawyers and lay benchers, with applicants for the available positions being assessed against a skills matrix that identifies skill sets, competencies, backgrounds and perspectives. For the first time, the benchers appointed a lay bencher to serve as an officer-at-large on the Law Society executive. The six lay benchers who serve around the bencher table are a diverse and talented group, who together with the elected and appointed benchers play a significant role in directing the policy decisions of the Law Society.

In 2018, the benchers made significant progress on some key Law Society initiatives in accordance with the Strategic Plan adopted by the benchers for 2017-2020 and you will see reference to that in the pages that follow. New initiatives to enhance access to

justice, support competence of the legal profession, promote equity, diversity and inclusion in the legal profession and build stakeholder confidence in the work of the Law Society will continue. These initiatives supplement our core regulatory responsibilities that support the mandate to ensure the public is well served by a competent, honourable and independent legal profession.

Many thanks go to the benchers and to the executive of the Law Society, in particular President Kathy Bueti, Vice-President Anita Southall, officer-at-large Neil Cohen and Past President Jim McLandress. Their willingness to support the Law Society in its efforts to protect the public interest in the delivery of legal services is second to none. I am particularly proud of the staff at the Law Society whose dedication, commitment and creativity is outstanding and supports the important work of regulating the legal profession. Together the staff and benchers look forward to the exciting opportunities that lie ahead of us.

2017-2020 STRATEGIC PLAN

Mission Statement

The aim of the Law Society of Manitoba is a public well-served by a competent, honorable and independent legal profession.



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The Law Society moved forward with a number of important strategic objectives and initiatives in 2018.

Communications

The President's Special Committee on Communications issued a report outlining a communications, engagement and outreach strategy to more effectively communicate the Law Society's mandate as a regulator that is charged with protecting the public interest in the delivery of legal services. Work on that strategy is well underway with the addition of a Communications Officer to the Law Society team who is leading the development of new branding and a new website to better communicate with both the profession and the public.

Access to Justice

Access to Justice is a key strategic objective for the benchers who committed to demonstrating leadership in the advancement, promotion and facilitation of increased access to justice for all Manitobans. In furtherance of that goal, the President's Special Committee on Alternate Legal Services explored giving up the profession's monopoly over the delivery of legal services. The Committee considered how the Society could facilitate the delivery of quality, innovative and affordable legal services. In its report, the Committee recommended that the Law Society seek legislative amendments that would permit the benchers to expand the scope of legal services that could be provided by categories of service providers on either an unregulated basis, through entities including associations of lawyers and non-lawyers such as civil society organizations and by persons acting under the supervision of a lawyer, or with a limited license. Work has continued on developing the necessary policies and framework that would support the provision of legal services by a range of service providers.

In keeping with the need to improve access, in 2018 the Law Society was able to renew relationships with other stakeholders in the justice system to explore opportunities to enhance the provision of and advice to the public. Supported through funding from the Manitoba Law Foundation, the Law Society and the Manitoba Law Library Inc. is working with colleagues from The University of Manitoba, The Legal Help Centre, CLEA and the Province of Manitoba to establish a Law Library Hub at the Law Courts Building.

Equity, Diversity and Inclusion

The benchers committed to improving principles of equity, diversity and inclusion in the regulation of the legal profession and in the delivery of legal services. In furtherance of that objective, the Law Society benchers and staff have received training in an effort to develop an understanding of institutional racism and how to overcome it. This is an ongoing initiative that will require constant attention in order to become an inclusive and diverse regulator and legal profes-

sion. Our efforts to assist the profession to become culturally competent continue. A Road Map for Increasing Cultural Competence in the Delivery of Legal Services was developed to guide the Law Society in its efforts to increase cultural competency in the delivery of legal services.

As part of the commitment to promote equity in the legal profession, the Law Society is exploring whether to offer part-time practising fees in an effort to encourage greater retention of female lawyers and to accommodate those with primary childcare or other responsibilities.

Proactive Regulation to Support Competence

The Trust Safety Program is an important component of the Law Society's objective of regulating proactively to protect the public interest. In 2018, an on-line education program, application, approval and appeal processes were developed to govern the program to ensure that lawyers are properly trained to manage client trust funds.

In association with the trust safety work, the Law Society took its first formal step toward law firm regulation by establishing a requirement for law firms to register with the Society and to designate a responsible lawyer to receive and respond to communications from the Law Society on behalf of the firm. Work continues on a Law Firm Management Assessment Tool which is intended to assist law firms to improve and maintain client and practice management policies and procedures.

The Law Society also explored the value of a practice review process as part of a proactive approach to enhancing lawyer competence by identifying and addressing risks in a lawyer's practice before they escalate. Work continues on a model that would mitigate against the risk of lawyers practising incompetently.

Another competence initiative approved by the benchers is the development of the new rendition of CPLED, the Law Society's pre-call admission program. We operate CPLED in conjunction with our partners in Alberta and Saskatchewan and through 2018 have seen significant progress in developing an on-line and in person program that will enable articling students to learn and practise the key skills every competent lawyer needs.

COMPLAINTS REVIEW COMMISSIONER'S REPORT



Drew Perry

Complainants to the Law Society who disagree with certain types of decisions made by the Law Society's Complaints Resolution Department staff have the option to request an independent review by the Commissioner, who is a non-lawyer.

Complainants have 60 days after a decision by Complaints Resolution Department staff to request such a review if:

- (a) after an initial review, staff decided not to investigate the complaint on the basis of no merit; or
- (b) based on an investigation, the matter was concluded at the staff level, with or without further action being taken regarding the complaint.

The Complaints Review Commissioner's review involves a file review of the same information that was available to staff. A written decision is provided to the complainant, with copies to the lawyer in question and the Law Society staff person involved at the outset.

The options available to the Commissioner following a review are to:

- (a) confirm the initial staff decision;
- (b) disagree with a decision not to investigate and require an investigation by a different staff member; or
- (c) disagree with a decision that was based on an investigation and direct the Law Society to refer the matter to the Complaints Investigation Committee for its consideration.

In 2018-2019 there were 42 requests for review from complainants, slightly lower than the 48 in the previous year. Upon review, 37 of the 42 staff decisions were confirmed. Two cases were determined to warrant a staff investigation where none had taken place, and three complaints were referred to the Complaints Investigation Committee for its consideration.

I would like to thank the Law Society of Manitoba for the opportunity to participate in the overall complaints review process in this way. The option of an independent review by a non-lawyer for some types of decisions is important for complainants as they proceed through the complaint resolution process.

The Law Society of Manitoba accounts for its financial activities through four separate special purpose funds: the General Fund, the Reimbursement Fund, the Professional Liability Claims Fund, and the Education and Competence Fund. A budget is prepared for each of these funds and presented to the benchers before the start of the year. As the year progresses, the actual financial operations are reviewed by both management and the benchers, and at year end the Society's external auditors, Deloitte LLP, examine and report on those results.

The general operations of the Law Society, which are reported on through the General Fund, include accounting, admissions and membership, benchers, complaints resolution, discipline, the Family Law Access Centre, general administration and information technology. The Fund's main source of revenue comes from practicing fees (\$1,900 per member in 2018-2019), supplemented by investment income and other administrative fees and recoveries. The major expenses of this Fund include salaries and benefits related to its operations, grants (in particular in support of the Great Library, Community Legal Education Association and the Federation of Law Societies of Canada), rent of the new building premises at 260 St. Mary Avenue, continued maintenance of our former premises at 219 Kennedy Street, committee and bencher support, professional assistance, and general office supplies and operations. In 2016-2017 a Capital Improvement Fee of \$100 per member was levied for a five year period. However, with the completion of the move to the new premises, this levy was eliminated for the upcoming years.

The Reimbursement Fund exists for the benefit of clients who may suffer losses in the event of the theft of client funds by lawyers. The Fund is financed by an annual assessment (\$350 per practising lawyer in 2018-2019), a grant from the Manitoba Law Foundation and investment income. Major expenses include financing the Society's audit program (including salaries and benefits), Lawyers Trust Protection Insurance premiums, a contribution to the general operations of the Society, and repayments to clients who become victims of lawyer theft which can vary significantly from year to year.

The Professional Liability Claims Fund provides professional liability insurance coverage to all Manitoba lawyers. It is funded by investment income and an annual insurance levy (\$1,645 for the period July 1, 2018 to June 30, 2019). As of July 1, 2017, this levy has included cyber insurance coverage at an annual cost of \$45. The annual insurance levy covers salaries and benefits, net claims paid, counsel defence costs, mandatory and other insurance premiums (including support to the profession for health and wellness through Blue Cross) and the services provided by outside professionals (notably our practice, investment and actuarial advisors). This Fund also reimburses the General Fund for its share of those costs.

The Education and Competence Fund supports lawyers by providing both the knowledge and skills to become and remain competently able to serve the public. This Fund is financed by an annual contribution from fees (\$300 per member in 2018-2019), educational program revenue, application, tuition and call fees for CPLED (the Society's bar admission program), a grant from the Manitoba Law Foundation and investment income. These monies are used to deliver educational programs to both existing and future lawyers. Expenses include those necessary for the delivery of these programs, including salaries and benefits, contributions towards CPLED development, honoraria for volunteer presenters, and materials and other program delivery costs. This Fund also contributes to the general costs of the Society's operations.

The Law Society ended the 2018-2019 fiscal year with an overall net income of \$1,197,811 (last year \$763,374). This resulted in part from receipt of higher than expected fees and levies due to an increase in the number of members, an increase in the annual grant from the Manitoba Law Foundation, an unexpected increase in the fair market value of our investments, and a significant reduction in the amount paid for insurance claims and premiums.

Expenses were generally well controlled and kept to a minimum with a general leasehold allowance being received from our new landlord. Overall, the Law Society's sound financial performance in 2018-2019 reflected effective financial management and prudent business practices throughout the organization.

ADMISSIONS AND MEMBERSHIP

New Members

During the year ending March 31, 2019, 117 lawyers were called to the Bar in Manitoba. Of those:

- 18 lawyers transferred to Manitoba from other Canadian jurisdictions, under the National Mobility Agreement;
- 95 articling students were called to the Bar; and
- 4 lawyers received partial exemptions from articling based on foreign practising experience.

Of the total called to the Bar, 13 lawyers had obtained law degrees outside of Canada and were admitted on the basis of a Certificate of Qualification issued by the National Committee on Accreditation.

Where Members are Practising

Law Society members with active practising status on December 31, 2018 were 2,094 practising in the following geographical areas:

- within the City of Winnipeg: 1,763;
- within Manitoba, but not in the City of Winnipeg: 261; and
- outside Manitoba: 70.

Law Firms in Manitoba

As of December 31, 2018, 197 law firms (not including sole practitioners) were operating in Manitoba. Of these firms:

- 85.3% have 2-10 lawyers;
- 9.6 % have 11-25 lawyers;
- 1.5% have 26-50 lawyers; and
- 3.6% have more than 50 lawyers.

Demographics and Nature of Practice

There were 2,024 lawyers with active practising status in Manitoba as of December 31, 2018, of which 1,236 or 61% were men and 788 or 39% were women. Of those women in active practice, 56% were engaged in private practice with the remaining 44% employed in corporate, government (including Legal Aid) and educational endeavours. Of the men in active practice, 74% were engaged in private practice and 26% in corporate, government and educational endeavours. **Table A** below provides a historical record of the number of practising lawyers in Manitoba and **Table B** provides a gender breakdown by years in practice.

The following are the number of lawyers who voluntarily reported that they identified as:

- 114 - Indigenous;
- 140 - Visibly Ethnic;
- 64 - Francophone;
- 48 - LGBT2SQ+; and
- 40 - Person with Disability.

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Years at the Bar

The breakdown of the profession in terms of number of years at the bar for the province's 2,024 practising lawyers is indicated in **Table B**.

Table A: Practising Lawyers in Manitoba as of December 31st

1932 - 603	1975 - 910	1986 - 1,483	1997 - 1,711	2008 - 1,860
1950 - 551	1976 - 967	1987 - 1,526	1998 - 1,699	2009 - 1,883
1955 - 636	1977 - 1,105	1988 - 1,548	1999 - 1,731	2010 - 1,919
1965 - 683	1978 - 1,083	1989 - 1,609	2000 - 1,737	2011 - 1,946
1966 - 702	1979 - 1,169	1990 - 1,635	2001 - 1,760	2012 - 1,985
1968 - 704	1980 - 1,213	1991 - 1,680	2002 - 1,769	2013 - 1,992
1970 - 723	1981 - 1,252	1992 - 1,665	2003 - 1,778	2014 - 2,014
1971 - 746	1982 - 1,282	1993 - 1,659	2004 - 1,808	2015 - 2,028
1972 - 776	1983 - 1,304	1994 - 1,659	2005 - 1,825	2016 - 2,008
1973 - 795	1984 - 1,336	1995 - 1,671	2006 - 1,819	2017 - 2,020
1974 - 837	1985 - 1,387	1996 - 1,677	2007 - 1,836	2018 - 2,024

Table B: Practising Lawyers in Manitoba as of December 31st by Years at the Bar and Gender

Years at the Bar	Male		Female		Total	
	#	%	#	%	#	%
(Inclusive)						
0 - 5	266	13.1	242	12.0	508	25.1
6 - 10	154	7.6	148	7.3	302	14.9
11 - 15	94	4.6	107	5.3	201	9.9
16 - 20	105	5.2	75	3.7	180	8.9
21 - 25	103	5.1	59	2.9	162	8.0
26 - 30	111	5.5	57	2.8	168	8.3
31 - 35	97	4.8	39	1.9	136	6.7
36+	322	15.9	45	2.2	367	18.1
TOTAL	1,252	61.9	772	38.1	2,024	100

COMPLAINTS RESOLUTION

Complaints

The aim of the Law Society of Manitoba is a public well served by a competent, honourable and independent legal profession. The Complaints Resolution Department strives to meet that aim by resolving complaints in a way that is thorough, timely and fair. Law Society staff investigate and resolve the majority of complaints received about lawyers, while the Complaints Investigation Committee deals with the more serious complaints.

Where appropriate, Law Society staff will attempt to address verbal complaints quickly and informally by way of an early intervention. In the past fiscal year, staff resolved 103 verbal complaints in this manner.

Law Society staff also resolve the majority of written complaints. Last year, the Law Society opened 331 new complaint files and staff resolved approximately 380 complaint matters (some received in prior fiscal years) as follows:

- 132 complaints were determined to be outside the Law Society's jurisdiction or did not merit investigation;
- 21 complaints were resolved informally to the satisfaction of the complainant and the lawyer;
- 72 complaints were investigated and concluded on the basis that the lawyer provided a satisfactory response to the concerns raised by the complainant;
- 88 complaints involved substantiated concerns that were disposed of by a written reminder to the lawyer of his or her professional obligations;
- 4 complaints were concluded with a recommendation that the lawyer follow a particular course of action;
- 14 complaints were concluded with a written reminder and recommendation;
- 5 complaints were closed upon being abandoned or withdrawn;
- 4 matters closed because the Law Society lost jurisdiction due to a lawyer's death or disbarment; and
- 1 matter closed due to the lawyer's illness and subsequent withdrawal from practice.

Several matters were referred to the Chief Executive Officer who, pursuant to her authority under Law Society Rule 5-66(e)(i), authorized charges of professional misconduct against 3 lawyers for failing to respond to complaints and to Law Society correspondence.

Fee Arbitration

The Law Society offers a fee arbitration program to members of the public free of charge. Members of the legal profession donate their time to arbitrate fee disputes in a voluntary arbitration process. In 2015, the Law Society amended the process to allow for public representatives to sit on fee arbitration hearing panels. The program allows clients and lawyers to resolve disputes about accounts in a more informal setting than through a court assessment. Members of the legal profession, however, are not required to agree to arbitration.

The Law Society received 47 complaints relating to excessive fees. No action was taken in 5 matters due to no follow through by complainants or the Society having no jurisdiction to deal with the complaint. There were 42 requests for arbitration upon which the Law Society was able to act.

Nine of the arbitration requests resulted in a satisfactory settlement being reached between the member and the complainant directly.

No further action was taken on 16 requests due to the fact that the lawyer declined to arbitrate the dispute. There were four instances where an arbitration request was made, but the requests were later abandoned or withdrawn by the complainant prior to the conclusion of the arbitration process.

Two matters are ongoing, either pending an arbitration hearing or pending the member's or the complainant's consideration.

Seven arbitration hearings were conducted between April 1, 2018 and March 31, 2019. In four instances, the fees were upheld, and in two instances the fees were reduced. There is one pending arbitration decisions

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In accordance with Law Society policies and the Benchers' Code of Conduct, all complaints about benchers are to be investigated by an independent investigator and then presented to the Complaints Investigation Committee for consideration.

Law Society staff referred a total of 51 matters to the Complaints Investigation Committee for its consideration including 4 complaints about benchers.

While most complaints to the Law Society are made by clients or former clients and commonly raise concerns relating to quality of service and excessive fees, the matters referred to the Committee dealt primarily with integrity concerns, competence issues, breaches of trust conditions, conflicts of interest, and ungovernable members.

The Committee has a wide range of powers including the authority to order reviews of a lawyer's practice, authorize charges of professional misconduct, conduct unbecoming a lawyer or incompetence in a lawyer's practice of law. The Committee can also issue formal cautions, direct personal appearances and suspend lawyers from practice on an interim basis.

The Complaints Investigation Committee held 8 meetings during the fiscal period of April 1, 2018 to March 31, 2019. The first of those meetings was the final meeting for the 2017-2018 Committee and the remaining 7 meetings were held by the 2017-2018 Committee. The 2017-2018 Committee was comprised of 5 practising benchers, 2 life benchers, 2 lay benchers, (public representatives), and 4 non-bencher lawyers.

The matters considered by the Committee included 1 bankruptcy, and 3 personal appearances by lawyers required to address urgent concerns and to assist in the investigation of a complaint.

The Committee considered 51 matters, the resolutions of which included:

- charges authorized on 33 matters, relating to 12 lawyers;
- interim suspensions of 1 lawyer;
- practice restrictions imposed upon 1 lawyer;
- undertakings provided by 4 lawyers;
- no further action taken on 6 matters;
- consideration of 1 matter deferred to a later meeting; and
- a practice review ordered for 2 lawyers.

The Law Society protects the public interest in the delivery of legal services by prosecuting lawyers who are charged with professional misconduct, incompetence, or conduct unbecoming a lawyer. Charges are authorized only when it appears that alternative measures for dealing with complaints are not sufficient in the particular case to meet the Society's public protection mandate. These are often cases of serious lapses or where lesser prior dispositions have not corrected the member's conduct.

Once charges are authorized against a lawyer by the Law Society's Complaints Investigation Committee - or in limited circumstances by the Chief Executive Officer - the charges are formalized into Citations. Notices are posted on the Law Society's website so that clients and prospective clients can see that a lawyer has been charged and can determine the nature of the allegations against the lawyer. So as to keep the public informed, decisions in discipline matters are posted on the website immediately after they have been served on the member and a digest of each decision is also posted.

Out of over 2,300 lawyers with active practising status this year only seven, or about 1/3 of 1% were disciplined. In one matter a hearing was begun and not completed during the year. In that matter a preliminary issue was resolved by a motion to the Court of Queen's Bench. In another the Discipline Committee dealt with a preliminary motion only.

Discipline hearings are conducted by panels of three members of the Discipline Committee, one of whom is a public representative to help ensure that the public interest is a key component of the hearing process. Hearings are open to the public unless there are compelling reasons for the Panel to order that the public be excluded from all or part of a hearing. This year all hearings were open to the public.

Parties to the hearing have the right to subpoena and cross-examine witnesses. Lawyers who are charged may choose to be represented by counsel at these discipline hearings. Lawyers may plead guilty or not guilty to the charges laid against them. If facts can be agreed upon, a Statement of Agreed Facts is filed and this reduces the time it would otherwise take to prove the facts that demonstrate the misconduct. Frequently, a joint recommendation is made with respect to the conduct at issue and with respect to the appropriate consequences. In six of seven disciplinary hearings concluded this year the lawyer entered a plea of guilty and in five of those the Discipline Committee Panel was presented with a joint recommendation.

At the conclusion of a discipline hearing, the panel must either dismiss the charges or make a finding that the lawyer is guilty of the alleged conduct. If a lawyer is found guilty, s. 72(1) of *The Legal Profession Act* provides the panel with the authority to impose sanctions ranging from a reprimand through to an order that the lawyer be disbarred. A discipline panel may also impose restrictions or remedial requirements. In some cases more than one of the available dispositions is ordered. In two cases concluded this year the lawyer was suspended. Four lawyers were fined and one was reprimanded. Remedial conditions or restrictions were also ordered in three cases. In every case concluded this year the lawyer was also ordered to pay costs to the Society, which ranged from \$2,000 to \$30,000.

This year the Discipline Committee's nine hearings involving nine lawyers were conducted over 27 days, of which 17 were in the current year. In addition two pre-hearing conferences were conducted by the Chair of the Discipline Committee. The Chair or Vice-Chair of the Discipline Committee presided over 11 "set down dockets", at which the progress of pending charges is monitored, hearing dates are set and at which procedural issues may be addressed and resolved.

Decisions of the Discipline Committee may be appealed to the Court of Appeal. This year there was one appeal decided by the Court and dismissed. Another member filed an appeal but withdrew it.

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This year the charges in the concluded cases that came before the Committee included:

Failing to act with integrity, including misleading opposing counsel and advising clients to engage in dishonourable conduct;

Conflict of Interest by acting for a client in a litigation matter when the lawyer's own conduct would be at issue;

Failure to respond to the Law Society, including failing to respond to "14-day letters" and follow up letters;

Failing to serve the client in a conscientious, diligent and efficient manner, including failing to provide competent and timely service;

Charging fees and disbursements that were not fair, reasonable and fully disclosed by failure to deliver a bill to the client;

Failing to comply with trust conditions and undertakings including conditions imposed by other lawyers and by financial institutions;

Failing to comply with accounting rules including as to handling of trust funds and as to keeping required general account records;

Failing to treat other counsel with courtesy and respect, including failing to respond in a timely fashion to communications from opposing counsel;

Several of the hearings held this year involved more than one complaint against the lawyer and multiple charges. In total 17 charges were disposed of by the Discipline Committee this year.

Charges were stayed against two lawyers after undertakings were accepted that were considered sufficient to protect the public in the particular circumstances. One of these involved multiple charges against a senior lawyer who was experiencing medical problems during the period in which the misconduct happened. The Society accepted the lawyer's undertakings, including that the lawyer retire from practice.

A total of 37 separate files involving 11 lawyers were referred to the Discipline Department in 2018-2019. One lawyer accounted for eight files and two other lawyers accounted for five each. At year's end charges involving 11 lawyers were yet to be scheduled for hearing.

PRACTICE ISSUES

Given its mandate to regulate the delivery of legal services in the public interest, the Law Society regularly provides guidance and support to lawyers and students who have questions or concerns relating to practice issues and ethical obligations. On the first day of CPLED (formerly the Bar Admission course), we encourage students to view us as a resource that can provide helpful guidance to them about expected standards of practice and ethical obligations. We also encourage lawyers to contact the Law Society when they have questions or concerns as this provides an opportunity to provide advice on a more proactive basis and assist them to resolve issues before concerns are raised about their conduct. We regularly refer lawyers to provisions within the *Code of Professional Conduct*, Law Society Rules, Practice Directions and other resources.

Inquiries from lawyers include questions about trust conditions, conflicts of interest, transferring client files, withdrawal from a client matter, civility between counsel, and issues relating to confidentiality and solicitor-client privilege. From time to time, a lawyer will request a written opinion with the intention of sharing the Society's views with other counsel or a client in order to attempt to resolve a disagreement.

The Practice and Ethics Committee met to consider whether the Law Society ought to implement a practice audit/review program and, if so, the circumstances in which it would be appropriate to conduct a review of a lawyer's practice. The Committee considered that the Complaints Investigation Committee already has the authority to direct that a practice review take place but recognized that these kind of directions are only given in response to a complaint or concerns about a member's practice. The Committee concluded that it would benefit the public if the Society could direct practice reviews under broader circumstances in order to provide guidance to lawyers about practice management on a proactive basis. Therefore, a recommendation will be made to the benchers that the Society implement a practice review program which would involve making arrangements to meet with lawyers and review a sampling of files to see whether they might benefit from some assistance relating to practice management and the delivery of legal services to clients. The Committee will prepare a detailed report containing a number of related recommendations for the consideration of the benchers.

Over the past number of years, the Society has made amendments to the *Code of Professional Conduct* in an effort to harmonize Manitoba *Code* provisions with the Federation of Law Societies' Model Code of Professional Conduct. We continue to monitor suggested amendments to the Model Code and participate in a Law Society Liaisons Group with representatives across the country, in order to stay informed, provide feedback, and provide recommendations to the benchers about revisions to the Manitoba *Code of Professional Conduct*.

EQUITY INITIATIVES

The Law Society of Manitoba supports the full participation of all people in the legal profession regardless of age, disability, race, religion, marital or family status, gender identity or sexual orientation. The Society acknowledges the diversity of the Manitoba community and expects lawyers to respect the dignity and worth of all people and to treat all persons equally. Discrimination and harassment are against the law and are prohibited by the *Code of Professional Conduct*.

The Equity Officer provides confidential information, advice and assistance to Manitoba lawyers, articling students, legal support staff and clients of lawyers in dealing with issues of discrimination and harassment. The Equity Officer also seeks to prevent discrimination and harassment through a variety of educational and policy initiatives aimed at promoting equity, diversity and inclusivity in the legal profession. During the year ending March 31, 2019, the Equity Officer assisted 33 individuals dealing with issues as follows:

Discrimination - 8

Sexual Harassment - 4

Harassment - 3

Office Policies – 5

Other Equity Related Issues – 13

Over the past year, the Law Society updated the demographic categories it uses to collect information on members to reflect principles of equity, diversity and inclusivity. The gender categories in the Annual Member Report have been expanded to include the options of “non-binary” and “other” in addition to male and female, and other demographic categories identifying individuals as members of equity seeking groups have also been updated to facilitate improved data collection on the diversity of the profession.

The Law Society hosted a one day CPD on Indigenous law called Tebwetibajimowin or “To Tell the Truth” in partnership with the Manitoba Bar Association (MBA)’s Aboriginal law section, Robson Hall Faculty of Law and the Manitoba Indigenous Law Students Association. The program took place at Turtle Lodge on Sagkeeng First Nation on September 27, 2018 and was delivered entirely by Indigenous Elders.

The Law Society provided diversity and inclusivity training to the benchers and Discipline Committee members, and offered a CPD on the topic to members in both Clear Lake and Winnipeg.

The Law Society’s Equity Committee deals with issues relating to equality and diversity. This year the Equity Committee endorsed a Roadmap for Increasing Cultural Competency in the Delivery of Legal Services, which was subsequently approved by the Benchers. The Roadmap was developed in response to the Truth and Reconciliation Commission’s Call to Action #27. Plans for the Law Society’s activities fall within five broad categories: legal education, collaboration and engagement, internal awareness, governance and operations and support for Indigenous members. The Roadmap is intended to be a dynamic or “living” document which will be adapted and augmented over time. The Equity Committee also recommended the Law Society hold an annual networking event for Indigenous law and articling students, leading to the first “Building Connections” event, held on March 5, 2019 and hosted in partnership with the Manitoba Indigenous Law Students Association and the MBA’s Aboriginal law section. The event was successful and plans are being made to hold the event again next year.

In response to a request from the Women Lawyers’ Section of the MBA, the Benchers decided to explore the possibility of offering part-time practising fees for lawyers who meet specific criteria. Members will have an opportunity to provide their input on this issue via an online survey which will be conducted.

The Equity Officer presented on a panel on “#MeToo: What it Means for You” at the MBA Midwinter Conference in January and also spoke to lawyers and students on the topics of discrimination, harassment and the services she offers. She wrote articles which appeared in the Communique on the following topics:

- Articling Interviews are Fast Approaching: Time to Re-Think the Meaning of “Fit” (May 2018)
- Traditional Land Acknowledgements: More than Just a Gesture (August 2018)
- Why Indigenous Law Matters (October 2018)
- Is Your Firm Accessible? (October 2018) (co-written with Eileen Derksen)

The Equity Officer continues to be an active participant in the Federation of Law Societies Equity Network, a working group with representatives from across the country who share information about issues related to equity and diversity in the legal profession and engage collaboratively in developing and implementing joint regional or national projects.

EDUCATION AND COMPETENCE

The Law Society's mission is a public served by competent lawyers. To fulfil that mission, the Law Society ensures that:

- Individuals applying for entry into the legal profession have the knowledge and skills required to provide legal services competently;
- The knowledge and skills required to become competent are articulated;
- Individuals applying for entry into the legal profession are of good moral character;
- Guidelines for what constitutes good moral character are articulated;
- Consideration of applicants for entry into the legal profession complies with legislative requirements; and
- After entry into the legal profession, lawyers take responsibility for maintaining their own competence.

Admissions and Education Committee

The Admissions and Education Committee assists bench governance by recommending policy alternatives in three areas:

- admission matters;
- education of applicants seeking admission as lawyers; and
- continuing professional development of practising lawyers.

The committee monitors the work of the Admissions and Membership Department and the work of the Education and Competence Department. In addition, the Admissions and Education Appeals Sub-Committee hears appeals from both admissions and education decisions.

CPLED and Articles

The Manitoba CPLED Program is part of a regional bar admission course offered in Manitoba, Saskatchewan and Alberta. The CPLED Program focuses on the essential skills that new lawyers need in the early years of practice. The program combines traditional classroom and online delivery formats. As reported last year, CPLED is revising the bar admission program to take advantage of newer online learning tools and to provide even more practical experiences and evaluations. The new program will be called PREP (Practice Readiness Education/Evaluation/Experiential/E-learning Program). PREP will launch across all of the CPLED jurisdictions in August 2020. A pilot offering of PREP will be available to Manitoba articling students starting in February 2020. Once fully launched, CPLED will offer two PREP programs each year, one running August to April and the second from February to October.

The 2018-2019 Manitoba CPLED Program began on September 10, 2018. Each module averaged just over 100 students.

To be eligible to be called to the Bar, CPLED Program students must also complete 52 weeks of articles under the supervision of a lawyer approved as a principal. Articles are intended to provide students with realistic experiences in a supervised and reflective atmosphere. In 2018-2019, nine students articulated outside the City of Winnipeg for all or part of their articling period.

Students who complete the 2018-2019 CPLED Program and the required articling period will be called to the bar in ceremonies in Winnipeg and other centres in Manitoba. The mass Call to the Bar will be held in Winnipeg on June 20, 2019.

Last year's mass Call to the Bar ceremony took place on June 14, 2018. At the ceremony, the A.M. Montague Israels, Q.C. Prize was awarded to Rebecca Heller.

Qualification Examinations

The Law Society may require that lawyers seeking to resume practice after being out of practice for a period of time and foreign lawyers wishing to practise in Manitoba complete qualification examinations. Between April 1, 2018 and March 31, 2019, one lawyer successfully completed the qualification examinations.

Remedial Education

From time to time the Society identifies lawyers whose skills or legal knowledge have deteriorated and who are not able to competently provide legal services. The Society provides remedial programs to assist these lawyers to reacquire and to demonstrate their competency. Between April 1, 2018 and March 31, 2019 two members enrolled in remedial programs intended to assist with issues relating to conflicts of interest, real estate practice, and professional responsibility.

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Continuing Professional Development (CPD)

The Education and Competence Department provides educational resources for lawyers and their support staff to assist them in providing high quality legal services to the public. In planning continuing professional development (CPD) programs and resources, the department is guided by a working definition of competence and strives to offer resources that address each component of the definition.

During the 2018-2019 year, the Law Society offered 62 CPD programs:

- 51 in Winnipeg (which includes 21 replays);
- 11 outside Winnipeg: 6 in Brandon, 1 in Clear Lake, 1 in Portage la Prairie, 1 in Sagkeeng First Nation and 2 in Thompson.

The 62 programs offered

- 180.75 total hours of CPD;
- 76.75 total hours of EPPM (Ethics, Professionalism and Practice Management).

The 62 programs attracted 3,898 registrations.

These programs included:

- 13 webinars and/or teleconferences;
- 21 DVD replays of in-person programs; and
- 1 program offered in French.

The Law Society is committed to increasing educational opportunities with respect to cultural competence as called upon in the Truth and Reconciliation Report Calls to Action. In the past year programs specifically focused on Indigenous Law and Diversity were offered. Cultural competence and awareness is also increasingly incorporated into CPD programs on many different subject areas. We will continue to build resources in this area as we all continue to learn.

Continuing Professional Development (CPD) Programs delivered in 2018-2019

(list does not include replays):

1. 2018 Central Bar
 - Part 1: Real Estate Conveyancing: 3 Types of Closing
 - Part 2: Bill C-46, Criminal Code Transportation Offences
2. 2018 Child Protection Program
3. 2018 Hot Topics in Real Estate (2 live presentations)
4. 2018 Hot Topics in Tax: Considerations for Your Practice Structure, Billing Practices and Income
5. 2018 Isaac Pitblado Lectures - Reimagining Justice: Trust, Truth and Transformation(s)
6. 2018 Northern Bar
 - Part 1: Northern Practice, Child Protection Focus
 - Part 2: Northern Practice, General
7. 2018 Western Bar: Cultural Diversity & Practising Law
8. 2019 Joint Family Law Program: The Times They are a Changin'
9. À la poursuite des précédents - Conseils et pièges concernant l'utilisation des modèles d'actes
10. Active Shooter - What Should you Know?
11. Case Management and the Family Law Case Flow in the Regions (2 live presentations)
12. CLIA Cyber Liability Insurance Group Policy
13. Companies Online – A Live System Demonstration
14. Considering Cannabis: Cannabis Legalization and Impacts in the Workplace
15. Considering Cannabis: Reforms to Transportation Offences and Drug-Impaired Driving Offences
16. Cultural Diversity & Practising Law
17. Drafting Wills 101 (2 live presentations)
18. Estate Administration 101 (2 live presentations)
19. How to Navigate The New Family Model: Processes, Rules and Prescribed Forms
20. Implementation of the New Child Protection Model in Brandon and Dauphin Centres
21. Indigenous Law Program: Tebweta Ajiimowin - To Tell the Truth
22. Opening and Operating a Trust Account:
The Basics Part 1 - Core Concepts & Accounting Records
23. Opening and Operating a Trust Account:
The Basics Part 2 - Hands-on Learning: A Practical Scenario
24. Privacy Please: New Mandatory Breach Reporting Requirements under PIPEDA
25. Procrastination and Professional Liability Insurance Claims
26. Renouncing U.S. Citizenship - Why, How and What are the Consequences?
27. Tax 101 for Commercial Lawyers
28. The New Civil Queen's Bench Rules – From Principles to Practice
29. The New Family Model: Processes, Rules and Prescribed Forms
30. Trust Safety Program (4 live presentations)
31. Valuations & Accounting Issues under The Family Property Act (FPA): What Every Lawyer Needs to Know

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Partnerships

The Law Society collaborates with other organizations in order to provide the depth and breadth of available programs. We are grateful for the support and expertise these partner organizations provide.

Partners included:

- Manitoba Bar Association and its subsections including Family Law and French-speaking Lawyers;
- Faculty of Law, University of Manitoba;
- Queen's Bench Judges, particularly the Family Division;
- The Provincial Court Judges; and
- Northern, Central and Western Bar Associations.

Practice Resources

While CPD programs remain an important aspect of the work of the Education and Competence Department, in 2018-2019 we increased our efforts to develop other practice resources.

Written materials (from CPD programs or the former CPLED resource material) have always been made available to the legal profession, however, a number of these resources have been reviewed in the past year and are now under re-development for release in the upcoming year. For example, we are working on a variety of online resources relating to trust accounting and law practice management.

The eLaw electronic update series is another tool we have offered to enhance the competence of Manitoba lawyers. In 2018-2019 subscribing lawyers received free periodic email updates on cases, legislation, regulatory changes, and educational resources in 7 broad practice areas. This resource is also part of the Law Society's resource review and renewal plan for 2019-2020.

The Law Society is committed to making professional development resources accessible to all of our members, regardless of their geographic location. As part of that initiative we video record most of our live CPD sessions and make those recordings available to our members on DVD and via cpdonline. A number of live in person sessions are also simultaneously available via webinar or teleconference.

The Law Society is aware that another aspect of accessibility is cost. Programs are offered with very competitive registration fees. A few programs were offered for free in 2018-2019 and these continue to be available for free via cpdonline.

PROFESSIONAL LIABILITY CLAIMS FUND

The Professional Liability Claims Fund of the Law Society of Manitoba provides professional liability insurance coverage to all Manitoba lawyers except those who are exempt under *The Legal Profession Act*. The Professional Liability Claims Fund undergoes an independent actuarial valuation to establish the program's actuarial liabilities and surplus position and recommend the appropriate insurance assessment. This process of independent actuarial advice and collecting sufficient funds for each policy year ensures that expected losses will be fully funded and allows for an adequate surplus to cover unexpected claims development. In the 2018-2019 fiscal year, the insurance assessment was levied at \$1,645 plus applicable sales taxes, including cyber liability coverage.

The Law Society and eight other provincial and territorial Law Societies participate in the Canadian Lawyers Insurance Association (CLIA), a reciprocal insurance exchange. CLIA issues a comprehensive Policy of Insurance to the Law Society as Named Insured and members of the Law Society as Insureds. The Policy insures lawyers for damages and legal costs of up to

\$1 Million per error and \$2 Million annually for claims alleging errors or omissions made in the course of providing professional services to others. When a claim made against a lawyer is paid, that lawyer pays a deductible ranging from \$5,000 to \$20,000, depending on the lawyer's paid claims experience in the previous five year period.

The Law Society has a Professional Liability Claims Fund Committee which deals with policy matters affecting the insurance program as they arise.

During the 2018-2019 fiscal year, the Insurance Program paid claims totalling \$364,023 in damages and \$624,021 in legal defence costs. This compares to \$1,544,109 in claims and \$374,563 in legal defence costs paid during the previous fiscal year.

The Professional Liability Claims Fund also funds various loss prevention initiatives including a retainer agreement with Bjorn (Barney) Christianson, Q.C. to provide free practice advisory services to members on a broad range of practice management areas.

REIMBURSEMENT FUND

The Law Society established the Reimbursement Fund (the "Fund") in 1943 to compensate clients for losses resulting from the misappropriation or conversion by lawyers of client funds or property. This Fund is maintained solely for the benefit of clients who suffer losses through the dishonesty of lawyers. It is financed by an annual assessment on all practising lawyers within the province. In the 2018-2019 fiscal year, all practicing lawyers paid the sum of \$300 into the Fund. The Law Society maintains insurance in the amount of \$10 million on the Fund.

The initial payout on any approved claim is limited to \$100,000. At the end of a fiscal year, if the total awards do not exceed the annual retention (\$1 million) plus the insurance on the Fund, then the balance unpaid on any approved claim will be paid out together with interest at *The Court of Queen's Bench Act* prejudgment interest

rates from the date of the initial payment. If the aggregate claims awards exceed the annual retention plus the insurance coverage, payments in excess of \$100,000 will be prorated. There is a limit on recovery of \$300,000 per file. There is no limit on the number of claims an individual may bring.

Reimbursement Fund claims guidelines are considered in deciding whether to approve a claim. Claimants are provided with an application form and a copy of the payment guidelines which set out the terms for the submission, consideration and payment of claims.

In the 2018-2019 fiscal year \$48,894 was paid out of the Reimbursement Fund. The Fund recovered \$18,032 leaving a net amount of \$30,861.

AUDIT PROGRAM

As part of the practice of law, lawyers are routinely required to hold money in trust on behalf of their clients. For example, a lawyer may hold money related to a real estate transaction or as a settlement between parties. Trust money also includes retainer funds provided by a client for future legal fees and disbursements. Trust money does not belong to the lawyer and therefore, there are specific rules established to ensure these funds are properly safeguarded.

The Audit Department monitors compliance with the Law Society's regulations through two main processes:

- Trust Safety
- Spot Audit
- Check Up

Trust Safety Program

In 2018-2019, an exciting and proactive trust safety program was developed, based upon the fundamental principle that having a trust account is a privilege and not a right of lawyers. Law Society Rules, setting out the parameters of the program were passed by the benchers in December 2018 with an implementation date of April 1, 2019. After this date, all law firms that wish to operate a trust account are required to have a supervising lawyer apply for permission, complete an online course and pass an examination prior to opening a trust account. For practitioners or firms already operating a trust account when the program took effect, a transitional period has been provided whereby the approval and education requirements must be met by October 1, 2019.

Spot Audit Program

Given that lawyers are required to keep their trust and general account records up to date at all times, the spot audit is generally conducted without prior notice to a firm so that the auditor will observe the law firm's records in their usual state. There are four types of audits conducted:

- 1) *New Firm audits* are generally conducted within the first year of a firm opening its first trust account;
- 2) *Regular audits* are conducted of all Manitoba law firms on a rotational basis;
- 3) *Priority audits* are conducted of firms having a history of trust account problems or if information received by the Law Society suggests a law firm is of higher risk and should be audited sooner than the regular rotation; and
- 4) *Closing audits* may be conducted when a firm is closing a trust account and other risk factors or circumstances dictate that an audit is appropriate.

During the fiscal year ended March 31, 2019, the following audits were completed:

Regular Audits	54
New Audits	13
Priority Audits	2
Closing Audits	<u>4</u>
Total	73

The total of 73 audits is slightly lower than prior year totals of 88 and 96 in 2018 and 2017, respectively. However, it was expected due to some significantly time consuming audits, an increase in time spent on custodial assistance, and the resources needed to transition to the trust safety program.

Results of Audits

During the past year, 96% of the audits completed showed that members were generally complying with the Law Society's accounting requirements and properly handling client trust funds. The other 4% of members audited showed many and/or serious accounting deficiencies or mishandling of trust funds. These results are largely similar to the last two years.

Investigations

In comparison to a spot audit, an investigation involves more extensive and in depth audit procedures of the law firm's records. An investigation may be initiated as a result of a complaint or other information received from outside the Law Society. Alternatively a spot audit may evolve into a full investigation due to the initial audit uncovering serious deficiencies or conduct issues. In some cases the misconduct involves a misappropriation of trust funds.

In 2019, the Audit Department did not have any investigations arise.

Check Up Program

As part of the trust safety program, the annual trust account report process was discontinued after the June 30 trust year end filings and a new check-up program was launched. This entails a brief contact with firms during the year to observe that the daily records and trust reconciliations are current and to briefly review the records to identify any issues for follow up. This program took effect before March 31, 2019, and 7 check-ups were completed by the end of the fiscal period.

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Other Activities of the Audit Department

The Audit Department works closely with the Discipline Department and the Complaints Resolution Department regarding members with trust account related issues. This also includes providing custodial assistance where a member has been suspended, disbarred or has passed away without a succession plan.

The Early Monitoring Program initiates early contact with members who open a trust account. This contact takes place prior to a new firm audit. In the 2019 fiscal period, 18 firms were monitored as part of this program, an increase of 3 when compared with 2018.

The Ongoing Monitoring Program is used for firms that require follow up sooner than the next audit or check-up, and are being monitored for specific issues. Each year only a handful of firms are monitored in this fashion, and in 2019 that trend continued with one firm monitored as part of this program.

In addition to the above, the auditors respond to a wide range of queries from lawyers and their support staff regarding trust accounting and related matters.

The Audit Department also provides more formal educational assistance to the Education and Competence Department by providing materials for CPLED.



The Benchers of The Law Society of Manitoba 2018-2019

Front Row: (L to R) James McLandress, Past President, Katherine Bueti, President, Kristin Dangerfield, Chief Executive Officer, Anita Southall, Vice-President **Second Row:** Patricia Kloepfer, Susan Boulter, Richard Buchwald, Karen Webb, Lynda Troup, Kyle Dear, Gerri Wiebe, Leah Kosokowsky, Director of Regulation **Back Row:** Grant Driedger, Vincent Sinclair, Brian McLeod, Ashley Joyce, Neil Cohen, Officer-At-Large, Sacha Paul, Wayne Onchulenko **Absent:** Dr. Amarjit Arneja, Dr. Jonathan Black-Branch, Miriam Browne, Victoria Cornick, Brittany Goodman, Annette Horst, Theresa McDonald, Christian Monnin, Joel Refvik, Omar Siddiqui

Officers (effective May 24, 2018)

President:	Katherine L. Bueti
Vice-President:	Anita L. M. Southall
Past President:	James E. McLandress
Officer-at-Large:	Neil Cohen

Elected Benchers

(elected for a two year term on May 2, 2018)

Winnipeg Electoral District

Richard D. Buchwald
Katherine L. Bueti
Kyle L. Dear¹
Annette J. R. Horst²
Wayne M. Onchulenko
Sacha R. Paul
Anita L. M. Southall
Lynda K. Troup
Geraldine F. Wiebe

Eastern Electoral District

Grant M. Driedger

Dauphin-Central Electoral District

Shauna L. McCarthy³

Northern Electoral District

Theresa L. McDonald⁴
Vincent G. Sinclair⁵

Western Electoral District

Ashley T. Joyce

Appointed Benchers

(appointed for a two year term effective July 1, 2018)

M. Victoria Cornick
Christian L. Monnin
Omar A. Siddiqui
Vincent G. Sinclair⁶
Karen L. Webb⁷

Lay Benchers

(appointed for a two year term on September 14, 2018)

Dr. Amarjit Arneja
Susan Boulter
Miriam Browne
Neil Cohen
Marston Grindey⁸
Patricia Kloepfer⁹
Brian McLeod

Faculty Benchers

Dr. Jonathan Black-Branch

Student Benchers

Joel A. E. Refvik¹⁰
Brittany K. Goodman¹¹

- ¹ Became a Benchers in December 2018
² Ceased to be a Benchers in October 2018
³ Ceased to be a Benchers in March 2019
⁴ Ceased to be a Benchers in October 2018
⁵ Appointed to fill district vacancy in November 2018
⁶ See endnote 5
⁷ Became a Benchers in December 2018
⁸ Ceased to be a Benchers in November 2018
⁹ Became a Benchers in November 2018
¹⁰ Ceased to be Student Benchers in September 2018
¹¹ Became Student Benchers in September 2018

Life Benchers

Winnipeg Electoral District

Hon. Douglas N. Abra
Hon. Laurie P. Allen
Douglas A. Bedford
Ted E. Bock
Gregory G. Brodsky, Q.C.
Roberta L. Campbell
Master Karen L. Clearwater
Jennifer A. Cooper, Q.C.
J. George Dangerfield, Q.C.
Richard K. Deeley, Q.C.
Hon. Robert A. Dewar
Douglas E. Finkbeiner, Q.C.
David G. Frayer, Q.C.
Hon. Martin H. Freedman
William S. Gange
Sidney Green, Q.C.
Hon. John P. Guy
William G. Haight
Hon. Barbara M. Hamilton
Irene A. Hamilton
Jeff B. Hirsch
Paul L. Jensen
Hon. Timothy J.P. Killeen
Bryan D. Klein
Christina V. Kopynsky, Q.C.
Hon. David J. Kroft
Heather S. Leonoff, Q.C.

Colin R. MacArthur, Q.C.
Hon. E. Alan D. MacInnes
James E. McLandress
Grant L. Mitchell, Q.C.
E. William Olson, Q.C.
Chrys Pappas, Q.C.
Brian A. Pauls
Herbert J. Peters
Hon. Robert L. Pollack
G. Patrick S. Riley
Dean I. Scaletta
Hon. Perry W. Schulman
Hon. Richard J. Scott
Garth H. Smorang, Q.C.
Hon. Lori T. Spivak
Hon. P. Colleen Suche
Helga D. Van Iderstine
Douglas G. Ward, Q.C.
Hymie Weinstein, Q.C.
Gavin M. Wood

Eastern Electoral District

Peter J. E. Cole, Q.C.
John E. Neufeld, Q.C.
Jon van der Krabben
Lewis D. Wasel

Central Electoral District

John (Jack) D. Cram
Bjorn Christianson, Q.C.
Gary R. Gilmour
Gordon J. Hoeschen
Brock G. Lee, Q.C.
Diane H. Stevenson
David E. Swayze

Northern Electoral District

Gordon D. Bates
John M. Ginnell, Q.C.
David N. Gray
Donald R. Knight, Q.C.

Dauphin Electoral District

Hon. John A. Menzies
Alan J. Semchuk

Western Electoral District

George N. Bass, Q.C.
Hon. John H. Combs
Patricia L. Fraser
Hon. William R. Johnston
Hon. Donald M. Little
Col. Wolfgang W.A. Riedel, Q.C.
Norman H. Sims, Q.C.

COMMITTEES

Standing Committees

Note: The President and Vice-President are ex-officio members of all committees except the Admissions and Education Appeals Subcommittee and the Discipline Committee.

♦ Denotes Life Bencher

*Denotes Volunteer

**Denotes Public Representative

• Denotes Stakeholder Representative

Admissions and Education Committee

Ashley Joyce (Chairperson)
Sacha Paul (Vice-Chair)
Kim Antonio*
Dr. Amarjit Arneja
Dr. Jonathan Black-Branch
Victoria Cornick³
Joyce Dalmyn*
Kyle Dear
Brittany Goodman³
Elliot Leven*
Bryton Moen*
Karine Pelletier*
Joel Refvik⁴
Dean Scaletta♦
Vincent Sinclair

Complaints Investigation Committee

Grant Driedger (Chairperson)
Lynda Troup (Vice-Chair)
Jeremy Akerstream*
Susan Boulter
Miriam Browne
Peter Cole, Q.C.♦
Ashley Joyce
Shauna McCarthy⁷
Elizabeth Murray*
Wayne Onchulenko
Vivian Rachlis*
Jessica Saunders*
Helga Van Iderstine♦

Discipline Committee

Hon. Richard Scott♦ (Chairperson)
Annette Horst⁵ (Vice-Chair)
Shauna McCarthy^{6, 11} (Vice-Chair)
Ted Bock♦ (Conflicts)
Dr. Amarjit Arneja
Gordon Bates♦
Douglas Bedford♦
Victor Bellay*
Dr. Jonathan Black-Branch
Richard Buchwald
Roberta Campbell♦
Bjorn Christianson, Q.C.♦
Neil Cohen
John (Jack) Cram♦
Richard Deeley, Q.C.♦
Donald Douglas*
Lori Ferguson Sain*
Douglas Finkbeiner, Q.C.♦
Michael Finlayson*
Catherine Finnbogason*
Patricia Fraser♦
William Gange♦
Gary Gilmour♦
Jennifer Goldenberg*¹
Richard Good*
David Gray♦
Marston Grindey**
William Haight♦
Irene Hamilton♦

James Hedley*
Jeff Hirsch♦
Jake Janzen*
Patricia Kloepper³
Donald Knight, Q.C.♦
Brock Lee, Q.C.♦
Ellen Leibl, Q.C.*
Heather Leonoff, Q.C.♦
Lynne McCarthy**
Theresa McDonald⁵
James McLandress♦
Brian McLeod
Grant Mitchell, Q.C.♦
Kenneth Molloy**
Maureen Morrison**
Carmen Nedohin**
John Neufeld, Q.C.♦
Sandra Oakley**
Sacha Paul
Brian Pauls♦
Herbert Peters♦
Keely Richmond**
G. Patrick Riley♦⁵
Dean Scaletta♦
Harvey Secter*
Alan Semchuk♦
James Shaw*
Omar Siddiqui
Norman Sims, Q.C.♦
Vincent Sinclair
Garth Smorang, Q.C.♦
Grant Stefanson*
Diane Stevenson♦
Wendy Stewart*
David Swayze♦
Mark Toews*
Catherine Tolton*
Dr. Lorna Turnbull♦
Jon van der Krabben♦
Karen Webb
Geraldine Wiebe
Jim Wolfe**⁸

Admissions and Education Appeals Subcommittee

Ashley Joyce (Chairperson)
Sacha Paul (Vice-Chair)
Kim Antonio*
Dr. Amarjit Arneja
Dr. Jonathan Black-Branch
Susan Boulter
Miriam Browne
Joyce Dalmyn*
Kyle Dear
Brittany Goodman³
Marston Grindey**
Elliot Leven*
Patricia Kloepper³
Lynne McCarthy**
Bryton Moen*
Kenneth Molloy**
Maureen Morrison**
Carmen Nedohin**
Sandra Oakley**
Karine Pelletier*
Joel Refvik⁴
Keely Richmond**
Dean Scaletta♦
Vincent Sinclair
Jim Wolfe**⁸

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Standing Committees

...continued

Equity Committee

Sacha Paul (Chairperson)
Omar Siddiqui (Vice-Chair)
Dr. Jonathan Black-Branch
Neil Cohen
Victoria Cornick³
Kyle Dear
Elliot Leven*
Theresa McDonald⁵
Brian McLeod
Elissa Neville*
Sandra Phillips*
Michael Reimer*³

Practice and Ethics Committee

Shauna McCarthy¹¹ (Chairperson)
Grant Driedger (Vice-Chair)
Jeremy Akerstream*
Jeanelle Allard*
Alexandra Aquila*
Alexander Bainov*
Susan Baragar*
Richard Buchwald
Ashley Joyce
Sidney Laviolette*
Brian McLeod
Christian Monnin³
Helga Van Iderstine♦
Geraldine Wiebe
Norman Yusim*
Bradley Zander*

Professional Liability Claims Fund Committee

Ashley Joyce (Chairperson)
Vincent Sinclair (Vice-Chair)
Dr. Amarjit Arneja
Richard Buchwald
Kelly Dixon*
Faron Trippier*
Geraldine Wiebe
Bradley Zander*

Reimbursement Fund Claims Committee

Shauna McCarthy¹¹ (Chairperson)
Wayne Onchulenko (Vice-Chair)
Dr. Amarjit Arneja
Kelly Dixon*
Kirsty Elgert*
Issie Frost*
Omar Siddiqui
Geraldine Wiebe

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Special Committees/Working Groups

Access to Justice Steering Committee

Neil Cohen (Co-Chairperson)
 Annette Horst⁵ (Co-Chairperson)
 Karen Webb⁶ (Co-Chairperson)
 Dr. Jonathan Black-Branch●
 Irene Hamilton◆
 Jeff Hirsch◆
 Cynthia Lau●¹⁰
 Samuel Raposo●
 Diane Redsky●
 Associate Chief Justice Marianne Rivoalen●⁷
 Lavonne Ross●
 Sr. Lesley Sacouman●
 Ian Scarth●⁹

Access Stakeholders Sub-Committee

Neil Cohen (Chairperson)
 Annette Horst⁵ (Vice-Chair)
 Karen Webb⁶ (Vice-Chair)
 Dr. Jonathan Black-Branch●
 Natasha Brown●⁹
 Shauna Curtin●²
 Karen Dyck●
 Bruce Gammon●
 Acting Ast. Deputy Minister Suzanne Gervais●¹
 Ghezae Hagos Berhe●¹
 Paula Hamilton●
 Jeff Hirsch◆●
 Hon. Gerald Jewers●
 Associate Chief Judge Anne Krahn●
 Julyda Lagimodiere●
 Cynthia Lau●¹⁰
 Heather Leonoff, Q.C.◆●⁴
 Damarys Ramirez●²
 Associate Chief Justice Marianne Rivoalen●⁷
 Lavonne Ross●
 Karen Sawatzky●⁹
 Ian Scarth●⁹
 Ainslie Schroeder●
 Janet Sigurdson●
 Mary Troszko●

Investment Committee

Wayne Onchulenko (Chairperson)
 Brian McLeod (Vice-Chair)
 Irene Hamilton◆
 Annette Horst⁵
 Patricia Kloepfer³
 Brian Lerner*
 Dean Scaletta◆
 Sean Shore*
 David Swayze◆

Richard J. Scott Award Selection Committee

Hon. Richard Scott◆ (Chairperson)
 Katherine Bueti
 Neil Cohen
 Madam Justice Freda Steel*
 Helga Van Iderstine◆

The President's Special Committee on the Delivery of Legal Services

Lynda Troup (Chairperson)
 Neil Cohen (Vice-Chair)
 Annette Horst⁵
 Ted Bock◆
 Susan Boulter
 Miriam Browne
 Roberta Campbell◆
 Kyle Dear⁶
 Richard Good*
 Sharon Kravetsky*
 Theresa McDonald⁵
 James McLandress◆
 Christian Monnin³
 Sacha Paul
 Omar Siddiqui
 Karen Webb

¹ Became a committee member June 2018

² Ceased to be a committee member June 2018

³ Became a committee member September 2018

⁴ Ceased to be a committee member September 2018

⁵ Ceased to be a committee member October 2018

⁶ Became a committee member November 2018

⁷ Ceased to be a committee member November 2018

⁸ Ceased to be a committee member December 2018

⁹ Became a committee member January 2019

¹⁰ Ceased to be a committee member January 2019

¹¹ Ceased to be a committee member March 2019

Executive and Administration

Chief Executive Officer
 Assistant to Chief Executive Officer and Benchers
 Director of Regulation
 Assistant to Director of Regulation
 and Family Law Access Centre Administrator
 Director of Policy and Ethics and General Counsel
 Equity Officer and Policy Counsel
 Chief Financial Officer
 Assistant to Chief Financial Officer
 Director of Information Technology
 Director of Information Systems Development
 Communications Officer
 Office Manager
 Office Clerk
 Event Coordinator
 Office Receptionist

Kristin Dangerfield
 Pat Bourbonnais
 Leah C. Kosokowsky

 Debra Rossol
 Darcia C. Senft
 Alissa R. Schacter
 Colleen D. Malone
 Carol Hiebert
 Sean Rivera
 Simon Young
 Deirdre O'Reilly¹
 Grace Page
 Dana Earley
 Elaine Kinchen²
 Shari Lough

Admissions and Membership Department

Director of Admissions and Membership
 Assistant to Director
 Administrative Assistant
 Administrative Assistant

Richard C.M. Porcher
 Donna Mihalick
 Darlene Douglas
 Kelly Jordanov

Discipline/Prosecutions Department

Hearing Counsel
 Assistant to Hearing Counsel
 Assistant to Discipline Committee

Rocky H. Kravetsky
 Anna Brown
 Lee-Ann Harrison

Complaints Resolution Department

Director of Complaints Resolution
 Legal Counsel
 Legal Counsel
 Legal Counsel
 Paralegal
 Fee Arbitration Coordinator
 Assistant to Director and Legal Counsel

Noelia Bernardo
 Susan D. Billinkoff
 Christopher C. Donaldson
 Jennifer L. Houser
 Stefanie Krochak
 Debra Rossol
 Corinne Penner

Insurance Department

Director of Insurance
 Counsel
 Counsel
 Assistant to Director and Counsel
 Assistant to Director and Counsel

Tana P. Christianson
 Kathleen M.T. Craton
 James A. Cox
 Heather Vanrobaeys
 Kristin Forbister

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Professional Education and Competence Department

Director of Education
 Director of Professional Competence
 Counsel - Online Education
 Counsel - Publications
 Program Counsel
 Program Counsel
 CPLED Registrar
 Programs and Communication Assistant
 Programs and Registration Assistant
 Programs and Publication Assistant

Joan M. Holmstrom
 Eileen S. Derksen
 Ian F. Blomeley³
 Ellen J. Henry
 P. Vivian Hilder
 Betta B. Wishart
 Lisa Ehnes
 Deirdre O'Reilly⁴
 Kirsty Hyduk
 Laura Ziemanski

Audit Department

Director of Audit
 Auditor/Inspector
 Auditor/Inspector
 Auditor/Inspector
 Assistant to Auditor/Inspectors

Kathy L. Levacque
 Sandra A. Alleyne
 Jing Feng
 Deborah Metcalfe
 Kelly Jordanov

¹ Became Communications Officer in January 2019

² Joined the Law Society in November 2018

³ Left the Law Society in February 2019

⁴ See Endnote 1