The Law Society of Manitoba
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Good Character and Fitness to Practice Guidelines For Applications Under

Rules 5-4, 5-12(1), 5-17(1), 5-24(2) and 5-28.2

Candidates applying for admission as an articling student, seeking permission to resume active practice, or admission to the Manitoba Bar must disclose the following:

(a) all charges and convictions for crimes or other offences under any statute, regulation or law, except convictions under *The Highway Traffic Act, The Liquor Control Act*, or municipal by-law, unless there are four or more violations or a term of incarceration;

(b) any charge, conviction or finding of liability as a result of breach of trust, fraud, perjury, immorality, dishonourable conduct, misrepresentation, dishonesty or undue influence in any civil, criminal or administrative proceeding;

(c) any order made against the candidate regarding institution of vexatious proceedings or vexatious conduct of a proceeding, pursuant to s. 73(1) of *The Court of King's Bench Act*, or such similar legislation as may be in effect in any other Canadian jurisdiction;

(d) any suspension, disqualification, censure or disciplinary action imposed as a member of any profession or organization; and,

(e) denial or revocation of any licence requirement, the procurement of which required proof of good character.

Candidates are not required to disclose any charges or convictions for conduct which no longer constitutes an offence.

The Law Society may consider other information which, though not strictly fitting within the categories above, might constitute behaviour coming under Rules 5-4, 5-12(1), 5-17(1), 5-24(2) and 5-28.2 such as conduct which demonstrates or indicates an attitude of disrespect or abusiveness of the court and its processes.

Any such disclosures by a candidate or other relevant matters otherwise learned of by the Law Society will establish a rebuttable presumption that a candidate is not of good character and a fit and proper person under Rules 5-4, 5-24(2), 5-28.1 and 5-28.2. In considering whether such a presumption has been rebutted by the candidate, the Law Society may have regard to the following:

1. the applicant's candour, sincerity and full disclosure in the filings and proceedings as to character and fitness;
2. the materiality of any omissions or misrepresentations;
3. the frequency and recency of the conduct or behaviour disclosed that gives rise to the presumption;
4. the applicant's current attitude about the subject of their disclosure;
5. the applicant's subsequent constructive activities and accomplishments;
6. evidence of character and moral fitness including the reasonably informed opinion of others regarding the applicant's present moral character; and
7. in light of the entire record of the applicant, whether admission of the applicant would adversely affect the confidence of the public in the legal profession in Manitoba as an honourable, ethical and competent profession.

Where the disclosure relates to a criminal law matter or offence, the following criteria may also be applied by the Law Society:

8. the nature and character of any offences committed;
9. the number and duration of offences;
10. the age and maturity of the applicant when any offences were committed;
11. the social and historical context in which any offences were committed;
12. the sufficiency of the punishment given for any offences;
13. the grant or denial of a pardon or discharge for any offences committed;
14. the number of years that have elapsed since the last offence was committed, and the presence or absence of misconduct during that period; and,
15. the extent to which the applicant has made restitution and to which, if known, the restitution was made voluntarily at the initiative of the applicant, or as a consequence of the order of the Court.

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