

The following guidelines will govern appeals of admission and education decisions made by the chief executive officer under Division 1 of [Part 5 of the Rules](#) of The Law Society of Manitoba. In these guidelines, reference to the chief executive officer includes the director of admissions and membership and the director of education, as designates of the chief executive officer.

The following decisions are subject to appeal:

- A refusal to admit an applicant as an articling student, to be called to the bar or to resume active practice on the basis that the applicant is not of good moral character or a fit and proper person to be admitted, called to the bar or to resume active practice
- A refusal to grant an applicant's abridgement of articles request

Initiation of an Appeal

1. An appeal will be initiated by submitting a Notice of Appeal in the required form to the Assistant to the Admissions and Education Committee. The appellant may be represented by counsel.
2. The completed Notice of Appeal will be provided to counsel for the Law Society and to the chairperson of the Admissions and Education Committee.
3. The appellant and counsel for the Law Society of Manitoba will receive a copy of all materials considered by the chief executive officer in making the decision, with the exception that privileged information will not be provided to the appellant.

Appeal Format

4. The appeal panel will consider an appeal based solely on written materials unless the appellant requests an oral hearing or the chairperson of the Admissions and Education Committee directs an oral hearing.

Appointment of the Appeal Panel

5. The chairperson of the Admissions and Education Committee will appoint three members of the Appeals Sub-Committee to serve on the appeal panel and will appoint one member to act as chair of the appeal panel.

6. The appellant and counsel for the Law Society will be advised of the proposed composition of the appeal panel to determine if either party has an objection based on conflict of interest or bias

Setting the Appeal Date

7. For appeals based on written materials, the appeal date will be fixed by the chair of the appeal panel. The appellant and counsel for the Law Society will be advised of the appeal date so that they may submit written materials within the time prescribed by the guidelines.
8. If the appeal is to be considered by way of an oral hearing, once the parties agree on a date for the appeal, the chair of the Admissions and Education Committee will fix the appeal date and members of the Appeals Sub-Committee will be canvassed for their availability.

Written Materials

9. In advance of the appeal, the appellant and counsel for the Law Society may submit additional information not previously considered by the chief executive officer.
10. In support of the appeal, the appellant must provide the secretary to the Admissions and Education Committee with five copies of: any additional information not previously considered, facts and arguments, documents, and any authorities at least 21 days before the appeal date.
11. Counsel for the Law Society will be provided with one copy of the written materials submitted by the appellant.
12. In response to the appeal, counsel for the Law Society must provide the secretary to the Admissions and Education Committee with five copies of: any additional information not previously considered, facts and arguments, documents, and any authorities at least 7 days before the appeal date.
13. The appellant will be provided with one copy of the written materials submitted by counsel for the Law Society.
14. Prior to the appeal date, the appeal panel will be provided with copies of the information previously considered by the chief executive officer with the exception of information that is privileged along with copies of any written materials submitted by the appellant and by counsel for the Law Society.

15. The appellant and counsel for the Law Society may submit further written materials only with leave of the appeal panel.

Oral Hearings

16. Witnesses, including the appellant, may be called during oral hearings only with leave of the appeal panel and only in exceptional circumstances as may be determined by the appeal panel. The testimony of an appellant or witness at an oral hearing must be taken under oath unless the chairperson of the panel waives the requirement.
17. Oral hearings will be transcribed and each party will bear its own costs of obtaining a transcript, if required.

Decision of the Appeal Panel

18. The appeal panel may dismiss the appeal, make any decision the chief executive officer could have made, or allow the appeal with or without conditions.
19. The appeal panel must provide written reasons for its decision and should do so within 60 days of the appeal date.