

**NOTE: An Education Plan must be filed by the articling student and principal before starting articles. A student will not be admitted and able to start articling until the Education Plan has been provided to the Law Society per [Law Society Rule 5-4 \(1\)](#).**

### INSTRUCTIONS

The Education Plan should provide specific details under each heading. The headings will form the basis for the Mid-Term Assessment of Education Plan to be completed by both the student and the principal and of the Student Final Assessment of Education Plan to be completed before the Call to the Bar.

### SAMPLE WORDING

#### EDUCATION PLAN

Student: \_\_\_\_\_

Principal: \_\_\_\_\_

Law Firm: \_\_\_\_\_

Other settings in which articling will take place: *(list all workplaces)*

Other Lawyers expected to provide work: *(list all lawyers from whom the student will receive assignments.)*

Date of Commencement of Articles: \_\_\_\_\_ Anticipated End Date: \_\_\_\_\_

#### SUBSTANTIVE LAW PRACTICE AREAS

1. Throughout the year the student will be involved in the following practice areas:  
*(list all practice areas eg:*

*Family Litigation*

*Civil Litigation*

*Commercial Law*

*Real Estate Law*

*Criminal Law)*

We anticipate that the student will devote (#) per cent of her time to *Family Law*, (#) to *Civil Litigation*, and (#) to each of *Commercial Law*, *Real Estate*, and *Criminal Law*.

Each lawyer who assigns work to the student will participate in the supervision, education and evaluation of the student.

2. There are some tasks which the student will perform which do not have a significant educational component. The student will: *(list all activities such as: do some filing of documents in court, make occasional deliveries, assist with photocopying when we are on a rush matter, or assist with other clerical matters)*. It is anticipated that such non-educational tasks will be performed by the student only occasionally.

## **PRACTICE SKILL AREAS**

### **PROBLEM-SOLVING**

Throughout the articling term, the student will develop problem-solving skills by discussing and analyzing clients' problems with lawyers in the Firm. These discussions will attempt to teach the student how to identify the various options available for resolving problems, and how to identify the strategic implications of each option.

The student will develop skills in problem analysis in a variety of ways, including:

- observing an experienced lawyer's initial consultation with a client, then analyzing the client's problem with the lawyer after that interview;
- eventually taking on responsibility for problem analysis and then checking out that analysis with the supervising lawyer.

As part of the problem-solving process, the student will develop skills in gathering facts by:  
*(list all. Here are some examples:)*

- interviewing clients, witnesses and others;
- reviewing real estate title searches, various corporate searches, and PPSA searches;
- reviewing trial, examination for discovery, and other transcripts;
- reviewing client's personal or internal files;
- reviewing child welfare records;
- reviewing files maintained by governmental or administrative bodies such as Revenue Canada, and others.
- We will involve the student in formulating plans for the conduct of various matters on behalf of clients. There will be special emphasis on the necessity for effective communication with both clients and other lawyers.
- The student will be given instruction in the importance of devising a plan for the conduct of a matter that is consistent with the needs and expectations of the client, and the importance of achieving the desired result in a reasonable time and at an appropriate cost.

## **LEGAL RESEARCH**

The student will perform legal research and report to the assigning lawyer both verbally and in written memorandum form. At the beginning of the articling period, we will review legal research techniques with the student to ensure that the student has the necessary skills. If, in our estimation, the student does not possess legal research skills developed to a level to allow her to provide an opinion directly to a client, we will assist the student in developing those legal skills by:

- personally researching a point of law with the student;
- assigning a junior lawyer to review legal research skills with the student;
- directing the student to other available legal research assistance, such as Westlaw's help desk.

We anticipate that the student will spend (#) per cent of their time throughout the year engaged in legal research and reporting.

## **WRITING**

The student will prepare legal memoranda advising supervising lawyers of the results of research and other tasks performed.

The student will also assist in the preparation of reporting letters advising clients of the status of various matters, and assist in the preparation of opinion letters to clients. All of the student's work will be reviewed, and if necessary amended, by the supervising lawyer.

Opinion letters will in all cases be prepared under the supervision of a lawyer.

The student may assist lawyers with the writing of legal research memoranda, papers, speeches, presentations, or text books on various subjects.

## **DRAFTING**

The student will begin by preparing first drafts of affidavits, separation agreements, various pleadings, etc. These first drafts will be reviewed and amended, with the assistance of the student, by the supervising lawyer. The student will be encouraged to make use of precedent files which we maintain in our office and the precedents available in the Law Society Practice Resource materials available online.

## **INTERVIEWING AND ADVISING**

We anticipate that interviewing will be a significant component of the articling experience.

We anticipate that the student will initially observe a lawyer conducting an interview; then will participate with a supervising lawyer in conducting interviews; and, once the supervising

lawyer is satisfied that the student has the ability to do so, will conduct interviews without the direct supervision of a lawyer.

At the beginning of the articling term, the student will observe a practising lawyer advising a client; then will advise clients under the direct supervision of a lawyer; and finally will advise clients without the direct supervision of a lawyer.

### **ADVOCACY, NEGOTIATION AND DISPUTE RESOLUTION**

The student will have the opportunity to accompany one or more lawyers in order to observe the conduct of any or all of the following: examinations for discovery, cross-examination on an affidavit, contested motions, Motions Court applications, trials, and appearances before administrative tribunals.

In addition, the student will have the opportunity to participate personally in small claims court trials, pre-trials and contested and uncontested motions.

At the outset of the articling term, the student will observe both telephone and in-person negotiations conducted by the lawyers in the firm.

As the student takes on increased responsibility for the carriage of files, especially those dealing with small claims court matters, the student will eventually conduct negotiations alone. However, the student will be instructed at all times to discuss any proposed settlements with the supervising lawyer before seeking instructions from the client.

### **PERSONAL PRACTICE MANAGEMENT**

At the beginning of the articling period, the student will be taught our methods of docketing time; use of our tickler system for both follow-ups and limitation dates; note-taking; recording of expenses and disbursements incurred on behalf of clients; and organization of individual files.

We will, through example and discussion, impress upon the student the importance of keeping the client informed of the progress of a matter by sending copies of all correspondence, incoming and outgoing, to the client, by advising the client of developments in the matter and by reporting to clients at the conclusion of a matter.

We will also ensure that telephone calls are returned in a timely fashion.

### **OFFICE MANAGEMENT**

At the beginning of the articling period, the student will be taught our methods of docketing time; use of our tickler system for both follow-ups and limitation dates; recording of expenses and disbursements incurred on behalf of clients; billing and collections and organization of individual files.

The student will be familiarized with our banking system, including the use of trust and general accounts. We will impress upon the student the importance of keeping accurate and up-to-date financial books and records for the practice and the requirements of the Law Society with respect to such records.

The student will become familiar with our records management system, including opening and closing files.

We will show the student the details of the system which we use to assist us in avoiding conflicts of interest.

### **ETHICS AND PROFESSIONALISM**

At the outset of the articling term, we will spend some time with our student pointing out some of the confidentiality, conflict of interest and other ethical issues which may arise. Throughout the articling term, the student will be given further explanations of the professional responsibilities relating to client confidentiality, avoidance of conflict of interest, and other ethical issues.

During our discussion following observation of each initial consultation, we will take the opportunity to review with the student the duty of confidentiality and the importance of informing clients about the solicitor/client privilege.

The student will be instructed on the need to recognize potential conflicts of interest. We will ensure that the student is aware of and observes an appropriate degree of courtesy in dealing with clients, lawyers and the public.

The student will be encouraged to attend selected educational seminars offered by the Law Society of Manitoba, the Canadian Bar Association and other organizations.

### **CPLED-PREP COURSE**

The student will be afforded sufficient time to attend to working through the PREP course and, in particular, will not be assigned any office work or required to attend to any office work while participating in Phase 2 of the PREP course, Foundation Workshops, nor while participating in phase 4 of the PREP course, Capstone Assessment.

### **LAW SOCIETY RESOURCES**

The student will be informed of the professional and health and wellness supports and resources available through the Law Society of Manitoba including the Equity Officer, the Practice Management Advisor, the Health and Wellness Program, the Practice and Ethics advice and the Practice Area Fundamentals materials. The student will be encouraged to familiarize themselves with these supports and resources and encouraged to use them as necessary.

**CERTIFICATION**

We certify that we have discussed this Education Plan on \_\_\_\_\_ with the intention that it will serve as a guide to the articling experience.

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Signature of Principal