



# AGENDA

## Benchers

Date: Thursday, April 23, 2020

Time: 12:30 pm

Location: Via Video and Teleconference

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
<b>1.0</b>	<b>PRESIDENT'S WELCOME AND TREATY ACKNOWLEDGEMENT</b>				
	The President will welcome benchers and guests to the meeting.				
<b>2.0</b>	<b>IN MEMORIAM</b>				
	<p><b>Richard Norman Urbanoski</b>, who passed away on January 22, 2020 at the age of 76. Mr. Urbanoski received his call to the Bar on June 25, 1974. He practised as a sole practitioner and partner for 40 years, retiring in 2014.</p> <p><b>Garnet Orlando DeLucia</b>, who passed away on February 12, 2020 at the age of 95. Mr. DeLucia received his call to the Bar on February 20, 1951. He practised as a partner and sole practitioner in the firm DeLucia &amp; DeLucia for 46 years, retiring in 1997.</p>				

**Edwin Arthur Braid, Q.C., C.M.**, who passed away on February 27, 2020 at the age of 85. Mr. Braid received his call to the Bar on June 21, 1961 and in 1967 obtained a Master of Laws degree. He practised with Newman MacLean & Associates for three years before joining the University of Manitoba, Faculty of Law. Mr. Braid served as a law professor with the Faculty until 2000, as Dean from 1994 to 1999, and as a Senior Scholar up to the date of his death. He was appointed Queen's Counsel in 1983 and a Member of the Order of Canada in 1991.

**Robin Michael Kersey**, who passed away on February 27, 2020 at the age of 63. Mr. Kersey received his call to the Bar on June 26, 1980. He practised with Breen & Breen for one year before joining Thompson Dorfman Sweatman LLP, where he practised up to the date of death, a period of 39 years.

**Peter William Hogg**, who passed away on March 16, 2020 at the age of 57. Mr. Hogg received his call to the Bar on June 25, 1987. He served as a crown attorney for Justice Manitoba in Thompson for three years. Mr. Hogg then joined the Department of Justice (Canada), serving as a crown attorney in Ontario and then later in Alberta. In 1998 he relocated to British Columbia where he served as a crown attorney for the Ministry of British Columbia up to the date of his death.

**Dennis Hugh Ringstrom**, who passed away on March 30, 2020 at the age of 87. Mr. Ringstrom received his call to the Bar on June 27, 1966. He practised with Fillmore Riley LLP until his retirement in 1998, a period of 32 years.

**Eric William Olson, Q.C.**, who passed away on April 7, 2020 at the age of 76. Mr. Olson received his call to the Bar on June 28, 1972. He began his career practising with Pitblado & Hoskin for three years, and then Scarth Simonsen for 12 years. In 1987 Mr. Olson joined Thompson Dorfman Sweatman LLP where he practised for an additional 30 years until his retirement in 2017. He was appointed Queen's Counsel in 1983 and served as President of the Law Society of Manitoba in 1985/86.

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
<p><b>3.0 CONSENT AGENDA</b></p> <p>The consent agenda matters are proposed to be dealt with by unanimous consent and without debate. Benchers may seek clarification or ask questions without removing a matter from the consent agenda. Any Bencher may request that a consent agenda item be moved to the regular agenda by notifying the President or Chief Executive Officer prior to the meeting.</p>					
3.1	Minutes of February 13, 2020 Meeting			Attached	Approval

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
3.2	Minutes of April 13, 2020 Special Meeting			Attached	Approval
3.3	Appointment of Bencher Election Scrutineers			Attached	Approval
<b>4.0 EXECUTIVE REPORTS</b>					
4.1	President's Report	5	Anita Southall	Attached	Briefing
4.2	CEO Report	10	Kris Dangerfield	Attached	Briefing
4.3	COVID-19 Update	10	Kris Dangerfield	Attached	Briefing
<b>5.0 DISCUSSION/DECISION</b>					
5.1	Rule Amendments - Part 5, Division 1 - Admissions	20	Leah Kosokowsky	Attached	Discussion/ Decision
<b>6.0 NOMINATING COMMITTEE REPORT</b>					
6.1	Report to Benchers	40	Kathy Bueti	Attached	Discussion/ Decision
6.2	Appointment of Election Scrutineers				Decision
6.3	Election of Incoming President				Decision
6.4	Election of Incoming Vice-President			Attached	Decision
<b>7.0 COMMITTEE REPORTS</b>					
7.1	Discipline Committee	10	Sacha Paul	Attached	Briefing

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
7.2	President's Special Committee on Regulating Legal Entities	10	Darcia Senft	Attached	Briefing
<b>8.0 MISCELLANEOUS BUSINESS</b>					
8.1	Report of Federation Council Member	10	David Swayze		Briefing
8.2	In Camera Discussion	10	Kathy Bueti		Briefing
<b>9.0 FOR INFORMATION</b>					
9.1	FLSC E-Briefing February 2020			Attached	Information
9.2	Media Reports			Attached	Information



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# MEMORANDUM

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**TO:** Benchers

**FROM:** Kristin Dangerfield

**DATE:** April 16, 2020

**RE:** **COVID-19 Response Update**

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By the time we meet Law Society staff will be about to complete Week 6 of working from home. It is truly remarkable how quickly that time has flown by, how much our worlds have changed and what we have been able to accomplish under difficult circumstances. While our core operations have continued for the most part uninterrupted, I thought I would give you a brief overview of what we have been doing specifically in response to COVID-19 in an effort to continue to effectively regulate the legal profession in a strange new world.

## *Operations*

### **(1) Office Closure**

On March 17, after taking into account the advice of public health experts and government officials, the Law Society implemented a work from home plan through to Friday, April 3, 2020. We worked very quickly (in particular our IT staff, the dynamic duo of Sean Rivera and Simon Young) to get staff set up to work remotely from home. On March 30 we extended that closure to May 4 and we will reassess the need to extend that further before the end of April.

### **(2) Capacity Review**

I have asked every department to conduct a review of department activities with particular attention to the following:

- a. Unimpacted daily activities (business as usual with staff fully occupied);
- b. Ceased activities (things you just can't continue, resulting in staff being under utilized)
- c. Unnecessary activities (Are there things that we have always done that you now recognize are not a priority and that we might want to reconsider as part of our future planning?)
- d. Supplemental activities (Do you have a list of "to do projects" for your department to complete or that could be addressed by redeployed staff?)
- e. Excess capacity of staff (Do you have staff who are not fully occupied who could be made available to other departments?)

I think it is fair to say that nearly everyone in the office is working to (and in some instances exceeding) full capacity. In addition to serving our core functions, we are having to change the way we have done things for years to accommodate the new normal. When we come through on the other side of this we will have discovered more efficient and better ways of doing things, but it nonetheless presents us with some challenges along the way as we do our best to adjust and adapt.

### **(3) Exploration of Platforms for Virtual Meetings**

Sean Rivera has done a remarkable job in facilitating our ability to work from home. We have tested a multitude of platforms including Zoom, Webex, Microsoft Teams, Go to Meeting and Google Hangouts to name a few. We have also consulted with other law societies as to their preferred means of meeting. Most have a comfort level with Zoom, provided the new security measures are in place (a password, the waiting room, etc.). This next bench meeting will proceed by Webex and we will ultimately land on a model that we feel provides both ease of use and the necessary level of security.

### **(4) Staff Communications**

We have continued to meet with staff in a variety of ways. I do a weekly email to all staff to touch base at the end of the week. Some departments meet with staff regularly two or three times per week, while others meet as required. We have had a number of senior staff and professional staff meetings to discuss specific issues and receive and provide updates. We will be doing a short survey of staff next week to determine whether they have the resources and supports they need to work effectively from home. The best part of COVID-19 is the exchange of pictures of our new assistants that seem to circulate frequently. It appears we

have more cats than dogs in the office (and they are not always helpful as you can see from the attached pic of my assistant Charley). She is a Cunning Operative for Voracious Ingesting Dogs.

## **(5) Budget**

I have asked our Chief Financial Officer, Colleen Malone, to recast our 2020-2021 budget in light of the impact of COVID-19. This will take into account projected reduced revenue from investment income, CPD and practicing fees. It will also need to take into account reduced expenditures in relation to travel (which has been cancelled at least until September 30 and likely to December 31) and Law Society events. We have reviewed relevant contracts with third party service providers for cancellation provisions and taken such steps as are appropriate to cancel or postpone events (for example the Mass Call). For the foreseeable future we have put a hold on hiring, and salaries that were to have been adjusted effective April 1, 2020 have been frozen at least until October 1, 2020 when we will have a better sense of the impact of recent events.

## **(6) The Law Library Hub**

Given the restrictions on students from the Faculty of Law as well as restricted access to the Law Courts, we had no alternative but to shut the Law Library Hub. We have been in communication with the Manitoba Law Foundation about the closure.

## ***Engagement with the Profession***

In response to concerns we heard from the profession about the impact of COVID-19 on them operationally, financially and emotionally, we have taken a number of steps to support the profession's ability to deliver legal services, each of which has been communicated directly to the profession through regular email updates on the Law Society response to COVID-19. These are also posted on our website on a specifically designated section on COVID-19.

## **(1) Extension for Filing the Annual Member Report**

The usual deadline for filing the Annual Member Report is April 1, 2020. Although most members complete it on-line, we recognize that many lawyers have been occupied by far

more pressing issues in their practices. In the circumstances, the deadline for submitting Annual Member Reports was extended to May 1, 2020.

## **(2) Extension of Time to Pay Practising Fees**

Practising fees were due on April 1, 2020. In recognition of some of the financial pressures on lawyers, the Law Society advised the profession on March 17, 2020 that we would waive any late payment penalties and extend time for payment to April 30, 2020.

## **(3) Enhanced COVID-19 Resources for Lawyers**

We created a section on our website where we post information on COVID-19 that is relevant to lawyers' practices, including a series of Frequently Asked Questions (FAQs). This included, for example:

- guidance for lawyers who test positively for COVID-19 with respect to their ethical obligations to both colleagues and clients
- best practices for video conferencing when providing legal advice
- considerations for working from home

## **(4) Free and Reduced Cost CPD Online**

We have made available free programming on topics of anxiety and mental health. In addition, we made available all CPD online programs at half-price from April 1 to June 30, 2020.

## **(5) Access to New Library Resources**

As a semi-public space, the Great Library was closed relatively early on. We took the opportunity to encourage lawyers to use our subscription resources available behind the member portal and to communicate with library staff via email to access resources from all of our databases. Library staff continue to produce their blog *Great Expectations*. We have also now introduced the brand new resource which will replace eLaw. The new **eLex** is a newsletter from the Great Library emphasising decisions and articles relevant to the legal profession in Manitoba. Issued monthly, **eLex** will inform readers of the latest in select decisions of the Supreme Court of Canada, the Federal Court of Appeal, and all three levels of Manitoba courts, organized by practice area. Additional content will include articles and



annotations from legal journals, and practice notices and directives from Manitoba courts. If you haven't checked it out already, please do so.

## **(6) Mental Health Supports**

Manitoba Blue Cross developed an excellent resource to assist all of us to cope with the stress and anxiety associated with the impacts of the COVID-19 pandemic, including tips for self-care, managing anxiety and accessing support. We made that available on our website.

Manitoba Blue Cross subsequently launched a new mental health support for lawyers and their family members that can be accessed immediately, called **Connect Now**.

**Connect Now** is a real-time support line that members can call to instantly connect with a mental health professional from our Employee Assistance Program. Support provided through **Connect Now** is supplemental to coverage through the Lawyers Health and Wellness program and so lawyers and their families are still able to utilize all of the sessions available through that plan.

## **(7) Court Notices**

A number of Notices have been issued by the Manitoba courts which address issues such as court schedules, suspension of hearings, restrictions, accommodations in relation to the execution of documents, filing deadlines and other matters. We have been communicating this information to the profession in addition to Notices from Legal Aid (Duty Counsel as Agents) and the Attorney General (Service on the AG).

## **(8) Warnings Regarding Computer Viruses**

In the midst of this pandemic two Manitoba law firms were hit by computer viruses, specifically a ransomware virus called MAZE. It was suspected that someone clicked on a link or an attachment in an email that was infected with a virus which in turn infected the firms' entire systems. As a result of the virus attack, in the immediate aftermath the firms had no access to email, Word, their accounting software, or any of their backups, including cloud backups. Everything was tied up by MAZE and they were asked to pay an enormous ransom to regain access to any of their work. We alerted the profession to this and provided some advice and direction on how to avoid such an event.

## ***Engagement with the Government***

We are fortunate to have a good relationship with the Department of Justice and so have been able to engage directly with the Province about implementing measures to address significant practice issues presented by social distancing.

### **(1) Execution of Land Titles documents**

In Manitoba lawyers have always been required to be physically present to witness clients' execution of land transfers. Land Titles documents which may be witnessed by non-lawyers if accompanied by an Affidavit of Witness, must also be signed in the physical presence of the witness. Witnessing or commissioning documents remotely by video conferencing was not permitted. Kate Craton and Tana Christianson worked closely with the profession, Teranet and the Province to resolve this and on April 1, 2020 the Registrar-General of the LTO issued a Directive which will allow for the video witnessing of transfers and other instruments as a temporary accommodation in response to COVID-19 until May 15, 2020 or as extended.

### **(2) 72 Hour Hold on documents by Teranet Manitoba**

Teranet Manitoba suspended their in-person land titles and personal property registry client service, as a result of which lawyers were no longer able to visit the Teranet office in person to deliver cheques or paper documents. A temporary post office box was set up and Teranet implemented a 72 hour hold on mail. As a result, the Law Society relaxed existing requirements to allow firms to send a trust cheque to the Teranet PO box before closing, provided that if the transaction does not close, the trust money sent to Teranet must be returned forthwith to the trust account.

### **(3) Execution of Wills**

We received inquiries from lawyers about alternatives to the formal requirements for execution that are set out in *The Wills Act*. Because there are legislative requirements in place, we provided direction to the profession in relation to the curative provisions in s. 23 of the *Wills Act*.

We have continued to work with the Province about options to address the execution of both Wills and Powers of Attorney. On April 14, 2020 the Province introduced Bill 54 – *The Emergency Measures Amendment Act*. We are hopeful that new section 12.6(1)(f) will address

concerns related to *Powers of Attorney Act* requirements, *Real Property Act* affidavit requirements and possibly Wills and Health Care Directives as well. We may have more to share with you by the time we meet next week.

### ***Engagement with the Courts***

We have been able to work closely with the three levels of court in the Province to address some practical issues.

#### **(1) Court filing deadlines**

We confirmed with the courts that the Registry Office would remain open and issued a reminder to the profession that limitation dates continue to be in effect.

#### **(2) Execution of Affidavits**

We realized very quickly the challenge for lawyers to have affidavits properly executed in an age of social distancing. We proposed a solution to the Chief Justice of the Court of Appeal and the Chief Justice of the Court of Queen's Bench that would permit affidavits and declarations that are subject to formal requisites (i.e. they have to be properly sworn/affirmed and signed by the deponent or person declaring and properly witnessed, etc.) to be filed without compliance with these formal requisites (such as original signatures or witnessed in the presence of the commissioner or other officer or person administering the oath, etc.) so long as they are also filed with an undertaking by the lawyer that an original of the affidavit or declaration that complies with the formal requisites will be filed prior to the hearing date, failing which the party would not be entitled to rely on it or would be required to withdraw it. The Chief Justices very quickly responded and were prepared to accommodate, doing so by issuing a Directive to that effect on March 18, 2020.

#### **(3) Notices of changes to court operations**

We have been regularly receiving from the courts and communicating to the profession notices about changes to court operations in response to COVID-19.

## ***Engagement with Other Law Societies***

We have been communicating frequently with other law societies in respect to specific issues (for example articling). In addition, I participate in a weekly virtual meeting with the CEOs from each law society to discuss our respective issues and responses to COVID-19. This has been most helpful and an excellent opportunity to share resources.

## ***Regulatory Issues***

We have had to address a number of issues that arise in the context of our role as regulator of the legal profession.

### **(1) Continuing Professional Development (CPD)**

As noted previously, we have extended to lawyers additional opportunities for CPD that is both free and on a cost reduced basis. Although we have had some inquiries about whether we would reduce the required hours of mandatory CPD, to date we have been reluctant to do that. Our required hours have always been a minimum and not an onerous minimum. At the moment there are more free or very low cost options than there have been in the past. Arguably the need to stay up-to-date has now increased rather than decreased. We think we can be most helpful by making CPD more accessible and creating a list of reliable resources and free or timely webinars.

### **(2) Articling**

As you know, we have taken steps to ensure that students in the 2020 and 2021 call years will have the opportunity to complete their articles and be eligible to be called to the Bar. This will provide law firms with the flexibility to provide students with articles sufficient to meet our regulatory requirements. This has necessitated rule amendments and operational adjustments to accommodate the changes.

### **(3) PREP**

I continue to participate in regular meetings of the CPLED Board to address both regular and COVID-related matters. We are fortunate that the model that was adopted for the delivery

of PREP has a significant on-line component which enables us to move forward with the 2020 class. Steps are being taken to develop on-line adaptations of what would otherwise have been in-person education. In addition, the CPLED Board is prepared to allow students in 2020 to take the PREP course even in the absence of an articling position. This is in anticipation that fewer articling positions will be available in the current environment.

#### **(4) Anti-Money Laundering**

The new anti-money laundering and terrorist financing rules presented some challenges to lawyers as it is challenging to verify a client's identity where the lawyer and his/her client are unable to meet in person. As a result, we have provided additional direction to lawyers on our website to clarify the manner in which lawyers will be permitted to verify a client's identity by methods that do not require meeting face to face with the client.

Atc.



Charley



## MEMORANDUM

**To:** Benchers  
**From:** Leah Kosokowsky  
**Date:** April 16, 2020  
**Re:** Rule Amendments  
Part 5 – Division 1 - Admissions

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### CPLED 2.0

The first iteration of the new CPLED program (PREP) is scheduled to begin in July 2020 and, as you will recall, it will be operated independently of the four participating law societies. As a result, applicants will apply directly to CPLED for admission to the program and will apply directly to their host law society for admission as an articling student. PREP will be administered entirely by CPLED, including the issuance of grades, assessments and appeals therefrom, although the CPLED appeal committee will be comprised of representatives from each of the four participating law societies. The Law Society of Manitoba will retain jurisdiction over admissions and over the discipline or termination of a student's articles who has been expelled from CPLED.

Each of the CPLED jurisdictions has somewhat different rules and in an effort to strive for consistency across the jurisdictions, we have had to consider how we might modify our processes and amend our rules. At the February 13, 2020 bencher meeting, you considered and determined issues in three main areas and we have drafted the attached amended rules to reflect those decisions.

#### **1. Admissions Criteria**

Manitoba has been unique in its approach to the admission of NCA applicants, in that the rules allow for an individual to be admitted who is registered for or awaiting the results of courses or examinations prescribed by the NCA. You directed that we eliminate the rule that permits the admission of applicants who are awaiting the results of exams or courses prescribed by the NCA. With that change, all applicants must have obtained a Canadian common law degree or their Certificate of Qualification to be admitted as an articling student.

#### **2. Articling & CPLED Rules Intertwined**

A number of the rules, as currently drafted, address the admission of students to both articling and PREP. One such rule requires that students commence articling by the sixth module of CPLED, which no longer exists under the PREP program. Accordingly, you directed that we amend the rules to

delete the reference to commencing articling by the sixth module of CPLED. In addition, because the admission to PREP is administered entirely through CPLED, you directed that we amend the rules to clearly articulate that an individual who is applying for admission as an articling student in Manitoba must have secured an articling position to be admitted.

### **3. *Prep Grades & Appeals***

While the Law Society will retain jurisdiction over articling admission criteria, assessments of good character and fitness to practice, you endorsed a structure whereby the issuance of grades and assessments, suspensions and expulsions will all be made by CPLED and appeals from those decisions will be conducted entirely through the new CPLED appeals committee. You also indicated that the benchers should retain jurisdiction to remove a student from articling or otherwise discipline a student who has committed a breach of integrity within the PREP program. Accordingly, we have amended a number of rules to strip out references to CPLED assessments, grades, and supplemental assessments and to appeals for academic misconduct. We have retained within the rules the jurisdiction to discipline or terminate the articles of articling students.

## **CONSEQUENTIAL AMENDMENTS**

We have drafted a number of other amendments that are not intended to change the substance of the rules. In some cases, the current rule has been rendered meaningless by the other changes or are no longer practical in the circumstances. For example, there is no longer a deadline for submitting admissions documents, as set out in Rule 5-4.2 and it has been repealed. Similarly, Rule 5-4.5 has been repealed as it has been rendered meaningless by the amendment that requires an individual to have a Certificate of Qualification in order to be admitted.

In other cases, the amendments are designed to provide greater clarity or to improve upon the language. For example:

- we have removed reference to CPLED in the new rules and simply refer to the program as the bar admission program throughout;
- we have re-organized rule 5-4(1);
- we have reworded rule 5-6(2) to provide clarity to the chief executive officer's discretion to approve, deny or impose conditions in relation to an application to act as a principal;
- Rule 5-7 has been reworded to provide some flexibility to accommodate different articling arrangements;
- Rule 5-3.1 has been moved to a more logical place and is renumbered as 5-13.



## TRANSITION RULES

The last group of students in the CPLED legacy program are scheduled to complete CPLED in the next several weeks. However, some students have been unsuccessful in one or more modules and are scheduled to write supplemental examinations. If they receive a grade of competency not yet demonstrated in a supplemental examination, they will have a right to appeal that assessment.

In addition, at least three students have been issued CNYDs and have been expelled from CPLED for breaching the professional integrity policy. To date, one student has appealed that decision and the investigation in respect of the conduct of another student is ongoing.

As a result, we have drafted transition rules for the CPLED legacy students and have preserved their rights of appeal in the transition rules.

## RULES TO FACILITATE ADMINISTRATIVE CALLS

At the specially convened benchers meeting on April 13, 2020, you directed that we amend Rule 5-3.1 (now renumbered as 5-13) and that we add a definition of “rolls” so as to accommodate administrative calls for those candidates who have been approved to be admitted but who, due to the pandemic, cannot be presented to the Court of Queen’s Bench or sign the rolls in June 2020. These amendments are included in the attachment.

## ADDITIONAL PROPOSED AMENDMENT REQUIRING YOUR APPROVAL

The rule amendments described above are all intended to reflect the decisions that you made at the February and April bencher meetings. However, another issue has arisen for which we are seeking your direction.

Under our current rules and procedures, practising lawyers apply for approval generally to act as a principal. That is, the approval is not tied to a particular student. Either the applicant meets the criteria to serve as a principal or he/she does not. Unlike other CPLED jurisdictions, Manitoba does not have a limit on the number of articling students per principal.

Once approved, the principal is able to offer an articling position to a student without any further involvement of the Law Society until we receive the education plan. In recent years, we have encountered situations where a solo practitioner has offered concurrent articling positions for up to four students at one time without having the adequate time or resources to offer meaningful articles. As a result, the Society has had to terminate some of the students’ articles.

We are proposing that we include rule 5-6(3.3) in the amendments which limits a principal to one articling student at a time, unless otherwise approved by the chief executive officer. This will prevent the situation described above from occurring but it also would give the Society the discretion to permit a principal to have multiple students where that person is acting as the point person for a number of lawyers who are, in fact, supervising the student in a larger work setting.

If our recommendation meets with your approval, it is reflected in a new rule 5-6(3.3). If you do not agree with the proposal, the draft rule will be deleted.

### SUMMARY

If the attached rule amendments meet with your approval, we will have them translated into French and return the translated rules to you for final approval at the May 2020 bench meeting.

Atc.

**Rule Amendments**  
**Part 5 – Division 1 – Admissions**

Current Wording	Amended Wording	Comments
<p><b>Definitions</b></p> <p><b>5-1</b> In this division,</p> <p><b>"appeals sub-committee"</b> means the sub-committee of the admissions and education committee responsible for considering appeals of grades, findings of academic misconduct and admissions decisions made pursuant to the rules in this division; (ENACTED 05/12) (AM. 09/17)</p> <p><b>"articling student"</b> means a person enrolled in the society's bar admission program and registered in the student register as an articling student; (ENACTED 05/07)</p> <p><b>"bar admission program"</b> means the society's pre-call licensing program; (ENACTED 04/04)</p> <p><b>"committee"</b> means the admissions and education committee;</p> <p><b>"CPLED program"</b> means the Canadian Centre for Professional Legal Education program that operates as the society's bar admission program; (ENACTED 04/04)</p> <p><b>"law student"</b> means a person enrolled in a law degree program and registered in the society's student register as a law student; (ENACTED 05/07)</p> <p><b>"NCA"</b> means the National Committee on Accreditation of the Federation of Law Societies of Canada; (ENACTED 04/13)</p> <p><b>"principal"</b> means a practising lawyer who has been approved to enter into an articling agreement with an articling student.</p>	<p><b>"appeals sub-committee"</b> means the sub-committee of the admissions and education committee responsible for considering appeals of <del>grades, findings of academic misconduct and</del> admissions decisions made pursuant to the rules in this division;</p> <p><b>"articling student"</b> means a person <del>enrolled in the society's bar admission program and</del> registered in the student register as an articling student;</p> <p><b>"bar admission program"</b> means the society's pre-call licensing program;</p> <p><b>"committee"</b> means the admissions and education committee;</p> <p><b>"CPLED program"</b> <del>means the Canadian Centre for Professional Legal Education program that operates as the society's bar admission program;</del> (ENACTED 04/04)</p> <p><b>"law student"</b> means a person enrolled in a law degree program and registered in the society's student register as a law student;</p> <p><b>"NCA"</b> means the National Committee on Accreditation of the Federation of Law Societies of Canada;</p> <p><b>"principal"</b> means a practising lawyer who has been approved <u>by the chief executive officer to act as a principal.</u> <del>to enter into an articling agreement with an articling student.</del></p>	<p>Reference to appeals from grades and findings of academic misconduct removed.</p> <p>Reference to enrollment in the bar admission program removed.</p> <p>Removal of definition of CPLED. Pre-call education simply called bar admission program.</p> <p>No substantive change. Improved wording.</p>

**Part 5 - Division 1  
Admissions**

Current Wording

Amended Wording

Comments

<p><b>Committee objectives</b></p> <p><b>5-2</b> The role of the committee is to:</p> <p>(a) advise the benchers on policies relating to admissions and education issues;</p> <p>(b) consider appeals of grades, findings of academic misconduct, penalties imposed for academic misconduct and admissions decisions made pursuant to the rules in this division and conduct hearings as required; and</p> <p>(c) take any steps and delegate any authority necessary for the committee to carry out its responsibilities.</p> <p>(AM. 05/07; AM. 10/07, AM. 09/17)</p> <p><b>Participation of dean</b></p> <p><b>5-3</b> The benchers must appoint the Dean of the Faculty of Law at the University of Manitoba to sit as a committee member. (AM. 05/07)</p> <p><b>Presentation to court</b></p> <p><b>5-3.1</b> On the approval of an application for call to the bar:</p> <p>(a) the applicant must be presented</p>	<p><u>“rolls” includes the Law Society’s electronic records for the purposes of s. 17 of the Act.</u></p> <p><b>Committee objectives</b></p> <p><b>5-2</b> The role of the committee is to:</p> <p>(a) advise the benchers on policies relating to <u>articling</u>, admissions and education issues;</p> <p>(b) consider appeals of <u>grades, findings of academic misconduct, penalties imposed decisions to terminate articles</u> for academic misconduct and admissions decisions made pursuant to the rules in this division and conduct hearings as required; and</p> <p>(c) take any steps and delegate any authority necessary for the committee to carry out its responsibilities.</p> <p><b>Presentation to court</b></p> <p><del><b>5-3.1</b> On the approval of an application for call to the bar:</del></p> <p>(a) <del>the applicant must be presented to</del></p>	<p>The Legal Profession Act requires members to be entered into the rolls of the Law Society. This new definition will allow articling students who have been approved for call to be recognized as members while they are awaiting the opportunity to physically sign the rolls.</p> <p>Change to reflect that the admissions and education committee will advise on policies relation to admissions and education issues as well as articling issues and to remove committee’s jurisdiction to hear appeals of grades and findings of academic misconduct.</p> <p>Section moved to rule 5-13.</p>
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**Part 5 – Division 1  
Admissions**

Current Wording

Amended Wording

Comments

<p>to the Court of Queen’s Bench by a bencher or the chief executive officer;</p> <p>(b) the presentation must take place at a sitting of the Court of Queen’s Bench; and</p> <p>(c) the applicant must sign the rolls.</p> <p>(ENACTED 10/10)</p> <p><b>Admission of Articling Students</b></p> <p><b>Application for admission as an articling student</b></p> <p><b>5-4(1)</b> Subject to rules 5-4.1 and 5-4.5, an applicant for admission as an articling student must, by May 31 in the calendar year in which articles commence:</p> <p>(a) provide proof that he or she has a bachelor of laws degree or juris doctor degree from a faculty of common law at a Canadian university approved by the Federation of Law Societies of Canada (a “Canadian common law degree”) or an equivalent qualification, dated not more than 6 years before the date of the application for admission; or</p> <p>(b) provide proof that he or she is the recipient of a certificate of qualification from the NCA dated not more than 6 years before the date of the application for</p>	<p><del>the Court of Queen’s Bench by a bencher or the chief executive officer;</del></p> <p>(b) <del>the presentation must take place at a sitting of the Court of Queen’s Bench; and</del></p> <p>(c) <del>the applicant must sign the rolls.</del></p> <p><b>Admission of Articling Students</b></p> <p><b>Application for admission as an articling student</b></p> <p><b>5-4(1)</b> Subject to rules 5-4.1 and 5-4.5, an applicant for admission as an articling student must, <del>by May 31 in the calendar year in which articles commence</del></p> <p>(a) provide proof that he or she:</p> <p>(i) has a bachelor of laws degree or juris doctor degree from a faculty of common law at a Canadian university approved by the Federation of Law Societies of Canada (a “Canadian common law degree”) or <del>an equivalent qualification</del>, dated not more than 6 years before the date of the application for admission; or</p> <p>(ii) <del>provide proof that he or she is</del></p>	<p>Removal of deadline to apply for admission as an articling student. Improved organization of rule for clarity and removal of provision allowing students to apply who have not yet received their Certificate of Qualification from the NCA.</p> <p>Removal of words “or an equivalent qualification” as there is no such equivalent qualification other than a CQ from the NCA</p>
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**Part 5 - Division 1  
Admissions**

Current Wording

Amended Wording

Comments

<p>admission;</p> <p>(c) provide proof that he or she is registered to take or awaiting results of examinations or courses prescribed by the NCA;</p> <p>and must</p> <p>(d) provide proof that he or she is of good moral character and a fit and proper person to be admitted;</p> <p>(e) enter into an articling agreement with a practising lawyer who has been approved by the chief executive officer to act as a principal and submit an acceptable Education Plan; (ENACTED 05/07)</p> <p>(f) furnish all documentation required by the chief executive officer; and</p> <p>(g) pay the student admission fee under subsection 19(1) of the Act. (AM. 06/03; 04/04; 12/05; 05/07; 10/07; 10/08; 10/10; 02/13; 04/13)</p> <p><b>Approval of applicants</b> <b>5-4(2)</b> The Chief Executive Officer may admit a student who applies under subsection (1) or refuse to admit or impose conditions or</p>	<p>the recipient of a certificate of qualification from the NCA dated not more than 6 years before the date of the application for admission;</p> <p><del>(c) provide proof that he or she is registered to take or awaiting results of examinations or courses prescribed by the NCA;</del></p> <p>and must</p> <p><del>(d) provide proof that he or she</del></p> <p><u>(iii)</u> is of good moral character and a fit and proper person to be admitted; <u>and</u></p> <p><del>(e)</del> <u>(iv)</u> <u>has entered</u> into an articling agreement with a <del>practising lawyer who has been approved by the chief executive officer to act as a principal;</del> <u>and</u></p> <p><u>(b)</u> submit an acceptable education plan;</p> <p><del>(f)</del><u>(c)</u> furnish all documentation required by the chief executive officer; and</p> <p><del>(g)</del> <u>(d)</u> pay the student admission fee under subsection 19(1) of the Act.</p>	
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**Part 5 – Division 1  
Admissions**

Current Wording

Amended Wording

Comments

<p>restrictions on the applicant's admission. (ENACTED 10/10)</p> <p><b>Exception: when permission is required</b>  <b>5-4.1</b> An applicant for admission as an articling student who is the recipient of a "Canadian common law degree", equivalent qualification, or a certificate of qualification from the NCA, dated more than 6 years before the date of the application, must apply to the society for permission to be admitted as an articling student and the chief executive officer may refuse the application or grant the application, with or without conditions. (ENACTED 12/05) (AM. 05/07; 10/07; 04/13)</p> <p><b>Failure to file admissions documents by deadline</b>  <b>5-4.2</b> If an applicant for admission as an articling student does not file the required documents by the deadline set out in rule 5-4 or any extended deadline authorized by the chief executive officer, the length of articles to be served under rule 5-5(1) shall be increased by one week for each week the filing of documents has been delayed. The chief executive officer may extend the deadline for filing documents under this rule only in exceptional circumstances. (ENACTED 10/08)</p> <p><b>Joint responsibility of articling student and principal to file articling agreement</b>  <b>5-4.3</b> An applicant for admission as an articling student and the applicant's principal must enter into a written articling agreement and are jointly responsible for filing with the society the signed agreement, together with an</p>	<p><b>Exception: when permission is required</b>  <b>5-4.1</b> An applicant for admission as an articling student who is the recipient of a "Canadian common law degree", <del>equivalent qualification,</del> or a certificate of qualification from the NCA, dated more than 6 years before the date of the application, must apply to the society for permission to be admitted as an articling student and the chief executive officer may refuse the application or grant the application, with or without conditions. (ENACTED 12/05) (AM. 05/07; 10/07; 04/1</p> <p><del><b>Failure to file admissions documents by deadline</b></del>  <del><b>5-4.2</b> If an applicant for admission as an articling student does not file the required documents by the deadline set out in rule 5-4 or any extended deadline authorized by the chief executive officer, the length of articles to be served under rule 5-5(1) shall be increased by one week for each week the filing of documents has been delayed. The chief executive officer may extend the deadline for filing documents under this rule only in exceptional circumstances. (ENACTED 10/08)</del></p> <p><del><b>Joint responsibility of articling student and principal to file articling agreement to file education plan</b></del>  <del><b>5-4.3</b> An applicant for admission as an articling student and the applicant's principal must enter into a written articling agreement and are jointly responsible for filing with the society the signed</del></p>	<p>Removal of words "equivalent qualification"</p> <p>Deletion of extension of articles where documents have not been filed by admission deadlines.</p> <p>Deletion of requirement that education plan be filed within 2 weeks of the commencement of articles as articling agreement and education plan required to be admitted.</p>
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**Part 5 - Division 1  
Admissions**

Current Wording

Amended Wording

Comments

<p>acceptable education plan and such further documentation as required by the chief executive officer, within two weeks of the commencement of articles. (ENACTED 10/08)</p> <p><b>Failure to file articling agreement by deadline</b>  <b>5-4.4</b> If an applicant for admission as an articling student and the applicant's principal fail to file all the documents required under rule 5-4.3 by the required deadline or any extended deadline authorized by the chief executive officer, the length of articles to be served under rule 5-5(1) shall be increased by one week for each week the filing of documents has been delayed. The chief executive officer may extend the deadline for filing documents under this rule only in exceptional circumstances. (ENACTED 10/08)</p> <p><b>Exception: when common law degree required by NCA</b>  <b>5-4.5</b> A person who is required by the NCA to obtain a bachelor of laws degree or a juris doctor degree from a faculty of common law at a Canadian university is not eligible to apply for admission as an articling student until he or she has received that degree. (ENACTED 04/13)</p> <p><b>Articling and CPLED program</b>  <b>5-5(1)</b> Subject to subsection (4), every articling student must:</p> <p>(a) successfully complete the CPLED program within 2 years from the date of commencement of either</p>	<p><del>agreement, together with an acceptable education plan and such further documentation as required by the chief executive officer, within two weeks of the commencement of articles.</del></p> <p><del><b>Failure to file articling agreement education plan by deadline</b></del>  <del><b>5-4.4</b> If an applicant for admission as an articling student and the applicant's principal fail to file all the documents required under rule 5-4.3 by the required deadline or any extended deadline authorized by the chief executive officer, the length of articles to be served under rule 5-5(1) shall be increased by one week for each week the filing of documents has been delayed. The chief executive officer may extend the deadline for filing documents under this rule only in exceptional circumstances.</del></p> <p><del><b>Exception: when common law degree required by NCA</b></del>  <del>5-4.5 A person who is required by the NCA to obtain a bachelor of laws degree or a juris doctor degree from a faculty of common law at a Canadian university is not eligible to apply for admission as an articling student until he or she has received that degree. (ENACTED 04/13)</del></p> <p><b>Articling and CPLED bar admission program</b>  <b>5-5(1)</b> Subject to subsection (4), every articling student must:</p> <p>(a) successfully complete the <u>CPLED bar admission program and the term of articles</u> within 2 years from the date</p>	<p>Deletion of extension of articles where documents not filed by deadline.</p> <p>Rule deleted as meaningless in light of amendment that requires an applicant to have a CQ in order to be admitted.</p> <p>Wording changed to clarify that both the bar admission program and the student's articles must be completed within 2 years of when the student first starts articling or starts the bar admission program, whichever is earlier.</p>
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**Part 5 - Division 1  
Admissions**

Current Wording

Amended Wording

Comments

<p>the CPLED program or the student's articles, whichever is commenced earlier;</p> <p>(b) commence articling before the commencement of the 6<sup>th</sup> module of the CPLED program and any student who has not commenced articles by the 6<sup>th</sup> module shall be withdrawn from the CPLED program unless the chief executive officer has permitted the student to continue;</p> <p>(c) serve, unless abridged by the chief executive officer, at least 52 weeks of full-time articles, or part-time articles which are equivalent to 52 weeks of full-time articles, as approved by the chief executive officer.</p> <p>Abridgments of more than four weeks may only be granted in exceptional circumstances. (AM. 04/04; 05/07; 10/08; 05/11; 06/15)</p> <p><b>Credit for articles in another Canadian jurisdiction</b> <b>5-5(2)</b> In determining the period of time that a student has served articles in Manitoba, the student may be credited, to a maximum of six months, for all the time served by the student articling or clerking in another Canadian jurisdiction. (AM. 05/07; 10/08; 05/11)</p>	<p>of commencement of either the <del>CPLED</del> <u>bar admission</u> program or the student's articles, whichever is commenced earlier;</p> <p><del>(b) commence articling before the commencement of the 6<sup>th</sup> module of the CPLED program and any student who has not commenced articles by the 6<sup>th</sup> module shall be withdrawn from the CPLED program unless the chief executive officer has permitted the student to continue;</del></p> <p><del>(b)</del> <u>(e)</u> serve, unless abridged by the chief executive officer, at least 52 weeks of full-time articles, or part-time articles which are equivalent to 52 weeks of full-time articles, as approved by the chief executive officer. Abridgments of more than four weeks may only be granted in exceptional circumstances.</p>	<p>Removal of requirement to start articling by the sixth module of CPLED.</p>
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Admissions**

Current Wording

Amended Wording

Comments

<p><b>Exemption for students who have completed the bar admission program in another Canadian jurisdiction</b> <b>5-5(3)</b> The chief executive officer may allow an articling student who has completed the bar admission program of another Canadian jurisdiction to complete qualification assessments or examinations in lieu of completing all or a portion of the bar admission program in Manitoba. (AM. 04/04; 05/07; 10/07; 10/08; 05/11)</p> <p><b>Practice experience in a foreign jurisdiction</b> <b>5-5(4)</b> An articling student or applicant for admission who has practising experience as a member of the legal profession in a foreign jurisdiction may apply to the chief executive officer for an exemption from completing all or a portion of the CPLED program and the term of articles set out in subsection (1) by filing the required application and furnishing all documentation required by the chief executive officer. (ENACTED 05/11)</p> <p><b>Authority of chief executive officer</b> <b>5-5(5)</b> In considering a request under subsection (4), the chief executive officer may refuse the exemption or allow it in full or in part, with or without conditions or restrictions. (ENACTED 05/11)</p> <p><b>Eligibility to act as a principal</b> <b>5-6(1)</b> To be eligible to act as a principal, an applicant must:</p> <ul style="list-style-type: none"><li>(a) be a practising lawyer;</li><li>(b) have carried on active practice in</li></ul>	<p><b>Practice experience in a foreign jurisdiction</b> <b>5-5(4)</b> An articling student or applicant for admission who has practising experience as a member of the legal profession in a foreign jurisdiction may apply to the chief executive officer for an exemption from completing all or a portion of the <del>CPLED program and the</del> term of articles set out in subsection (1) by filing the required application and furnishing all documentation required by the chief executive officer.</p>	<p>Removal of CPLED from exemption for foreign practising experience.</p>
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Admissions**

Current Wording

Amended Wording

Comments

<p>Manitoba for not less than three years immediately preceding becoming a principal or for less than three years if approved by the chief executive officer</p> <p>(c) meet the criteria for principals established by the society; and</p> <p>(d) file the required application. (AM. 05/07; 10/07)</p> <p><b>Approval of principal</b> <b>5-6(2)</b> The chief executive officer must approve an applicant to act as a principal and may withdraw the approval granted at any time. (AM. 04/04; 05/07; 10/07)</p> <p><b>Approved principal or delegate must offer articling position</b> <b>5-6(3)</b> Only a member who has been approved by the chief executive officer to act as a principal under subsection (2) or the principal's delegate may offer an articling position to a student and where rule 5-6.1 applies, the principal's delegate must comply with the process set out in rule 5-6.1(2). (ENACTED 06/09)</p> <p><b>Termination before call</b> <b>5-6(4)</b> An articling student who has completed his or her term of articles under rule 5-5(1) may terminate the articling agreement before being called to the bar provided that prior written notice is given to the chief executive officer. (AM. 05/07; 06/09)</p>	<p><b>Approval of principal</b> <b>5-6(2)</b> The chief executive officer <del>must</del> <u>may</u> approve an applicant to act as a principal <u>with or without conditions or refuse an application to act as a principal</u> and may withdraw the approval granted at any time.</p> <p><b>Limit on number of Students</b> <b>5-6(3.3)</b> <u>An approved principal may not act as a principal to more than one articling student at a time without the prior approval of the chief executive officer.</u></p>	<p>Improved wording to clarify the CEO's discretion to approve an application to act as a principal.</p> <p>New rule limiting a principal's ability to mentor more than one student at a time without the prior approval of the CEO.</p>
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**Part 5 - Division 1  
Admissions**

Current Wording

Amended Wording

Comments

Current Wording	Amended Wording	Comments
<p><b>Application</b> <b>5-6.1(1)</b> This rule applies to the recruitment of articling students by principals intending to employ articling students at law firms located in the City of Winnipeg, and for purposes of this rule, City of Winnipeg means the part of the City that is bounded by the highway commonly known as the Perimeter Highway. (ENACTED 06/09)</p> <p><b>Recruitment of articling students in Winnipeg</b> <b>5-6.1(2)</b> The following process shall govern the recruitment of articling students in Winnipeg:</p> <ul style="list-style-type: none"><li>(a) a principal may only offer an articling position to a student who has, at a minimum, commenced his or her second year of law studies;</li><li>(b) the chief executive officer must designate the date and time when a principal may communicate an offer of an articling position to a student and the earliest date and time by which the student must accept the offer;</li><li>(c) an offer of an articling position made by a principal must remain open until the acceptance date and time designated by the chief executive officer under subparagraph (b) or any extended period permitted by the principal; and</li></ul>	<p><b>Application</b> <b>5-6.1(1)</b> <del>This rule applies to the recruitment of articling students by principals intending to employ articling students at law firms located in the City of Winnipeg, and</del> For the purposes of this rule, City of Winnipeg means the part of the City that is bounded by the highway commonly known as the Perimeter Highway.</p>	<p>Improved wording. No change to substance of rule.</p>

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Admissions**

Current Wording

Amended Wording

Comments

<p>(d) after the deadline to accept an offer has passed, a principal may offer an articling position to any student who has not yet accepted an offer of articles provided the student has, at a minimum, commenced his or her second year of law studies.</p> <p>(ENACTED 06/09)</p> <p><b>Permission to withdraw from agreement to article in Manitoba</b></p> <p><b>5-6.2</b> Once an offer to article at a firm in Manitoba has been accepted by a student, neither the offeror nor the student may withdraw from the agreement without the permission of the chief executive officer. (ENACTED 06/09)</p> <p><b>Temporary assignment of student</b></p> <p><b>5-7</b> A principal may permit an articling student to attend in the office of another member who meets the criteria set out in rule 5-6(1), for the purpose of the articling student obtaining training in a field that the principal feels he or she is not qualified to instruct, provided:</p> <p>(a) prior written approval is received from the chief executive officer; and</p> <p>(b) the training period is not more than a total of 8 weeks of the term of articles.</p> <p>(AM. 05/07)</p>	<p><b>Temporary assignment of student</b></p> <p><b>5-7</b> A principal may permit an articling student to attend in the office of another member who meets the criteria set out in rule 5-6(1), <del>for the purpose of the articling student obtaining training in a field that the principal feels he or she is not qualified to instruct,</del> provided <u>that</u></p> <p>(a) prior written approval is received from the chief executive officer.; <del>and</del></p> <p>(b) <del>the training period is not more than a total of 8 weeks of the term of articles.</del></p>	<p>Amendment to give effect to CEO's authority to approve of a variety of articling arrangements.</p>
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**Part 5 – Division 1  
Admissions**

Current Wording

Amended Wording

Comments

<p><b>Practice by articling students</b></p> <p><b>5-7.1</b> An articling student may practise law pursuant to section 21 of the Act in accordance with the terms of the Education Plan and Articling Agreement entered into between the articling student and his or her principal. (ENACTED 05/07)</p> <p><b>Responsibility of principal</b></p> <p><b>5-7.2</b> The principal of an articling student must comply with the terms of the Articling Agreement. (ENACTED 05/07)</p> <p><b>Designation of articling student</b></p> <p><b>5-8</b> During the term of articles, an articling student must be publicly designated as an "articling student-at-law", and this designation may be used on business cards and under the articling student's signature. (AM. 05/07)</p> <p><b>Mandatory student participation</b></p> <p><b>5-9(1)</b> An articling student must attend all lectures, seminars, activities and examinations of the bar admission program, and this includes on-line participation in CPLED program activities, assignments, competency evaluations and examinations, unless excused from doing so by the chief executive officer. (ENACTED 04/04) (AM. 05/07)</p> <p><b>Principal to allow participation</b></p> <p><b>5-9(2)</b> A principal must permit an articling student to attend or participate in the activities set out in subsection (1). (AM. 04/04; 05/07)</p>	<p><b>Mandatory student participation</b></p> <p><b>5-9(1)</b> An articling student must attend all lectures, seminars, activities and examinations of the bar admission program, and this includes on-line participation in <del>CPLED</del> program activities, assignments, competency evaluations and examinations, unless excused from doing so by <u>the chief executive officer of the bar admission program.</u> <del>the chief executive officer</del></p>	<p>Removal of CPLED wording and to clarify that CPLED has authority to excuse a student from participation.</p>
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**Part 5 - Division 1  
Admissions**

Current Wording

Amended Wording

Comments

Current Wording	Amended Wording	Comments
<p><b>Grades</b>  <b>5-10(1)</b> An articling student must receive a grade of competency demonstrated, competency not yet demonstrated, deferred or incomplete on competency evaluations, assignments and examinations. (AM. 04/04; 05/07)</p> <p><b>Academic Misconduct</b>  <b>5-10(1.1)</b> An articling student who breaches the CPLED professional integrity policy in respect of a competency evaluation, assignment or examination will receive a grade of competency not yet demonstrated on that competency evaluation, assignment or examination. (ENACTED 09/17)</p> <p><b>5-10(1.2)</b> In addition to assigning a grade of competency not yet demonstrated under subrule (1.1), the chief executive officer may reprimand, suspend, expel from the CPLED program or otherwise discipline an articling student who breaches the CPLED professional integrity policy. (ENACTED 09/17)</p> <p><b>5-10(1.3)</b> The chief executive officer may terminate the articles of an articling student who has been expelled from the CPLED program under subrule (1.2). (ENACTED 09/17)</p>	<p><b>Grades</b>  <del>5-10(1) An articling student must receive a grade of competency demonstrated, competency not yet demonstrated, deferred or incomplete on competency evaluations, assignments and examinations.</del></p> <p><b>Academic Misconduct</b>  <del>5-10(1.1) An articling student who breaches the CPLED professional integrity policy in respect of a competency evaluation, assignment or examination will receive a grade of competency not yet demonstrated on that competency evaluation, assignment or examination.</del></p> <p><b>Discipline for Breaches of Integrity</b>  <b>5-10(1.2)</b> <del>In addition to assigning a grade of competency not yet demonstrated under subrule (1.1),</del> † The chief executive officer may reprimand, suspend, expel from the CPLED program or otherwise discipline an articling student who <u>engages in academic misconduct in the bar admission program breaches the CPLED professional integrity policy.</u></p> <p><b>Termination of Articles for Expelled students</b>  <b>5-10(1.3)</b> The chief executive officer may terminate the articles of an articling student who has been expelled from the <u>CPLED bar admission program</u> <del>under subrule (1.2).</del></p>	<p>Removal of grades as within exclusive jurisdiction of CPLED.</p> <p>Removal of reference to consequences of academic misconduct as within exclusive jurisdiction of CPLED.</p> <p>Amendment to clearly identify that Law Society retains jurisdiction to discipline an articling student who engages in academic misconduct.</p> <p>Amendment to clearly identify that Law Society can terminated the articles of a student who is expelled from CPLED.</p>

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Admissions**

Current Wording

Amended Wording

Comments

<p><b>Successful completion of CPLED program</b>  <b>5-10(2)</b> Subject to rule 5-5(3) and subsection (4), an articling student will have successfully completed the CPLED program if he or she receives a grade of competency demonstrated on all competency evaluations and examinations. (AM. 04/04; 05/07)</p> <p><b>Supplemental competency evaluations and examinations</b>  <b>5-10(3)</b> An articling student who fails to receive a grade of competency demonstrated on a competency evaluation or examination may complete a maximum of three supplemental competency evaluations or examinations. A student who exceeds the maximum number of competency evaluations or examinations must repeat the CPLED program. (AM. 04/04; 05/07; 06/15)</p> <p><b>Passing grade for supplemental competency evaluations and examinations</b>  <b>5-10(4)</b> In order to pass a supplemental competency evaluation or examination, an articling student must receive a grade of competency demonstrated. (AM. 04/04; 05/07)</p> <p><b>Result final</b>  <b>5-10(5)</b> Subject to rule 5-11(1), the result of a supplemental competency evaluation or examination is final.  (ENACTED 04/04) (AM. 05/07)</p>	<p><del><b>Successful completion of CPLED program</b>  <b>5-10(2)</b> Subject to rule 5-5(3) and subsection (4), an articling student will have successfully completed the CPLED program if he or she receives a grade of competency demonstrated on all competency evaluations and examinations.</del></p> <p><del><b>Supplemental competency evaluations and examinations</b>  <b>5-10(3)</b> An articling student who fails to receive a grade of competency demonstrated on a competency evaluation or examination may complete a maximum of three supplemental competency evaluations or examinations. A student who exceeds the maximum number of competency evaluations or examinations must repeat the CPLED program.</del></p> <p><del><b>Passing grade for supplemental competency evaluations and examinations</b>  <b>5-10(4)</b> In order to pass a supplemental competency evaluation or examination, an articling student must receive a grade of competency demonstrated.</del></p> <p><del><b>Result final</b>  <b>5-10(5)</b> Subject to rule 5-11(1), the result of a supplemental competency evaluation or examination is final.</del></p>	<p>Repeal of rule as successful completion of bar admission program within exclusive jurisdiction of CPLED.</p> <p>Repeal of rule as requirements for successful completion of bar admission program within exclusive jurisdiction of CPLED.</p> <p>Repeal of rule as requirements for successful completion of bar admission program within exclusive jurisdiction of CPLED.</p> <p>Repeal of rule as issuance of grades within exclusive jurisdiction of CPLED.</p>
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**Part 5 - Division 1  
Admissions**

Current Wording

Amended Wording

Comments

Current Wording	Amended Wording	Comments
<p><b>Appeal of grades</b>  <b>5-11(1)</b> An articling student who:</p> <p>(a) receives a grade of competency not yet demonstrated on a supplemental competency evaluation or supplemental examination; or</p> <p>(b) is found to have breached the CPLED professional integrity policy</p> <p>may appeal the grade or the finding to the committee within 14 days of being issued the grade or the finding and being advised of the right to appeal. (AM. 04/04; 05/07; 10/07, 09/17)</p>	<p><b>Appeal of grades</b>  <b>5-11(1)</b> An articling student whose <u>articles are terminated under rule 5-10(1.3)</u></p> <p>(a) <del>receives a grade of competency not yet demonstrated on a supplemental competency evaluation or supplemental examination; or</del></p> <p>(b) <del>is found to have breached the CPLED professional integrity policy</del></p> <p>may appeal the <del>grade or the finding</del> termination to the committee within 14 days of <del>being issued the grade or the finding</del> being advised <u>of the termination and</u> of the right to appeal.</p>	<p>Amendment to remove right of appeal from CPLED grades and findings, but retain appeals of decisions to terminate articles for academic misconduct.</p>
<p><b>Stay of Proceedings</b>  <b>5-11(1.1)</b> Subject to subrule 1.2, at the written request of the articling student, the chief executive officer shall stay a decision to suspend or expel the articling student from CPLED or a decision to terminate an articling student's articles for a period of 30 days pending the determination of an appeal under Rule 5-11(1) or for such longer period as the chief executive officer considers just in the circumstances. (ENACTED 09/17)</p> <p><b>5-11(1.2)</b> If an articling student fails to pursue with reasonable dispatch an appeal under subrule (1.1), the chief executive officer may terminate a stay of a decision upon providing 14 days notice to the articling student. (ENACTED 09/17)</p>	<p><b>Stay of Proceedings</b>  <b>5-11(1.1)</b> Subject to subrule 1.2, at the written request of the articling student, the chief executive officer shall stay <del>a decision to suspend or expel the articling student from CPLED or</del> a decision to terminate an articling student's articles for a period of 30 days pending the determination of an appeal under Rule 5-11(1) or for such longer period as the chief executive officer considers just in the circumstances.</p> <p><b>Reasonable Dispatch Required</b>  <b>5-11(1.2)</b> If an articling student fails to pursue with reasonable dispatch an appeal under subrule (1.1), the chief executive officer may terminate a stay of a decision upon providing 14 days notice to the articling student.</p>	<p>Amendment to remove reference to suspension or expulsion from CPLED.</p>

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Admissions**

Current Wording

Amended Wording

Comments

<p><b>Hearings</b> <b>5-11(2)</b> A panel of the appeals sub-committee may hold a hearing to consider an appeal under subsection (1) or to consider a matter referred to it by the chief executive officer. The decision of the panel is final. (AM. 04/04; 05/07; 05/12)</p>	<p style="text-align: center;"><b><u>Transition Rules - CPLED Legacy Program</u></b></p> <p><b><u>Definitions</u></b> <u>5-11(3) In this rule,</u></p> <p><u>“appeals sub-committee” means the sub-committee of the admissions and education committee responsible for considering appeals of grades, findings of academic misconduct and admissions decisions made pursuant to the rules in this division;</u></p> <p><u>“CPLED legacy program” means the society’s <del>pre-call education</del> bar admission program in effect from August 2019 to June 2020;</u></p> <p><b><u>Application of Rules</u></b> <u>5-11(3.1) This rule applies only to articling students who are enrolled in the CPLED legacy program.</u></p> <p><b><u>Grades</u></b> <u>5-11(3.2) An articling student must receive a grade of competency demonstrated, competency not yet demonstrated, deferred or incomplete on competency evaluations, assignments and examinations.</u></p>	<p>Transition rules to allow for conclusion of CPLED legacy program.</p>
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**Part 5 - Division 1  
Admissions**

Current Wording

Amended Wording

Comments

**Academic Misconduct**

**5-11(3.3)** An articling student who breaches the CPLED legacy program's professional integrity policy in respect of a competency evaluation, assignment or examination will receive a grade of competency not yet demonstrated on that competency evaluation, assignment or examination.

**Additional Sanctions**

**5-11(3.4)** In addition to assigning a grade of competency not yet demonstrated under rule 5-11(3.3), the chief executive officer may reprimand, suspend, expel from the CPLED legacy program or otherwise discipline an articling student who breaches the CPLED professional integrity policy.

**Successful completion of CPLED legacy program**

**5-11(3.5)** Subject to rule 5-5(3) and subsection (4), an articling student will have successfully completed the CPLED legacy program if he or she receives a grade of competency demonstrated on all competency evaluations and examinations.

**Supplemental competency evaluations and examinations**

**5-11(3.6)** An articling student who fails to receive a grade of competency demonstrated on a competency evaluation or examination may complete a maximum of three supplemental competency evaluations or examinations. A student who exceeds the maximum number of competency evaluations or examinations must enroll in and complete the new bar admission program.

**Part 5 - Division 1  
Admissions**

Current Wording

Amended Wording

Comments

**Passing grade for supplemental competency evaluations and examinations**

**5-11(3.7)** In order to pass a supplemental competency evaluation or examination, an articling student must receive a grade of competency demonstrated.

**Result final**

**5-11(3.8)** Subject to rule 5-11(1), the result of a supplemental competency evaluation or examination is final.

**Appeal of grades**

**5-11(3.9)** An articling student who:

(a) receives a grade of competency not yet demonstrated on a supplemental competency evaluation or supplemental examination; or

(b) is found to have breached the CPLED legacy program's professional integrity policy

may appeal the grade or the finding to the committee within 14 days of being issued the grade or the finding and being advised of the right to appeal.

**Stay of Proceedings**

**5-11(3.10)** Subject to rule 5.1-12, at the written request of the articling student, the chief executive officer shall stay a decision to suspend or expel the articling student from the CPLED legacy program or a decision to terminate an articling student's articles for a period of 30 days pending the determination of an appeal under rule 5.1-10 or for such longer

**Part 5 - Division 1  
Admissions**

Current Wording

Amended Wording

Comments

<p><b>Criteria for successful completion</b> <b>5-12(1)</b> Subject to subsection (2), an articling student is eligible for call to the bar if he or she:</p> <p>(a) has completed the term of articles under rule 5-5(1);</p> <p>(b) has obtained a satisfactory</p>	<p><u>period as the chief executive officer considers just in the circumstances.</u></p> <p><b><u>Reasonable Dispatch Required</u></b> <b>5-11(3.11)</b> <u>If an articling student fails to pursue with reasonable dispatch an appeal under rule 5.1-11, the chief executive officer may terminate a stay of a decision upon providing 14 days notice to the articling student.</u></p> <p><b><u>Hearings</u></b> <b>5-11(3.12)</b> <u>A panel of the appeals sub-committee may hold a hearing to consider an appeal under rule 5.1-10 or to consider a matter referred to it by the chief executive officer. The decision of the panel is final.</u></p> <p><b><u>Repetition of Bar Admission Program</u></b> <b>5-11(3.13)</b> <u>An articling student who does not successfully complete the CPLED legacy program may apply to the chief executive officer for permission to participate in the new bar admission program, but is only eligible to participate in the CPLED legacy program and the new bar admission program a total of two times.</u></p> <p><b><u>Criteria for successful completion</u></b> <b>5-12(1)</b> <del>Subject to subsection (2), a</del>An articling student is eligible for call to the bar if he or she:</p> <p>(a) has completed the term of articles under rule 5-5(1);</p> <p>(b) has obtained a satisfactory certification from his or her principal;</p>	<p>New rule requiring student who fails to complete legacy program to participate in the new CPLED program, but limiting number of attempts to complete the programs to two.</p> <p>No substantive change. Clearer wording.</p>
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**Part 5 - Division 1  
Admissions**

Current Wording

Amended Wording

Comments

<p>certification from his or her principal;</p> <p>(c) has successfully completed the CPLED program or received an exemption under rule 5-5(3);</p> <p>(d) continues to be of good moral character and a fit and proper person to be called to the bar; and</p> <p>(e) has paid the required fees. (AM. 04/04; 05/07; 10/07; 04/13)</p> <p><b>Certificate of qualification required 5-12(2)</b> A person approved for admission as an articling student under rule 5-4(1)(c) must be a recipient of a certificate of qualification from the NCA to be eligible for call to the bar. (ENACTED 04/13)</p> <p><b>Repetition of CPLED program 5-13</b> An articling student who does not successfully complete the CPLED program may apply to the chief executive officer for permission to repeat the program or any part of it, but is only eligible to repeat the program or any part of it twice. (AM. 04/04; 05/07; 10/07; 05/14)</p>	<p>(c) has successfully completed the <u>bar admission program</u> <del>CPLED program;</del> <del>or received an exemption under rule 5-5(3);</del></p> <p>(d) continues to be of good moral character and a fit and proper person to be called to the bar; and</p> <p>(e) has paid the required fees.</p> <p><del><b>Certificate of qualification required 5-12(2)</b> A person approved for admission as an articling student under rule 5-4(1)(c) must be a recipient of a certificate of qualification from the NCA to be eligible for call to the bar.</del></p> <p><del><b>Repetition of CPLED program 5-13</b> An articling student who does not successfully complete the CPLED program may apply to the chief executive officer for permission to repeat the program or any part of it, but is only eligible to repeat the program or any part of it twice.</del></p> <p><b>Presentation to court 5-13</b> <del>On</del> <u>Following</u> the approval of an application for call to the bar:</p> <p>(a) the applicant must be presented to the Court of Queen’s Bench by a bencher or the chief executive officer <u>at a date and time</u></p>	<p>Repeal of rule as amendments require a CQ to be admitted as an articling student.</p> <p>Rule moved and amendment to accommodate delays in presenting the applicant to the court.</p> <p>Amendment to allow for administrative calls due to the covid-19 pandemic.</p>
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**Part 5 – Division 1  
Admissions**

Current Wording

Amended Wording

Comments

<p><b>Conditional practising certificate</b> <b>5-14</b> The chief executive officer may refuse to issue a practising certificate to an applicant for call to the bar or may impose conditions or restrictions on the practising certificate of the applicant. (AM. 04/04; 05/07; 10/07; 05/12)</p> <p><b>Admission of Law Students</b></p> <p><b>Registration of law students</b> <b>5-15(1)</b> A person may be registered in the society's student register as a law student if the person:</p> <ul style="list-style-type: none"><li>(a) provides proof of enrolment in a law degree program;</li><li>(b) is approved by the chief executive officer to practise law under the control, supervision and authority of a practising lawyer;</li><li>(c) files the required application;</li><li>(d) furnishes all documentation required by the chief executive officer; and</li></ul>	<p><u>determined by the chief executive officer;</u></p> <ul style="list-style-type: none"><li>(b) the presentation must take place at a sitting of the Court of Queen's Bench; and</li><li>(c) the applicant must sign the rolls.</li></ul>	
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**Part 5 – Division 1  
Admissions**

Current Wording

Amended Wording

Comments

<p>(e) pays any required fee. (AM. 05/07; 10/07; 10/08)</p> <p><b>Term of registration</b> <b>5-15(2)</b> Subject to rule 5-16(1), any registration granted under subsection (1) must be for a period of not more than one year. A law student may apply to renew his or her registration prior to its expiry. (AM. 05/07)</p> <p><b>Withdrawal of approval to practice</b> <b>5-16(1)</b> The chief executive officer may withdraw the registration granted under rule 5-15(1) at any time. (ENACTED 05/07) (AM. 10/07)</p> <p><b>Practice by law students</b> <b>5-16(2)</b> A law student may practise law pursuant to section 21 of the Act under the supervision of a practising lawyer. (AM. 05/07)</p> <p><b>Practice by NCA students</b> <b>5-16(3)</b> A person who is registered to take or awaiting the results of examinations or courses prescribed by the NCA has the same rights as a law student under rule 5-16(2), and may be registered in the society's student register if he or she complies with rule 5-15(1)(b),(c),(d) and (e) . An NCA student is also bound by rules 5-15(2) and 5-16(1). (ENACTED 04/13)</p> <p><b>Admission on Exceptional Merit</b> (AM. 10/10)</p> <p><b>Admission on exceptional merit</b> <b>5-17(1)</b> The chief executive officer may approve an applicant to be called to the bar in Manitoba if he or she demonstrates qualifications</p>	<p><b>Admission on exceptional merit</b> <b>5-17(1)</b> The chief executive officer may approve an applicant to be called to the bar in Manitoba if he or she demonstrates qualifications of exceptional merit</p>	
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**Part 5 - Division 1  
Admissions**

Current Wording

Amended Wording

Comments

<p>of exceptional merit and distinction and provides proof that he or she:</p> <ul style="list-style-type: none"> <li>(a) has a bachelor of laws degree, juris doctor degree or graduate law degree from a faculty of common law at a Canadian university (a "Canadian common law degree"), or</li> <li>(b) is the recipient of a certificate of qualification from the NCA, or</li> <li>(c) is a member in good standing of the legal profession in a jurisdiction outside of Canada, in which the applicant is entitled to practice law,</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>(d) files a certificate of standing or its equivalent, issued by each governing body of the legal profession in another province or territory of Canada or outside of Canada of which the applicant is a member and dated not more than 30 days before the date of the application,</li> <li>(e) provides proof that he or she is of good character and a fit and proper person to be admitted,</li> <li>(f) certifies in a prescribed form that he or she has reviewed and</li> </ul>	<p>and distinction and provides proof that he or she:</p> <ul style="list-style-type: none"> <li>(a) has a bachelor of laws degree, juris doctor degree or graduate law degree from a faculty of common law at a Canadian university (a "Canadian common law degree"), or</li> <li>(b) is the recipient of a certificate of qualification from the NCA, or</li> <li>(c) is a member in good standing of the legal profession in a jurisdiction outside of Canada, in which the applicant is entitled to practice law,</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>(d) files a certificate of standing or its equivalent, issued by each governing body of the legal profession in another province or territory of Canada or outside of Canada of which the applicant is a member and dated not more than 30 days before the date of the application,</li> <li>(e) provides proof that he or she is of good character and a fit and proper person to be admitted,</li> <li>(f) certifies in a prescribed form that he or she has reviewed and understands all materials that the chief executive officer requires the applicant to read,</li> </ul>	
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**Part 5 – Division 1  
Admissions**

Current Wording

Amended Wording

Comments

<p>understands all materials that the chief executive officer requires the applicant to read,</p> <p>(g) furnishes all documentation required by the chief executive officer, and</p> <p>(h) pays any required fees. (AM. 05/07; 10/07; 04/09)</p> <p><b>Conditions</b> <b>5-17(2)</b> The chief executive officer may approve an applicant under subsection (1) to be called to the bar in Manitoba with or without conditions. (ENACTED 04/09)</p> <p><b>Example</b> <b>5-17(3)</b> An individual commencing his or her third consecutive year as a fulltime member of the Faculty of Law at the University of Manitoba may apply to be called to the bar under this rule. (ENACTED 04/09)</p> <p><b>Admission of law school faculty</b> <b>5-18</b> Repealed (04/09)</p> <p><b>Presentation to court</b> <b>5-19</b> Repealed 10/10</p> <p><b>Former superior court judge</b> <b>5-20</b> Repealed 10/10</p> <p><b>Former provincial judge</b> <b>5-21</b> Repealed 10/10</p> <p><b>Part-time judge</b> <b>5-22</b> Repealed 10/10</p>	<p>(g) furnishes all documentation required by the chief executive officer, and pays any required fees.</p>	
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**Part 5 - Division 1  
Admissions**

Current Wording

Amended Wording

Comments

<p><b>Former part-time judge</b> 5-23            Repealed</p> <p><b>Application to chief executive officer</b> 5-23.1        Repealed</p>		
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# MEMORANDUM

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**TO:** Benchers

**FROM:** Nominating Committee

**DATE:** April 9, 2020

**RE:** Election of Officers and Amended Bencher Policies

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## Rule Requirements

2-54 At a meeting of the benchers to be held in April in each year, the nominating committee must propose the name of at least one lawyer bencher candidate for the position of president and the names of at least two lawyer bencher candidates for the position of vice-president. Nominations of additional lawyer bencher candidates for the positions of president and vice-president may be accepted at the April meeting, if accompanied by the written consent of each candidate and the written endorsement of two benchers present at the meeting.

## Nominations

The Nominating Committee nominates Lynda Troup for the position of president.

The Nominating Committee nominates Grant Driedger and Wayne Onchulenko for the position of vice-president.

Each of the candidates has consented to their nomination.

Attached are the biographies of Grant Driedger and Wayne Onchulenko.

## Appointed Bencher Policies

In accordance with the direction that you provided at the February 2020 bencher meeting, the bencher policies for the appointment of practising lawyer benchers and lay benchers have been amended to include at Item #13 and Item #12, respectively, the following wording:

*"The Nominating Committee will assess candidates against the skills matrix approved by the Benchers from time to time and will ensure that all candidates possess the required competencies. In recognition of the cultural and historic context in Manitoba, particular regard will be given to Indigenous candidates, whether as an elected or appointed lawyer bencher or lay bencher."*

The revised policies are attached.

Atc.

## GRANT DRIEDGER



You mostly know me, so I'll paste some of my bio at the bottom, read as much as you think is a good use of your time.

Question: How big of a difference is there between President Trump and President Troup? Answer: Not as much as you might think - only one letter! And our next President has better hair.

If elected, I therefore pledge to be the best Grant Pence to President Lynda Troump. I would be forever grateful to serve under such a wise and courageous President. I am certain we all agree that the Law Society has never had a healthier, richer, tougher, taller or smarter President than Lynda (*sorry Anita*). She's truly amazing – daring and charming, fleet of foot and keen of eye. Had she chosen to she could have been on the LPGA or the World Poker Tour, we are so lucky that she instead chose to grace us with her service. She's incredible, absolutely incredible. Long live Lynda!

In all seriousness, I'm honoured to be nominated as a candidate for Vice-President. None of us knows what the next year will bring, except that it will be a year far more different from the prior one than anything we have experienced in a very long time. I have no answers or predictions, except that if elected I will do my best.

### Law Society Committees

Since 2014 I have served on numerous committees, including:

- Admissions and Education Committee 2019 (Chairperson), 2016 (Chairperson)
- Admissions and Education Appeals Committee 2019 (Chairperson), 2016 (Chairperson)
- President's Special Committee on Regulating Legal Entities 2019 (Chairperson)
- Discipline Committee 2019, 2016, 2015, 2014
- Complaints Investigation Committee 2018 (Chairperson), 2017
- Practice and Ethics Committee 2018 (Vice Chairperson), 2017 (Vice Chairperson), 2014
- President's Special Committee on Communications 2017 (Chairperson)
- President's Special Committee on Entity Regulation 2016 (Vice Chairperson), 2015 (Vice Chairperson)
- Equity Committee 2015 (Vice Chairperson), 2014
- Nominating Committee 2015

## **Background**

I was called to the bar in 2002, after having articulated at a Winnipeg firm, which came after graduation from the University of Manitoba. I have been with Smith Neufeld Jodoin LLP in Steinbach since January of 2008.

I grew up on a dairy farm near Grunthal, which is where I graduated from high-school. I now live in Grunthal, with my wife, Allison, our three children (Liam, Avery and Sawyer), and too many pets.

## **Current Practice**

I'm a partner at a firm with 15 lawyers, based in Steinbach. My current practice areas include civil and administrative litigation, as well as a certain amount of real estate, and wills and estate matters.

## **Other Professional Activities**

From May of 2017 until August of 2019 I served as the chair of the *Manitoba Health Appeal Board*, a quasi-judicial body hearing appeals regarding certain health care system matters. I have previously been an adjudicator with the federal *Pipeline Arbitration Committee*, which heard cases arbitrating compensation issues regarding pipelines. From 2008 – 2011 I served as an adjudicator with the *Office of the Commissioner for Review Tribunals*, hearing appeals of benefit applications under the Canada Pension Plan.

## WAYNE ONCHULENKO



Thank you for the honour of considering me for the position of Vice-President of The Law Society of Manitoba.

We are currently faced with unexpected issues - professionally, economically and personally. The fulfillment of our duty to the public and to our members has rarely been more important. While we continue to make progress on our strategic plans, we must take into consideration on our fast-changing circumstances.

The past four years have allowed me to understand better the challenges facing the public and our profession. I believe we have taken steps to meet those challenges by creating and implementing our strategic plan. The new issues we are facing will test everything we have done to date. Frankly, by the time I finish writing this note, I expect we will have new problems to discuss. These too will pass, and hopefully we will learn from these new experiences and emerge stronger and better equipped to serve the public. We can do this by sharing our experiences and priorities and moving forward by executing the current plan and creating a new one for the future.

For those that do not know much about my past experiences, I have practiced at Levene Tadman Golub (and its predecessors) since 1985. For most of that time my preferred area of practice has been civil litigation.

I have been involved with the Canadian Bar Association (currently I am on the Board of Canadian Bar Insurance Association); the Law Society of Manitoba ( I am currently serving as the Complaints Investigation Committee Chairperson, the Investment Committee Chairperson, and the vice-chairperson and the President's Special Committee on Wellness. I also teach CPLED (oral advocacy) and at the Faculty of Law (currently teaching first year Torts, and a member of the Manitoba Law School Foundation).

I believe it is important to give back to a profession that has enhanced the quality of life of lawyers generally and of me personally.

By way of background, I have been president of the Canadian Bar Association, Manitoba Branch (in 2001 and Life Counsel Member), I have served as Treasurer of Canadian Bar Association National (2007-2010) and am a board member of Canadian Bar Insurance Association 2020. Those experiences have taught me to budget and manage cooperatively and consensually within a non-profit volunteer-operated organization. I have been involved in the management of Levene Tadman



Golub for more than 20 years (including serving as the sole managing partner) which has given me insight as to the cost of our maintaining our practices and the value of doing so efficiently. I am also now part of a managing partner group trying to navigate these uncharted waters by sharing experiences and ideas.

I have sat on the Board of Directors of the Forks/North Portage Corporation (1997-2009) and on the Board of Directors of the United Way of Winnipeg (1992-1998). From those experiences I have learned how to work cooperatively with representatives of government and with Crown Corporations.

My current and past involvement with the Canadian Bar Association and with the Law Society of Manitoba committees has given me an appreciation of the different roles played by the Canadian Bar Association (advocacy and service provider) and by the Law Society (regulation and protection of the public interest). It is my belief that those different roles should result in the same or similar decisions made by each body most of the time. What is in the public interest is usually also in the interests of the members of the legal profession.

If elected I will do my best to move the organization forward for the advancement of the interests both of our lawyers and of the public our profession serves in these rapidly changing times.

For your ease of reference, I append a list of committees of the Law Society of Manitoba on which I have served. Thank you for having taken the time to read this.

Wayne M. Onchulenko

## **SUMMARY OF COMMITTEE PARTICIPATION**

- Investment Committee 2016 to 2019 (Chairperson), (2010 to 2015 - Volunteer)
- Complaints Investigation Committee 2019 (Chairperson), 2018, 2017 (Vice Chairperson), 2016
- President's Special Committee on Health and Wellness 2019 (Vice Chairperson)
- Reimbursement Claims Fund Committee 2018 (Vice Chairperson), (2002 - Volunteer)
- Nominating Committee 2019
- President's Special Committee on Communications 2017
- Discipline Committee (2011 to 2014 - Volunteer)
- Practice and Ethics Committee (2011, 2005 to 2008, 2001, 2000 - Volunteer)
- President's Special Committee on Paralegals (2009 - Volunteer)
- President's Special Committee on the Independence of the Legal Profession (2008 - Volunteer)
- President's Code of Conduct Committee (2006 and 2007 - Volunteer)
- Practice and Ethics Code Committee (2005 - Volunteer)
- Professional Liability Claims Fund Committee (2004, 2003, 1999 - Volunteer)



## BENCHER POLICY #1

<b>NAME OF POLICY</b>	<b>Appointment of Benchers - Practising</b>		
<b>APPLICABLE SECTIONS OF THE LEGAL PROFESSION ACT AND RULES</b>	<i>Legal Profession Act</i> , Sections 5, 7(1), 7(1.1), 7(1.2), 7(2), 8 Law Society Rules 2-28.1, 2-32, 2-32.1, 2-50, 2-51, 2-52, 2-61, 2-62		
<b>Approved by the Benchers December 17, 2015</b>	Effective February 18, 2016	Reviewed	Revised October 26, 2017 February 13, 2020

### Appointment of Benchers

1. The Benchers shall appoint four practising lawyers as Benchers following an election of Benchers held under Part 2 of *The Legal Profession Act*.

### Eligibility

2. Each candidate for the position of appointed practising Bencher must:
  - a. Be a practising member of the Society on the 1<sup>st</sup> Monday in March of the appointment year; and
  - b. Not be a Life Bencher or an ex-officio Bencher.
3. At least one of the four appointed practising Benchers must be from the Winnipeg District.
4. At least one of the four appointed practising Benchers must be from outside the Winnipeg District.

## **Term of Appointment**

5. The term of the appointment shall be for two years or until a successor is appointed. The term is renewable by the Benchers to an aggregate limit of eight years of service as a Bencher, whether appointed or elected. Part of a year of service by a Bencher will count as a year of service toward the eight year aggregate limit.

## **Nominating Committee**

6. A Nominating Committee will be appointed by the Benchers in each election year and will consist of the following individuals:
  - a. The Past President (Chair);
  - b. President;
  - c. Vice-President;
  - d. Four Benchers consisting of:
    - i. Two practising lawyer Benchers provided that at least one maintains his or her principal office outside the City of Winnipeg Electoral District; and
    - ii. Two Lay Benchers.

## **Mandate**

7. One mandate of the Nominating Committee will be to solicit and recruit applications and nominations for candidates for the position of appointed Bencher. The Committee will consider candidates based on the skills matrix established by the Benchers from time to time and thereafter will recommend to the Benchers a slate of suitable candidates.

## **Process**

8. Current appointed lawyer Benchers will advise the Chief Executive Officer by January 31<sup>st</sup> in an election year of their intention to seek re-appointment or to run for election as a Bencher.
9. The Nominating Committee will make a public call for nominations/applications following the election held under Part 2 of *The Legal Profession Act* in May of an election year.

10. The Nominating Committee will present a slate of candidates for the position of appointed practising Benchers to the Benchers by no later than the September Bencher meeting following an election held under Part 2 of *The Legal Profession Act*.
11. Where the Nominating Committee recommends that the term of an appointed practising Bencher be renewed, that recommendation may be brought to the Benchers at any time following an election under Part 2 of *The Legal Profession Act*.
12. Where a vacancy arises in relation to an appointed practising Bencher, the Nominating Committee may at any time bring recommendations to the Benchers, who must appoint a practising lawyer to fill the vacancy with all convenient speed.

### **Criteria**

13. The Nominating Committee will assess candidates against the skills matrix approved by the Benchers from time to time and will ensure that all candidates possess the required competencies. In recognition of the cultural and historic context in Manitoba, particular regard will be given to Indigenous candidates, whether as an elected or appointed lawyer bencher or lay bencher.



## BENCHER POLICY #2

<b>NAME OF POLICY</b>	<b>Appointment of Benchers - Lay</b>		
<b>APPLICABLE SECTIONS OF THE LEGAL PROFESSION ACT AND RULES</b>	<i>Legal Profession Act</i> , Sections 5, 7(1), 7(2), 8 Law Society Rules 2-28.1, 2-50, 2-51, 2-52, 2-61, 2-62		
<b>Approved by the Benchers December 17, 2015</b>	Effective February 18, 2016	Reviewed	Revised October 26, 2017 February 13, 2020

### Appointment of Lay Benchers

1. The Benchers shall recommend the appointment of up to six persons as Lay Benchers following an election of Benchers held under Part 2 of *The Legal Profession Act*.
2. The recommendation shall be made to a committee consisting of:
  - a. The Chief Justice of Manitoba or a judge of The Court of Appeal designated by him or her, who shall chair the committee;
  - b. The Minister of Justice and Attorney General of Manitoba; and
  - c. The president of the Association of Manitoba Municipalities.

### Eligibility

3. Each candidate for the position of appointed Lay Bencher must:
  - a. Be resident in Manitoba;
  - b. Not be a member or former member of the Society.

### **Term of Appointment**

4. The term of the appointment shall be for two years or until a successor is appointed. The term is renewable by the Benchers to a maximum limit of eight years. Part of a year of service by a Bencher will count as a year of service toward the eight year maximum limit.

### **Nominating Committee**

5. A Nominating Committee will be appointed by the Benchers and will consist of the following individuals:
  - a. The Past President (Chair);
  - b. President;
  - c. Vice-President;
  - d. Four Benchers consisting of:
    - i. Two practising lawyer Benchers, provided that at least one maintains his or her principal office outside the City of Winnipeg Electoral District; and
    - ii. Two Lay Benchers.

### **Mandate**

6. One mandate of the Nominating Committee will be to solicit and recruit applications and nominations for candidates for the position of appointed Bencher. The Committee will consider candidates based on the skills matrix established by the Benchers from time to time and thereafter will recommend to the Benchers a slate of suitable candidates.

### **Process**

7. Current appointed Lay Benchers will advise the Chief Executive Officer by January 31<sup>st</sup> in an election year of their intention seek re-appointment as a Lay Bencher.
8. The Nominating Committee will make a public call for nominations/applications prior to the election held under Part 2 of *The Legal Profession Act* in May of an election year.

9. The Nominating Committee will present a slate of candidates for the position of appointed Lay Benchers to the Benchers by no later than the September meeting following an election held under Part 2 of *The Legal Profession Act*.
10. Where the Nominating Committee recommends that the term of an appointed Lay Bencher be renewed, that recommendation may be brought to the Benchers at any time following an election under Part 2 of *The Legal Profession Act*.
11. The Benchers will forward to the statutory committee established under Section 7(1) of *The Legal Profession Act* the names of candidates who the Benchers recommend for appointment by the Committee.

### **Criteria**

12. The Nominating Committee will assess candidates against the skills matrix approved by the Benchers from time to time and will ensure that all candidates possess the required competencies. In recognition of the cultural and historic context in Manitoba, particular regard will be given to Indigenous candidates, whether as an elected or appointed lawyer bencher or lay bencher.





## MEMORANDUM

**To: Benchers**  
**From: Darcia Senft**  
**Date: April 16, 2020**  
**Re: President's Special Committee on Regulating Legal Entities:  
Update on Committee work and recent introduction of Bill 28**

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This Committee met three times over 2019 – 2020 and was scheduled to meet again on March 25, 2020. In light of the rapidly developing response to COVID – 19 we had neither prepared materials for the Committee to consider nor did the Committee meet at that time. We will reschedule a meeting to be held remotely later this Spring to consider a final Report from the Committee. In the interim the following is a brief update on what the Committee has been working on as well as the most recent legislative development.

We discussed the categories of service providers (other than lawyers) that currently exist in the market. Some of those persons are authorized to provide such services because they are exempt from the unauthorized practice of law provisions of *The Legal Profession Act* (the "Act"). Others are authorized to provide such services because they are expressly permitted to do so through statutory provisions. There is however a third category of legal services providers who are not lawyers but are technically engaged in the unauthorized practice of law because they have not been permitted in some manner to provide legal services. The Law Society is keenly aware that there is an access to justice crisis and that not every legal service needs to be provided by a lawyer. The practical result is that unless the Law Society becomes aware that a service provider in this third category poses a risk to the public, it typically turns a blind eye to the activities being conducted.

The Benchers decided last year to establish a process to formally permit such service providers to do work that addresses unmet legal needs while considering issues such as competence, accountability and integrity. The Committee has done some considerable work to create a regulatory framework as well as polices that will support the provision of legal services by "permitted legal service providers." The Committee has discussed at some length the kinds of services that increase access to justice and the service providers who appear well-equipped to provide legal services without representing a risk to the public.

Two years ago, following recommendations from a previous President's Special Committee, the Law Society requested amendments to the *Legal Profession Act* that would enable the Law Society to permit additional legal service providers to engage in activities that increase access without increasing risk to the public. As we advised you in early March, the provincial government has now acted on that request and introduced Bill 28 - *The Legal Profession Amendment Act*.

The proposed Act amendments would also authorize the Society to create a new category of legal services providers who would be designated as "Limited Practitioners." The Society would have the authority to determine appropriate scope of practice for these practitioners who are not lawyers and to prescribe any necessary requirements relating to education, insurance and conduct.

There will be many issues to consider in the days ahead and the Act amendments will create further opportunities for the Law Society to increase access to justice, especially in the area of greatest need – family law. If passed the legislation will provide a framework for the Law Society to proceed with consultations with the profession, the courts, the public and other stakeholders to identify the services that could be undertaken by persons with a limited practising certificate.

As part of its mandate, the Committee has also worked on developing a proposed framework for the delivery of legal services through Civil Society Organizations ("CSOs") such as registered charities or incorporated not-for-profits. A CSO is a type of alternative business structure and, last year, a decision was made to allow lawyers to provide legal services to clients of CSOs. The Committee has been working on issues such as registration of the organizations and what conditions would have to be met before a lawyer could provide services through these types of organizations. Consideration will be given to whether any Code amendments should be made.

Finally, we have considered broader issues relating to alternative business structures generally and whether the Society should embark on an initiative that would allow legal services to be provided through other entities that are not law firms.

Each of these issues will be addressed more fully in a report that you will receive after the Committee next meets.