

In response to concerns from both students and the legal profession related to the economic and logistical challenges that are resulting from the COVID-19 pandemic, The Law Society of Manitoba has made changes to the articling requirements to provide flexibility for both students and law firms as they navigate the articling period. These changes directly impact current articling students who are about to complete their 2019-2020 articling term and students scheduled to commence their 2020-2021 articling term later this spring or summer.

### **Changes to duration of articling terms**

Effective immediately, those who are admitted as an articling student in the 2019 or 2020 calendar year will be eligible to be Called to the Bar providing that they have completed all educational requirements and have served articles for a minimum of thirty-six weeks. This will be accomplished through allowing articles to be abridged by up to 16 weeks. Those law firms who are able to continue to employ and effectively supervise their articling students are encouraged to do so for the usual 52 week term.

Students who are scheduled to begin their articles in 2020 may begin as late as October 1, 2020 and will still be eligible to be called to the Bar in June 2021.

### **FAQs**

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#### **1. Why did the Law Society choose 36 weeks as the minimum term of articles?**

The Law Society decided on a minimum articling term of thirty-six weeks after considering the existing articling periods in other Canadian jurisdictions and the reduced articling terms that have been introduced by other Law Societies as a response to COVID-19.

#### **2. Does this change encourage law firms to terminate articles after thirty-six weeks?**

The intent of changing the duration of the articling term is to provide flexibility and hopefully create more opportunities for law firms and organizations to determine if they are financially able to keep students. Whether a student articles for as few as 36 weeks or as many as 52 weeks will be a decision made between the law firm/organization and student.

### **3. Why did the Law Society choose a range of weeks for articling?**

The goal of these changes is to create flexibility for firms, courts, Principals and students in these challenging times. Some firms or organizations with highly developed articling programs and rotation systems may prefer to have students article for a full 52 weeks so their programs are not disrupted. Other firms may prefer, for financial or other reasons that have arisen due to COVID-19, to shorten the articling term to less than 52 weeks. A student may decide that personal circumstances require articles to be shortened. Again, the intention here is to create flexibility and allow firms and students to decide what works best in their circumstances.

### **4. How should I mentor and support my articling student during the COVID-19 pandemic?**

Supervision of an articling student who is working remotely could take the form of daily telephone calls to check-in, videoconferencing, increased email communication, use of SharePoint sites to review work product, etc. There should be a plan between the student and principal about how to communicate should the student need help and they are not in the office. Consider having backup contact information for another active lawyer that a student can reach out to for assistance in the event a principal becomes ill or is not available. As long as supervision occurs (remotely or otherwise,) the student would still be considered to be articling.

### **5. If I am a principal, what are my responsibilities to my articling student and the Law Society if I am no longer able to abide by the terms of an articling agreement because of the COVID-19 pandemic?**

A principal ought to have a conversation with the articling student about the term of articles and decide if an abridgment is appropriate in the circumstances. Once a decision has been made, if it is mutually decided that the employment relationship between the principal and articling student will end before the agreed upon end date of the articling term, or the term of articles will be less than 52 weeks, you must notify the Law Society immediately. Please send a letter, signed by the student and principal, to the attention of Richard Porcher at rporcher@lawsociety.mb.ca indicating the end date of the articling term.

If you do not anticipate any changes and the articling student will article for the full 52 weeks you do not need to notify the Law Society.

## **6. What if a reduction in articles is not mutually agreed upon?**

If the proposed termination is not mutual, please send a letter to the Law Society to the attention of Richard Porcher at rporcher@lawsociety.mb.ca setting out the circumstances of the proposed termination and verifying that the other party has been notified of such proposed termination.

## **7. What options are available to articling students if they are laid off or lose an articling position?**

An articling student will be eligible to be Called to the Bar if the student has:

- Successfully completed all the requirements of CPLED (or PREP);
- Served a minimum of thirty-six weeks of articling; and
- Been determined to be competent by their principal.

If those criteria have been met the student may submit an Application for Call to the Bar.

Students who have yet to complete the requirements of CPLED must do so before being eligible for Call.

## **8. If a student is scheduled to begin articles in 2020 and the student and firm intend to reduce the articling period to less than 52 weeks what notice must be provided to the Law Society?**

Students already approved as articling students do need to let the Law Society know of any changes in the anticipated length of the articling term.

If you are submitting a confirmation of articles to begin in 2020 you will be asked to indicate the anticipated length of the articles. Students may commence their articles as late as October 1, 2020 and still be eligible for the Call to the Bar in June 2021.

## **9. How long will this rule change remain in effect?**

The reduction in the term of articling is a temporary measure to assist students and firms through very challenging economic times. It is difficult to assess how long the COVID-19 pandemic will last and what the future economic impacts will be in Manitoba. The Benchers have committed to continuing to monitor the impact of COVID-19 on articling. The Benchers will review these changes to the articling requirements by the end of 2021 (or earlier if required) once we have a fuller understanding of the impact of the change on the profession. Any Rule changes will be communicated to the profession.

**10. Does the change to articling have any impact on the PREP program?**

The decision to shorten the articling period has no impact on the duration or published schedule of the PREP program. Students do not have to be working as an articling student to commence PREP. The changes to the articling term allow for the opportunity for students to start PREP in the summer of 2020 thereby completing a portion of the program before joining a firm. This is a matter for the firm, Principal and student to decide. The ability to take PREP in its entirety, in the absence of an articling position, has not yet been determined.

**11. Will the Mass Interviews for Articling Positions for 2022 Calls Proceed in June 2020?**

We have heard from both students and law firms that they are concerned about their ability to meaningfully participate in the mass interviews for the recruitment of articling students for the City of Winnipeg for 2021-22 scheduled to be conducted in June of 2020. As a result the interviews will be postponed indefinitely, likely to be rescheduled to the Fall of 2020. New Recruitment Guidelines under Rule 5-6.1(2) for positions for the 2021-22 year will be issued in due course.