



# AGENDA

## Benchers

Date: Thursday, May 28, 2020

Time: 12:30 pm

Location: Via Videoconference and Teleconference

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
<b>1.0 PRESIDENT'S WELCOME AND TREATY ACKNOWLEDGEMENT</b>					
	The President will welcome benchers and guests to the meeting.				
<b>2.0 IN MEMORIAM</b>					
	<p><b>Dennis Hugh Ringstrom</b>, 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 for 32 years, retiring in 1998.</p> <p><b>The Honourable Guy Joseph Kroft</b>, who passed away on April 15, 2020 at the age of 85. Mr. Kroft received his call to the Bar on May 27, 1959. He practised as an associate and partner with the firm known today as Thompson Dorfman Sweatman LLP for 20 years. In 1979 Mr. Kroft was appointed a judge of the Court of Queen's Bench and in 1993 was appointed a judge</p>				

of the Manitoba Court of Appeal. He retired from the bench in 2007. Mr. Kroft served as a bencher of the Law Society from 1974 to 1979. He was appointed Queen's Counsel in 1977.

**David Patrick Negus**, who passed away on April 26, 2020 at the age of 63. Mr. Negus received his call to the Bar on June 22, 1995. He practised up to the date of his death with the firm known today as MLT Aikins LLP.

**Michael John Law**, who passed away on May 4, 2020 at the age of 51. Mr. Law received his call to the Bar on June 24, 1993. He practised law with Chapman Goddard Kagan for 22 years.

ITEM	TOPIC	TIME (min)	SPEAKER		ACTION
------	-------	------------	---------	--	--------

**3.0 CONSENT AGENDA**

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.

3.1	Minutes of April 23, 2020 Meeting	5			Approval
-----	-----------------------------------	---	--	--	----------

**4.0 EXECUTIVE REPORTS**

4.1	President's Report	5	Anita Southall	To be received	Briefing
4.2	CEO Report	10	Kris Dangerfield		Briefing

**5.0 NOMINATING COMMITTEE REPORT**

5.1	Report to Benchers	10	Kathy Bueti	To be received	Discussion/ Decision
5.2	Appointment of Benchers	5			Decision
5.3	Approval of Nominating Committee Report	5		To be received	Decision
5.4	Awarding of Life Bencher Status to President Anita Southall	10			Decision

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
5.5	Thank You to Past President Kathy Bueti	10			
5.6	Awarding of Life Bencher Status to Richard Buchwald	5			Decision
<b>6.0 DISCUSSION/DECISION</b>					
6.1	Rule Amendments - Part 5, Division 1 - Admissions	10	Leah Kosokowsky	Attached	Discussion/ Decision
6.2	Report of the President's Special Committee on Health and Wellness	20	Sacha Paul	Attached	Discussion/ Decision
6.3	Report of the President's Special Committee on Regulating Legal Entities	20	Grant Driedger	Attached	Discussion/ Decision
<b>7.0 COMMITTEE REPORTS</b>					
7.1	Complaints Investigation Committee	5	Wayne Onchulenko	Attached	Briefing
7.2	Discipline Committee	5	Sacha Paul	Attached	Briefing
<b>8.0 MISCELLANEOUS BUSINESS</b>					
8.1	Insurance Levy	10	Kris Dangerfield		Briefing
<b>9.0 MONITORING REPORTS</b>					
9.1	Investment Compliance	10	Kris Dangerfield	Attached	Briefing
<b>10.0 FOR INFORMATION</b>					
10.1	2020 Bencher Election Results			Attached	Information
10.2	Media Reports			Attached	Information



---

# MEMORANDUM

---

**TO:** Benchers

**FROM:** Nominating Committee

**DATE:** May 26, 2020

**RE: Report and Recommendations**

---

The Nominating Committee was appointed in October 2019 and tasked with a number of responsibilities which included looking at issues around the recruitment of candidates for the 2020 election and conducting a review of the appointment process for appointed benchers and candidates for committees. The Committee consists of Kathy Bueti (Chair) Anita Southall, Lynda Troup, Ashley Joyce, Christian Monnin, Pat Kloepfer and Brian McLeod. The Committee first met on December 13, 2019 and March 9, 2020 and made reports to the benchers at your February and April meetings which led to the amendment of the appointed bencher policies in April of this year.

The Committee recommended very early on that there be more outreach to encourage candidates to run in the election and to put their names forward for the position of appointed bencher candidates. As a result, an Information Session was held for the profession at the Law Society on February 20, 2020 to share insights into the work of the Law Society and the experience of a bencher. We also reached out in a more comprehensive way through our website, through twitter and via a fantastic awards show worthy video performance from Anita Southall encouraging lawyers to consider becoming a bencher.

The election took place in late April and May and the hard work of the Committee was evident. A slate of 20 very impressive lawyers ran in Winnipeg which was a significant increase over previous years. On May 6 the results were tabulated and you will see the results elsewhere in your agenda. Once the elected benchers were identified the Committee was in a position to proceed with its work in relation to appointed benchers.

In April the Law Society began to advertise for applicants for appointed benchers and we received a total of 32 applications for the lay bencher positions and 33 applications for the appointed lawyer bencher positions.

The Committee met on May 11 to consider the results of the election, consider whether any gaps existed and to review the applications for the position of lay bencher. They met again on May 14 to review applications for appointed lawyer benchers. At each meeting they considered the applicants in the context of the newly elected bencher table, the skills matrix approved by the benchers and the appointed bencher policies. The Committee gave careful consideration to addressing issues in relation to gender diversity given the results of the election which saw only one woman in the pool of 11 elected benchers. The Committee also considered the value of having benchers from outside the City of Winnipeg, whether as lay benchers or appointed lawyer benchers. A short list in each group was made and those individuals were interviewed by a subset of the Committee on May 20 and 21, 2020.

The Committee met again on May 25 to receive feedback on the interviews and to make a determination as to the slate of appointed lawyer benchers and lay benchers to be recommended to the benchers. Upon arriving at those recommendations the Committee proceeded to consider the make-up of Law Society committees and make recommendations to populate those committees and appoint representatives to the boards and committees of external organizations.

The Committee is pleased to recommend that Jessica Saunders be re-appointed and that in addition the following lawyers be appointed as lawyer benchers:

Anu Osborne  
Joelle Pastora Sala  
Kelli Potter

You will find the resumes of Anu, Joelle and Kelli attached to this memo.

With respect to lay benchers, four of the six current benchers applied to be re-appointed. Dr. Arneja was unable to re-apply as he has moved to British Columbia and so is no longer eligible to serve as a bencher. Neil Cohen has had a very busy year given the impact of COVID on his day job and has decided not to seek re-appointment. The Committee recognizes the enormous contributions they have each made to the Law Society.

The Committee is pleased to recommend the following slate of candidates, which includes each of the four lay benchers seeking re-appointment:

Susan Boulter  
Miriam Browne  
Pat Kloepfer

Brian McLeod  
Tehani Jainarine  
Anna Maria Magnifico

You will find the resumes of Tehani Jainarine and Anna Maria Magnifico attached to this memo.

It is also this Committee's job to recommend one of the lay benchers to serve as the Executive Member at Large. The Committee is pleased to recommend that Susan Boulter serve in this capacity for a two year term.

Neil Cohen has also advised that he wishes to continue serving on adjudicative panels for the Law Society. The Committee is therefore recommending that he be appointed a public representative.

We are also proposing Committee assignments for each of the benchers which you will see in the attached report. The Nominating Committee also typically recommends that volunteers and others be appointed to serve on committees. We have recommended that as many of those as can reasonably be accommodated be appointed to committees, in particular many of those who put their names forward to be appointed as benchers or who ran in the election.



---

# Report of the Nominating Committee

## 2020 - 2021 COMMITTEES

---

It is recommended that the Committees of the Law Society of Manitoba be comprised of the following members:

**Note:** The President and Vice-President are ex-officio members of all committees except the Discipline Committee and the Admissions and Education and Trust Safety Appeals Committee.

---

### STANDING COMMITTEES

- ◆Denotes Life Bencher
- \*Denotes Volunteer
- \*\*Denotes Public Representative

#### Admissions and Education Committee

Paul, Sacha (Chairperson)  
Browne, Miriam (Vice Chair)  
Broadfoot, Mason  
Carson, Shannon\*  
Chornopyski, Daniel\*  
Dean of the Faculty of Law  
Effler, Barry\*  
Hamm, Sharyne\*  
Hirsch, Jeff◆  
Kloepfer, Patricia  
Leibl, Leah\*  
Marr, David\*  
Monnin, Christian  
Murray, Elizabeth\*

Onchulenko, Wayne  
Pastora-Sala, Joelle  
Pelletier, Karine\*  
Piper, Penny\*  
Rachlis, Vivian\*  
Scaletta, Dean◆  
Student Bencher  
Van Iderstine, Helga◆  
Wiebe, Gerri◆

Staff: Derksen, Eileen  
Holmstrom, Joan  
Porcher, Richard

## **Admissions and Education Appeals and Trust Safety Appeals Sub-Committee**

Paul, Sacha (Chairperson)  
Onchulenko, Wayne (Vice Chair)  
Broadfoot, Mason  
Browne, Miriam  
Cohen, Neil\*\*  
Dean of the Faculty of Law  
Grindey, Marston\*\*  
Kloepfer, Patricia  
Marr, David\*  
McCarthy, Lynne\*\*  
Molloy, Kenneth\*\*  
Monnin, Christian

Morrison, Maureen\*\*  
Nedohin, Carmen\*\*  
Oakley, Sandra\*\*  
Rachlis, Vivian\*  
Richmond, Keely\*\*  
Scaletta, Dean♦  
Student Bencher  
Wiebe, Gerri

Staff: Derksen, Eileen  
Holmstrom, Joan  
Porcher, Richard

## **CPLED Appeals Sub-Committee**

Hirsch, Jeff♦  
Monnin, Christian  
Paul, Sacha  
Rachlis, Vivian\*  
Scaletta, Dean♦

Wiebe, Gerri

Staff: Derksen, Eileen  
Holmstrom, Joan  
Porcher, Richard

## **Complaints Investigation Committee**

Monnin, Christian (Chairperson)  
Saunders, Jessica (Vice Chair)  
Chahal, Gurdeep\*  
Hirsch, Jeff♦  
Joyce, Ashley  
Leven, Elliot\*  
McLeod, Brian  
Osborne, Anu  
Potter, Kelli  
Raposo, Sam\*

Sholdice, Cindy\*  
Shore, Sean\*  
Stewart, Derrick\*  
Tyler, Bob\*

Staff: Bernardo, Noelia  
Billinkoff, Susan  
Donaldson, Chris  
Houser, Jennifer



## Discipline Committee

Scott, Hon. Richard♦ (Independent Chairperson)

Paul, Sacha (Vice Chair)

Campbell, Q.C., Roberta♦ (Conflicts Chair)

Bates, Gordon♦

Bedford, Douglas♦

Bellay, Victor\*

Black-Branch, Dr. Jonathan

Blatz, Karlee\*

Boulter, Susan

Broadfoot, Mason

Browne, Miriam

Buchwald, Richard♦

Bueti, Katherine♦

Christianson, Q.C., Bjorn♦

Cohen, Neil\*\*

Cram, John♦

Dear, Kyle\*

Deeley, Richard♦

Douglas, Donald\*

Effler, Barry\*

Ferguson Sain, Q.C., Lori\*

Finkbeiner, Q.C., Douglas♦

Finlayson, Michael\*

Finnbogason, Catherine\*

Fraser, Patricia♦

Gange, William♦

Gilmour, Gary♦

Good, Richard\*

Gray, David♦

Grindey, Marston\*\*

Grower, Paul

Hamilton, Q.C., Irene♦

Hedley, James\*

Hirsch, Jeff♦

Jainarine, Tehani

Janzen, Jake\*

Kavanagh, Tony

Kloepfer, Patricia

Knight, Q.C., Donald♦

Lee, Brock♦

Leibl, Q.C., Ellen\*

Leonoff, Q.C., Heather♦

Magnifico, Anna Maria

Mandzuik, Ken

McCarthy, Lynne\*\*

McLandress, Q.C., James♦

Mitchell, Q.C., Grant♦

Molloy, Kenneth\*\*

Morrison, Maureen\*\*

Nedohin, Carmen\*\*

Neufeld, Q.C., John♦

Oakley, Sandra\*\*

Onchulenko, Wayne

Pastora Sala, Joelle

Pauls, Brian♦

Richmond, Keely\*\*

Scaletta, Dean♦

Secter, Harvey\*

Semchuk, Alan♦

Shaw, James\*

Sims, Q.C., Norman♦

Sinclair, Vincent

Smorang, Q.C., Garth♦

Southall, Anita♦

Stefanson, Grant\*

Stevenson, Diane♦

Stewart, Wendy\*

Swayze, David♦

Theule, Gerrit\*

Toews, Mark\*

Turnbull, Dr. Lorna\*

van der Krabben, Jon♦

Wiebe, Gerri

Staff: Kosokowsky, Leah

### **Equity Committee**

Saunders, Jessica (Chairperson)  
Joyce, Ashley (Vice Chair)  
Black-Branch, Dr. Jonathan  
Carson, Shannon\*  
Dyck, Karen\*  
Jainarine, Tehani  
Khan, Isha\*

Mandzuik, Ken  
Neville, Elissa\*  
Phillips, Sandra\*  
Theule, Gerrit\*

Staff: Schacter, Alissa

### **Practice and Ethics Committee**

Sinclair, Vincent (Chairperson)  
Grower, Paul (Vice Chair)  
Broadfoot, Mason  
Dear, Kyle\*  
Evans, Greg\*  
Innes, Sarah\*  
Kavanagh, Tony  
Laviolette, Sidney\*  
Magnifico, Anna Maria

Malabar, Jennifer\*  
Martin-White, Wendy\*  
Masi, Nunziati\*  
Rumore, Nadia\*  
Terra, Maureen\*  
Zander, Bradley\*

Staff: Senft, Darcia

### **Professional Liability Claims Fund Committee**

Paul, Sacha (Chairperson)  
Joyce, Ashley (Vice Chair)  
Boulter, Susan  
Bowley, Bernice\*  
Dixon, Kelly\*  
Funke, Jay\*

Goldenberg, Eli\*  
Southall, Anita♦  
Van Iderstine, Helga♦  
Zander, Bradley\*

Staff: Christianson, Tana

### **Reimbursement Claims Fund Committee**

Paul, Sacha (Chairperson)  
Joyce, Ashley (Vice Chair)  
Kloepfer, Patricia  
Bowley, Bernice\*  
Dixon, Kelly\*  
Funke, Jay\*

Goldenberg, Eli\*  
Southall, Anita ♦  
Van Iderstine, Helga♦  
Zander, Bradley\*

Staff: Christianson, Tana

## SPECIAL COMMITTEES/WORKING GROUPS

### Access to Justice Steering Committee

Wiebe, Gerri (Co-Chairperson)  
McLeod, Brian (Co-Chairperson)  
Jainarine, Tehani  
Pastora Sala, Joelle  
Soldier, Stacey\*

Sacouman, Sr. Lesley\*  
Stakeholder Reps as Appointed  
  
Staff: Senft, Darcia

### Access to Justice Stakeholders Sub-Committee

Wiebe, Gerri (Chairperson)  
McLeod, Brian (Vice-Chair)

Stakeholder Reps as Appointed  
Staff: Senft, Darcia

### Investment Committee

Onchulenko, Wayne (Chairperson)  
Kloepfer, Patricia (Vice Chair)  
Lerner, Brian\*  
Magnifico, Anna Maria  
Moen, Bryton\*  
Shore, Sean\*

Swayze, David♦  
  
Staff: Dangerfield, Kristin  
Christianson, Tana  
Malone, Colleen

### Nominating Committee

Bueti, Katherine♦ (Chairperson)  
Joyce, Ashley  
Kloepfer, Patricia  
McLeod, Brian  
Monnin, Christian

Southall, Anita  
Troup, Lynda  
  
Staff: Dangerfield, Kristin  
Kosokowsky, Leah

### The President's Special Committee on Regulating Legal Entities

Onchulenko, Wayne (Chairperson)  
Monnin, Christian (Vice Chair)  
Boulter, Susan  
Bueti, Katherine♦  
Cohen, Neil\*\*  
Grower, Paul  
Kravetsky, Q.C., Sharon\*  
Mandzuik, Ken

Potter, Kelli  
Theule, Gerrit\*  
Webb, Karen\*  
Yusim, Norman\*  
  
Staff: Dangerfield, Kris  
Senft, Darcia

### **The President's Special Committee on Health and Wellness**

Sinclair, Vincent (Chairperson)

Wiebe, Gerri (Vice Chair)

Arnason, Lynne\*

Browne, Miriam

Cantafio, Frank\*

Dear, Kyle\*

Fainstein, Lisa\*

Hiebert-Simkin, Cynthia\*

McLandress, Q.C., James♦

McLeod, Brian

Mitousis, Maria\*

Osborne, Anu

Pinkowski, K.K.\*

Rachlis, Vivian\*

Southall, Anita♦

Staff: Dangerfield, Kris  
Kosokowsky, Leah  
Derksen, Eileen

### **Richard J. Scott Award Selection Committee**

Scott, Hon. Richard♦ (Chairperson)

Boulter, Susan

Steel, Madam Justice Freda\*

Troup, Lynda

Van Iderstine, Helga♦

Staff: Dangerfield, Kris

# LAW SOCIETY REPRESENTATIVES TO OTHER COMMITTEES, BOARDS AND ORGANIZATIONS

## **Canadian Centre for Professional Legal Education (CPLED)**

Hamilton, Q.C., Irene♦

Dangerfield, Kristin

## **Community Legal Education Association (CLEA)**

Effler, Barry\*

## **Electronic Courts Committee**

Bedford, Douglas♦

## **E.J. McMurray Scholarship Fund Committee**

Cole, Q.C., Peter♦

## **Federation of Law Societies of Canada Council**

Swayze, David♦ (expires November, 2020)

## **Law Faculty Council**

McLandress, Q.C., James♦

## **Legal Data Resources (Manitoba) Corporation (LDRC)**

Bedford, Douglas♦

Scaletta, Dean♦

## **Legal Help Centre**

Bueti, Katherine♦

## **Legal Research Institute of Manitoba**

Scaletta, Dean♦

## **Manitoba Law Foundation**

Cram, John♦ (expires August, 2021)

Kloepfer, Patricia (expires August, 2022)

Sinclair, Vincent (expires August, 2023)

## **Manitoba Law School Endowment Fund**

McLandress, Q.C., James♦

## **Queen's Bench Statutory Rules Committee**

Finlayson, Michael\*

Webb, Karen\*

## **The Property Registry Stakeholders Council**

Stewart, Derrick\*

Craton, Kate



**The Law Society  
of Manitoba**

INCORPORATED 1877 | INCORPORÉ EN 1877

---

## MEMORANDUM

---

**To:** Benchers

**From:** Leah Kosokowsky

**Date:** May 20, 2020

**Re:** Rule Amendments – Part 5 – Division 1 - Admissions

---

At the meeting of the benchers on April 23, 2020, you approved amendments to the admissions rules so as to accommodate the delivery of the PREP program directly by CPLED. The rule amendments have been translated into French and are attached for your final approval. I also attach a Certificate of Translation.

The CPLED board has adopted a policy for the appeals of decisions and assessments issued by CPLED, a copy of which I attach for your information.

LCK/atc.

# PREP Reconsideration and Appeal Policy

---

Internal Document

## I. Introduction

### *1.1. General Information*

CPLLED's Reconsideration and Appeal Policy (Policy) is applicable across all PREP participating jurisdictions. The reconsideration process allows CPLLED to manage and potentially resolve a student's concern regarding decisions made by the CEO of CPLLED, possibly eliminating the need for an appeal. In the reconsideration process, a student may request the CEO to review appealable decisions using relevant information and documentation. The internal review also gives the CEO an opportunity to provide the student with additional information and/or to explain policies and procedures in greater detail.

If the student is not satisfied with the outcome of the reconsideration process, the student may then appeal the CEO's initial decision, and the appeal process will commence. An Appeal Panel will be constituted to review the appeal. See Appendix I for an illustration of the reconsideration and appeal process.

The Policy sets out the rules and procedures that govern appeals within PREP. The Policy is:

- a) transparent and thorough, with procedures clearly documented and available to students on CPLLED's website and in the Student Guidebook. Students are informed at each stage of the appeal as the appeal progresses;
- b) fair and accessible because the policy is consistent across all jurisdictions and the Appeal Panel includes representation from the student's home jurisdiction; and
- c) timely because it allows for each stage of the appeal to be conducted in an efficient manner to allow the appeal to be concluded without delay.

## 1.2. Definitions

- **“Appeal Panel”** means the members assigned to hear an appeal;
- **“Appeal Committee”** means the committee responsible for considering appeals of the CEO’s decisions in accordance with this policy;
- **“Appeals Coordinator”** means the person responsible for coordinating the appeal. The Appeals Coordinator is a CPLED employee;
- **“Appellant”** means the individual filing an appeal;
- **“Capstone re-assessment”** means a re-attempt at the Capstone which is available to students who do not meet entry-level competence at the Capstone;
- **“CEO”** means the Chief Executive Officer of CPLED or the CEO’s designate who oversees the application of the Appeal Policy;
- **“Home jurisdiction”** means the law society in which the Appellant is a registered student member. If the student has not secured an articling position and is registered in the Foundation Modules, then the Appellant’s home jurisdiction is the location of CPLED’s head office which is in Alberta;
- **“Law society”** includes the Law Society of Alberta, the Law Society of Saskatchewan, the Law Society of Manitoba and the Nova Scotia Barristers’ Society.

## 2. Grounds for Reconsiderations and Appeals

In certain circumstances, a student has the right to ask the CEO to reconsider a decision and, if not satisfied with the CEO’s reconsideration, can appeal the decision. A student may ask for a reconsideration of and appeal only the following decisions:

- a) a denial of admission;
- b) a suspension or expulsion from PREP;
- c) a requirement to repeat PREP;
- d) an inability to repeat PREP after reaching the maximum number of allowed attempts;
- e) results of the Capstone re-assessment; or
- f) an assessment result based on the ground of a failure to accommodate.



### 3. The Reconsideration Process

#### 3.1. Request and Submission for Reconsideration

Students may request a reconsideration of a decision listed in Section 2 within fourteen calendar days of receiving the decision. A request must be made in writing to the CEO and must include relevant information and documentation.

#### 3.2. Review by CEO

The CEO will review the information and documents submitted by the student. The CEO will complete the review in a timely manner upon receiving the student's request for reconsideration and the CEO will inform the student in writing of the outcome of the review. The student will be informed that if they are not satisfied with the CEO's reconsideration of the decision, they can appeal the original decision and will be provided with information about the appeal process.

### 4. The Appeal Process

#### 4.1. Mandatory Notice of Appeal

If the student is not satisfied with the outcome of the Reconsideration Process, the student may appeal the decision listed in Section 2. A student who intends to appeal must electronically submit a Notice of Appeal to the Appeals Coordinator within fourteen calendar days of the date they receive the CEO's decision on the reconsideration. See Appendix II for a copy of the Notice of Appeal form.

The appellant must pay the appeal fee specified on CPLED's website.

The Appeals Coordinator will send the appellant an electronic notification confirming receipt of the Notice of Appeal and payment of the appeal fee. The Appeals Coordinator will also send an outline of the appeal process. The Appeals Coordinator will send the appellant the panel composition to review and confirm that there are no conflicts or objections to the composition of the panel.

The Appeals Coordinator will provide a copy of the completed Notice of Appeal to the Chairperson of the Appeals Committee and to counsel for CPLED.

#### 4.2. Required Materials and Legal Representation

Appellants must file their appeal materials electronically. Appellants can direct questions about submissions and the appeal process to the Appeals Coordinator.

An appellant's materials must contain:

- a) the written grounds for appeal;
- b) written submissions to support the appellant's appeal and relevant evidence to support the grounds for appeal.

An appellant may retain legal counsel, and notify CPLED of the same, to represent them on appeal. The appellant is responsible for paying the legal fees, disbursements and costs of their counsel.

#### **4.3. Scheduling the Appeal**

The Appeals Coordinator will schedule the appeal when the appellant's appeal materials have been received. The appeal will be scheduled within a reasonable time.

The Appeals Coordinator will forward all appeal materials, submissions and evidence to the Appeal Panel at least 14 calendar days prior to the date of the appeal.

#### **4.4. CPLED Counsel**

CPLED and its counsel will provide a written submission for the reply and must do so within a reasonable time. The appellant's Home jurisdiction is responsible for providing legal counsel to CPLED to conduct the appeal. It is up to the discretion of the law society to decide whether it wants to appoint in-house or external counsel for PREP appeals. CPLED may retain legal counsel to act on appeals. Legal counsel will take instructions from the CEO regarding the carriage of the appeal.

#### **4.5. Materials Provided to Appellant and CPLED Counsel**

The appellant and counsel for CPLED will receive a copy of all materials considered by the CEO in making both the initial decision and the reconsideration decision, with the exception that privileged information will not be provided to the appellant.

## **5. The Appeal Panel**

#### **5.1. Establishment of Appeal Committee**

Each law society will appoint a minimum of six practising lawyers to the Appeal Committee. In addition, the law societies of the Northwest Territories and Nunavut will appoint one practising lawyer each to the Appeal Committee. The Chairperson of the Appeal Committee will rotate annually among the Law Societies of Alberta, Saskatchewan, Manitoba and the Nova Scotia Barristers' Society and will be appointed by the appropriate law society from one of the six members from that jurisdiction.

CPLED will provide annual training to the Appeal Committee.

#### **5.2. Role of the Appeal Panel**

The Appeal Panel will consider all materials filed in the appeal and will render a decision on the appeal. The Appeal Panel is allowed to add conditions.

### **5.3. Composition**

The Chairperson of the Appeal Committee will appoint three committee members to the Appeal Panel, at least one of whom must be from the home jurisdiction of the appellant.

The Chairperson of the Appeal Committee will appoint one-panel member to be the Chairperson of the Appeal Panel. The Vice-Chair of the Appeal Committee can appoint the Chairperson of the Appeal Panel in the absence of the Chairperson.

If the Appeal Panel is reduced after the appeal commences, the two remaining members of the Appeal Panel may continue to act as the Appeal Panel.

### **5.4. Meeting of the Appeal Panel**

The Appeal Panel may meet in any manner, including by teleconference, video conference, or in-person.

### **5.5. Power to Consult**

The Appeal Panel may consult external legal counsel at any stage of the appeal.

## **6. Appeal Format**

### **6.1. Appeal in Writing**

The Appeal Panel will consider an appeal based solely on written materials unless the appellant requests an oral hearing or the Chairperson of the Appeal Panel directs an oral hearing.

### **6.2. Oral Hearing**

If an oral hearing is convened by the Appeal Panel, the Appeals Coordinator will notify the Appellant of the location of the appeal hearing not less than 14 days before the scheduled oral hearing date.

Witnesses, including the appellant, may be called during oral hearings only with leave of the Appeal Panel and only in exceptional circumstances as may be determined by the Appeal Panel. The testimony of an appellant or witness at an oral hearing must be taken under oath unless the panel waives the requirement.

Oral hearings will be recorded. A transcript is only ordered if a party requests it and that requesting party shall pay for the transcript at their sole cost and expense.

An Appellant who appears before the Appeal Panel at an oral hearing will do so at their own expense.

Appeal hearings are not open to the public.

### ***6.3. Additional Information is Required***

The Appeal Panel may determine that it needs additional information before it can proceed with the appeal. In that case, the Appeal Panel may contact the Appeals Coordinator to request further information from the appellant, the CEO or both. The Appeals Coordinator will inform the Appellant, the CEO or both of the information the Appeal Panel requires. The additional information must be provided to the Appeals Coordinator within 14 calendar days of the date the information is requested.

## **7. Stay of Proceedings and Timeliness Required**

At the written request of the appellant, the CEO may stay their decision pending the determination of the appeal or for such longer period as the CEO considers just in the circumstances.

If the appellant fails to pursue an appeal of a decision listed in Section 2 in a timely manner, the CEO may end the stay of a decision upon providing 14 calendar days' notice to the Appellant.

## **8. The Decision of the Appeal Panel**

### ***8.1. Standard of Review***

The standard of review on appeal is reasonableness.

### ***8.2 When the Decision is Determined to be Reasonable***

If the Appeal Panel determines that the CEO's decision is reasonable, it will dismiss the appeal. The decision of the CEO remains in force.

### ***8.3. When the Decision is Determined to Not be Reasonable***

If the Appeal Panel determines that the CEO's decision was not reasonable, it will allow the appeal and:

- set aside all or part of the decision and issue a new decision; or
- set aside all or part of the decision and refer the matter back to the CEO with such directions as the Appeal Panel considers appropriate.

### ***8.4. Decisions Made in Writing***

The Appeal Panel will issue a written decision, with reasons, to the Appeals Coordinator who will provide it to the Appellant and to the CEO electronically within seven business days.

### **8.5. No Further Right of Appeal**

The decision of the Appeal Panel is final and binding on all parties. There is no further right of appeal.

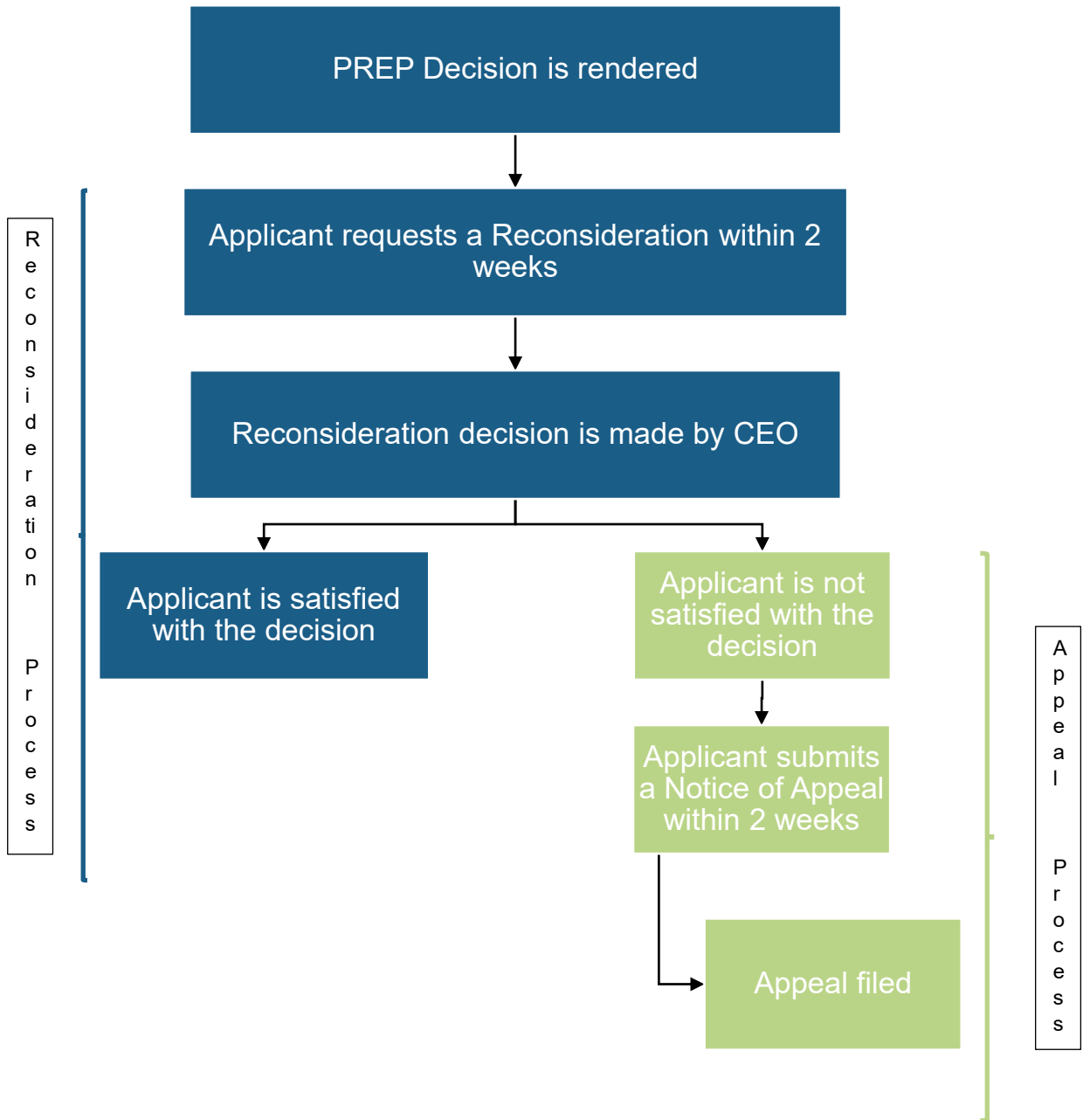
### **8.6. Publication**

CPLED will not publicize Appeal Panel decisions. It will share information with the Law Society in which the student is a member.

## **9. Administrative Costs**

CPLED will be responsible for the administrative costs of the appeal.

## Appendix I. Illustration of the Reconsideration and Appeal Process



## Appendix II. Notice of Appeal Form

### Notice of Appeal

In the Matter of: \_\_\_\_\_

[insert name]

**Appellant,**

**And in the Matter of: A Decision of** \_\_\_\_\_

[insert Chief Executive Officer or designate name]

**Dated:** \_\_\_\_\_

[insert Date of Decision]

1. Counsel for Appellant (if applicable): \_\_\_\_\_

2. Contact information for Counsel (if applicable):

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

3. Briefly explain why you are appealing.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Grounds for Appeal

Set out the basis for your appeal. *Indicate whether your grounds relate to new information that was not previously provided to the Chief Executive Officer. If so, please provide a description of the new information.* If additional space is required, attach extra pages.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Are you filing supporting materials? Yes \_\_\_ No \_\_\_

6. What result are you seeking from the Appeal Panel? If additional space is required, attach extra pages.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Contact Information for appellant

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

## PART 5 PROTECTION OF THE PUBLIC

### DIVISION 1 – ADMISSIONS

- 5-1 Definitions
- 5-2 Committee objectives
- 5-3 Participation of dean
- 5-3.1 Re-numbered
- 5-4(1) Application for admission as an articling student
- 5-4(2) Approval of applicants
- 5-4.1 Exception: when permission is required
- 5-4.2 Repealed
- 5-4.3 Repealed
- 5-4.4 Repealed
- 5-4.5 Repealed
- 5-5(1) Articling and bar admission program
- 5-5(2) Credit for articles in another Canadian jurisdiction
- 5-5(3) Exemption for students who have completed the bar admission course in another Canadian jurisdiction
- 5-5(4) Practice experience in a foreign jurisdiction
- 5-5(5) Authority of chief executive officer
- 5-6(1) Eligibility to act as principal
- 5-6(2) Approval of principal
- 5-6(3) Approved principal or delegate must offer articling position
- 5-6(3.3) Limit on number of students
- 5-6(4) Termination before call
- 5-6.1(1) Application
- 5-6.1(2) Recruitment of articling students in Winnipeg
- 5-6.2 Permission to withdraw from agreement to article in Manitoba
- 5-7 Temporary assignment of student
- 5-7.1 Practice by articling students
- 5-7.2 Responsibility of principal
- 5-8 Designation of articling student
- 5-9(1) Mandatory student participation
- 5-9(2) Principal to allow participation
- 5-10(1) Repealed
- 5-10(1.1) Repealed
- 5-10(1.2) Discipline for breaches of integrity
- 5-10(1.3) Termination of articles for expelled students
- 5-10(2) Repealed
- 5-10(3) Repealed



- 5-10(4) Repealed
- 5-10(5) Repealed
- 5-11(1) Appeal
- 5-11(1.1) Stay of Proceedings
- 5-11(1.2) Reasonable dispatch required
- 5-11(2) Hearings

**TRANSITION RULES – CPLED LEGACY PROGRAM**

- 5-11(3) Definitions
- 5-11(3.1) Application of Rules
- 5-11(3.2) Grades
- 5-11(3.3) Academic Misconduct
- 5-11(3.4) Additional Sanctions
- 5-11(3.5) Successful completion of CPLED Legacy Program
- 5-11(3.6) Supplemental competency evaluations and examinations
- 5-11(3.7) Passing grade for supplemental competency evaluations and examinations
- 5-11(3.8) Result final
- 5-11(3.9) Appeal of grades
- 5-11(3.10) Stay of Proceedings
- 5-11(3.11) Reasonable Dispatch Required
- 5-11(3.12) Hearings
- 5-11(3.13) Repetition of Bar Admission Program
- 5-12(1) Criteria for successful completion
- 5-12(2) Repealed
- 5-13 Repealed
- 5-13(1) Presentation to court
- 5-14 Conditional practising certificate
- 5-15(1) Registration of law students
- 5-15(2) Term of registration
- 5-16(1) Withdrawal of approval to practice
- 5-16(2) Practice by law students
- 5-16(3) Practice by NCA students
- 5-17(1) Admission on exceptional merit
- 5-17(2) Conditions
- 5-17(3) Example
- 5-18 Repealed
- 5-19 Repealed
- 5-20 Repealed
- 5-21 Repealed
- 5-22 Repealed
- 5-23 Repealed
- 5-23.1 Repealed
- 5-24(1) Transfer application

**Part 5  
Protection of the Public**

**Division 1 - Admissions**

**Definitions**

**5-1** In this division,

**"appeals sub-committee"** means the sub-committee of the admissions and education committee responsible for considering appeals of admissions decisions made pursuant to the rules in this division; (ENACTED 05/12) (AM. 09/17) (AM. 04/23)

**"articling student"** means a person registered in the student register as an articling student; (ENACTED 05/07)

**"bar admission program"** means the society's pre-call licensing program; (ENACTED 04/04)

**"committee"** means the admissions and education committee;

**"CPLED program" Repealed**

**"law student"** means a person enrolled in a law degree program and registered in the society's student register as a law student; (ENACTED 05/07)

**"NCA"** means the National Committee on Accreditation of the Federation of Law Societies of Canada; (ENACTED 04/13)

**"principal"** means a practising lawyer who has been approved by the chief executive officer to act as a principal.

**"rolls"** includes the Law Society's electronic records for the purposes of s. 17 of the Act.

**Committee objectives**

**5-2** The role of the committee is to:

- (a) advise the benchers on policies relating to articling, admissions and education issues;
- (b) consider appeals of decisions to terminate articles for academic misconduct and admissions decisions made pursuant to the rules in this division and conduct hearings as required; and
- (c) take any steps and delegate any authority necessary for the committee to carry out its responsibilities.

(AM. 05/07; AM. 10/07, AM. 09/17)

**Participation of dean**

**5-3** 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)

**Presentation to the Court**

**5-3.1      Re-numbered**

**Admission of Articling Students**

**Application for admission as an articling student**

**5-4(1)**      Subject to rules 5-4.1, an applicant for admission as an articling student must,

- (a)      provide proof that he or she:
  - (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”) dated not more than 6 years before the date of the application for admission; or
  - (ii)     is the recipient of a certificate of qualification from the NCA dated not more than 6 years before the date of the application for admission;
  - (iii)    is of good moral character and a fit and proper person to be admitted;  
and
  - (iv)    has entered into an articling agreement with a principal;
- (b)      submit an acceptable education plan;
- (c)      furnish all documentation required by the chief executive officer; and
- (d)      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)

**Approval of applicants**

**5-4(2)**      The Chief Executive Officer may admit a student who applies under subsection (1) or refuse to admit or impose conditions or restrictions on the applicant’s admission. (ENACTED 10/10)

**Exception: when permission is required**

**5-4.1**      An applicant for admission as an articling student who is the recipient of a “Canadian common law degree”, 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)

**Failure to file admissions documents by deadline**

**5-4.2      Repealed**

**Joint responsibility of articling student and principal to file articling agreement to file education plan**

**5-4.3** Repealed

**Failure to file articling agreement education plan by deadline**

**5-4.4** Repealed

**Exception: when common law degree required by NCA**

**5-4.5** Repealed

**Articling and bar admission program**

**5-5(1)** Subject to subsection (4), every articling student must:

- (a) successfully complete the bar admission program and the term of articles within 2 years from the date of commencement of either the bar admission program or the student's articles, whichever is commenced earlier;
- (b) 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.

(AM. 04/04; 05/07; 10/08; 05/11; 06/15)

**Credit for articles in another Canadian jurisdiction**

**5-5(2)** 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)

**Exemption for students who have completed the bar admission program in another Canadian jurisdiction**

**5-5(3)** 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)

**Practice experience in a foreign jurisdiction**

**5-5(4)** 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 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)

**Authority of chief executive officer**

**5-5(5)** 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)

**Eligibility to act as a principal**

**5-6(1)** To be eligible to act as a principal, an applicant must:

- (a) be a practising lawyer;
- (b) have carried on active practice in 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
- (c) meet the criteria for principals established by the society; and
- (d) file the required application.

(AM. 05/07; 10/07)

**Approval of principal**

**5-6(2)** The chief executive officer may approve an applicant to act as a principal with or without conditions or refuse an application to act as a principal and may withdraw the approval granted at any time. (AM. 04/04; 05/07; 10/07)

**Approved principal or delegate must offer articling position**

**5-6(3)** 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)

**Limit on number of students**

**5-6(3.3)** 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.

**Termination before call**

**5-6(4)** 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)

**Application**

**5-6.1(1)** 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)

**Recruitment of articling students in Winnipeg**

**5-6.1(2)** The following process shall govern the recruitment of articling students in Winnipeg:

- (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;

- (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;
- (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 sub-paragraph (b) or any extended period permitted by the principal; and
- (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.

(ENACTED 06/09)

### **Permission to withdraw from agreement to article in Manitoba**

**5-6.2** 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)

### **Temporary assignment of student**

**5-7** 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), provided that prior written approval is received from the chief executive officer.

(AM. 05/07)

### **Practice by articling students**

**5-7.1** 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)

### **Responsibility of principal**

**5-7.2** The principal of an articling student must comply with the terms of the Articling Agreement. (ENACTED 05/07)

### **Designation of articling student**

**5-8** 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)

### **Mandatory student participation**

**5-9(1)** An articling student must attend all lectures, seminars, activities and examinations of the bar admission program, and this includes on-line participation in program activities, assignments, competency evaluations and examinations, unless excused from doing so by the chief executive officer of the bar admission program.

(ENACTED 04/04) (AM. 05/07)

**Principal to allow participation**

**5-9(2)** A principal must permit an articling student to attend or participate in the activities set out in subsection (1). (AM. 04/04; 05/07)

**Grades**

**5-10(1)** **Repealed**

**Academic Misconduct**

**5-10(1.1)** **Repealed**

**Discipline for Breaches of Integrity**

**5-10(1.2)** The chief executive officer may discipline an articling student who engages in academic misconduct in the bar admission program. (ENACTED 09/17)

**Termination of Articles for Expelled Students**

**5-10(1.3)** The chief executive officer may terminate the articles of an articling student who has been expelled from the bar admission program. (ENACTED 09/17)

**Successful completion of CPLED program**

**5-10(2)** **Repealed**

**Supplemental competency evaluations and examinations**

**5-10(3)** **Repealed**

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

**5-10(4)** **Repealed**

**Result final**

**5-10(5)** **Repealed**

**Appeal**

**5-11(1)** An articling student whose articles are terminated under rule 5-10(1.3) may appeal the termination to the committee within 14 days of being advised of the termination and of the right to appeal. (AM. 04/04; 05/07; 10/07, 09/17)

**Stay of Proceedings**

**5-11(1.1)** Subject to subrule 1.2, at the written request of the articling student, the chief executive officer shall stay 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)

**Reasonable Dispatch Required**

**5-11(1.2)** 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)

**Hearings**

**5-11(2)** 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)

### **Transition Rules - CPLED Legacy Program**

#### **Definitions**

##### **5-11(3) In this rule.**

**“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;

**“CPLED legacy program”** means the society’s bar admission program in effect from August 2019 to June 2020;

#### **Application of Rules**

**5-11(3.1)** This rule applies only to articling students who are enrolled in the CPLED legacy program.

#### **Grades**

**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.

#### **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.

**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 period as the chief executive officer considers just in the circumstances.

**Reasonable Dispatch Required**

**5-11(3.11)** 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.

**Hearings**

**5-11(3.12)** 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.

**Repetition of Bar Admission Program**

**5-11(3.13)** 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.

**Criteria for successful completion**

**5-12(1)** An articling student is eligible for call to the bar if he or she:

- (a) has completed the term of articles under rule 5-5(1);
- (b) has obtained a satisfactory certification from his or her principal;
- (c) has successfully completed the bar admission program;
- (d) continues to be of good moral character and a fit and proper person to be called to the bar; and
- (e) has paid the required fees.

(AM. 04/04; 05/07; 10/07; 04/13)

**Certificate of qualification required**

**5-12(2)** Repealed

**Repetition of CPLED program**

**5-13** Repealed

**Presentation to court**

**5-13(1)** Following the approval of an application for call to the bar:

- (a) the applicant must be presented to the Court of Queen's Bench by a bencher or the chief executive officer at a date and time determined by the chief executive officer;
- (b) the presentation must take place at a sitting of the Court of Queen's Bench; and
- (c) the applicant must sign the rolls.

**Conditional practising certificate**

**5-14** 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)

**Admission of Law Students**

**Registration of law students**

**5-15(1)** A person may be registered in the society's student register as a law student if the person:

- (a) provides proof of enrolment in a law degree program;
- (b) is approved by the chief executive officer to practise law under the control, supervision and authority of a practising lawyer;

- (c) files the required application;
- (d) furnishes all documentation required by the chief executive officer; and
- (e) pays any required fee.

(AM. 05/07; 10/07; 10/08)

**Term of registration**

**5-15(2)** 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)

**Withdrawal of approval to practice**

**5-16(1)** The chief executive officer may withdraw the registration granted under rule 5-15(1) at any time. (ENACTED 05/07) (AM. 10/07)

**Practice by law students**

**5-16(2)** A law student may practise law pursuant to section 21 of the Act under the supervision of a practising lawyer. (AM. 05/07)

**Practice by NCA students**

**5-16(3)** 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)

**Admission on Exceptional Merit**

(AM. 10/10)

**Admission on exceptional merit**

**5-17(1)** 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 and distinction and provides proof that he or she:

- (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
- (b) is the recipient of a certificate of qualification from the NCA, or
- (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,

and

## **LAW SOCIETY RULES**

- (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,
- (e) provides proof that he or she is of good character and a fit and proper person to be admitted,
- (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,
- (g) furnishes all documentation required by the chief executive officer, and pays any required fees.

(AM. 05/07; 10/07; 04/09)

### **Conditions**

**5-17(2)** 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)

### **Example**

**5-17(3)** 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)

### **Admission of law school faculty**

**5-18** Repealed (04/09)

### **Presentation to court**

**5-19** Repealed 10/10

### **Former superior court judge**

**5-20** Repealed 10/10

### **Former provincial judge**

**5-21** Repealed 10/10

### **Part-time judge**

**5-22** Repealed 10/10

**PARTIE 5  
PROTECTION DU PUBLIC**

**SECTION 1 - ADMISSIONS**

- 5-1 Définitions
- 5-2 Fonctions du comité
- 5-3 Participation du doyen
- 5-3.1 Re-numéroté
- 5-4(1) Demande d'admission à titre de stagiaire
- 5-4(2) Approbation des demandes
- 5-4.1 Exception : autorisation nécessaire
- 5-4.2 Abrogé
- 5-4.3 Abrogé
- 5-4.4 Abrogé
- 5-4.5 Abrogé
- 5-5(1) Stage et programme de formation professionnelle
- 5-5(2) Équivalence pour stage effectué ailleurs au Canada
- 5-5(3) Exemption du programme de formation professionnelle pour les étudiants qui ont réussi un tel programme ailleurs au Canada
- 5-5(4) Expérience dans l'exercice de la profession à l'étranger
- 5-5(5) Pouvoir du directeur général
- 5-6(1) Exigences applicables aux directeurs de stage
- 5-6(2) Agrément à titre de directeur de stage
- 5-6(3) Offre d'un poste de stagiaire
- 5-6(3.3) Restriction quant au nombre de stagiaires
- 5-6(4) Résiliation du contrat de stage avant l'admission
- 5-6.1(1) Champ d'application
- 5-6.1(2) Embauche des stagiaires à Winnipeg
- 5-6.2 Retrait d'un contrat de stage avec autorisation seulement
- 5-7 Affectation provisoire à un autre bureau
- 5-7.1 Exercice de la profession par les stagiaires
- 5-7.2 Responsabilité du directeur de stage
- 5-8 Titre
- 5-9(1) Participation obligatoire du stagiaire
- 5-9(2) Obligation du directeur de stage
- 5-10(1) Abrogé
- 5-10(1.1) Abrogé
- 5-10(1.2) Mesures disciplinaires en cas de manquement à l'intégrité

## **RÈGLES DE LA SOCIÉTÉ DU BARREAU**

- 5-10(1.3) Cessation du stage de l'étudiant expulsé
- 5-10(2) Abrogé
- 5-10(3) Abrogé
- 5-10(4) Abrogé
- 5-10(5) Abrogé
- 5-11(1) Contestation
- 5-11(1.1) Sursis d'exécution
- 5-11(1.2) Célérité raisonnable nécessaire
- 5-11(2) Audience

### **RÈGLES TRANSITOIRES – PROGRAMME PATRIMONIAL DU CCFJP**

- 5-11(3) Définitions
- 5-11(3.1) Application
- 5-11(3.2) Notes
- 5-11(3.3) Inconduite universitaire
- 5-11(3.4) Sanctions supplémentaires
- 5-11(3.5) Réussite du programme patrimonial du CCFJP
- 5-11(3.6) Reprise des évaluations et examens
- 5-11(3.7) Note de passage
- 5-11(3.8) Caractère définitif des résultats
- 5-11(3.9) Contestation de note
- 5-11(3.10) Sursis d'exécution
- 5-11(3.11) Célérité raisonnable nécessaire
- 5-11(3.12) Audience
- 5-11(3.13) Reprise du programme de formation professionnelle
- 5-12(1) Conditions d'admissibilité au barreau
- 5-12(2) Abrogé
- 5-13 Abrogé
- 5-13(1) Présentation à la cour
- 5-14 Droit d'exercice assujéti à des conditions
- 5-15(1) Inscription des étudiants en droit
- 5-15(2) Période de validité de l'inscription
- 5-16(1) Retrait de l'autorisation d'exercice
- 5-16(2) Exercice du droit par les étudiants
- 5-16(3) Exercice du droit par les étudiants du CNE
- 5-17(1) Admission pour mérite exceptionnel
- 5-17(2) Conditions
- 5-17(3) Exemple
- 5-18 Abrogé
- 5-19 Abrogé
- 5-20 Abrogé

**Partie 5**

**Protection du public**

**Section 1 Admissions**

**Définitions**

**5-1** Les définitions qui suivent s'appliquent à la présente section.

**« sous-comité des appels »** Le sous-comité du comité des admissions et de la formation professionnelle responsable d'étudier les contestations de décisions en matière d'admission rendues sous le régime de la présente section. ("appeals sub-committee") (ADOPTÉ 05/12) (MOD. 09/17)

**« stagiaire »** Personne inscrite sur le registre des étudiants à titre de stagiaire. ("articling student") (ADOPTÉ 05/07)

**« programme de formation professionnelle »** Le programme préparatoire à l'exercice de la profession de la Société. ("bar admission program") (ADOPTÉ 04/04)

**« comité »** Le comité des admissions et de la formation professionnelle. ("committee")

**« programme du CCFJP »** ("CPLED program") Abrogé

**« étudiant en droit »** Personne inscrite à la fois à un programme menant à l'obtention d'un diplôme en droit et au registre des étudiants à titre d'étudiant en droit. ("law student") (ADOPTÉ 05/07)

**« CNE »** Le Comité national sur les équivalences des diplômes de droit de la Fédération des ordres professionnels de juristes du Canada. ("NCA") (ADOPTÉ 04/13)

**« directeur de stage »** Tout membre en exercice que le directeur général a autorisé à agir en tant que directeur de stage. ("principal")

**« tableau »** Les documents électroniques que tient la Société du Barreau pour l'application de l'article 17 de la Loi. ("rolls")

**Fonctions du comité**

**5-2** Le comité exerce les fonctions suivantes:

- a) donner son avis aux conseillers sur les politiques en matière d'admission et de formation professionnelle;
- b) étudier les contestations de décisions de mettre fin à des stages en cas d'inconduite universitaire et les autres décisions en matière d'admission rendues sous le régime de la présente section et tenir les audiences prévues;
- c) prendre toute mesure et déléguer tout pouvoir selon ce qu'il estime nécessaire pour exercer ses fonctions;

(MOD. 05/07; MOD. 10/07)

**Participation du doyen**

**5-3** Le doyen de la Faculté de droit de l'Université du Manitoba est nommé membre du comité par les conseillers. (MOD. 05/07)

**Présentation à la Cour**

**5-3.1** Renuméroté

**Admission des stagiaires**

**Demande d'admission à titre de stagiaire**

**5-4(1)** Sous réserve des articles 5-4.1, la personne qui demande son admission comme stagiaire doit:

- a) soit fournir la preuve qu'elle est:
  - (i) titulaire d'un baccalauréat en droit ou d'un doctorat en droit conféré par la faculté de common law d'une université canadienne approuvée par la Fédération des ordres professionnels de juristes du Canada (« diplôme canadien en common law »), à la condition que son diplôme ou son attestation de compétences ait été délivré dans les six ans qui précèdent la date de sa demande d'admission;
  - (ii) titulaire d'un certificat de compétence du CNE délivré, dans les six ans qui précèdent la date de sa demande d'admission;
  - (iii) de bonne moralité et apte à être admise;
  - (iv) avoir conclu un contrat de stage avec un directeur de stage,
- b) fournir un plan de formation acceptable;
- c) fournir la documentation exigée par le directeur général;
- d) payer les droits d'admission visés au paragraphe 19(1) de la Loi.

(MOD. 06/03; 04/04; 12/05; 05/07; 10/07; 10/08; 10/10; 04/13)

**Approbation des demandes**

**5-4(2)** Le directeur général peut approuver la demande d'admission qu'une personne présente en vertu du paragraphe (1), la rejeter ou attacher des conditions ou des restrictions à son admission comme stagiaire. (ADOPTÉ 10/10)

**Exception: autorisation nécessaire**

**5-4.1** La personne qui demande son admission comme stagiaire et qui est titulaire d'un diplôme canadien en *common law*, titulaire d'un certificat de compétence du CNE délivré, plus de six ans avant la date de sa demande d'admission, est tenue de demander à la Société l'autorisation d'être admise comme stagiaire; le directeur général peut accepter ou



rejeter la demande, avec ou sans condition.  
(ADOPTÉ 12/05) (MOD. 05/07; 10/07; 04/13)

**Défaut de déposer à temps les documents nécessaires**

**5-4.2** Abrogé

**Dépôt du contrat de stage : responsabilité conjointe du stagiaire et du directeur de stage**

**5-4.3** Abrogé

**Défaut de déposer à temps le contrat de stage**

**5-4.4** Abrogé

**Exception: diplôme canadien de common law exigé par le CNE**

**5-4.5** Abrogé

**Stage et programme de formation professionnelle**

**5-5(1)** Sous réserve du paragraphe (4), le stagiaire doit:

- a) réussir le programme de formation professionnelle et avoir terminé le stage avant l'expiration d'une période de deux ans à compter soit du début du programme, soit du début du stage, s'il le commence avant le programme;
- b) effectuer un stage qui dure, à moins d'abrégement par le directeur général, au moins 52 semaines à temps plein ou l'équivalent à temps partiel de 52 semaines à temps plein, selon la formule approuvée par le directeur général.

Un abrégement d'une durée supérieure à quatre semaines ne peut être accordé que dans des circonstances exceptionnelles. (MOD. 04/04; 05/07; 10/08; 05/11; 06/15)

**Équivalence pour stage effectué ailleurs au Canada**

**5-5(2)** La personne ayant effectué un stage ou ayant exercé les fonctions d'auxiliaire juridique ailleurs au Canada peut se voir accorder une équivalence d'au plus six mois aux fins du stage au Manitoba. (MOD. 05/07; 10/08)

**Exemption du programme de formation professionnelle pour les étudiants qui ont réussi un tel programme ailleurs au Canada**

**5-5(3)** Le directeur général peut permettre à un stagiaire qui a réussi un programme de formation professionnelle ailleurs au Canada de se présenter à des examens ou des évaluations de transfert plutôt que de suivre le programme de formation professionnelle du barreau du Manitoba. (MOD. 05/07; 10/07; 10/08; 05/11)

**Expérience dans l'exercice de la profession à l'étranger**

**5-5(4)** Le stagiaire ou la personne qui demande son admission qui a exercé le droit à titre de membre de la profession juridique dans un État étranger peut demander au directeur général d'être exempté de la totalité ou d'une partie et des modalités du stage visées au paragraphe (1). Pour ce faire, il remplit le formulaire prévu et fournit au directeur

général toute la documentation que celui-ci lui demande. (ADOPTÉ 05/11)

**Pouvoir du directeur général**

**5-5(5)** Le directeur général saisi d'une demande présentée en vertu du paragraphe (4) peut la rejeter ou l'accepter, en totalité ou en partie, l'acceptation pouvant être accompagnée ou non de conditions ou de restrictions. (ADOPTÉ 05/11)

**Exigences applicables aux directeurs de stage**

**5-6(1)** Pour être directeur de stage, une personne doit satisfaire aux exigences suivantes:

- a) être avocat en exercice;
- b) avoir exercé le droit de manière active au Manitoba pendant au moins les trois années qui précèdent immédiatement sa demande d'agrément à titre de directeur de stage ou pendant la période plus courte qu'autorise le directeur général;
- c) satisfaire aux critères fixés par la Société;
- d) présenter la demande applicable.

(MOD. 05/07; 10/07)

**Agrément à titre de directeur de stage**

**5-6(2)** Une personne ne peut agir à titre de directeur de stage sans avoir obtenu l'agrément du directeur général; celui-ci peut assortir l'agrément de conditions, refuser l'agrément demandé, et peut révoquer son agrément en tout temps. (MOD. 04/04; 05/07; 10/07)

**Offre d'un poste de stagiaire**

**5-6(3)** Seuls le membre qui a obtenu l'agrément du directeur général à titre de directeur de stage en conformité avec le paragraphe (2) et son représentant peuvent offrir un poste de stagiaire à un étudiant; dans les cas visés par l'article 5-6.1, le représentant du directeur de stage est tenu de suivre la procédure décrite au paragraphe 5-6.1(2). (ADOPTÉ 06/09)

**Restriction quant au nombre de stagiaires**

**5-6(3.3)** Le membre qui a obtenu l'agrément du directeur général pour agir comme directeur de stage ne peut agir à ce titre pour plus d'un stagiaire à la fois, à moins d'en avoir préalablement obtenu l'autorisation du directeur général.

**Résiliation du contrat de stage avant l'admission**

**5-6(4)** Le stagiaire qui a terminé le stage prévu au paragraphe 5-5(1) peut résilier le contrat de stage avant son admission au barreau, à condition de fournir préalablement au directeur général un avis écrit en ce sens. (MOD. 05/07; 06/09)

**Champ d'application**

**5-6.1(1)** Pour l'application du présent article, « ville de Winnipeg » s'entend de la partie de la ville située à l'intérieur de l'autoroute périphérique appelée « *Perimeter Highway* ». (ADOPTÉ 06/09)

**Embauche des stagiaires à Winnipeg**

**5-6.1(2)** L'embauche de stagiaires à Winnipeg est soumise aux règles suivantes:

- a) un directeur de stage ne peut offrir un poste de stagiaire qu'à un étudiant qui a au moins commencé sa deuxième année d'études en droit;
- b) le directeur général fixe la date et l'heure à laquelle un directeur de stage peut remettre une offre de stage à un étudiant et la date et l'heure les plus rapprochées avant lesquelles l'étudiant doit accepter l'offre;
- c) l'offre de stage demeure ouverte jusqu'à la date et l'heure fixées par le directeur général en vertu de l'alinéa b) ou jusqu'à l'expiration de toute période de prolongation autorisée par le directeur de stage;
- d) une fois les délais expirés, le directeur de stage peut offrir le poste de stage à tout autre étudiant qui n'a pas encore accepté une telle offre, à la condition qu'il ait au moins commencé sa deuxième année d'études en droit. (ADOPTÉ 06/09)

**Retrait d'un contrat de stage avec autorisation seulement**

**5-6.2** Une fois qu'un étudiant a accepté une offre de stage dans un cabinet d'avocats au Manitoba, ni lui ni le directeur de stage ou son représentant ne peuvent se retirer du contrat de stage sans l'autorisation du directeur général. (ADOPTÉ 06/09)

**Affectation provisoire à un autre bureau**

**5-7** Si son directeur de stage l'y autorise, le stagiaire peut effectuer une partie de son stage dans un autre bureau, auprès d'un membre apte à agir comme directeur de stage aux termes du paragraphe 5-6(1), à condition d'en avoir préalablement obtenu l'approbation écrite du directeur général. (MOD. 05/07)

**Exercice de la profession par les stagiaires**

**5-7.1** Les stagiaires peuvent exercer le droit en conformité avec l'article 21 de la Loi et conformément aux modalités de leur Plan de formation et du contrat de stage conclu avec leur directeur de stage. (ADOPTÉ 05/07)

**Responsabilité du directeur de stage**

**5-7.2** Le directeur de stage est tenu de se conformer au contrat de stage. (ADOPTÉ 05/07)

**Titre**

**5-8** Pendant son stage, le stagiaire se présente au public sous le titre de « stagiaire

en droit ». Il peut en outre faire figurer ce titre sur ses cartes professionnelles et au-dessous de sa signature dans sa correspondance professionnelle. (MOD. 05/07)

**Participation obligatoire du stagiaire**

**5-9(1)** Le stagiaire est tenu de participer à l'ensemble des cours, séminaires, activités et examens du programme de formation professionnelle; il est notamment tenu de prendre part en ligne aux activités, aux travaux pratiques et aux évaluations de compétence et examens qui sont prévus par le programme, sauf dans la mesure où le directeur général du programme de formation professionnelle l'en dispense. (ADOPTÉ 04/04) (MOD. 05/07)

**Obligation du directeur de stage**

**5-9(2)** Le directeur de stage est tenu d'autoriser le stagiaire à prendre part aux activités mentionnées au paragraphe (1). (MOD. 04/04; 05/07)

**Notes**

**5-10(1)** Abrogé

**Inconduite universitaire**

**5-10(1.1)** Abrogé

**Mesures disciplinaires en cas de manquement à l'intégrité**

**5-10(1.2)** Le directeur général peut prendre des mesures disciplinaires à l'égard d'un stagiaire qui a commis une inconduite universitaire dans le cadre du programme de formation professionnelle. (ADOPTÉ 09/17)

**Cessation du stage de l'étudiant expulsé**

**5-10(1.3)** Le directeur général peut mettre fin au stage du stagiaire qui a été expulsé du programme de formation professionnelle. (ADOPTÉ 09/17)

**Réussite du programme du CCFJP**

**5-10(2)** Abrogé

**Reprise des évaluations et examens**

**5-10(3)** Abrogé

**Note de passage**

**5-10(4)** Abrogé

**Caractère définitif des résultats**

**5-10(5)** Abrogé

**Contestation**

**5-11(1)** En cas de stage qui prend fin sous le régime du paragraphe 5-11(1.3), le stagiaire peut contester la cessation auprès du comité avant l'expiration d'un délai de 14 jours à compter de celui où il est informé de la cessation et de son droit de contestation. (MOD. 04/04; 05/07, 09/17)

### **Sursis d'exécution**

**5-11(1.1)** Sous réserve du paragraphe (1.2) et à la condition que le stagiaire lui en fasse la demande par écrit, le directeur général peut surseoir à l'exécution d'une décision de mettre fin au stage; le sursis est accordé pour une période maximale de 30 jours jusqu'à ce qu'une décision soit rendue en appel sous le régime du paragraphe 5-11(1) ou pour toute autre période supérieure qu'il estime juste dans les circonstances. (ADOPTÉ 09/17)

### **Célérité raisonnable nécessaire**

**5-11(1.2)** Si le stagiaire n'exerce pas son droit d'appel avec une célérité raisonnable, le directeur général peut mettre fin au sursis à la condition de l'en aviser au moins 14 jours à l'avance. (ADOPTÉ 09/17)

### **Audience**

**5-11(2)** Une formation du sous-comité des appels peut tenir une audience pour étudier une contestation lui ayant été soumise en vertu du paragraphe (1) ou une affaire que lui a renvoyée le directeur général. Toute décision rendue par la formation à l'issue d'une telle audience est définitive. (MOD. 04/04; 05/07; 05/12)

## **Règles transitoires - Programme patrimonial du CCFJP**

### **Définitions**

**5-11(3)** Les définitions qui suivent s'appliquent à la présente sous-section.

**« sous-comité des appels »** Le sous-comité du comité des admissions et de la formation professionnelle responsable d'étudier les contestations de notes présentées, les déclarations d'inconduite universitaire et les autres décisions en matière d'admission rendues sous le régime de la présente section. ("appeals sub-committee")

**« programme patrimonial du CCFJP »** Le programme de formation professionnelle de la Société en vigueur d'août 2019 à juin 2020. ("CPLD legacy program")

### **Application**

**5-11(3.1)** Le présent article s'applique exclusivement aux stagiaires inscrits au programme patrimonial du CCFJP.

### **Notes**

**5-11(3.2)** Le stagiaire reçoit l'une des notes qui suivent pour les travaux pratiques qu'il remet et les évaluations de compétence et les examens auxquels il se soumet: « compétences confirmées », « compétences à confirmer », « confirmation des compétences reportée » ou « confirmation des compétences incomplète ».

### **Inconduite universitaire**

**5-11(3.3)** Le stagiaire qui contrvient à la politique d'intégrité professionnelle du programme patrimonial du CCFJP à l'occasion d'une évaluation de ses compétences, d'une affectation ou d'un examen se verra accorder une note de « compétences à confirmer » à

l'égard de l'évaluation, de l'affectation ou de l'examen.

### **Sanctions supplémentaires**

**5-11(3.4)** En plus de la note de «compétences à confirmer» qu'il lui donne en application du paragraphe (3.3), le directeur général peut infliger une réprimande, suspendre ou expulser du programme patrimonial du CCFJP le stagiaire qui a contrevenu à la politique d'intégrité professionnelle du programme, ou prendre toute autre mesure disciplinaire à son égard.

### **Réussite du programme patrimonial du CCFJP**

**5-11(3.5)** Sous réserve du paragraphe 5-5(3) et du paragraphe (4), le stagiaire réussit le programme patrimonial du CCFJP s'il obtient la note «compétences confirmées» pour toutes les évaluations de compétence et tous les examens.

### **Reprise des évaluations et examens**

**5-11(3.6)** Le stagiaire qui n'obtient pas la note «compétences confirmées» lors d'une évaluation ou d'un examen est autorisé à se présenter au maximum trois fois à une évaluation ou un examen de reprise; le stagiaire qui ne réussit pas doit s'inscrire au nouveau programme de formation professionnelle et le réussir.

### **Note de passage**

**5-11(3.7)** La note de passage à l'évaluation ou à l'examen de reprise est «compétences confirmées»

### **Caractère définitif des résultats**

**5-11(3.8)** Sous réserve du paragraphe 5-11(1), les résultats d'une évaluation ou d'un examen de reprise sont définitifs.

### **Contestation de note**

**5-11(3.9)** Le stagiaire qui

- a) soit obtient la note «compétences à confirmer» lors d'une évaluation ou d'un examen de reprise,
- b) soit fait l'objet d'une déclaration de contravention à la politique d'intégrité professionnelle du programme patrimonial du CCFJP

peut contester la note ou la déclaration auprès du comité avant l'expiration d'un délai de 14 jours à compter de celui où il est informé de sa note ou la déclaration et de son droit de contestation.

### **Sursis d'exécution**

**5-11(3.10)** Sous réserve de l'article 5.1-12 et à la condition que le stagiaire lui en fasse la demande par écrit, le directeur général peut surseoir à l'exécution d'une décision de suspension ou d'expulsion du programme patrimonial du CCFJP, ou de celle de mettre fin au stage; le sursis est accordé pour une période maximale de 30 jours jusqu'à ce qu'une décision soit rendue en appel sous le régime de l'article 5.1-10 ou pour toute autre période supérieure qu'il estime juste dans les circonstances.

**Célérité raisonnable nécessaire**

**5-11(3.11)** Si le stagiaire n'exerce pas avec une célérité raisonnable son droit d'appel visé à l'article 5.1-11, le directeur général peut mettre fin au sursis à la condition de l'en aviser au moins 14 jours à l'avance.

**Audience**

**5-11(3.12)** Une formation du sous-comité des appels peut tenir une audience pour étudier une contestation lui ayant été soumise en vertu de l'article 5.1-10 ou une affaire que lui a renvoyée le directeur général. Toute décision rendue par la formation à l'issue d'une telle audience est définitive.

**Reprise du programme de formation professionnelle**

**5-11(3.13)** Le stagiaire qui échoue au programme patrimonial du CCFJP peut demander au directeur général la permission de s'inscrire au programme de formation professionnelle; il ne peut toutefois s'inscrire à ces programmes que deux fois, en tout.

**Conditions d'admissibilité au barreau**

**5-12(1)** Un stagiaire est admis au barreau aux conditions suivantes:

- a) terminer le stage prévu au paragraphe 5-5(1);
- b) obtenir une attestation satisfaisante de la part de son directeur de stage;
- c) réussir le programme de formation professionnelle;
- d) être toujours de bonne moralité et apte à être admise au barreau;
- e) payer les droits prescrits.

(MOD. 04/04; 05/07; 10/07; 04/13)

**Certificat de compétence obligatoire**

**5-12(2)** Abrogé

**Reprise du programme du CCFJP**

**5-13** Abrogé

**Présentation à la cour**

**5-13(1)** Une fois que la demande d'admission au barreau d'un candidat est acceptée, les formalités qui suivent doivent être accomplies:

- a) le candidat est présenté à la Cour du Banc de la Reine par un conseiller ou le directeur général à la date et à l'heure que fixe le directeur général;
- b) la présentation a lieu au cours d'une séance de la Cour du Banc de la Reine;
- c) le candidat signe les registres attestant de son inscription au tableau.

**Droit d'exercice assujetti à des conditions**

**5-14** Le directeur général peut rejeter la demande de certificat d'exercice et peut admettre un candidat au barreau en assujettissant son droit d'exercice à des conditions ou

restrictions, expressément mentionnées sur son certificat. (MOD.04/04; 05/07; 10/07; 05/12)

### **Admission des étudiants en droit**

#### **Inscription des étudiants en droit**

**5-15(1)** Une personne peut être inscrite au registre des étudiants en droit de la Société si elle satisfait aux exigences suivantes:

- a) fournir la preuve qu'elle est inscrite à un programme menant à l'obtention d'un diplôme en droit;
- b) être autorisé par le directeur général à exercer le droit sous le contrôle, la surveillance et la direction d'un avocat en exercice;
- c) présenter la demande nécessaire;
- d) fournir la documentation que demande le directeur général;
- e) payer les droits prescrits.

(MOD.05/07; 10/07; 10/08)

#### **Période de validité de l'inscription**

**5-15(2)** Sous réserve du paragraphe 5-16(1), l'inscription consentie sous le régime du paragraphe (1) a une période de validité maximale de un an. L'étudiant en droit peut toutefois la renouveler avant son expiration. (MOD. 05/07)

#### **Retrait de l'autorisation d'exercice**

**5-16(1)** Le directeur général peut, en tout temps, retirer l'autorisation d'exercer le droit accordée en vertu du paragraphe 5-15(1). (ADOPTÉ 05/07) (MOD. 10/07)

#### **Exercice du droit par les étudiants**

**5-16(2)** Un étudiant en droit peut exercer le droit en conformité avec l'article 21 de la Loi, sous la surveillance d'un avocat en exercice. (MOD. 05/07)

#### **Exercice du droit par les étudiants du CNE**

**5-16(3)** La personne qui est inscrite aux examens ou à un programme d'études du CNE, ou qui attend ses résultats, a les mêmes droits qu'un étudiant en droit en vertu du paragraphe (2) et peut être inscrite au registre des étudiants en droit de la Société à la condition de se conformer aux exigences des alinéas 5-15(1)b), c), d) et e). Un étudiant de la CNE est également lié par les paragraphes 5-15(2) et 5-16(1). (ADOPTÉ 04/13)

### **Admissions pour mérite exceptionnel**

(MOD. 10/10)

#### **Admission pour mérite exceptionnel**

**5-17(1)** Le directeur général peut autoriser l'admission au barreau du Manitoba d'un candidat qui démontre posséder un mérite et une distinction exceptionnels et qui fournit la



## **RÈGLES DE LA SOCIÉTÉ DU BARREAU**

preuve:

- a) soit qu'il est titulaire d'un baccalauréat en droit, d'un doctorat en droit ou d'un diplôme de droit conféré par la faculté de common law d'une université canadienne (« diplôme canadien en common law »);
- b) soit qu'il est titulaire d'un certificat de compétence du CNE; (MOD. 04/13)
- c) soit qu'il est membre en règle d'une profession juridique d'un pays étranger et qu'il est autorisé à y exercer le droit.

Le candidat doit également:

- d) déposer un certificat d'habilité à exercer – ou son équivalent – délivré par chacun des ordres professionnels de juristes d'une autre province ou d'un territoire du Canada, ou d'un pays étranger, dont il est membre; le certificat ou son équivalent doit lui avoir été délivré au plus tôt 30 jours avant la date de sa demande d'admission;
- e) fournir la preuve de sa bonne moralité et de son aptitude à devenir membre de la Société;
- f) attester, sur le formulaire réglementaire, qu'il a étudié et qu'il comprend toute la documentation que le directeur général lui a demandé de lire;
- g) fournir tous les autres documents que le directeur général lui demande et payer les droits prescrits.

(MOD. 05/07; 10/07; 04/09)



### CERTIFICATE OF TRANSLATION ACCURACY

I, François Blais, being a member of the Corporation of Translators, Terminologists and Interpreters of New Brunswick (CTINB), hereby certify that I am fluent in the English and the French languages and that the translations showing in the here-attached document titled *Rule Amendments – Bitext; Part 5 – Division 1 – Admissions* are accurate.

François Blais

M<sup>e</sup> François Blais  
CTINB Certified Member  
Barreau du Québec Member (Retired Lawyer)

May 8<sup>th</sup> 2020  
Date



---

# MEMORANDUM

---

**TO:** Benchers

**FROM:** President's Special Committee on Health and Wellness

**DATE:** May 19, 2020

**RE:** **Report and Recommendations**

---

## INTRODUCTION

In 2017 the Law Society benchers adopted a three year strategic plan with four strategic objectives, the first of which was to regulate proactively to protect the public interest by ensuring that legal services are delivered by competent and ethical lawyers. One component of the strategy is that the Society will proactively ensure that lawyers are fit to practice by addressing members' capacity issues and to achieve that end, the benchers decided that we ought to develop a diversion program outside of the complaints/discipline stream for members who experience mental health issues or addictions that negatively affect their legal practices.

The long term activity plan as set out by the benchers is as follows:

- Step 1: Conduct an environmental scan and consider responses of other regulators.
- Step 2: Consider opportunities for additional mental health supports and resources.
- Step 3: Recommend framework for diversion program to Benchers.
- Step 4: Create infrastructure and rules as may be required for implementation.

Although creating a diversion program is an important aspect of addressing and improving the health and wellness of the legal profession, the challenge is broader than that. Accordingly, the benchers established this President's Special Committee to consider not

only the potential adoption of a diversion program but to look at a broader mandate and consider what steps might be undertaken by the Law Society.

## **STUDIES OF THE LEGAL PROFESSION**

Although there has not been an examination of the health of lawyers in Manitoba, in recent years a number of comprehensive studies have been conducted regarding the health and well-being of law students and the legal profession, most notably by the American Bar Association and by Sherbrooke University in Quebec. In addition, both of the law societies in Ontario and British Columbia have been, or are, examining the health of the legal profession and making recommendations. Furthermore, at the Federation of Law Societies' meeting in March 2020, the Sherbrooke University research group submitted a proposal to conduct a pan-Canadian survey of the legal profession. All law societies were in agreement and it is anticipated that the results of such a survey will be available in the fall of 2021.

All of the data, studies and anecdotal evidence observed to date strongly suggests that the legal profession suffers from stress, anxiety, depression and substance use disorders at a rate higher than the general population and higher than other professions and occupations. These same studies demonstrate that lawyers and law students are less inclined to disclose their illness or seek out treatment due to fear of stigma and repercussions to their careers. In addition, due to the personality traits that often make us good lawyers, we are more inclined to believe that we can tackle mental health issues on our own and therefore do not seek out help.

Accordingly, while the Sherbrooke University study is sure to shed further light on the state of the profession in Canada, the information received to date enabled this committee to explore a myriad of ways that the Law Society might address the health and well-being of the profession. That said, while there appear to be numerous options available to support the health and well-being of lawyers, there are not unlimited resources.

Therefore, the committee has identified some immediate, mid-range and longer term priorities that we are recommending to the benchers.

## **RECOMMENDATIONS**

### **IMMEDIATE**

#### **1. Ongoing Work**

This committee's work was cut short by the COVID-19 pandemic. As a result, the list of immediate priorities is similarly shortened. In addition, the further study of the legal profession may give rise to further recommendations. For those reasons and because we

are of the view that the health and well-being of the profession ought to remain a priority for the Law Society, we recommend that the committee continue its work over the next year at a minimum.

*Recommendation: The Health and Wellness Committee continue its work for at least one more year.*

## **2. Admissions Criteria**

Historically, all Canadian law societies required applicants for admission to disclose their mental health history to the regulator. The questions were not limited in time and concerns were raised as to their effectiveness in protecting the public. The above-mentioned studies have confirmed that knowledge by the law student that he or she may have to make such a disclosure has a chilling effect and inhibits students from seeking medical help. Furthermore, a recent survey of Canadian law societies has revealed that any such disclosures are rarely, if ever, shared with other law society departments. This is consistent with the experience in Manitoba.

Those broadly worded questions were removed from Manitoba's articling admission application in 2005. Instead, there are specific questions that relate solely to the past conduct of applicants which may bear upon their character and fitness to practice. There is also a general, catchall question that asks if there is, to the applicant's knowledge or belief any event, circumstance, condition or matter not disclosed in the replies to earlier questions that touches on or concerns the applicant's conduct, character and reputation and that the applicant knows or believes might be thought to be an impediment to the applicant's admission or any matter that could warrant further inquiry by the Society.

Although the application for admission as an articling student was amended, we have identified problematic language in other admission documents.

For example, when a student has completed his or her articles, the student completes an Application and Petition for Call in which the applicant is required to disclose if he or she has suffered from, been treated for or is currently being treated for any condition which may compromise the applicant's ability to practise safely and effectively. The applicant must also disclose any event, circumstance or condition touching on or likely to be thought to concern the applicant's reputation, character or fitness to practice that might be considered to be an impediment to admission or that could warrant further inquiry by the Law Society.

Similar questions are asked of applicants who are transferring to Manitoba and those who are seeking to resume active practice.

Furthermore, when completing any application to be admitted to practise law in Manitoba, the applicant is referred to the Society's "Guidelines for Good Character Applications" where

direction is provided to applicants regarding the information that must be disclosed in their application. It includes the following:

*In addition, applicants must disclose whether they have ever suffered from or been treated for, or are currently being treated for, any condition which may compromise their ability to practice.\**

*\* Examples of conditions which could compromise one's ability to practice include illnesses or disabilities, alcoholism, substance abuse and other addictions such as gambling.*

The Society's Director of Admissions advises that, in his experience, applicants who do make a disclosure pursuant to the above noted questions, will usually advise that at some point in their history, they suffered from depression, but that they received treatment and/or are taking medication or are under the care of physician. Typically, these responses indicate that the person's health is being managed and that the individual is safe to practise. On occasion, the Director may follow up with questions and may require a medical report, depending on the circumstances.

The Director advises that it is much rarer for an applicant to disclose an addiction issue and, if such a disclosure is made, the individual advises that he or she is in recovery and managing their illness. If the Society became concerned about the well-being of a member and if there were concerns that the person may be engaged in substance abuse, referring back to the person's admission application may be informative to assist in identifying a potential reason for the misconduct if the person had made such a disclosure. However, it is rare that any such disclosure will have been made.

Earlier this year, the benchers of the Law Society of British Columbia examined their admissions processes and resolved to accept the recommendations of their Mental Health Task Force and directed the Society to remove from admissions applications all questions related to an applicant's mental health.

*Recommendation: The Committee recommends that the benchers direct the Society to examine the language used in all admissions related documents and remove stigmatizing language.*

### **3. Diversion Program**

Within the last year, the benchers received information regarding the informal approaches that are taken by the staff in the complaints resolution department to address mental health issues that are manifesting as conduct concerns. It is evident that while our staff members are dedicated and responsive, there is no formal mechanism to refer a person to the Society and to address concerns outside of the discipline stream. Accordingly, one initiative that the committee identified as an immediate priority is to formalize an early intervention/diversion

program for lawyers who are experiencing health issues that are having an impact on their conduct or that have the potential to do so.

At this stage, not many Canadian law societies have formal diversion programs, although it is under consideration in other jurisdictions. This committee examined two different programs, one administered by the Nova Scotia Barristers' Society and the other by the College of Physicians and Surgeons of Manitoba. The Nova Scotia program is very much prescribed by their Act and Rules and they have established a Fitness to Practice Committee which is comprised of lawyers who also have a medical background as well as medical experts, such as a psychiatrist and an addictions specialist. Due to the expertise on their committee, there has been little turnover since its inception in 2011. By contrast, the College's program is managed internally by the Assistant Registrar and the Director of Physician Health. This allows for more nimbleness in addressing medical issues as they arise.

## **Objectives**

After examining both programs in some detail, the Committee proposes that the Benchers direct the Society to develop a comprehensive plan for a program with the following objectives:

1. Early identification and referral/treatment for a member who has a health issue that has the potential to adversely affect the member's ability to practise law safely;
2. Adoption of a remedial approach for dealing with a member who has health issues where the member is cooperative in the process, has insight into the member's own health status and is compliant with treatment and rehabilitation;
3. Collaboration with a member who has health issues and the member's care givers with the goal of creating an environment in which the member can practise law safely.

## **Access**

The program could be accessed in a number of ways:

- (1) The member may contact the Society if the member is experiencing a health issue and is seeking assistance;
- (2) A third party (such as a family member, colleague or member of the Court) may contact the Society if he/she is concerned that the member is experiencing a health issue;
- (3) The complaints resolution department or the complaints investigation committee (or even another Law Society department) may refer the member to the program if they

believe that the conduct or competence of a member may be detrimentally affected by a health issue.

### **Voluntary Participation**

The success of the program will depend upon the member's willingness to engage in a process that is likely to include assessment, treatment and perhaps limitations or restrictions on the member's practice for a period of time. It will also necessarily require treatment providers to report to the Society regarding the member's cooperation and compliance with the recommended treatment.

Given the nature of the undertaking and commitment required of the member, the member would be required to execute a consent to participate in the program. There may be scenarios where the member is in a state of crisis at the time they are asked to provide consent. In the circumstances, the committee recommends that the Law Society require the member to receive independent legal advice prior to consenting to participate and that the Society establish a roster of volunteer lawyers who are prepared to provide such advice on a *pro bono* basis.

### **Confidentiality**

Where the member's engagement with the program results from a self-referral or early intervention, it was proposed that the program would be confidential except:

- to the extent that disclosure to appropriate individuals in the workplace may be required to support the member in practice;
- if the contact with the member discloses a serious conduct issue such as misappropriation, for example, that conduct may need to be referred for investigation to fulfill the Law Society's public protection mandate.

Furthermore, because engagement with the program is voluntary, the member may be asked to withdraw from practice if the circumstances warrant – i.e. the public is at risk. If the member declines to withdraw, there may be a referral to the complaints investigation committee to consider imposition of conditions on the member's practice or a suspension where appropriate.

Committee members expressed some reservations that an exception permitting the referral of a serious conduct issue to investigation could have a chilling effect on a member's willingness to self-identify and seek assistance from the Law Society. Accordingly, the committee recommends that further consideration of this issue be given by staff when developing the comprehensive plan for the diversion program that will be returned to the committee for review.



Where the member's engagement results from a referral from the complaints resolution department or the complaints investigation committee, the program and the results would remain confidential. However, if the member was uncooperative, non-compliant with treatment or rehabilitation or breached an undertaking to the Society in a significant manner, the member would be referred back to the complaints resolution department which may then refer the matter to the complaints investigation committee.

## **Human Resources**

Rather than establish a formal committee which creates a more cumbersome infrastructure that limits flexibility, it is recommended that the Law Society will dedicate staff resources to administer the program with the assistance of medical expertise. In order to do so, the Society would need to explore the option of having a slate of medical experts on retainer to provide advice and direction as required. By approaching the program in this fashion, the Society would have greater nimbleness to respond to urgent situations, without having to convene a meeting, but supported by the necessary medical expertise to appropriately respond to a given situation.

The committee considered whether the program ought to be administered through the complaints resolution department given that complaints department staff lawyers are on the front line in responding to questions or concerns regarding members of the profession. However, members who might otherwise be interested in engaging with the program as an early intervention might be disinclined to disclose a health issue to the Society's complaints resolution department. On balance, the committee is of the view that in order for the profession to accept and utilize this remedial program, it ought to be administered by the Law Society outside of the complaints resolution department.

## **Financial Resources**

There will be costs associated both with the medical assessment and, potentially, with the treatment, depending on its nature. The issue for consideration is whether the Society will incur the costs of one or both or whether the member ought to be responsible.

Blue Cross offers an addiction management program, which includes both assessment and counselling. Generally, when the member accesses the program on his or her own, there is no cost to the member. However, if the Law Society were to require the member to be assessed through the program and participate thereafter, this is considered to be beyond the scope of the EAP because the terms of reference are different and it contemplates the provision of an assessment report and progress reports thereafter. The cost of such a referral would be \$950 for the assessment and \$1500 for the group treatment. Blue Cross has offered to explore the option of conducting such an assessment at a reduced cost to the Society.

It is difficult to say at this point what the potential costs of other assessments might be, but they would not be insignificant.

*Recommendation: The Committee recommends that Law Society staff develop and bring to the benchers a comprehensive plan for the implementation of a Diversion Program that will include an analysis of the costs of the various components of development and delivery including staffing, consultations. Assessments and treatment.*

### **Complaints Disposition - Confidentiality**

Under the current rules, staff lawyers can dispose of complaints by:

- Deciding that the lawyer has provided a satisfactory response to the concerns;
- Sending a letter to the member reminding the lawyer of his/her professional obligations;
- Recommending that the lawyer take a certain course of action; or
- Referring the concerns to the complaints investigation committee.

For any staff decision to close a file without a referral to the complaints investigation committee, the complainant has the right to ask the complaints review commissioner to review that decision. The complaints review commissioner can either agree with the staff decision or refer the matter to the complaints investigation committee.

Given the diversionary and confidential nature of the proposed program, the committee recommends that you direct that there be no right of appeal from decisions to refer a member to the program. This would necessitate informing the complainant of the referral.

*Recommendation: The committee recommends that the benchers direct the Law Society to create the infrastructure to implement a formal diversion program in keeping with the objectives and principles set out herein.*

### **MID-RANGE**

In the next section of this memo, we will propose that this committee pursue the exploration of some longer range initiatives. In the interim and over the mid-range period, the Law Society can offer enhanced resources to proactively promote the well-being of the profession through CPD programming and on-line through the website.

In addition, the Law Society can lead by example by developing our own mental health strategy which would include training for staff and volunteers which may include mental health first aid training.

*Recommendation: The Law Society provide through its CPD Department and website additional programming and access to existing resources related to health and wellness.*

## **LONGER-TERM**

If we build it, will they come?

While it is beneficial to have a number of resources available to lawyers, articling students and firms, they will be of limited value if the profession does not understand or accept that there are significant mental health issues in our ranks. Therefore, you may wish to consider whether it would be worthwhile for the Society to explore the development of an information campaign for larger employers, to educate about what the research is revealing about the mental health of the “successful” lawyers in the big firms. The campaign could also make the business case for employers to adopt a mental health strategy and persuade the leaders to lead by example. If you were to recommend such an approach, the Society would need to offer resources to the firms.

This work could also be tied into the self-assessment tool that is being developed for firms as an initial step in firm regulation.

You may also wish to direct the Health and Wellness Committee to explore whether it would be feasible for the Society to develop a more robust resource section on the Law Society website or if there is a possibility to partner with another organization, such as the Manitoba Bar Association to establish a stand-alone organization that offers a range of resources, including peer support.

Each will be outlined briefly below.

### **A. On-Line Resources**

There are vast resources available that promote mindfulness and well-being. An examination of websites of other legal regulators shows that they provide online resources in a number of areas, such as:

#### **(i) Nurturing Yourself/ Managing Your Emotional Well-Being**

In this area, you might find:

- articles on stress, burnout, depression and addictions;

- mindfulness exercises to get you through the day
- guidance on being active and taking time for yourself
- tips to manage stress
- articles on the importance of nutrition

(ii) Seeking Help

Here is where you will find information on the Health and Wellness program and where we might link to additional resources such as

- the Canadian Mental health Association
- Alcoholics Anonymous
- Narcotics Anonymous
- Gamblers Anonymous
- The Addictions Foundation of Manitoba
- Mood Disorders Association of Manitoba

(iii) How to Support Someone Else

This section can include information on

- How to start a difficult conversation with someone
- How to become a Mental Health First Aid provider

(iv) Employment Practices

In this area, you could find:

- How to raise awareness in the workplace
- Best practices
- Resources for the workplace

You could direct that the Law Society devote time and resources to creating a robust information hub on the Law Society website. This would require extensive research not only to create the hub but to maintain it afterwards to ensure that it is current and responsive to the needs of the profession.

B. Is there a Partnership Opportunity?

As you know, the Law Society offers the Lawyers Health and Wellness Program, a counselling service through Blue Cross, while the Manitoba Bar Association has an informal peer support service called Lawyers Helping Lawyers.

In at least two jurisdictions, there is a more formalized and robust peer support program for lawyers.

- the Lawyers Assistance Program in British Columbia <https://www.lapbc.com>
- the Alberta Lawyers' Assistance Society <http://albertalawyersassist.ca/>

They are both stand-alone organizations that are supported financially by the regulator, by the Bar Association and by donations from a number of stakeholders, including many law firms.

They each have boards of directors and each has an executive director (paid position) and are staffed by volunteer lawyers, many of whom have training as counsellors.

In addition to providing peer support, these organizations host events or meetings such as Alcoholics Anonymous meetings and self-improvement sessions such as Overcoming Procrastination. They also provide extensive resources on their websites, much like the ones described earlier in the memo.

*Recommendation: The Health and Wellness Committee continue to explore opportunities to partner with other organizations to provide enhanced resources to the legal profession.*



## MEMORANDUM

**To:** **Benchers**  
**From:** **President's Special Committee on Regulating Legal Entities**  
**Date:** **May 8, 2020**  
**Re:** **Delivery of Legal Services**

---

### **A. Background**

The work of this President's Committee flowed from the work of last year's Committee on the Delivery of Legal Services. That committee was tasked with considering the necessary policies and framework that would support legislative amendments from the Province to permit legal services to be delivered by:

- (a) Providers who are unregulated;
- (b) Persons acting under the supervision of a lawyer (in family law and other areas);
- (c) Persons acting with a limited license (in family law and other areas); and
- (d) Legal entities, including associations of lawyers and non-lawyers such as Civil Society Organizations (CSOs).

The Delivery of Legal Services Committee delivered its report dated April 30, 2019 to the Benchers and on May 23, 2019 you adopted recommendations (summarized below) that:

1. The Law Society engage with stakeholders in the justice system with a consultation report that addresses the area of greatest need, that being family law. In light of the significant changes in the family law system resulting from the Family Law Modernization Project and also new family law Queen's Bench Rules, these consultations ought to proceed incrementally.
2. The Law Society ought to recognize categories of service providers who are already providing certain legal services to the public and who ought to be permitted to do so without engaging in the unauthorized practice of law. These providers would be exceptions to the general requirement that only practising lawyers may carry on activities that constitute the practice of law.

3. The Law Society should develop a robust set of policies relating to the provision of legal services by “permitted legal service providers” and these policies should support the fundamental principles of competence, integrity, accountability and access, taking a number of factors into consideration.
4. The Law Society ought to proceed incrementally to permit Alternative Business Structures (ABS) by first identifying a regulatory framework for the delivery of legal services through Civil Society Organizations (CSOs), such as registered charities or incorporated not-for-profits.
5. The Law Society ought to explore further a regulatory framework for ABS that would:
  - a. Have the potential to increase access to justice;
  - b. Be responsive to the public;
  - c. Address issues of professionalism;
  - d. Address the need to protect solicitor–client privilege
  - e. Promote innovation in the delivery of legal services;
  - f. Allow for orderly transition; and
  - g. Amount to efficient and proportionate regulation.

## **B. Mandate**

The mandate of the President’s Special Committee on Regulating Legal Entities was to continue the work of the Delivery of Legal Services Committee and specifically to:

- i. Develop a regulatory framework and robust policies that will support the provision of legal services by “permitted legal service providers”.
- ii. Develop a regulatory framework with appropriate conditions for the delivery of legal services through Civil Society Organizations (CSOs), such as registered charities or incorporated not-for-profits; and,
- iii. Explore a regulatory framework for the delivery of legal services through alternative business structures other than CSOs.

## **PART 1**

### **Permitted Legal Service Providers**

#### i) Permitted by Statute

Initially, we considered the types of services that might reasonably be provided by persons who are not lawyers. We discussed the fact that there are various legal services providers engaged in conduct or activities typically reserved for lawyers. However, they are not engaged in unauthorized practice because they have been given express permission to provide those services through specific statutory provisions. (e.g. WCB worker advisors or MPI claimant advisors). Think of these as “permitted by statute.”

#### ii) Permitted Due to Exceptions under the *Legal Profession Act*

Another category of permitted legal service providers are treated under section 20 (4) of *The Legal Profession Act* as exceptions to the general requirement that conduct or activities amounting to the practice of law must be undertaken by a practising lawyer. Therefore, when they provide certain legal services that may include the provision of legal advice, they are not engaging in the unauthorized practice of law (e.g. a public officer acting within the scope of his or her duties or a person acting on his or her own behalf in an action or proceeding).

#### iii) Expanding the Range of Exceptions

Last year’s Committee considered the fact that many other service providers who are not lawyers engage in activities that may be viewed as the unauthorized practice of law. However, the services address legal needs and generally are provided through well-known social service agencies whose work improves access to justice with little associated risk. The agencies are well regarded and their staff provide some limited legal services with competence.

Having regard to the Law Society’s statutory obligation to uphold and protect the delivery of legal services with competence, integrity and independence, in adopting the Delivery of Legal Services Committee report you previously determined that:

1. The policy considerations for permitting someone other than a practicing lawyer to provide specified legal services ought to be centered on the following fundamental principles:
  - a. Competence;
  - b. Integrity;



- c. Access; and
- d. Accountability.

Certain considerations ought to be taken into account when determining whether specified legal services may be delivered by persons other than lawyers. Those considerations have been reproduced for ease of reference and are attached as **Appendix 1**.

2. Whether service providers make a profit should not be determinative of whether they should be permitted to provide specified legal services to help address an unmet legal need.

In order to permit the provision of legal services by individuals or service providers who are not already expressly permitted by statute or identified as exceptions to unauthorized practice, 20(4) of *The Legal Profession Act* (the "Act") required amendment to add exceptions to the activities/conduct that would otherwise amount to the "unauthorized practice of law." In fact, two years ago, you adopted the recommendations of the Special Committee on Alternate Legal Services Providers and directed the Society to seek certain Act amendments that would increase the public's ability to access legal services.

After considering a number of different types of services and service providers, our Committee identified various legal services that could reasonably be provided (or are already being provided) by persons who are not lawyers, subject to consideration of the four fundamental principles referenced above.

To help differentiate between legal service providers – ranging from those who are not lawyers and are unregulated to practising lawyers - we created a visual aid to delineate categories. Attached as **Appendix 2** is a copy of the diagram that informed our discussions. We also developed a correlating chart that is attached as **Appendix 3**.

On March 9, 2020 the government introduced Bill 28 in response to the Society's request for legislative changes. The proposed Act amendments include a provision that would allow the Law Society to make rules permitting a person or a member of a class of persons set out in the rules to provide specified legal services, subject to any conditions or restrictions set out in the rules, (essentially expanding the scope of exceptions to the unauthorized practice rules). The contemplated broad discretion is optimal because as times change and access to justice issues evolve, the Society could be more nimble and address unmet legal needs without requiring Act amendments each time a need is identified. Attached as **Appendix 4** is a copy of Bill 28.

Should Bill 28 pass, the benchers will be in a position to formally recognize through Rules that certain persons or members of a class of persons providing specified legal services are not and would not be viewed as engaging in unauthorized practice.

We wrestled with whether the Society should require such exempted service providers to “register” with the Society in some fashion. Those initially in favour thought it made sense for the Society to “know who is out there” and the organization/persons providing the services would be expected to act in accordance with the referenced fundamental principles, or action may be taken. In response to that view, practical questions were raised such as:

- How would the Society attempt to find all of the individuals/service providers who might fall into this category?
- How would the Society require such service providers to register?
- If an individual/ service provider did not register, would the Society “go after” them (assuming an awareness of their presence and service delivery) for not registering? (e.g. Would the Society take the position that they are engaged in the unauthorized practice of law and write a cease and desist letter? What if they fit the criteria referenced above but simply don’t bother to register?)
- Would these service providers have to check in with the Society on an annual basis so that we could determine whether the services are being provided in accordance with fundamental principles? (i.e. Would the Society have to conduct a review of how they are doing their work and determine if they meet our policy requirements?)
- If the service providers did not meet established criteria, would the Society “de-register” them and consider taking other action?

It was determined that a requirement to register would amount to an appropriate “light touch” form of regulation. It was suggested that the Society would only intervene in circumstances where it determines the public is at risk. It was also suggested that the Society might intervene in circumstances where the service provider offers services that fall outside of the “scope of services they are registered to provide.”

Another suggestion was to include an option in the Rules that would allow the Law Society to require registration at some point if deemed necessary.

Our legislation was closely modeled on the authority granted to the Law Society of Saskatchewan that went into effect January 1, 2020. We understand the Law Society of Saskatchewan is currently exploring the nature and extent of such services being provided in the Province and the extent to which they may be subject to any regulation.

### **Recommendation 1:**

**We recommend that the Law Society continue its work on exploring the expansion of exemptions from the unauthorized practice provisions under the Act by identifying those activities that are low risk to the public and provide increased access to justice.**

## **PART 2**

### **Civil Society Organizations**

#### Definition and Conditions

In 2019, you agreed to proceed with a regulatory framework for the delivery of legal services through Civil Society Organizations (CSOs), a type of alternative business structure.

At that time, you adopted the following definition of a CSO:

*a registered charity or not-for-profit corporation which provides services to clients, and through which a lawyer may provide legal services to those same clients, for either no fee, or a low fee, as an access to justice initiative.*

You also determined that a regulatory framework should include the following conditions:

- a. The CSO must deliver services either through a registered charity or an incorporated not-for-profit organization;
- b. The CSO must be registered with the Law Society;
- c. The delivery of legal services must be controlled by a practising lawyer;
- d. A lawyer providing services to clients of the CSO will be required to hold professional liability insurance;
- e. Solicitor-client privilege and client confidentiality must be protected and maintained;
- f. The fundamentals of professionalism must be maintained;
- g. The CSO will be required to provide annual updates to the Law Society with respect to the nature of the legal services being delivered and be subject to deregulation for non-compliance with the prescribed conditions for CSOs.

In making your decisions, generally you followed the lead of the Ontario Law Society's regulatory framework for CSOs although you departed from their framework as follows:

- i. the legal services may be provided on either a no cost basis or for a nominal or low fee;
- ii. lawyers providing services through a CSO do not have to be employed by the CSO; however, lawyers providing the services to clients of the CSO will be required to hold professional liability insurance;
- iii. the Law Society ought to consider extending practicing status and insurance coverage at no cost to lawyers who volunteer their services and undertake not to provide those services to clients outside the scope of the CSO.

## Considerations for a Manitoba CSO Regulatory Framework

In accordance with our mandate we gave further consideration to what a regulatory framework should look like in order to permit lawyers to provide legal services through registered CSOs to clients of such organizations, provided that the referenced conditions are met.

The provision of services through CSOs will have to be supported by rules. In order to identify the scope of those rules, some preliminary policy and operational issues were considered.

### i) Regulatory Requirements

#### *Insurance*

When considering insurance requirements and the cost related to insurance, we reviewed a couple of options as follows:

- a. Lawyers who are not practising may provide legal services through a CSO if they provide an undertaking not to practice outside the scope of their CSO work. The Law Society could “certify” a CSO and provide insurance to the lawyers on a complimentary basis (as is currently done with respect to retired lawyers who volunteer at the Legal Help Centre);
- b. Lawyers who are practising but otherwise exempt from the requirement to have insurance coverage (e.g. crown attorneys) and who want to provide legal services through a CSO may be able to obtain insurance from CLIA. (This would have to be explored.) In this scenario, CLIA would sell the insurance but at the same rate to all lawyers. If the Society wants to, it could “comp” the premium cost for the lawyer but the Society would pay the insurance premium amount to CLIA.

### **Recommendation No. 2A**

**We recommend that the Law Society implement a model that will provide insurance coverage for lawyers providing services through a CSO at no cost or low cost.**

#### *In-House Counsel*

In Ontario, it was recognized that in certain cases, in-house counsel at charities or not-for-profit corporations may be interested in providing professional services to clients of the organization pursuant to their employment. It was determined that the Society should encourage and permit this practice, as long as the in-house counsel ensures that there are no conflicts of interest, and that

in-house counsel obtains insurance that would cover the delivery of professional services to clients of the organization.

In Manitoba, in-house counsel at charities or not-for-profits are required to be insured. Currently though, they are not permitted to provide legal services to clients of the organization (because the organization is not a traditional law firm). However, if the charity or not-for-profit is registered as a CSO, there seems to be no reason why in-house counsel shouldn't be encouraged and permitted to provide legal services to clients of the organization subject to conflict issues.

### **Recommendation No. 2B**

**In-house counsel at charities and not-for-profits should be permitted to provide legal services to clients of registered CSOs, subject to conflict issues.**

#### *Referral Fees*

Last year's Committee did not make a recommendation relating to the payment of referral fees but noted some potential mischief in a model permitting the referral of clients to lawyers in exchange for a fee or donation being made to the CSO.

We considered the issue and agreed with the previous observation that there was potential for mischief in such a model.

### **Recommendation No. 2C**

**CSOs should be prohibited from referring clients to lawyers in exchange for donations, payments or other consideration.**

#### *Trust Accounts*

Unlike Ontario's model, you determined that lawyers ought to be able to provide legal services through CSOs on either a no cost **or** a low cost basis. We discussed what might be required from an accounting standpoint if any payments were made. We agreed that if the lawyer determined to seek a small retainer to cover anticipated disbursements or anticipated fees, the lawyer would be required to have a separate trust account relating to work done through the CSO and comply with the Law Society's trust accounting rules, including the requirement to complete the trust safety course. We specifically considered whether a lawyer providing services through a CSO should be prohibited from having a trust account and could find no reason for such a prohibition.

**Recommendation No. 2D**

**A lawyer providing services through a CSO should not be prohibited from having a trust account, subject to meeting any Law Society requirements.**

*Registration*

You previously determined that a CSO should be registered with the Law Society. When discussing what registration process to recommend we considered the process developed in Ontario. A CSO must complete and submit an application form and adhere to the stated conditions. By registering, the organization does not itself become “regulated” by the Ontario Law Society in the traditional sense; however, the organization must comply with the terms of registration. If at any time the Law Society’s requirements are not met, charities and not-for-profit corporations may be de-registered and this information will be made public.

It is important to note that the Law Society of Ontario continues to regulate the individual lawyers who provide legal services through the charity or not-for-profit corporation.

In both the by-laws and the application form it is stipulated that an annual report also must be filed by the CSO with the Law Society of Ontario in order to maintain registration. As well, there is a requirement that the licensee practising law or providing legal services must maintain control of the delivery of those services. It is made clear that a licensee providing legal services shall enter into a solicitor-client relationship with the requirement that solicitor-client privilege be protected by the lawyer and respected by the CSO. There is also a requirement that the licensee providing the services must have the appropriate insurance and must not charge fees. Payment of referral fees is prohibited.

Using Ontario’s application as a template, we developed a draft application form attached as **Appendix 5** that sets out a list of requirements and conditions similar to those in Ontario. For example, there is a prohibition against referral fees and a requirement to file an annual report with the Law Society. It also clearly sets out that an organization may be de-registered for failing to adhere to any of the conditions.

**Recommendation No. 2E**

**We recommend that you approve in principle the proposed registration process, including the required conditions contained in the draft application form.**

## ii) Guide

The Law Society of Ontario also developed a guide for organizations that are applying to be registered and we have drafted a similar guide for organizations that might wish to apply to be registered as a CSO in Manitoba.

## iii) Code of Professional Conduct

Assuming that you accept the recommendations set out in this report, we considered whether any amendments should be made to the *Code of Professional Conduct*. We determined that some amendments would be appropriate as follows:

- “civil society organization” should be added to the definition section.
- Rule 3.1 on Competence should be amended to add specific commentary about what lawyers should take care to do when providing legal services through CSOs.
- Rule 3.4 on Conflicts should be amended to stipulate that when practising law through a CSO, a lawyer shall establish a system to search for conflicts of interest of the civil society organization.
- Rule 3.6 on Fees and Disbursements should be amended to set out that a lawyer providing legal services through a CSO shall (only) provide the services on a pro bono or low bono basis to the person for whose benefit the legal services are required and disbursements may be charged.
- Rule 3.6 should be amended further to make it clear that the payment of any referral fees is prohibited if the lawyer making or accepting the referral is providing legal services through a CSO.

If approved in principle, the referenced *Code* amendments would come back to you for approval at a later date.

**Recommendation No. 2F**

**The proposed amendments to the *Code of Professional Conduct* should be approved, in principle.**

## **PART 3**

### **Alternative Business Structures**

In addition to recommending an appropriate regulatory framework for the delivery of legal services through CSOs, we were asked to make recommendations about alternative business structures (“ABS”) generally.

We noted that the Law Society was given authority to regulate legal entities when the Act was amended in November 2015 and reviewed the work towards an entity regulation model undertaken in partnership with the prairie law societies. Last spring, the Law Society required traditional law firms to register with the Society and designate a lawyer to receive communications from the Society. The Trust Safety Program which requires an individual in every law firm to be trained as a trust account supervisor was also launched. Currently, prairie law societies are exploring the creation of a platform to launch a law firm practice management assessment tool for law firms to complete.

We explored a number of variations on what constitutes an ABS and considered certain features that could be combined to form an ABS or that could be applied to an existing legal practice structure to change the way legal services are managed and delivered. Among other things, we looked at non-lawyer ownership of law firms and models that involve inter-professional collaboration in the delivery of different services – both of which would require that lawyers be permitted to share fees or revenue with those who are not lawyers, something currently prohibited under the *Code*.

#### *Potential Benefits and Risks*

We considered arguments for and against ABS. Supporters argue that allowing lawyers to deliver legal services through ABS may allow for greater flexibility in the ways that legal services can be delivered. For example, current restrictions increase the price of capital by limiting the ways in which firms can raise money, impede the emergence of large consumer-focused law firms and preclude inter-professional collaborations that could have the potential to enhance access to legal services. Larger multidisciplinary firms might be able to offer more accessible legal services through risk-spreading and economies of scale. Further, if lawyers are permitted to partner and share fees with non-lawyers, law firms could provide more convenient and accessible delivery of services in a one-stop shopping environment. Allowing “non-lawyers” to become involved in ownership, funding and provision of services alongside lawyers can also provide easily increased accessible expertise to lawyers themselves on a myriad of issues. Other benefits may include increased competition, economic efficiency and enhanced use of technology and innovation.



Critics of ABS regulation tend to focus on concerns relating to rules of professional conduct that apply to lawyers, whether through Codes of Conduct or the common law. Key amongst those concerns are:

1. Preservation of professionalism;
2. Preservation of independence of the bar;
3. Preservation of solicitor-client privilege and confidentiality; and
4. Conflicts.

Such concerns may be valid although, arguably, they could be addressed if entities were properly regulated and monitored. Based on developments in other jurisdictions, the risk of significant harm appears to be remote and capable of mitigation. Liberalizing rules respecting business structures would not lead to an abandonment of the traditional law firm structure. But, it would lead to additional choices for lawyers relating to methods of practising law and also provide choices for those seeking legal advice.

Some researchers have questioned whether in fact a non-lawyer ownership model actually improves access for low and middle income demographics. One scholar suggested it may actually be detrimental to focus on non-lawyer ownership as a substitute for other access to justice initiatives.

### *Other Jurisdictions*

In light of the views both for and against allowing ABS, we considered what other jurisdictions have allowed or rejected and why. In England and Wales for example, in 2011, legislation allowing non-lawyers to be majority owners of ABS came into effect, although the reforms were hotly contested. We noted with some interest that as of March 2019, there were almost 1,300 firms operating as ABS in a market of approximately 10,000 law firms. While some continue to tout the benefits of permitting ABS, others state that more flexible ownership of law firms does not of itself create innovation and competition. It is reported that many of the ABS that were permitted relate to traditional firms where lawyers simply wanted to add spouses and it does not appear that this kind of ABS has improved access to justice.

The American Bar Association in 2011 rejected full-scale outside investments by non-lawyers in law firms and a year later, even cautious options for liberalization were rejected. Except for limited exceptions in Washington State (which recently allowed a new limited license professional) and Washington, D.C., every United States jurisdiction prohibits lawyers from going into business with or sharing fees with non-lawyers.

In Ontario, multidisciplinary partnerships (“MDPs”) have been permitted for many years. However, there are very few MDPs likely due to strict limitations, such as a requirement that the other professions must support or supplement the lawyer’s practice. Significantly, the lawyer must assume effective control over the other professional’s provision of services and is responsible for their compliance with the Law Society’s rules and regulations. Over the course of many years and through the work of various committees, the Law Society of Ontario considered on an in-depth basis issues related to other forms of ABS. In 2015, an important decision was made relating to majority or controlling non-licensee ownership models for traditional law firms. The Ontario Working Group indicated that such non-licensee ownership levels did not appear to be warranted based on current information when the potential benefits to such external ownership levels are weighed against the regulatory risks and proportionality. However, a decision was made to explore and assess other potential ABS options with the potential to foster innovation or enhance access to justice, including minority ownership by non-licensees, franchise models, ownership by Civil Society Organizations such as charities. In a later report, in 2017, it was noted that the CSO proposal is rooted in commitments to make it easier for individuals to access legal services and is premised on greater interdisciplinary collaboration using social service workers and other “trusted intermediaries” to help connect clients of CSOs to legal services. Ultimately, the Law Society of Ontario decided to implement a policy to permit lawyers to provide legal services through CSOs.

However, following its exploration of non-licensee minority ownership of law firms and other ABS models, the Law Society of Ontario accepted recommendations to make no further changes to business structures at that time. The Working Group noted that many of the objectives of ABS can and are being achieved within currently permitted structures and found it doubtful that changing ownership or control of existing law firms will significantly advance the objectives of ABS. Although certain risks could be appropriately addressed, such structures, if permitted, would be subject to additional regulatory requirements which may deter licensees from choosing to practice through ABS. It also appeared that there was limited interest among licensees in minority non-licensee ownership of law firms or new franchise models. Recent research indicated that there has been limited impact of minority non-licensee owned firms where these structures are permitted. The Law Society concluded that if these new models were adopted in Ontario, they would likely be used infrequently and the benefits of their use would also likely be minimal. Essentially, the regulatory inputs would be disproportionate to the expected benefits.

In 2011, the Law Society of British Columbia considered ABSs and decided to wait to see if the case for improving access to legal services through ABSs can be more clearly demonstrated. If there is an appetite to consider permitting properly regulated ABSs in the province, it was determined that there should be a wider consultation within the legal profession, including users of legal services and the business community. There is a reference to alternative business structures in the December 2019 “Futures Task Force” public consultation document. The question for consultation is: “To what extent, if any, are alternative legal service providers and alternate business structures

likely to impact lawyers and law firms in British Columbia?" It is expected that there will be some discussion relating to ABSs in whatever report the Futures Task Force delivers.

Neither the Law Society of Saskatchewan nor Alberta has embarked on a detailed consideration of whether or not to allow ABSs to provide legal services, although Alberta recently amended its rules to include "approved legal service providers" – not unlike the CSOs you have approved.

Based on experiences in other jurisdictions, we are not persuaded that permitting ABS more generally in Manitoba would be an effective means to improve access to legal services. When considering Ontario's experience in having a small number of multi-disciplinary partnerships coupled with limited interest in other types of ABS, we believe that the potential uptake in Manitoba could well be within the range of two or three applicants. Also, we were advised that the Law Society receives very few inquiries from members about partnering with or bringing in-house other professional disciplines to provide services to clients.

### **Recommendation 3:**

**The Law Society should focus its efforts on introducing CSOs as a first step towards advancing ABSs. Although further exploration of ABSs does not appear warranted at this time, the Law Society should continue to monitor and assess developments in this area.**

## **PART 4**

### **Limited Practitioners - Bill 28**

In addition to giving the Law Society the ability to make rules permitting more legal service providers to provide specified legal services, Bill 28 allows the Law Society to create a **new category** of legal service providers called "**Limited Practitioners**" who would receive a limited practice certificate to carry on the limited practice of law as specified in the certificate, subject to the rules and regulations. The amendment was requested by the Law Society following your acceptance of the 2018 report of the Alternate Legal Service Providers Committee that recommended steps to loosen the Society's "monopoly" on the provision of legal services.

You previously directed that the Law Society engage with stakeholders in the justice system with a consultation report that addresses the area of greatest need, that being family law. Although a draft consultation report was prepared for last year's Delivery of Legal Services Committee, it was not revised or tailored for various stakeholders and consultations were not initiated due to two major changes in the legal landscape, referenced earlier:

- i. New Family Law Rules within the Queen's Bench Rules;
- ii. The government's intention to proceed with its Family Law Modernization Project.

Some progress with the Government's Modernization Project has been made as evidenced by a new website designed to provide the public with legal information about family law matters.

As part of the Modernization Project, there are designated "client guides" who will be tasked with explaining processes to members of the public and assisting them in their domestic law matters. It can be challenging to differentiate between providing legal information as opposed to legal advice. The role of a client guide may very well present a timely opportunity to explore, in consultation with stakeholders, what skills may be needed to provide effective family law assistance to members of the public as they address their domestic issues - especially in the context of a new family law model that is emerging.

It would be appropriate for the Law Society to begin the necessary stakeholder consultation to explore a potential scope of practice for Limited Practitioners along with any associated educational requirements and standards.

With the introduction of Bill 28, discussions about alternate legal service providers are no longer theoretical and the Society is well-positioned to explore how it may further increase the public's access to justice in a meaningful way.

#### **Recommendation 4:**

**We recommend that the Law Society begin the consultation process with stakeholders in the area of family law.**

## **PART 5**

### **Summary of Recommendations:**

#### **Recommendation 1:**

We recommend that the Law Society continue its work on exploring the expansion of exemptions from the unauthorized practice provisions under the Act by identifying those activities that are low risk to the public and provide increased access to justice.

**Recommendation No. 2A**

We recommend that the Law Society implement a model that will provide insurance coverage for lawyers providing services through a CSO at no cost or low cost.

**Recommendation No. 2B**

In-house counsel at charities and not-for-profits should be permitted to provide legal services to clients of registered CSOs, subject to conflict issues.

**Recommendation No. 2C**

CSOs should be prohibited from referring clients to lawyers in exchange for donations, payments or other consideration.

**Recommendation No. 2D**

A lawyer providing services through a CSO should not be prohibited from having a trust account, subject to meeting any Law Society requirements.

**Recommendation No. 2E**

We recommend that you approve in principle the proposed registration process, including the required conditions contained in the draft application form.

**Recommendation No. 2F**

The proposed amendments to the *Code of Professional Conduct* should be approved, in principle.

**Recommendation 3:**

The Law Society should focus its efforts on introducing CSOs as a first step towards advancing ABSs. Although further exploration of ABSs does not appear warranted at this time, the Law Society should continue to monitor and assess developments in this area.

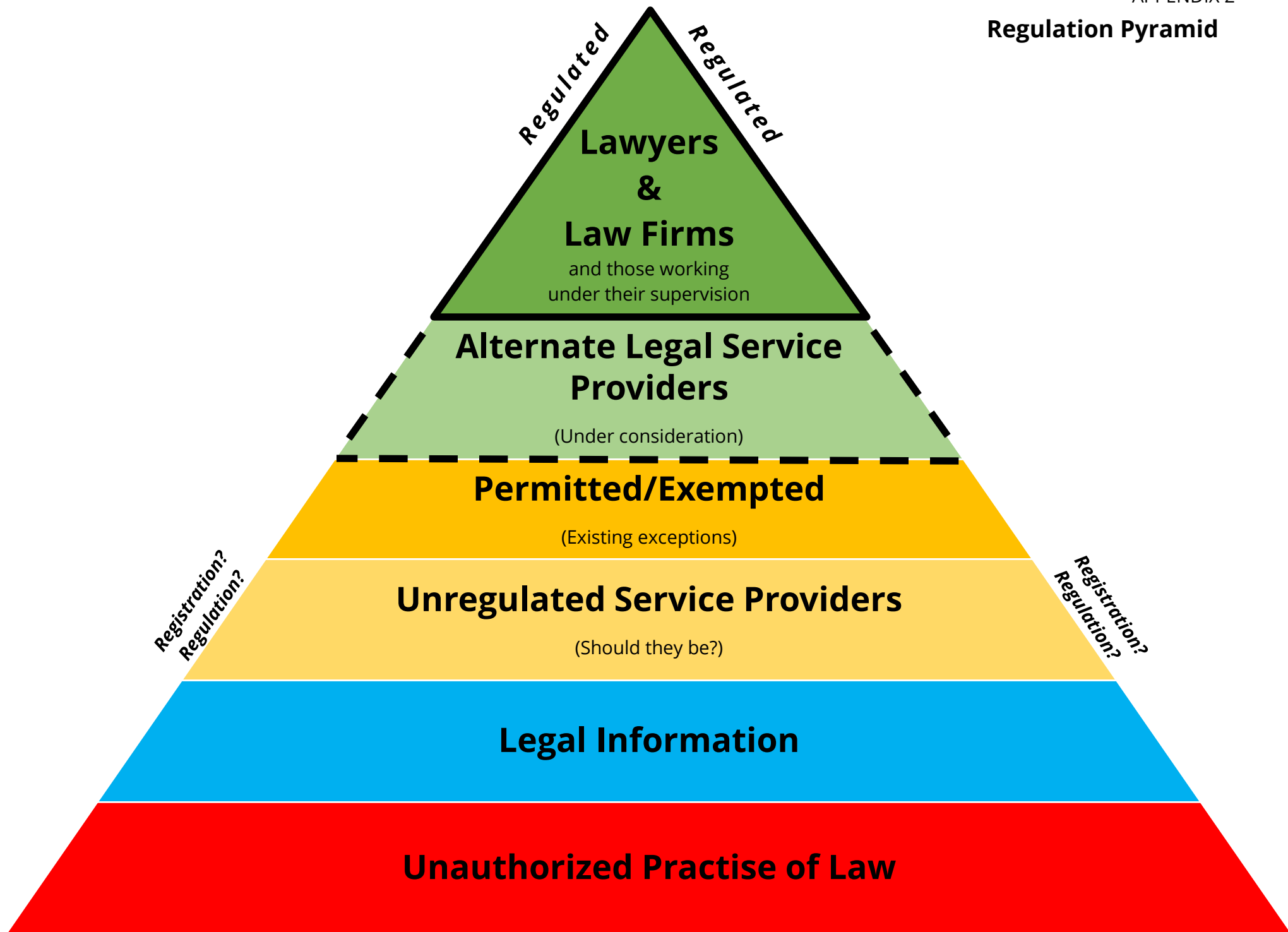
**Recommendation 4:**

We recommend that the Law Society begin the consultation process with stakeholders in the area of family law.

## APPENDIX 1

	COMPETENCE	INTEGRITY	ACCOUNTABILITY	ACCESS
<i>Are the services being provided through a government-funded initiative (e.g. Family Justice Resource Centre)?</i>	X	X	X	X
<i>Are the services being provided through an agency with a functioning board that provides oversight?</i>		X	X	
<i>Are the services being provided at little to no cost to the public?</i>				X
<i>Are the services that are being provided ancillary to the provision of other services for which the service provider is regulated?</i>	X	X	X	
<i>Are those who provide certain services provided with some form of training?</i>	X			
<i>Are minimum qualifications called for?</i>	X			
<i>Does the public (or would the public) benefit from the provision of such services?</i>				X
<i>If services are delivered in an inadequate or negligent manner, what is the level of risk? Financial loss? Loss of liberty?</i>		X	X	
<i>Are services being provided that might not otherwise be provided by lawyers?</i>				X
<i>Would the provision of such services help to address an "unmet legal need?"</i>				X

# Regulation Pyramid



Regulated	Exceptions to UAP (Unauthorized Practice)	Unregulated	Alternative Business Structures
Lawyers and Law Students (as Individuals) & Law Firms (as Entities)	Permitted*/Exempted Activities	Non-Lawyers providing some level of legal services	Associations of Lawyers and Non-Lawyers
<p>Lawyers - permitted to practise law as per s. 20 of <i>The Legal Profession Act</i></p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Private practice</li> <li>• Government</li> <li>• Legal Aid Manitoba</li> <li>• In-house counsel</li> <li>• Community legal service providers <ul style="list-style-type: none"> <li>○ Legal Help Centre (LHC)</li> <li>○ Community Legal Education Association (CLEA)</li> </ul> </li> <li>• Providing services through a "CSO" – framework being developed (lawyers themselves will be regulated)</li> </ul>	<p>Categories in s. 20(4) of <i>The Legal Profession Act</i></p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• A public officer acting within the scope of his/her authority as a public officer</li> <li>• A notary public exercising his/her powers as a notary</li> <li>• A district registrar acting within the scope of the duties</li> <li>• A person preparing a document for his/her own use or to which he/she is a party</li> <li>• A person acting on his/her own behalf in an action/proceeding</li> <li>• An officer or employee of an incorporated or unincorporated organization preparing a document for the use of the organization or to which it is a party</li> </ul> <p><i>*2018-2019 Committee preferred to use "permitted" rather than "exempted"</i></p>	<p>Not-for-Profit or otherwise funded</p> <p>Examples*:</p> <ul style="list-style-type: none"> <li>• Community Unemployment Help Centre</li> <li>• Canadian Mental Health Association Manitoba and Winnipeg</li> <li>• Independent Living Resource Centre</li> <li>• Anxiety Disorders Association of Manitoba, Manitoba Schizophrenia Society, and the Mood Disorders Association of Manitoba</li> <li>• North End Community Renewal Corporation – Tenant Landlord Cooperation Program</li> <li>• Manitoba Low Income Intermediary Project/Workers Organizing Resource Centre</li> <li>• West Central Women's Resource Centre</li> <li>• Eagle Urban Transition Centre</li> </ul>	<p>Permitted as per s. 24.1 of <i>The Legal Profession Act</i></p>



Regulated	Exceptions to UAP (Unauthorized Practice)	Unregulated	Alternative Business Structures
		<p><i>*From "Justice Starts Here" Report (at pp. 52 -53)</i>  <a href="https://www.policyalternatives.ca/sites/default/files/uploads/publications/Manitoba%20Office/2017/11/Justice_Starts_Here_PILC.pdf">https://www.policyalternatives.ca/sites/default/files/uploads/publications/Manitoba%20Office/2017/11/Justice_Starts_Here_PILC.pdf</a></p>	
<p><b>Persons Working under the Supervision of Lawyers</b>  (indirectly/effectively regulated through the lawyers)  Examples:</p> <ul style="list-style-type: none"> <li>• Assistants/Paralegals* within law firms</li> <li>• Students at the Legal Help Centre</li> </ul> <p><i>*Unlike in Ontario, "paralegals" in Manitoba are not an independent and regulated profession. There is no prescribed training for them and there is inconsistent use of the terminology.</i></p>	<p><b>Highway Traffic Act Agents – as per s. 40 of the Act (LPA)</b></p> <ul style="list-style-type: none"> <li>• See conditions &amp; limitations in s. 40</li> <li>• Government can make regulations</li> </ul> <p>Examples:</p> <ul style="list-style-type: none"> <li>• POINTTS</li> <li>• Merits of Manitoba</li> </ul>	<p><b>Other Categories</b></p> <ul style="list-style-type: none"> <li>• Individual whose profession/occupation is not the provision of legal services who acts in the normal course of carrying on that profession/occupation</li> <li>• Individual employed by a trade union</li> <li>• Aboriginal Court Worker</li> <li>• Individual employed by a company (not a law firm) to provide services in-house and only for the company</li> <li>• Individual (e.g. tax representative) who acts as agent on assessment appeals before Municipal Board</li> <li>• Friends/Neighbours who assist each other without compensation</li> <li>• Individuals who assist family members</li> </ul>	<p><b>Bencher Decisions*</b></p> <ul style="list-style-type: none"> <li>• Identify regulatory framework for Civil Society Organizations (CSOs)</li> <li>• Explore framework for ABS generally</li> </ul> <p><i>*May 23/19 Bencher Meeting – adopted Delivery of Legal Services Report dated April 30/19</i></p>

Regulated	Exceptions to UAP (Unauthorized Practice)	Unregulated	Alternative Business Structures
<p><b>Law Firms – Entity Regulation - as per s. 24.1 of the Act</b></p> <ul style="list-style-type: none"> <li>• Arrangements between/among lawyers <ul style="list-style-type: none"> <li>○ firm must register</li> <li>○ must provide name(s) of designated member for communications with LSM</li> <li>○ must have an approved trust account supervisor</li> <li>○ trust account supervisor must take training and pass test</li> </ul> </li> </ul>	<p><b>Permitted Under Other Statutes –as per s. 20(2) of <i>The Legal Profession Act</i></b></p> <ul style="list-style-type: none"> <li>• Worker Advisers <i>The Workers Compensation Act, s. 108</i></li> <li>• Claimant Advisers <i>The Manitoba Public Insurance Corporation Act, ss. 174.1 and 174.2</i></li> <li>• <i>Criminal Code</i> Agents see s. 800 and 802 and s. 802.1</li> <li>• Legal Aid may employ persons (other than lawyers/students) to provide (under lawyer supervision) services that would ordinarily be provided by lawyers/articling students <i>The Legal Aid Manitoba Act, s. 15.1</i></li> <li>• A.G. may appoint persons (other than lawyers/students) as prosecutors (under lawyer supervision) <i>The Crown Attorneys Act, s.3(3)</i></li> </ul>	<p><b>Bencher Decisions*</b></p> <ul style="list-style-type: none"> <li>• LSM ought to; <ol style="list-style-type: none"> <li>a) Recognize categories of service providers who are providing legal services to the public and who ought to be permitted to continue to do so without being engaged in unauthorized practice (treat them as exceptions)</li> <li>b) Adopt policies relating to the provision of services by permitted legal service providers</li> <li>c) Policies should support the fundamental principles of: <ol style="list-style-type: none"> <li>(i) Competence</li> <li>(ii) Integrity</li> <li>(iii) Access</li> <li>(iv) Accountability</li> </ol> </li> <li>d) LSM ought to take certain factors into account when determining whether certain legal services could be delivered by persons other than lawyers without being</li> </ol> </li> </ul>	

Regulated	Exceptions to UAP (Unauthorized Practice)	Unregulated	Alternative Business Structures
		<p>engaged in unauthorized practice</p> <ul style="list-style-type: none"> <li>Whether the organization makes a profit should not be determinative</li> </ul> <p><i>*May 23/19 Bencher Meeting – adopted Delivery of Legal Services Report dated April 30/19</i></p>	
<p><b>Possible Alternate Legal Service Providers (other types of “licensees”)</b></p> <p>Examples:</p> <ul style="list-style-type: none"> <li>Legal License Legal Technicians (such as in the Washington State Bar) <a href="https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/limited-license-legal-technicians">https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/limited-license-legal-technicians</a></li> <li>Independent Regulated Paralegals –P1 licensee (such as in Ontario) <a href="https://lso.ca/becoming-licensed/paralegal-licensing-process/registration/2019-20-licensing">https://lso.ca/becoming-licensed/paralegal-licensing-process/registration/2019-20-licensing</a></li> <li>Independent Regulated Paralegals (such as in British Columbia; regulatory</li> </ul>		<p><b>Questions</b></p> <ol style="list-style-type: none"> <li>Does the Law Society need to regulate them (e.g. train/accredit, licence, insurance, discipline?)</li> <li>If so, what would regulation look like? (e.g. “light touch” or more?)</li> <li>Would the Law Society require registration?</li> <li>Is it sufficient for the Law Society to step in only in circumstances where the public is at risk?</li> </ol> <p>If so, what criteria should the Law Society consider in determining whether to step in to ensure consumers are protected?</p>	

Regulated	Exceptions to UAP (Unauthorized Practice)	Unregulated	Alternative Business Structures
framework under consideration)			
<p><b>Bencher Decisions*</b></p> <ul style="list-style-type: none"> <li>LSM should seek legislative amendments to permit Benchers to authorize the provision of legal services in the area of family law by persons without a law degree under the supervision of a lawyer and by persons with a limited license to provide prescribed legal services to the public</li> </ul> <p><i>*April 19/18 Bencher Meeting-adopted Alternate Legal Services Providers Committee Report dated April 11/18</i></p>			

**Bill 28**

**Government Bill**

**Projet de loi 28**

**Projet de loi du gouvernement**

---

2<sup>nd</sup> Session, 42<sup>nd</sup> Legislature,  
Manitoba,  
69 Elizabeth II, 2020

---

---

2<sup>e</sup> session, 42<sup>e</sup> législature,  
Manitoba,  
69 Elizabeth II, 2020

---

**BILL 28**

**PROJET DE LOI 28**

**THE LEGAL PROFESSION  
AMENDMENT ACT**

**LOI MODIFIANT LA LOI SUR LA  
PROFESSION D'AVOCAT**

Honourable Mr. Cullen

M. le ministre Cullen

---

First Reading / Première lecture : \_\_\_\_\_

Second Reading / Deuxième lecture : \_\_\_\_\_

Committee / Comité : \_\_\_\_\_

Concurrence and Third Reading / Approbation et troisième lecture : \_\_\_\_\_

Royal Assent / Date de sanction : \_\_\_\_\_

---

## EXPLANATORY NOTE

---

This Bill amends *The Legal Profession Act* to expand the range of people who can provide legal services beyond lawyers.

The Law Society of Manitoba may issue a limited practice certificate that authorizes a person who is not a lawyer to engage in a limited law practice, subject to conditions and restrictions set out in the rules and regulations. These limited practitioners must meet education and training requirements and are regulated by the Law Society.

*The Legal Profession Act* currently allows specified persons who are not lawyers to perform certain legal functions identified in the Act. The amendments allow the Law Society to make rules that permit specified classes of people who are not lawyers to provide the legal services set out in the rules. The Law Society may impose conditions and restrictions on people who are permitted to provide those legal services.

## NOTE EXPLICATIVE

---

Le présent projet de loi modifie la *Loi sur la profession d'avocat* afin d'élargir l'éventail de personnes qui peuvent offrir des services juridiques.

La Société du Barreau du Manitoba peut délivrer des certificats d'exercice restreint afin d'autoriser des particuliers qui ne sont pas avocats à exercer le droit de façon restreinte, sous réserve des conditions et des restrictions prévues par les règles et les règlements. Ces praticiens à exercice restreint doivent satisfaire à des exigences en matière d'études et de formation et sont régis par la Société.

Actuellement, la *Loi sur la profession d'avocat* permet à certains particuliers qui ne sont pas des avocats d'exercer certaines fonctions juridiques. Les modifications à la *Loi* habilite la Société à en faire autant au moyen de règles précisant les catégories de personnes visées, les fonctions autorisées et, le cas échéant, les conditions et restrictions qu'elle leur impose.

**BILL 28**

**THE LEGAL PROFESSION  
AMENDMENT ACT**

(Assented to \_\_\_\_\_ )

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

*C.C.S.M. c. L107 amended*

*1       **The Legal Profession Act** is amended by this Act.*

*2       Section 1 is amended by adding the following definitions:*

**"limited practice certificate"** means a certificate issued to a person under section 25.1 that authorizes the person to engage in the limited practice of law. (« certificat d'exercice restreint »)

**"limited practitioner"** means a person who holds a valid limited practice certificate issued by the society. (« praticien à exercice restreint »)

**PROJET DE LOI 28**

**LOI MODIFIANT LA LOI SUR LA  
PROFESSION D'AVOCAT**

(Date de sanction : \_\_\_\_\_ )

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative du Manitoba, édicte :

*Modification du c. L107 de la C.P.L.M.*

*1       La présente loi modifie la **Loi sur la profession d'avocat**.*

*2       L'article 1 est modifié par adjonction des définitions suivantes :*

« **certificat d'exercice restreint** » Certificat qui est délivré à une personne en vertu de l'article 25.1 et qui l'autorise à exercer le droit de façon restreinte. ("limited practice certificate")

« **praticien à exercice restreint** » Titulaire d'un certificat d'exercice restreint valide délivré par la Société. ("limited practitioner")

3 *The following is added after section 1:*

**Expanded definitions — "lawyer", "member" and "practising lawyer"**

**1.1** In the provisions of this Act specified by regulation made under clause 25.2(1)(c), a reference to "lawyer", "member" or "practising lawyer" includes a reference to a limited practitioner, subject to any changes set out in that regulation.

4 *The following is added after clause 20(4)(e):*

(f) a person or a member of a class of persons set out in rules made under section 20.1 who is providing the legal services specified in those rules in accordance with any conditions or restrictions in those rules.

5 *The following is added after section 20:*

**Rules re permitted legal service providers**

**20.1** The benchers may make rules permitting a person or a member of a class of persons set out in the rules to provide specified legal services, subject to any conditions or restrictions set out in the rules.

6 *The following is added after section 25 and before the centred heading that follows it:*

**LIMITED PRACTITIONERS**

**Limited practitioners**

**25.1(1)** The society may issue a limited practice certificate that authorizes the holder to carry on the limited practice of law as specified in the certificate, subject to the rules and regulations.

3 *Il est ajouté, après l'article 1, ce qui suit :*

**Définitions élargies d'« avocat », d'« avocat en exercice » et de « membre »**

**1.1** Dans les dispositions de la présente loi que précise tout règlement pris en application de l'alinéa 25.2(1)c), toute mention d'un avocat, d'un avocat en exercice ou d'un membre vaut mention d'un praticien à exercice restreint, sous réserve des modifications précisées dans ce règlement.

4 *Il est ajouté, après l'alinéa 20(4)e), ce qui suit :*

f) aux personnes qui, nommément ou par catégorie, sont énoncées dans les règles prises en vertu de l'article 20.1 et qui offrent les services juridiques que ces règles prévoient en conformité avec toute condition ou restriction stipulée dans celles-ci.

5 *Il est ajouté, après l'article 20, ce qui suit :*

**Règles — personnes autorisées à offrir des services juridiques**

**20.1** Les conseillers peuvent prendre des règles autorisant, nommément ou par catégorie, les personnes qui y sont énoncées à offrir certains services juridiques, sous réserve de toute condition ou restriction stipulée dans ces règles.

6 *Il est ajouté, après l'article 25 mais avant l'intertitre qui lui succède, ce qui suit :*

**PRATICIENS À EXERCICE RESTREINT**

**Praticiens à exercice restreint**

**25.1(1)** La Société peut délivrer un certificat d'exercice restreint qui autorise son titulaire à exercer le droit de façon restreinte, comme le précise le certificat et sous réserve des règles et des règlements.



### **Eligibility**

**25.1(2)** A limited practice certificate may be issued to a person who

- (a) does not meet the requirements to become a member as a lawyer or student;
- (b) has complied with the rules respecting applications for limited practice certificates;
- (c) has satisfied all education and training requirements set out in the rules and regulations;
- (d) agrees to practise law in accordance with the conditions and restrictions that apply to limited practitioners; and
- (e) pays the fees specified in the rules.

### **Rules re limited practitioners**

**25.1(3)** The benchers may make rules respecting the issuance of limited practice certificates and the regulation of limited practitioners, including rules respecting

- (a) eligibility requirements to become a limited practitioner;
- (b) applications for a limited practice certificate, including the application fee;
- (c) criteria to be considered on an application for a limited practice certificate;
- (d) education and training of limited practitioners;
- (e) annual fees to be paid by limited practitioners;
- (f) any insurance to be maintained by limited practitioners;
- (g) conditions and restrictions on the practice of law by limited practitioners;
- (h) measures to ensure the competence of limited practitioners;

### **Admissibilité**

**25.1(2)** Un certificat d'exercice restreint peut être délivré aux particuliers qui réunissent les conditions suivantes :

- a) ils ne satisfont pas aux exigences requises pour devenir membres à titre d'avocats ou d'étudiants;
- b) ils se conforment aux règles qui concernent les demandes de certificats d'exercice restreint;
- c) ils satisfont aux exigences en matière d'études et de formation qu'imposent les règles et les règlements;
- d) ils acceptent d'exercer le droit en conformité avec les conditions et les restrictions qui s'appliquent aux praticiens à exercice restreint;
- e) ils paient les droits qu'imposent les règles.

### **Règles régissant les praticiens à exercice restreint**

**25.1(3)** Les conseillers peuvent, par règle, régir la délivrance des certificats d'exercice restreint ainsi que les praticiens à exercice restreint et notamment prendre des mesures concernant :

- a) les exigences à satisfaire pour devenir un tel praticien;
- b) les demandes de certificats d'exercice restreint, y compris les droits y afférents;
- c) les critères à prendre en considération pour évaluer les demandes de certificats d'exercice restreint;
- d) le niveau d'études et la formation des praticiens à exercice restreint;
- e) le montant des droits annuels qu'ils doivent payer;
- f) les assurances qu'ils doivent maintenir;
- g) les conditions et restrictions auxquelles leur exercice du droit est assujéti;
- h) les mesures visant à assurer leur compétence;

(i) discipline of limited practitioners.

i) leur discipline.

#### **Code of conduct**

**25.1(4)** The benchers may establish or adopt a code of conduct for limited practitioners.

#### **Code de conduite**

**25.1(4)** Les conseillers peuvent établir ou adopter un code de conduite à l'intention des praticiens à exercice restreint.

#### **Regulations re limited practitioners**

**25.2(1)** The Lieutenant Governor in Council may make regulations

#### **Règlements régissant les praticiens à exercice restreint**

**25.2(1)** Le lieutenant-gouverneur en conseil peut, par règlement :

(a) respecting the education and training of limited practitioners;

a) prendre des mesures concernant le niveau d'études et la formation des praticiens à exercice restreint;

(b) establishing conditions, restrictions or prohibitions on the practice of law by limited practitioners, including prohibiting limited practitioners from practising specified areas of law or engaging in specified activities;

b) assujettir leur exercice du droit à des conditions, des restrictions et des interdictions, notamment en leur interdisant d'exercer dans certains domaines du droit ou de participer à certaines activités;

(c) specifying the provisions of this Act that apply to limited practitioners, with any necessary changes;

c) préciser les dispositions de la présente loi qui s'appliquent à eux, avec les adaptations nécessaires;

(d) respecting any other matter necessary or advisable to regulate limited practitioners.

d) prendre toute autre mesure nécessaire ou souhaitable pour régir les praticiens à exercice restreint.

#### **Conflict**

**25.2(2)** If there is a conflict or inconsistency between the rules and the regulations respecting limited practitioners, the regulations prevail.

#### **Incompatibilité**

**25.2(2)** Les règlements qui concernent les praticiens à exercice restreint l'emportent sur toute règle incompatible les concernant.

#### **Compliance with rules and regulations**

**25.3** A limited practitioner must comply with the rules and regulations respecting limited practitioners.

#### **Conformité avec les règles et les règlements**

**25.3** Les praticiens à exercice restreint sont tenus de se conformer aux règles et aux règlements qui les concernent.

#### **Register**

**25.4(1)** The chief executive officer must maintain a register of limited practitioners.

#### **Registre**

**25.4(1)** Le directeur général tient un registre des praticiens à exercice restreint.

#### **Additional information**

**25.4(2)** The chief executive officer must record any change to the status of a limited practitioner and any conditions or restrictions imposed on a limited practitioner that do not apply to all limited practitioners.

#### **Mentions supplémentaires au registre**

**25.4(2)** Il y consigne tout changement du statut et toute condition ou restriction d'application particulière.

**Reference in other Acts and regulations**

**25.5** Unless expressly provided otherwise, a reference in any other Act or in any regulation, rule, by-law or order made under any other Act to a lawyer, barrister, solicitor or other person entitled to carry on the practice of law is deemed to include a reference to a limited practitioner, if the practitioner is authorized to provide the legal services referred to in that provision.

7 *Clause 27(a) is replaced with the following:*

(a) a lawyer, student or limited practitioner; or

*Coming into force*

8 *This Act comes into force on a day to be fixed by proclamation.*

**Mention dans d'autres lois et règlements**

**25.5** Sauf indication expresse contraire, la mention — dans toute disposition d'une autre loi ou d'un règlement, d'un règlement administratif, d'une règle ou d'une ordonnance qui en découle — d'un avocat, d'un procureur, d'un conseiller juridique ou d'une autre personne autorisée à exercer le droit vaut mention d'un praticien à exercice restreint autorisé à offrir les services juridiques prévus dans cette disposition.

7 *L'article 27 est remplacé par ce qui suit :*

**Fausse assertion**

**27** Nul ne peut se présenter faussement ou présenter faussement une autre personne comme étant :

a) un avocat, un étudiant ou un praticien à exercice restreint;

b) une personne autorisée à exercer le droit au Manitoba.

*Entrée en vigueur*

8 *La présente loi entre en vigueur à la date fixée par proclamation.*

---

The Queen's Printer  
for the Province of Manitoba

---

L'Imprimeur de la Reine  
du Manitoba

## Registration for Registered Charities and Not-For-Profit Corporations

### About Services Delivered by Lawyers Through Civil Society Organizations

To make lawyer services more accessible, the Law Society has approved a registration system that enables lawyers to provide their professional services to the public as employees or independent contractors or volunteers for charities and not-for-profit corporations. Under this initiative, registered charities and not-for-profit corporations can register with the Law Society to use volunteer lawyers or to employ or contract with lawyers to deliver legal services through their organizations directly to their clients. Lawyers so engaged by charities and not-for-profit corporations may provide legal services to clients of the organization on either a no-cost or low cost basis.

### APPLICATION CHECKLIST – Please submit the following:

**1. Complete an original application form – DO NOT FAX OR EMAIL**

The Law Society of Manitoba may investigate or verify any information supplied in this application, and may require further information from you before the Organization is registered as a Civil Society Organization. **Omissions or inaccuracies in responses may delay processing.**

If the space provided for any answer is insufficient, attach a separate sheet that is signed and dated by the applicant and staple it to the application.

**2. Additional Documents**

Submit additional relevant documents to comply with specific application requirements.

### QUESTIONS?

Please direct questions about review and registration of this application to \_\_\_\_ by calling (204) or emailing \_\_\_\_\_

### MAILING ADDRESS

Mail original applications and supporting documents to:

The Law Society of Manitoba  
200-260 St. Mary Ave.  
Winnipeg, MB  
R3C 0M6

### DO NOT FAX OR EMAIL

**PART A: APPLICANT'S INFORMATION**

**1. Registered Charity or Not-For-Profit Corporation Information**

Legal name of the charity or not-for-profit corporation ("Organization"):

\_\_\_\_\_

Operating or trade name (if different from legal name):

\_\_\_\_\_

Please select only one:

Registered Charity

Registration Number: \_\_\_\_\_

Not-for-Profit Corporation

Business Number:

Address (street, unit, city, province, postal code):

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Website (if applicable): \_\_\_\_\_

**2. Organization Representatives/Contacts**

a) Representative and contact person:

Full Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone 1: \_\_\_\_\_  Business  Mobile

Phone 2: \_\_\_\_\_  Business  Mobile

Email: \_\_\_\_\_

b) Alternate representative and contact person:

Full Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone 1: \_\_\_\_\_  Business  Mobile

Phone 2: \_\_\_\_\_  Business  Mobile

Email: \_\_\_\_\_

c) Lawyer(s)\* who will be providing services:

Full Name: \_\_\_\_\_

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

Phone 1: \_\_\_\_\_  Business  Mobile

Phone 2: \_\_\_\_\_  Business  Mobile

Email: \_\_\_\_\_

\* If more room is required attach a separate sheet.

## PART B: SERVICES PROVIDED BY THE ORGANIZATION

### 3. Services Provided by the Organization

Please briefly describe the services provided by the Organization.

**4. Please describe the Organization's mission and/or its Mandate**

**5. Area(s) of Law/Legal Services**

In general, what legal services will be provided by lawyers engaged to deliver services through the Organization?

## PART C: REQUIRED CONDITIONS

By signing this registration form, the Organization acknowledges and accepts the conditions under Law Society of Manitoba ("LSM") Rule \_\_\_ including the following conditions:

- i) that the approved lawyer(s) ("lawyers") serving clients of the Organization by practising law or providing legal services on behalf of the Organization will do so as employees or independent contractors or volunteers of the Organization;
- ii) that legal services provided by lawyers to clients of the Organization on behalf of the Organization will be provided on either a no cost or low cost basis to the clients of the Organization.
- iii) that neither the lawyers nor the Organization may receive or pay referral fees in connection with the practice of law or provision of legal services;
- iv) that all lawyers will have control over the delivery of their legal services to clients of the Organization;
- v) that all appropriate confidentiality and privilege will be protected by the lawyers and respected by the Organization; the lawyers serving clients of the Organization will only disclose client information with the client's consent, or as required by law;
- vi) that all lawyers providing legal services through the Organization will follow the professional conduct rules;
- vii) that if there is a change in information, the Organization will notify the LSM in writing of such change as soon as the change is known to the Organization; and
- viii) that the Organization must file a Report each year with the LSM in the form and by the date required by the LSM.

I understand that the Organization may be de-registered at any time at the LSM's discretion for failing to adhere to any of the conditions set out in this form or for whatever other reasons determined by the LSM. I authorize the LSM to make information about de-registering of the Organization available to the public.



**PART D: ORGANIZATION AUTHORIZATION**

I hereby authorize the LSM to make inquiries of any person, government, official or body, about the status of the registering Organization. I will provide any additional specific authorization or any release that is required for the purpose of enabling the LSM to obtain any information required to register the Organization, including, without limitation, documents relating to the Organization's status. I further authorize the LSM to make information about the registering Organization available to the public.

I declare that all information supplied by me with respect to this application, and in the documents provided in connection with this application, if any, is true, accurate, and complete.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Full Name: \_\_\_\_\_

Title: \_\_\_\_\_

**I have the authority to bind the Organization.**