



# The Law Society of Manitoba

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## Articling Handbook

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ARTICLING STUDENTS AND PRINCIPALS

February 2021

## Important Dates for Articling Students

Check CPLED.CA

Applications open for PREP at CPLED

3 weeks before articling start date

Submit Application, documents and application fee to LSM for approval as an articling student – must be approved BEFORE starting the articling position

Check CPLED.CA

Access to PREP Foundation Modules begins (Tuition must be paid to CPLED to gain access credentials)

Check CPLED.CA

PREP Registration Deadline

Check CPLED.CA

Students must begin PREP course no later than this date

Check CPLED.CA

Students must complete work on Procertas

January – April (Dec. Intake) or  
June – September (June Intake)

Students work through **Phase One** of PREP

May (Dec. Intake)  
October (June Intake)

### **PREP Phase Two**

Students participate in a weeklong Foundation Workshop  
- Mandatory Attendance  
- Students sign up for a specific week

Starting in May (Dec Intake)  
Starting in November (June Intake)

### **PREP Phase Three**

Business Law rotation opens in PREP's Virtual Law Firm

Starting in July (Dec Intake)  
Starting in January (June Intake)

Criminal Law rotation opens in PREP's Virtual Law Firm

Starting in August (Dec Intake)  
Starting in February (June Intake)

Family Law and Real Estate rotation opens in PREP's Virtual Law Firm

September (Dec. Intake) or  
March (June Intake)

**PREP Phase Four**

PREP's Student Capstone Assessment

- Weeklong – Mandatory Attendance
- Students register in advance for their week

April (contact lehnes@lawsociety.mb.ca)

Application for Israels' Prize Due

April (contact lehnes@lawsociety.mb.ca)

Israels' Prize References and Personal Statement Due

May (contact lehnes@lawsociety.mb.ca)

Call to the Bar Documents & Fees due for Annual Mass Call (for Calls outside the Mass Ceremony, please contact the Admissions & Membership department).

June (contact lehnes@lawsociety.mb.ca)  
Usually the 3<sup>rd</sup> or 4<sup>th</sup> week of June

Annual Mass Call to the Bar Ceremony

## Practice by Students

Students are permitted to practise law in accordance with the terms of the Articling Agreement and Education Plan. The Articling Agreement, entered into by the student and the principal, sets out the responsibilities of the principal, which include:

- supervising the Student's work
- providing advice & instruction on practice and procedure
- ensuring the student has the skills and competency to handle assigned tasks
- informing clients of the student's involvement
- ensuring the student has sufficient time each week to complete the required PREP assignments and tasks

## MANDATORY CPLED PARTICIPATION

### **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 CPLED 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)

We recommend that principals permit their students to spend at least six hours per week during office hours on completing PREP work. In addition, Principals must ensure that during Phase Two and Phase Four that the student does not have any responsibilities for office work as those two phases require 100 per cent of the student's attention for the scheduled dates.

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# A. INTRODUCTION TO HANDBOOK

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## 1. Purpose of this Handbook

To be licensed as a lawyer, articling students must successfully complete both CPLED's bar admission program called PREP and a year of articling in a law firm or other legal organization. The two parts, together, provide the basis for determining whether articling students have met the qualifications for licensing by the Law Society of Manitoba as competent general practice lawyers.

This handbook introduces articling students and principals to some of the features of both PREP and articling and serves as a continuing reference. The handbook provides articling students and principals with information about the expectations, requirements, structures, procedures, policies, schedules and forms relevant to both PREP and articling. The information in this handbook will assist articling students and principals to understand their obligations and to plan appropriately to ensure that the articling student successfully prepares for admission to the bar. Articling students and principals are deemed to know the information contained in this handbook. Principals should encourage other lawyers who will be assigning work to students to also review the handbook.

## 2. Canadian Centre for Professional Legal Education (CPLED) and PREP

PREP is Manitoba's bar admission course but it is developed and operated by CPLED. PREP combines face-to-face small group instruction and online learning experiences. The program is designed to assist articling students to develop the skills required by competent general practice lawyers. In order to participate in PREP, the student must hold membership in the Law Society of Manitoba as an articling student and must also have a Canadian common law degree or a certificate of qualification from the NCA. Students can begin PREP before starting their articles but must have articles to move beyond Phase One of PREP. *(Due to issues related to COVID19, this requirement is being relaxed for those students starting PREP in 2020 or 2021. They will be permitted to complete PREP but must still complete articles within 2 years of starting PREP).*



### **3. Articling**

Articling students are apprenticed to qualified lawyers, who are approved as principals, to gain exposure to practice under supervision. The objective of articling is to provide real experiences in a supervised and reflective atmosphere. Principals should treat the articling experiences of the students as educational experiences and not only as client-service opportunities. The benefits to be gained by articling students depend on the willingness of the students to apply themselves to the work delegated by their principal, and on the supervision and instruction offered by the principal and other associated lawyers.

Articles should provide the student with the following opportunities:

- Application of practice and problem-solving skills through authentic experiences
- Consideration of practice management issues
- Application of ethical and professionalism principles through authentic experiences
- Socialization from student to lawyer

Both parts of bar admission preparation are demanding. At times students may feel a conflict between their obligations as articling students and the requirements of the CPLED's PREP. If problems arise, articling students and principals may contact either the Director of Competence or the Director of Admissions for assistance.

### **4. Lawyers Health & Wellness Program (LHWP)**

The LHWP is a free and confidential service for practising lawyers and articling students in Manitoba and their families. It offers help with:

- Stress
- Addictions
- Psychological disorders
- Family and parenting
- Relationships
- Emotional and behavioural issues
- Financial crisis

Services are available anywhere in Manitoba, 24 hours a day, 7 days a week. The Law Society of Manitoba contracts with Manitoba Blue Cross to provide this service. Other than blind statistical usage reporting, but Blue Cross will not disclose any information to the Law Society of Manitoba about those using the service.

Call the Manitoba Blue Cross Employee Assistance Centre:

- In Winnipeg: 786-8880
- Toll Free: 1-800-873-2583
- Deaf Access Line: 775-0586

Students will receive an identification card indicating the group number and contract number. Reference this information when you call.

## **5. The Law Society's Equity Officer**

The Law Society of Manitoba's Equity Officer, Alissa Schacter, is available to provide confidential information, advice and assistance to Manitoba lawyers, articling students, legal support staff and clients in dealing with issues of discrimination and harassment. Alissa can discuss specific problems with you and identify various options for addressing them. She is also able to informally resolve or mediate discrimination or harassment disputes.

Additionally, Alissa can help you identify resources, including model policies on maternity and parental leave, alternative work schedules, respectful workplaces, accommodation, and equity and diversity, and provide support to expectant or new parents.

Alissa does not provide legal advice and all communications with her will be strictly confidential unless otherwise agreed. Her services are offered free of charge.

If you think you may be experiencing discrimination or harassment, you can contact Alissa confidentially by telephone at 204-926-2029 or by email at [aschacter@lawsociety.mb.ca](mailto:aschacter@lawsociety.mb.ca)

### **Organization of this Handbook**

#### **Section 1 PREP**

This section provides a general overview of CPLED's PREP. It contains information that is common to the CPLED Programs offered in each of the CPLED jurisdictions.

#### **Section 2 Manitoba Articles**

This section deals with articling in Manitoba.

### Section 3 Forms

A list of the forms is posted on the Law Society of Manitoba website.

For quick access, click [here](#).

Forms may also be obtained from:

The Law Society of Manitoba  
Education and Competence Department  
Lisa Ehnes, Administrative Registrar  
Direct Line: 204-926-2042  
Email: [lehnes@lawsociety.mb.ca](mailto:lehnes@lawsociety.mb.ca)

## B. SECTION 1 PREP

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### 1. Introduction

PREP is delivered by CPLED. All inquiries about the CPLED Program should be directed to the CPLED office through [www.cpled.ca](http://www.cpled.ca).

### 2. PREP Program Structure

PREP is divided into four phases: Foundation Modules, Foundation Workshops, Virtual Firm and Capstone. Phase One, Foundation Modules consist of 14 online modules that students complete between June and September according to a set schedule. Students will have to complete Phase One before participating in Phase Two, Foundation Workshops. Foundations Workshops allow students to take what they learned through Phase One and start putting it into practice as they work through a variety of tasks over the course of 5 in person days. Attendance is mandatory for the full five days and students cannot attend to any office work during the period of the Foundation Workshops. Phase Three, Virtual Firms, sees students return to an online platform but this time to apply what they have been learning to virtual clients as they rotate through criminal law, then business law and finally family and real estate law. Finally, the students will be assessed during Phase Four, Capstone, when they attend in March to participate in various tasks to demonstrate their level of competency.

PREP is offered two times per year. Students can start in either a June Intake or in a December intake. Students are expected to be articling while participating in PREP or have articulated prior to participating in the PREP. Students will be permitted to start PREP before articles but will not be permitted to continue beyond Phase One if they do not have articles secured by then. There is an exception being made this year due to the economic fallout from Covid19 which will permit students to complete all of PREP despite not having articles. However, to be eligible to be called to the Bar, a student will need to complete articles within two years of starting the PREP program.

### 3. Focus of Instruction

The emphasis of PREP is on building and assessing the skills that research has shown are essential for a lawyer in the first five years of practice. Students are expected to develop lawyering skills and to apply the law through solving the problems of fictional clients.

## 4. Technical Requirements

All students must have access to a computer system with high speed internet access and a web browser. Contact the CPLED office directly through [www.cpled.ca](http://www.cpled.ca) to confirm the technical requirements to participate in PREP.

## 5. Resource Materials

While in PREP, students will have access to a comprehensive set of procedural and substantive law materials through Westlaw.

In addition, all members of the Manitoba Bar, including articling students, have access to the Manitoba Practice Resource materials available through the member portal. These materials will be a useful resource to students while completing both PREP and articling and in their early years of practice.

## 6. Enrolment in PREP and Admission as an Articling Student

In the past, students had to complete only one form to be enrolled in both. Now, separate applications to both CPLED and to the Law Society must be made.

To be admitted as an articling student with the Law Society of Manitoba, students must have an articling position.

The Admissions & Membership Department of the Law Society of Manitoba administers the admissions process. Direct inquiries to:

Donna Mihalick  
Administrative Assistant – Admissions and Membership Department  
Telephone: 204-926-2050  
Email: [dmihalick@lawsociety.mb.ca](mailto:dmihalick@lawsociety.mb.ca)

An application form and a listing of all required documents to accompany the application are available on the website of the Law Society of Manitoba at

<https://lawsociety.mb.ca/become-a-lawyer/application-and-admission-process/forms-become-a-lawyer/>

There is no deadline for submitting the Application Form and the required documents to be admitted as an articling student but there are deadlines for entering a PREP offering. Students must contact CPLED for its forms and deadline information concerning PREP.

An applicant must satisfy the following requirements for admission as an articling student:

**a) Legal Education**

A bachelor of laws degree or juris doctor degree from a faculty of common law at a Canadian university dated not more than 6 years before the date of application is required in Manitoba. Alternatively, a certificate of qualification (CQ) from the National Committee on Accreditation dated not more than 6 years before the date of application is acceptable.

Applicants with a degree or certificate dated more than 6 years before the date of application must request permission to be permitted to apply. This request is to be addressed to the Director of Admissions.

CPLED requires participants to have the certification of qualification from the NCA before commencing PREP.

**b) Good Character Requirement**

In Manitoba each applicant must provide proof that he or she is of good moral character and a fit and proper person to be admitted as an articling student. Questions relating to good character are included in the Application for Admission as an Articling Student. The application and Guidelines on Good Character Applications are available on the website of the Law Society of Manitoba.

Applicants must apply for a Certified Criminal Records Check (finger-print based) from the RCMP Canadian Criminal Real Time Identification Services. Instructions are provided at <https://www.rcmp-grc.gc.ca/en/criminal-record-checks>.

Applicants will not be permitted to start articling until the Law Society has received a satisfactory criminal records check.

We recommend using the Manitoba Commissionaires as the results will generally be returned to the Law Society offices within 10 working days.

NOTE: Delays of weeks or months may occur in some cases and applicants are encouraged to apply for their criminal record check as soon as possible.

## COMMISSIONAIRES WINNIPEG HEAD OFFICE

290 Burnell Street

Winnipeg, MB R3G 2A7

Telephone: 204-942-5993

Email: [admin@commissionaires.mb.ca](mailto:admin@commissionaires.mb.ca)

Hours of Operation: Monday-Friday – 8:00 a.m.-4:00 p.m.

Applicants must request that the results be sent to:

Donna Mihalick

Administrative Assistant – Admissions & Membership Department

The Law Society of Manitoba

200-260 St. Mary Avenue

Winnipeg, Manitoba R3C 0M6

### c) Documents

In Manitoba the following documents **must** be submitted to the Admissions and Membership Department **three weeks prior to the articling start date** as stated in the Application.

- Completed application form:-<https://lawsociety.mb.ca/become-a-lawyer/application-and-admission-process/forms-become-a-lawyer/>
- original official transcripts from all post-secondary educational institutions attended (including, universities, community colleges, etc.) showing all degrees granted and final marks received. These are to be sent directly from the educational institution to the Law Society – Admissions & Membership Department.
  - if you did not receive a Canadian Common Law degree, an original Certificate of Qualification sent directly from the National Committee on Accreditation
  - one character reference in the prescribed form, available on the website of the Law Society of Manitoba at: [Certificate of Good Character](#)
  - Certified Criminal Records Check (National finger-print based) from the RCMP Canadian Criminal Real Time Identification Services, or documentation showing that it has been requested;
  - Application fee (see (e) for amount).

Pursuant to Law Society of Manitoba Rule 5-4(1):

- original executed [Articling Agreement](#) (one copy should be kept by the student and one by the principal) available on the website of the Law Society of Manitoba:
- [Sample Education Plan](#) executed by student and principal. A sample is available on the website of the Law Society of Manitoba and should be adapted to the individual circumstances.

Applications for admission as an articling student will not be approved until all documentation and the Application fee have been received. Students will not be able to commence articles until their application has been approved.

The Director of Admissions & Membership of the Law Society has the discretion to reject an unsuitable applicant or principal and to require further investigation of any applicant's credentials. Applicants may appeal admission decisions to the Admissions and Education Committee within 14 days of notification of the decision.

#### **d) Fees**

In Manitoba the fees are:

Non-refundable Application Fee	\$100.00 + GST (subject to annual change)
PREP Tuition Fee	Contact PREP
Call to the Bar Fee	to be set in March

Make cheques, bank drafts and money orders payable to The Law Society of Manitoba. E-transfers, credit and debit cards are also accepted.

There are very limited funds available to provide assistance to Manitoba articling in financial need to cover expenses such as all or part of the PREP tuition or Call to the Bar fees. Further information and application forms are available from the Education and Competence Department. Applications are not considered until a student has been approved as an Articling student.

## **7. PREP Program Requirements for Standing**

All articling students must successfully complete PREP to be eligible to be called to the Bar. Details about the PREP and its policies ought to be made directly to CPLED at [www.cpled.ca](http://www.cpled.ca).



## **8. Attendance and Participation**

Classroom attendance and participation and online participation in CPLED's PREP are mandatory for all students.

In Manitoba the Law Society Rules require that a principal must permit articling students to attend and participate in all activities of the bar admission program, including all online activities, assignments, competency evaluations and examinations. Students are under a similar obligation to attend and participate in these activities.

We highly recommend that articling students be permitted by their principals to spend at least six hours per week during office hours on PREP.

## **9. Duration of the PREP**

Every student must successfully complete both articling and PREP within two years of the start date of whichever is commenced first.

## **10. PREP Schedule**

Please consult [www.cpled.ca](http://www.cpled.ca) for the PREP schedule. A copy of the PREP schedule will be distributed to students and principals. The annual mass Call to the Bar is usually held the 3<sup>rd</sup> or 4<sup>th</sup> Thursday in June.

## **11. Students Articling Outside Winnipeg - Lodging and Travel Expenses**

The Education and Competence Department assists students who are articling in Manitoba, but reside more than 100km outside of Winnipeg, with some of the expenses incurred to attend the in person sessions for PREP, and for the overnight lodging on the evenings immediately preceding a day of classes. Additional evenings are reimbursed only when required by the course schedule or for the purpose of reducing the costs of air travel. Students articling outside Winnipeg will receive more detailed information regarding assistance when contacted for accommodation information for the Phase Two of PREP.

## **12. Professional Integrity**

Articling students are members of their provincial law societies and are bound by the profession's ethical standards. Since professional integrity is essential to the practice of law, CPLED takes academic behaviour very seriously. Plagiarism or any form of cheating is not tolerated.

All principals and students must be completely familiar with CPLED's policy, as any breach could have a serious impact on whether or not they will be issued a license to practise law.

In more serious incidents, a student can be expelled from PREP and have his or her articles terminated. An articling student might also be referred to the Law Society of Manitoba Complaints Investigation Committee for a review of the student's conduct.

## **13. Privacy**

Student information may be exchanged between the Law Society of Manitoba and the CPLED where the exchange of information is for the purpose of monitoring student performance, assisting in the operation of the PREP or governing the articling process.

## **14. Election of a Student Bencher**

### **a) Role of the Student Bencher**

Section 6(2) (c) of *The Legal Profession Act* and Rule 2-30 provide for the election of a student bencher. The obligations of the position include attendance at meetings of the benchers, meetings of the Admissions and Education Committee, and a number of other duties. The experience of sitting on the Law Society's various committees can be very educational and rewarding.

The student bencher is a full bencher of the society and is expected to act in the public interest - with complete personal independence, discretion and responsibility - and not as the delegate of any one constituency.

## **b) Nominations and Election**

The process for nomination and election of the student bencher is as follows:

- Nominations are made on a form, available from the Education and Competence Department and signed by the proposer and nominee.
- Nominations are filed at the Education and Competence Department. Nominees are asked to file a brief (not more than two pages) written statement with biographical information and other relevant details.

The biographical information is distributed to the class.

- Ballots are distributed and may be cast up to noon on election day (date to be set – usually in early fall).
- Ballots are counted by Law Society staff. Students will be notified and the results will be posted on the Law Society of Manitoba Website.

## **15. Election of Student Representative to Manitoba Bar Association Council**

### **a) Role of the Student Representative**

The General By-law of the Manitoba Bar Association (MBA) provides that a representative of the articling students shall be a designated voting member of MBA Council. Council meets approximately 5 times per year between the period of September to June. Generally speaking, MBA Council, which consists of 36 elected members, including the student representative, and various ex-officio members, is responsible for the advancement of the affairs of the Canadian Bar Association within the Province of Manitoba. The student representative on Council attends and votes at meetings of Council and reports to the articling students on the results of Council meetings and the activities of the MBA in general.

## **b) Nominations and Elections**

The student representative on MBA Council is nominated and elected by the articling students. To be eligible for nomination and election, a prospective candidate must be a member of the Canadian Bar Association. All articling students, whether or not they are members of the Canadian Bar Association, may vote on the election of the student representative.

Nominations, which consist of a brief (one page) resume, are to be emailed to Stacy Nagle, Executive Director of the MBA. Students will be advised of the election rules and the date of the election once it is set.

## **16. A.M. Israels, Q.C. Prize: The Outstanding Articling Student**

The A. Montague Israels, Q.C. Prize is awarded annually to an outstanding articling student. It consists of a monetary award, a booklet describing the background of the prize and the name of the prize winner is added to a plaque that hangs at the Law Society of Manitoba.

### **a) Presentation of the Prize**

The name of the recipient is announced and the presentation is made at the Call to the Bar ceremony in June.

### **b) Selection Committee**

The Committee is appointed by the benchers of the Law Society, and includes:

- the immediate past-president of the society
- a judge
- a graduate of the CPLED Program
- the Dean of Law, University of Manitoba
- the Chairperson of the Admissions and Education Committee
- the Director of Education

### **c) Eligibility**

Any articling student who has completed phase 4 of PREP, although waiting for results, is eligible to apply for the prize by completing and submitting an Application Package.

#### **d) Method of Selection**

After the closing date for applications the committee reviews information provided by the referees and principals of all applicants. The committee interviews some, or all, of the candidates.

#### **e) Basis of Selection**

The Selection Committee is directed “to have regard to those professional and personal attributes of scholarship, character, skill and breadth of interest that Mr. Israels valued and demonstrated in his own career and life.” The committee takes into account, among other matters:

- 1) the applicant’s performance in all aspects of the bar admission program and in articles;
- 2) the candidate’s earlier academic record, with particular emphasis on performance in law studies;
- 3) the likelihood of future accomplishments by the candidate; and
- 4) the candidate’s range of interests and achievements, both within and outside the field of law.

The experience of the committee indicates that there may well be a number of suitable candidates for the prize, and that the final decision will be a matter of judgment based on the best information available. The committee therefore tries to gather as much information as possible from the referees and principals of all applicants, and any other persons it thinks might have helpful information (such as professors at the Faculty of Law, and faculty in PREP).

#### **f) How to Apply**

A package of materials including the application form is available in early spring for articling students who wish to be considered for the prize.

#### **g) Nominations**

Whether or not you wish to apply for the prize, you may wish to nominate someone in your class. If so, speak to the Director.

## **h) Deadline**

The deadline for applications is usually in April.

# **The Israel's Prize: Instructions for Applicants**

## **(i) Application**

The application package provides details of documents, which must be filed prior to the deadline.

## **(ii) Referees**

The list of up to four referees should include your principal or another lawyer in your firm, one or two professors under whom you studied law and one or two references who may report and assess your activities and accomplishments outside the field of law.

## **(iii) Other Information**

You should include an up-to-date resume, with a list of such things as:

- Honours achieved in high school and university (scholarships, prizes, awards, etc.)
- Extra-curricular activities, achievements, and interests in high school and university (with dates) including athletic activities, academic achievements, and offices held
- Articles or other works published or in preparation for publication
- Awards, offices held, community service, sports activities and achievements, and other activities and achievements outside the context of school and university
- Work, travel and special study experiences
- Any other activities or accomplishments likely to be of interest to the committee.

## **(iv) Personal Statement**

Applicants should prepare and submit a personal statement, which should not exceed two pages, outlining their attitude towards the field of law, and their intentions with regard to their future in the profession.

## C. SECTION 2 MANITOBA ARTICLES

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### 1. Articling Agreement and Education Plan

An applicant for admission to the society as an articling student must enter into an articling agreement with a principal, on a prescribed form. The [Articling Agreement](#) form can be found on the Law Society website.

A principal is an approved lawyer who has, for at least three years, carried on practice in Manitoba and meets the criteria. Prospective principals are responsible for applying to the chief executive officer for approval to act as a principal. Students should ask prospective principals if they have been approved before finalizing their contractual arrangements. Approval of a principal can be withdrawn at any time. A lawyer can be a principal to only one student at a time, unless otherwise permitted by the Law Society.

More information on the role of the principal is set out later in this section.

The Education Plan will be reviewed to determine if the proposed principal can provide adequate training to the student. The goal is to provide the student with exposure to the various tasks a lawyer can typically be expected to undertake in practice. Through the Education Plan, students ought to be given the opportunity to watch and learn and then to do and receive feedback. A [Sample Education Plan](#) can be found on the Law Society website. The sample Education Plan should be adapted to reflect the experiences the student is likely to have during their specific articles.

### 2. Duration of Articles and Vacation Time

Students must serve the equivalent of 52 weeks of full-time articles. *Due to the challenges that COVID19 is posing to workplaces and to individuals in the 2020 and 2021 calendar years, students starting their articles in 2020 or in 2021 can serve articles that are abridged by up to 16 weeks, thereby setting the minimum number of full-time weeks required to 36. Everyone is encouraged to try to maintain the originally intended articling period wherever it is practical. However, if that is not reasonably possible, a period between 36 and 52 weeks can be served. Please note, that in order to be called to the Bar at the Mass call ceremony in June, a student will need to start serving their articles on or before October 1.*

For the purposes of calculating the period of articles served, the 52-week period may include periods of leave or vacation, which must not exceed three weeks\* in total. However, this policy does not entitle the student to three weeks (or any) vacation nor impose a duty on the employer/principal to give such vacation. It does not ensure that vacations, if granted, will be paid. Vacation, leaves and remuneration are matters for negotiation and agreement between student and principal. (\*For those opting for an articling period less than 52 weeks in

*2020-21, the amount of leave to be permitted in the calculation of required weeks will be reduced proportionately.)*

Students must arrange their vacations to allow for attendance at and participation in PREP. Attendance and participation are mandatory. Please note all PREP attendance and deadline dates in your calendar.

### **3. Limits of Practice as an Articling Student**

Section 21 of *The Legal Profession Act* authorizes students to practise law as permitted under the Law Society Rules. Rules 5-7.1 and 5-7.2 limit the practice of students to the terms of the Education Plan and Articling Agreement entered into by the student and principal. The Articling Agreement sets out the principal's obligations, including the responsibility to supervise, provide advice and instruction, and the responsibility to ensure that the student has the skills and competency to handle the assigned tasks.

When appearing in court, students must identify themselves as articling students and provide the names of their principal to the presiding judge. Students must also identify themselves as articling students in all written communications (written and electronic) and on any legal documents such as those filed with a Court.

### **4. Confidentiality**

Articling students, like practising lawyers, like to discuss cases. This is desirable because students can gain information and learn from each other.

There are limits to how much information can be shared. In one case dealt with by the Discipline Committee, an articling student discussed with other students a legal point in a case from his office. In the discussion, he mentioned the name of the client. One of the other students knew the client and the client's spouse. The second student passed this information on in such a way that it got back to the client. It was very embarrassing to all concerned.

There was nothing wrong with discussing the legal point. But the student erred in revealing the name of the client, and he would have been in error even if he had not revealed the name, but had disclosed enough facts to make it possible for others to figure out the identity of the client. That very thing happened at a party, where an articling student overheard lawyers talking about a case in such detail that the student realized her office was representing the other side. Useful information was obtained. The student's ethical dilemma was whether to give the information to the lawyer in her office who was handling the case.



The articling agreement signed by articling students and principals says this:

3. The Articling Student shall

- (b) at all times keep in strict confidence the business and affairs of the Principal, the other lawyers in the firm and the business and affairs of their respective clients;

Rule 3.3-1 of the Manitoba *Code of Professional Conduct* is on Confidential Information. The rule reads:

**Confidential Information**

**3.3-1** A lawyer at all times must hold in strict confidence all information concerning the business and affairs of the client acquired in the course of the professional relationship and must not divulge any such information unless:

- (a) expressly or impliedly authorized by the client;
- (b) required by law or a court to do so;
- (c) required to deliver the information to the Law Society, or
- (d) otherwise permitted by this rule.

Commentary states:

A lawyer should avoid indiscreet conversations and other communications, even with the lawyer's spouse or family, about a client's affairs and should shun any gossip about such things even though the client is not named or otherwise identified. Similarly, a lawyer should not repeat any gossip or information about the client's business or affairs that is overheard or recounted to the lawyer. Apart altogether from ethical considerations or questions of good taste, indiscreet shop-talk among lawyers, if overheard by third parties able to identify the matter being discussed, could result in prejudice to the client. Moreover, the respect of the listener for lawyers and the legal profession will probably be lessened. Although the rule may not apply to facts that are public knowledge, a lawyer should guard against participating in or commenting on speculation concerning the client's affairs or business.

## 5. Designation on Cards, Correspondence and Documents

**Rule 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.

**Rule 5-111:** A member may list on his or her firm letterhead only the following persons:  
(c) the names of articling students, . . . provided the persons are appropriately designated as such.

Pleadings or other documents that include an articling student’s name should clearly designate the student as an “articling student-at-law.”

## 6. Transfer of Articles from One Lawyer to Another

Not many students transfer articles, but it does happen for a variety of reasons:

- the principal and student do not see eye to eye;
- the student discovers that the type of law he or she thought would be wonderful turns out not to be;
- another firm offers the student the chance of employment after the articling year.

Pursuant to Rule 5-6.2 the student or principal must receive permission from the chief executive officer of the law society to terminate the articling agreement. This request should be directed to the Director of Admissions.

If permission is granted the student must have the original principal sign a certificate of completion of articles for the time spent in his or her office. The [Certificate of Completion of Articles](#) can be found on the Law Society website. This document is required as part of the petition for call. The new principal and the student must enter into a new articling agreement and complete a new education plan.

## 7. Termination of Articles

**Rule 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.

Students who wish to end their articling term (that is, to end it upon completion of 52 weeks and before the Call to the Bar) must notify the Director of the Admissions & Membership Department in advance of their intention to do so. The written request to the director should include an indication of whether the principal of the student agrees with the proposed date of termination, and should include the reason for the proposed termination. The student and/or principal must not simply end the articles after a certain period, without proper written notice to the Society.

Requests for termination of articles should be filed as early as possible. Students who terminate articles prior to Call must **not** engage in any employment that may be seen as providing legal services of any kind.

Students can continue to article until they are actually called within their original organization (if they are staying on after call to the bar) or transfer the articles to the firm who is hiring them after call to the bar.

## 8. Abridgement of Articles

Students who are unable to serve 52 weeks of articles may apply to have their articling period shortened. Abridgements of more than four weeks will only be granted in exceptional circumstances.

*Due to the challenges that COVID19 is posing to workplaces and to individuals in the 2020 and 2021 calendar years, students starting their articles in 2020 or 2021 can serve articles that are abridged by up to 16 weeks, thereby setting the minimum number of full-time weeks required to 36. Everyone is encouraged to try to maintain the originally intended articling period wherever it is practical. However, if that is not reasonably possible, a period between 36 and 52 weeks can be served. Please note, that in order to be called to the Bar at the Mass call ceremony in June a student will need to start serving their articles before October 1. An articling period less than 52 weeks must be noted on the Articling Agreement submitted at the start of articles.*

- A request for abridgement for a reason other than circumstances related to COVID19 should be made on the prescribed form to the Admissions & Membership Department. The [Application to Abridge Articles](#) form can be found on the Law Society website.

It should detail the reasons why the student requests the abridgement. In 2020-21, if you have not set out an abridged period of articles on the Articling Agreement, you will need to contact the Admissions and Membership Department to review what is required to subsequently ask for the articling period to be abridged. Ordinarily, applications will only be considered in early spring, after PREP has been successfully completed but circumstances related to COVID19 may change that.

A decision denying the request may be appealed to the Admissions and Education Committee within 14 days of notification of the decision. Lisa Ehnes, Administrative Registrar, is available to answer questions about appeals. She may be contacted by email at [lehnes@lawsociety.mb.ca](mailto:lehnes@lawsociety.mb.ca) or by telephone at 204-926-2042.

## 9. Lawyer Discipline and the Code of Ethics

*The Legal Profession Act* is the basis on which lawyers in Manitoba govern themselves. The Act provides for discipline procedures, which apply to all articling students. Consequences of professional misconduct are set out in s. 72(1):

If a panel finds a member guilty of professional misconduct or conduct unbecoming a lawyer or student, it may do one or more of the following:

- (a) if the member is a lawyer, disbar the member and order his or her name to be struck off the rolls;
- (b) if the member is a student,
  - (i) expel the student and order his or her name to be struck off the student register,
  - (ii) deny the student the opportunity to write the required examinations,
  - (iii) defer the student's admission as a lawyer,
  - (iv) attach conditions to the student's admission as a lawyer;
- (c) for any period the panel considers appropriate,
  - (i) confirm, vary or impose restrictions on the member's practice, or
  - (ii) suspend the member from practising law;
- (d) order the member to pay a fine;
- (e) order the member to pay all or any part of the costs incurred by the society in connection with any investigation or proceedings relating to the matter in respect of which the member was found guilty;
- (f) reprimand the member;
- (g) permit the member to resign his or her membership and order his or her name to be struck off the rolls;

- (h) if the member is a director, officer or shareholder of a law corporation, revoke or suspend the corporation's permit, or impose conditions on the permit;
- (i) apply for a variation of any custodial order made under Division 6 (Custodianship);
- (j) rescind or vary any order made or action taken under this subsection;
- (k) make any other order or take any other action the panel thinks is appropriate in the circumstances.

In the past, articling students have been on the agenda of the Discipline Committee for matters ranging from the improper use of professional cards to not following the instructions of clients or principals.

## **10. Notice of Charges**

An articling student who is charged with an offence under a federal statute must provide details of the charge, the disposition of the charge and any agreement arising out of the charge, in writing to the Director of Admissions of the Law Society as soon as practicable.

## **11. Commissioner for Oaths Application**

The majority of articling students obtain appointments as Commissioners for Oaths (see s.69 of *The Evidence Act*). The application form is available from the Finance, Companies Office (945-2654). Email: [comforoath@gov.mb.ca](mailto:comforoath@gov.mb.ca)

Articling students should familiarize themselves with the law and practice with respect to oaths, affidavits, and statutory declarations, and the appropriate forms with respect to jurats. See *The Evidence Act*.

## **12. Notary Public Application**

Articling students may not act as notaries public until they have been called to the Bar, and do not become notaries automatically upon call to the Bar. Application forms for appointment as notary public are made available shortly before the call in June. Additional application forms are available from the Finance, Companies Office (945-2654). Email: [comforoath@gov.mb.ca](mailto:comforoath@gov.mb.ca)

## 13. Call to the Bar and Admission as Solicitor

At the end of the articling term, each student must file the following with the Admission & Membership Department of the Law Society:

1. certificate(s) of completion of articles signed by the student's principal: [Certificate of Completion of Articles](#)
2. application for call to the bar and admission as a solicitor: [Application and Petition for Call – Manitoba Articling Student](#)
3. final assessment of education plan: [Education Plan – Student Final Assessment](#)
4. application to commence active practice if the student intends to practice immediately upon Call to the Bar: [Application to Commence Active Practice](#)
5. the appropriate fees:

The Education and Competence Department will circulate the forms and advise of the amount of fees by email prior to completion of articles. The fee notice you receive may be provided to your employer as an invoice if required.

Although a Call to the Bar may take place at any time of the year, articling students are traditionally called in a formal ceremony held each year in June.

## 14. Role of the Principal

In the Articling Agreement entered into between the articling student and the principal, the principal agrees to:

- (a) teach and instruct the Articling Student, or cause the Articling Student to be taught and instructed in the practice of law and professional conduct, to the best of the Principal's skill and ability;
- (b) provide reasonable assistance to the Articling Student to help the Articling Student become competent to practise law and possess the knowledge and skill level required for call to the Bar in the Province of Manitoba;
- (c) be responsible for the supervision of the Articling Student at all times, but the principal may allow another practising lawyer in his or her firm to supervise or assist in the supervision of the Articling Student, in which

- case the Principal and the supervising lawyer shall be jointly responsible for the conduct and actions of the Articling Student;
- (d) advise any other lawyer who is supervising an Articling Student of the joint responsibility set out in paragraph (c) above;
  - (e) ensure that in each case where an Articling Student is instructed to appear before a court or tribunal or where an Articling Student is given conduct of a file, that:
    - (i) except in routine matters, the client understands and agrees that the Articling Student will be handling the matter;
    - (ii) the interests of the client will not be harmed or compromised;
    - (iii) the Articling Student has been briefed on all matters and is properly prepared;
    - (iv) the matter is appropriate for the Articling Student's training, experience and ability;
    - (v) the Principal is completely satisfied that the Articling Student is competent to handle the matter; and
    - (vi) the Articling Student has been instructed to advise the judge or presiding official of his or her name and that he or she is an Articling Student and articulated to the Principal.
  - (f) allow the Articling Student time to attend and complete all PREP workshops, lectures, seminars, activities, tasks and examinations including on-line participation in PREP activities, tasks assignments, competency evaluations and examinations.

A critical aspect of this obligation is to provide guidance by instruction and example on the practical application of ethical standards and rules of professional conduct.

Principals are expected to support their students' participation in PREP. During the online modules, principals are strongly encouraged to allow their students to spend about six hours per week during office hours on PREP activities. There will also be two weeks during which students are required to attend in person for Workshops and for evaluation through the Capstone. Principals must make sure that students do not have any office duties during those periods. Students must feel they have the liberty to focus exclusive on PREP work during those times.

## 15. Suggestions for Principals

Suggestions for maximizing the potential educational value of articling include:

### a) Orientation to the Office

Review with the articling student:

- responsibilities of office personnel - lawyers, students, office manager, office accountant, bookkeeper, paralegals, secretaries, receptionist;
- lines of authority and supervision;
- procedures for requesting work assignments, advice and feedback;
- accounting, billing and timekeeping procedures;
- special policies or practices regarding correspondence, trust conditions, admission of service, etc.; and
- procedures for opening, maintaining and closing files.

### b) Observation

Give the articling student opportunities to attend interviews, meetings, hearings, examinations for discovery, trials and appeals with lawyers in the office. Beforehand, provide the student with the background to the event. After the event, discuss with the student the issues of professional judgment, ethical issues, goals, tactics and strategies that arose during the event.

### c) Scope of Articles

Expose the articling student to as many areas of practice as possible. He or she, when called to the Bar, will be licensed as a general practitioner.

### d) Guidance

Work assignments given to the articling student should provide initial explanation and direction, what is expected, and when the work is due.



### **e) Feedback**

A principal should observe the articling student conducting some interviews, meetings, counseling or negotiating sessions, court or tribunal appearances, or examinations for discovery. The principal should critique the student's performance and provide encouragement and constructive criticism. A student cannot learn from his or her experiences without reasoned, informed, and honest comments based on personal observation. Also provide feedback on written work assignments.

### **f) Priorities**

If the articling student is receiving assignments from more than one lawyer, provide the student with some guidance regarding setting priorities. This will not only develop the student's ability to handle large volumes of work and face the pressures of practice, but will alleviate possible problems for the lawyers who assign work to students and count on it being done.

### **g) Stimulation**

Routine or repetitive assignments are of limited educational value and should be kept to a minimum. The articling period is relatively short compared to what must be accomplished by the student to enable him or her to bridge the gap from theory to practice. The student should use the time to do as much significant work as possible.

### **h) Communication**

Times and methods of communicating about his or her articling experience (type of work, amount of work, quality of supervision) and the student's progress and performance in PREP should be established with the articling student.

### **i) Loss Prevention**

An articling student should receive instruction and guidance in such matters as communication with clients, diarization systems, tickler systems, and file management. Time and effort spent in improving the competency of students will result in higher professional standards and a lower incidence of losses, claims, and complaints to The Law Society (and lower insurance premiums).

## 16. Articling Student Practice Skills Areas

The Law Society recognizes that individual articling experience varies according to the setting in which the student articling. Students may article in a large or small firm, a general or specialized firm, in the public sector, or elsewhere in the private sector. Necessarily, therefore, the specific functions which students perform on a day-to-day basis will differ; however, certain practice skills should be developed by each student irrespective of the firm, department or corporation at which the student articling.

The following is a list of skill areas in which **all** students should receive experience. If principals cannot provide experience in a particular area, the student and principal should ensure that the student is exposed to that skill area in conjunction with another lawyer.

Ideally, the student experience in each skill area will include significant responsibility, whether under supervision or by assisting a lawyer. Student performance should be carefully monitored. In instances where the student is only observing rather than actively participating, the principal and student should fully discuss what the student has observed.

### a) Problem Solving

Students should be involved in analyzing problems with a view to achieving an optimal result. In most instances, students will not be initially equipped to perform this function without significant involvement by a lawyer.

Fact investigation is part of problem-solving. It includes obtaining evidence or information by client interviews and other means, e.g. telephone contacts and letters, etc. Students should have an opportunity to both observe and then participate in the gathering of facts required in connection with various matters.

To develop competent problem-solving skills, students should have an opportunity to observe and participate in the following activities related to client files:

- Identification of relevant facts
- Identification of legal, practical and client issues
- Research arising from these issues
- Identification of client goals and objectives
- Analysis of the results of research
- Application of the law to the facts
- Formation of an opinion as to client's legal entitlements
- Identification and assessment of possible remedies
- Development of a plan of action
- Implementation of a plan of action

## **b) Legal Research**

Students should perform practical legal research, but should **not**, however, find that their articling experience in a particular area (for example, litigation) is substantially confined to legal research. The lawyer should review the approach to legal research and the result with the student in order to assist the student in developing research skills. To develop competent legal research skills the students should perform the following activities:

- Identification of questions of law
- Selection of sources and methods of research, including searches
- Conduct research, including searches
- Analyze and apply guiding principles of case law
- Analyze and apply statutes
- Identify, interpret and apply results of research
- Communicate the results of research

## **c) Writing**

Students should write letters, reports and opinions. Again, almost all such writing should be reviewed by a lawyer to ensure both accuracy and clarity of expression. Competent writing should:

- Identify the purpose of the communication
- Use correct grammar and spelling
- Use language suitable to the comprehension of the reader and the purpose of the communication
- Present the subject of the communication in a logical, organized, clear and succinct manner
- Be persuasive, where appropriate
- Be accurate and well-reasoned in legal content and analysis

## **d) Drafting**

Students should develop their legal drafting skills in the context of their specific type of articles. For example, students should be involved in the drafting of a contract, a will, an affidavit, or pleadings. A supervising lawyer should ensure both accuracy and clarity of expression. To develop competent drafting skills, students require experience in:

- Organizing the form and structure of the document
- Drafting an original transactional document without a precedent
- Using precedents appropriately
- Using clear language appropriate to the document
- Drafting a legally effective and enforceable document

### **e) Interviewing and Advising**

Interviews are typically of clients, experts or witnesses. The student should be actively involved in, initially, observing interviews by lawyers, with discussion subsequent to the interview, and then conducting interviews, with and then without the involvement of the principal.

One of the primary tasks of a lawyer is to give advice. The student should have an opportunity to observe and participate in the giving of advice, both orally and by the provision of a written opinion. If it is the student who actually gives the advice, the advice should be monitored with particular care by the lawyer.

To develop competent interviewing and advising skills, the student should have the opportunity to:

- Determine the client's goals, objectives and legal entitlements
- Use appropriate questioning techniques to ensure the interview is thorough, effective and efficient
- Manage client expectations
- Establish and maintain rapport and an open communication relationship with the client
- Clarify instructions and retainers
- Explain and assess possible courses of action with the client
- Document the interview and advice

### **f) Advocacy, Negotiation and Dispute Resolution**

Articling should provide an opportunity for enhancing advocacy skills. While not all students can (or will want to) be exposed to the special skills of trial advocacy, general advocacy skills, including effective argument and persuasion, whether in the office, a boardroom, or before a tribunal, should be developed during the articling year.

Student involvement in the negotiation process should include being educated as to various approaches to negotiation, together with active participation in negotiations.

To develop competent skills in these areas, students should have an opportunity to:

- Advocate to advance a client's position
- Represent a client in trial or hearing
- Prepare, present and test evidence
- Represent a client at a mediation
- Negotiate on behalf of a client
- Follow the procedures and etiquette of the forum

### **g) Personal Practice Management**

Students should be instructed in and their activities monitored in relation to:

- Time management
- Project management
- Document management
- Diaries and limitation reminders
- Timely and on-going client communications
- Client development
- Risk avoidance
- Technology
- Balancing professional life with personal life

### **h) Office Management**

Students should become familiar with the firm's systems related to:

- Quality control
- Billing and collection
- Trust and general accounting
- File and precedent organization
- Conflict of interest checks
- Diaries and limitation reminders
- Record keeping, archiving and file destruction

## **i) Ethics**

The principal should ensure that the student understands the special role of the lawyer as a professional in a self-governing profession. Students should be given the opportunity to develop proper attitudes and behaviours so that they:

- Demonstrate professional courtesy and good character in all dealings
- Maintain and enhance the reputation of the profession
- Recognize an obligation to pursue professional development to maintain and enhance legal knowledge and skills
- Act in a respectful, non-discriminatory manner
- Recognize the limitations on their ability to handle a matter and seek help where appropriate
- Recognize circumstances that give rise to ethical problems or conflicts
- Recognize and discharge all duties and undertakings
- Protect confidences
- Know and apply ethical standards

## **17. Checklist of Recommended Experience for Articling Students**

This checklist is a reference for the range of activities that may be undertaken by articling students. However, given differences in articling environments, it is unlikely that all students will be able to complete all these tasks during the articling year.

### **a) Family Law**

#### **i. Separation Agreements**

- Attend initial meeting with new client.
- Attend meeting with client regarding the terms for a proposed separation agreement.
- Attend with principal when terms negotiated with other lawyer.
- Draft an agreement.

## **ii. Court Proceedings for Separation**

- Draft petition under The Family Maintenance Act and The Family Property Act and file in the Court of Queen's Bench.
- Draft motion and supporting affidavits for interim relief, attend on Motions and/or argument.
- Attend with principal on any cross-examinations on affidavits.
- Follow action through discovery, production of documents, preparation for trial and trial of the action, attending with principal at all stages.
- Do a calculation under the Child Support Guidelines for child support.
- Attend a pre-trial conference and/or a case conference.
- Help prepare an offer to settle and attend settlement meetings.
- Draft and issue orders (final order, interim order or others).

## **iii. Court Proceedings for Divorce**

- Attend conference with principal when instructions taken from client on facts for petition for divorce.
- Complete and file notice of petition and petition for divorce.
- Prepare affidavit for uncontested divorce.
- Draft the notice of motion and supporting affidavits on an application for interim corollary relief, serve, and set down.
- Attend cross-examination on affidavits.
- Attend at argument of motion.
- Draft, issue and arrange service of order.
- Follow proceeding through discovery, production of documents, preparation for hearing.
- Attend hearing.
- Draft and issue divorce judgment final orders, including corollary relief.
- Follow through a variation proceeding.

#### **iv. Family Property**

(*The Law of Property Act, The Family Property Act and The Married Women's Property Act*)

- Prepare summary of assets and liabilities for Family Property Act accounting, and attend with principal before the Master for the reference.
- Follow matter through trial including consideration of the evidence, preparation for trial and attendance at hearing.

#### **v. Guardianship**

- Process documents on an application for guardianship of the person.

#### **vi. Optional Matters**

- Draft judgment and follow through with judgment sale or partition proceedings.
- Apply for vesting order.
- Process an application for adoption.
- Take part in a child protection proceeding.
- Attend Child Protection Docket.

### **b) Criminal Procedure**

- Attend initial interview with an accused person (or complainant).
- Attend court to argue an application for judicial interim release.
- Attend Provincial Court to obtain a remand.
- Prepare and deliver a submission on sentence on behalf of an accused or the Crown.
- Assist in preparation for and attend a preliminary inquiry and/or trial.
- Attend meeting with Crown Attorney (or Defence Counsel).
- Assist in preparation for bail review hearing.
- Assist in preparation for appeal, including preparation of notice of appeal, appeal book and factum.
- Assist in preparation and conduct of trial under the *Youth Criminal Justice Act* or a summary conviction matter.



- Attend a jury trial. Observe a jury selection and a charge to the jury.
- Attend Provincial Court one half day with duty counsel (check with Legal Aid for duty roster, or arrange through classmate articling with LAM), or attend docket court with Crown Attorney.
- Attend one half day at Court of Appeal to observe several sentence appeals (call the Court office for the schedule of dates).

### **c) Civil Procedure**

- Interview clients, with and without principal.
- Prepare draft written opinion.
- Draft:
  - Statement of claim
  - Documents for a Rule 20A expedited action
  - Statement of defence
  - Request for particulars
  - Reply to request for particulars
  - Third party claim
  - Counter claim
  - Notice of application, with support material
  - Notice of motion with supporting material
  - Motion brief
- Attend case conference on Rule 20A proceeding.
- Appear on and draft order for interlocutory/interim motion.
- Prepare notice of examination.
- Draft affidavit of documents.
- Attend with principal at examination for discovery of:
  - Principal's client
  - Opposing party
- Prepare trial record and pre-trial brief in a Queen's Bench action.
- Attend with principal at pre-trial conference.

- Attend with principal at settlement meeting and/or alternative dispute resolution meeting.
- Draft a brief on evidence.
- Prepare agreed statement of facts and/or documents.
- Prepare a brief of law.
- Prepare and obtain a subpoena.
- Assist at trial.
- Draft judgment.
- Prepare a bill of costs and have bill assessed.
- Prepare garnishing order and supporting material.
- Prepare a writ of seizure and sale.
- Attend on examination in aid of execution.
- Draft notice of satisfaction.
- Obtain judgment by default.
- Draft notice of discontinuance.
- Draft release.
- Draft notice of appeal.
- Prepare appeal book.
- Assist in preparation of factum.
- Attend with principal on an appeal.
- Prepare a certificate of decision.
- Prepare a reporting letter.

## **d) Wills and Estates**

### **i. Will Drafting**

- Attend an interview to take instructions from a client and conduct an interview on your own.
- Attend a consultation with client regarding will instructions at which Family Property Act, Part IV issues are addressed.
- Participate in the preparation of and advising on an agreement waiving Family Property Act, Part IV entitlements.
- Draft a simple will and a will containing a spousal trust.

- Observe the explanation of a will to a client and the formal execution of the will - including the affidavit of execution. Handle the execution of a will on your own.
- Draft a codicil.

## **ii. Letters Probate and of Administration**

- Observe and later conduct an interview with a personal representative to assemble all information regarding a deceased's estate and to deal with tax implications.
- Investigate title to the deceased's assets, as may be required.
- Advertise for creditors.
- Prepare the forms for a request for probate, and secure a common form letters probate.
- Prepare the forms for request for administration and secure the issuance of letters of administration.
- Prepare the forms required in connection with an administration bond with and without sureties.
- Prepare the forms required to dispense with an administration bond.
- Prepare the indemnification form to allow disposition of a small estate without probate or administration.
- Obtain an administration order for an estate under \$10,000.
- Prepare the forms necessary to file an amended inventory.

## **iii. Contentious Proceedings**

- Prepare and file a caveat.
- Prepare and file an appearance.
- Prepare an application for a citation.
- Participate in an interview with a client to advise on possible challenges to probate of a will.
- Participate in a solemn form proof proceeding.
- Attend client interview, prepare documents and observe proceedings for advice and directions.

#### **iv. Administration of Estates**

- Prepare notice to spouse and participate in a Family Property Act accounting on death.
- Prepare the necessary documentation for and handle the transmission and transfer of:
  - Real estate within Manitoba
  - Canada Savings Bonds
  - Share certificates, bonds and debentures of corporations with a transfer office in Manitoba
  - Share certificates, bonds, and debentures of corporations with a transfer office outside Manitoba
  - Bank accounts located in Manitoba
  - Pension funds and insurance proceeds payable to the estate
  - Various assets, which do not form part of the estate, such as joint tenancy realty, joint bank accounts, and securities owned jointly; also pension funds and insurance proceeds payable to designated beneficiaries.
- Prepare instructions for other counsel for administration of assets in another jurisdiction.
- Serve Form 74AA on personal representative and each residuary beneficiary.
- Prepare request for clearance certificate.
- Prepare estate accounts.
- Prepare the documents for and observe a passing of accounts.
- Draft reporting letter and solicitor's statement of account for a fully administered estate.
- Prepare documents for approval of a personal representative's fee.
- Prepare documents for approval of solicitor's fees in excess of what is provided in the Queen's Bench Rules.

## **v. Estate Planning/Taxation**

- Attend consultations with executors as to taxation considerations in respect of estates being handled in your office.
- Attend consultation with client at which instructions for a will are given to familiarize yourself with tax considerations in drafting a will.
- Draft an inter vivos trust; consider the concept of “attribution” of income under the *Income Tax Act*.

## **e) Real Property**

### **i. Sale and Purchase**

- Take instructions for and draft:
  - Offer to Purchase residential property
  - Acceptance of Offer to Purchase
  - Option to Purchase
  - Caveat
  - Transfer of Land (corporate and individual transferors)
  - Statement of Adjustments
  - Purchaser’s and vendor’s budgets
  - Draft closing letters (trust conditions) on both a vendor’s and purchaser’s behalf on a residential transaction
  - Reporting letters to a vendor and a purchaser
  - Know when to use and participate in a “Protocol” closing.
- Be familiar with the use of and draft:
  - Power of Attorney
  - Standard opinions
  - Trust letters
- Participate in a commercial real estate transaction:
  - Consider a commercial property agreement of purchase and sale
  - Consider Residential Tenancy Act issues
  - Consider environmental issues
  - Participate in closing on commercial property

## **ii. Searches and Inquiries**

- Conduct the following searches:
  - Land Titles Office (current titles and encumbrances)
  - Land Titles Office (historical)
  - Municipal sources (zoning, taxes, local improvements, work orders)
  - Surveyor's building location certificate

## **iii. Mortgages**

- Take instructions for and draft a mortgage, direction to pay, report, advance of mortgage proceeds and account to client.
- Be familiar with practice differences in a "Protocol" closing.
- Follow through procedures and documentation in mortgage sale and foreclosure.

## **iv. Leases**

- Take instructions for and draft or complete:
  - Lease of residential premises
  - Lease of commercial premises
  - Assignment of leasehold interests

## **v. Condominiums**

- Review declaration and by-laws.
- Consider agreement of purchase and sale.
- Consider additional searches and items to be checked when purchasing.

## **vi. Builders' Liens and Other Liens**

- Prepare documentation for registration and discharge.
- Prepare conditions with respect to builders' lien holdbacks in new house
- Purchase.

## **vii. Other**

- Draft documents concerning withdrawal of caveat, partial withdrawal of caveat, lapse of caveat.
- Draft documents dealing with lost Certificate of Title, Transmission on death of registered owner, Survivorship Request on death of joint owner.

## **f) Corporate and Commercial Transactions**

### **i. Searches**

- Conduct searches in respect of:
  - Personal property security
  - Incorporation, status
  - Bankruptcy
  - Section 427 of the Bank Act for inventory or other security to the bank
  - Executions (sheriff's certificate)
  - Names under The Business Names Registration Act

### **ii. Commercial Transactions**

- Attend at the closing of transaction.
- Attend to the closing of a transaction by exchange of trust letters.
- Take instructions and draft:
  - Closing agenda
  - Bill of sale
  - Promissory note
  - Authorizing resolutions

### **iii. Business Organizations**

- Determine form of organization suited to client's needs.
- Take instructions and draft:
  - Partnership agreement
  - Shareholder agreement
  - Name reservation
  - Articles of incorporation
  - General by-laws
  - Corporate organization resolutions
  - Share certificates
  - Articles of amendment
  - Application for registration
  - Reporting letter
- Organize minute book.
- Annual return.

### **iv. Bankruptcy**

- Attend at consultations with debtor in financial difficulties.
- Draft proof of claim form.
- Attend meeting of creditors.

### **v. Secured Lending**

- Draft security documents:
  - General Security Agreement
  - Guarantee
  - Pledge of Shares
- Attend to registrations at Personal Property Registry.



## **vi. Taxation**

- Document Preparation
  - Agreement of purchase and sale of assets where an election is being made under s. 85.
  - Price Adjustment Clause in an agreement of purchase and sale.
  - Indemnity sought by vendors of shares with respect to tax liabilities on the purchase and sale of shares of a corporation.
  
- Negotiations
  - Attend at consultations and negotiations with clients in respect of purchase and sale of shares and purchase and sale of assets.
  - Attend at meetings with official of the Canada Revenue Agency and Department of Justice

## D. SECTION 3 FORMS

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There are many forms that students and principals must complete as part of CPLED Program and articling process. The following [forms](#) can be found on the Law Society's website. Forms may also be obtained from:

The Law Society of Manitoba  
Education and Competence Department  
Lisa Ehnes, Administrative Registrar  
Telephone: 204-926-2042  
Email: [lehnes@lawsociety.mb.ca](mailto:lehnes@lawsociety.mb.ca)

### Admission Forms

[Application for Admission as an Articling Student](#)

[Articling Agreement](#)

[Certificate of Good Character](#)

[Sample Education Plan](#)

[Application to Abridge Articles](#)

[Request for Credit for Articles Served in Another Jurisdiction](#)

[Application for Financial Assistance](#)

### Articling Forms

[Application to Become Principal I](#)

[Education Plan – Mid Term Review](#)

## Call to Bar Forms

[Certificate of Completion of Articles](#)

[Education Plan – Student Final Assessment](#)

[Application and Petition for Call – Manitoba Articling Student](#)

[Application to Commence Active Practice](#)

## Other

[Requirement to Transfer Articles to New Principal](#)

[Member Update](#) Form

[Request for Credit for Articles Served in Another Jurisdiction](#)

## PREP

### *Schedule and Important Dates:*

<https://cpled.ca/deadlines-events/>

<https://cpled.ca/students/cpled-prep/program-schedule/>

### *Registration*

<https://cpled.ca/students/cpled-prep/how-do-i-register/>

### *Tuition*

<https://cpled.ca/students/cpled-prep/program-cost/>

<https://cpled.ca/students/cpled-prep/payment-information/>