

THE LAW SOCIETY OF MANITOBA

ADMISSIONS AND EDUCATION COMMITTEE (APPEALS SUB-COMMITTEE)

IN THE MATTER OF: SHILPA BHADORIA, Appellant  
  
- and -

AND IN THE MATTER OF: A DECISION OF THE DIRECTOR OF  
ADMISSIONS AND MEMBERSHIP  
Dated June 4, 2020

PANEL: Dean Scaletta, Chairperson  
Mason Broadfoot, Practising Member  
Miriam Browne, Public Representative

HEARING DATE: November 4, 2020

APPEARANCES: Alyi Klein, for The Law Society of Manitoba  
Appellant, Self-Represented

**REASONS FOR DECISION**

**I. Introduction and Background Facts**

The salient facts in this appeal are not in dispute.

1. Ms. Silpa Bhadoria (“the Appellant”) earned an LL.B. (Hons.) from Jiwaji University, Gwalior, Republic of India, in 2005, and an LL.M. from the National Academy of Legal Studies & Research, University of Law, Hyderabad, also in India, in 2008. She achieved a point total of 2483/3850 (64.49%) in her LL.B. program, and a Cumulative Grade Point Average of 5.57/8.00 in the LL.M. program. She was awarded a “D” – the second highest grade available – for her Masters Dissertation.

2. The Appellant was called to the Bar in India in 2005, and remained in active practice until May, 2019 when she first established her residence in Manitoba. While her practice was primarily in an in-house capacity for several media-related companies, it appears to have involved a substantial amount of legal drafting (contracts, regulations, legal opinions, research memoranda, and the like) and extensive litigation-related activities (including preparation of court filings, various pre-trial proceedings, and numerous administrative tribunal and court appearances).
3. In May, 2019, the Appellant applied to The Law Society of Manitoba ("Law Society") for admission to the 2019-2020 Manitoba Canadian Centre for Professional Legal Education ("CPLED") Program and for admission as an Articling Student. At the same time, she submitted an "Application for Exemption From Articling and CPLED Requirements Based on Foreign Practising Experience", together with a Law Society "Summary of Practice Experience – Foreign Experience" form. She sought blanket exemptions from both the articling requirement (52 weeks) and the requirement to complete CPLED.
4. At the time of these initial applications, the Appellant was not yet eligible for admission to the Law Society as she had not yet received a Certificate of Qualification ("CQ") from the Federation of Law Societies of Canada National Committee on Accreditation ("NCA"). Her Law Society file was closed and she was invited to re-apply once the NCA requirements had been met.
5. An "NCA Assessment Report" dated October 18, 2016 indicated that the Appellant would be required to attain competency in five "NCA Core Subjects". Between August, 2018 and January, 2020 (the latter date being well before the October, 2021 deadline imposed by the NCA), the Appellant achieved a "Pass" in all five subjects. Four of the subjects were passed on the first attempt; the other was passed on the second attempt. (The NCA permits a maximum of two re-writes per subject.) A CQ was issued on March 27, 2020.
6. The Appellant then submitted a fresh "Application for Admission as an Articling Student 2020-2021", which was received by the Law Society on April 7, 2020. She reiterated her request for the same two exemptions.
7. By letter dated June 4, 2020, the Director of Admissions & Membership ("the Director"), acting under the authority delegated to him by the Chief Executive Officer, advised the Appellant that: (i) a recent amendment to the *Law Society Rules* ("the Rules") meant that "applicants [were] no longer able to request an exemption from CPLED's PREP program", and (ii) her request for an exemption from the articling requirement was denied.

[Note: PREP stands for “Practice Readiness Education Program”. It replaces the former CPLED program, which had consisted of 10 distinct modules, each with its own “Competency Evaluation”. The transition from CPLED to PREP began in early 2020.]

8. The Appellant submitted a “Notice of Appeal to the Admissions and Education Committee” dated June 15, 2020. In response to Question 4: “What part(s) of the decision are you appealing?”, she responded: “Rejection of grant of exemption from articling requirement based on foreign practicing experience”. Attached was a five-page, typewritten document entitled “Schedule – Grounds for Appeal”. The Appellant requested an oral hearing which was held – via Zoom – on November 4, 2020.

## **II. Materials Before the Appeals Sub-Committee**

9. Appendix “A” to these Reasons for Decision, being a copy of the Table of Contents for the “Record” prepared by the Law Society for use on this appeal. It is a three-page document, listing 33 items.
10. Appendix “B” to these Reasons for Decision, being a list of materials submitted by the Appellant together with a four-page, typewritten document entitled “Additional Submissions”. [Note: Although nine “Annexures” are listed here, the ones numbered 3 and 8 are actually the same document.]
11. A three-inch binder of materials entitled “Submission of The Law Society of Manitoba”.
12. Appendix “C” to these Reasons for Decision, being a list of the materials (apart from the “Record”) which were included with the Law Society Submission.

## **III. Relevant Excerpts from *The Legal Profession Act* and the *Law Society Rules***

### ***The Legal Profession Act (“the Act”)***

#### **Purpose**

**3(1)** The purpose of the society is to uphold and protect the public interest in the delivery of legal services with competence, integrity and independence.

#### **Duties**

**3(2)** In pursuing its purpose, the society must

- (a) establish standards for the education, professional responsibility and competence of persons practising or seeking the right to practise law in Manitoba; and
- (b) regulate the practice of law in Manitoba.

### **Rules are binding**

**4(6)** The rules are binding on the society, the benchers, the members and everyone who practises or seeks the right to practise law under the authority of this Act, other than Part 5 (representation in highway traffic matters).

### **Qualification for membership**

**17(2)** No person may become a member or be reinstated as a member unless the benchers are satisfied that the person meets the applicable membership requirements.

### **Rules about membership and authority to practise**

**17(5)** The benchers may make rules that

- (b) establish requirements, including educational and moral requirements, and procedures for admitting persons as members, which may be different for different categories of membership;
- (c) govern the admission program for articling students;

### ***Law Society Rules ("the Rules")***

#### **Application for admission as an articling student**

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

- (a) provide proof that he or she:
  - (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;

### **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.

### **Articling and bar admission program**

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

- (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. Abridgement of more than four weeks may only be granted in exceptional circumstances.

### **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.

### **Authority of the 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.

### **Appeal of admissions decisions**

**5-28(1)** Subject to subsection (8), a decision of the chief executive officer made pursuant to the rules in this division may be appealed to the committee by the completion and filing of the required notice of appeal within 14 days of receipt of written confirmation of the decision and the right to appeal. The appeal process will be governed by guidelines adopted by the benchers.

### **Decision of panel**

**5-28(7)** The panel may dismiss the appeal, make any decision the chief executive officer could have made, or allow the appeal with or without conditions. A decision of the panel is final, except a decision to refuse to issue a practising certificate or a practising certificate free of conditions, which decision may be appealed to the Court of Appeal pursuant to section 76 of the Act.

## **IV. Standard of Review**

13. The Appellant submits that the applicable standard of review on this appeal ought to be “reasonableness”. She did not cite any authority for her position, noting that there were very few relevant decisions on the point.
14. The Law Society submits that the applicable standard of review is “correctness”. It cites the decisions of the LSM Appeals Sub-Committee in *Singh v. The Law Society of Manitoba*, 2019 MBLS 11 (“*Singh*”) and *Sahota v. The Law Society of Manitoba*, 2018 MBLS 5 (“*Sahota*”).
15. *Singh* is the more recent of these two decisions. The panel on that appeal reviewed several prior Appeal Sub-Committee decisions and noted four “guiding principles” (paraphrased below):
  - (i) The standard of review on these types of appeals ought to be “correctness”.
  - (ii) Although the Director may properly be viewed as an individual with some expertise in the application of the relevant provisions of the *Act* and the *Rules*, no special deference is to be accorded to his admissions decisions.
  - (iii) A panel may embark upon a “fresh review” of the materials before it, even if those materials are essentially the same ones reviewed and considered by the Director.
  - (iv) A panel need not “parse the reasons of the Director”, and is entitled to substitute its own decision for that of the Director.

16. In that case, “[b]oth the Law Society and Mr. Singh agreed that the standard of review was correctness”. The panel “thus determined and applied a standard of correctness to the decision of the Director”.
17. We accept the “guiding principles” set out in *Singh* and we, too, have applied a standard of correctness in this matter.

## **V. Issues**

18. The only issues on this appeal are whether the Appellant ought to be granted:
  - (i) an exemption from the requirement to serve at least 52 weeks of full-time articles (or, alternatively, an abridgement of the 52-week requirement); or,
  - (ii) an exemption from the requirement to successfully complete the CPLED Practice Readiness Education Program (PREP); or,
  - (iii) both of the above.
19. Although the “Notice of Appeal to the Admissions and Education Committee” dated June 15, 2020 challenges only the denial of the exemption from articling, the Appellant – in her written submission and in her oral submission – asked us to also consider her challenge to the denial of the exemption with respect to the PREP. [She says she did not include this as a ground of appeal because the Director had not explained in his letter why this exemption had been denied.] The Law Society did not object to us dealing with both matters.
20. Prior to the hearing, the Law Society had reconsidered the decision of the Director with respect to the *length* of the required articles. Counsel then advised the Appellant and the panel that, taking into account the foreign practice experience of the Appellant, the Law Society was now satisfied that a six-month (26-week) term of articles would suffice.
21. With respect to request for a PREP exemption, the Law Society maintained its position that a May, 2020 amendment to Rule 5-5(4) had removed the ability of an applicant for admission to apply for *any* exemption from the requirement to successfully complete the program. Counsel argued that neither the Director nor, by extension, this panel, has the requisite jurisdiction to grant this type of exemption.
22. The Law Society further acknowledged that the Director had misinterpreted the “D” grade assigned to her Masters Dissertation (which, under the rubric used in India, is the second best grade available as opposed to being the second worst, as it is throughout most of North

America). It also acknowledged that the Appellant had provided satisfactory evidence of her English-language proficiency.

## **VI. Discussion**

### **The PREP Exemption**

23. We accept the submission of the Law Society regarding a PREP exemption. Rule 5-5(4) as it now reads specifically contemplates a request for an abridgement of the articling requirement. It does not expressly, or even implicitly, permit an exemption from PREP.
24. Subsection 4(6) of the *Act* requires that the Law Society comply with the *Rules*. This would obviously include the Director in his capacity as a delegate of the Chief Executive Officer.
25. Rule 5-28(7) expressly authorizes a panel to make any decision the Director could have made. It follows, therefore, that if the Director could not make a decision which is contrary to the *Rules* then neither can we.
26. The Law Society Benchers make the *Rules*. The other “players” in the regulatory regime established by the Benchers must all comply with those *Rules*.

### **The Articling Exemption**

27. Both parties cited the 2019 Law Society Appeals Sub-Committee decision in *Singh* (see above under the heading “Standard of Review”). No other authorities were cited by either party on this issue.
28. We were struck by the similarities between the underlying facts in *Singh* and those in the matter before us. In both cases, the Appellants had obtained their legal education and training in India, and both had practiced there for more than 10 years. (Their practice areas were somewhat different, with Mr. Singh maintaining a private, and mostly criminal, practice. His call date was also a few years earlier than that of the Appellant, but not significantly so.)
29. In *Singh*, the Director was unwilling to waive the articling requirement entirely, but he did grant a six-month (26-week) abridgement. Of note, Mr. Singh did not challenge the requirement that he successfully complete the CPLED program even though he could, at that time, have requested that exemption as well.
30. We also noted that several of the arguments advanced by Mr. Singh in support of his request for a complete exemption from the articling requirement closely mirror those advanced by the Appellant in this case.

31. The panel in *Singh* embarked on a fairly detailed analysis of the reasons for the articling requirement in Manitoba. We see no need to reproduce that portion of the Reasons for Decision *verbatim*. Instead, the salient provisions are paraphrased below:
- (i) Section 3 of the *Act* imposes an onerous “gatekeeper” burden on the Law Society itself and on its actors who are involved in making admissions decisions. At its core, that burden is to “uphold and protect the public interest in the delivery of legal services”.
  - (ii) Requests for an “exemption” or an “abridgement” of an admissions requirement must be assessed through a “public protection” lens; that is, to determine “whether those requirements can be exempted or abridged while still meeting the public interest in ensuring lawyers meet the standards for education, professional responsibility and competence”.
  - (iii) While internationally-qualified lawyers with significant practice experience should not be put to “unnecessary steps” to obtain licensure in Manitoba, the Law Society faces significant challenges in its assessment of “what is necessary to protect the public interest”.
  - (iv) Obtaining a CQ from the NCA does not end the admissions assessment, particularly in situations where the applicant has no experience whatsoever working as a legal professional in Canada. In Manitoba, the *Rules* require that the applicant “enter into an articling agreement” with a principal approved by the Law Society.
  - (v) Articling has long been, and continues to be, a fundamental element of the process for gaining admission to the Manitoba Bar. It provides a supervised environment in which the applicant is able to: (a) become familiar with Manitoba laws and procedures in a practical, rather than a merely theoretical, setting, (b) integrate that growing familiarity with the principles of ethics and integrity which the public is entitled to expect from a practising lawyer, and (c) gain an understanding of the “legal landscape in which legal services are offered” in Manitoba.
  - (vi) The Law Society would be abdicating its statutory duties under Section 3 of the *Act* if it admitted an applicant to practice “by substituting the necessity of Articles with a practice condition for supervision”.
32. We accept and adopt these principles.
33. The Appellant conceded that she currently has few connections within the Manitoba legal community, and that this has hampered her search for an articling position. Perhaps



unintentionally, this concession actually highlighted for us one of the main concerns we have with her position that she should not have to serve *any* term of articles; that is, that her lack of familiarity with the local Bar will make her transition into practice here more challenging and stressful than it might otherwise be. The hope – and expectation – is that a term of articles will smooth that transition in a manner which will greatly enhance her prospects of success. The *last* thing we would want to do is set her up for failure.

34. It takes great courage for an individual such as the Appellant – a mid-career professional – to relocate to a new country, with its own unique cultural quirks, and to establish a new life here. Her rich professional and personal experiences mean that she has much to offer, as a lawyer and as a person, to her own cultural community and to the broader community as well.

## **VII. Closing Observations and Comments**

35. The Appellant repeatedly referred to the Law Society articling requirement as an “artificial barrier” to her entry into legal practice in Manitoba which is grossly unfair to applicants like herself; namely, mid-career lawyers with extensive foreign practice experience. She asserts as well that by requiring her and other experienced, foreign-trained to article, the Law Society is doing a disservice to the public by denying members of racialized communities the opportunity to obtain legal services in their native language. While accepting that her opinions are sincerely – and, indeed, passionately – held, we do not share her perspective on the issue.
36. Appendix “B” to these Reasons for Decision consists of over 600 pages of material. Most of it pertains to Ontario, and much of that is dated.
37. Based on published numbers as at December 31, 2019, Ontario has by far the largest practising Bar in Canada. It dwarfs the Manitoba Bar, which had less than 6% of the Ontario membership (2,136 as compared to 37,900) at that time.
38. While a lot of what is done in Ontario in terms of the regulation of the legal profession impacts the rest of Canada, how Ontario deals with its own articling requirement has little, if any, relevance in the Manitoba context.
39. One example is its Law Practice Program (“LPP”), an alternate “track” to licensure in which traditional articles are replaced by a condensed, but intensive, program of learning in both classroom and law office settings. [Note: All candidates for licensure, regardless of which “track” they follow, must still write and pass a challenging package of uniform bar exams. This is not the practice in most other common law provinces.]
40. The LPP was developed in response to the so-called “articling crisis” in the early 2000s when – year after year – hundreds of Ontario law school graduates were unable to secure articles

and, therefore, unable to qualify to practise. Its implementation was met with vehement opposition from some segments of the Ontario Bar, and it remains controversial to this day.

41. Manitoba has undoubtedly experienced a “shortage” of articling positions in recent years, in part as a consequence of Ontario law school graduates and an ever-increasing number of NCA applicants being unable to secure either an articling position or a spot in an LPP in Ontario. But this shortage has never reached Ontario levels, even on a *per capita* basis, and the Law Society has never had to seriously consider implementing some of the more drastic steps taken by the Law Society of Ontario.
42. The Appellant also noted with some chagrin that individuals already called to the Bar of another Canadian common law jurisdiction do not have to re-articulate in Manitoba and do not have to successfully complete the PREP.
43. There is a good reason for this.
44. In 2002, after many years of negotiation and preparatory work, the nine common law provinces in Canada each adopted the *National Mobility Agreement*. In essence, the participating law societies accepted the premise that a candidate who had met all of the requirements for licensure in one province should not have to “re-qualify” in another. The *NMA* is anchored by an understanding on the part of each law society that it will diligently perform its “gatekeeper” role such that, having done so, its determinations of qualification and competence with respect to a particular individual could be safely relied upon by another law society considering an application for admission from that same individual.
45. An NCA applicant who has obtained a valid CQ is in a fundamentally different situation. As the Law Society Submission so eloquently puts it: “[The CQ] is the gateway to CPLED and articling not a substitute for either.”
46. As an aside, a foreign-trained lawyer who *does* get called in one of the participating Canadian jurisdictions enjoys exactly the same mobility rights under the *NMA* as an individual whose legal education and bar admission training took place entirely within Manitoba.
47. One final note. The Law Society 2020 Annual Report, which covers the fiscal year ending March 31, 2020, indicates that 104 candidates completed their required articling and were called to the Manitoba Bar. Almost one-quarter of the candidates (24) were internationally-trained lawyers who held a CQ from the NCA and of those, seven (29.2%) received partial exemptions from the articling requirement based on their foreign practising experience. The remaining 17 (70.8%) presumably completed a full 52-week term of articles.


48. The numbers suggest two things. First, that the Law Society has a lot of experience assessing internationally-trained lawyers for licensure, and second, that it is open to abridging the usual term of articles where the circumstances warrant. That, we believe, is what has happened in this case.

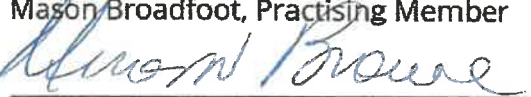
**VIII. Decision**

49. The appeal is denied. The Appellant will be required to complete a six-month (26-week) term of articles under the supervision of a principal approved by the Law Society. She will also be required to successfully complete the CPLED Practice Readiness Education Program (PREP) in which she is currently enrolled.
50. While recognizing that the Appellant, not the Law Society, bears the ultimate responsibility for securing the requisite articling position, we encourage the Law Society to provide the Appellant with what reasonable assistance it can in that regard.

November 16, 2020

  
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Dean Scaletta, Chairperson

  
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Mason Broadfoot, Practising Member

  
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Miriam Browne, Public Representative

# Appeal of Shilpa Bhadoria – Reasons for Decision

## Appendix “A”

### Table of Contents

#### **TAB   DOCUMENT**

##### ***Decision***

1. Letter, June 4, 2020 Richard Porcher, Director of Admissions and Membership to Shilpa Bhadoria.

##### ***Notice of Appeal***

2. Notice of Appeal, Received June 16, 2020 including:
  - A. Schedule – Grounds for Appeal
  - B. Annexure – 1 – NCA letter mentioning the exam rules in this regard
  - C. Annexure – 2 – LL.M marksheet with the description of grading system
  - D. Annexure – 3 – Letter dated May 19, 2019 Bhadoria to Porcher
  - E. Annexure – 4 – IELTS results
  - F. Annexure – 5 – The Law Society of Manitoba Articling Students Practice Skills Area

##### ***Application for Admission as an Articling Student 2020-2021***

3. Application of Shilpa Bhadoria dated April 7, 2020 including:
4. - Resume of Shilpa Bhadoria
5. Application of Shilpa Bhadoria dated May 24, 2019 including:
  6. - Cover letter received May 24, 2019
  7. - IELTS Test Report Form
  8. - Certification of Character from Deepak Agarwal

9. Application For Exemption from Articling and CPLED requirements based on Foreign Practice Experience of Shilpa Bhadoria dated May 24, 2019 including:
10. - Schedule 1- Submission under Clause 2 and 4
11. - Resume of Shilpa Bhadoria – Submission under Clause 4
12. - Summary of Practice Experience of Shilpa Bhadoria

***Additional Materials Considered by the Director***

13. Letter received March 13, 2019 NCA to Donna Mihalick, attaching:
14. - NCA Completion Reports, March 7, 2019 & March 27, 2020.
15. - Letter to Bhadoria dated October 18, 2018
16. - NALSAR Transcript of Grades and LL.M Certificate
17. - Jiwaji University Gwalior Transcript LL.B
18. - Certificate of Good Standings dated June 7, 2016
19. IELTS Test Report
20. Email, April 6, 2019 NCA to Mihalick
21. Email, May 2, 2019 Bhadoria to Mihalick
22. Experience Certificate received May 3, 2019 – High Court Bar Association, Gwalior
23. Reference letter, received May 7, 2019, Manish Wadkar, Times Global Broadcasting Company Limited
24. Reference letter, received May 7, 2019, Deepak Agarwal
25. Reference letter, received May 7, 2019, Kunal Tandon, Tandon & Co
26. Reference letter, received May 15, 2019, Neeraj Pal
27. Letter received May 24, 2019 Bhadoria to Porcher

28. Police Clearance Certificate from Government of India, received May 24, 2019
29. Copy of Bhadoria Passport received May 24, 2019
30. Letter dated August 9, 2019 Porcher to Bhadoria
31. Letter dated December 19, 2019, Porcher to Bhadoria
32. Court Registry Search April 13, 2020
33. Google Search dated April 13, 2020

## Appeal of Shilpa Bhadoria – Reasons for Decision

### Appendix “B”

#### Additional Materials

- Annexure 1 - Article from *Precedent JD Magazine*, Summer 2009 – May 20, 2009  
*Law Society [of Upper Canada] eases up on articling requirements. This will make life easier for those who articulated abroad.*
- Annexure 2 - Law Society of Upper Canada *Articling Task Force Final Report* – October 25, 2012  
*Pathways to the Profession: A Roadmap for the Reform of Lawyer Licensing in Ontario*
- Annexure 3 - *International Journal of Criminology and Sociological Theory*, Vol. 2, No. 1, June 2009  
*Lawyers of Colour and Racialized Immigrants with Foreign Legal Degrees: An Examination of the Institutionalized Processes of Social Nullification*
- Annexure 4 - Law Society of Upper Canada *Career Map for Internationally Educated Lawyers* – Fall 2016
- Annexure 5  
- Part 1 - Law Society of Upper Canada *Entry-to-Practice Review: Report to the Office of the Fairness Commissioner* – c. 2010
- Annexure 5  
- Part 2 - Office of the Fairness Commissioner (Ontario) *Entry-to-Practice Requirements for Five Professions in Five Canadian Provinces:* – 2010
- Annexure 6 - Article from *The Lawyer’s Daily* – Tuesday, April 16, 2019 @ 9:42 AM  
*LSO benchers candidates shed light on barriers faced by internationally trained lawyers*
- Annexure 7 - Doctoral Thesis of Tiiestso Russell, PhD, University of Toronto – 2015  
*Foreign Trained Black Lawyers’ Experiences in Ontario: I am a Lawyer! Am I a Lawyer? An Odyssey!*
- Annexure 8 - Same document as Annexure 3
- Annexure 9 - Law Society of Manitoba Admission & Education *Decision on Admission and Education No. 20190916* – October 25, 2019  
*Singh v. The Law Society of Manitoba*, 2019 MBL 11

Appeal of Shilpa Bhadoria – Reasons for Decision

Appendix “C”

Materials Included with the Submission of The Law Society of Manitoba

- Tab 1 Excerpts from the *Law Society Rules*
- Tab 2 Excerpts from *The Legal Profession Act, C.C.S.M., c. L107*
- Tab 3 *The Fair Registration Practices in Regulated Professions Act, C.C.S.M., c. F12*
- Tab 4 *2017 Registration Review Report – Law Society of Manitoba*  
Office of the Manitoba Fairness Commissioner
- Tab 5 *Singh v. The Law Society of Manitoba, 2019 MBLS 11*
- Tab 6 *Sahota v. The Law Society of Manitoba, 2018 MBLS 5*