



AGENDA

Benchers

Date: Thursday, June 17, 2021

Time: 12:45 pm

Location: Via Videoconference and Teleconference

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
1.0 PRESIDENT'S WELCOME AND TREATY ACKNOWLEDGEMENT					
	The President will welcome Dr. Richard Jochelson, the new Dean of the University of Manitoba, Faculty of Law to the meeting.				
2.0 IN MEMORIAM					
	Harry Charles Peters , who passed away on April 23, 2021 at the age of 70. Mr. Peters received his call to the Bar on June 29, 1978. He served as counsel with Legal Aid Manitoba for 28 years, retiring in 2006.				

John Kenneth Beatty, who passed away on May 4, 2021 at the age of 91. Mr. Beatty received his call to the Bar on December 16, 1955. He served as in-house counsel to Manitoba Telephone Systems for 33 years. Mr. Beatty practised for an additional ten years as a sole practitioner, retiring in 1998.

John Loring Patrick Sinclair, who passed away on May 11, 2021 at the age of 80. Mr. Sinclair received his call to the Bar on June 7, 1965. He practised as a partner in several Winnipeg firms for 45 years and then as a sole practitioner for 10 years. Mr. Sinclair retired from practice in January of 2021.

The Honourable Sidney Schwartz, who passed away on May 17, 2021 at the age of 87. Mr. Schwartz received his call to the Bar on May 13, 1958. He was a practising member of the Law Society for 25 years. From 1983 to 2004 Mr. Schwartz served as a judge of the Court of Queen's Bench.

Ram Kishore Agrawal, who passed away on May 18, 2021 at the age of 85. Mr. Agrawal received his call to the Bar on June 29, 1970. He practised as a partner with Lerner & Agrawal for 27 years and then as a sole practitioner for 20 years. Mr. Agrawal retired from practice in 2019.

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
3.0 CONSENT AGENDA					
The Consent Agenda matters are proposed to be dealt with by unanimous consent and without debate. Benchers may seek clarification or ask questions without removing a matter from the consent agenda. Any Bencher may request that a consent agenda item be moved to the regular agenda by notifying the President or Chief Executive Officer prior to the meeting.					
3.1	Minutes of May 20, 2021 Meeting	5		Attached	Approval
3.2	Appointment of Equity Committee Member			Attached	Approval
3.3	2017-2020 Strategic Plan Update - June 2021			Attached	Information
4.0 EXECUTIVE REPORTS					
4.1	President's Report	5	Grant Driedger	Attached	Briefing

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
4.2	CEO Report	10	Leah Kosokowsky	Attached	Briefing
4.3	Strategic Planning - Shaping the Next Strategic Plan	10	Leah Kosokowsky	Attached	Briefing
5.0 DISCUSSION/DECISION					
5.1	Recommendations for Appointments to the Indigenous Advisory Committee	15	Jessica Saunders	Attached	Discussion/ Decision
5.2	Peer Support Program Proposal	20	Gerri Wiebe	Attached	Discussion/ Decision
6.0 COMMITTEE REPORTS					
6.1	Access to Justice Steering Committee	15	Gerri Wiebe/ Brian McLeod		Briefing
7.0 MISCELLANEOUS BUSINESS					
7.1	FLSC Council Report	10	Lynda Troup	Attached	Briefing
7.2	Anti-Money Laundering and Terrorist Financing Model Rules	10	Leah Kosokowsky	Attached	Briefing
7.3	Manitoba Blue Cross - Health and Wellness Report	10	Leah Kosokowsky	Attached	Briefing
8.0 FOR INFORMATION					
8.1	Media Reports			Attached	Information



MEMORANDUM

To: Benchers

From: Alissa Schacter

Date: June 8, 2021

**Re: Recommendations for Appointments to the Law Society's
Indigenous Advisory Committee**

On October 29, 2020, you approved the creation of an Indigenous Advisory Committee (IAC) to guide the Law Society in its ongoing response to the Truth and Reconciliation Commission's Calls to Action. On December 17, 2020, you approved Terms of Reference for the IAC and appointed the Honourable Murray Sinclair to serve as the Chair.

The Terms of Reference, attached as **Appendix "A"**, state the following with respect to the composition of the IAC:

The Advisory Committee will consist of benchers, volunteer members and representatives of Indigenous communities appointed by the benchers of the Law Society. At least half of the Committee members will be members in good standing of the Law Society and at least one member will be a current bencher.

The selection of Committee members will be made in accordance with the Law Society's appointment practices. Efforts will be made to reflect:

- *Different regions of the province, including urban, rural and northern locations;*
- *A broad range of Indigenous perspectives; and*
- *Gender diversity.*

As a matter of priority, and a condition of appointment, all members must have demonstrated experience with and knowledge relevant to the issues under consideration, including knowledge of the history, culture and rights of Indigenous peoples, Indigenous law, the Canadian justice system, legal education and regulation of the legal profession as well as strong connections with Indigenous communities in Manitoba.

Recommendation:

Law Society staff have had several meetings with the Honourable Murray Sinclair over the last few months to discuss the composition of the IAC and its work. As a result of those discussions, and in keeping with the guidelines set out in the Terms of Reference, it is recommended that you appoint each of the following individuals to serve as members of the IAC for a two-year term:

Jessica Saunders, Vice-Chair
Knowledge Keeper E.J. Fontaine
Knowledge Keeper Eva Wilson-Fontaine
Desiree Dorian
Ken Mandzuik
Elissa Neville
Vincent Sinclair
Frankie Snider

Bios for the prospective appointees can be found at **Appendix "B"**. The IAC Chair thought it important to include non-Indigenous representation on the Committee to provide a non-Indigenous perspective on the issues to be considered. Ken Mandzuik and Elissa Neville are being recommended for appointment in this capacity.

APPENDIX "A"

INDIGENOUS ADVISORY COMMITTEE

TERMS OF REFERENCE

Law Society of Manitoba

Terms of Reference for Indigenous Advisory Committee

I. BACKGROUND

The Law Society of Manitoba recognizes the significance of the work of the Truth and Reconciliation Commission (TRC) and the 94 Calls to Action directed at all segments of Canadian society. In particular, the Law Society endorses Call to Action #27 that calls upon law societies to

"...ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights and anti-racism."

The Law Society is committed to responding to the Calls to Action as they relate to its mandate to ensure the public is well served by a competent, honourable and independent legal profession. The Law Society recognizes the work required to achieve reconciliation is ongoing and must be carried out in collaboration with Indigenous peoples. To guide the Law Society in its ongoing response to the TRC's Calls to Action, the benchers approved the creation of an Indigenous Advisory Committee on October 29, 2020.

II. PURPOSE

The Indigenous Advisory Committee will, after familiarizing itself with the components of the TRC Report giving rise to Call to Action #27, as its first priority develop a plan of action to help guide the Law Society in its ongoing response to the TRC's Calls to Action on issues within the mandate of the Law Society. More specifically, it will:

1. Provide advice and feedback to the Law Society on its educational programs generally, with regard to the potential for cultural bias, as well as actions aimed at increasing cultural competency within the profession.
2. Aid the Law Society in addressing the unique needs and perspectives of Indigenous peoples within the Law Society's regulatory processes.
3. Provide advice and guidance to the Law Society generally on how it should prioritize its work in this area. This will include acting as a resource and providing feedback on program initiatives and engagement related to supporting Indigenous lawyers and students.

4. Provide advice and support to the Law Society in effectively engaging and building further relationships with Indigenous peoples.
5. At the request of the benchers or the Law Society Executive, provide advice or recommendations on other issues affecting Indigenous peoples within the legal system.

III. COMPOSITION and GOVERNANCE

The Advisory Committee will consist of benchers, volunteer members and representatives of Indigenous communities appointed by the benchers of the Law Society. At least half of the Committee members will be members in good standing of the Law Society and at least one member will be a current bencher.

The selection of Committee members will be made in accordance with the Law Society's appointments practices. Efforts will be made to reflect:

- Different regions of the province, including urban, rural and northern locations;
- A broad range of Indigenous perspectives; and
- Gender diversity.

As a matter of priority, and a condition of appointment, all members must have demonstrated experience with and knowledge relevant to the issues under consideration, including knowledge of the history, culture and rights of Indigenous peoples, Indigenous law, the Canadian justice system, legal education and regulation of the legal profession as well as strong connections with Indigenous communities in Manitoba.

Membership Term

Members of the Committee will be appointed for either a one or two year term. No member will serve more than five consecutive years on the Committee.

Law Society Governance Policies

The Committee will operate in a manner consistent with the Law Society's governance policies.

Remuneration

All Committee members will be reimbursed for pre-approved out-of-pocket expenses in accordance with Law Society policy. No further remuneration will be provided to Law Society members, however members of the public who serve on the Committee will be remunerated for their participation.

Meeting Practices

The Committee shall meet as required, typically three to four times per year.

The Committee will work to reach consensus in decision making. If consensus cannot be reached, then decisions may be deferred for further consideration, or if necessary, determined by majority vote.

Chair

The Chair of the Advisory Committee will be appointed by the Law Society's benchers. The role of the Chair is to:

- a. Collaborate with Law Society staff to manage the work of the Committee and its meetings;
- b. Work with Law Society staff to schedule meetings and develop agendas;
- c. Report as necessary to the Law Society benchers;
- d. Ensure the Committee fulfills its duties as outlined in these Terms of Reference; and
- e. Lead an annual evaluation of the Committee's Terms of Reference and make suggestions for improvement to the Law Society's benchers.

Role of Staff

The role of Law Society staff in supporting the Advisory Committee is to:

- a. Assist the Chair in scheduling meetings and developing agendas;
- b. Attend all Committee meetings and draft Minutes following the meetings;
- c. Identify issues and initiatives for review by the Committee; and
- d. Provide additional administrative support to the Committee.

IV. REPORTING

The Committee will report to the benchers in writing at least twice a year. The first report will identify priorities for the year and the second report will provide a progress update. The Committee may provide additional oral or written updates at regularly scheduled bencher meetings as necessary.

V. REVIEW OF TERMS OF REFERENCE

These Terms of Reference are subject to review from time to time as deemed appropriate by the Committee or the benchers.

APPENDIX "B"

INDIGENOUS ADVISORY COMMITTEE

BIOGRAPHICAL INFORMATION OF APPOINTEES

Jessica Saunders

Jessica is a member of the Opaskwayak Cree Nation and grew up in Cranberry Portage, Manitoba between Lake Athapapuskow and the Cranberry Lakes (1-3), the Headwaters of the Grass River. She grew up hunting, fishing, berry picking and spending weekends at her grandfather's trapline. Jessica's grandmother is a survivor of Residential School and her mother a survivor of the Sixties Scoop. Jessica recognizes how fortunate she is to have been raised at home, surrounded by her family and community. Her life experiences have enriched her Indigenous law and Child Protection practice, allowing her to relate uniquely to her clients.

Jessica was called to the Bar in 2011. For the past 10 years, she has specialized in Indigenous and Child Protection litigation, representing Indigenous nations, organizations and child and family services agencies through all levels of litigation from settlement discussions to trials and appeals. She has had conduct of dockets in 6 remote fly-in communities in Southeastern Manitoba. Recently, she has shifted the focus of her practice to assisting Indigenous nations in the revitalization and codification of Indigenous laws to be enacted further to *An Act Respecting First Nation, Inuit and Metis children, youth and families (C-92)*. In this process, she will assist her clients in assuming full jurisdiction over child and family services, empowering community people and reclaiming community processes.

Jessica has appeared before the Commission of Inquiry into the Circumstances Surrounding the Death of Phoenix Sinclair, the Public Utilities Board, the Clean Environment Commission, the Federal Court and all levels of Court in Manitoba.

Jessica was appointed to the Law Society of Manitoba's Equity Committee in 2016 and held that position until being appointed to the Law Society of Manitoba's Complaints Investigation Committee in 2018. Jessica was the Chair of the Public Interest Law Centre Advisory Committee from 2018 – 2020. She is currently the Chair of the Law Society of Manitoba's Equity Committee and is the Vice-Chair of the Complaints Investigation Committee. Jessica was appointed as a Bencher in 2018 and was re-appointed as a Bencher in 2020.

Jessica has won awards and honors for her academic achievements and volunteer contributions. She has presented on child welfare and Indigenous rights issues on numerous occasions to community organizations, conferences, schools and radio and television media and has served on a number of boards over the years.

Jessica has two children, a 12-year-old son and a 6-year-old daughter. Her children are her greatest teachers and motivators. Jessica is grateful to her Elders and mentors who keep her grounded in her teachings, values and ethics.

Vincent G. Sinclair

Vincent is the current elected Bencher for the North Region and has been a bencher the last 5 years. He is currently a member of the Complaints Investigation Committee, Chair of the Equity Committee, President's Special Committee on Regulating Legal Entities, and was appointed to the Manitoba Law Foundation. He is also a member of the Indigenous Prosecution Service Resource Council which will have an official launch next week.

Born and raised in the North (The Pas being his hometown), Vincent graduated in 1991 with a BA in Sociology from the University of Saskatchewan. Vincent had hoped to try to complete his childhood dream of becoming a lawyer. That opportunity did not come to fruition until 14 years later in 2005.

Mr. Sinclair received his call to the Bar in June of 2010. He articulated with and continues to work at the Manitoba Prosecutions' office in The Pas, MB. He has stated he will always remain in the North.

Prior to that sudden career change in 2005, Mr. Sinclair worked for the Opaskwayak Cree Nation for 12 years. During his employment with the First Nation, of which he is a First Nation Member, he worked closely with all three levels of government (Federal, Provincial and Municipal) in relation to Specific Land Claims and Self Government initiatives of the First Nation; many bridges and networks were built during that time.

Mr. Sinclair was also very involved politically during his time working for the First Nation. He was a Board of Director for the Education Authority for a period of four years after being elected for two consecutive terms. He was also elected to Chief and Council for a two year term in 1999.

Currently, Mr. Sinclair continues to be involved with the First Nation as a Board member in the Governance Branch. Until recently, he sat on the OCN Child and Family Services Agency Board for nearly ten years, with the last two years as the Chairperson. He has also volunteered over the years in many local and other First Nation events such as the Opaskwayak Indian Days and Trapper's Festival held in The Pas, MB.

Mr. Sinclair brings years of experience of living in the North, working with surrounding First Nations, and collaborating with Provincial and local Municipal government representatives on many local projects and initiatives.

E.J. Fontaine

E. J. Fontaine is a dedicated mentor and inspiring entrepreneur committed to giving back to his community. He is a member of Sagkeeng First Nation where he grew up, located on Treaty 1 territory. E.J. was the first member of his immediate family to attend university. He graduated with a diploma in agriculture from the University of Manitoba in 1987.

In 2003 he co-founded Anishinabek Consultants with his wife Eva Wilson-Fontaine, which has since evolved into AMIK™ Inc. and ANISH Corporation. AMIK™ Inc. and ANISH Corporation are staples within the Indigenous community in Manitoba providing services in a culturally relevant manner to families affected by Canada's Indian residential school system, assisting Indigenous people within the workforce, and matching employers with qualified Indigenous professionals. E.J. and Eva have delivered Indigenous cultural awareness training to some of the largest corporations in Canada and are very respected within the Indigenous community as highly sought after speakers and facilitators.

In October 2011, E.J. and his wife and business partner Eva Wilson-Fontaine received the Aboriginal Business Leadership Award from Asper School of Business at the University of Manitoba. In 2012, E.J. received the Certificate of Merit from the University of Manitoba's Faculty of Agricultural and Food Sciences in recognition of contributions to Manitoba's agricultural community.

E.J. is dedicated to giving back to the community and is a volunteer board member at Kekinan Centre and in the past has participated as a Board member with Food Matters Manitoba, Sagkeeng Education Authority and as an appointee on the Mayor's Indigenous Advisory Council for the City of Winnipeg.

Eva Wilson-Fontaine

Eva Wilson-Fontaine is a leader, a visionary and a highly sought after mentor within the Indigenous community in Winnipeg. Eva is a member of the Peguis First Nation located on Treaty 1 territory. She is a dedicated mother and kookum (grandmother), and her compassion and love has lent itself to her professional life. Eva's passion is working with Indigenous people, specifically in social services, and training and employment. She is currently the Team Leader for the ANISH Corporation, which she co-founded with her husband, EJ, along with AMIK™ Inc. Eva oversees the delivery of services and programs to families and communities affected by Canada's Indian residential school system and is a highly respected and admired matriarch within the Indigenous community. She was instrumental in establishing Cedar Lake Ranch under Anish Corporation which is cultural land based facility that offers a place to host ceremonies, meetings and gatherings.

Eva is very involved in her community beyond her professional life. Truly dedicated to her community, she has served as a Trustee of the Helen Betty Osborne Memorial Foundation, Co-Chair for the Women as Career Mentor Gala Dinner Event, and is a former board member of Ikwe Widdjiitiwin Women's Shelter. Currently she sits as a member of the Manitoba First Nation Wellness Advisory Committee, The Assembly of First Nations Mental Wellness Advisory Committee and she is a Board Member of Kekinan Centre Inc.

The community has recognized Eva for her dedication and in October 2011, Eva and her husband E.J. received the Aboriginal Business Leadership Award from Asper School of Business, University of Manitoba.

Desiree Dorion

Desiree grew up in Dauphin and left home to attend the University. She received her L.L.B. from the University of Manitoba in 2008 and was called to the bar in 2009. After spending over a decade of her career working almost exclusively in litigation, she was inspired to offer alternatives to families who are facing separation and divorce. She, along with her business partner, opened Parkland Collaborative Legal Options in September, 2020. Desiree completed her arbitration course through the Alternative Dispute Resolution Institute of Canada and now offers arbitration services along with collaborative family law services. Desiree Dorion is a proud member of the Opaskaway Cree Nation. She is also an accomplished singer/songwriter and JUNO Nominee.

Ken Mandzuik

Ken practice in estates litigation at the estates and trust firm of Tradition Law LLP. He was called to the bar in 1997 and has practiced litigation in Winnipeg since then, including representing one of the signatories to the Northern Flood Agreement and appearing before the NFA Arbitrator, and he also spent about five years exclusively representing survivors of Residential Schools. Ken has experience locally and nationally in leadership positions with the Canadian Bar Association, including: he is a past president of the Manitoba Bar Association and a life council member; he is the former chair of the CBA Legislation and Law Reform Committee; he is a former co-chair of the MBA Sexual Orientation and Gender Identity Community section; he is currently on the executive of the MBA Wills and Estates Section. Ken is the former chair of the Insurance Agents and Adjusters Licensing Appeal Board, and a current alternate chair of the Manitoba Review Board (Criminal Code). He also sits as the legal member of the Judicial Inquiry Board. He recently finished a six-year term on the board of the Canadian Bar Insurance Association / Lawyers Financial, where he served on its audit and governance committees. He has also served on the boards of a number of non-profit organisations. He is finishing his first year as an elected bencher where he sat on the Equity Committee, the President's Special Committee on Regulating Legal Entities, and the Discipline Committee.

Elissa Neville

Elissa Neville is a lawyer and partner at Rachlis Neville LLP, where her current practice is focused on conducting independent workplace and institutional investigations.

A graduate of Dalhousie Law School and called to the Bar in 1999, Elissa has practiced law with a private law firm, in the public sector, and in a corporate law department. Elissa worked at Manitoba Hydro for over thirteen years and spent a number of these as the Director responsible for corporate Indigenous and community relations. Working throughout Manitoba, she has led a variety of multi-disciplinary initiatives, including negotiations and engagement processes that involved working effectively and respectfully with Indigenous communities.

Elissa has been a member of the Law Society of Manitoba's Equity Committee since 2016 and an alternate Chair of the Criminal Code Review Board of Manitoba since 2015. Elissa is currently pursuing her Master of Laws in Dispute Resolution from Osgoode Hall Law School.

Frankie Snider

Frankie is a Metis woman from the Red River Settlement located near Selkirk, where she was born and raised. She began her career as a mental health clinician where she worked in a crisis setting prior to moving on to policy analysis and then leadership roles as the Director of Aboriginal Health with the Province of Manitoba, Director - Indigenous Health Workforce Development and Vice President of Community Services with Macdonald Youth Services. Currently, she serves the Director of Indigenous Relations with Manitoba Justice.

Frankie's work, whether in leadership or the frontline, has centred around improvement in access to quality care for Indigenous and underserved populations. Her proudest achievement to date has been the co-development of Reclaiming Hope: Manitoba's Youth Suicide Strategy which resulted in a number of opportunities for remote and rural communities, including the Rural and Northern Telehealth program at MATC, a program that drew Frankie back into clinical frontline work during its development and implementation phases. In her role with Manitoba Justice, Frankie's portfolio includes providing advice and support to the Department pertaining to Indigenous engagement, Reconciliation, cultural safety and more.

In her spare time, Frankie continues to operate a small private therapy practice, which is largely focused on supports to individuals in the transgender/two-spirit community and those who have a history of personal or familial involvement with residential schools, 60s scoop or child welfare.



MEMORANDUM

To: Benchers

From: Peer Support Working Group

Date: June 10, 2021

Re: Peer Support Program Proposal

INTRODUCTION

Benchers will recall that the President's Special Committee on Health and Wellness focused on two main initiatives over the last year. The first was the development of a Diversion Program, and the second was the possibility of partnering with the Manitoba Bar Association to develop a more robust peer support program than is currently available.

As you are aware, Manitoba lawyers and articling students, as well as their families, can receive short-term counselling through the EAP program offered by Manitoba Blue Cross. Although the services are funded by the Law Society as a loss prevention program, it is entirely confidential with the Law Society receiving statistics on usage only.

Manitoba lawyers and students who are members of the Manitoba Bar Association also have access to the Lawyers Helping Lawyers peer support program. The MBA publishes a list of volunteer lawyers who are available to support others who are seeking assistance. Lawyers Helping Lawyers, like many other peer support programs, has its roots in twelve-step programs, designed to assist lawyers with substance use issues.

The MBA is desirous of providing a more structured and meaningful peer support program as their current program is quite informal. There is no application process for volunteers and they are neither trained nor accountable. There also is no means by which to receive feedback on the program's efficacy.

Manitoba lawyers and their families will benefit from having both a meaningful counselling services program and a peer support program which could work collaboratively to provide the most effective support to our members.

At the February 11, 2021 Bencher meeting you authorized us to establish a small working group, along with members of the MBA, to develop a proposal for a peer support program.

The working group was established and has met four times. The working group members are Gerri Wiebe, as law society representative, Maria Mitousis, as MBA representative, and Eileen Derksen and Stacy Nagle as respective staff.

The working group has looked particularly at the peer support example developed through the Alberta Lawyers' Assistance Society ("Assist") which also had its genesis with a "Lawyers Helping Lawyers" model somewhat similar to what the MBA has offered to date. The proposal of the working group is based on what we have learned from Assist and takes into consideration what is realistic for Manitoba's profession as we are just starting down this path.

PROPOSAL FOR MANITOBA'S PEER SUPPORT PROGRAM

The working group offers this tentative vision and mission statement for this new initiative:

Vision

Promoting health, well-being and wellness in the legal profession in Manitoba. Preventing stress from becoming distress, preventing distress from becoming crisis, and preventing crisis from becoming terminal or long-term debilitation.

Mission

Enhancing the immediate and long-term well-being of the Manitoba legal profession through peer support, education and community delivered in a confidential and non-judgmental manner.

The working group agrees that the program needs structure and processes to operationalize a meaningful, responsive and accountable peer support initiative.

Important aspects of this program will include:

- Recruitment and training of volunteers;
- Triaging to best connect the needs of the member reaching out with the trained volunteer; and
- Well thought out communications to connect with the profession, both for input into the substance of the program and also to inform members how and when to access the supports offered.

The details of how to operationalize these and other aspects of the new peer support program should be determined within the structure of an independent yet accountable entity. The working group recommends that the program operate as a non-profit organization.

Establishing this program as a non-profit organization can provide that structure and independence with relatively minimal cost and effort.

To create and register the non-profit organization, only three things are required:

1. *A legal name.* The working group has done some brainstorming and has come up with the tentative name: *Law(yer) Strong*
2. *A minimum of three directors* for the initial board of directors (see more below); and
3. *An address.* As there will not be a permanent office address determined at this early stage, it is recommended that the MBA address be used as the organization's address.

OVERSIGHT AND DECISION MAKING

A non-profit by necessity includes a board of directors. The working group envisions that the first board would be kept to a minimum number in order to be effective and efficient in taking the steps required to get this program up and running.

The working group proposes that the initial board of directors remains small and includes directors who will be focused on getting a significant amount of work done. Future boards will not need to be as involved as this initial board. As a result, the working group recommends that Maria Mitousis, Gerri Wiebe and a representative from Manitoba Blue Cross be invited to act as the first board of directors. A fourth board member may be suggested if there is a particular skillset or need for more “worker bees” to handle the initial workload.

The working group is mindful of the desire to hear diverse perspectives as the program continues to develop over the coming months and years. The advice from Assist in Alberta is to be cautious about entrenching requirements for specific board representation as that may prove challenging to fully sustain on an ongoing basis. Their recommendation is to find board members who are passionate and keen to do the work. There may be “customary” board representations, for example, Assist has a member of their law society on their board even though it is not a requirement.

In order to connect to the important perspectives that the board will need to incorporate into their decision making, we recommend that the board establish an Advisory Committee. This committee would include a variety of stakeholders, such as students, the judiciary, the Criminal Defence Lawyers Association of Manitoba, private firms, etc. The board would meet and consult with this committee to get input and feedback on significant considerations.

FUNDING

Funding will be required to operationalize this program.

Given the very limited resources that are available from the MBA, the Law Society would be looked to for funding, particularly to get started. Funding from the Law Society, however, would require that the services be available to all Manitoba lawyers (not just MBA members) and would necessitate some oversight.

While the MBA does not have funds to contribute, it will offer whatever it can as in-kind contributions. There are some resources (such as office space) that will be needed as this program grows, and it is hoped that firms may also be able to provide in-kind contributions. For example, the working group anticipates that the legal services required to establish the organization will be donated.

The fact remains, however, that funding will be required both for start-up and for ongoing operational expenses. The Law Society is being asked for an 18 month funding commitment.

As you will see from the rough budget that has been created below (detailed start-up budget attached), the most significant expense will be for the Peer Support Coordinator, a part-time contract position. The working group is recommending that the contract position be posted for an 18 month contract in order to attract a quality candidate and to allow for sufficient time for the individual to get the program solidly established. As such, the working group is asking that the Law Society commit at this time to funding the start-up costs for the first six months of the program of \$32,000 as well as for the contract salary of \$40,000.00 for the next twelve months of the program.

Although the expenses for the next fiscal year exceed the sum of \$40,000.00, a request to fund those expenses will be made at a future date taking into consideration the experience over the first six months and other funding options. To support the requests for future funding, it is envisioned that the non-profit organization will provide reports to the Law Society regarding its activities, the progress made and statistics on program usage.

	October 1, 2021 - March 31, 2022	April 1, 2022 - March 31, 2023
Peer Support Coordinator	\$20,000.00	\$40,000.00
Information Technology Needs - computer, printer, software programs	\$3,500.00	
Disbursements - Companies Office	\$165.00	
Office supplies - start-up	\$500.00	
Office supplies - ongoing	\$450.00	\$900.00
Banking Fees	\$120.00	\$240.00
Zoom Account	\$120.00	\$240.00
Telephone	\$240.00	\$480.00
Expenses - meetings, parking, etc.	\$900.00	\$1,800.00
Communications	\$2,500.00	
Directors & Officers Insurance		\$5,000.00
Miscellaneous/unforeseen (10%)	\$2,850.00	\$4,866.00
In-kind donations (office space; web design)	\$0.00	\$0.00
TOTAL	\$31,345.00	\$53,526.00

NEXT STEPS

If you approve of this proposal, the next steps for the working group would be to:

1. appoint the initial board members;
2. register the name and incorporate as a non-profit;
3. board to draft initial by-laws;
4. develop a job posting for the Peer Support Coordinator contract (see draft attached); and
5. develop a funding application and reporting forms.

If all goes relatively smoothly, it is hoped that the Peer Support Coordinator could begin work early in the fall of 2021.

We anticipate that at a future meeting, the benchers will want to consider the matter of the role of the Law Society going forward, whether it be simply as a funder that receives reports and funding applications annually, or having ongoing representation on the board or advisory committee. If it is the latter, the benchers will want to consider whether that representation would be entrenched in the by-laws or would be a customary representation as exists in Alberta.

RECOMMENDATIONS

1. The benchers approve this proposal and direct the working group to take the steps necessary to establish the non-profit organization and appoint the initial board of directors who will then move this project forward.
2. The benchers approve the request for the initial start-up funding of \$32,000 and a further \$40,000 to fund the Peer Support Coordinator position for the next fiscal year, ending in March 2023.

Atc.

PEER SUPPORT START-UP BUDGET

*Hope to get some in kind donations for certain expenses

*Ongoing Cost Budget will be different

Expense	Amount	When Incurred	Duration	Notes
Peer Support Coordinator (PSC) contract position	\$40,000/year \$60,000 for the 18 month term	Starting fall 2021	18 months to start	20-25 hours/week
Directors & Officers Liability Insurance	\$5,000	Winter 2022	Annually	If approved
Computer/laptop & printer & (office 365, adobe etc) software programs	\$3,500	Fall 2021	one time: amortize?	privacy & confidentiality
Disbursements such as: Fee to reserve name & register as non-profit organization	\$45 name \$120 register		One time	
Office supplies and related expenses such as photocopying/mail	\$500 one time set up \$75/month after	Starting fall 2021	Ongoing	
Banking fees	\$20/month	Starting late fall 2021?	Monthly	
Zoom account	\$20/month	Fall 2021		
Phone # dedicated to the program	\$40/month			

Expense reimbursements such as lunches, parking	\$150/month	Fall 2021	Ongoing	
Communications materials	\$2500	Early 2022	One time	
Miscellaneous/unforeseen	10% of budget total			
*In kind donations: <ul style="list-style-type: none"> • Office space • Internet/wifi • Website/logo design 				

Law(yer) Strong Peer Support Coordinator Job Description

Summary of Responsibilities

The Law(yer) Strong Peer Support Coordinator is responsible for the affairs and operations of the Law(yer) Strong Peer Support program. The position reports to the Board of Directors and is responsible for recruiting and training volunteers, overseeing the intake/triage process, education development, communication and preparation of various reports.

Specific Duties and Functions

Peer Support

- Develop, implement, and expand the Peer Support program.
- Directly interacting with individuals in distress through personal support and referral including taking confidential phone calls.
- Directly interacting with Peer Support volunteers through in-person meetings, emails, and phone calls.
- Creating Peer Support matches within 24 hours.
- Timely follow up with participants and Peer Support volunteers to ensure the match was successful.
- Tracking program success and delivery on a regular basis, including maintaining a database of all Peer Support volunteer profiles.
- Recruiting new Peer Support volunteers through screening, initial meetings, and phone calls.
- Sending out application form and checking references.
- Developing training plans and modules for Peer Support volunteers; delivering and coordinating workshops and information sessions for Peer Support volunteers and ensuring quality control and evaluation of sessions delivered.
- Engaging Peer Support volunteers in other ways in between matches, through speaking engagements, education presentations, event-planning, and writing of articles for publications, to help share their personal stories and raise awareness about Law(yer) Strong.

Communications and Promotion

- Setting up a website that would include information about Law(yer) Strong and a variety of well-being resources.
- Ensure information on website is updated regularly.
- Providing assistance with the image and branding of Law(yer) Strong.
- Creating and designing material (such as business cards, inserts, posters and flyers) to promote Law(yer) Strong mission, services, programs, and information pertaining to mental well-being.
- Engaging Law(yer) Strong partners and volunteers in advocating and raising awareness about programs and upcoming events.
- Continually exploring and delivering on opportunities regarding outreach to the profession, including publications, advertising, events and on-line resources.
- Helping to support a cultural change to address and reduce stigma within the legal profession around mental health, substance abuse, and other personal problems.
- Bringing new ideas forward and implementing them in a continuing effort to improve services and operations.

- Responding promptly and professionally to telephone and email inquiries with relevant information and materials.
- Maintaining communication with other legal assistance providers.
- Attend relevant professional and social functions on behalf of Law(yer) Strong.

Administrative Duties

- Coordinating meetings of the Board of Directors.
- Preparing and distributing minutes of meetings of the Board of Directors.
- Establishing an Advisory Committee and arranging for regular meetings of the Committee.
- Preparing yearly reports to The Law Society of Manitoba and to stakeholders.
- Writing and submitting funding requests.
- Keeping all information received, created or in possession relating to Law(yer) Strong and the services strictly confidential.
- Maintaining various files and records.
- Developing and overseeing yearly budget.

DRAFT



FLSC COUNCIL REPORT

To: Benchers
From: Lynda Troup
Date: June 8, 2021

Our June 7, 2021 meeting, traditionally held in Ottawa, was attended virtually. The following is a summary of our meeting.

We started our meeting by welcoming our guest, Drew Lafond, President of the Indigenous Law Association. Mr. Lafond went through the extensive work that is being done by the ILA and it is hoped the ILA will put the Federation on their ever expanding to-do list.

We discussed the creation of an Indigenous Advisory Council for the Federation and we expect to finalize that over the next month or two.

We received an update regarding the National Well-Being Survey, which survey will be circulated in Manitoba in the near future. This survey is to expand the work that started a few years ago to include a national check-in. There is no doubt the survey is timely as more lawyers report working more during the pandemic than before.

We received an update on the Anti-Money Laundering Working Group. The Working Group will finish its work shortly and will prepare consultation materials to go out to the law societies in the summer or fall of this year.

The NCA Assessment Modernization Committee reported on the work of its role as an advisory committee for the NCA Competency Profile Development Project. Our next meeting for that committee, which I am on, is set for the end of June.

The National Requirement determines the required competencies for graduates of approved Canadian law schools. Federation Council had previously agreed that the National Requirement is to be reviewed periodically and it is now due for review. Council passed a motion to establish a committee, to be known as the National Requirement Review Committee 2021, to start that review process.

A motion was passed confirming criteria to be reviewed in selecting legal counsel for appellate matters to ensure diversity (racial, language and location).

A motion was passed to provide some amendments to the National Discipline Standards, the details of which have been discussed at our table in the past. This includes things like timing of hearings, contact with complainants to provide updates, diversity, including public representation at various steps, among other standards each Law Society is to work toward accomplishing.

In addition to the foregoing, we received an update on the work of various committees.

The next Council meeting is currently scheduled to be in person in Saskatoon in October.

LKT



MEMORANDUM

To: Benchers

From: Leah Kosokowsky

Date: June 9, 2021

Re: Anti-Money Laundering and Terrorist Financing Model Rules

The initial model rules for lawyers regarding anti-money laundering and terrorist financing were drafted and adopted by all Canadian law societies approximately 15 years ago. Most benchers will recall that about five years ago, Canada became the subject of international criticism due, in part, to the fact that lawyers were excluded from Canada's anti-money laundering regime. Although lawyers were subject to the model rules, they had not been updated since their inception notwithstanding significant changes elsewhere.

As a result, the Federation of Law Societies established a working group to research, review and update the model rules. Comprehensive amendments were drafted and, after a nation-wide consultation, revised rule amendments were approved by the Federation Council. The model rules were adopted in Manitoba in December 2019.

At the time of doing their work, the working group members recognized that members of the profession would benefit from resources to assist them to comply with the new rules and a sub-group created excellent guides both for the profession and for law societies. Work is underway on the development of an online education module. On a local level, Tana and her team created excellent checklists for lawyers to use, all of which are posted on the Law Society website.

The working group also recognized that the fight to prevent money laundering and terrorist financing in a global economy is continuously evolving. Certainly, Canada's regulations are frequently amended. Accordingly, a second sub-group was tasked with periodically reviewing and proposing further amendments to the model rules. Those amendments will be presented to the Federation Council and, if the Council agrees with the direction proposed, the Federation will ask each law society to consult with their members and seek their feedback on the proposed changes.

I expect that in the next several months, we will be seeking feedback from you and from the profession regarding proposed rule amendments in the following areas:

- Additional requirements where the client is a Politically Exposed Person or the Head of an International Organization (defined terms);
- The elimination of the exemption in the client identification and verification rule for electronic funds transfers;
- The elimination or modification of the exemption for the receipt of cash for legal fees; and
- Enhanced monitoring requirements.

I am also chairing a joint working group comprised of members of the AMLTF working group, the trust assurance counterpart group and the national discipline standards standing committee. This working group is examining how law societies can develop consistent policies for the tracking, recording and enforcement of the AMLTF rules.



MEMORANDUM

To: Benchers

From: Leah Kosokowsky

Date: June 9, 2021

Re: Manitoba Blue Cross - Health and Wellness Report

We have received the annual report from Manitoba Blue Cross that provides statistical information on the usage of their services over the year May 20, 2020 to April 30, 2021.

Given the stress associated with the pandemic, we expected to see an increase in usage and this was the case, with this year recording the highest incidents of total cases over the last five reporting periods for both lawyers and articling students. Usage by lawyers as compared to articling students remains much higher.

An interesting trend over the last two reporting periods is in the area of usage by the legal profession over the professional sector generally. For many years, lawyers lagged in usage by comparison, but over the last two years, usage by the legal profession has exceeded that of the professional sector. Notably, however, the number of new cases in 2020-2021 is slightly less than 2019-2020; with a number of returning clients.

The "problem type" for new cases remains consistent with personal stress far exceeding other problem types, followed by generalized anxiety symptoms and lifestyle stress.

The highest means by which individuals connected with the program was by self-referral (94%), with a small number referred by a family member (2%) or colleague (2%).

This year Manitoba Blue Cross had two individuals engage in their non-residential Addictions Management Program.

In terms of client demographics, the ratio of female (60%) to male (40%) clients remained the same, as did the numbers of members (90%) as compared to spouses or dependents (10%). Nearly all (92%) of the clients were practising members and 94% were working on a full-time basis.

Usage by age group and years of service was:

Age Group		Years of Service	
11 - 20 years	5%	0 - 5	45%
21 - 30 years	22%	6 - 10	14%
31 - 40 years	31%	11 - 15	9%
41 - 50 years	26%	16 - 20	9%
51 - 60 years	9%	21 - 25	5%
Over 60 years	7%	26 - 30	4%
		Over 30 years	4%

The full report will be shared with the Health and Wellness Committee as it may help to inform their work over the next year.