



AGENDA

Benchers

Date: Thursday, December 16, 2021

Time: 12:30 p.m.

Location: Law Society Classroom, 3rd Floor - 260 St. Mary Avenue, Winnipeg, Manitoba
and Via Videoconference

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
1.0 PRESIDENT'S WELCOME AND TREATY ACKNOWLEDGEMENT					
	The President will welcome benchers, guests and staff to the meeting.				
2.0 IN MEMORIAM					
	Serge Radchuk, Q.C. , who passed away on September 22, 2021 at the age of 94. Mr. Radchuk received his call to the Bar on September 30, 1955. He practised as an associate and partner in several small firms for the first 12 years of his career and then, for 47 years, Mr. Radchuk practised as a sole practitioner. He retired from practice in 2014. Mr. Radchuk was appointed Queen's Counsel in 1980, was invested into the Order of Canada in 1994, and was recognized by the Law Society in 2007 for having practised law for 50 years.				

Stephen Martin Kendall Hope, who passed away on October 18, 2021 at the age of 66. Mr. Hope received his call to the Bar in Manitoba on June 25, 1981 but did not practice in this jurisdiction.

Ian Reid Anderson Macmillan, who passed away on October 19, 2021 at the age of 82. Mr. Macmillan received his call to the Bar on June 26, 1969. He practised as an associate and partner with several Winnipeg firms until 1994 and then as a sole practitioner for five years. Mr. Macmillan resided in Ontario at the time of his death.

Scott Gordon Paler, who passed away on October 24, 2021 at the age of 54. Mr. Paler received his call to the Bar on June 19, 1997. He began his career in private practice and then in 2000 joined Legal Aid Manitoba as counsel. He continued to serve in this position up to the date of his death.

John Elmer Hodges, Q.C., who passed away on November 2, 2021 at the age of 94. Mr. Hodges received his call to the Bar in Manitoba on October 17, 1955. He was a practising member of the Law Society for 37 years, serving as crown counsel for the Department of Justice of Canada. He was appointed Queen's Counsel in 1975. Mr. Hodges resided in Ontario at the time of his death.

David Grant Frayer, Q.C., who passed away on November 8, 2021 at the age of 80. Mr. Frayer received his call to the Bar on June 26, 1968. He began his career serving as a crown attorney for the Attorney General of Manitoba. In 1992 he joined the Department of Justice of Canada. There he served as a crown attorney, as Regional Director, and later as General Counsel and Senior Practitioner of the Winnipeg Regional office. From 2009 until his retirement in 2014, Mr. Frayer continued in practice as a sole practitioner. Between 1983 and 1993 he also served as a military trial judge, presiding over hearings held in Canada as well as overseas. Mr. Frayer served as a bencher of the Law Society from 1978 to 1988 and was subsequently appointed a Life Bencher. In 1982 he was appointed Queen's Counsel by both the federal and provincial governments.

Grant Nerbas, who passed away on November 14, 2021 at the age of 89. Mr. Nerbas received his call to the Bar on May 27, 1958. He served as in house counsel for CN Railway for 34 years. From 1996 until his retirement in 2002, Mr. Nerbas practised as a partner and an associate with Dobrowalski & Nerbas and Tacium Vincent Orlikow.

Marilyn Walder Billinkoff, who passed away on November 16, 2021 at the age of 67. Ms Billinkoff received her call to the Bar on June 26, 1980. For two years she practised as an associate with Walsh Micay & Company and Arpin & Co. In 1984 Ms Billinkoff joined the Manitoba Real Estate Association where she served as in house counsel for eight years. In 1992 she joined the Law Society of Manitoba, where she served as Director of Insurance for three years and then as Deputy Chief Executive Officer for 20 years. Ms Billinkoff retired from the Law Society in 2015.

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 October 28, 2021 Meeting	5		Attached	Approval
3.2	Complaints Investigation Committee Report			Attached	Information
3.3	Discipline Committee Reports			Attached	Information
4.0 EXECUTIVE REPORTS					
4.1	President's Report	5	Grant Driedger	Attached	Briefing
4.2	CEO Report	10	Leah Kosokowsky	Attached	Briefing
4.3	Strategic Planning - Update and Next Steps	45	Leah Kosokowsky and Darcia Senft	Attached	Discussion/ Decision
5.0 DISCUSSION/DECISION					
5.1	Part-Time Fees Pilot	15	Vincent Sinclair and Alissa Schacter	Attached	Discussion/ Decision
5.2	FLSC - Draft Competency Profile	10	Leah Kosokowsky	Attached	Discussion/ Decision
5.3	Articling Period Abridgement	10	Rennie Stonyk and Joan Holmstrom	Attached	Discussion/ Decision

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
6.0 MONITORING REPORTS					
6.1	FLAC Program	10	Leah Kosokowsky and Rennie Stonyk	Attached	Discussion/ Decision
6.2	Profit and Loss Statements - April 1 to October 31, 2021	5	Leah Kosokowsky	Attached	Briefing
7.0 COMMITTEE REPORTS					
7.1	President's Special Committee on Health and Wellness	10	Gerri Wiebe		Briefing
7.2	President's Special Committee on Regulating Legal Entities	10	Christian Monnin		Briefing
8.0 MISCELLANEOUS BUSINESS					
8.1	Federation Council Report	10	Lynda Troup	Attached	Briefing
9.0 FOR INFORMATION					
9.1	Reimbursement Fund Claims Committee Report			Attached	Information
9.2	Agenda for the Joint Meeting of the Benchers and the MBA Council			Attached	Information
9.3	Invitation to Holiday Reception			Attached	Information
9.4	Media Reports			Attached	Information



MEMORANDUM

To: Benchers

From: Leah Kosokowsky and Darcia Senft

Date: December 9, 2021

Re: **Strategic Planning - Update and Next Steps**

A. STRATEGIC PLANNING RECAP

At the October meeting, you considered the final report of our Strategic Planning facilitator, Scott Ferguson. The report set out ten conclusions drawn from the retreat itself, followed by a detailed description of the strategic planning process and the Society's mission, values and strategic ends. It also spoke to preparing for the future and sharpening our focus given the challenging fiscally restrictive times. **Appendix 1** is an excerpt from the October 13, 2021 report.

You considered the first six conclusions of the strategic plan and determined they are accurate and a sound foundation on which to proceed.

In accordance with your decision, two of the Society's eight Ends were amended as follows:

- Revise end #6 from "legal services are reasonably available to the public at a reasonable cost" by removing "at a reasonable cost."
- Revise end #8 by replacing "all persons may fully participate in the legal profession" with "the legal profession will reflect the diversity of Manitoba."

You determined that the stated values should be revised to reflect that the Law Society values Canada's Indigenous history, the contribution of Indigenous Manitobans and Truth and Reconciliation. In accordance with your direction, staff will consult with the Indigenous Advisory Committee and the Equity Committee. We will return to you with a proposal in due course.

You further determined that the four strategic objectives from the last plan continue to be relevant and should remain as objectives in the next plan. That is, you want to address:

- Competence
- Stakeholder Confidence
- Access to Justice
- Equity, Diversity and Inclusion

Following our retreat, it was determined that we needed to delineate that which is important from the areas in which we want to focus our strategic energies. You considered that competence, for example, is at the heart of what the Society does. But, the question is whether there is a particular area under the rubric of “competence” where the Society should be focusing its resources in the next strategic planning period. For example, should we direct resources to better support sole practitioners or lawyers in the early stages of practice? How could we focus resources to obtain maximum value?

You directed that a small working group develop a proposal for your consideration which would contain a range of strategic options under each of the four objectives to help you decide upon the immediate, intermediate and long-term priorities for the Society.

B. WORKING GROUP

The working group met recently to analyze the status of works in progress under the last strategic plan and the relative costs of moving those initiatives forward. As part of its deliberations, the working group considered further strategic priorities and factored in the relative cost and anticipated impact.

Materials relating to each of the four strategic objectives were provided which consisted of:

- summaries of what has been achieved, works in progress and what has not yet been tackled under the 2017-2020 Strategic Plan; and,
- a sense of the resources that will be required to continue the projects that have been achieved and are now operational, to finish those that are underway and to undertake those that have yet to get off the ground.

It was noted that some of the initiatives are in furtherance of more than one objective while others are more discrete. Within each of the four objectives, some preliminary options were laid out along with some questions for consideration.

Draft Terms of Reference were provided for each of the Law Society's eight standing committees, the two President's Special Committees and the additional Law Society Committees to provide a sense of the bencher work that is being done and by whom.

Appendix 2 consists of the materials provided to the working group, without the draft Terms of Reference as these are being revised.

C. RECOMMENDATIONS AND OPTIONS

Based on the discussions of the working group, it was determined that some broad recommendations should be made along with some specific recommendations relating to strategies that might be utilized to achieve desired outcomes. With one exception, relating to access to justice (addressed below), it is recommended that the existing descriptions of the four strategic objectives should remain.

Competence

While competence remains core to what the Society does, to provide guidance on where the Society should focus its energies, the working group is of the view that sole practitioners and lawyers who practice in small firms must be adequately prepared to run their law practices and well-supported in that effort by the Law Society. Also, articling students must have greater awareness of and make use of Law Society resources.

With the launch of the PREP program and its associated shift in focus to emphasize practice management skills, some fundamentals of practising law are missing from the education program for articling students and, consequently, for some lawyers entering the early years of practice. The working group sees value in supplementing resources to address those gaps.

The group also recommends the completion of the Practice Management Assessment Tool to provide support for lawyers and firms in the creation of ethical infrastructures. Although it was previously determined that firms should be required to complete the Assessment Tool, the reality of the pandemic's effect on our members was noted and the working group is not recommending that the Tool be used as part of our regulatory framework at this time. Rather, it should be provided as a valuable resource to lawyers and firms to support them in the competent and ethical delivery of legal services.

Although the practice check-up pilot program from the last strategic plan has not been initiated, the working group recommends that it be treated as an intermediate (and not immediate) priority in the new plan. While it was previously determined to design the pilot for lawyers in the early stage of practice – whether at small or large firms – as well as senior lawyers in any practice situation, in

light of the current recommendations relating to specific desired outcomes, we propose to bring the initiative back to you for additional consideration in terms of who might be supported best by the resources required to run the pilot.

Access to Justice

With respect to the strategic objective concerning access to justice, the working group thought it important to recognize the Society's role as but one of the "players" in the justice system and to reframe the objective by removing the reference to "demonstrating leadership." Increasing access to justice is a huge endeavor that requires a wide spectrum of stakeholders to effect positive change within their own areas and spheres of influence. The working group recommends that the Society focus on what it can do as the regulator of the legal profession to remove barriers to increased access.

The working group further recommends that we allocate resources to ensure that Manitobans in northern and rural communities have increased access to justice and Manitobans can choose to access the delivery of services from a wider range of legal services providers.

Equity, Diversity and Inclusion

It is recommended that the Society focus resources to achieve a variety of goals such as ensuring that the admissions process is equitable, increasing the number of Indigenous lawyers practising law in Manitoba, ensuring that the legal profession reflects the diversity of Manitoba, and assisting lawyers to be culturally competent in the delivery of legal services.

Stakeholder Confidence

The working group recommends that, going forward, we need to make a concerted effort to actively engage our stakeholders in particular so that members of vulnerable and historically disadvantaged communities know about the Law Society and how we protect them. The group further recommends that we should focus our energies to ensure that members of the Northern Bar and rural communities feel connected to the Society and its resources.

Draft Outline

To aid in your discussion about how best to utilize resources to achieve your strategic objectives, we have prepared a draft outline of a Strategic Plan, setting out various strategies to achieve desired outcomes along with a preliminary assessment of priority levels that should be assigned to each suggested activity. It is attached as **Appendix 3**.

A summary of the activities and the associated priority levels is attached as **Appendix 4**.

Once we receive your thoughts and guidance, staff will prepare a more detailed Strategic Plan that will include steps, timelines and status updates.

D. QUESTIONS

- 1. Do you endorse the recommendations outlined relating to the strategic objectives and desired outcomes?**
- 2. Do you think that any of the proposed activities are ill-advised or not well-suited to achieve a desired outcome?**
- 3. Do you have suggestions for other activities that could be considered as ways to achieve the desired outcomes under the strategic objectives?**

ATC.

“FUTURE” AND “FOCUS”**TEN CONCLUSIONS FROM THE RETREAT****1. OVERALL, LAW SOCIETY SERVES PUBLIC INTEREST WELL**

The Law Society of Manitoba is fulfilling its Mission/Aim.

2. THE LAW SOCIETY MUST CONTINUE TO BE VIGILANT TO PROTECT SELF-REGULATION

Self-regulation is a privilege that a provincial government bestows upon the profession so as to provide society with regulation that is steeped in a deep and practical understanding of the professional activities it is overseeing. It is a privilege for which the regulator must always prove worthy.

In some jurisdictions, there are signs of growing public skepticism of a profession’s ability to objectively regulate itself, which is leading to regulatory reform in some parts of Canada and abroad. Similarly, legislation that, for example, alters or weakens solicitor-client privilege, undermines the independence of the Law Society whenever such legislative changes are not the policy of the regulator. It is important to keep benchers up-to-date on all of these developments.

Recall that one of the Law Society’s stated Values is **the legal profession is independent of government in a manner which best preserves and promotes the rule of law**. The Law Society’s Strategic Objective, to **Build stakeholder confidence in the Law Society as the regulator of the legal profession**, is more important than ever.

3. THE LAW SOCIETY’S MISSION/AIM CONTINUES TO BE RELEVANT

The aim of the Law Society of Manitoba is a public well served by a competent, honorable and independent legal profession.

4. THE LAW SOCIETY’S STATED VALUES SHOULD BE EXPANDED

The stated Values of: Integrity; Competency; Accountability; Fairness; Equity, Diversity and Inclusion; and Collaboration continue to be relevant, to which the Law Society should add a Value to reflect how the Law Society values Canada’s Indigenous history, the contribution of Indigenous Manitobans and Truth and Reconciliation.

The retreat directed management to consult with the Indigenous Advisory Committee and Equity Committee and appropriate others and return to benchers with a specific proposal.

5. THE LAW SOCIETY'S STRATEGIC ENDS SHOULD BE REVISED

The eight Strategic Ends continue to be relevant, with two exceptions:

- Replace *All persons may fully participate in the legal profession* with **The legal profession will reflect the diversity of Manitoba**, and
- retain **Legal services are reasonably available to the public** but delete the phrase **at a reasonable cost**.

6. THE FOUR STRATEGIC OBJECTIVES CONTINUE TO BE IMPORTANT

Lawyer competence, stakeholder confidence, access to justice and equity, diversity and inclusion continue to be important Strategic Objectives.

7. TWO STRATEGIC OBJECTIVES HAVE NOT PROGRESSED AS WELL AS THE OTHERS

There is a sense that the Law Society has not made as much progress on Access to Justice and Equity, Diversity and Inclusion as compared to Lawyer Competence and Stakeholder Confidence.

This is not to take away from the amount of progress that has been made to date amid challenges such as:

- the complexity of these two issues
- the recency of society's awareness of, sensitivity to and interest in these two issues (relative to the other two strategic objectives – stakeholder confidence in regulation and lawyer competence), and
- the fact that these are broad societal issues, not issues specific to the legal profession.

Another commonality of these two issues is that many people and organizations are trying to address them. It can be tempting for the Law Society to keep searching for ways to "do more". A challenge for the Law Society is to identify its optimal role and potential contribution in order to:

- make the best use of its resources, and
- not inadvertently underinvest strategic attention in Lawyer Competence and Stakeholder Confidence.

8. PREPARE FOR THE FUTURE

For many sectors, the pandemic and the technological advances it has brought have greatly accelerated change. Among benchers, there are varied views as to what extent accelerating change applies to the Law Society. Also, some express a view that lawyers tend to be slow to change, pointing to reticence by some lawyers and by the court system to take advantage of technological tools that are readily available today.

Nonetheless, the Law Society should prepare for the future. For example:

- Work with law societies across Canada to develop a more robust national registry of lawyers so that, in this age of remote work, the public can understand which lawyers are qualified to practise where, which bodies regulate which lawyers and that a lawyer is in good standing with the relevant regulator

- Provide tools and services to lawyers who work alone (ie: virtually) to support both lawyer competence and health and wellbeing
- Investigate and address the apparently growing gap between technology haves and have nots – both amid the public and among lawyers – to support lawyer competence and access to justice
- Pursue alternative business structures to enhance access to legal services
- Provide education to equip the public to be discerning users of electronic direct-to-consumer legal services
- Take steps to promote healthy lifestyles and reduce the stigma and career risk of health problems, particularly regarding mental health.

9. IT IS IMPORTANT THAT THE LAW SOCIETY DETERMINE WHERE AND HOW TO FOCUS

Even without the factor of Change (previous point), the Law Society does not have the resources to “do more” across the board. A retreat that concludes “do more of everything” would be unsuccessful. The next Strategic Plan should provide guidance to Benchers and Management on where to focus time, attention, effort and other resources.

The issues that face regulators are increasingly complex. Also, the Law Society of Manitoba has a mandate to manage the exact same issues as other law societies that are many times larger and far more deeply resourced.

To fulfil the Mission/Aim of the Law Society of Manitoba, it is important to:

- focus strategic and operational time and attention on where they are needed most, and
- apply innovative means to meet challenging strategic objectives despite a relatively modest resource base, such as through the types of innovative collaborations and partnerships that the Law Society has been leveraging in recent years.

During the retreat, some benchers reported that they did not feel knowledgeable about the order of magnitude of the cost and impact of various Law Society activities or of the Law Society’s need to focus its resources. There appears to be an opportunity for benchers to develop more knowledge of these matters such as in the Law Society’s budget process.

To make optimal use of limited resources, participants suggest that the Law Society focus especially on:

- providing education to benchers, lawyers, judges and the public by such means as mentoring and practice tools for lawyers and public education about cultural awareness and about the Law Society and how the public can benefit from its services
- trust-building personalized outreach to the most vulnerable communities
- promoting law as a career among under-served groups in society
- taking action so that members across diverse communities can engage with and “see themselves” among the profession’s leaders
- identifying the many organizations that pursue access to justice and equity, diversity and inclusion and focus Law Society efforts on those activities that are most supportive of the Law Society’s Mission/Aim
- seeking and acting on guidance from the Indigenous Advisory Committee and Equity Committee as to which Law Society potential actions will likely provide the greatest benefit in the community.

Also, to make optimal use of limited resources, participants suggest that the Law Society de-emphasize:

- big CPD events and “in-person” formats for events
- potential overlap with other organizations, such as in Access to Justice and in Equity, Diversity and Inclusion, as explained above
- “go it alone” programs and services, thus, creating programs and solutions that can be more efficiently developed in collaboration with several law societies or by appropriately relying on solutions that are being developed by other organizations; this includes developing less CPD in favour of referring learners to or by curating professional development that has been developed by other organizations
- The Law Society’s subsidization of legal education.

When asked to rate and rank the four Strategic Objectives and the rapidly evolving issue of Digital Transformation, the pattern of responses was generally that Lawyer Competence rates and ranks highest, Digital Transformation is lowest, and the others are “about the same”. Management may have a need to request that benchers consider this question further in the interests of optimal resource allocation.

10. SUGGESTED NEXT STEPS

1. Provide the final version of this report to all invitees to the Strategic Planning Retreat.
2. Management work with Executive to recommend formal bencher endorsement of Conclusions 1 through 6 above, subject to obtaining advice (explained above) for Conclusion 4.
3. Over a reasonable period of time, management develop, for benchers’ consideration, its recommended action plans and budgets for the activities listed in Conclusions 8 and 9, taking into account Conclusion 7.
4. Regarding Conclusion 9, if management requires clearer guidance on where to concentrate the Law Society’s strategic focus and other resources, it can make a proposal of relative priorities for benchers’ formal consideration.
5. This strategic planning process took place during extraordinary times – amid a 100 year pandemic and a series of disturbing and troubling societal events that have heightened the urgency of issues such as Reconciliation and Equity, Diversity and Inclusion. Many of the suggested actions in this report may be actionable in just a few years, which may shorten the utility of this overall report.

In approximately two years, hopefully with a pandemic behind us and considerable improvements on Reconciliation, Access to Justice and Equity, Diversity and Inclusion, consider a revisit of the Strategic Plan to take stock of progress and to take advantage of a better sense of what to expect in the changing strategic environment in the years beyond.



MEMORANDUM

To: Strategic Planning Working Group

From: Leah Kosokowsky

Date: November 22, 2021

Re: Next Steps

INTRODUCTION

In preparation for our meeting on November 28, 2021, I first will summarize herein the key findings from the September strategic planning retreat and set out the suggestions from participants regarding where we might want to focus our strategic energies and where we may want to de-emphasize our focus.

Secondly, I have prepared four separate documents under each of the four strategic objectives wherein you will find summaries of what has been achieved, works in progress and what has not yet been tackled under the 2017-2020 strategic plan, along with a sense of the resources that will be required to continue the projects that have been achieved and are now operational, to finish those that are underway and to undertake those that have yet to get off the ground.

You will find that some of the initiatives are in furtherance of more than one objective while others are more discrete. Once we have had a chance to digest those documents, we will be better positioned to discuss where we might get the most bang for our buck, so to speak – so as to further our objectives.

Thirdly, within each of the four strategic objectives, I have laid out some preliminary options and some questions for our consideration.

Finally, I have created draft Terms of Reference for each of the eight standing committees, the two president's special committees and the additional Law Society committees so as to give you a sense of the bench work that is being done and by whom.

STRATEGIC PLANNING RETREAT

Key Findings

The group of benchers and senior staff concluded that the four pillars of the 2017-2020 plan continue to be important strategic objectives – namely, competence, stakeholder confidence, access to justice and equity, diversity and inclusion. Additional consideration was given to the fact that the pandemic and technological advances have changed the way lawyers and the courts work and that the Law Society should prepare for the future associated with digital transformation. Particular focus was placed on lawyers working remotely, both virtually and geographically as well as direct to consumer legal services.

In order of importance, the group decided that lawyer competence ranked highest and digital transformation ranked lowest. Stakeholder confidence, access to justice and equity, diversity and inclusion ranked about the same.

There is a general sense that in the current strategic plan, less progress has been made in the areas of access to justice and equity, diversity and inclusion. The challenge for us is to identify the Law Society's optimal role and potential contribution in these areas to make the best use of our resources but not inadvertently underinvest strategic attention in lawyer competence and stakeholder confidence.

Optimal Use of Resources – Suggestions from Participants

Where we should focus:

- Educate benchers, lawyers, judges and the public through mentoring and practice tools for lawyers;
- Educate the public about the Law Society and how the public can benefit from the Law Society's services
- Personal outreach to the most vulnerable communities
- Promote law as a career among under-served groups
- Take action so that members across diverse communities can engage with and see themselves among the profession and its leaders
- Identify the many organizations that pursue access to justice and equity, diversity and inclusion and focus our efforts on those activities that are most supportive of the Law Society's mission/aim

- Seek and act on guidance from the Indigenous Advisory Committee and the Equity Committee as to which actions by the LSM will likely provide the greatest benefit in the community

What we should de-emphasize:

- Big CPD events and in person format for events
- Potential overlap with other organizations, such as in access to justice and in equity, diversity and inclusion
- Go it alone programs and services – i.e. collaborate with other law societies or rely on solutions that are being developed by others (develop less CPD and refer learners to others or curate professional development developed by others)
- Our subsidization of legal education

NEXT STEPS

As we previously discussed, I see our task as twofold:

1. Recommending where we provide our strategic focus across the four objectives (i.e. do we want to recommend further ranking of the three strategic objectives that were ranked relatively equally?); and
2. Developing recommendations as to where we focus our strategic energies within each of the four objectives.

I look forward to our meeting. Should you have any questions or require further information in advance, please don't hesitate to let me know.

LCK

2017 – 2020 STRATEGIC PLAN

ACCESS TO JUSTICE

Demonstrate leadership in the advancement, promotion and facilitation of increased access to justice for all Manitobans.

- **Explore giving up the profession's monopoly over the delivery of legal services**
- **Increase and improve collaboration with the courts and other justice system stakeholders to advance, promote and increase access to justice**
- **Promote the unbundling of legal services as a way to increase access to justice**

COMPLETE & ONGOING

Civil Service Organizations

- Rules passed/ application forms created/ registration process established to allow for legal services to be delivered through a civil service organization
- First application received and approved
- Two additional organizations inquiring
- Communication plan being executed
 - Media release; interview in Lawyer's Daily
 - Slaw blog
 - Darcia to create a blurb to be circulated to the United Way and Winnipeg Foundation with request to distribute
 - Blurb to go Leita Kalinowsky – at the Govt. for distribution to contacts
- Ongoing resources – communications officer and admissions and membership department to administer applications
- Darcia fielding inquiries

IN PROGRESS

Law Library Hub

- Funding obtained from the Manitoba Law Foundation – details/ time limits
- Operating under the supervision of Leah Klassen
- Supported by the Law Library staff
- Offering summary and ongoing legal advice and services to individuals with Family Law matters

- Is not fulfilling one of its original intended purposes (i.e. bringing together representatives from different organizations into one location to work collaboratively – such as LHC and CLEA)
- Initially, delivering services to persons on site who required assistance
- Due to COVID, services only offered remotely
- Remote delivery results in duplication of services offered by Legal Help Centre – but careful to refer those who qualify to the Legal Help Centre
- 2019/2020 paid out \$15,645.00
- 2020/2021 paid out \$2,702.82
- 2021 to date paid out \$1,361.04
- Balance left in MLF grant ~\$80,000

Access to Justice Coordinator

- Funding obtained from the Manitoba Law Foundation
- 2 year contract
- Hired Natasha Brown
- Co-teaching A2J course at Robson Hall with Sara Lugtig
- Has commenced work to understand services and needs of organizations
- Contemplating creation of website (agencies/organizations serving the public - and a list serve)
- May 31/21 – October 8/21 salary and expenses \$60,995.88
- Total grant \$261,510.00
- Includes \$ budgeted for travel and conferences not yet incurred
- What is the ultimate goal and what is the Law Society's role?

Limited Practitioners

- Amendments to *The Legal Profession Act* received royal assent – gives LSM ability to create a class of limited practitioners and expand categories of exemptions for unauthorized practice
- The Act is not yet proclaimed – process has started
- Survey conducted of the profession last year – nature of the survey generated lengthy responses – analysis by law student near completion
- Two surveys have been developed for the public and for stakeholders
- Darcia and Deirdre developed a communication plan
- Forge ahead or first engage in outreach and engagement (strategic planning discussion)
- Darcia and Natasha developing:

- Message to stakeholders
- Planning two on-line information events with stakeholders to inform of project to look at limited practitioners and inquire as to needs
- Event will require staff and executive participation
- Use as foundation to send out surveys
- Resources will be required to analyze the survey results
- Current focus is on family law needs
- [Nothing budgeted](#)

NEXT STEPS

- If follow the direction of other jurisdictions – multi-year project to analyze; determine credentials/education requirements; limits on licence
- More recent trend is to create a regulatory sandbox to remove barriers to innovative delivery of legal services
- Special committee

NOT STARTED

Law Library Hub Phase 2 – creation of website

- Delayed due to impact of COVID on Phase 1
 - Intention was to create website with information on substantive law for the public – legal information
 - In the interim, Govt. of MB created excellent website for family law
 - Govt. considering expanding the website into other areas of law
 - CLEA and LHC have pamphlet and resources
- Resources:*
- Law Foundation has provided limited funding
 - If created, who would maintain the website? Update resources?
 - Does this fit within the Law Society's mandate?
 - What is CLEA's role?

ON HOLD

Forgiveable Loan Program

- Program paused while we re-evaluated its effectiveness and how it might be revamped
- [Nothing budgeted](#)

STRATEGIC OPTIONS TO CONSIDER WITHIN A2J

1. Limited Practitioners
2. "Sandbox" approach for other service providers
3. Leadership role for coordination among organizations tackling the access issue

2017 – 2020 STRATEGIC PLAN

COMPETENCE

Regulate proactively to protect the public interest by ensuring that legal services are delivered by competent and ethical lawyers.

- **Implement a cradle to grave approach by assessing and addressing the competence of lawyers at all stages of practice**
- **Proactively assist lawyers and law firms to mitigate risk**
- **Proactively ensure that lawyers are fit to practice by addressing members' capacity issues**
- **Safeguard client property**

COMPLETE & ONGOING – (initiative will require ongoing resources)

Law Firm Registration

- Firms are required to register with the Society and name designated representatives
- This was implemented through the admissions and membership department
 - Initial resources – rule drafting; communication to the profession; data base amendments; drafting of forms; enforcement

Trust Safety Program

- Trust Safety Program fully operational – each firm has trust account supervisor who is accountable for firm policies and procedures
 - Resources: significant shift in Director's responsibilities
 - Creating additional resources for supervisors for policies, controls, etc.
 - Training for auditors regarding auditing for effective controls
 - Revising of education materials – audit and CPD; IT

Anti-Money Laundering Rules

- Anti-money laundering rules approved/education delivered/resources created
- Ongoing participation in national working group – to update rules as required and create resources for the profession to assist with compliance
 - Checklists; guidance
- Audit and complaints departments establishing protocols for tracking and referrals of breaches along with regulatory outcomes

- Ongoing training for auditors and investigators

CPLED 2.0

- Fully operational – consideration to offering an accelerated program (in addition)
- Ongoing bridge/liaison for students between CPLED and LSM
- Ongoing orientation of students to the LSM
- Joan seconded – contract work to improve the program delivery
- Subsidy is \$2,600 per student
- Budget \$312,000 to subsidize students
- Paid to date \$192,000
- Budget \$16,000 training for principals (not approved by CPLED Board)

IN PROGRESS

Health and Wellness Diversion Program

- Contractor hired (one year) to operationalize
- Will require:
 - Rule amendments (Rennie)
 - Training of staff (medical experts)
 - Training of committee (medical experts)
 - Agreements with service providers (Rennie)
 - Solicit volunteer lawyers – to provide ILA (Rennie)
 - Training of those lawyers (Helga?)
 - Communication plan (Rennie/Deirdre/Eileen)
 - Resource person to run program (1/3 time)
- Budget \$26,500 for contractor to operationalize
- Will pay \$30,000
- To date, have paid \$7,500

Health and Wellness - Peer Support Program

- Board established
- Not for profit corporation registered
- Eileen supporting board over short term until ED hired
- LSM funded ED for 18 months
- Program will require ongoing funding
- Law Society diversion person – ought to liaise with ED

- Nothing budgeted for 2021-22
- June bench meeting approved \$32,000 this year to support start up to program (nothing paid to date)
- Will budget for 2022-23 \$54,000 to support program

Health and Wellness - Resources and Education

- Eileen primary person
- Extensive resources (how to select)
- Requires dedicated person to collect, select and post on-line
- Communiqué – CPD; Communications Officer; administrative support; general support from other staff & other contributors
- Question: hire person in house to run the diversion program; triage and make referrals to the peer support program; identify resources to post on-line; keep portion of the website current – website – time consuming
- OR – allow the peer support program to take this on; much like exists in Alberta; bridge this for now?

National Well-Being study

- Underway – only resource is communication
- New initiatives may flow from those results; but that is a long way away

Law Firm Practice Management Self-Assessment Tool

- 2016 Entity Regulation Committee made recommendations that LSM should regulate legal entities – register with LSM and appointment designated member
- Should adopt a compliance-based regulatory model based on seven principles
 - Competence and capacity
 - Client management
 - File management and record keeping
 - Financial management and operational sustainability
 - Relationships with third parties and administration of justice
 - Equity, diversity and inclusion
 - Access to legal services
- Proceeded as a prairie law societies project with Saskatchewan and Alberta
- Create a self-assessment tool – firms should be required to complete it every three years; declare that they have done so and keep a copy of it

- Law societies to provide resources to assist firms to meet the objectives set out under each of the seven principles
- 2017 version of tool (pdf) complete and direction given to proceed with pilot project
- August 2018 – report on pilot project – positive
- Next steps proposed
 - Every firm to register and name a designated rep
 - Every law firm to complete assessment tool (once every three years)
 - Consider requiring progressive stages of submission
 - Work with law firms to ensure issues identified in assessment tool are addressed
 - Consider applying program beyond traditional law firm to legal departments, government, non-traditional delivery model
- Concluded that assessment tool should be delivered on line (digital platform) for better accessibility
- October 2018 benchers agreed with incremental approach – firms to complete assessment and declare they have done so
- Desire to move forward with other jurisdictions in part due to inter-jurisdictional law firms; trend in other provinces (prairie provinces + BC and NS)

November 2021

- Revised self-assessment tool on on-line platform – contracts between prairies law societies and Standpoint
- need to identify resources and establish links to the resources
 - Anticipated resources from CPD – approximately six months/ extensive staff time
 - Would also require a communication plan regarding the nature of the tool and its availability to the profession
 - *Ongoing Resources:*
 - Review and update tool with current resources (CPD)
 - Budget \$10,000 annually for three years for Standpoint – they created the platform for the tool (we are in year one)
 - After 3 years, would need to re-negotiate with Standpoint to continue to use the platform
 - Concern that Standpoint owns platform in perpetuity

NEXT STEPS:

- As part of entity regulation, firms to declare that they have done the self-assessment every three years
- This would require regulatory resources
- If going to enforce; require rules
 - Rule amendments; forms; monitoring and enforcement
 - Would also have to develop communication strategy

- Need to analyze and assess the duplicative nature of this work with CPD's development of practice resources

NOT STARTED

Practice Checkup Program

- Concept approved by benchers
- Check in on practices of lawyers in first five years of practice and 35 + years of practice
- Not substantive law – practice management
- Resources required:
 - Staff member to direct/oversee the program (Joan was targeted to start this fall – she was backfilling in CPD and working with CPLED which was a big priority for us) – Eileen is now hiring for her department
 - Create selection process
 - Create Check lists – reports for contractors
 - Retain contractor(s)
 - Rule amendments required to enforce cooperation
 - Remediation resources will need to be developed and available to assist lawyers identified as requiring assistance – Practice Management Assessment Tool with associated resources will assist
- Budget is \$250,000 for partial year for contractor(s)
 - 200 hours @\$250/hour

Language Testing ON HOLD – BENCHER MEETING – OCT. 28/21

- Benchers to discuss if it is a priority to explore language testing for NCA candidates
- Nothing budgeted/ but would be at the individuals' own costs
- Internal resources would be required in admissions and members, IT and communications

ADDITIONAL INFORMATION

CONTINUING PROFESSIONAL DEVELOPMENT DEPARTMENT

The CPD Department provides resources and programming in four different formats:

1. Live Programs

- In-person
- Webinars
- Hybrids

In addition to regularly delivered lunch time programs, the CPD department has been delivering the following larger scale programs (which, alone, takes a full time staff person to plan them)

- Isaac Pitblado Lectures – 6 hours
- Annual Joint Family Law Program – 6 hours
- Child Protection Program – 6 hours
- Northern Bar – 6 hours
- Central Bar – 3 hours
- Western Bar – 3-6 hours
- Hot Topics in Real Estate – 3 hours
- Criminal Defence advocacy skills workshops – 6 hours
- French programs – twice yearly – 3-4 hours

2. Archived Recordings

- Video recordings of past live programs
- Currently hosted on CPDonline

This requires editing of the live programs

3. Written Resources

Hosted in the Education Centre, there are written materials under three broad categories:

- *Practice Area Fundamentals* – extensive materials in the following practice areas:
 - Civil procedure
 - Corporate commercial
 - Criminal law
 - Real estate wills and estates

The foundation for these materials is the old bar ad materials. They are edited and updated annually. It was a large project to convert them into an accessible online format.

- *Professional Responsibilities*
 - Trust Accounting
 - Anti-money Laundering
 - Equity
 - Act, Rules & Code
 - The Legal Profession
 - MCPD Requirements

- *Practice Management*
 - File closing, retention, storage and destruction
 - Withdrawal of legal services
 - Absences and contingency planning
 - Billing disbursements commentary; online resource and file charges
 - Retainers
 - Retirement – winding up a practice

4. Online Learning

To address the need for alternative delivery methods (and to allow for CPD credit), the written resources are being converted into on line learning modules. The current focus is on the practice management content. Three modules have been created, but are not yet launched as the platform requires further development. One further module is in development.

- Retainer
- File Closing, Retention, Storage & Destruction
- Planning for Absences & Contingencies
- Withdrawal of Legal Services – in development

The CPD department is charged with delivering on special projects or initiatives that are identified, such as:

- TRC Calls to Action – training
- Equity, Diversity & Inclusion – Black Lives Matter/ pronouns, for example
- Well-Being – programming and resources
- Law Firm Practice Management Self-Assessment Tool

STRATEGIC OPTIONS TO CONSIDER WITHIN COMPETENCE

1. Focus on first five years of practice?
 - Gap programming (what has been eliminated by CPLED2.0)
2. Practice Checkups vs. Mentorship
 - Targeted by area of practice?
 - Small group sessions?
 - How does this overlap with the MBA subsections?
3. Health & Wellness – focus on prevention?
 - What would this look like?
4. Law Firm Practice Management Self Assessment Tool
 - How does this overlap with and/or compliment written resources/on-line learning
 - Huge investment already
 - Months away from delivery
 - \$10,000 annual investment
 - Links/resources will require updating at least annually
5. Delivery Format of Continuing Professional Development
 - Shift away from large, live programming events (every second year? And alternate?)
 - Reduce length of large, live programming events
 - Increase capacity to deliver on-line

2017 – 2020 STRATEGIC PLAN

EQUITY, DIVERSITY & INCLUSION

Promote and improve principles of equity, diversity and inclusion in the regulation of the legal profession and in the delivery of legal services

- **Demonstrate commitment to equity, diversity and inclusion**
- **Promote, support and facilitate equity, diversity and inclusion within the legal profession**
- **Address the Calls to Action of the Truth and Reconciliation Committee**

COMPLETE & ONGOING

Annual Member Report and Law Society Registration

- Expansion of gender categories in Law Society forms (membership and complaints)
- Articling student applications include invitation to offer as Indigenous (to be included in building connections event)

Events

- Co-host of annual SOGIC Pride receptions
- Annual Building Connections event with Indigenous articling and law students with members of the profession
- Event to connect NCA candidates with practising lawyers (has not been held for some time)
- Sponsored reception for sacred eagle feather gifting ceremony

Operations

- Engagement nationally and locally regarding Day Schools and Sixties Scoop Settlements to protect claimants in the process
 - Complaints resolution department

Bencher/Committee Membership

- Nominating Committee striving for diversity in appointed bencher recommendations
- Nominating Committee recruitment of diverse volunteer committee members

Continuing Professional Development (since 2017)

- BC's experiment with First Nations Courts (Northern Bar)
- Tebweta Ajiimowin (To Tell the Truth) – Turtle Lodge
- Cultural Diversity and Practising Law
- A Component of the 2018 Pitblado Lectures – Reimagining Justice
- Annual Child Protection Program
- Criminal Defence Advocacy Workshop
- All About Bail Applications
- Addiction: Facts and Fallacies (Northern Bar)
- Overview of Bill C-92: An Act Respecting First Nations, Inuit and Metis Children, Youth and Families
- Child Protection (Northern Bar)
- Trauma Informed Lawyering
- Commemorating 150 Years of Treaty 1 and Treaty 2: What You Need to Know
- Use of Pronouns in Court

IN PROGRESS

Part-Time Practising Fees

- Survey complete and results delivered **cost \$3,750 (50%)**
- Equity Committee considering proposal for pilot project **nothing budgeted yet**
- *Resources:*
 - Proposal to be developed with cooperation of Equity Officer, Director of Regulation, Director of Admissions and Membership & Chief Financial Officer
 - Creation of forms
 - Receipt and processing of applications
 - IT – amendments to database
 - Communication plan

Indigenous Advisory Committee

- Committee constituted
- Primary focus – mandatory Indigenous cultural competence and awareness training
- *Resources* (if benchers resolve to make it mandatory)
 - Rule amendments
 - Communication plan
 - Regulatory enforcement
 - Development of programming

- Committee to consider all other components of law society operations and make recommendations
- Budget \$5,000
- Started early – will cost \$20,000 for Chair plus \$200/meeting for public reps.
- To date paid \$10,800

Continuing Professional Development

- Critical Conversations about Systemic Racism and Implicit Bias in Law and Canadian Society

Committee Training

- Discipline Committee training – TRC/ accommodation and Gladue principles

Retention and Advancement of Women

- Supporting the work of the CCIAWJ in round table event
 - IT; communications; senior staff

NOT STARTED

REFERRED TO A&E – BENCHER MEETING OCTOBER 28/21

Not specifically identified as a priority – but there is the issue raised by the Canadian Civil Liberties Association regarding our good character requirement.

STRATEGIC OPTIONS TO CONSIDER WITHIN EQUITY, DIVERSITY AND INCLUSION

1. Community Outreach (focus on Indigenous Communities)
 - Awareness of LSM's public protection role
 - Attracting youth to the profession
2. Community Outreach – vulnerable segments
3. Community outreach – rural and northern Manitoba
4. Mandatory Training for the legal profession

5. Incorporating the Calls to Action into other areas of operation – complaints/discipline, admissions

2017 – 2020 STRATEGIC PLAN

STAKEHOLDER CONFIDENCE NO BUDGET as a standalone objective

Build public and stakeholder confidence in the Law Society as the regulator of the legal profession.

- **Communicate effectively with the public and other stakeholders about the Law society's mandate as a regulator to protect the public interest**
- **Increase the Law society's engagement with and education of the public**
- **Increase the Law society's engagement with the profession**

LAW SOCIETY COMMUNICATIONS OFFICER -- COMPLETE & ONGOING

New Website & Re-branding

- New website designed and launched [website and rebranding cost ~\\$25,000](#)
- Continuous review and updating of website
 - Posting of discipline decisions
 - Posting of CPD programs and resources
 - Posting employment and volunteer opportunities
 - Archiving project
- Website is one vehicle used to post events and news

Communiqué

- New design
- New/accessible delivery format
- Delivered 7 times throughout year
- October issue dedicated to health and wellness

Annual Report

- New design and delivery format

Surveys

- Articling student survey (students and new members)
- Part-time practising fee survey (members)

- Consulting with profession – limited practitioners
- National well-being survey (students and lawyers)

Media Outreach

- New President and Vice-President (generated interviews)
- Indigenous Advisory Committee (generated interviews)
- Civil Society Organizations (generated interview and media coverage)
- Responding to media inquiries (generally discipline related)

Tweets & Re-tweets

- Health and Wellness
- Green shirt day
- Orange shirt day
- Discovery of IRS graves
- Promoting programs
- Stacy Nagle's retirement

GENERAL – COMPLETE & ONGOING

- Outreach to First Nations communities regarding Day School Class Action
- Welcoming ceremony – Faculty of Law/sponsorship of receptions \$500
- Bi-annual 50 year lunch [no budget](#)
- Collaboration with the MBA – joint meetings and receptions
- Co-host SOGIC reception [\\$500 donation](#)
- Building Connections event (annual)
- Connection event for foreign trained lawyers (one time event)
- Annual presentation to Gord MacIntosh's class at U of W
- Engagement with profession on becoming a bencher
- Orientation for first year law students
- Engagement with third year law students – LPPR class
- Orientation of articling students to the Law Society – supports and services
- *Fair Registration in Regulated Professions Act* – tackling threats to the independence of the legal profession
- [Nothing budgeted](#)

NOT STARTED – GENERAL ENGAGEMENT WITH THE PUBLIC

We have not developed or implemented a strategy to increase our engagement with the public. However, engagement with the public is an aspect of the A2J Coordinator's work and it is also a necessary part of the other initiatives underway.

Review of Stakeholder Engagement

Trust Safety Program Rollout

- Three in person sessions
- Recorded sessions
- Directed emails
- Communiqué articles

Indigenous Outreach

- Following extensive contact within the context of the IAP claims, targeted communications regarding the Day Schools settlement (lawyers fees; rights of claimants regarding lawyers; contact information at the LSM)

Anti-Money Laundering Rule Amendments

- Multiple in person sessions
- Articles
- Recorded sessions
- FAQs; resources; checklists

Legal Profession Act Amendments

- Engagement with government
- Consultation with the profession
- Two surveys developed (public and stakeholders) – not distributed yet
- Communication plan underway to host on-line events and deliver surveys to stakeholders and the public re: unmet legal needs

Civil Society Organizations

- Media releases; published articles
- Communiqué

- Outreach planned to Winnipeg Foundation, United Way and Govt. of Manitoba

Access to Justice Coordinator

- Outreach across the province to learn of access needs
- Direct contact with multiple organizations
- Leverage this work for surveys and for CSOs

Health and Wellness

- Multiple tweets and emails re: services and wellness
- Communiqué articles
- October issue of communiqué
- Partnership with the MBA
- Information at outset of all CPD on line programs

STRATEGIC OPTIONS TO CONSIDER WITHIN STAKEHOLDER CONFIDENCE

**Communication both to the profession and to the public is an essential component of every other strategic objective

Do you we develop communications priorities or is it a subset of our other priorities?

STRATEGIC OBJECTIVE 1:

Competence

Regulate proactively to protect the public interest by ensuring that legal services are delivered by competent and ethical lawyers.

Desired Outcomes:

- Sole Practitioners and Lawyers in Small Firms are adequately prepared to run their law practices and are well-supported.
 - Articling students have greater awareness of and make use of Law Society resources.
-

STRATEGY 1.1

Proactively support lawyers and law firms to mitigate risk.

ACTIONS

Activity 1.1.1

Complete a digital, interactive Practice Management Assessment Tool for sole practitioners and firms to mitigate risk by enhancing practice standards relating to specified management principles and by increasing practice supports.

Priority Level

Immediate

Activity 1.1.2

Complete the Practice Management resources.

Priority Level

Intermediate

Activity 1.1.3

Complete delivery of Practice Area Fundamentals resources.

Priority Level

Intermediate

Activity 1.1.4

Complete continuing legal education e-learning modules for practice management and identify other e-learning opportunities.

Priority Level

Intermediate

STRATEGY 1.2

Proactively ensure that lawyers are fit to practice by addressing capacity and well-being.

ACTIONS

Activity 1.2.1

Complete a diversion program outside of the complaints/discipline stream for members who suffer from mental health issues or addictions that may affect legal practices.

Priority Level

Current

Activity 1.2.2

Enhance the well-being of lawyers and articling students by supporting /facilitating a Peer-Support Program.

Priority Level

Current & Ongoing

Activity 1.2.3

Promote a culture of wellbeing in the legal profession.

Priority Level

Intermediate

STRATEGY 1.3

Proactively support, assess, and address the competence of lawyers at stages of practice when it's most needed.

ACTIONS

Activity 1.3.1

For members intending to practice on their own or in small firms, connect them to the resources and supports needed to practice safely and effectively.

Priority Level

Immediate

Activity 1.3.2

Conduct a practice check-up program on a pilot basis to support lawyers who are sole practitioners or who practice in small firms **in early stages of practice. (See memo; we will bring this activity back to you for further consideration)**

Priority Level

Long-term

Activity 1.3.3

Proactively support lawyers to consider retirement as an option and support those who are contemplating retirement or transitioning into retirement.

Priority Level

Long-term

STRATEGY 1.4

Proactively engage with articling students to provide support and resources as appropriate.

ACTIONS

Activity 1.4.1

Work collaboratively with firms and principals to increase awareness of supports and resources.

Priority Level

Immediate

Activity 1.4.2

Increase engagement with articling students through the use of surveys or “check-ins.”

Priority Level

Long-term

STRATEGIC OBJECTIVE 2:

Access to Justice

Advance, promote and facilitate increased access to justice for all Manitobans.

Desired Outcomes:

- Manitobans in northern and rural communities have increased access to legal services.
 - Manitobans can choose to access the delivery of legal services from a wider range of legal services providers.
-

STRATEGY 2.1

Engage with Manitobans in northern and rural communities, members of Indigenous communities and others who are members of vulnerable and historically disadvantaged groups about unmet legal needs and opportunities to address those needs.

ACTIONS

Activity 2.1.1

Conduct outreach sessions with members of the public and other stakeholders (re: Limited Practitioners) to obtain views about other potential legal services providers.

Priority Level

Immediate

Activity 2.1.2

Conduct surveys of members of the public and other stakeholders (re: Limited Practitioners) following outreach sessions.

Priority Level

Immediate

Activity 2.1.3

Develop Limited Practitioner Proposals

Priority Level

Long-term

STRATEGY 2.2

Explore opportunities to remove regulatory barriers to the delivery of legal services in new ways.

ACTIONS

Activity 2.2.1

Pursue the advisability of a “regulatory sandbox” for the delivery of legal services in ways that could increase access to legal services and access to justice.

Priority Level

Current

STRATEGY 2.3

Promote and facilitate collaboration about access issues with the courts and other justice system stakeholders to increase access to justice.

ACTIONS

Activity 2.3.1

In collaboration with stakeholders, focus on the enhanced provision of legal information and advice through the Manitoba Law Library (i.e. the “Library Hub”) and other service providers.

Priority Level

Current & Ongoing

Activity 2.3.2

Support the Access to Justice Coordinator to facilitate collaboration among stakeholders to address issues of common concern including the need for improved data collection and improved coordination of efforts to address unmet legal needs.

Priority Level

Current & Ongoing

STRATEGY 2.4

Explore opportunities for the Law Society to increase the number of lawyers who practice law in remote/rural communities and improve retention.

ACTIONS

Activity 2.4.1

Review the Law Society's Forgivable Loans Program to make it more effective.

Priority Level

Immediate

STRATEGIC OBJECTIVE 3:

Equity, Diversity and Inclusion

Promote and improve equity, diversity and inclusion within the legal profession in the regulation of the legal profession and in the delivery of legal services.

Desired Outcomes:

- The Law Society's admissions process is equitable.
 - There are more Indigenous lawyers practising law in Manitoba.
 - The legal profession better reflects the diversity of Manitoba.
 - Lawyers strive to be culturally competent in the delivery of legal services.
-

STRATEGY 3.1

Engage and inspire Indigenous youth in Manitoba to become lawyers.

ACTIONS

Activity 3.1.1

Create opportunities for Law Society outreach to high school students.

Priority Level

Intermediate

STRATEGY 3.2

Remove inequitable barriers to admission into the legal profession for Indigenous people and other equity-seeking individuals.

ACTIONS

Activity 3.2.1

Consider the admissions process such as the Good Character requirements.

Priority Level

Current

Activity 3.2.2

Consider options for financial support such as bursaries or scholarships.

Priority Level

Long-term

STRATEGY 3.3

Consider imposing mandatory continuing legal education relating to cultural competency as a regulatory requirement for lawyers.

ACTIONS

Activity 3.3.1

Obtain recommendations from the Law Society's Indigenous Advisory Committee for the consideration of the Benchers.

Priority Level

Current & Ongoing

STRATEGY 3.4

Promote, support and facilitate equity, diversity and inclusion within law firms.

ACTIONS

Activity 3.4.1

Educate the profession in understanding and addressing issues relating to equity, diversity and inclusion.

Priority Level

Current & Ongoing

Activity 3.4.2

Educate the profession regarding equity, diversity and inclusion in hiring and advancement.

Priority Level

Long-term

STRATEGIC OBJECTIVE 4:

Stakeholder Confidence

Build public and stakeholder confidence in the Law Society as the regulator of the legal profession.

Desired Outcomes:

- Members of vulnerable and historically disadvantaged communities know about the Law Society and how we protect them
 - Members of the Northern Bar and rural communities feel connected to the Law Society and its resources
-

STRATEGY 4.1

Engage with members of the public who belong to vulnerable and historically disadvantaged groups.

ACTIONS

Activity 4.1.1

Identify and connect with organizations and leaders who support or represent members of vulnerable and historically disadvantaged communities. (E.g. First Nations, Assembly of Manitoba Chiefs, IRCOM etc.)

Priority Level

Long-term

Activity 4.1.2

Organize Webinars/Town Halls in northern and rural Manitoba communities providing opportunities for outreach and engagement.

Priority Level

Long-term

STRATEGY 4.2

Increase and improve engagement of the Law Society with members of the Northern Bar and members practising in other rural communities.

ACTIONS

Activity 4.2.1

Increase attendance of Benchers, Executive Committee members, and Senior Law Society staff at the Northern Bar meeting and create time for dialogue with Northern Bar members.

Priority Level

Immediate

Activity 4.2.2

Proactively engage with groups of lawyers in rural communities to obtain viewpoints and identify needs.

Priority Level

Intermediate

STRATEGIC PLANNING - PRIORITIES

CURRENT/ONGOING	IMMEDIATE	INTERMEDIATE	LONG TERM
<i>COMPETENCE</i>			
Diversion Program	Practice Management Tool	Practice Management Resources	Checkup program
Support Peer support		Promote culture of well being	Promote & support retirement
Practice Area Fundamentals Resources	Work with principals to connect articling students to supports	Connect solos to resources and supports	Survey/check-ins with articling students
		Convert resources to E-Learning	
<i>ACCESS TO JUSTICE</i>			
Regulatory sandbox (A2J)	Outreach sessions with groups (Limited Practitioners)	Public surveys (Limited Practitioners)	Limited Practitioners proposals
Collaborate with others re. the Hub (A2J)	Review forgiveable loan program (A2J)		
Support A2J coordinator in collaboration efforts			
<i>EQUITY, DIVERSITY AND INCLUSION</i>			
Review good character and other admissions requirements		Create opportunities for outreach to high schools	Consider options for financial support to Indigenous youth
Consider mandatory CPD (IAC comm.)			
Educate profession on EDI issues			Educate profession on EDI in hiring and advancement
<i>STAKEHOLDER CONFIDENCE</i>			
	Increase engagement activities with northern bar	Engage with lawyers in rural communities to obtain viewpoints and identify needs	Identify and connect with orgs. From disadvantaged communities
			Organize town halls in north and rural



MEMORANDUM

To: Benchers

From: Alissa Schacter

Date: December 8, 2021

Re: Part-Time Fees Pilot

I. BACKGROUND

In 2018 the Women Lawyers' Forum of the Manitoba Bar Association asked the Law Society to consider recognizing part-time practising status by offering discounted fees for lawyers who practised part-time. The context for this request was that lawyers who practice part-time are disproportionately young mothers who reduce their hours of work to care for their children. The request noted that the Canadian Bar Association (CBA) offers a discounted membership rate to part-time lawyers when their provincial law society recognizes part-time practice. The letter of request cited the 1992 British Columbia Law Society Report, "Gender Equality in the Justice System", which recommended providing discounts on fees to part-time members and discussed the need to support female lawyers who work part-time when they have child care responsibilities to stay in the practice of law. It further noted how it is challenging for part-time female lawyers to earn enough income to cover their fees and insurance so that many just leave the profession instead.

It was determined early on that a part-time discount on the insurance levy portion of the fees is not an option since there are an insufficient number of insured lawyers in provinces covered by the Canadian Lawyers Insurance Association (CLIA), of which Manitoba is one, to subsidize a discounted insurance levy for part-time lawyers. This left the issue of part-time practising fees, over which the Society does have control.

At a benchers meeting on February 14, 2019, you discussed the issue of whether to explore the introduction of part-time practicing fees for lawyers who work part-time to accommodate their child care responsibilities. The majority of benchers expressed support for allowing accommodation for part-time practising fees but views varied on whether accommodation should be restricted to those with child care responsibilities, or expanded to include other scenarios, such as members with disabilities or health issues, those who care for elderly or disabled relatives, or who are nearing

retirement. The benchers noted that there were other factors which ought to be taken into consideration, such as income, exposure to risk from an insurance perspective, CPD requirements and whether firms would be willing to accommodate part-time practice.

The benchers directed the Equity Committee to undertake a comprehensive assessment of this matter from a perspective which addresses equity, diversity, inclusion and access to justice, taking into consideration the financial and operational implications to the Law Society.

The Equity Committee discussed the issue in significant detail and considered it from a variety of perspectives. Discussions were had about the appropriate criteria for defining part-time practice, the appropriate part-time fee structure, the advantages of offering part-time fees to other equity seeking groups and the financial and operational impacts of a part-time fee structure on the Society.

The Equity Committee decided to conduct a survey to seek input from the profession on whether to offer part-time practising fees for those who work part-time hours, and if so, what an appropriate model might look like. The Law Society of Alberta (LSA) had been considering this issue and had already conducted a similar survey that they generously shared with us.

II. SURVEY RESULTS

The Society retained Illumina Research Partners to design and conduct a survey of its members. The survey was sent via email to 3,151 active, non-practising and inactive members as well as articling students in September 2020. It was completed by a total of 479 members and students (407 active lawyers; 41 non-practising lawyers; and 12 articling students), representing an estimated overall response rate of 15%. The results were presented to the Equity Committee in January 2021. Below are highlights of the survey results:

- The majority of members (82%) are in favour of implementing part-time fees.
- A structure combining maximum billable hours and a gross billings ceiling has the most support.
- Most think a maximum hours ceiling of 15 - 20 hours per week would be reasonable. There are mixed views on the appropriate gross billings ceiling.
- Half of respondents prefer a part-time fee of 50% of the full-time fee.
- Part-time fees are perceived as offering benefits for both the profession (e.g. easier to practice part-time, diversify pool of lawyers and help inactive lawyers revive their practice) and lawyers personally (e.g. better work-life balance, reduce costs for part-time sole practitioners, accommodate child care responsibilities and work longer before retiring).

- The primary concerns expressed were about increased costs for full-time members, tracking and monitoring for compliance, insurance risks for part-time status, part-time fees not being enough of a benefit, and how to ensure the criteria is fair to all members.
- Two thirds of active lawyers are willing to pay higher membership fees to facilitate a part-time fee structure, and of this group, 70% are willing to pay \$50 - \$100 more in annual fees.
- 16% of full-time lawyers are “likely” to switch to part-time status if a part-time practising fee is implemented (18% of male respondents and 15% of female respondents).
- 21% of inactive or non-practising lawyers will “likely” return to the profession if part-time membership fees are implemented.
- 71% of respondents agreed that a part-time membership status is a way to diversify the pool of lawyers and 90% of respondents think it will help accommodate lawyers with child care responsibilities.

Illumina’s Report on the survey results can be viewed [here](#).

III. THE LAW SOCIETY OF ALBERTA'S PART-TIME FEES PILOT PROGRAM

The Law Society of Alberta (LSA) recently completed an 18 month pilot project during which part-time practising fees were offered to lawyers who met the criteria for part-time practice.

The LSA defined part-time membership as a lawyer:

- In private practice, and
- Who works fewer than 750 billable hours annually excluding pro bono work, and
- Who has gross billings of less than \$90,000 per year
- The part-time status only applies to membership fees and does not extend to the mandatory indemnity program (insurance).

The LSA shared the results of their pilot with the Society and it found the following:

- 2.95% of active lawyers (307 out of 10,000) switched to part-time status;
- Over the course of the 18 month pilot, a total of 33 inactive lawyers returned to part-time practice. This group was predominantly inactive junior female lawyers.
- Of those who switched from full-time to part-time status, 154 were male and 153 were female; the females were mostly junior lawyers and the males were mostly senior lawyers over age 60. The LSA was surprised by the number of senior male lawyers who elected to practice part-time. The assumption is that this is a transition toward retirement.

Of the 307 lawyers who opted for part-time practice, approximately 65% are solo practitioners.

IV. FINANCIAL AND ADMINISTRATIVE IMPLICATIONS OF INTRODUCING A PART-TIME FEE STRUCTURE

The Society does not currently collect data on how many lawyers practise part-time, so it is challenging to make a prediction about the financial impact of introducing part-time practising fees. The Society needs to maintain its operating budget. Introducing a part-time fee structure will affect the Society's revenues. It would likely increase fees for full-time lawyers to offset the lost revenue. Hopefully a portion of the costs will be offset by some inactive lawyers returning to practice part-time and fewer lawyers going inactive.

It is difficult to predict how many lawyers would choose to take advantage of this option were it to be provided. We can look to Alberta's experience in which 2.95% of active lawyers switched to part-time status. This is approximately 50% less than the LSA expected based on their survey of the profession. It is worth noting that Alberta's pilot ran during the pandemic, from March 2020 through September 2021, which could have influenced the number of lawyers who opted to switch to part-time practice.

Financial Impact

In 2021/2022, the Society budgeted for 2,120 practicing lawyers with a total practicing levy of \$2,675 per lawyer (exclusive of the insurance levy portion of fees which is \$1,545). The Society also budgeted for 300 non-practicing lawyers, each paying a \$100 fee for a total of \$30,000. If we assume that 3%¹ of lawyers would be eligible for part-time status and apply a reduction of 50% to their practising fees, it would amount to a total revenue loss of \$85,600 annually. This loss would have to be absorbed by the other 97% of practicing lawyers at an additional cost of approximately \$43 per member. There would be other costs associated with developing a variable fee structure, however we are unable to predict exactly what those would be at this time. Additional resources would also be required to administer a part-time membership structure.

In the Society's survey, 21% of non-practising lawyers (apx. 9 lawyers) said they would "likely" return to the profession if part-time fees were offered. The potential increase in fees resulting from the return to active part-time status of non-practising or inactive lawyers has not been factored in to this analysis. As noted earlier, the LSA had 33 lawyers return to active practice on a part-time basis. This represents approximately .003% of their membership, so the associated contribution from these members would be nominal.

¹ Based on the LSA's Part-Time Fees Pilot, in which 2.95% of active lawyers moved to part-time status.

Administrative Impact

The LSA reported that instituting the part-time fees pilot created a significant amount of administrative work for their staff, requiring they change their systems and address various reinstatement scenarios. The LSA has an automated billing system and once a change in practising status is approved, a new invoice is automatically created for the member and placed on the Lawyer Portal. In contrast, the Society's billing system is manual; once someone's status change is approved by the Membership department, the Accounting department is informed and staff creates a manual invoice which is emailed to the member. Once payment is received, it is manually entered into the database.

Unlike with the LSA, the Society's membership fees include locker, corporation renewal and fast track fees, which would present added complications if members changed their status mid-year, requiring the fees to be pro-rated.

It is anticipated that mid-year changes in status would generate a significant amount of administrative work for Society staff in both the Accounting and the Admissions and Membership departments.

V. RECOMMENDATION OF THE EQUITY COMMITTEE

The Equity Committee considered the survey results, the potential financial and administrative implications for the Society of introducing a part-time fee structure, and information provided by the Law Society of Alberta on their 18 month part-time fees pilot project.

Given the strong support members expressed in the survey (82% in favour) for introducing part-time fees for part-time practice, the Equity Committee recommends the benchers approve a two-year Part-Time Fees Pilot project ("the pilot"), beginning in the 2022/2023 fiscal year, based on the following eligibility criteria:

1. Lawyers must work in private practice.
2. Lawyers must meet the definition of "part-time work", which for the purposes of the pilot means not exceeding 750 billable hours annually² **and** having maximum gross billings of no more than \$80,000 annually³.

² This translates into 15.6 billable hours per week based on 48 work weeks annually, which falls within the 15-20 hour per week maximum billable hour ceiling preferred by survey respondents.

³ This represents a weighted average of the survey results for the preferred maximum gross billings ceiling.

3. Lawyers must fall within one of the following groups:

- a. Parents and legal guardians who work part-time to accommodate their child care responsibilities. For the purposes of this pilot, “child care responsibilities” are defined as:

Primary responsibility for providing care for a child who is:

- (i) 12 years of age or under⁴; or
- (ii) Over 12 years of age and who, due to a significant medical condition or disability experiences physical, cognitive or behavioural barriers to performing age-appropriate independent activities of daily living for an indefinite duration.

- b. Lawyers who work part-time to accommodate care-giving responsibilities for other family members who, due to chronic illness, disability or other cause, require regular, ongoing care⁵ and/or supervision for a period of more than 90 days⁶.

Lawyers who meet the above criteria will qualify for the pilot and will pay 50% of the full-time practicing fee⁷ (excluding the insurance levy portion of the fees, of which they must pay 100%).

Given that auditing lawyers for compliance with the criteria would be time consuming and costly, it is recommended the Society rely on an honour system and require lawyers to certify that they meet the specified criteria and that they understand they are subject to being audited by the Society. This is consistent with the LSM’s approach to compliance with CPD requirements. It is also similar to the approach the LSA used during its pilot.

⁴ The rationale for this is that children aged 12 and over are legally old enough to stay at home by themselves and care for younger children or siblings (*The Child and Family Services Act*, C.C.S.M. c.80, s. 17(2))

⁵ This includes requiring assistance and/or supervision on a regular basis with: personal care such as bathing, feeding, dressing, grooming/hygiene, mobility, toileting, administration of medication; routine activities such as meal preparation, laundry, housekeeping, transportation and shopping; and arranging for supports/system navigation/community access, such as recreational activities, support groups, medical follow-up and counselling.

⁶ The 90 day period is based on the Manitoba Primary Caregiver Tax Credit, which provides recognition and financial support to individuals who serve as primary caregivers for more than 90 days.

⁷ Nearly half of the survey respondents favoured a part-time fee of 50% of the full-time fee; this option garnered significantly more support than the other options.

VI. RATIONALE

Offering a two-year pilot project that is limited in scope allows the Society to target the primary equity seeking group that this initiative intended to benefit (mothers with childcare responsibilities). It also provides a small test cohort, allowing the Society to gauge the level of interest in part-time practice while managing the administrative and financial impacts of the new fee structure. A two-year time frame enables the Society to absorb the lost revenue without the need to raise fees for full-time members to make up the loss and provides sufficient time to more accurately assess the increase in fees that would be required before asking the benchers to make a final decision on the permanence and scope of the fee structure.

In light of historically high rates of attrition for female lawyers in private practice, the impetus for this initiative was to encourage female lawyers with young children to remain in and return to practice by recognizing that women bear a disproportionate responsibility for child care, and providing accommodation in the form of offering part-time fees to make part-time practice a more viable option. However increasingly there are young fathers who choose to assume primary responsibility for child care. By providing the benefit of part-time fees to all parents who practise part-time, including fathers, legal guardians and parents who identify as non-binary, it makes it easier for them to take on the responsibility for child care.

In situations where both parents are lawyers, this approach creates a level playing field in that either parent, regardless of gender can opt to work part-time and receive the benefit of a reduced practising fee. Whereas only providing a financial incentive for the mother to reduce her work hours, contributes to perpetuating the status quo in which women disproportionately assume the role of primary caregiver. From a policy perspective, offering part-time fees to all parents and legal guardians encourages equity, diversity and inclusion in the legal profession and in the delivery of legal services.

According to the Society's survey results, of the lawyers who indicated they were "likely" to move to part-time practice if a part-time fee is implemented, 18% (31 lawyers) were male and 15% (32 lawyers) were female. In Alberta, the majority of lawyers who opted to practice part-time were men over the age of 60, who were presumed to be transitioning to retirement. According to data collected by the Society's insurance department in 2019, 24.6% of practising members were born in 1959 or earlier. In the last two policy years, 46% of insurance claims filed involved members in this same demographic. Of this 46% of claims, 18% were filed by individuals 70 years of age or older. Given this cohort of lawyers is the source of a disproportionate number of insurance claims, from a policy perspective, it does not make sense to incentivize them to remain in practice by offering them a discount in practising fees. This is one of the reasons for suggesting the pilot be limited to parents or legal guardians of young children or those with ongoing significant caregiving responsibilities for other family members.

Although people with caregiving responsibilities for other family members are not a historically marginalized group, a majority of the Equity Committee suggested they be included in the pilot as it was noted that women typically assume a disproportionate burden of all caregiving.



**The Law Society
of Manitoba**

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PART-TIME MEMBERSHIP FEES

RESEARCH REPORT

“It's about time [part-time membership fees were implemented]. We need to be an inclusive and diverse body just like the members of the public we represent. Anything less in this day is unacceptable.” – Active lawyer

SUMMARY OF HIGHLIGHTS

The majority of members feel the Society should implement part-time fees. While a combined maximum billable hours and gross billings ceiling has the most support, there is no consensus on the appropriate ceiling levels.

SUPPORT FOR PART-TIME FEES

The **majority** of members are **in favour** of implementing part-time membership fees.

BENEFITS

Part-time fees are perceived as **offering benefits for both the profession** (e.g. easier to practice part-time, diversify pool of lawyers, and help inactive lawyers revive their practice) **and lawyers personally** (e.g. better work-life balance, reduce costs for part-time sole practitioners, accommodate child care responsibilities, and work longer before retiring).

CONCERNS

The primary concerns voiced are about:

- **increased costs for full-time members,**
- tracking and **monitoring for compliance,**
- **insurance risks** for part-time status,
- part-time fees may **not be enough of a benefit,** and
- how to ensure the **criteria is fair to all members.**

MAXIMUM BILLABLE HOURS & GROSS BILLINGS

A structure **combining maximum billable hours and gross billings** has the **highest preference.**

There are mixed views on the appropriate ceilings. Although there is **no consensus on a gross billings ceiling,** most feel a **maximum hours ceiling of 15-20 hours** would be reasonable.

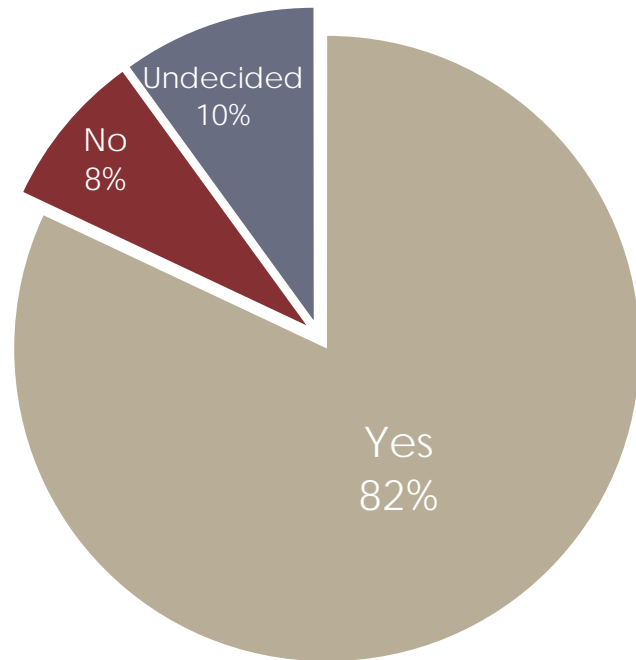
PART-TIME FEE STRUCTURE PREFERENCE

Half **prefer** a part-time fee of **50% of the full-time fee (\$1,337).** Some feel that the fee structure should correspond to the hours worked (e.g. work half the hours so pay half the fee).

HIGHLIGHTS

After a detailed review of potential structure and fee options, the majority of members are in favour of implementing part-time membership fees.

The majority of members feel the Law Society should implement a part-time membership fee status.



98% of **non-practicing lawyers** feel the Law Society should implement part-time fees.

Three quarters of members react positively saying they are interested, enthusiastic, excited, or happy about possible part-time membership fees.

interested
enthusiastic
annoyed uncertain happy neutral
reassured excited

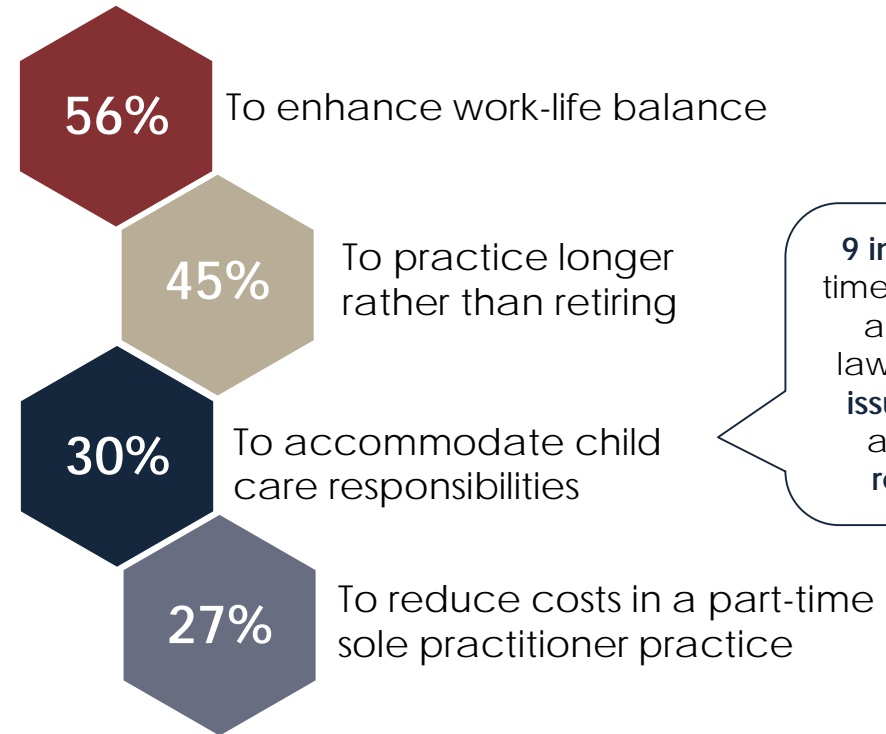
HIGHLIGHTS

Lawyers perceive part-time membership fees can offer benefits both for the profession and personally.

Impact of Part-Time Status to Legal Profession in Manitoba



Personal Benefits to Motivate Application for Part-Time Status



9 in 10 agree part-time fees would help accommodate lawyers with **health issues, child care, and elder care responsibilities**

*"...The legal fees are a huge expense; sometimes I'm only billing \$15,000 in a year and doing pro bono work too. Implementing part-time status would be a great way to **allow more lawyers to continue their practice** when their life circumstances don't include full-time practice."*

*"...needing to pay my full-time fees to work perhaps only a few hours a week doesn't make sense for myself or my potential employer. It is one of the **impediments to my returning to work** in some capacity..."*

*"This would be a great help for those in **small firms or sole practitioners** who work reduced hours..."*

*"...This is an important step to **supporting women** to remain in practice **while they have young kids.**"*

*"I think part-time status is most important for parents ... of young children. It would help with **work-life balance**..."*

HIGHLIGHTS

While most favor introducing part-time status, some concerns were voiced.

Increased Costs to Full-Time Members



The **top concern** raised by **full-time members** is about **increased costs for their membership fees**.

Not all agree that increasing full-time fees is necessary since part-time status should bring in more revenue for LSM, by slowing attrition and welcoming new members.

Some full-time members feel they **cannot afford higher fees**.

"...Ideally, the cost reduction to the individual would be recovered by keeping more lawyers as active status, thus increasing the number of contributing lawyers, albeit some at a reduced rate..."

"...The fees and insurance are already very expensive. It is difficult for many of us to pay these fees...You run the risk of chasing full-time lawyers out of the practice in order to subsidize part time lawyers."

Tracking and Auditing for Compliance



Many have concerns about **how part-time status would be tracked and monitored for compliance and abuse prevented**.

- How will the Society create consistent and reliable measures that would take into account diversity in practice-types and billing practices while preventing abuse?
- What would be the added administrative burden to part-time lawyers and to the Law Society?

"The existing system is administratively clear. While I appreciate (and support) the concerns of those who work part-time (or receive less income), the additional administrative monitoring and ambiguity as to implementation is of significant concern to me."

"Tracking time will be extremely difficult hence system abuse is highly probable."

Insurance for Part-time Status



Questions and concerns about insurance for part-time status are raised.

- Is there less risk involved for part-time practice?
- Does part-time status correlate to lower or higher risk claims?
- Is the insurance coverage for part-time members the same as for full-time members?
- Are insurance reductions being considered?

"I have practiced part-time for many years. I am supportive of this idea however I wonder if it is appropriate...is the risk involved with a practice (insurance) lesser for a part-time practice?"

"Would a part-time lawyer still be covered by our LSM insurance coverage to the same extent as a full-time lawyer paying full fees?"

Not Enough Benefit from Part-time Fees



Concerns are expressed about **whether part-time membership fees are enough to realize the benefits**.

- Will the reduction in membership fees be a large enough financial incentive to make a difference?
- Will the threshold for eligibility be enough to have a meaningful impact?
- Will part-time fees diversify the pool of lawyers in Manitoba?

"The issue is whether lower fees for part-time private sector lawyers will have a real beneficial impact in diversifying lawyers in private practice..."

"It's a good thing, but thresholds for eligibility can not be too low otherwise the PT fee structure will not have any meaningful impact..."

Criteria for Determining Part-time Status



Some question the **criteria** to determine part-time status and **how to be fair to all members**.

- **Are billable hours the right criteria?** Not all lawyers use billable hours such as in-house counsel, government, contract, and salaried lawyers.
- Should **hours worked** or a **tiered system/sliding scale** be used to determine part-time fees based on hours worked?
- **Are gross billings fair** as some clients do not pay their bills?

"Not everyone uses billable hours. Most firms are moving away from that model."

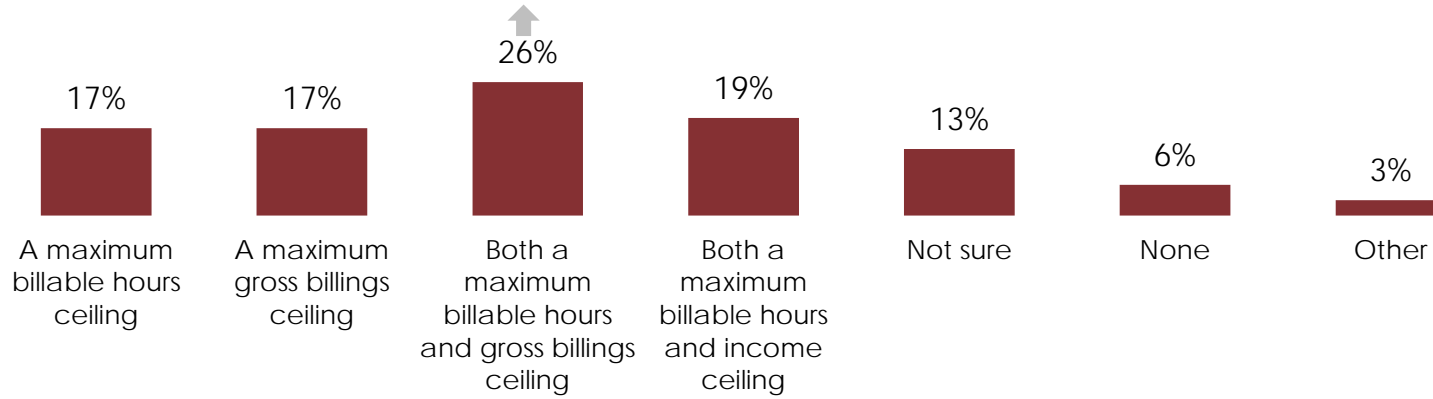
"A sliding scale fee based on percentage of a full practice one is working."

"Better for in-house counsel to be able to record time as there are no billings."

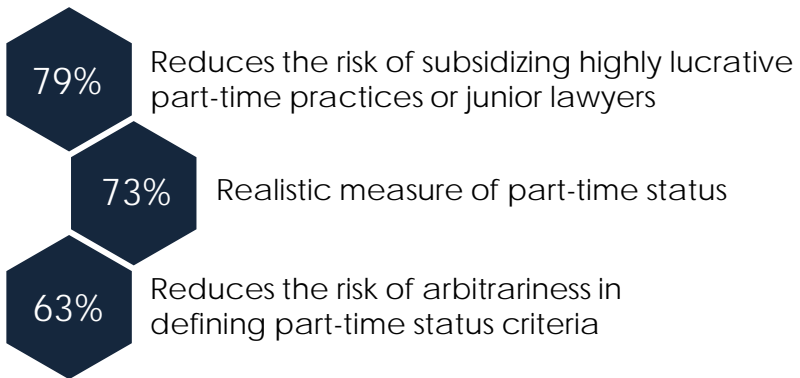
HIGHLIGHTS

The structure combining both a maximum billable hours and gross billings ceiling is the most preferred structure. It is perceived as fair and a realistic measure of part-time status.

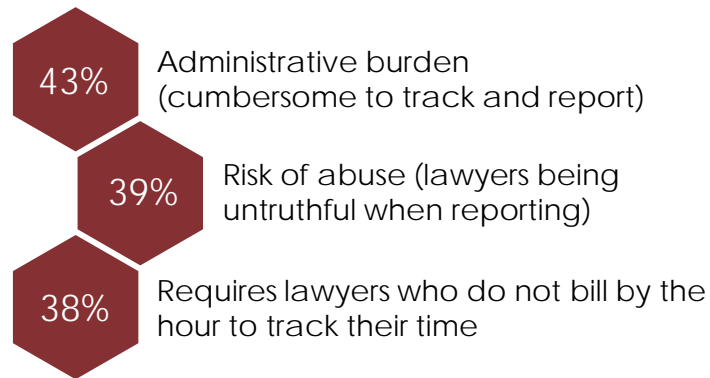
Preferred Structure for Setting Part-time Status



Top Pros

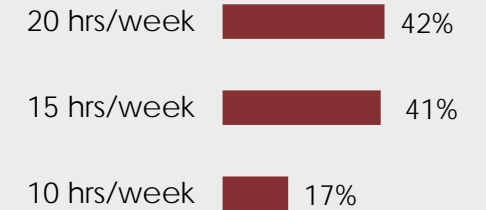


Top Cons

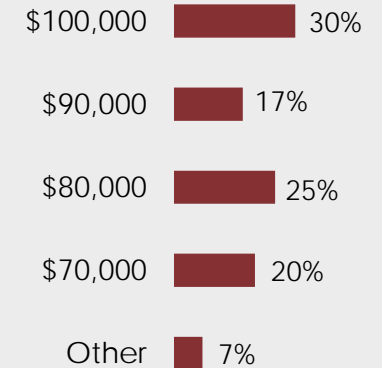


Opinions regarding an appropriate billable hours and gross billings ceiling are divided.

Preferred Maximum Billable Hours Ceiling

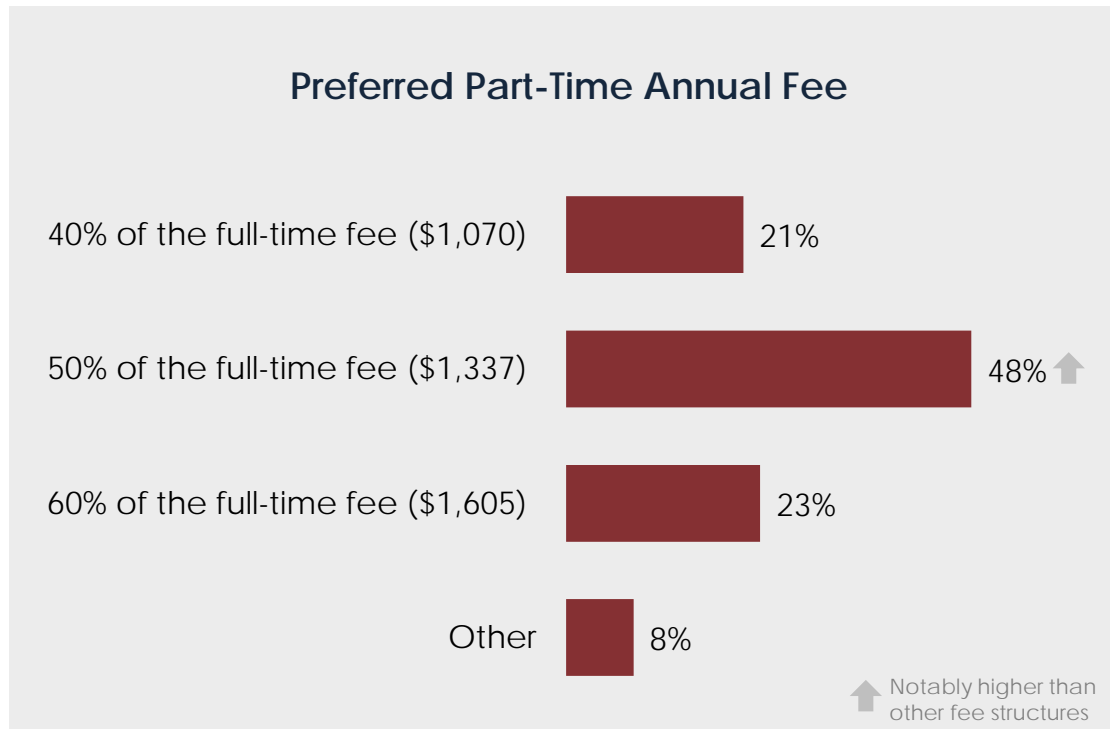


Preferred Maximum Gross Billings Ceiling



HIGHLIGHTS

While about half prefer a part-time membership fee of 50% of the full-time fee, some also mention that the part-time membership fee should correspond to hours worked.



*"I think that it is a reflection of today's societal values that people want to have more of a work life balance. It also acknowledges that there are significant impediments to people (usually woman) working full-time and trying to balance family responsibilities. Also, it captures the **fairness in paying a part of the fee when you are working reduced hours.**"*

*"I think that this whole question is a good idea. It makes so much sense on many levels. **The status of "part-time" should reflect that the member is clearly working less than 1/2 time. The fees should be 50%.** I would not tend to put greater effort into ensuring that the time and the fees exactly correlated. What you are seeking here is **"rough justice."***

*Consideration should be given to a part-time fee that varies based on each lawyer's part-time status (for example, if the lawyer works at 60% capacity, the part-time fee should be 60% of the full-time fee, whereas **if the lawyer works at 50% capacity, the part-time fee should be 50% of the full-time fee.***

*"The part-time fee should correspond to the definition of part-time. For example, **if the definition of part-time equates to about 50% of full time hours, then the PT fee should be 50%.** Likewise for 40% or 60% or any other reduction."*

*"It should be a **reduced fee, at 50% at the outset,** with adjustments if the practice does not generate enough income to warrant the fee. In other words, be prepared to tier it based on the amount of work."*

*"If the maximum billable hours is 20 hours per week then 50% of the full-time fee would seem **reasonable.**"*

HIGHLIGHTS

While two-thirds of active practicing lawyers are willing to pay more to facilitate part-time fee status, one-third are not.

67% Willing to Pay More to Facilitate Part-time Fees



6 in 10 have their membership fees paid by their employer.

- 42% are sole practitioners or work in a small law firm (2-10 lawyers) and 28% work in a medium to large law firm (11+ lawyers)
- 59% have membership fees paid by their organization

They tend to be more favourable about part-time fees and over one quarter would apply for part-time status.

- 90% in favour of implementing part-time fees
- 89% feel positive and 4% express negative feelings about implementing part-time fees
- 70% are willing to pay \$50-100 more in membership fees to facilitate part-time fees

33% NOT Willing to Pay More to Facilitate Part-time Fees



Half work for small law firms or as sole practitioners and pay membership fees themselves.

- Half (52%) are sole practitioners or work in a small law firm (2-10 lawyers) and 20% work in a medium to large law firm (11+ lawyers)
- 54% pay membership fees themselves

They are less favourable towards part-time fees and are not fully convinced of its positive impact on the profession.

- 60% in favour of implementing part-time fees
- 54% feel positive and 32% express negative feelings about implementing part-time fees



DETAILED FINDINGS

RESEARCH METHODOLOGY

Research Sponsor

The Part-Time Membership Fees survey was sponsored and funded by the Law Society of Manitoba.

It was conducted by Illumina Research Partners with help from The Logit Group who programmed and hosted the online survey.

Research Agency

Illumina Research Partners is a Canadian Research Insights Council (CRIC) Accredited Agency. The CRIC Accredited Agency Seal recognizes members who have made the highest commitment to follow best practices and adhere to world-leading standards and ethics in market research, analytics and insights.



For more information:

<https://www.canadianresearchinsightscouncil.ca/wp-content/uploads/2019/09/CRIC-Public-Opinion-Research-Standards-and-Disclosure-Requirements-1.pdf>

For any further inquiries about CRIC and our research practices, please contact Illumina's President & CEO, Yvonne Brouwers, at ybrouwers@illumina-research.com.

Method

- 11-minute (median) online survey available in English to all members of the profession and students-at-law in Manitoba.

Field Dates

- September 9 – October 7, 2020.
- A 4-week window to provide opportunity for members to complete the survey when it was convenient for them.

Online Survey Tested

Prior to survey launch, the online survey was thoroughly tested by Illumina Research Partners and the Law Society of Manitoba to ensure all survey questions were functioning correctly.

Process to Maximize Response Rates

To maximize response rates, survey completion was incentivized by a draw for a complimentary CPD course and promoted using the following channels:

- **August 26:** August Newsletter Communique informing members of the upcoming survey about part-time membership fees
- **September 9:** Invitation and survey link distributed by email to the profession and students-at-law by The Law Society of Manitoba
- **September 9:** Notice of survey posted on Law Society of Manitoba's Twitter with link to website to complete survey
- **September 10:** Notice of survey posted on Law Society of Manitoba's LinkedIn with link to website to complete survey
- **October 5:** Reminder email sent to the active lawyers
- **October 6:** Tweet on Law Society of Manitoba's Twitter to remind members they have two more days left to participate in the part-time fees survey

RESEARCH METHODOLOGY

Sample Size

All members of the profession qualified to complete the survey and no one was screened out. All responses are included in the data results.

The survey was completed by a total of 479 members and students-at-law in Manitoba (407 active lawyers; 41 non-practicing lawyers; 19 inactive lawyers; and 12 students-at-law).

The data was not weighted.

Response Rate

An estimated 15% overall response rate was achieved based on a distribution list of 3,151 lawyers (active, inactive and non-practicing) and students-at-law. Estimated response rates by segment are all follows:

- Active lawyers: 19%
- Non-practicing lawyers: 13%
- Inactive lawyers: 3%
- Students-at-law: 10%

Reporting of Results

This report contains the results of the 2020 Part-Time Membership Fees Survey conducted by Illumina Research Partners on behalf of the Law Society of Manitoba.

Base sizes of 30 or greater are reported.

The base sizes for inactive lawyers (n=19) and students-at-law (n=12) are too small to report separately. These groups are reported as part of Total.

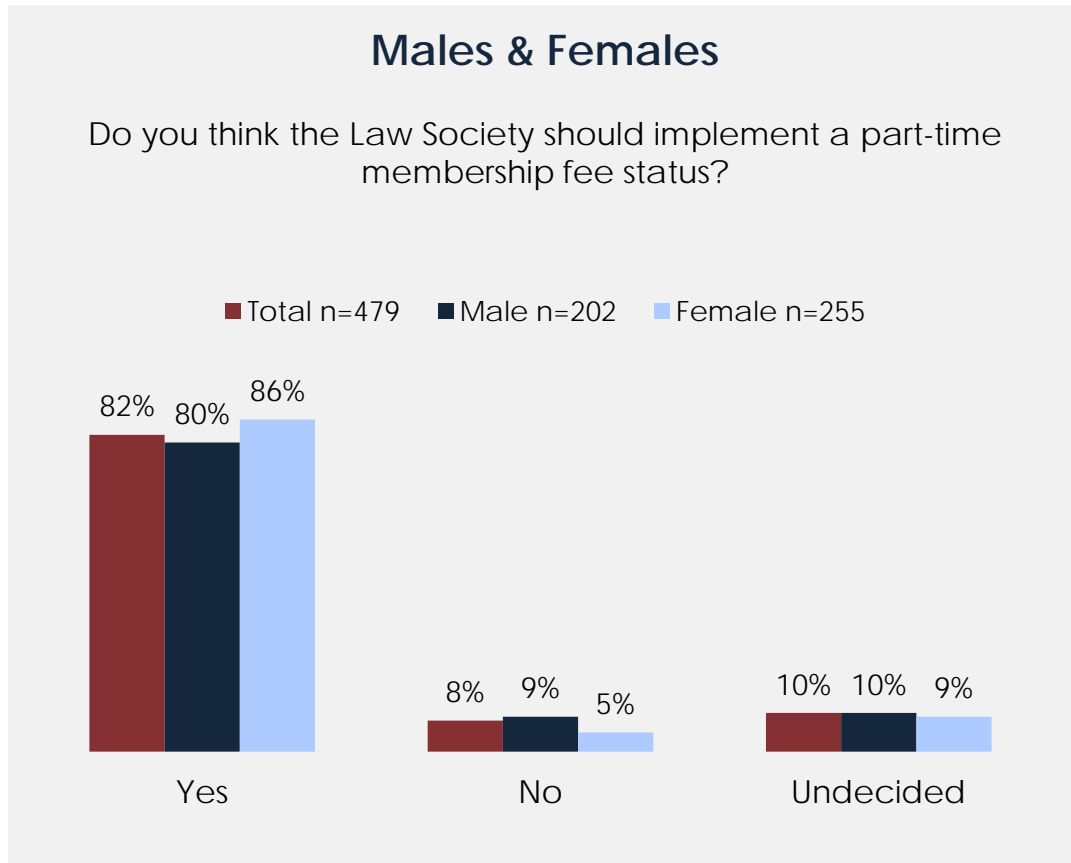
Survey Limitations

Manitoba lawyers and students-at-law were surveyed through the email address registered with the Law Society of Manitoba. Ensuring all eligible lawyers and students at law with an email address receive the survey is intended to eliminate as much “coverage bias” as possible in this survey. Similar to all online surveys, response bias and non-response bias still exists, which means the results may not be fully and truly representative of the sentiments of the Manitoba legal profession.

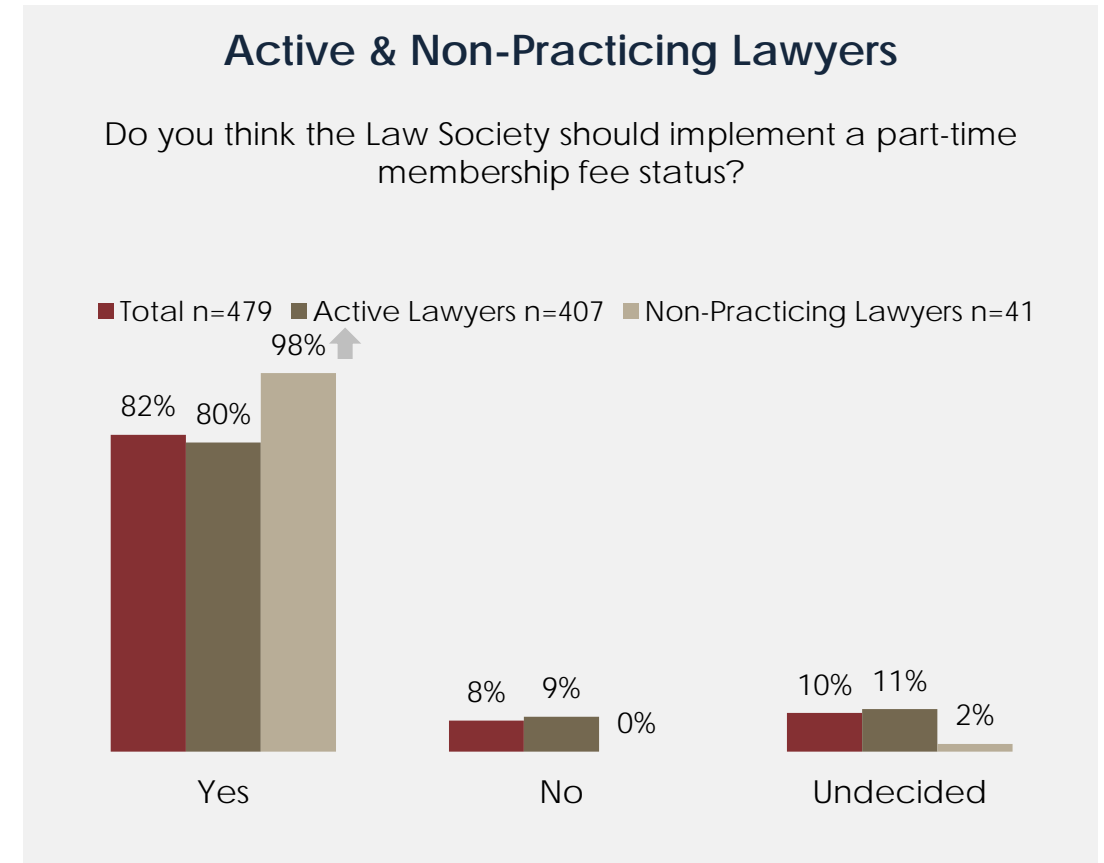
For the purposes of identifying changes from year to year, traditional significance tests (95% confidence interval) were used. Since there are no established industry standards for indicating real and meaningful differences in this context, we indicated results are “notably” different instead of “statistically significant”. This “notable” difference identifies areas that may warrant attention because of their numeric difference. Further evaluation for their substantive meaning is required by persons knowledgeable about the underlying context in the legal profession.

IMPLEMENT A PART-TIME MEMBERSHIP FEE STATUS

After learning about potential structure and fee options, the majority agree that the Law Society should implement a part-time membership fee status.



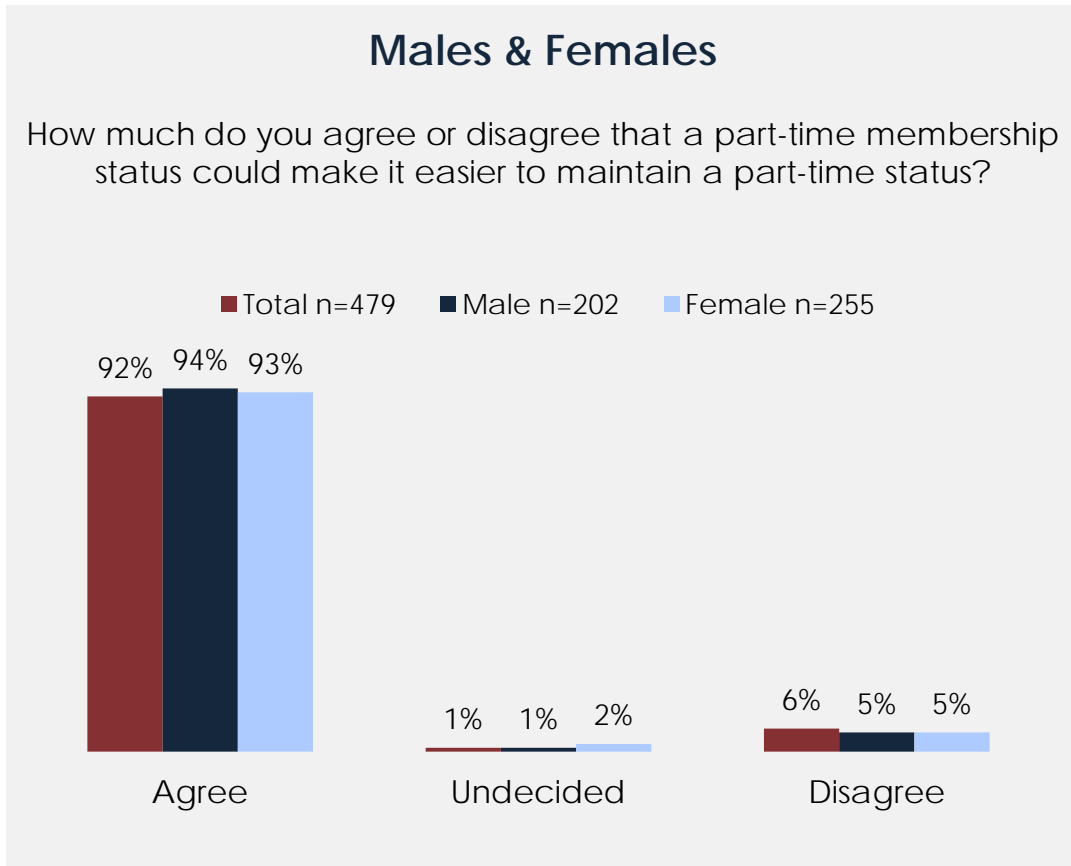
↑ Notably higher than males
↓ Notably lower than males



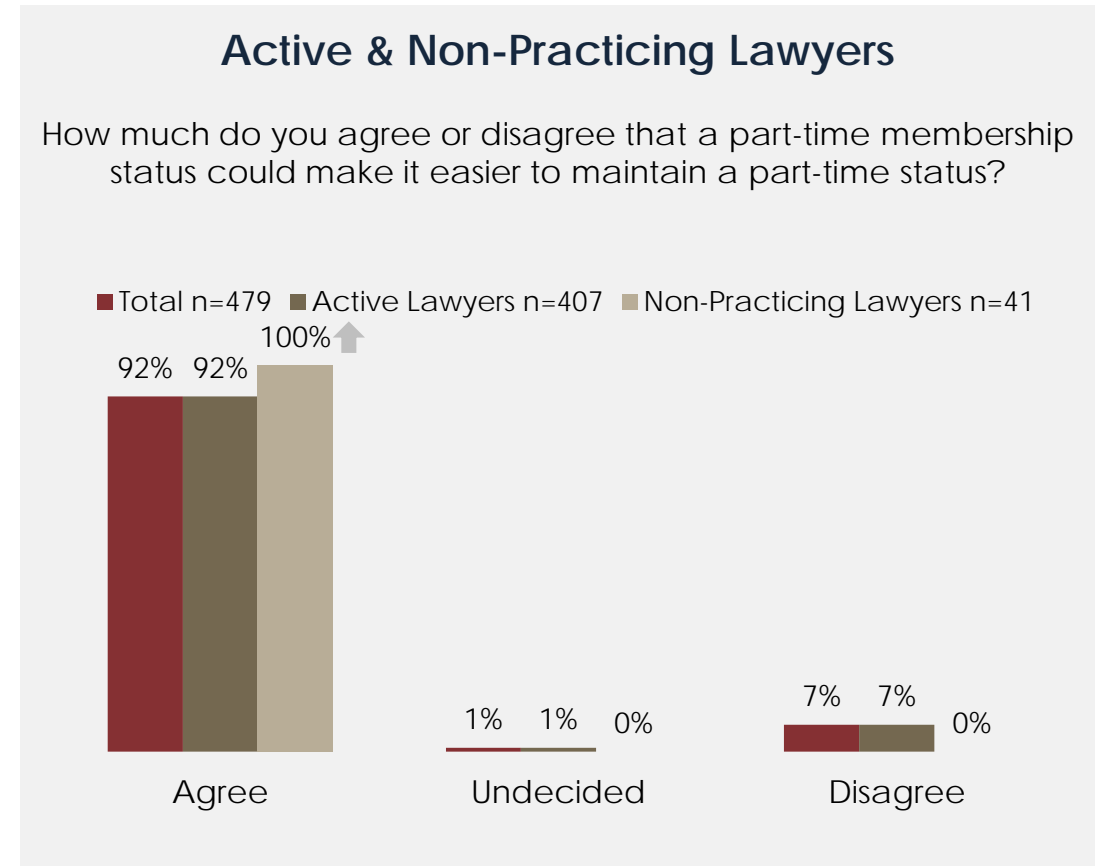
↑ Notably higher than active lawyers
↓ Notably lower than active lawyers

MAKE IT EASIER FOR LAWYERS TO MAINTAIN A PART-TIME PRACTICE

A part-time membership status is perceived as making it easier to maintain a part-time practice.



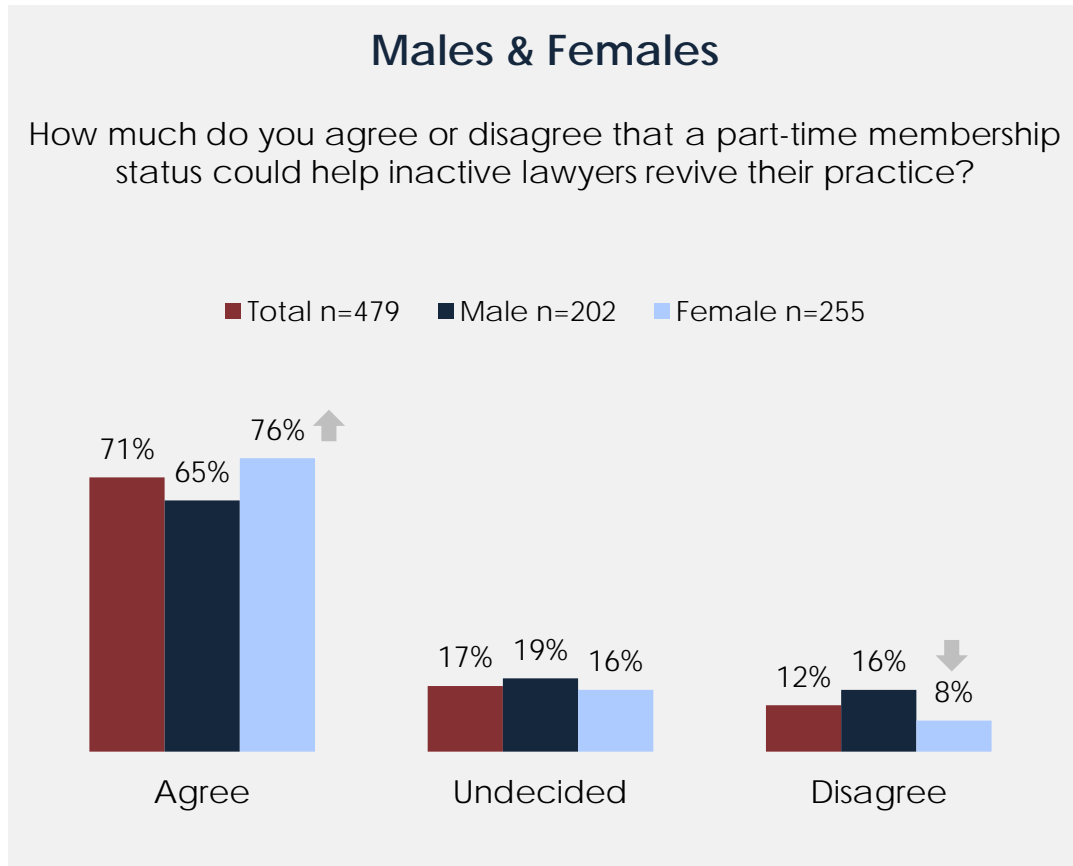
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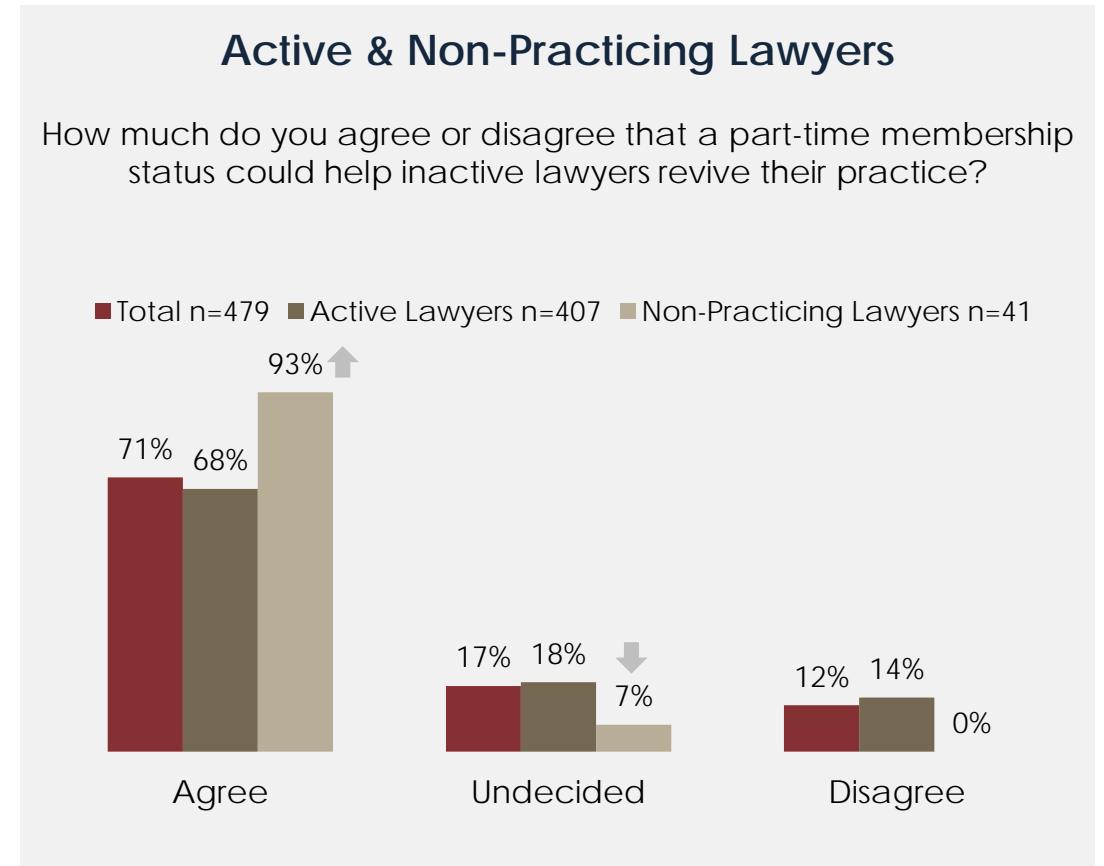
↑ Notably higher than active lawyers
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HELP INACTIVE LAWYERS REVIVE THEIR PRACTICE

Females and non-practicing lawyers are more likely to agree that a part-time membership status could help inactive lawyers revive their practice.



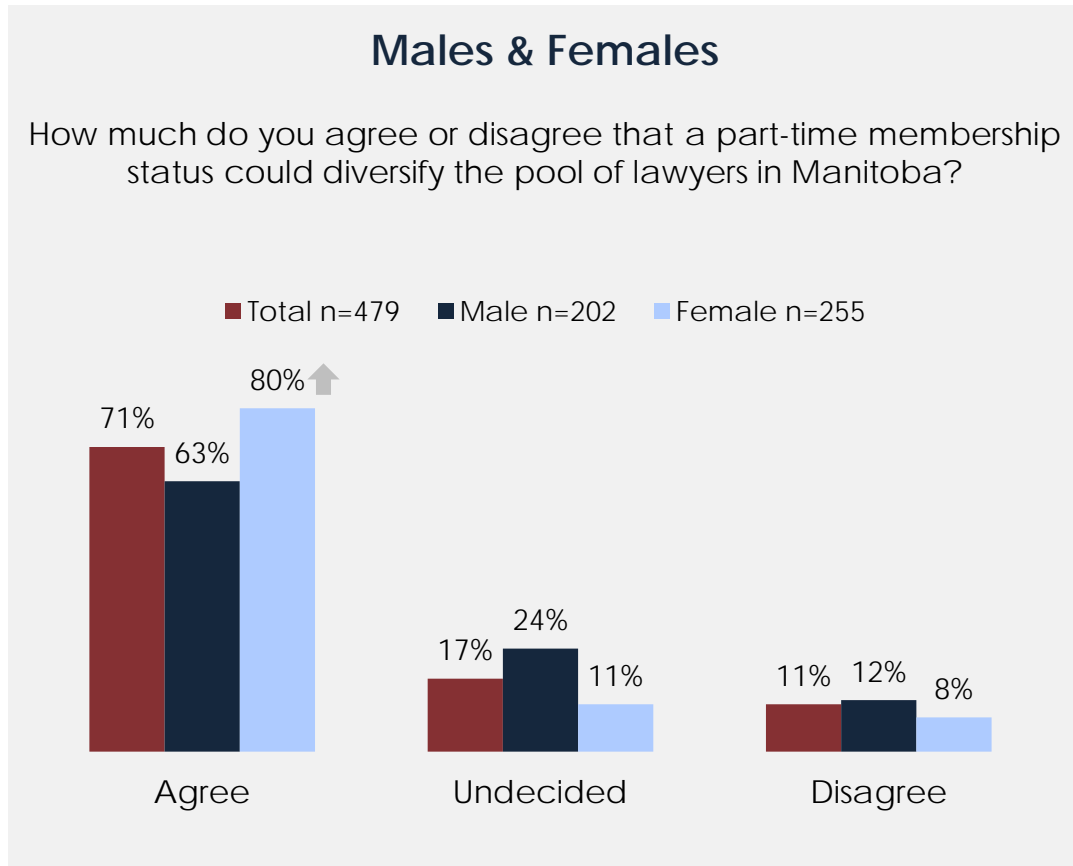
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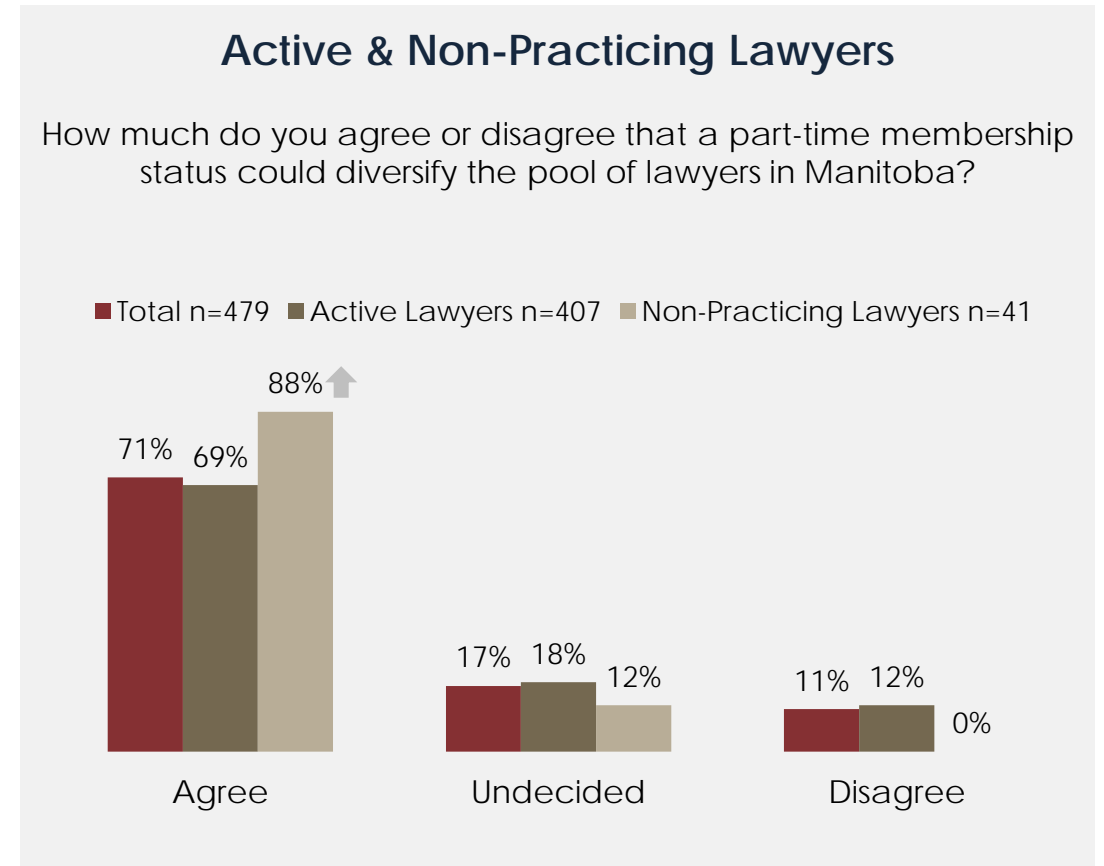
↑ Notably higher than active lawyers
↓ Notably lower than active lawyers

DIVERSIFY POOL OF LAWYERS

A part-time membership status is perceived as a way to diversify the pool of lawyers.



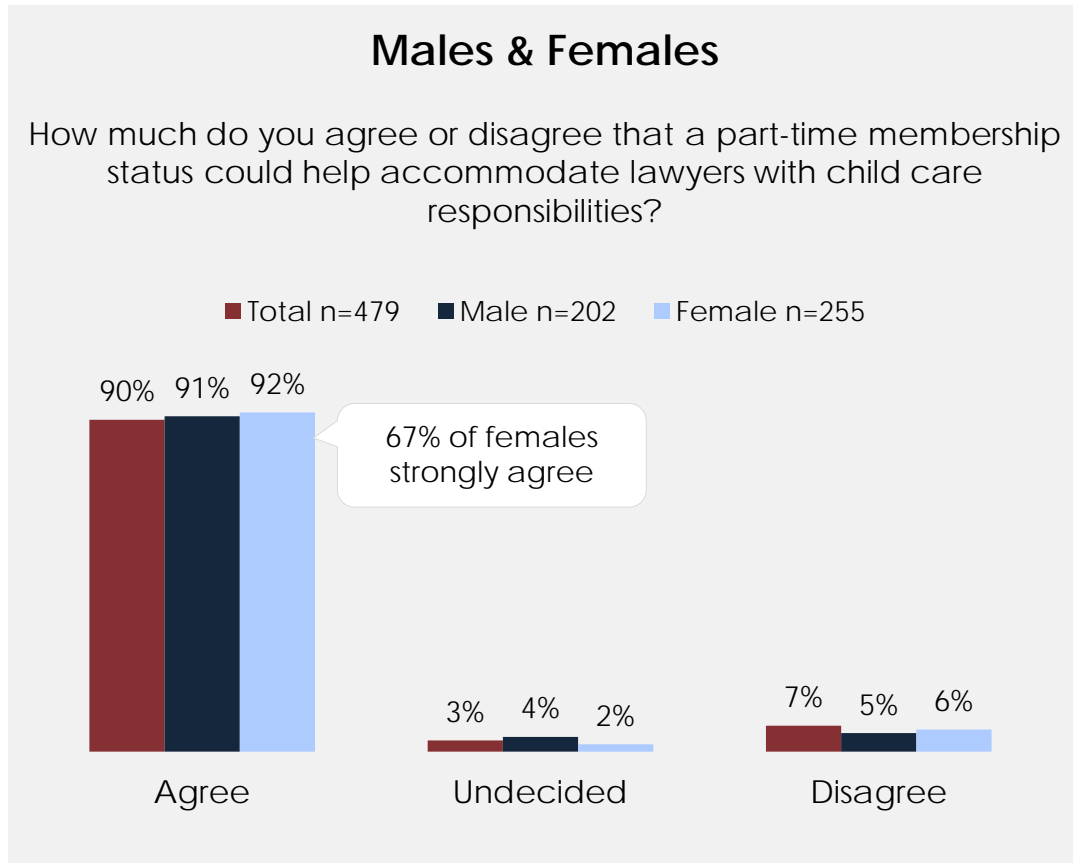
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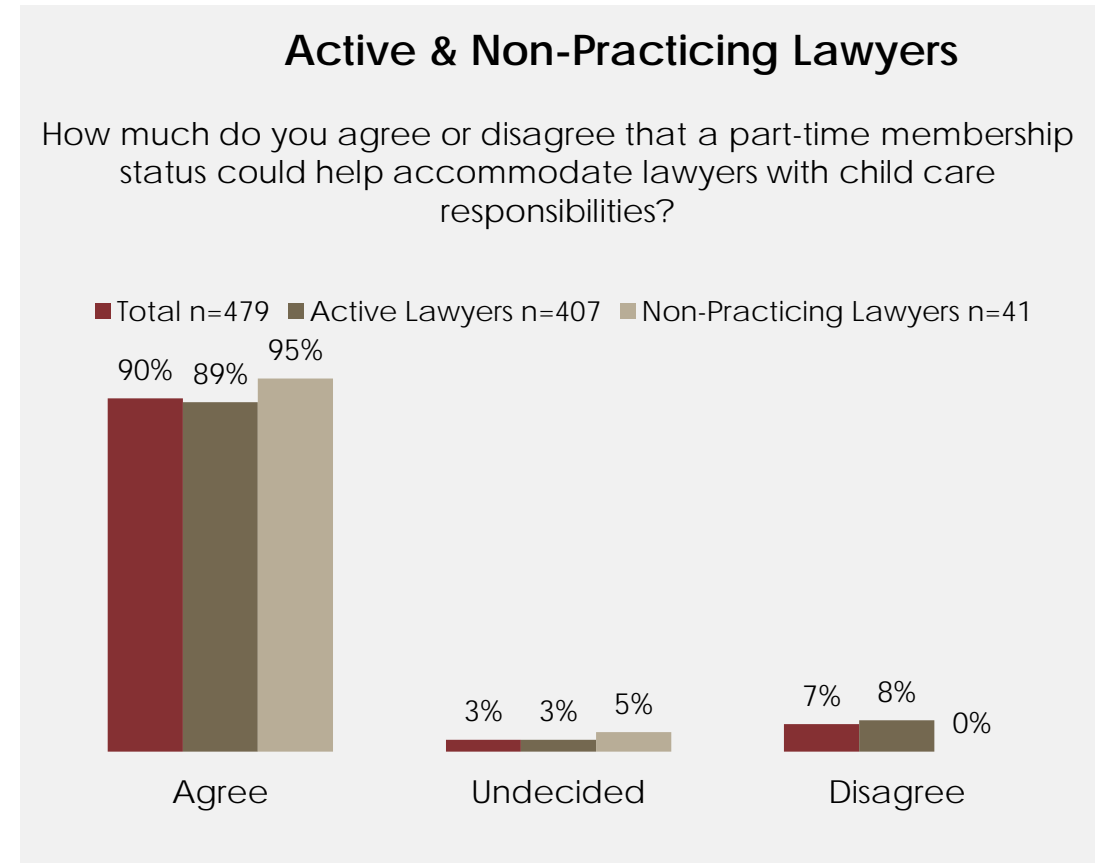
↑ Notably higher than active lawyers
↓ Notably lower than active lawyers

HELP ACCOMMODATE LAWYERS WITH CHILD CARE RESPONSIBILITIES

9 in 10 feel that a part-time membership status will help accommodate lawyers with child care responsibilities.



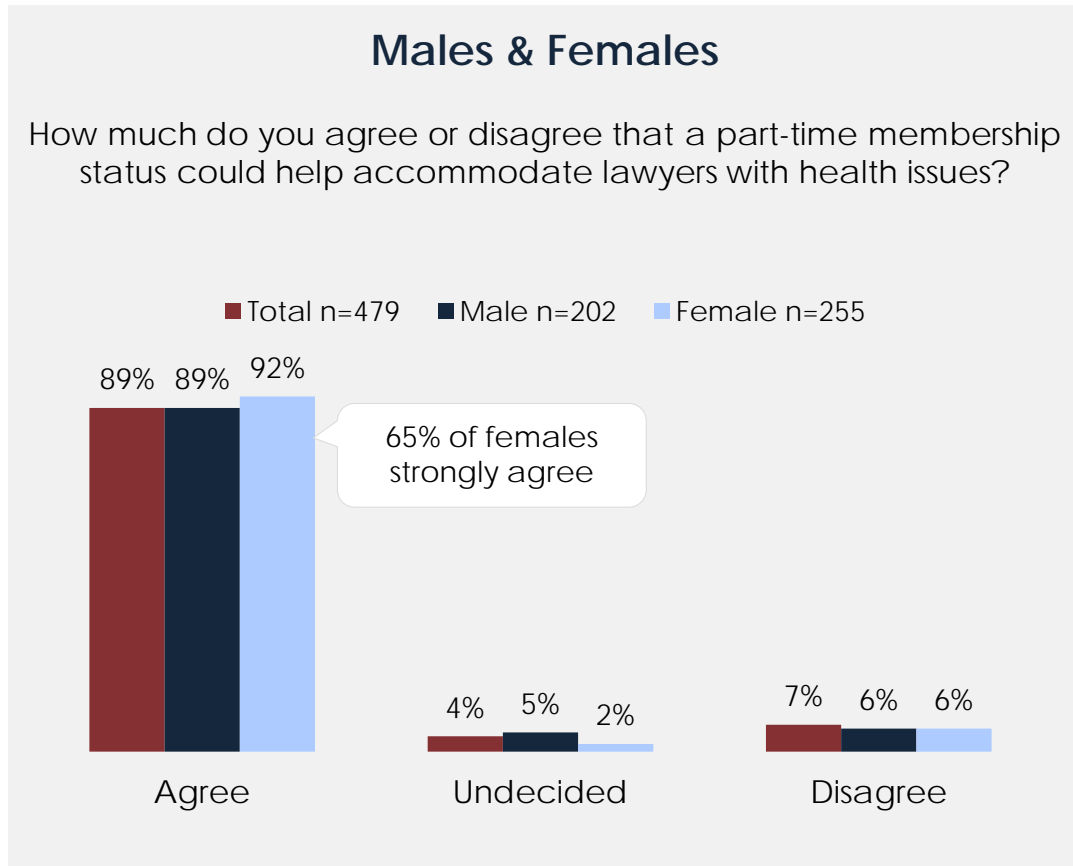
↑ Notably higher than males
 ↓ Notably lower than males



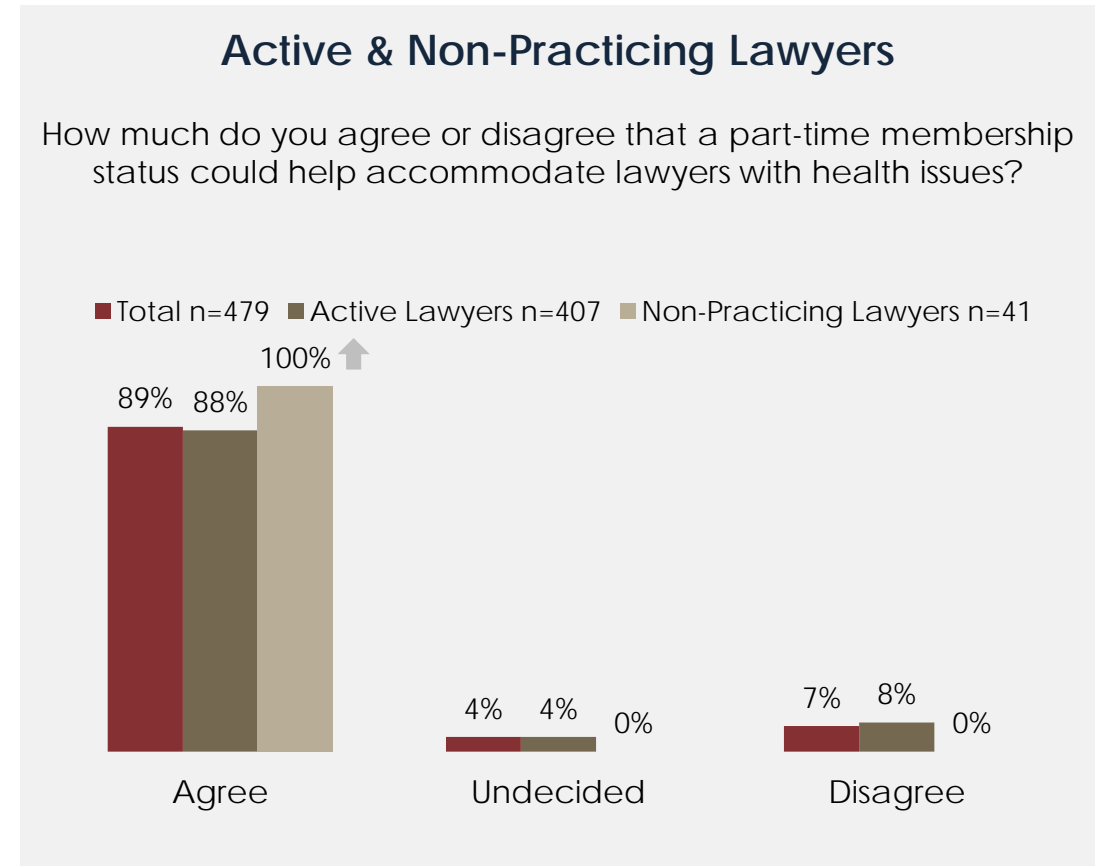
↑ Notably higher than active lawyers
 ↓ Notably lower than active lawyers

HELP ACCOMMODATE LAWYERS WITH HEALTH ISSUES

Most agree that a part-time membership status will help accommodate lawyers with health issues.



↑ Notably higher than males
 ↓ Notably lower than males



↑ Notably higher than active lawyers
 ↓ Notably lower than active lawyers

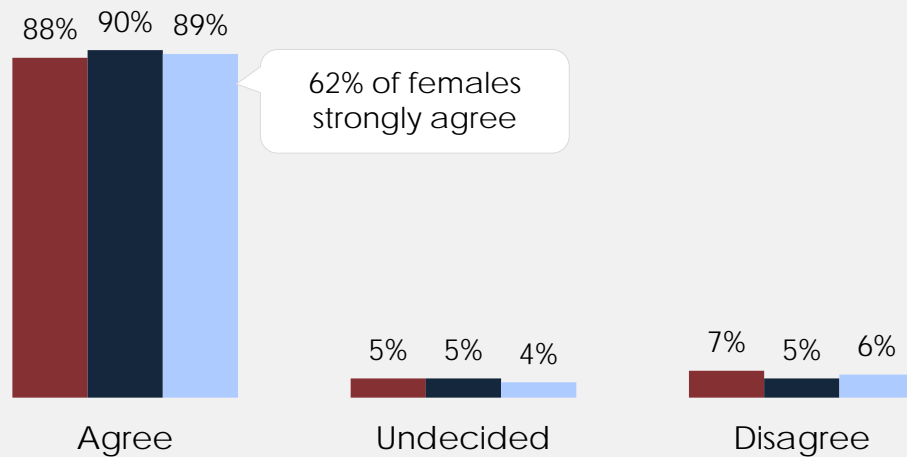
HELP ACCOMMODATE LAWYERS WITH ELDER CARE RESPONSIBILITIES

A part-time membership status is seen as an opportunity to accommodate lawyers with elder care responsibilities.

Males & Females

How much do you agree or disagree that a part-time membership status could help accommodate lawyers with elder care responsibilities?

■ Total n=479 ■ Male n=202 ■ Female n=255

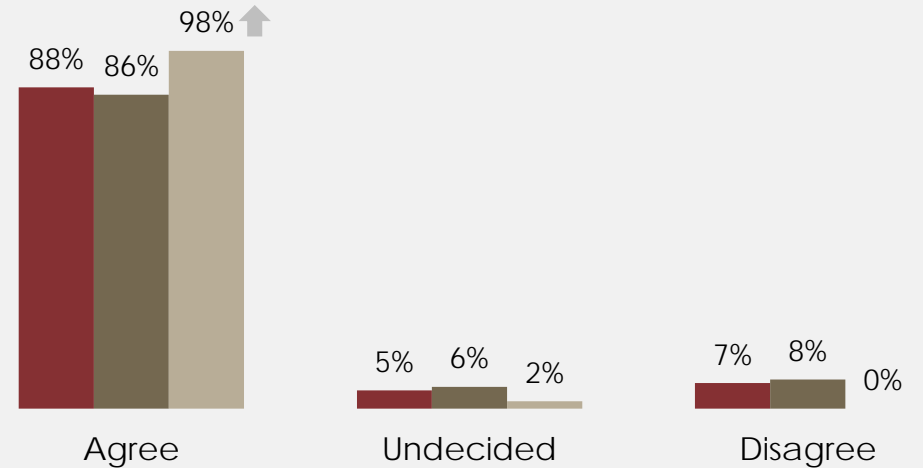


↑ Notably higher than males
↓ Notably lower than males

Active & Non-Practicing Lawyers

How much do you agree or disagree that a part-time membership status could help accommodate lawyers with elder care responsibilities?

■ Total n=479 ■ Active Lawyers n=407 ■ Non-Practicing Lawyers n=41



↑ Notably higher than active lawyers
↓ Notably lower than active lawyers

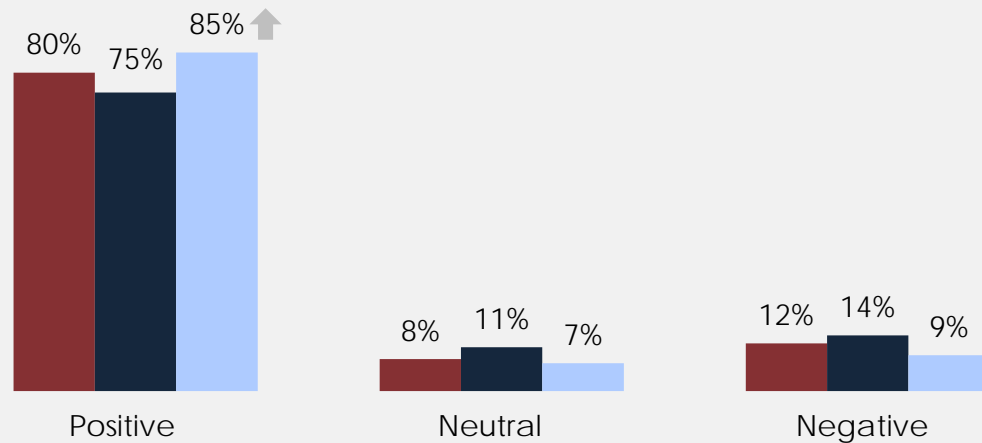
EMOTION ABOUT POSSIBLE IMPLEMENTATION OF PART-TIME MEMBERSHIP FEES

Overall, lawyers have a positive reaction to part-time membership fees after learning about potential structure and fee options.

Males & Females

Emotion about possible implementation of part-time membership fees

■ Total n=479 ■ Male n=202 ■ Female n=255

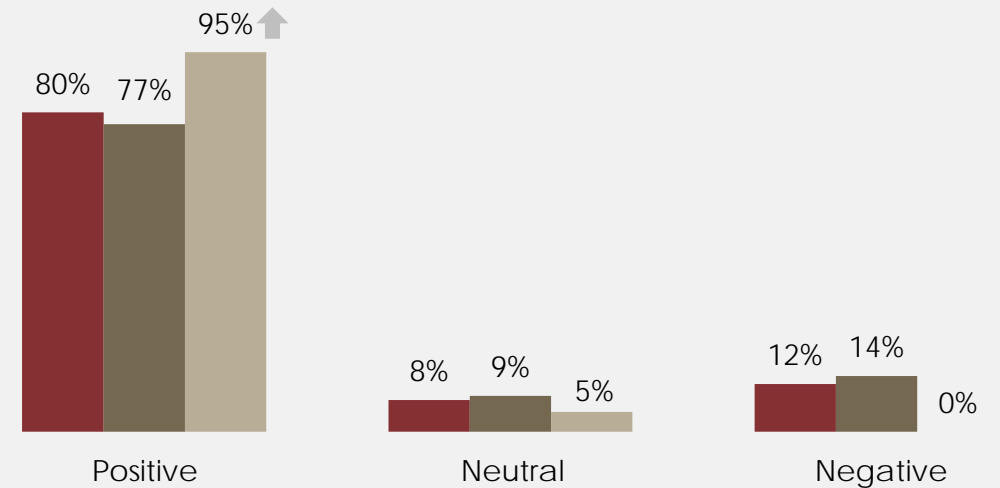


↑ Notably higher than males
↓ Notably lower than males

Active & Non-Practicing Lawyers

Emotion about possible implementation of part-time membership fees

■ Total n=479 ■ Active Lawyers n=407 ■ Non-Practicing Lawyers n=41



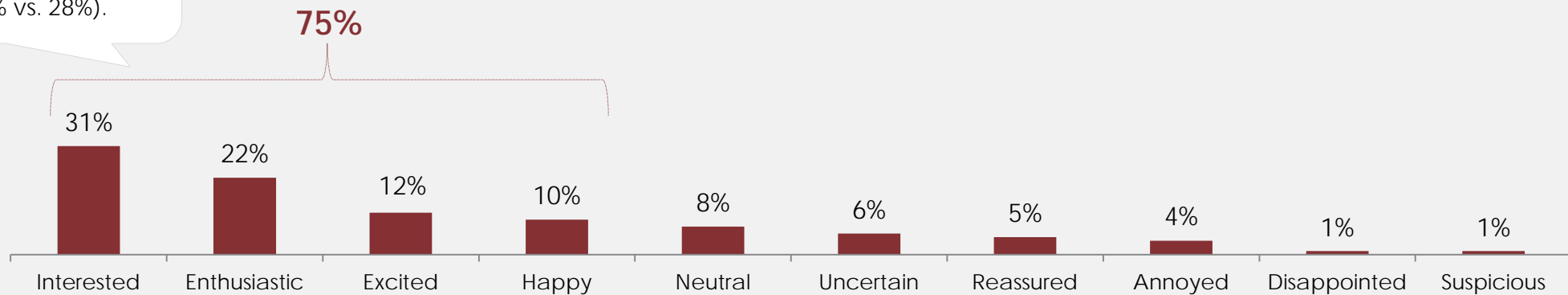
↑ Notably higher than active lawyers
↓ Notably lower than active lawyers

EMOTION ABOUT POSSIBLE IMPLEMENTATION OF PART-TIME MEMBERSHIP FEES

Three quarters express positive feelings (interest, enthusiasm, excitement, or happiness) about the possible implementation of part-time membership fees.

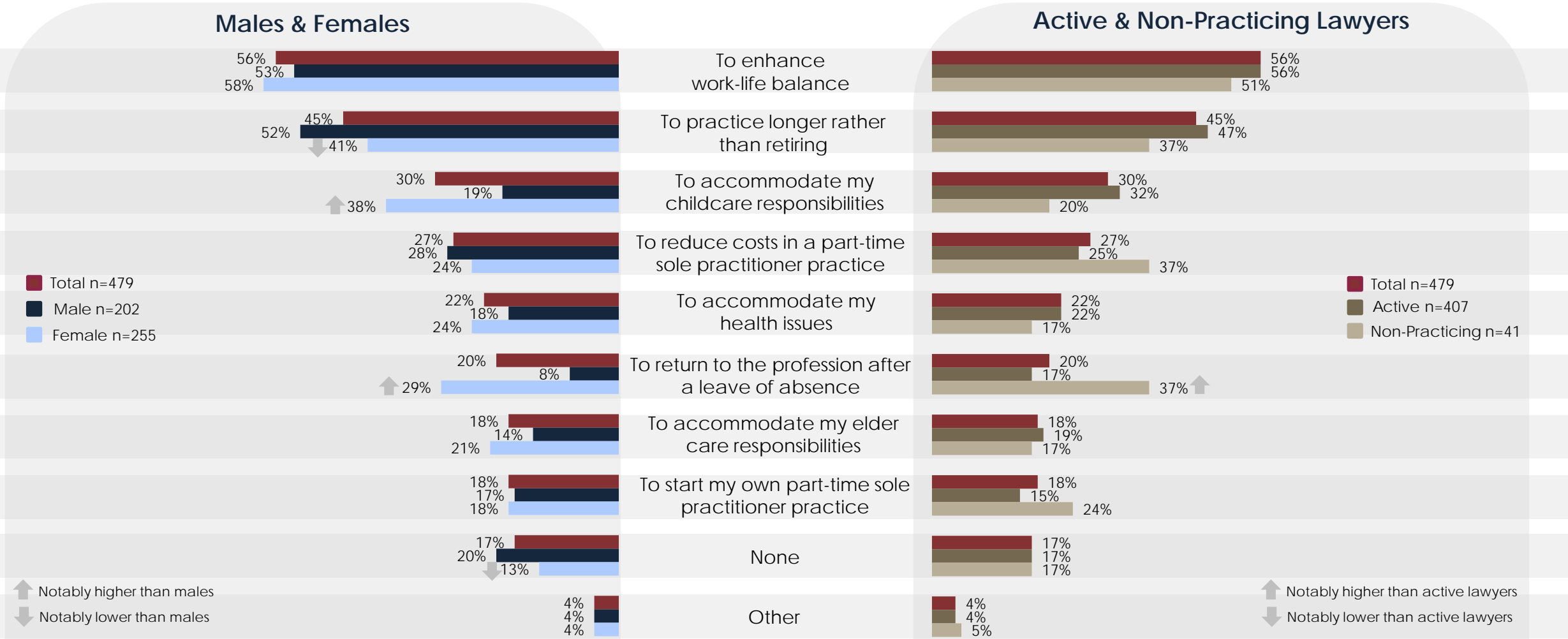
Please select which ONE of the following best describes how you feel about the possibility of the Law Society implementing part-time membership fees?
Among total respondents, n=479

More females say they feel enthusiastic (31% vs. 11%) while more males say they are interested (37% vs. 28%).



FACTORS MOTIVATING APPLICATION FOR PART-TIME STATUS

Enhancing work-life balance is the top motivator to apply for part-time status. Child care responsibilities and returning to the profession after a leave are stronger motivators for females than males.



Question: Which of the following factors could motivate you to apply for a part-time status, if implemented? Please select all that apply.

FOUR POTENTIAL STRUCTURES FOR SETTING PART-TIME MEMBERSHIP STATUS

Respondents were presented with four potential structures for setting part-time status.

1 A maximum billable hours ceiling for part-time status.

Lawyers would monitor their averaged hours annually. Hours would include just billable hours and not time spent furthering the business of the lawyer's practice.

The advantages of this structure are: it is an easy criterion for lawyers to track, it avoids the need to set an appropriate billings or income ceiling, and it is reflective of "part-time" status.

The potential downside is that it does not account for lucrative part-time practices. If a lawyer can make a significant income in a part-time practice, there are less compelling reasons to provide a fee break. It would also require lawyers who don't bill by the hour to track their time for the purpose of establishing their eligibility.

2 A maximum gross billings ceiling for part-time status.

Lawyers would monitor their gross billings each year.

The advantages to this structure are that it is easy for lawyers to track their gross billings and it directly addresses the core issue of cost barriers for certain lawyers.

The potential downside is that it is difficult to set a gross billings level that is appropriate. This may also become an unintended subsidy for junior lawyers who typically make lower salaries, but still are working full-time.

3 Both a maximum billable hours and gross billings ceiling for part-time status.

Lawyers would monitor their average billable hours and gross billings each year. Hours would include just billable hours, and not time spent furthering and managing the business of the lawyer's practice.

The advantages to this structure are that it avoids the main problems of the first two categories. It avoids subsidizing lucrative part-time practices or being a subsidy for more junior associates. It also provides a more accurate reflection of part-time status than a single criterion would.

The potential downside is that it is more cumbersome for lawyers to monitor and satisfy two eligibility criteria to keep their status.

4 Both a maximum billable hours and income ceiling for part-time status.

Lawyers would monitor their average billable hours and income each year. Hours would include just billable hours and not time spent furthering and managing the business of the lawyer's practice. Income would include only that which is earned through legal practice and not from any other source.

The advantage to this structure is that it avoids subsidizing lucrative part-time practices or being a subsidy for more junior associates. It also provides a more accurate reflection of part-time status than a single criterion would.

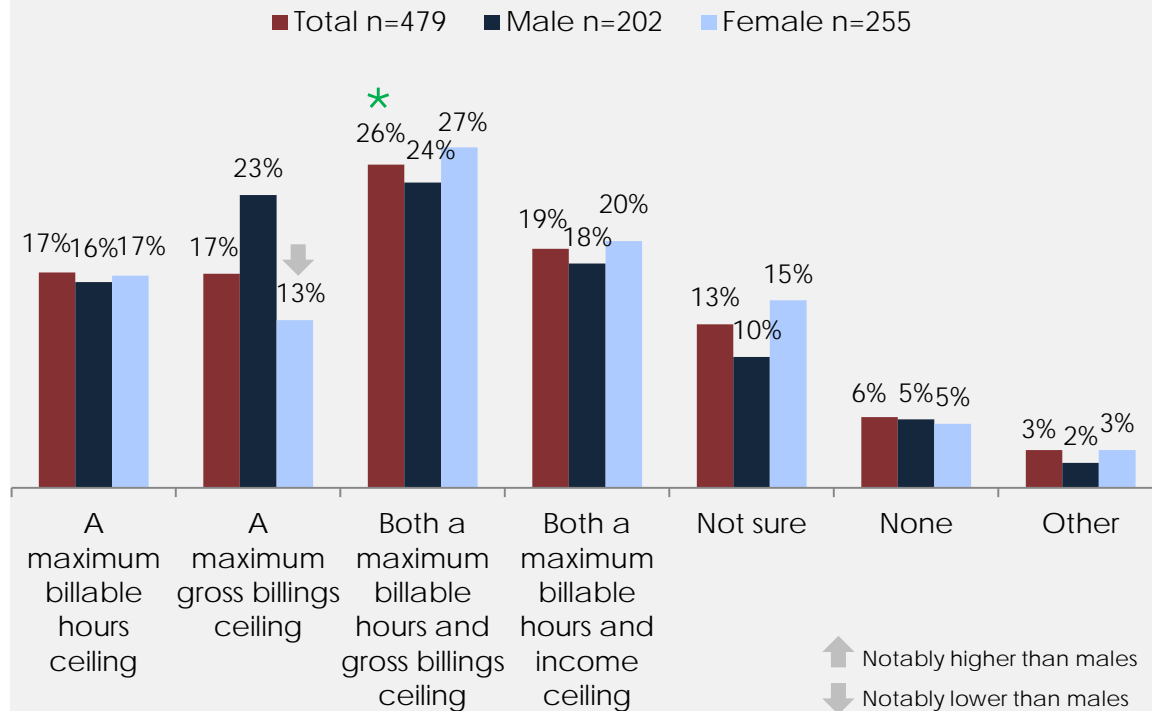
The potential downsides are that income can be reported in a variety of ways, it is difficult to set an income level that is appropriate, and is more cumbersome for lawyers to monitor and satisfy two eligibility criteria to keep their status.

PREFERRED STRUCTURE FOR SETTING PART-TIME MEMBERSHIP STATUS

Overall, notably more prefer the structure combining both a maximum billable hours and gross billings ceiling.

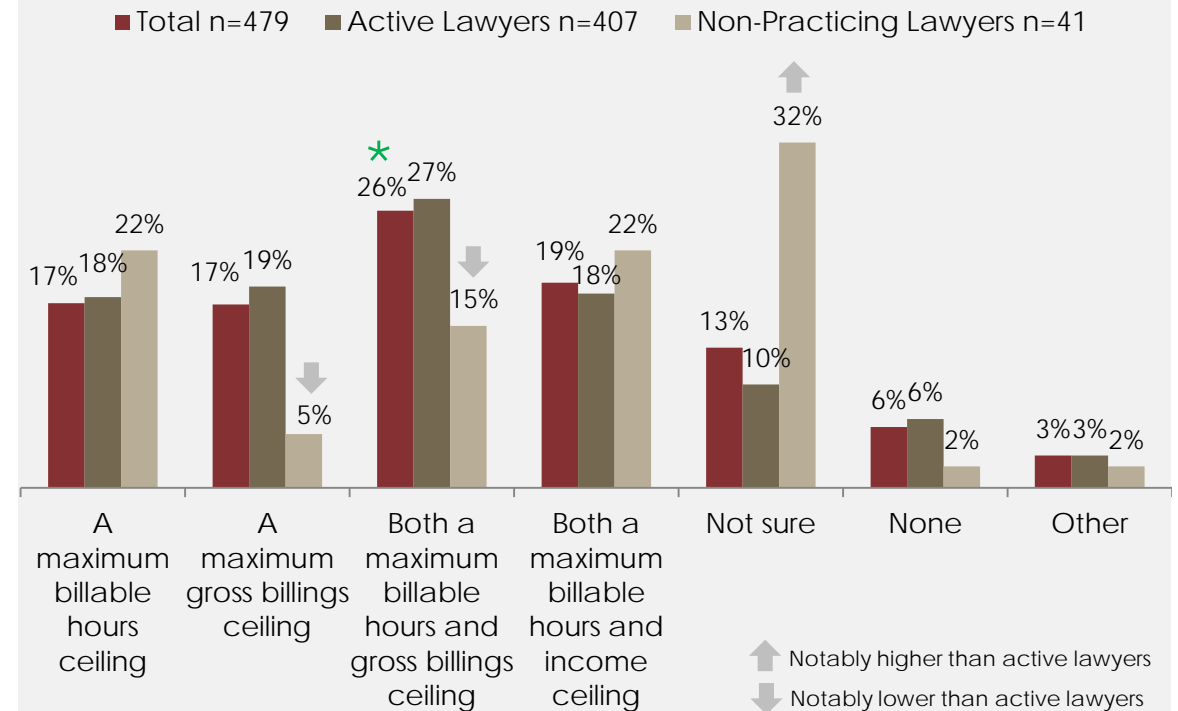
Males & Females

We would like your views on four potential structures and sets of criteria for part-time status eligibility. Which structure do you prefer?



Active & Non-Practicing Lawyers

We would like your views on four potential structures and sets of criteria for part-time status eligibility. Which structure do you prefer?



* Notably higher preference than other structures

PREFERRED STRUCTURE FOR PART-TIME MEMBERSHIP STATUS ELIGIBILITY

Most practice areas prefer the structure combining both a maximum billable hours and gross billings ceiling.

Preferred Structure for Part-time Status Eligibility by Practice Area

Only practice areas with sample size of 30 or higher are reported.

Base sizes for Aboriginal (n=29), Arbitration (n=11), Bankruptcy/Insolvency/Receivership (n=2), Entrepreneurial/Business (n=11), Environmental (n=6), Intellectual Property (n=6), and Mediation (n=15) are too small to report.

	Administrative/ Boards/ Tribunals n=66	Civil Litigation n=97	Commercial n=83	Corporate n=91	Criminal n=63	Employment /Labour n=45	Estate Planning & Administration n=55	Matrimonial /Family n=105	Government n=49	Real Estate n=117	Wills and Estates n=112
A maximum billable hours ceiling	11%	16%	20%	19%	14%	20%	18%	15%	8%	13%	13%
A maximum gross billings ceiling	17%	21%	18%	20%	32%	22%	20%	23%	8%	21%	21%
Both a maximum billable hours and gross billings ceiling	26%	26%	30%	33%	21%	18%	27%	24%	29%	21%	22%
Both a maximum billable hours and income ceiling	21%	20%	18%	16%	19%	13%	25%	20%	29%	24%	26%
Not sure	15%	12%	7%	9%	10%	20%	2%	9%	10%	11%	9%
None	6%	3%	5%	3%	5%	2%	7%	6%	8%	9%	7%
Other	5%	2%	1%	0%	0%	4%	0%	4%	8%	1%	2%

Bolded numbers indicate structure with highest preference.

Question: We are considering four structures for part-time status eligibility and are seeking your views on the proposed criteria. Which structure do you prefer?

PREFERRED STRUCTURE FOR PART-TIME MEMBERSHIP STATUS ELIGIBILITY

Preference for the structure combining both a maximum billable hours and gross billings ceiling is consistent across all practice settings except sole practitioners.

Preferred Structure for Part-time Status Eligibility by Practice Setting

Only practice settings with sample size of 30 or higher are reported.
Base sizes for Academic (n=8) and Law firms of 26-50 lawyers (n=16) are too small to report.

	Sole Practitioner n=98	Government n=67	Corporate n=61	Law firm (2-10 lawyers) n=105	Law firm (11-25 lawyers) n=38	Law firm (51+ lawyers) n=55
A maximum billable hours ceiling	17%	12%	21%	17%	18%	24%
A maximum gross billings ceiling	24%	12%	7%	23%	18%	15%
Both a maximum billable hours and gross billings ceiling	19%	28%	33%	25%	24%	29%
Both a maximum billable hours and income ceiling	16%	19%	16%	22%	24%	16%
Not sure	14%	16%	13%	7%	5%	9%
None	5%	7%	7%	5%	8%	5%
Other	3%	4%	3%	2%	3%	2%

Bolded numbers indicate structure with highest preference.

Question: We are considering four structures for part-time status eligibility and are seeking your views on the proposed criteria. Which structure do you prefer?

WHAT IS LIKED ABOUT EACH OF THE PART-TIME STATUS STRUCTURES

Combined structures, which rely on two criteria, are liked more due to underlying notions of 'fairness' while one-criterion structures are liked more due to notions of 'ease'.

A maximum billable hours ceiling for part-time status 17% preferred		A maximum gross billings ceiling for part-time status 17% preferred		Both a maximum billable hours and gross billings ceiling 26% preferred		Both a maximum billable hours and income ceiling 19% preferred	
Easy to track and monitor	80%	Easy to track and monitor	82%	Reduces the risk of subsidizing highly lucrative part-time practices or junior lawyers	79%	Realistic measure of part-time status	71%
Realistic measure of part-time status	80%	Easy to implement	80%	Realistic measure of part-time status	73%	Reduces the risk of arbitrariness in defining part-time status criteria	66%
Reduces the risk of arbitrariness in defining part-time status criteria	73%	Helps lawyers maintain a part-time practice	70%	Reduces the risk of arbitrariness in defining part-time status criteria	63%	Reduces the risk of subsidizing highly lucrative part-time practices or junior lawyers	66%
Easy to implement	72%	Realistic measure of part-time status	65%	Presents a more holistic view of part-time status	60%	Helps lawyers maintain a part-time practice	58%
Avoids the issue of variance in billing rates	72%	Fair and equitable system	65%	Helps lawyers maintain a part-time practice	56%	Fair and equitable system	57%
Helps lawyers maintain a part-time practice	68%	Beneficial to specific segments of lawyers	59%	Fair and equitable system	54%	Presents a more holistic view of part-time status	57%
Fair and equitable system	67%	Reduces the risk of arbitrariness in defining part-time status criteria	56%	Beneficial to specific segments of lawyers	50%	Beneficial to specific segments of lawyers	54%
Beneficial to specific segments of lawyers	62%	Reduces the risk of subsidizing highly lucrative part-time practices or junior lawyers	43%	Easy to track and monitor	41%	Easy to track and monitor	47%
Avoids the issue of income or gross billings disclosure	56%	Will ultimately provide benefits to the profession and the public	37%	Avoids the issue of variance in billing rates	37%	Avoids the issue of variance in billing rates	45%
Will ultimately provide benefits to the profession and the public	32%	Presents a more holistic view of part-time status	32%	Will ultimately provide benefits to the profession and the public	32%	Easy to implement	33%
				Easy to implement	29%	Will ultimately provide benefits to the profession and the public	33%

Only mentions of greater than 5% are shown

Question: What do you like about [INSERT PREFERRED STRUCTURE]?
Asked of those who prefer each structure.

CONCERNS OR DISLIKES ABOUT EACH OF THE PART-TIME STATUS STRUCTURES

Common concerns are how to define structure criteria and monitor compliance.

A maximum billable hours ceiling for part-time status 17% preferred

Requires lawyers who do not bill by the hour to track their time	43%
Risk of abuse (lawyers being untruthful when reporting)	40%
Does not address needs of some segments	38%
Risk of inconsistency in measuring and reporting	26%
Discourages lawyers from investing more time and effort in cases	22%
Administrative burden (cumbersome to track and report)	21%
Could unfairly subsidize lucrative part-time practices or junior lawyers	17%
Increases costs for full-time members	18%
Unclear how to define the criteria for part-time status	13%

A maximum gross billings ceiling for part-time status 17% preferred

Issue of income or gross billings disclosure	26%
Increases costs for full-time members	24%
Requires lawyers who do not bill by the hour to track their time	21%
Risk of abuse (lawyers being untruthful when reporting)	21%
Does not address needs of some segments	20%
Could unfairly subsidize lucrative part-time practices or junior lawyers	20%
Discourages lawyers from investing more time and effort in cases	16%
Administrative burden (cumbersome to track and report)	13%
Unclear how to define the criteria for part-time status	12%
Risk of inconsistency in measuring and reporting	12%
None / nothing	12%
Not a realistic measure of part-time status	6%

Both a maximum billable hours and gross billings ceiling 26% preferred

Administrative burden (cumbersome to track and report)	43%
Risk of abuse (lawyers being untruthful when reporting)	39%
Requires lawyers who do not bill by the hour to track their time	38%
Issue of income or gross billings disclosure	37%
Risk of inconsistency in measuring and reporting	33%
Increases costs for full-time members	29%
Does not address needs of some segments	20%
Discourages lawyers from investing more time and effort in cases	19%
Unclear how to define the criteria for part-time status	17%
Could unfairly subsidize lucrative part-time practices or junior lawyers	12%

Both a maximum billable hours and income ceiling 19% preferred

Requires lawyers who do not bill by the hour to track their time	48%
Administrative burden (cumbersome to track and report)	43%
Risk of abuse (lawyers being untruthful when reporting)	34%
Risk of inconsistency in measuring and reporting	30%
Increases costs for full-time members	30%
Does not address needs of some segments	29%
Issue of income or gross billings disclosure	19%
Discourages lawyers from investing more time and effort in cases	18%
Could unfairly subsidize lucrative part-time practices or junior lawyers	13%
Unclear how to define the criteria for part-time status	10%

Only mentions of greater than 5% are shown

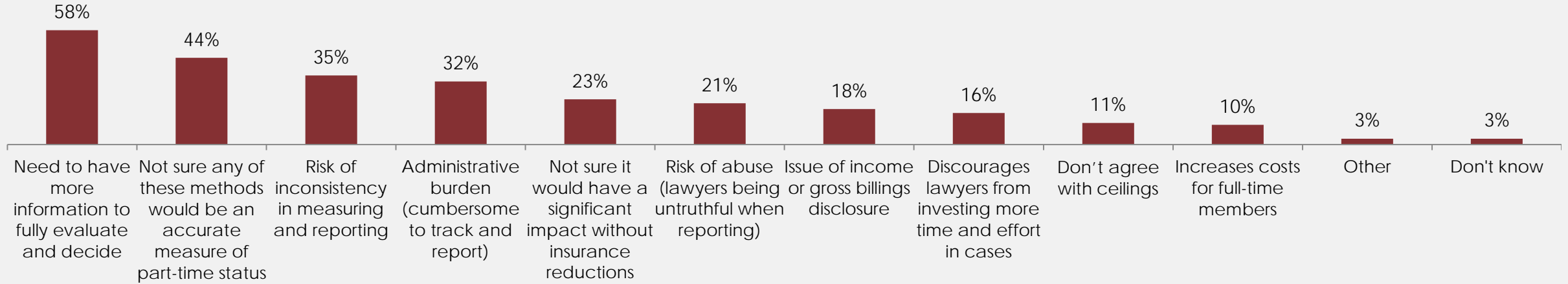
Question: What concerns or dislikes, if any, do you have about [INSERT PREFERRED STRUCTURE]? Among those who prefer each structure.



REASONS FOR NOT SURE ABOUT A PREFERRED PART-TIME STATUS STRUCTURE

Uncertainty primarily stems from a need for more information and whether any of the structures would be an accurate measure of part-time status.

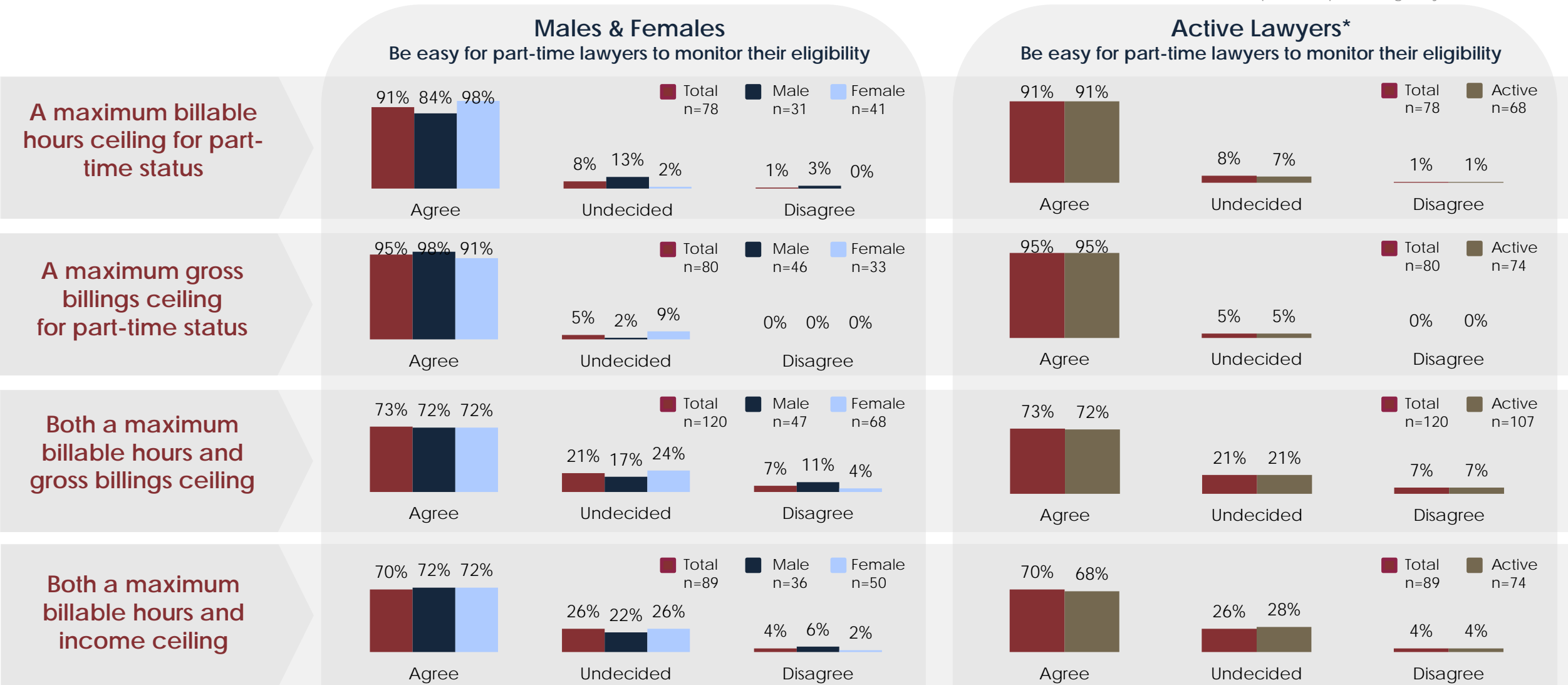
What are the reasons you are not sure about a preferred part-time status structure?



STRUCTURE MAKES IT EASY FOR PART-TIME LAWYERS TO MONITOR THEIR ELIGIBILITY

Structures with a single criterion for defining part-time status would make it easier to monitor eligibility than combined structures.

*Base size too small to report non-practicing lawyers

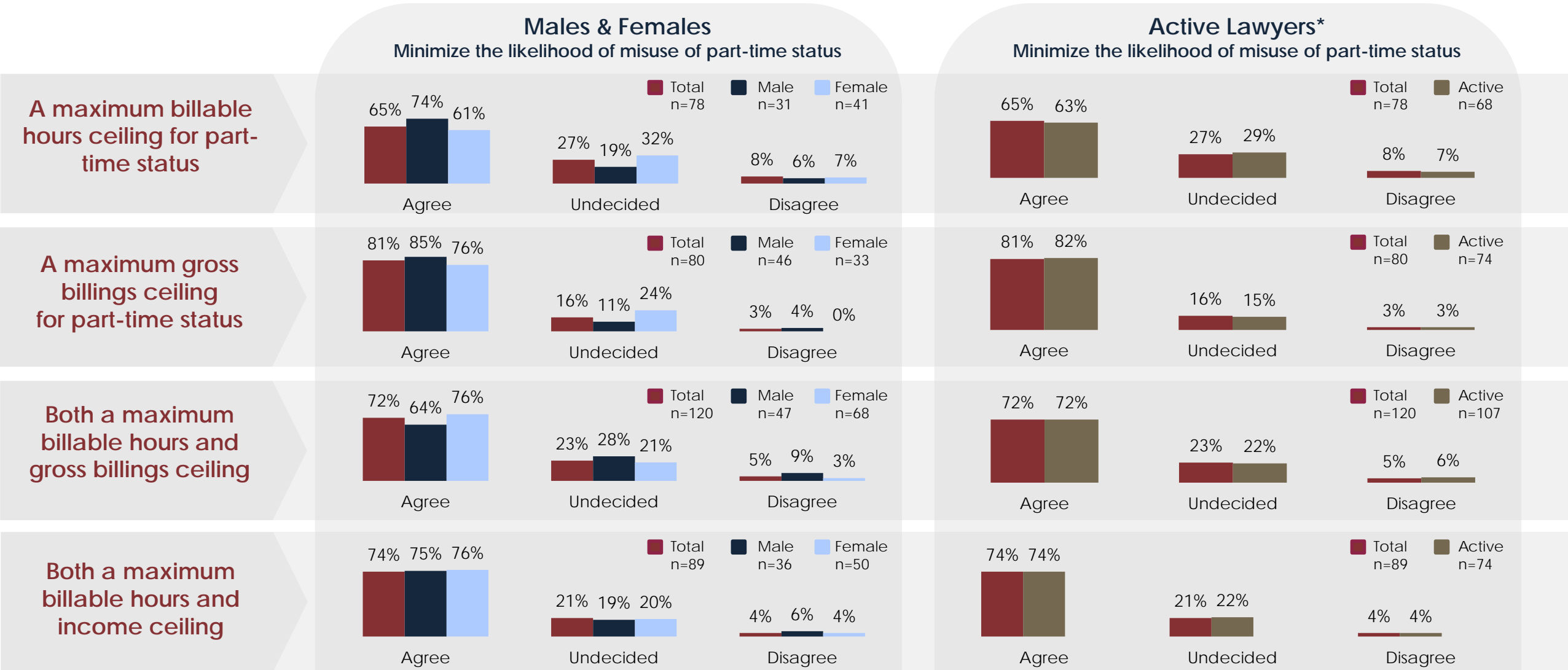


Question: How much do you agree or disagree that setting [INSERT PREFERRED STRUCTURE FROM Q3] would be easy for part-time lawyers to monitor their eligibility?

STRUCTURE MINIMIZES THE LIKELIHOOD OF MISUSE OF PART-TIME STATUS

All structures are perceived to be relatively similar in terms of minimizing the likelihood of misuse of part-time status.

*Base size too small to report non-practicing lawyers



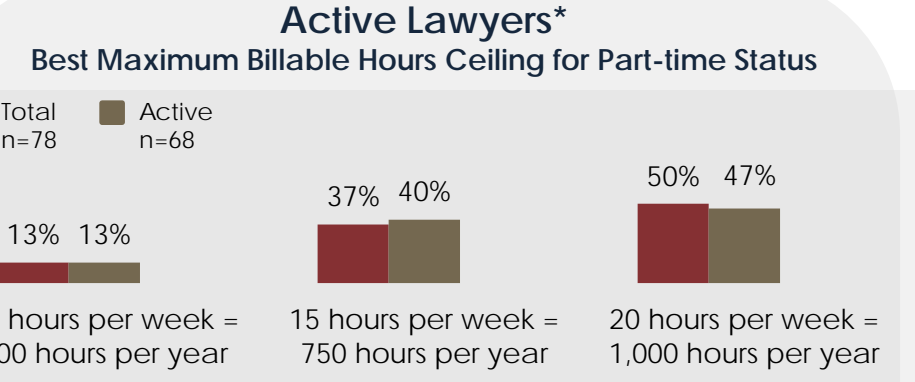
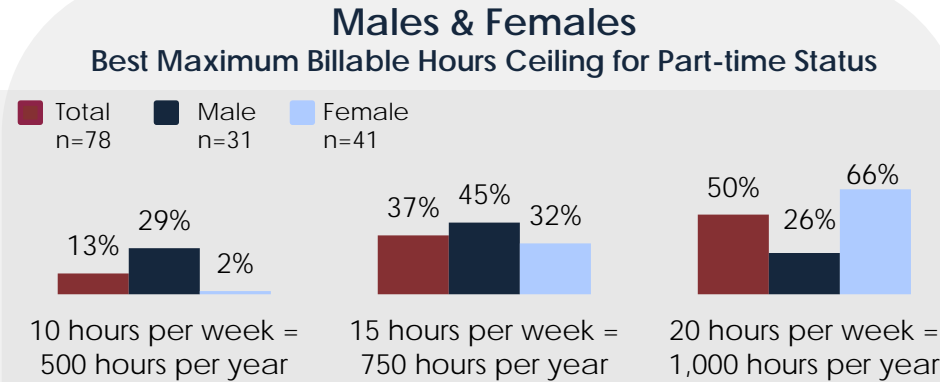
Question: How much do you agree or disagree that setting [INSERT PREFERRED STRUCTURE FROM Q3] would minimize the likelihood of misuse of part-time status?

BEST MAXIMUM BILLABLE HOURS CEILING FOR PART-TIME STATUS

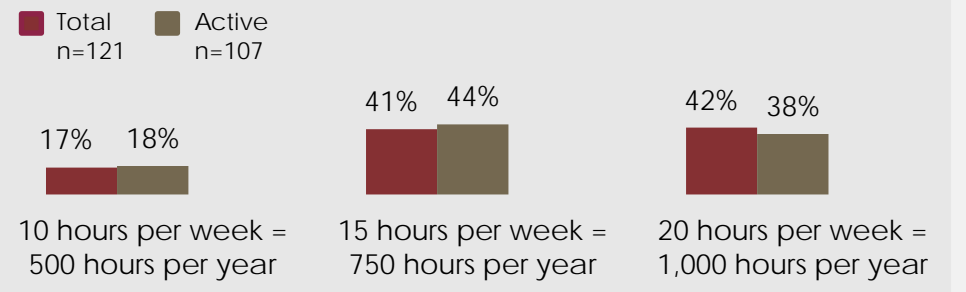
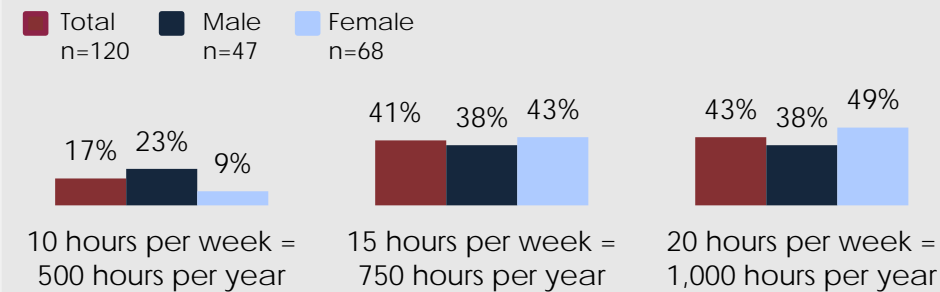
There is a preference for a higher maximum billable hours ceiling.

*Base size too small to report non-practicing lawyers

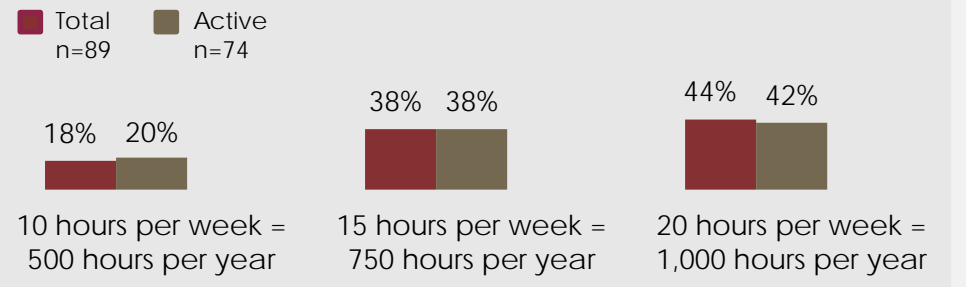
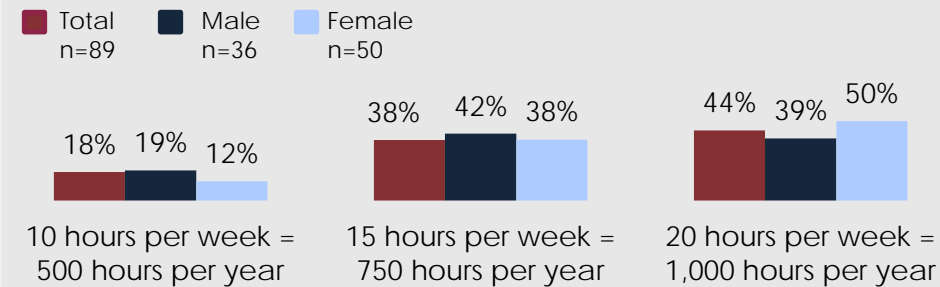
A maximum billable hours ceiling for part-time status



Both a maximum billable hours and gross billings ceiling



Both a maximum billable hours and income ceiling



Question: Which of the following do you think would be the best maximum billable hours ceiling for part-time status? Hours would likely include only billable hours.

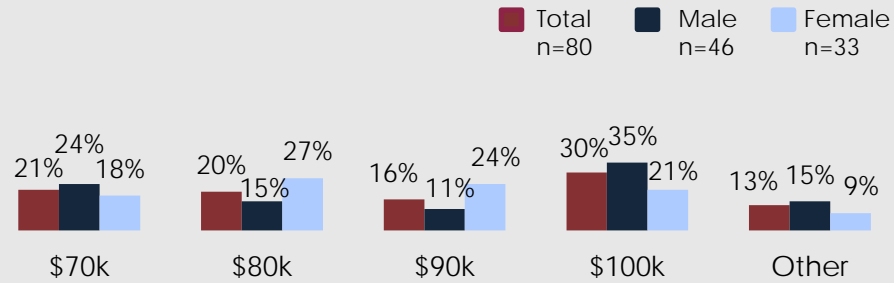
BEST MAXIMUM GROSS BILLINGS FOR PART-TIME STATUS

There are mixed opinions on the best gross billings ceiling.

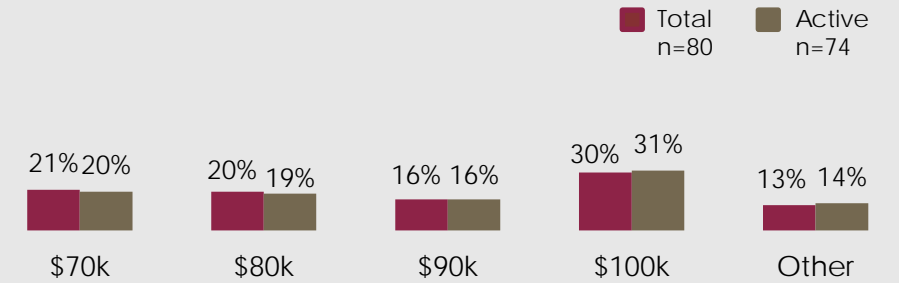
*Base size too small to report non-practicing lawyers

A maximum gross billings ceiling for part-time status

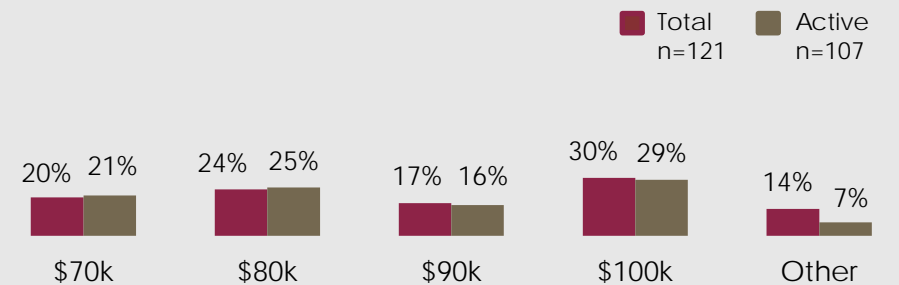
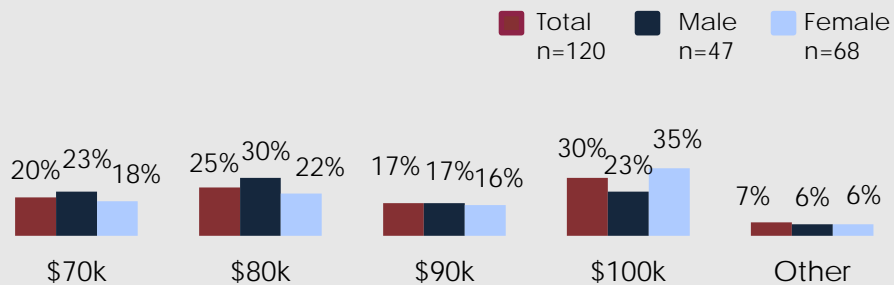
Males & Females
Best Maximum Gross Billings Ceiling for Part-Time Status



Active Lawyers*
Best Maximum Gross Billings Ceiling for Part-Time Status



Both a maximum billable hours and gross billings ceiling



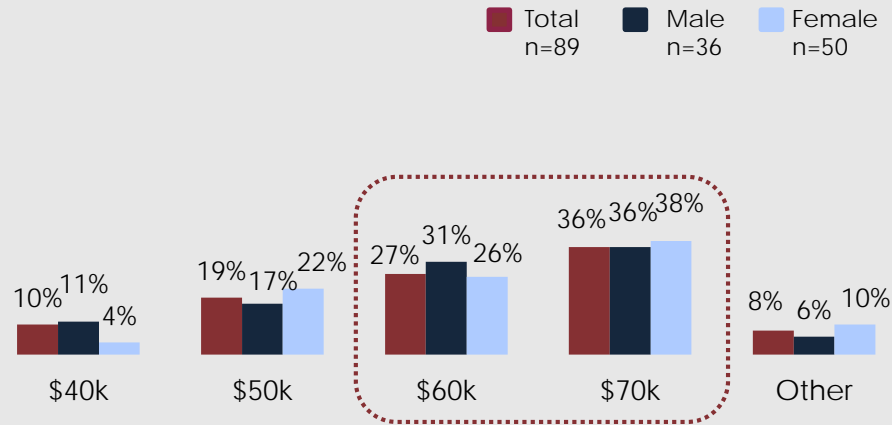
Question: Which of the following do you think would be the best maximum gross billings ceiling for part-time status?

BEST MAXIMUM NET INCOME CEILING FOR PART-TIME STATUS

Over half support a net income ceiling of \$60,000 or \$70,000.

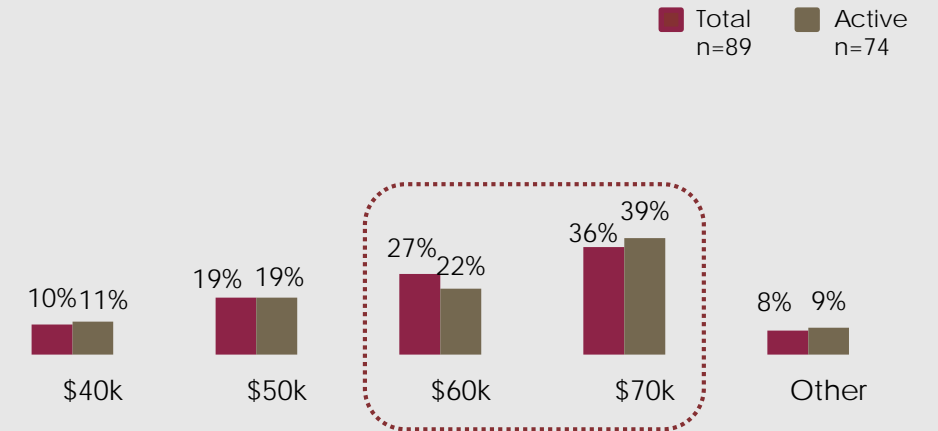
Both a maximum billable hours and income ceiling

Males & Females
Best Maximum Net Income Ceiling for Part-time Status



*Base size too small to report non-practicing lawyers

Active Lawyers*
Best Maximum Net Income Ceiling for Part-time Status



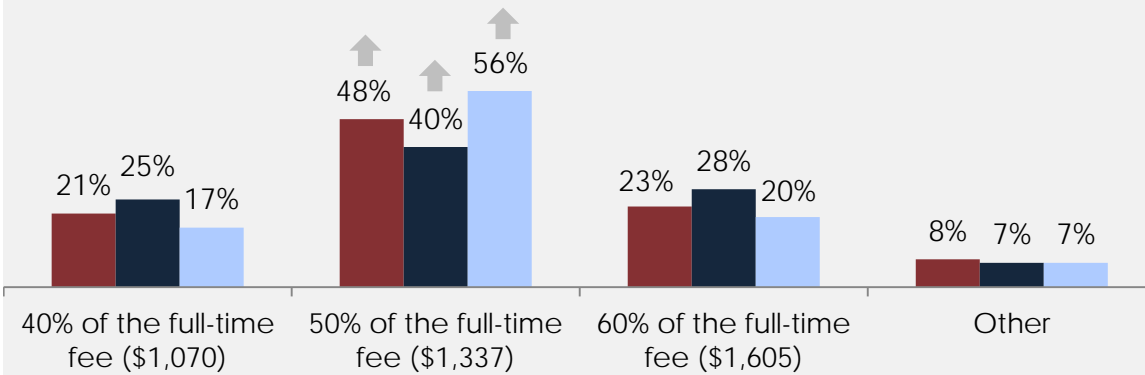
PREFERRED PART-TIME MEMBERSHIP FEE STRUCTURES

About half prefer an annual part-time membership fee of 50% of the full-time fee.

Males & Females

If the Law Society were to introduce a part-time practicing fee option, which of the following fee structures would you prefer?

■ Total n=479 ■ Male n=202 ■ Female n=255

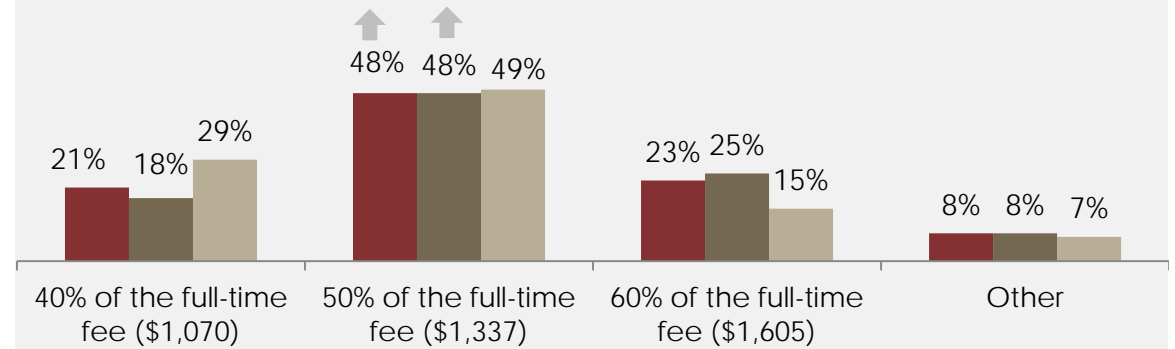


↑ Notably higher than other practicing fee options

Active & Non-Practicing Lawyers

If the Law Society were to introduce a part-time practicing fee option, which of the following fee structures would you prefer?

■ Total n=479 ■ Active Lawyer n=407 ■ Non-Practicing Lawyers n=41



↑ Notably higher than other practicing fee options

PREFERRED STRUCTURE AND FEE COMBINATION FOR PART-TIME STATUS

A part-time fee of 50% of full-time fees (\$1,337) with a structure combining both a maximum billable hours and gross billings ceiling has the highest preference among all respondents.

Circled number indicates highest preference
Among total respondents, n=479

	Part-time fee of 40% of full-time fees (\$1,070)	Part-time fee of 50% of full-time fees (\$1,337)	Part-time fee of 60% of full-time fees (\$1,605)	Other
A maximum billable hours ceiling for part-time status	5%	7%	4%	1%
A maximum gross billings ceiling for part-time status	5%	9%	3%	1%
Both a maximum billable hours and gross billings ceiling	3%	15%	7%	1%
Both a maximum billable hours and income ceiling	4%	10%	5%	<1%
Other	<1%	1%	1%	1%
Not Sure	4%	5%	2%	1%
None	0%	1%	2%	3%

WILLINGNESS TO PAY MORE MEMBERSHIP FEES TO FACILITATE PART-TIME FEES

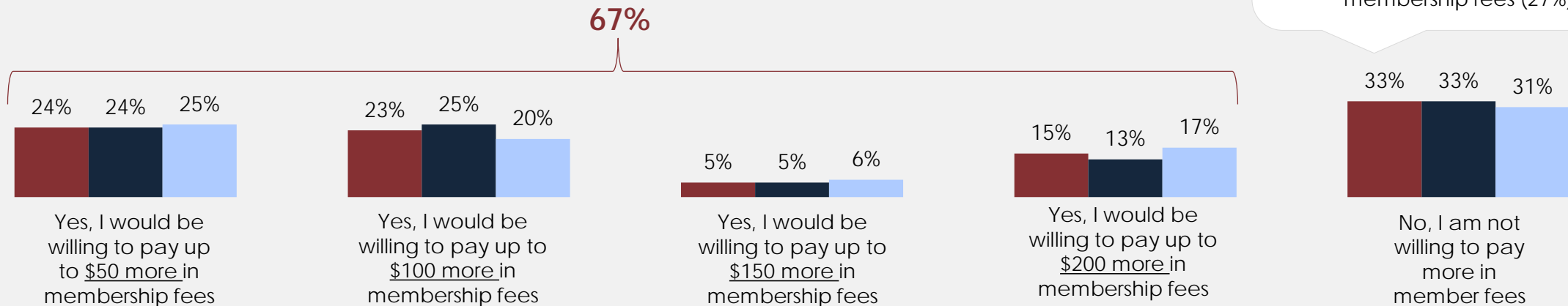
Two thirds of active lawyers are willing to pay more for their membership.

As a full-time lawyer, would you be willing to pay more membership fees to facilitate part-time fees?

Among Active Lawyers

■ Total n=407 ■ Male n=174 ■ Female n=216

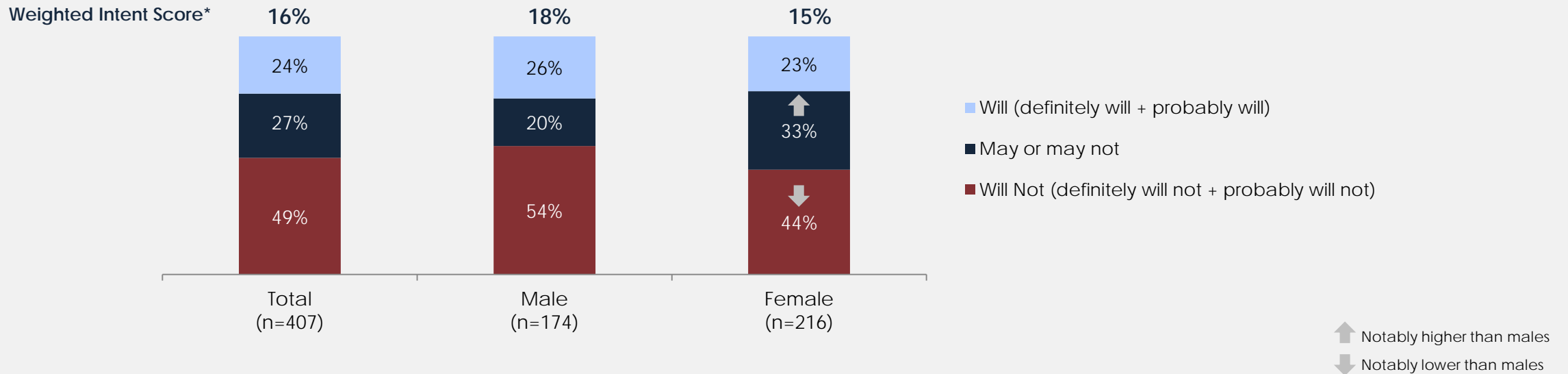
Those who pay annual membership fees themselves are significantly more likely to say 'No' to paying more membership fees (39%) than those whose company pays their membership fees (27%).



LIKELIHOOD OF ACTIVE LAWYERS TO MOVE TO PART-TIME STATUS

16% of full-time lawyers will likely switch to part-time if part-time membership fees are implemented.

How likely are you to move from full-time to part-time status if a part-time law society membership fee is implemented?
Among Active Lawyers



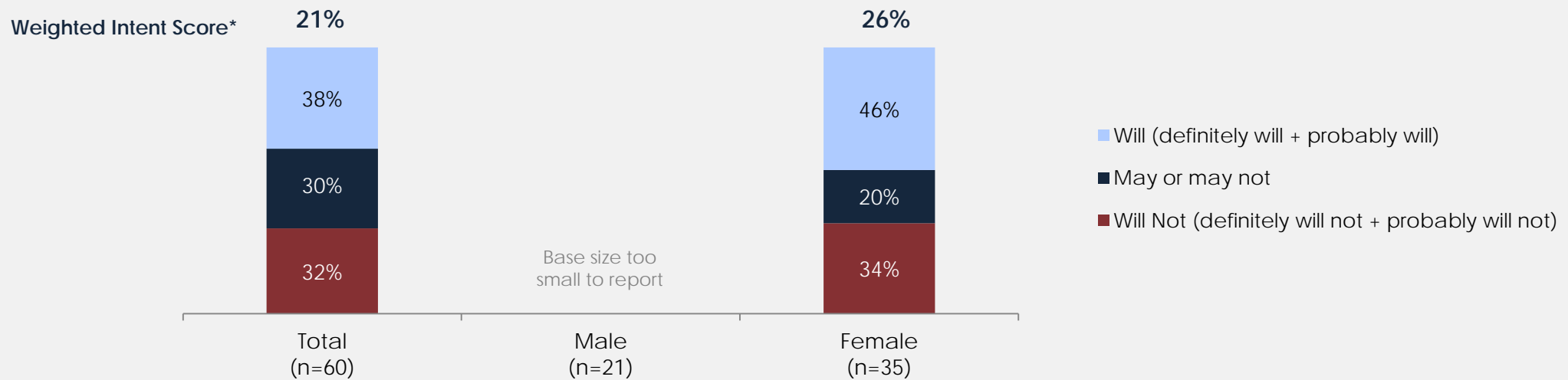
*For calculation and explanation of Weighted Intent score, see slide 45

LIKELIHOOD OF LAWYERS RETURNING TO THE PROFESSION

21% of inactive or non-practicing lawyers will likely return to the profession if part-time membership fees are implemented.

How likely are you to return to the profession if a part-time law society membership fee is implemented?

Among Inactive and Non-Practicing Lawyers



*For calculation and explanation of Weighted Intent score, see slide 45



REASONS FOR NOT RETURNING TO THE PRACTICE OF LAW

The top reasons for not intending to return to the profession if part-time fees are implemented are that fees are not reason for being inactive and prefer to work outside of the practice of law.

What are the reasons you would not return to the profession if a part-time law society membership fee is implemented for part-time status?

Among those who may or may not, probably will not, or definitely will not return to the profession



ADDITIONAL FEEDBACK ON PART-TIME MEMBERSHIP FEES

Most reiterate the importance of part-time membership, their concerns, and a general appreciation for the Law Society's consideration of the subject.

IMPORTANCE OF PART-TIME MEMBERSHIP

Many express how important they feel part-time fees are to the profession.

"In a profession where women still experience a disproportionate amount of difficulty compared to men, I believe that the implementation of part-time membership fees will encourage women to continue practicing (as opposed to having to "choose" to be mother OR a lawyer exclusively) and to even the playing field. This would also aid those women lawyers (who I assume tend to be more likely to be caretakers) who may have elder care responsibilities."

"My hope would be that, ideally, part-time membership fees would provide the opportunity for practitioners whose practice would otherwise not be financially feasible to a) stay current in their area of practice while meeting other responsibilities in their lives; b) encourage choices that are good for mental health while remaining a functioning member of the Society; c) increase assistance available to the public."

CONCERNS WITH PART-TIME MEMBERSHIP

Concerns about part-time fee status are reiterated as a final consideration for LSM.

"I would want to know more about whether this would actually make a significant difference in improving diversity in the profession. In my view, practicing part-time law is very risky. Often practicing part-time means that you are more likely to miss deadlines and more likely to fail to respond in a timely manner. I'm not certain that practicing part-time is a particularly good idea for the profession as a whole. Perhaps my thoughts are incorrect and this is just a misconception that I have. I'd like to see the information and research that supports the initiative. I also worry that if they are paying lower fees whether the instances of insurance claims would be lower, higher or the same."

"I initially supported the idea, but now realize that it will be difficult to "police" and is likely easy to abuse."

"It is a good idea but other members should not bear the costs."

APPRECIATION FOR CONSIDERING THIS ISSUE

Appreciation that the Law Society is considering part-time fee status is expressed.

"This adjustment is progressive, keeps us in line with other provinces, better reflects the increasing diversity of the legal workforce, and accommodates people (particularly women) whose family and other commitments require non-traditional practices. I applaud you for doing this good work and am optimistic that this initiative will go forward. As a mother on her second maternity leave who works part-time in a non-traditional role, I can tell you that this will not only make it possible for me to continue my practice, but encourage me to do so. Thank you!"

"I am happy that the LSM is exploring this as an option. This will be particularly beneficial for women."

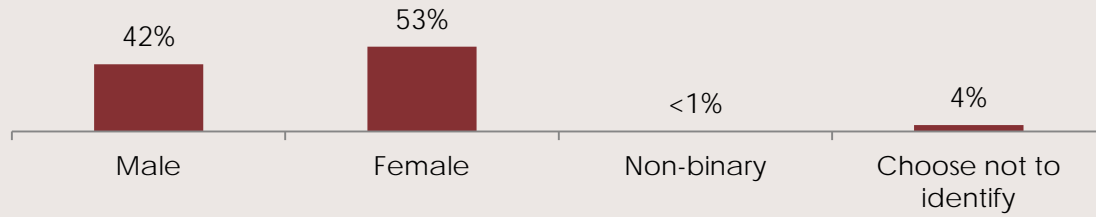
"I encourage the Law Society to implement part time fees and am happy to hear there is recognition that not everyone can practice full time..."

DEMOGRAPHICS

Profile of survey respondents.

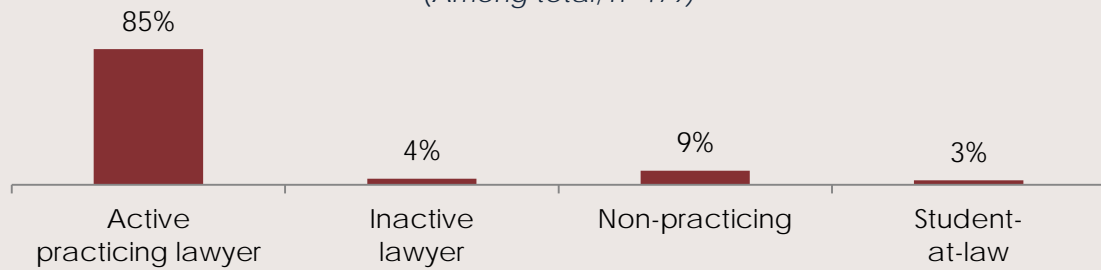
Gender

(Among total, n=479)



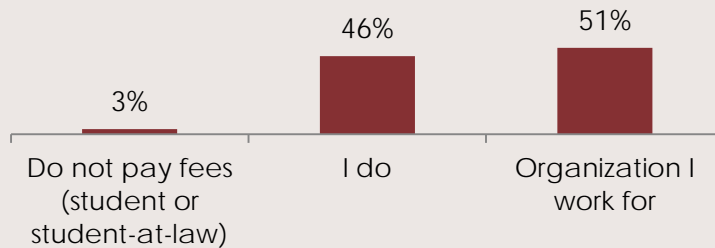
Current Status with Law Society

(Among total, n=479)



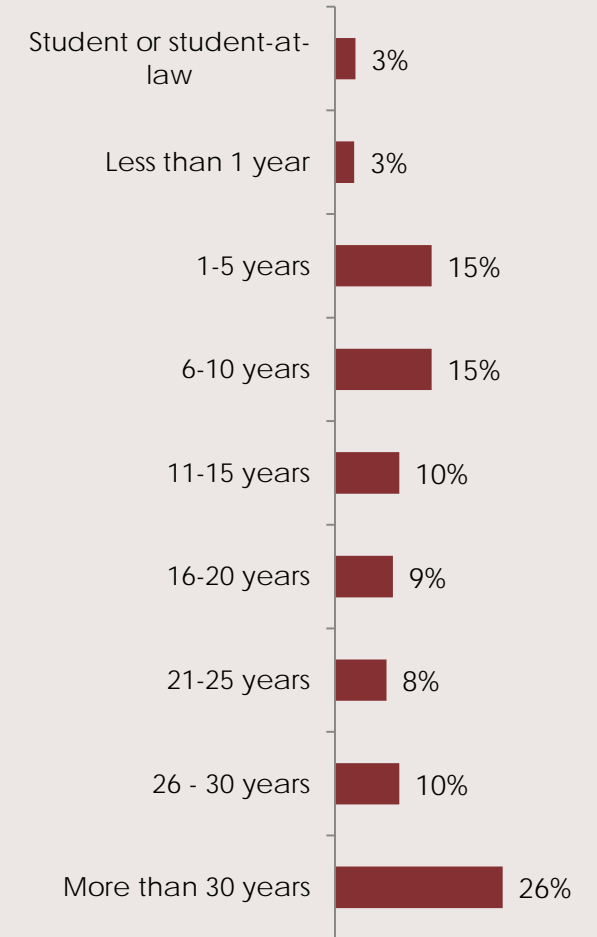
Who Pays Annual Membership Fees

(Among total, except inactive lawyers, n=460)



Length of Time as a Bar Member

(Among total, n=479)

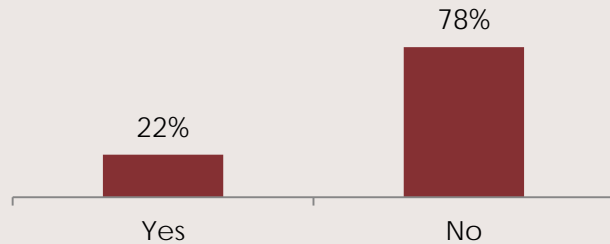


DEMOGRAPHICS

Profile of survey respondents.

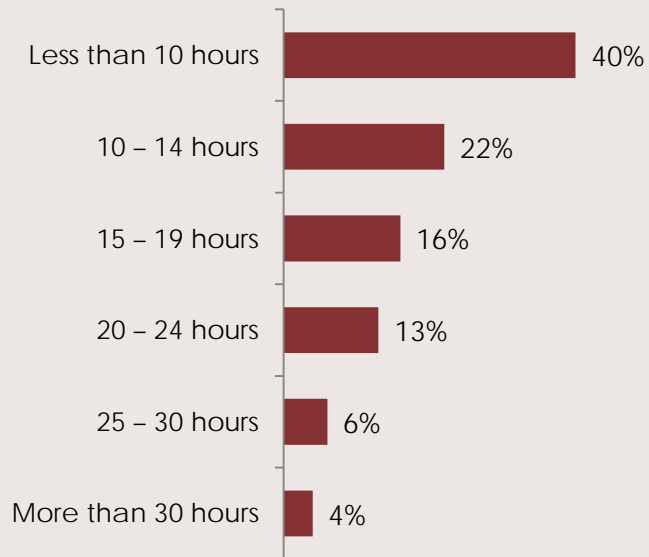
Currently Practice Part-Time

(Among total, except inactive lawyers, n=460)



Part-time Average Billable Hours Per Week

(Among part-time practicing lawyers, n=103)



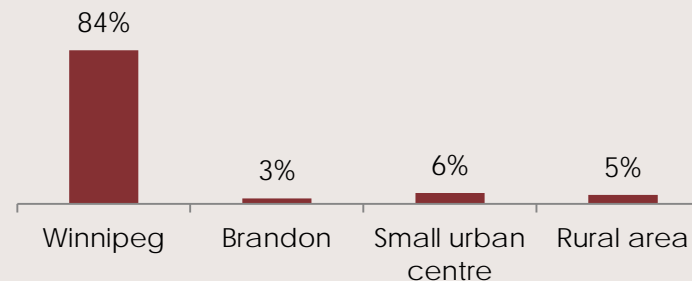
Practice Setting

(Among total, except inactive lawyers, n=460)

Sole Practitioner	21%
Government	15%
Corporate or in-house	13%
Academic	2%
Law firm (2-10 lawyers)	23%
Law firm (11-25 lawyers)	8%
Law firm (26-50 lawyers)	3%
Law firm (51+ lawyers)	12%

Practice Location

(Among total, except inactive lawyers, n=460)



Primary Area(s) of Practice*

(Among total, except inactive lawyers, n=460)

Real Estate	25%
Wills and Estates	24%
Matrimonial/Family	23%
Civil Litigation	21%
Corporate	19%
Commercial	18%
Administrative/Boards/Tribunals	14%
Criminal	14%
Estate Planning and Administration	12%
Government	11%
Employment/Labour	10%
Aboriginal	6%
Mediation	3%
Student-at-law	3%
Other	17%

*Mentions of greater than 3% shown



APPENDIX

WEIGHTED INTENT SCORE

The Weighted Intent Score is an estimate of the percentage of people whose behaviour will actually reflect their stated intent.

The Weighted Intent score in this report is based on a formula used in the market research industry and by Illumina Research Partners for more than a decade.

Applied weights provide an estimate of the percentage of people whose behavior will actually reflect their stated intent. For example, only about 75% of respondents who say they are 'very likely' to return to the profession will actually return.

Calculation of the Weighted Intent Score

(Total Respondents)

Customer response		Applied Weights				
	15%	Definitely will	x	0.75	=	11.25%
	23%	Probably will	x	0.25	=	5.75%
	30%	May of May Not	x	0.10	=	3.00%
	18%	Probably will not	x	0.03	=	0.54%
+	13%	Definitely will not	x	0.02	=	0.26%
<hr/>						
=	Overall Intent Score					21%
	i.e., 21% of customers will return to the profession					



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ILLUMINA IS AN ACCREDITED RESEARCH AGENCY WITH THE RESPECTED
CANADIAN RESEARCH INSIGHTS COUNCIL (CRIC).

THE SEAL RECOGNIZES MEMBERS WHO HAVE MADE THE HIGHEST COMMITMENT
TO FOLLOW BEST PRACTICES AND ADHERE TO WORLD-LEADING STANDARDS
AND ETHICS IN MARKET RESEARCH, ANALYTICS AND INSIGHTS.



MEMORANDUM

To: Benchers

From: Leah Kosokowsky

Date: December 9, 2021

**Re: Federation of Law Societies' Draft Competency Profile
- Request for Input**

INTRODUCTION

As you know, individuals applying for admission to a Canadian law society must either hold a law degree earned from a Canadian law school or a Certificate of Qualification issued by the Federation of Law Societies' National Committee on Accreditation (the NCA).

The Federation of Law Societies' NCA Assessment Modernization Committee has created a draft competency profile for individuals entering bar admissions programs and for those entering into practice. The Federation is seeking the law societies' feedback to the competency profile by January 31, 2022.

We recommend that you direct the Admissions and Education Committee to consider the matter and return to you with their recommended feedback at the February 3, 2022 bencher meeting.

For context, we will provide you with some historical background.

BACKGROUND - CURRENT ASSESSMENTS AND PROFILES

Canadian Law School Programs and Graduates

As of 2015, for their graduates to be admitted to a law society, Canadian common law programs must meet a **National Requirement**. The National Requirement specifies the competencies and skills that graduates must have attained and the academic program and learning resources that the law school must have in place. Currently, there are 12 Canadian law schools with approved programs and two with preliminary approval.

The National Requirement is periodically reviewed to ensure it is current and relevant. The next review will begin shortly and is scheduled to conclude by the end of 2022.

Foreign Educated Applicants

Bencher will recall that individuals who complete their legal training in a jurisdiction outside of Canada will have their education assessed by the NCA, who will then determine what further examination and/or education the applicant must successfully complete to obtain their Certificate of Qualification.

National Competency Profile

With the advent of lawyer mobility, the Federation of Law Societies undertook an initiative to develop national admissions standards that would apply at the stage when individuals are seeking to enter practice. It was intended that these standards would be used by all Canadian law societies to ensure that every lawyer admitted to practice law in Canada possesses an acceptable standard at entry level competence sufficient to practice safely and effectively in any other Canadian jurisdiction. In 2013, law societies adopted the **National Competency Profile** which sets out the competencies required of new lawyers and Quebec notaries. The next step that was contemplated was to develop a national assessment system to assess the competencies in the National Competency Profile. However, due to a lack of consensus among law societies regarding this aspect of the work, it did not move forward.

NCA ASSESSMENT MODERNIZATION

The numbers of candidates who have entered the practice of law through the NCA program has increased tremendously over the last decade. In recent years, concerns have been raised that some NCA applicants do not possess the competencies necessary for success in the bar admission programs or in legal practice. As a result, the Federation undertook a comprehensive review of the NCA program. The final report was issued in May 2017 and included 28 recommendations across all areas of the program, one of which called for the development of competency-based benchmarks for bar admissions and entry to legal practice and a competency-based assessment system for NCA applicants.

In December 2017, a committee was established to develop recommendations for a move to competency-based assessments for NCA applicants. One component of the committee's work is to consider how we might reconcile the national requirement and the national competency profile. In late 2020, the Federation initiated a project to create a competency profile with benchmarks identifying the level of competence expected at two points in the legal education and licensing process:

- Entry into the bar admission process after completing a Canadian common law degree program or obtaining a Certificate of Qualification from the NCA; and
- Entry to practice, upon being called to the Bar.

A draft competency profile has been prepared and is being circulated to Canada's law societies for review and feedback. You will find **attached** to this memorandum, a November 26, 2021 memo from Federation Chief Executive Officer, Jonathan Herman, which includes a report and the draft competency profile.

The Federation is requesting that the law societies review the profile and respond to questions posed by the committee within the report.

We propose that the matter be referred to the Admissions and Education Committee who can review the report, with extensive support from Law Society staff and return to the benchers with recommended responses at the February 3, 2021 bencher meeting.

If this meets with your approval, we will advise the Federation that our response will be delivered in early February 2022.

ATC.



MEMORANDUM

FROM: Jonathan G. Herman, CEO
TO: Law Society CEOs
DATE: November 26, 2021
SUBJECT: Draft Competency Profile – Request for Input

INTRODUCTION

1. I am writing to you with an update on the Federation’s project to move to competency-based assessment for the National Committee on Accreditation (“NCA”) candidates. I am also seeking your input on an important component of this project.

BACKGROUND

2. As you are aware, the Federation undertook a comprehensive review of the mandate, structure, policies and activities of the NCA to address concerns about the ability of NCA applicants to succeed in bar admission programs and in legal practice. The review resulted in a recommendation to move to a competency-based assessment system. At its December 2017 meeting, the Federation Council considered options for addressing the recommendation, including whether a competency-based assessment system should apply only to NCA applicants or to all candidates for licensing. That discussion resulted in a consensus that a committee should be established to develop recommendations for a competency-based assessment system for NCA applicants and in March 2018 Council approved the creation of the NCA Assessment Modernization Committee (“NCA AMC”).

3. The NCA AMC is chaired by Jill Perry, Vice President of the Federation. It includes the following key leaders and staff from the law societies, and representatives of the legal academy:

- Priya Bhatia, Executive Director, Professional Development and Competence, Law Society of Ontario
- Pinder Cheema, Federation Council Member nominated by the Law Society of British Columbia
- Adam Dodek, former Dean of Law, University of Ottawa, and Member of the NCA
- Cori Ghitter, Deputy Executive Director, Law Society of Alberta
- Lesley Small, Manager of Member Services & Credentials, Law Society of British Columbia
- Meghan Thomas, Director, Professional Graduate and International Programs, Osgoode Hall Law School

- Lynda Troup, Federation Council member nominated by the Law Society of Manitoba

4. The NCA AMC is supported by Frederica Wilson, Executive Director Policy and Public Affairs and Deputy Chief Executive Officer, and Deborah Wolfe, Executive Director National Committee on Accreditation and Law School Programs. Project management support is provided by Lynn Villeneuve, Deputy Director, National Committee on Accreditation.

5. The mandate of the NCA AMC is to make recommendations to Council for the development and implementation of a competency-based assessment system for candidates applying to the NCA. In developing its recommendations, the Committee is to have regard to applicable fair access to regulated professions legislation and is also to consider the implications for the National Requirement (the standard that graduates of all Canadian common law programs must meet to be eligible for entry into the bar admission programs of the common law jurisdictions) and the National Competency Profile (developed more than a decade ago as part of the National Admission Standards project), including how to reconcile those two documents.

COMPETENCY PROFILE

6. A clear profile of the competencies required at the point of entry to the bar admission process and at point of licensing, is an essential component of a competency-based assessment system. Consultants were retained in the summer of 2020 to assist with the development of a competency profile under the supervision of the NCA AMC. In addition to its role in modernizing the NCA assessment process, this work is critical to the upcoming review of the [National Requirement](#). Although Council opted to move forward with the development of competency-based assessment for NCA candidates only, it was understood that that NCA candidates and Canadian law school graduates must be required to demonstrate the same competencies, both as a matter of general fairness and to ensure that the NCA complies with the legislated requirements under provincial fair access legislation. A full review of the National Requirement must be completed in 2022. Work on that project, which will include consideration of the competencies that students must have upon graduation from Canadian common law programs, will start shortly.

7. As a first step in developing a competency profile, a volunteer task force of 13 lawyers with diverse perspectives worked with consultants acting under the supervision of the NCA AMC over the spring and summer of 2021 to develop draft competency statements for Level 1 (entry to bar admission) and to develop and refine the competency statements for Level 2 (entry to practice).

8. To ensure that the competency profile accurately reflects the competencies required at bar admission and licensing, feedback on the draft competency statements is being sought from the law societies and, by way of a series of focus groups, from other justice system stakeholders, including the legal academy. This feedback will be used to refine and finalize the draft statements. Broad input will then be sought from practising lawyers and academics through a validation survey.

9. The draft competency profile is attached for your review, together with instructions for providing your feedback. We ask that you submit your comments and suggestions by **January**



31, 2022. Please contact Deborah Wolfe with any questions or to discuss the draft in greater detail.

10. Developing a competency-based assessment system for NCA applicants is a strategic priority for the Federation. A competency-based system will be an important step in ensuring that NCA applicants are better prepared for success, both in law society admission programs and in practice. The involvement of the law societies in this initiative is essential to the success of this project, so we look forward to receiving your feedback.





Federation of Law Societies of Canada

Draft Competency Profile Review with Law Societies

Introduction.....	2
Structure of the Competency Profile	3
Questions for Consideration by Independent Reviewers	4
Draft Competency Profile.....	6

FOR CONSULTATION

Introduction

Background

In late 2020, the Federation of Law Societies of Canada (“the Federation”) initiated a project to create a competency profile with benchmarks identifying the level of competence expected at two points in the legal education and licensing process: entry to a bar admissions program (after completing a Canadian Common Law degree program or obtaining a Certificate of Qualification (CQ)¹) and at entry to practice (upon call to the Bar). A Competency Development Task Force created an initial draft of the competency profile. We are now undertaking consultation with stakeholder groups to gain feedback regarding the draft profile.

Intended Uses

This Competency Profile is intended to support multiple Federation initiatives, including:

- updating the NCA process by which the Federation evaluates the education and professional experience of individuals who have obtained their credentials outside of Canada, and
- informing future updates to the National Requirement.

Guiding Principles

The following principles guided the creation of the draft Competency Profile.

- The profile provides a comprehensive description of the knowledge, skills, attributes, judgments and values expected to be in place after completing a Canadian Common Law degree program or CQ (articulated in the Profile as Level 1) and upon call to the Bar (articulated in the Profile as Level 2).
- The profile is forward-thinking, capturing both existing and emerging areas of competence.
- The profile includes cognitive skills (e.g., research, legal analysis, critical thinking), soft skills (e.g., relationship building, cultural competence), values and attitudes (e.g., integrity, professionalism), as well as substantive legal knowledge generally applicable in practice at the two points described above.

Resources for Development

The following resources were drawn upon in developing the Competency Profile:

- Federation of Law Societies of Canada National Entry-to-Practice Competency Profile for Lawyers and Quebec Notaries ([FLSC NCP](#))
- Federation of Law Societies of Canada National Requirement ([FLSC NR](#))
- CPLED PREP Competency Framework ([CPLED](#))
- IAALS Foundations for Practice ([IAALS](#))
- Provincial competency profiles and competency-related documents such as articling checklists

¹ A Certificate of Qualification is granted after completing the NCA requirements. Completing the NCA requirements verifies that a candidate’s knowledge of Canadian law is similar to the knowledge of someone who obtained their law degree through an approved Canadian common law program.

Structure of the Competency Profile

The Competency Profile is structured around 11 competency domains that represent building blocks for success in legal practice.

1. Substantive Legal Knowledge
2. Legal Ethics and Professional Responsibility
3. Intercultural Competence
4. Oral and Written Communications
5. Interviewing
6. Case Matter Management
7. Practice Management
8. Legal Research
9. Legal Writing and Drafting
10. Advocacy and Litigation
11. Negotiation and Dispute Resolution

The Competency Profile articulates competency benchmarks at two points. Level 1 is the point of entry to a provincial or territorial bar admission program, that is, after the individual has completed a Canadian common law degree program or has been granted a Certificate of Qualification. Level 1 competency statements appear in the left column in the competency profile. Level 2 is the point of call to the bar in a province or territory. Level 2 competency statements appear in in the right column.

The **sample** below, from *Competency Domain 6 – Case Matter Management*, outlines the competency profile structure.

LEVEL 1 - The prospective entrant to a provincial or territorial bar admission program who holds a Canadian common law degree or a CQ is able to...	LEVEL 2 - The individual upon call to the Bar is able to...
COMPETENCY DOMAIN 6: CASE MATTER MANAGEMENT	
<ol style="list-style-type: none"> 1. Describe a basic theory, strategy, and viable options based on a fact pattern 2. Identify requirements to establish a solicitor-client relationship, for example, appropriate client identification, instructions, conflict checks and retainer 3. Describe ways that legal services are paid for 4. Describe how a legal matter progresses to completion 5. ... 	<ol style="list-style-type: none"> 1. Consider client’s circumstances (for example, diversity, age, language, disability, socioeconomic, and cultural context) in all aspects of matter 2. Establish an effective lawyer-client relationship under supervision 3. Develop effective strategies for managing client relationships, including establishing and maintaining client confidence and managing client expectations 4. ...

This sample illustrates some important points about the structure of the competency profile.

- The competencies statements are intended to articulate benchmarks for performance expected at two points.
- Competencies demonstrated at Level 1 are assumed to still be in place at Level 2. Accordingly, they are not restated.
- Some Level 2 competency statements represent more advanced demonstrations of Level 1 competencies. Others are new competencies unique to Level 2.
- There is no expectation that every Level 1 competency will have a parallel Level 2 competency, although in some instances this is the case.

Questions for Consideration by Reviewers

We provide a set of questions for you to consider as you evaluate the competency profile (which appears beginning on the next page). Make your responses directly in this document. Tracking has been enabled to record your feedback. Return the edited version to our research partners at patricia.muenzen@act.org by November 30, 2021.

Regarding the Competency Domains

1. Taken together, how well do the 11 domains describe the major building blocks for success in legal practice?
2. Is the name of each competency domain clear and understandable? Does it adequately convey the competencies contained within it?

Regarding Level 1 and Level 2 Competencies

Competencies placed in Level 1 (left column) are expectations for graduates of Canadian Common Law degree programs and holders of a Certificate of Qualification (CQ). Competencies placed in Level 2 (right column) are expectations for lawyers newly called to the Bar.

When reviewing Level 1, consider the new CCLD graduate or the holder of a CQ whose knowledge has been deemed equivalent to that of the CCLD graduate via the NCA process.

1. Is each competency statement clear? How can we improve the language, so the meaning and intent is more easily understood?
2. Is each competency a reasonable expectation for new graduates and CQ holders? Indicate any competency you believe is NOT a reasonable expectation at Level 1 and why. Would the competency be more appropriately placed in Level 2 or might it not belong at all? Keep in mind that the document is intended to be forward looking.
3. How well do the Level 1 competencies cover the building blocks for successful mastery of your province's/territory's bar admission program? Make note of anything that appears to be missing.

When reviewing Level 2, consider lawyers newly called to the Bar in your province or territory.

1. Is each competency statement clear? How can we improve the language, so the meaning and intent is more easily understood?
2. Is each competency a reasonable expectation for newly admitted lawyers in your province or territory? Indicate any competency you believe is NOT a reasonable expectation at Level 2 and why. Is it something acquired during legal education, something acquired later on in practice, or not needed at all?
3. How well do the Level 2 competencies describe what the public expect from a lawyer in your province/territory? Make note of anything that appears to be missing from the public expectation perspective.

Additional Suggestions

3. Make any additional suggestions you have to improve the competency profile.

Lastly, please provide your name and contact information in case follow up is required:

Name:

Email:

Draft Competency Profile

LEVEL 1 - The prospective entrant to a provincial or territorial bar admission program who holds a Canadian common law degree or a CQ is able to...	LEVEL 2 - The individual upon call to the Bar is able to...
DOMAIN 1. SUBSTANTIVE LEGAL KNOWLEDGE	
<ol style="list-style-type: none"> 1. Apply knowledge of the following foundational principles of the Canadian legal system to specific fact patterns: <ol style="list-style-type: none"> a. Key principles of common law and equity, such as precedence and stare decisis b. Canadian Legislative and regulatory system c. Canadian judicial system including non-court dispute resolution systems d. Principles of statutory interpretation e. Sources and juridical nature of law including the Constitution of Canada, legislation, court decisions, the Civil Code of Quebec, international law, and oral traditions 2. Apply knowledge of the following foundational principles of Canadian substantive law to specific fact patterns: <ol style="list-style-type: none"> a. Canadian Constitutional law, including the Canadian Charter of Rights and Freedoms, federalism and the distribution of legislative powers b. Canadian Criminal Law and procedure c. The rights, legal interests, and governing systems of Indigenous Peoples; the unique historical and ongoing challenges facing Indigenous Peoples and communities; the history of Indigenous–Crown relations; Treaties and Aboriginal Rights; the United Nations Declaration on the Rights of Indigenous Peoples; and Indigenous law d. Canadian Administrative Law and procedure e. Evidence f. Contracts g. Torts h. Property law 	<ol style="list-style-type: none"> 1. Judiciously apply knowledge of the following foundational principles of the Canadian legal system to a given client matter: <ol style="list-style-type: none"> a. Key principles of common law and equity, such as precedence and stare decisis b. Canadian Legislative and regulatory system c. Canadian judicial system including non-court dispute resolution systems d. Principles of statutory interpretation e. Sources and juridical nature of law including the Constitution of Canada, legislation, court decisions, the Civil Code of Quebec, international law, and oral traditions 2. Judiciously apply knowledge of the following foundational principles of the Canadian legal system to a given client matter: <ol style="list-style-type: none"> a. Canadian Constitutional law, including the Canadian Charter of Rights and Freedoms, federalism and the distribution of legislative powers b. Canadian Criminal Law and procedure c. The rights, legal interests, and governing systems of Indigenous Peoples; the unique historical and ongoing challenges facing Indigenous Peoples and communities; the history of Indigenous–Crown relations; Treaties and Aboriginal Rights; the United Nations Declaration on the Rights of Indigenous Peoples; and Indigenous law d. Canadian Administrative Law and procedure e. Evidence f. Contracts g. Torts h. Property law i. Family law j. Wills and estates

LEVEL 1 - The prospective entrant to a provincial or territorial bar admission program who holds a Canadian common law degree or a CQ is able to...	LEVEL 2 - The individual upon call to the Bar is able to...
	<ol style="list-style-type: none"> 3. Apply relevant Rules of Procedure in litigation and alternative dispute resolution 4. Apply relevant procedures applicable to transactions including commercial, real estate, and wills and estates
DOMAIN 2. LEGAL ETHICS AND PROFESSIONAL RESPONSIBILITY	
<ol style="list-style-type: none"> 1. Apply legislation, regulations, rules of professional conduct, common law, and principles of ethics and professionalism relevant to solve ethical problems in the practice of law in Canada. 2. Explain the fiduciary nature of the lawyer-client relationship 3. Explain the special responsibility as a member of the legal profession to respect the requirements of human rights laws in force in Canada. 4. Explain the importance of professionalism, including civility and integrity, in dealing with clients, other counsel, judges, court staff, justice stakeholders, and members of the public 5. Explain a lawyer's duties owed to clients, other legal professionals, the public, law societies, and the administration of justice 6. Explain legal consequences of unethical conduct and professional incompetence 7. Identify the roles played by lawyers, the legal profession, and the legal system in securing access to justice 8. Apply critical thinking to ethical issues that may be encountered in legal practice 	<ol style="list-style-type: none"> 1. Describe the principles and major categories of the rules of professional conduct 2. Identify when to consult with colleagues, mentors, or relevant resources when uncertain how to address an ethical issue 3. Demonstrate integrity and trustworthiness as illustrated by the Code of Conduct 4. Describe the impact of lack of integrity on lawyer, client(s), and/or the profession 5. Demonstrate an understanding of the personal behaviour will have an impact on public confidence in the administration of justice and the legal profession 6. Analyze commonly occurring ethical issues arising in practice to make informed and reasoned decisions 7. Implement policies and procedures to ensure client confidentiality in compliance with the Code of Conduct 8. Take effective action to avoid a potential conflict or, where a conflict has already arisen, deal with it in accordance with law and professional ethical standards 9. Demonstrate professional courtesy, honesty, candour, and civility in all dealings with clients, colleagues, the courts, and others 10. Distinguish clear professional boundaries in the context of specific situations (e.g., client relationships, personal knowledge of colleagues and judges) 11. Modify behaviour based on the formalities and norms of a range of professional situations 12. Recognize when tasks or matters fall outside own competence and identify and approach appropriate sources of assistance or referral

LEVEL 1 - The prospective entrant to a provincial or territorial bar admission program who holds a Canadian common law degree or a CQ is able to...	LEVEL 2 - The individual upon call to the Bar is able to...
DOMAIN 3. INTERCULTURAL COMPETENCE	
<ol style="list-style-type: none"> 1. Demonstrate self-reflection, including awareness of implicit bias and personal values 2. Recognize how cultural differences may impact interactions between individuals from diverse cultural groups 3. Explain concepts of interculturally-competent exchange, including conflict resolution, human rights focus, and anti-racism 4. Describe the history of Indigenous-settler relations and impact on indigenous peoples, communities, and nations 5. Explain the importance of the Truth and Reconciliation Commission's Calls to Action, including the legacy of residential schools, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations 	<ol style="list-style-type: none"> 1. Apply principles of intercultural awareness, sensitivity, and understanding 2. Apply knowledge of concepts of intersectionality, human rights, and anti-racism to address differences and mitigate conflicts 3. Acknowledging own biases, adapt and practice skills to fit the cultural context of co-workers, managers, and clients 4. Engage with clients, colleagues, other members of the bar, and the public in a manner that promotes equity, celebrates diversity, and fosters inclusion 5. Apply the principles addressed by the Truth and Reconciliation Commission's Calls to Action and UNDRIP, Treaties, Aboriginal rights, and Indigenous laws, including the impact of residential schools and the history of Aboriginal–Crown relations in practice
DOMAIN 4. ORAL AND WRITTEN COMMUNICATIONS	
<ol style="list-style-type: none"> 1. Demonstrate competence in oral and written French or English 2. Demonstrate inclusivity when communicating in diverse contexts and with equity-seeking groups 3. Listen actively and interpret verbal and non-verbal cues in communications 4. Select appropriate method and medium of communication for intended audiences and legal contexts, including virtual platforms 5. Use correct grammar, spelling, and syntax 6. Use Canadian legal terminology accurately 7. Use language suitable to the purpose of the communication and the intended audience 8. Express concepts with precision, clarity, logic, and brevity 9. Demonstrate professionalism, courtesy, and civility in all forms of verbal and non-verbal communications 	<ol style="list-style-type: none"> 1. Adapt communications appropriately to different contexts and audiences 2. Listen attentively and respectfully in the practice of law 3. Use language and tone consistent with the formality of the legal context 4. Use appropriate and logical organization and structure for communications in a legal context 5. Use virtual communication platforms appropriately and effectively
DOMAIN 5. INTERVIEWING	
<ol style="list-style-type: none"> 1. Identify the importance of planning to the conduct of interviews 2. Plan for and outline possible questions to meet the objectives of an interview 	<ol style="list-style-type: none"> 1. Tailors questions to the specific factual and legal context when conducting an interview

LEVEL 1 - The prospective entrant to a provincial or territorial bar admission program who holds a Canadian common law degree or a CQ is able to...	LEVEL 2 - The individual upon call to the Bar is able to...
<ul style="list-style-type: none"> 3. Explain the importance of careful note taking and accurately documenting interviews 4. Demonstrate questioning techniques applicable to an interview scenario 	<ul style="list-style-type: none"> 2. Accurately document the information provided by the interviewee for future reference
DOMAIN 6. CASE MATTER MANAGEMENT	
<ul style="list-style-type: none"> 1. Describe a basic theory, strategy, and viable options based on a fact pattern 2. Identify requirements to establish a solicitor-client relationship, for example, appropriate client identification, instructions, conflicts checks, and retainer 3. Describe ways that legal services are paid for 4. Describe how a legal matter progresses to completion 5. Describe the importance of file organization and management 6. Identify the necessity for and ongoing obligation to communicate consistently, clearly, and accurately with clients regarding their matter 7. Explain the basic scope and limitations of the role of legal advisor in the context of a client matter, including responsibility to client 8. Explain when it is necessary to seek assistance, expertise, and/or educational resources 9. Explain the importance of completing work in timely manner, including meeting deadlines 10. Explain the importance of taking action when deadlines cannot be met 11. Describe how files should be managed when mistakes and errors are made 12. Explain the importance of prioritizing urgent matters and managing one's time 	<ul style="list-style-type: none"> 1. Consider client's circumstances (for example, diversity, age, language, disability, socioeconomic, and cultural context) in all aspects of matter 2. Establish an effective lawyer-client relationship under supervision 3. Develop effective strategies for managing client relationships, including establishing and maintaining client confidence and managing client expectations 4. Develop legal strategy, viable options, and practical recommendations based on fact pattern 5. Advise client about the advantages and disadvantages of pursuing each option or strategy, using terms the client can understand 6. Assimilate and act on client instructions within boundaries of the law and integrate feedback from verbal and non-verbal communications 7. Conduct simple matter from start to finish 8. Implement strategies to keep clients apprised of progress in their matters. 9. Recognize limitations in own ability to handle a matter (or some aspect of it) and explain methods to ensure client is appropriately served 10. Implement strategies for prioritizing and managing tasks and tracking deadlines 11. Implement strategies to manage client file when deadlines cannot be met
DOMAIN 7. PRACTICE MANAGEMENT	
<ul style="list-style-type: none"> 1. Describe appropriate workplace behaviours, including adherence to professional behaviour, comportsment, and human rights 2. Describe workplace behaviours that promote equity, diversity, and inclusion in the practice of law 3. Describe the essential elements of the solicitor-client relationship, including the obligations for keeping client information confidential 4. Describe importance of supervision in legal practice 	<ul style="list-style-type: none"> 1. Demonstrate appropriate workplace behaviours, including promoting equity, diversity, and inclusion 2. Analyze case, project, or workload needs for a given matter 3. Develop appropriate work plans for a variety of matters 4. Delegate routine tasks while providing appropriate supervision 5. Evaluate work to ensure it is accurate and internally consistent 6. Describe systems and processes for maintaining client files

LEVEL 1 - The prospective entrant to a provincial or territorial bar admission program who holds a Canadian common law degree or a CQ is able to...	LEVEL 2 - The individual upon call to the Bar is able to...
<ul style="list-style-type: none"> 5. Describe basic elements of effective teamwork and working on a team project 6. Describe types of basic technological competence associated with legal practice (e.g., email, case management, legal research, timekeeping, file management). 7. Describe the benefits and risks associated with relevant technology, including use of social media, email, virtual meetings. 8. Recognize the importance of health and well-being in the practice of law 	<ul style="list-style-type: none"> 7. Implement processes to document all aspects of client files clearly and accurately 8. Explain the basic requirements related to receiving, banking, and dispensing trust account funds 9. Describe the basic requirements related to identification and verification of clients 10. Demonstrate basic skills in effective use of office technology (e.g., equipment, software, databases) 11. Evaluate available technology to increase efficiency and provide cost effective services 12. Implement a plan to maintain balance between professional obligations and personal life 13. Identify available resources (e.g., lawyer’s assistance programs) and seek help or treatment for personal problems that might interfere with ability to serve clients
DOMAIN 8. LEGAL RESEARCH	
<ul style="list-style-type: none"> 1. Develop a research plan that includes a list of resources, key words, and a list of issues 2. Identify legal issues for a given fact pattern 3. Distill relevant facts for a basic legal issue 4. Select appropriate primary and secondary sources for legal research 5. Research and summarize applicable statutes, regulations, and procedures for a typical legal problem 6. Apply reasoning and argument to a legal issue, based on case analysis and statutory interpretation using a structured approach, for example, IRAC method, in order to reach a conclusion 7. Clearly and accurately document research process and findings for a given set of facts 8. Correctly cite sources and attribute research findings 	<ul style="list-style-type: none"> 1. Identify when due diligence research may be required 2. Identify relevant facts, legal issues and informational gaps or discrepancies for a matter 3. Interpret and apply common law, statutes, regulations, rules, procedural matters, policy, analytics, and theory for a legal question 4. Effectively use techniques of legal reasoning and argument (case analysis and statutory interpretation) 5. Draw reasonable conclusions from research conducted, considering the legal issues and the relevant facts of a matter 6. Clearly and accurately report research process and findings for a legal question in practice

LEVEL 1 - The prospective entrant to a provincial or territorial bar admission program who holds a Canadian common law degree or a CQ is able to...	LEVEL 2 - The individual upon call to the Bar is able to...
DOMAIN 9. LEGAL WRITING AND DRAFTING	
<ol style="list-style-type: none"> 1. Use appropriate and logical organizational structure to support a legal argument 2. Describe relevant legal concepts in a way the intended audience can easily understand 3. Draw conclusion(s) factually and logically connected to research for a given set of facts, and support the conclusion(s) in writing 4. Explain relevant legal theories accurately and coherently 5. Apply persuasive or informative writing style as appropriate to context and purpose of communication 6. Use Canadian legal terminology in writing 7. Draft appropriate legal document in consideration of the parties, forum, and a given set of facts 8. Describe the meaning and uses of various precedent clauses (e.g. jurisdictional clauses, force majeure) for a given fact pattern 9. Identify the basic types and elements of common litigation and solicitor documents 10. Identify the principles of law applicable to the purpose, form, and language of a legal document 	<ol style="list-style-type: none"> 1. Draft accurate and legally enforceable documents that address legal, factual, and practical issues relevant to a matter 2. Explain the applicable law and legal options in a way the intended audience can easily understand 3. Determine the relevance and apply precedent clauses or documents to a specific case 4. Draw conclusion(s) factually and logically connected to research for a legal question, and support the conclusion(s) in writing
DOMAIN 10. ADVOCACY AND LITIGATION	
<ol style="list-style-type: none"> 1. Describe the goal and objective of resolving legal matters through advocacy 2. Correctly distinguish between litigation and alternative dispute resolution mechanisms, such as negotiation, arbitration, or mediation 3. Identify the relevant issues of a case to be resolved through advocacy 4. Describe the role that information gathering, case analysis and planning play in advocacy 5. Describe the role that witnesses, legal research, experts, or specialized licensees may play in advocacy 6. Describe the importance of preparing clients and witnesses to participate in advocacy 	<ol style="list-style-type: none"> 1. Advocate in a manner appropriate to the legal and factual context 2. Evaluate strengths and weaknesses in a client's matter 3. Develop a theory of the case 4. Present written and oral legal argument in a clear, logical, succinct, and persuasive way 5. Apply appropriate strategies for managing witnesses 6. Gather, review, and present evidence in support of a client's matter

LEVEL 1 - The prospective entrant to a provincial or territorial bar admission program who holds a Canadian common law degree or a CQ is able to...	LEVEL 2 - The individual upon call to the Bar is able to...
<ol style="list-style-type: none"> 7. Explain the purpose of direct examination, cross-examination, and re-examination in advocacy 8. Identify types and forms of evidence to be used in a given advocacy pattern 9. Cite legal authority to a given adversarial fact pattern 10. Present an organized argument or submission in an advocacy scenario 	
DOMAIN 11. NEGOTIATION AND DISPUTE RESOLUTION	
<ol style="list-style-type: none"> 1. Identify the importance that negotiation plays in the conduct of a legal matter 2. Identify strategies and tactics for negotiation that are relevant to a given fact pattern 3. Distinguish legal issues that can and cannot be negotiated and settled 4. Explain the importance and potential consequences of negotiating or failing to negotiate for a given fact pattern 5. Describe the range of litigious and non-litigious mechanisms for resolving disputes, including arbitration, mediation and conciliation, and their appropriateness to different fact patterns 6. Identify appropriate forum(s) for the resolution of disputes, including consideration of alternative dispute resolution 7. Identify general legal issues that are appropriate for mediation, including determining when alternative dispute resolution is mandatory or appropriate 8. Explain the advantages and disadvantages of available alternative dispute resolution options and remedies 9. Explain the importance of obtaining instructions concerning dispute resolution 10. Identify strategies and tactics to be used during dispute resolution that are relevant to a given fact pattern 11. Explain the importance of documenting the resolution of issues 	<ol style="list-style-type: none"> 1. Identify all parties' positions, interests, objectives, and options 2. Analyze advantages and disadvantages of different dispute resolution options for a client's matter 3. Effectively prepare client for the dispute resolution process 4. Select dispute resolution mechanism most responsive to client goals and objectives, and the factual and legal context 5. Act consistently with clients' instructions and represent their interests in the dispute resolution process 6. Conduct dispute resolution process pursuant to client's instructions and in consideration of the client's goals and objectives 7. Confirm and document the outcomes of the dispute resolution process



MEMORANDUM

To: Benchers

From: Rennie Stonyk and Joan Holmstrom

Date: December 8, 2021

**Re: Articling Period Abridgement
and PREP Registration Without Articles**

INTRODUCTION AND BACKGROUND

Much has changed in the last several years in the area of CPLED and articling for Manitoba's students.

Historically, articling students were required to complete both 52 weeks of articling and the CPLED program to be eligible to be called to the bar. When CPLED was administered in large part by the Law Society of Manitoba, most articling students completed the program in conjunction with articling. However, students who did not yet have articles were permitted to complete the first half of CPLED before they secured an articling position.

With the introduction of the new PREP program, which is administered entirely outside of the Law Society of Manitoba, it was decided that students without articles could complete the first component of PREP (the Foundation modules) without having secured articles. However, they would not be permitted to continue with the balance of PREP unless they had an articling position by the end of the three month Foundation modules period.

Then the COVID-19 pandemic hit. You will recall that with the onset of the pandemic, there was much uncertainty about what the impact would be on firms and, by extension, the impact that would have on articling students. So, at a specially held meeting on April 13, 2020, you decided that:

1. For the 2020 and 2021 calls, the CEO exercise her discretion under rule 5-5(1) to grant an abridgement of the required articling period of up to 16 weeks upon request; and

2. We should support CPLED permitting students to complete the entire PREP program, whether or not they had secured articles.

When the pandemic continued unabated, at the February 2021 bencher meeting you resolved to extend the above-noted policies to the end of the 2021 calendar year.

CPLED INTAKES

For the purposes of your discussion today, you will want to note that there have been some further changes in the delivery of the PREP program by CPLED. Whereas the original CPLED was delivered as one program per year, CPLED 2.0 offers the program twice yearly, with intakes in both June (students complete the following March) and December (students complete the following September).

Furthermore, because students complete the Foundation modules at their own pace, they are permitted to register after the program has started, so long as they complete the Foundation modules within the first three months and before the second phase of PREP begins. As a result, students who participate in the December intake are permitted to register as late as February 24, 2022.

For the June 2020 and December 2020 PREP student intakes, approximately one-third of the students took advantage of the truncated articles option and articulated for a period of less than 12 months. The majority of those students completed approximately nine months. However, it appears (as the opportunity to request an abridgement has not yet expired) that there will be fewer students in the June 2021 intake opting for abridged articles, perhaps in the range of 10%.

Currently, a group of students in Manitoba have registered for the December 2021 PREP intake.¹ Some of those students will have secured articling positions and will commence their articles prior to the end of the year. As such, they will be eligible for the 16 week abridgement. Other students who are registered may not yet have secured an articling position or their start date for articling is in 2022. A further unknown number of students may register between now and the February 24, 2022 deadline. All of those students will commence articling after the expiry of the current abridgement policy.

¹ *The December 2020 Intake consisted of 20 students, only eight of whom started their articles before the end of December 2020. A report from CPLED on November 24th advises that they have six Manitoba registrants for the December 2021 intake, half of whom have articling positions.*

Given that this intake group is “straddling” 2021 and 2022, and further since many in this group have enrolled while the current abridgement policy is still in effect, we recommend that the policy to allow for abridged articles be extended to the entire December 2021 intake group.

CANADIAN CANVASS

We have canvassed other Canadian jurisdictions and can report as follows:

- British Columbia, Newfoundland, the Territories, PEI and Quebec continue to have the same articling requirements that they always had in place – they provided no abridgement options during the pandemic.
- Alberta and Saskatchewan both allowed for abridgements similar to Manitoba, and their respective benchers will be making a decision on whether or not to continue.
- Nova Scotia allowed for an abridgement until June 2022, and will revisit the issue at that time. Ontario is also taking a wait and see approach on continuing the abridgment.
- New Brunswick allowed for an abridgement but has reverted to its pre-pandemic requirements.

LOOKING FORWARD

Within the past year, in addition to the two offerings of the PREP program, CPLED also ran a pilot program with Alberta students where the students completed a three month accelerated PREP program prior to commencing their articles. We anticipate an announcement from CPLED in the near future about an opportunity for students to participate in a Manitoba pilot for an accelerated PREP course. We understand that the accelerated course will likely be 12 - 14 weeks in duration and will be offered as a pilot at the end of May 2022.

If that opportunity arises, you will want to consider whether or not those students ought to complete a full 12 months of articling at the conclusion of PREP or whether a nine month period of articles would be appropriate, while also considering overall the feasibility of continuing with a truncated articling period for students generally.

Over the next few months, Law Society staff will conduct further research and analysis of all of the issues and will return to you with some options for your consideration.

Recommendation:

We recommend that the benchers approve of the CEO continuing to allow an abridgement of a student’s required articling period of 52 weeks by as many as 16 weeks upon request, for those students enrolled in the December 2021 PREP intake.



MONITORING REPORT

To: Benchers

From: Leah Kosokowsky and Rennie Stonyk

Date: December 8, 2021

Re: FLAC Program

INTRODUCTION

In 2009, you approved a pilot project to commence on April 1, 2010, to test a brokerage model for delivering affordable legal services to the working poor, known as the Family Law Access Centre (FLAC). In 2011 you received a report on the pilot project and concluded it was too early to assess its long term viability. You directed that the project continue for an additional year. In March of 2012, you received another report on FLAC and at that time, you directed that the project continue to run but with limited participation. Finally, in January 2016, you received a report with options to:

1. End the project. The goal from the outset had been to find another entity to take it over once the Law Society was able to demonstrate its benefit and viability.
2. Continue to operate the project (with limited intake) for at least one more year to allow sufficient time to ensure the success and long-term viability of the Legal Aid pilot project.
3. Suspend the project for one year, with an option to resume it if funding for the Legal Aid pilot project was withdrawn. At the end of the year, benchers would consider how to wind it down. In the meantime, the Law Society would continue to lobby government for a commitment of ongoing financial support for the Legal Aid pilot project.

The benchers expressed support for Option 2, and it was ultimately agreed that the Law Society would continue to operate FLAC for one more year with limited intake. At the end of the year, benchers would be in a better position to make an informed decision on whether to wind down the program.

This report will update you on the project and relevant developments at Legal Aid and invite you to decide where we should go from here.

THE CONCEPT

Historically, there was a group of people who were deemed too well off to qualify for Legal Aid but who also could not pay the legal fees associated with a major case. The problem was more severe in the family law area where the issues are often significant and complex and where self-representation is usually not a desirable option.

A September 2009 report to benchers from the President's Special Committee on Access noted that these people do have some disposable income and could pay something each month. While they could not afford ordinary hourly rates and they could not come up with retainers, they could afford to pay reduced rates in monthly instalments.

In early 2010, benchers approved a pilot project to test a new delivery model to assist this group of individuals. The project became known as the Family Law Access Centre or FLAC.

Members of the family bar were invited to participate in the project. Participating lawyers did not need to agree to take any particular case but if they took a case through FLAC, they agreed to bill at a significantly reduced rate. In exchange, the Law Society agreed to pay their bills. Lawyers found this attractive because it enabled them to provide services to a group that came to them with serious legal problems but who could generally not pay retainers. The lawyers either had to decline those cases or take a risk where they often found themselves writing off fees.

A significant group of lawyers volunteered (about 70) and they represented all levels of seniority and came from all regions of the province. FLAC did not appoint a lawyer for the client. The clients were asked to choose a lawyer from the roster.

The Law Society established financial eligibility guidelines that started off where Legal Aid guidelines ended at that time. Clients who qualified financially were assessed to determine how much they could afford to pay each month. They were asked to sign a Promissory Note undertaking to pay that amount to the Law Society until the case was over. Clients were asked to provide one year's worth of post-dated cheques. The Law Society looked after paying the lawyer (at the reduced rate) and at the end of the case, if the client had paid more than what was billed, they received a refund. If there was a shortfall, the client kept paying until the full amount was repaid. No interest was paid or charged to the client.

Unlike Legal Aid, there was no cap on fees and no restrictions on the range of coverage. FLAC did not take cases that appeared to be frivolous; but all other matters were covered and we did not assess the merits of a case. The client instructed the lawyer and the Law Society was not involved in any way in the case itself. Lawyers were invited to bill monthly and provide the client with a copy. Clients had all the same rights they would have in any other retainer situation. Lawyers were

required to advise FLAC if there was a significant change in financial circumstances. FLAC coverage could be cancelled if the client stopped paying but FLAC had committed to pay the lawyer's account up to the date of cancellation. FLAC would attempt to collect bad debts from the clients.

In theory, the only cost to the Law Society would have been the administrative cost and bad debts.

THE ADMINISTRATION

The project was first conceived and approved during relatively good financial times. In fact, the original intention was for Legal Aid to take on the initiative given their resources and that they were already a provider of legal services to eligible clients. But by the time the project was implemented, things were not as strong financially and also, family lawyers were warning us to expect large bills and significant defaults. Thus, we assumed the project internally and decided to scale back the number of participants and the administrative staff for the project.

Over the years, the program has been staffed by various individuals. It was most recently been staffed part-time by Debbie Rossol, who also provides support to the Director of Regulation and other Law Society operations. We estimate that the administrative cost of FLAC was less than \$30,000 per year. In addition, a staff member of the Insurance Department has had the responsibility of attempting to collect the bad debts when necessary.

CURRENT FINANCIAL STATUS

Even when the program was still taking in new applicants, the file load was limited to approximately 30 at a time. While we haven't accepted any new intakes over the last several years, the program still has eight open files. Four of these files are active/ongoing and four of the files are completed but money is still owing by the applicants.

To date, the Law Society has paid out a total of **\$510,247.46** in fees and disbursements and payments in the amount of **\$357,272.83** have been received. Collectively, **\$145,767.43** has yet to be paid by the eight remaining applicants. A smaller portion of the outstanding difference between what the Society has paid and received, being approximately **\$7,200**, is considered bad debt.

LEGAL AID ATP PROJECT

In early 2015, the Access to Justice Steering Committee created three working groups, one of which was related to family law. The Family Law Working Group, chaired by the then Deputy Executive

Director of Legal Aid Manitoba, came out with recommendations, including the option for Legal Aid to take over FLAC, the option for another agency to take over FLAC, or the establishment of a new ATP (Agreement to Pay) Pilot project by Legal Aid.

Ultimately, on October 5, 2015, Legal Aid implemented a new ATP Pilot Project. Individuals were provided with the opportunity to obtain legal representation services if they met Legal Aid's merit criteria, had a demonstrated ability to pay, and fell within financial guidelines that mirrored our FLAC guidelines.

As noted in the 2016 report to the benchers, Legal Aid continued with the pilot project and continues to this date. Although Legal Aid has not formally announced an end to the pilot project, the Executive Director has confirmed that the ATP program is fully incorporated into their operations. The language in Legal Aid's Annual Reports has also changed in that it no longer refers to the ATP pilot project, but instead references the ATP program.

Of further significance is the fact that Legal Aid has proven to have far more capacity than our FLAC program and is, therefore, able to assist a significantly greater number of individuals on an annual basis (approximately 300 individuals). In addition, over the past several years, Legal Aid has increased its general eligibility guidelines. For comparison, the eligibility guidelines for FLAC are attached as **Appendix I** and the current eligibility guidelines for the ATP program are attached as **Appendix II**.

OBSERVATIONS

1. Back in 2016, the waiting list for FLAC was massive – the 2016 report to you indicated a waiting list of **445** people. At that time, we contacted those individuals to advise them that they might qualify for assistance through the Legal Aid pilot.
2. Because we had to restrict our intake, many lawyers stopped referring potential clients to the FLAC program. For many years our website indicated that we were no longer accepting applications due to the program being at capacity. Currently, our website has no content related to FLAC. So, it is actually difficult to know, with certainty, how many others might have needed this help who didn't make it to our waiting list.
3. The cases that went through FLAC were serious matters and of complexity such that the clients would not effectively self-represent.

RECOMMENDATION

Overall, we would consider the FLAC pilot project a success. As previously mentioned, the original intention was for Legal Aid to administer this type of program given that it had the required infrastructure and expertise. The Law Society was able to demonstrate the proof of concept and Legal Aid now operates the program with greater eligibility levels and far greater intake capacity than FLAC was able to offer.

As such, we recommend ending the Society's long-standing "pilot" project. Of course, if we end our FLAC pilot project, we will retain our existing inventory of eight files (four active and four completed but with monies still owing). Over time, these files will resolve and, eventually, we will no longer have the risk of bad debt.

ATC.

FLAC Financial Eligibility Guidelines

A person is eligible for assistance from this project if he or she has an income above the Legal Aid guidelines but within the FLAC guidelines, as follows:

Members in Family Unit	Income Level/year
1	\$23,000 - \$35,000.00
2	\$27,000 - \$45,000.00
3	\$31,000 - \$50,000.00
4	\$34,000 - \$54,000.00
5	\$37,000 - \$57,000.00
6 and up	\$40,000 - \$60,000.00

Financial Guidelines – Agreement to Pay (ATP) Program

GUIDELINES

Family Size	Gross Family Income
1	\$38,500
2	\$51,000
3	\$59,500
4	\$69,200
5	\$76,000
6	\$83,000
7+	\$90,000



MONITORING REPORT

To: Benchers

From: Leah Kosokowsky

Date: December 9, 2021

**Re: Profit and Loss Statements
April 1, 2021 to October 31, 2021**

The Law Society of Manitoba accounts for its financial activities through four separate funds: the General Fund (GF), the Reimbursement Fund (RF), the Professional Liability Claims Fund (PLCF) and the Education and Competence Fund (ECF).

As you will recall, the General Fund reflects the financial performance of the general operations of the Law Society, including accounting, admissions and membership, benchers, complaints resolution, discipline, general administration and information technology. The Reimbursement Fund exists for the benefit of clients who may suffer losses in the event of the theft of client funds by lawyers. It includes the operations of the Audit Department. The Professional Liability Claims Fund provides professional liability insurance coverage to all Manitoba lawyers and includes the operations of our insurance team. The Education and Competence Fund supports lawyers by providing knowledge and skills to remain competent to serve the public. This fund includes the operations of our education experts developing programs and the subsidy we pay CPLED to support our articling students taking the PREP program.

Attached you will find the profit and loss statements for the first seven months of the year, covering April 1 to October 31, 2021 for each of the four funds. For the Law Society as a whole (combining the results of the four separate funds), the net income to date (\$3.9 million) is exceeding both the budgeted (\$1.8 million) and last year's amount (\$3.2 million). That said, we still have five months to go, November 1, 2021 to March 31, 2022. As you know, the last couple of years have been anything but normal.

Following is a brief summary of the operations of each of the four funds, covering April 1 to October 31, 2021.

GENERAL FUND

For the first seven months, net income is \$1,895,150.77, exceeding the budgeted amount of \$1,264,624.00 but falling short of last year's \$2,080,865.32. Of particular importance:

- Practising fees: The practising fee allocated to the GF remained unchanged from the previous year at \$1,925. Last year, the practising fees were due in either one or two instalments, with the last one due September 1, 2020. This year, however, the Society permitted members to pay their fees in three instalments, with the final instalment due in December 2021.
- Application to Article and PREP Call fees: Due to changes to the CPLED program, these revenues are now recorded in the GF instead of the ECF.
- Contribution, capital items: This revenue arises from the required accounting standards recording of the depreciation on the capital assets which the Society purchased from the leasehold allowance negotiated with our lease. The leasehold improvements are depreciated over the term of the lease being 126 months or 10.5 years, the furniture/fixtures over 5 years and the IT hardware over 3 years. The hardware is now completely depreciated.
- Manitoba Law Foundation Access: The Manitoba Law Foundation provided a 2-year grant to fund the Access to Justice Coordinator position.
- Allowances – Pres/Vice: The change reflects the increase in the allowances paid to the president and vice president.
- Expense reductions: Several expenses are under budget, due to the continuation of COVID, such as janitorial services, the call ceremony (recorded in ECF last year), strategic planning, president's reception and bencher, executive and staff travel.
- Depreciation expense – hardware and software: As mentioned above, the hardware purchased when we first transitioned to 260 St. Mary is now fully depreciated. In March 2021, it was determined that the document management system purchased a few years earlier was not appropriate and was written-off.
- CLEA grant: The second half of the CLEA grant was paid in early November, and not at the end of October as was budgeted. This is just a timing issue.

- Forgivable loan: Under this program, loans were made to students attending law school. Repayment is forgiven over time after the recipient is called and practices in an area considered to be underserved. One third of a previous loan was forgiven this year as the recipient was able to obtain employment in the north.
- MLL grant: The annual grant to the Manitoba Law Library was reduced from \$550,000 to \$525,000.
- Indigenous advisor and mental health diversion: Both these positions are new this year, but became active earlier than originally planned.
- Additional rent 260 St Mary: This is the Society's portion of the general expenses to operate the building. The property tax reduction for educational status and the ability to apply part of the leasehold allowance has resulted in a lesser amount.
- Group insurance expense – This expense is higher than budgeted and last year as one employee was on short and long term disability during the year.
- Pension expense – current service: The pension expense is higher than last year due to an additional employee joining the pension plan and the timing of the Society's payment to RBC (custodian of the pension funds). We now record each month's current service in the month accrued as opposed to the following month, as was done last year. It is also less than budgeted as the new hires do not yet qualify to be included in the plan.
- Salaries expense: Salary costs are over last year due to the creation of three new positions- Access to Justice Coordinator (May 3, 2021), Discipline Hearing Counsel (August 17, 2020) and IT Technician (December 7, 2020). Salaries expenses are under budget as one staff was on short and long term disability and changes in staff during the year resulted in some positions being vacant for a period of time.

REIMBURSEMENT FUND

Net income for this fund for the first seven months was \$253,134.18, exceeding budget by \$372,547.18, but falling short of last year by \$410,047.02. To note:

- Practising fee: Practising fees allocated to the RF remained unchanged at \$575. Increasing the installments from two to three results in the changes to budget and last year.

- Damages paid and recovered: The damages paid and recovered depend on the claims arising. The Hesse defalcation still accounts for much of the payments and recoveries.
- Lawyers trust protection insurance: Higher premiums due to claims experience.
- Lawyer's trust retro assessment: The amount of \$260,438.21 is due each year for 5 years. Last year it was paid in November 2020.
- Pension expense – current service: This is just a timing effect as we are recording the remittance to RBC one month earlier.

PROFESSIONAL LIABILITY CLAIMS FUND

Net income for the first seven months is \$1,946,854.26, compared with budgeted of \$710,923.00 and last year's \$472,278.64. Of importance:

- Total insurance income: Last year the Society provided a one time \$150/member reduction for COVID relief. This year we were able to maintain the levy at the reduced amount of \$1,545 (pretax), including \$45 cyber insurance. Although the levy remained unchanged, the split between CLIA and the Society changed. This year, CLIA claims \$96 of the \$1,500, leaving the Society with \$1,404. Last year, CLIA's share was \$424, leaving \$1,076 for the Society. When budgeting, the levy was anticipated to increase by \$200 to \$1,850 (\$1,500 last year + \$150 COVID relief + \$200 increase), with \$474 allocated to CLIA and \$1,376 allocated to the Society.
- CLIA surplus rebate: A surplus was not anticipated, nor did we receive one last year.
- Cyber insurance income: The Society charged \$45/member, the same amount CLIA charges the Society. The budget assumed \$40/member, which was the amount CLIA charged the Society the prior year.
- RBC investment income: Extremely hard to predict and allocate to the various months. This fund holds 98.16% of the total investments.
- Damage/defence costs paid and recovered: Despite excellent work in the insurance department, these amounts are difficult to predict as they depend on the claims arising.

- **Mandatory insurance:** While it appears that this expense is significantly lower than budgeted and last year, in fact, this is not the case. Last year, the Society paid the entire year's premium in July. This July, only the first instalment was paid, with the second instalment due on January 1, 2022.
- **RST, collected for CLIA and RST, paid to CLIA:** The provincial sales tax the Society collects on CLIA's portion of the levy (mentioned above) and cyber insurance from our members is recorded in one account. In another account, the RST paid to CLIA on the mandatory insurance premium is recorded. In a perfect world, these amounts should agree as the Society is in fact collecting the mandatory premium on CLIA's behalf. However, the Society's insured members come and go throughout the year, resulting in minor differences. The balance in these accounts will become more aligned once the second instalment of the mandatory insurance is paid to CLIA in January 2022.
- **Salaries:** The Society budgeted for the hiring of an additional staff person. This will be delayed until January 2022.

EDUCATION AND COMPETENCE FUND

This fund showed a loss of \$168,105.49 to date, which is more than budgeted (\$52,574.00) and last year's (\$65,177.37). Impacting this loss:

- **Practising fees:** The fees remained unchanged at \$175, however, the number of instalments has increased.
- **As CPLED is no longer delivered by the Law Society, the following result:**
 - **Application to article** – This fee, previously recorded in ECF, is now recorded in the GF as seen as an admission function.
 - **Call fee PREP** – The call fee for those completing the CPLED course was recorded as revenue in ECF. Now, it is considered a membership-related task and reflected in the GF.
 - **CPLED development** – Prior to CPLED delivering PREP, the Society paid CPLED an annual amount for the continued maintenance/update of the old program. One installment had been made last year prior to the handover to CPLED in Calgary.
- **CPD program revenue:** Less than budgeted and last year.

- RBC investment income: A withdrawal in February 2021 resulted in a depletion of all investments in the ECF fund. As advised by Deloitte's, it is best to hold investments in insurance-related funds, specifically in PLCF and RF.
- PREP subsidy: This represents the \$2,600/student the Society pays to CPLED to subsidize the tuition fee for each articling student. We are still trying to grasp the timing of CPLED's billing.
- Salaries/benefits: Salaries are lower than last year as the CPLED related salaries have been redeployed. The budget for last year was difficult, as the impact of the changes to CPLED were unknown.

ATC.

Law Society of Manitoba
Profit & Loss General Fund (GF)
April 1, 2021 to March 31, 2022

Actual YTD		2021/22 Budget		Variances YTD		
April to October 2021	April to October 2020	April to October 2021	April 2021 to March 2022	(Actual - Budget) April to October 2021	(Actual) April to October 2021 to 2020	
Column 1	Column 2	Column 3	Column 3	Column 1 - 3	Column 1 - 2	
Income						
Administration fees						
Admin fee to MLL	\$ 11,666.69	\$ 11,666.69	\$ 11,665.00	\$ 20,000.00	\$ 1.69	\$ -
Instalment payment fee	\$ 34,660.00	\$ 41,150.00	\$ 35,750.00	\$ 59,000.00	\$ (1,090.00)	\$ (6,490.00)
Late payment penalty	\$ 11,160.00	\$ 4,400.00	\$ 4,500.00	\$ 6,000.00	\$ 6,660.00	\$ 6,760.00
Refund fee	\$ 9,100.00	\$ 10,600.00	\$ 9,000.00	\$ 16,000.00	\$ 100.00	\$ (1,500.00)
Total Administration fees	\$ 66,586.69	\$ 67,816.69	\$ 60,915.00	\$ 101,000.00	\$ 5,671.69	\$ (1,230.00)
Annual Fee						
Non-practising fee	\$ 30,400.00	\$ 30,500.00	\$ 30,000.00	\$ 30,000.00	\$ 400.00	\$ (100.00)
Practising fee	\$ 4,041,972.54	\$ 4,116,066.43	\$ 3,632,090.00	\$ 4,081,000.00	\$ 409,882.54	\$ (74,093.89)
Total Annual Fee	\$ 4,072,372.54	\$ 4,146,566.43	\$ 3,662,090.00	\$ 4,111,000.00	\$ 410,282.54	\$ (74,193.89)
Application fees						
Application fee - other	\$ 1,350.00	\$ 300.00	\$ 585.00	\$ 1,000.00	\$ 765.00	\$ 1,050.00
Application to article	\$ 11,900.00	\$ -	\$ 13,000.00	\$ 13,000.00	\$ (1,100.00)	\$ 11,900.00
Exemption from articling	\$ 1,050.00	\$ 350.00	\$ 1,400.00	\$ 1,400.00	\$ (350.00)	\$ 700.00
Law student registration	\$ 1,240.00	\$ 1,780.00	\$ 1,400.00	\$ 2,800.00	\$ (160.00)	\$ (540.00)
Resumption of active practise	\$ 6,750.00	\$ 4,800.00	\$ 4,375.00	\$ 7,500.00	\$ 2,375.00	\$ 1,950.00
Transfer to Manitoba Bar	\$ 4,500.00	\$ 4,200.00	\$ 3,000.00	\$ 6,000.00	\$ 1,500.00	\$ 300.00
Total Application fees	\$ 26,790.00	\$ 11,430.00	\$ 23,760.00	\$ 31,700.00	\$ 3,030.00	\$ 15,360.00
Call fees						
PREP	\$ 67,200.00	\$ -	\$ 63,000.00	\$ 66,000.00	\$ 4,200.00	\$ 67,200.00
Transfers	\$ 10,200.00	\$ 9,000.00	\$ 7,000.00	\$ 12,000.00	\$ 3,200.00	\$ 1,200.00
Toal call fees	\$ 77,400.00	\$ 9,000.00	\$ 70,000.00	\$ 78,000.00	\$ 7,400.00	\$ 68,400.00
Contribution re leasehold						
Contribution, capital items	\$ 51,705.44	\$ 63,945.00	\$ 63,945.00	\$ 109,620.00	\$ (12,239.56)	\$ (12,239.56)
Contribution, expense items	\$ 7,572.60	\$ 8,018.44	\$ 8,215.00	\$ 14,080.00	\$ (642.40)	\$ (445.84)
Total Contribution	\$ 59,278.04	\$ 71,963.44	\$ 72,160.00	\$ 123,700.00	\$ (12,881.96)	\$ (12,685.40)
Costs recovered - discipline	\$ 16,470.83	\$ 25,900.00	\$ 29,165.00	\$ 50,000.00	\$ (12,694.17)	\$ (9,429.17)
Grants						
Employment	\$ 3,332.00	\$ -	\$ 3,000.00	\$ 3,000.00	\$ 332.00	\$ 3,332.00
MB Law Foundation Access	\$ 65,377.50	\$ -	\$ 67,000.00	\$ 134,000.00	\$ (1,622.50)	\$ 65,377.50
\$ 68,709.50	\$ -	\$ 70,000.00	\$ 137,000.00	\$ (1,290.50)	\$ 68,709.50	
Interest income	\$ 17,013.75	\$ 21,160.41	\$ 19,500.00	\$ 30,000.00	\$ (2,486.25)	\$ (4,146.66)

Law Society of Manitoba
Profit & Loss General Fund (GF)
April 1, 2021 to March 31, 2022

Actual YTD		2021/22 Budget		Variances YTD		
April to October 2021	April to October 2020	April to October 2021	April 2021 to March 2022	(Actual - Budget) April to October 2021	(Actual) April to October 2021 to 2020	
Column 1	Column 2	Column 3	Column 3	Column 1 - 3	Column 1 - 2	
Other income						
Cert of standing revenue	\$ 5,800.00	\$ 5,400.00	\$ 5,835.00	\$ 10,000.00	\$ (35.00)	\$ 400.00
Fast Track revenue	\$ 27,300.00	\$ 26,400.00	\$ 26,650.00	\$ 27,500.00	\$ 650.00	\$ 900.00
Insurance claim proceeds	\$ 1,276.20	\$ -	\$ -	\$ -	\$ 1,276.20	\$ 1,276.20
Law corporation fees	\$ 79,200.00	\$ 75,500.00	\$ 78,600.00	\$ 81,000.00	\$ 600.00	\$ 3,700.00
Locker rental revenue	\$ 10,200.00	\$ 10,400.00	\$ 10,500.00	\$ 10,500.00	\$ (300.00)	\$ (200.00)
Miscellaneous revenue	\$ 2,193.24	\$ 689.63	\$ 585.00	\$ 1,000.00	\$ 1,608.24	\$ 1,503.61
Section 51 revenue	\$ -	\$ -	\$ -	\$ 47,184.00	\$ -	\$ -
Total Other income	\$ 125,969.44	\$ 118,389.63	\$ 122,170.00	\$ 177,184.00	\$ 3,799.44	\$ 7,579.81
Total Income	\$ 4,530,590.79	\$ 4,472,226.60	\$ 4,129,760.00	\$ 4,839,584.00	\$ 400,830.79	\$ 58,364.19
Expense						
Access to Justice	\$ 1,898.16	\$ -	\$ -	\$ -	\$ 1,898.16	\$ 1,898.16
Allowances - Pres/Vice	\$ 75,000.00	\$ 47,500.00	\$ 80,000.00	\$ 80,000.00	\$ (5,000.00)	\$ 27,500.00
Buliding operation/maintenance						
Building insurance	\$ 15,774.81	\$ 15,177.54	\$ 15,250.00	\$ 15,250.00	\$ 524.81	\$ 597.27
Janitorial services	\$ 6,868.13	\$ 10,066.16	\$ 15,870.00	\$ 27,200.00	\$ (9,001.87)	\$ (3,198.03)
Janitorial supplies	\$ 342.59	\$ 428.33	\$ 700.00	\$ 1,200.00	\$ (357.41)	\$ (85.74)
Maintenance	\$ 4,529.83	\$ 793.22	\$ 2,920.00	\$ 5,000.00	\$ 1,609.83	\$ 3,736.61
Total Buliding operation/maintenance	\$ 27,515.36	\$ 26,465.25	\$ 34,740.00	\$ 48,650.00	\$ (7,224.64)	\$ 1,050.11
Catering/Other Functions						
50 year lunch catering	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	\$ (1,000.00)	\$ -
Call ceremony	\$ 625.92	\$ -	\$ 11,500.00	\$ 12,000.00	\$ (10,874.08)	\$ 625.92
Coffee/water/pop/milk	\$ 2,326.53	\$ 1,579.44	\$ 2,335.00	\$ 4,000.00	\$ (8.47)	\$ 747.09
Committee meetings catering	\$ 87.84	\$ 51.19	\$ 2,000.00	\$ 4,000.00	\$ (1,912.16)	\$ 36.65
Meetings catering	\$ 406.37	\$ 359.70	\$ 3,100.00	\$ 5,000.00	\$ (2,693.63)	\$ 46.67
Strategic planning	\$ -	\$ -	\$ 7,500.00	\$ 7,500.00	\$ (7,500.00)	\$ -
Other receptions catering	\$ -	\$ -	\$ 3,000.00	\$ 5,000.00	\$ (3,000.00)	\$ -
President's reception	\$ -	\$ -	\$ 10,000.00	\$ 10,000.00	\$ (10,000.00)	\$ -
Staff functions	\$ 2,149.31	\$ 403.55	\$ 1,700.00	\$ 5,700.00	\$ 449.31	\$ 1,745.76
Total Catering	\$ 5,595.97	\$ 2,393.88	\$ 42,135.00	\$ 54,200.00	\$ (36,539.03)	\$ 3,202.09
Prosecution & investigation	\$ -	\$ 16,273.85	\$ 5,000.00	\$ 10,000.00	\$ (5,000.00)	\$ (16,273.85)

Law Society of Manitoba
Profit & Loss General Fund (GF)
April 1, 2021 to March 31, 2022

	Actual YTD		2021/22 Budget		Variances YTD	
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	Column 1	Column 2	Column 3	Column 3	Column 1 - 3	Column 1 - 2
Custodial expenses						
Custodian fees	\$ 24,616.59	\$ 26,162.10	\$ 30,000.00	\$ 60,000.00	\$ (5,383.41)	\$ (1,545.51)
File Storage costs	\$ 3,769.83	\$ 2,229.29	\$ 2,925.00	\$ 5,000.00	\$ 844.83	\$ 1,540.54
Total Custodial expenses	\$ 28,386.42	\$ 28,391.39	\$ 32,925.00	\$ 65,000.00	\$ (4,538.58)	\$ (4.97)
Depreciation expense						
Depr exp - hardware	\$ 16,594.98	\$ 28,834.54	\$ 28,840.00	\$ 49,500.00	\$ (12,245.02)	\$ (12,239.56)
Depr exp - furniture/equipment	\$ 4,354.56	\$ 5,153.89	\$ 5,180.00	\$ 8,880.00	\$ (825.44)	\$ (799.33)
Depr exp - leasehold improvement	\$ 38,171.21	\$ 38,171.21	\$ 38,265.00	\$ 65,600.00	\$ (93.79)	\$ -
Deprn exp - software	\$ -	\$ -	\$ 12,740.00	\$ 21,840.00	\$ (12,740.00)	\$ -
Total Depreciation expense	\$ 59,120.75	\$ 72,159.64	\$ 85,025.00	\$ 145,820.00	\$ (25,904.25)	\$ (13,038.89)
Grants/prizes						
CANLI grant	\$ 67,895.16	\$ 66,825.93	\$ 67,950.00	\$ 90,600.00	\$ (54.84)	\$ 1,069.23
CLEA grant	\$ 33,500.00	\$ 33,500.00	\$ 67,000.00	\$ 67,000.00	\$ (33,500.00)	\$ -
FLSC annual levy	\$ 41,891.76	\$ 45,636.69	\$ 41,250.00	\$ 55,000.00	\$ 641.76	\$ (3,744.93)
Forgivable loan	\$ 13,283.33	\$ 14,582.80	\$ -	\$ -	\$ 13,283.33	\$ (1,299.47)
Gifts	\$ 1,417.56	\$ 2,751.22	\$ 4,295.00	\$ 7,500.00	\$ (2,877.44)	\$ (1,333.66)
MLL grant	\$ 306,250.00	\$ 320,833.31	\$ 306,250.00	\$ 525,000.00	\$ -	\$ (14,583.31)
Other donations	\$ 1,000.00	\$ 1,000.00	\$ 3,700.00	\$ 3,700.00	\$ (2,700.00)	\$ -
Prizes	\$ 4,500.00	\$ 4,500.00	\$ 4,500.00	\$ 4,500.00	\$ -	\$ -
Staff recognition	\$ 139.78	\$ 775.00	\$ 1,460.00	\$ 2,500.00	\$ (1,320.22)	\$ (635.22)
Total Grants/prizes	\$ 469,877.59	\$ 490,404.95	\$ 496,405.00	\$ 755,800.00	\$ (26,527.41)	\$ (20,527.36)
Honoraria	\$ 13,000.00	\$ 13,950.00	\$ 16,500.00	\$ 33,000.00	\$ (3,500.00)	\$ (950.00)
Interfund admin charges						
ECF transfer to GF	\$ (116,666.62)	\$ (116,666.62)	\$ (116,665.00)	\$ (200,000.00)	\$ (1.62)	\$ -
PLCF transfer to GF	\$ (277,083.31)	\$ (277,083.31)	\$ (277,085.00)	\$ (475,000.00)	\$ 1.69	\$ -
RF transfer to GF	\$ (175,000.00)	\$ (174,999.99)	\$ (175,000.00)	\$ (300,000.00)	\$ -	\$ (0.01)
Total interfund admin charges	\$ (568,749.93)	\$ (568,749.92)	\$ (568,750.00)	\$ (975,000.00)	\$ 0.07	\$ (0.01)
Miscellaneous expense	\$ 319.40	\$ 629.97	\$ 285.00	\$ 500.00	\$ 34.40	\$ (310.57)

Law Society of Manitoba
Profit & Loss General Fund (GF)
April 1, 2021 to March 31, 2022

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Column 1	Column 2	Column 3	Column 3	Column 1 - 3	Column 1 - 2	
Office and sundry						
Courier	\$ 2,304.94	\$ 2,365.90	\$ 2,920.00	\$ 5,000.00	\$ (615.06)	\$ (60.96)
Office furn/equip exp	\$ -	\$ 499.33	\$ 1,750.00	\$ 3,000.00	\$ (1,750.00)	\$ (499.33)
Office supplies	\$ 5,830.52	\$ 9,756.04	\$ 10,589.00	\$ 18,000.00	\$ (4,758.48)	\$ (3,925.52)
Photocopying expense	\$ 16,354.35	\$ 16,373.46	\$ 13,500.00	\$ 18,000.00	\$ 2,854.35	\$ (19.11)
Postage/Fax	\$ 3,669.66	\$ 3,134.22	\$ 4,670.00	\$ 8,000.00	\$ (1,000.34)	\$ 535.44
Total Office and sundry	\$ 28,159.47	\$ 32,128.95	\$ 33,429.00	\$ 52,000.00	\$ (5,269.53)	\$ (3,969.48)
Other services						
Court reporters	\$ 6,174.85	\$ 7,437.10	\$ 7,585.00	\$ 13,000.00	\$ (1,410.15)	\$ (1,262.25)
Filing fees	\$ 1,123.20	\$ 1,075.00	\$ 1,452.00	\$ 2,500.00	\$ (328.80)	\$ 48.20
Notifications	\$ 2,209.75	\$ 5,901.50	\$ 6,310.00	\$ 8,000.00	\$ (4,100.25)	\$ (3,691.75)
Serving of documents	\$ 373.60	\$ 793.29	\$ 875.00	\$ 1,500.00	\$ (501.40)	\$ (419.69)
Total other services	\$ 9,881.40	\$ 15,206.89	\$ 16,222.00	\$ 25,000.00	\$ (6,340.60)	\$ (5,325.49)
Prof development/training						
Course/conference fees	\$ 5,243.29	\$ 1,005.71	\$ 7,100.00	\$ 10,000.00	\$ (1,856.71)	\$ 4,237.58
Membership fees	\$ 4,849.35	\$ 5,833.54	\$ 7,500.00	\$ 7,500.00	\$ (2,650.65)	\$ (984.19)
Total Prof development/training	\$ 10,092.64	\$ 6,839.25	\$ 14,600.00	\$ 17,500.00	\$ (4,507.36)	\$ 3,253.39
Professional fees						
Complaints commissioner	\$ 4,500.00	\$ 4,201.00	\$ 6,250.00	\$ 12,500.00	\$ (1,750.00)	\$ 299.00
Contract services	\$ 365.00	\$ -	\$ 2,335.00	\$ 4,000.00	\$ (1,970.00)	\$ 365.00
Discipline chair	\$ 10,000.00	\$ 10,000.00	\$ 11,000.00	\$ 22,000.00	\$ (1,000.00)	\$ -
Executive search	\$ -	\$ 7,840.05	\$ -	\$ -	\$ -	\$ (7,840.05)
External audit expense	\$ 36,064.35	\$ 35,377.41	\$ 37,000.00	\$ 37,000.00	\$ (935.65)	\$ 686.94
General consulting	\$ 28,179.07	\$ 19,569.89	\$ 30,835.00	\$ 35,000.00	\$ (2,655.93)	\$ 8,609.18
Indigenous advisor	\$ 10,000.00	\$ -	\$ -	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00
Mental health diversion	\$ 15,000.00	\$ -	\$ 4,420.00	\$ 26,500.00	\$ 10,580.00	\$ 15,000.00
Pension advisor	\$ 12,525.00	\$ 9,680.00	\$ 15,000.00	\$ 20,000.00	\$ (2,475.00)	\$ 2,845.00
Practice audits	\$ -	\$ -	\$ 4,170.00	\$ 25,000.00	\$ (4,170.00)	\$ -
Program speaker fee	\$ -	\$ -	\$ 2,500.00	\$ 3,000.00	\$ (2,500.00)	\$ -
Systems consulting	\$ -	\$ -	\$ 1,500.00	\$ 2,000.00	\$ (1,500.00)	\$ -
Total Professional fees	\$ 116,633.42	\$ 86,668.35	\$ 115,010.00	\$ 192,000.00	\$ 1,623.42	\$ 29,965.07

Law Society of Manitoba
Profit & Loss General Fund (GF)
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Actual YTD		2021/22 Budget		Variances YTD		
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Column 1	Column 2	Column 3	Column 3	Column 1 - 3	Column 1 - 2	
Publications						
Books/subscriptions	\$ 5,740.98	\$ 6,234.21	\$ 6,125.00	\$ 10,500.00	\$ (384.02)	\$ (493.23)
LSM Regulations	\$ 642.60	\$ 1,598.40	\$ 1,500.00	\$ 3,000.00	\$ (857.40)	\$ (955.80)
Outside printing	\$ -	\$ 933.28	\$ 1,000.00	\$ 1,000.00	\$ (1,000.00)	\$ (933.28)
Total publications	\$ 6,383.58	\$ 8,765.89	\$ 8,625.00	\$ 14,500.00	\$ (2,241.42)	\$ (2,382.31)
Rent expense						
Additional rent 260 St Mary	\$ 120,478.82	\$ 135,081.30	\$ 137,085.00	\$ 235,000.00	\$ (16,606.18)	\$ (14,602.48)
Base rent 260 St Mary	\$ 156,753.31	\$ 156,753.31	\$ 157,500.00	\$ 270,000.00	\$ (746.69)	\$ -
Mgmt fee 260 St Mary	\$ 7,837.69	\$ 7,837.69	\$ 8,230.00	\$ 14,110.00	\$ (392.31)	\$ -
Parking expense 260 St Mary	\$ 5,796.14	\$ 5,542.89	\$ -	\$ -	\$ 5,796.14	\$ 253.25
Rent - outside	\$ -	\$ -	\$ 500.00	\$ 500.00	\$ (500.00)	\$ -
Total rent	\$ 290,865.96	\$ 305,215.19	\$ 303,315.00	\$ 519,610.00	\$ (12,449.04)	\$ (14,349.23)
Salaries and benefits						
CPP exp	\$ 50,666.78	\$ 33,612.82	\$ 50,460.00	\$ 86,500.00	\$ 206.78	\$ 17,053.96
El exp	\$ 15,952.25	\$ 11,094.68	\$ 15,946.00	\$ 28,325.00	\$ 6.25	\$ 4,857.57
Group insurance expense	\$ 156,411.89	\$ 119,971.46	\$ 137,670.00	\$ 236,000.00	\$ 18,741.89	\$ 36,440.43
Mba payroll tax expense	\$ 34,359.52	\$ 30,250.71	\$ 35,505.00	\$ 61,725.00	\$ (1,145.48)	\$ 4,108.81
Pension exp - current service	\$ 266,486.52	\$ 232,473.26	\$ 277,177.00	\$ 492,125.00	\$ (10,690.48)	\$ 34,013.26
Salaries expense	\$ 1,504,093.85	\$ 1,341,132.72	\$ 1,558,944.00	\$ 2,767,925.00	\$ (54,850.15)	\$ 162,961.13
Total Salaries and benefits	\$ 2,027,970.81	\$ 1,768,535.65	\$ 2,075,702.00	\$ 3,672,600.00	\$ (47,731.19)	\$ 259,435.16
Service fees						
Banking fees	\$ (3.00)	\$ 493.00	\$ 290.00	\$ 500.00	\$ (293.00)	\$ (496.00)
Bill payment fees	\$ 587.26	\$ -	\$ -	\$ -	\$ 587.26	\$ 587.26
CAFT fees	\$ 351.80	\$ 26.80	\$ 350.00	\$ 600.00	\$ 1.80	\$ 325.00
Credit card fees	\$ 259.65	\$ 179.78	\$ 350.00	\$ 600.00	\$ (90.35)	\$ 79.87
Payworks/Ceridian fees	\$ 1,877.45	\$ 1,808.94	\$ 2,078.00	\$ 3,600.00	\$ (200.55)	\$ 68.51
Total Service fees	\$ 3,073.16	\$ 2,508.52	\$ 3,068.00	\$ 5,300.00	\$ 5.16	\$ 564.64
Technology						
Hardware expense	\$ 2,732.68	\$ 7,639.80	\$ 5,000.00	\$ 10,000.00	\$ (2,267.32)	\$ (4,907.12)
Software expense	\$ 1,243.03	\$ 798.17	\$ 2,500.00	\$ 5,000.00	\$ (1,256.97)	\$ 444.86
Tech services	\$ 19,985.05	\$ 18,728.03	\$ 17,065.00	\$ 28,000.00	\$ 2,920.05	\$ 1,257.02
Total Technology	\$ 23,960.76	\$ 27,166.00	\$ 24,565.00	\$ 43,000.00	\$ (604.24)	\$ (3,205.24)
Telecommunications						
Conferencing	\$ -	\$ 108.96	\$ 295.00	\$ 500.00	\$ (295.00)	\$ (108.96)
Telephone	\$ 6,138.25	\$ 6,112.11	\$ 6,440.00	\$ 11,000.00	\$ (301.75)	\$ 26.14
Total Telecommunications	\$ 6,138.25	\$ 6,221.07	\$ 6,735.00	\$ 11,500.00	\$ (596.75)	\$ (82.82)

Law Society of Manitoba
Profit & Loss General Fund (GF)
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Travel						
Access travel	\$ -	\$ -	\$ 4,000.00	\$ 10,000.00	\$ (4,000.00)	\$ -
Bencher/committee travel	\$ 92.13	\$ 2,056.57	\$ 10,000.00	\$ 15,000.00	\$ (9,907.87)	\$ (1,964.44)
Pres/Vice travel	\$ -	\$ 199.37	\$ 9,000.00	\$ 13,000.00	\$ (9,000.00)	\$ (199.37)
Presenters travel	\$ -	\$ -	\$ 2,000.00	\$ 3,000.00	\$ (2,000.00)	\$ -
Staff travel	\$ 224.72	\$ 430.57	\$ 14,600.00	\$ 20,000.00	\$ (14,375.28)	\$ (205.85)
Total Travel	\$ 316.85	\$ 2,686.51	\$ 39,600.00	\$ 61,000.00	\$ (39,283.15)	\$ (2,369.66)
Total Expense	\$ 2,635,440.02	\$ 2,391,361.28	\$ 2,865,136.00	\$ 4,831,980.00	\$ (229,695.98)	\$ 244,078.74
Net income (loss)	\$ 1,895,150.77	\$ 2,080,865.32	\$ 1,264,624.00	\$ 7,604.00	\$ 630,526.77	\$ (185,714.55)

Law Society of Manitoba
Profit & Loss Reimbursement Fund (RF)
April 1, 2021 to March 31, 2022

Actual YTD		2021/22 Budget		Variances YTD	
April to October 2021	April to October 2020	April to October 2021	April 2021 to March 2022	(Actual - Budget) April to October 2021	(Actual) April to October 2021 to 2020
Column 1	Column 2	Column 3	Column 3	Column 1 - 3	Column 1 - 2

Income

Practising fee	\$ 1,207,541.98	\$ 1,228,705.93	\$ 1,082,399.00	\$ 1,219,000.00	\$ 125,142.98	\$ (21,163.95)
MB Law Foundation grant	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 167,692.00	\$ -	\$ -
RBC investment income	\$ 2,696.28	\$ 3,038.86	\$ 5,595.00	\$ 11,440.00	\$ (2,898.72)	\$ (342.58)
Trust account inspection	\$ -	\$ 3,460.00	\$ -	\$ -	\$ -	\$ (3,460.00)
Total Income	\$ 1,310,238.26	\$ 1,335,204.79	\$ 1,187,994.00	\$ 1,398,132.00	\$ 122,244.26	\$ (24,966.53)

Expense

Damages paid	\$ 1,892,743.00	\$ 1,000.00	\$ 320,835.00	\$ 550,000.00	\$ 1,571,908.00	\$ 1,891,743.00
Damages recovered	\$ (1,823,860.00)	\$ (2,550.00)	\$ -	\$ -	\$ (1,823,860.00)	\$ (1,821,310.00)
Administration fees	\$ 116.00	\$ 22.00	\$ 5,835.00	\$ 10,000.00	\$ (5,719.00)	\$ 94.00
Lawyers trust protection ins	\$ 222,766.24	\$ 188,473.81	\$ 210,000.00	\$ 210,000.00	\$ 12,766.24	\$ 34,292.43
Lawyers trust retro assessment	\$ 260,438.21	\$ -	\$ 260,438.00	\$ 260,438.00	\$ 0.21	\$ 260,438.21
Administrative charges (to GF)	\$ 175,000.00	\$ 174,999.99	\$ 175,000.00	\$ 300,000.00	\$ -	\$ 0.01
Miscellaneous expense	\$ 250.00	\$ -	\$ 203.00	\$ 350.00	\$ 47.00	\$ 250.00
Courier	\$ 130.40	\$ 163.64	\$ 581.00	\$ 1,000.00	\$ (450.60)	\$ (33.24)
Office furniture/equipment	\$ 175.17	\$ -	\$ -	\$ -	\$ 175.17	\$ 175.17
Office supplies	\$ 85.55	\$ 259.88	\$ 175.00	\$ 300.00	\$ (89.45)	\$ (174.33)
Photocopy	\$ 364.41	\$ 364.41	\$ 525.00	\$ 700.00	\$ (160.59)	\$ -
Filing fees	\$ 20.00	\$ -	\$ -	\$ -	\$ 20.00	\$ 20.00
Course fees	\$ 487.00	\$ 687.82	\$ 1,700.00	\$ 1,700.00	\$ (1,213.00)	\$ (200.82)
Membership fees	\$ 4,060.00	\$ 4,060.00	\$ 4,700.00	\$ 5,000.00	\$ (640.00)	\$ -
Contract services	\$ 60.00	\$ -	\$ -	\$ -	\$ 60.00	\$ 60.00
Investment management expense	\$ 780.70	\$ 774.86	\$ 885.00	\$ 2,000.00	\$ (104.30)	\$ 5.84
Parking expense 260 St. Mary	\$ 3,120.00	\$ 3,120.00	\$ 2,800.00	\$ 4,800.00	\$ 320.00	\$ -
CPP exp	\$ 8,192.07	\$ 6,668.40	\$ 7,958.00	\$ 14,130.00	\$ 234.07	\$ 1,523.67
El exp	\$ 2,644.39	\$ 2,309.01	\$ 2,675.00	\$ 4,750.00	\$ (30.61)	\$ 335.38
Mba payroll tax expense	\$ 5,432.97	\$ 5,274.20	\$ 5,408.00	\$ 9,600.00	\$ 24.97	\$ 158.77
Pension exp - current service	\$ 57,377.90	\$ 47,206.67	\$ 57,449.00	\$ 102,000.00	\$ (71.10)	\$ 10,171.23
Salaries expense	\$ 246,193.06	\$ 239,111.87	\$ 246,125.00	\$ 437,000.00	\$ 68.06	\$ 7,081.19
Hardware expense	\$ -	\$ -	\$ 1,456.00	\$ 2,500.00	\$ (1,456.00)	\$ -

Law Society of Manitoba
Profit & Loss Reimbursement Fund (RF)
April 1, 2021 to March 31, 2022

	Actual YTD		2021/22 Budget		Variances YTD	
	April to October 2021	April to October 2020	April to October 2021	April 2021 to March 2022	(Actual - Budget) April to October 2021	(Actual) April to October 2021 to 2020
	Column 1	Column 2	Column 3	Column 3	Column 1 - 3	Column 1 - 2
Software expense	\$ -	\$ -	\$ 294.00	\$ 500.00	\$ (294.00)	\$ -
Tech services	\$ 75.68	\$ 77.03	\$ 365.00	\$ 625.00	\$ (289.32)	\$ (1.35)
Staff travel	\$ 451.33	\$ -	\$ 2,000.00	\$ 5,000.00	\$ (1,548.67)	\$ 451.33
Total Expense	\$ 1,057,104.08	\$ 672,023.59	\$ 1,307,407.00	\$ 1,922,393.00	\$ (250,302.92)	\$ 385,080.49
Net Income (Loss)	\$ 253,134.18	\$ 663,181.20	\$ (119,413.00)	\$ (524,261.00)	\$ 372,547.18	\$ (410,047.02)
Total salaries/benefits	\$ 319,840.39	\$ 300,570.15	\$ 319,615.00	\$ 567,480.00	\$ 225.39	\$ 19,270.24
Total benefits	\$ 73,647.33	\$ 61,458.28	\$ 73,490.00	\$ 130,480.00	\$ 157.33	\$ 12,189.05
Net damages	\$ 68,883.00	\$ (1,550.00)	\$ 320,835.00	\$ 550,000.00	\$ (251,952.00)	\$ 70,433.00

Law Society of Manitoba
Profit & Loss Professional Liability Claims Fund (PLCF)
April 1, 2021 to March 31, 2022

Actual YTD		2021/22 Budget		Variances YTD	
April to October 2021	April to October 2020	April to October 2021	April 2021 to March 2022	(Actual - Budget) April to October 2021	(Actual) April to October 2021 to 2020
Column 1	Column 2	Column 3	Column 4	Column 1 - 3	Column 1 - 2

Income

Insurance levy/CLIA	\$ 162,780.99	\$ 658,580.07	\$ 717,000.00	\$ 791,580.00	\$ (554,219.01)	\$ (495,799.08)
Insurance levy	\$ 2,262,498.86	\$ 1,655,329.97	\$ 2,080,000.00	\$ 2,297,920.00	\$ 182,498.86	\$ 607,168.89
Total insurance	\$ 2,425,279.85	\$ 2,313,910.04	\$ 2,797,000.00	\$ 3,089,500.00	\$ (371,720.15)	\$ 111,369.81
CLIA surplus rebate	\$ 477,789.00	\$ -	\$ -	\$ -	\$ 477,789.00	\$ 477,789.00
Costs recovered - deductibles	\$ 36,389.01	\$ 69,693.13	\$ 58,331.00	\$ 100,000.00	\$ (21,941.99)	\$ (33,304.12)
Cyber insurance	\$ 75,390.00	\$ 72,195.00	\$ 62,820.00	\$ 69,800.00	\$ 12,570.00	\$ 3,195.00
Interest income	\$ 356.90	\$ -	\$ -	\$ -	\$ 356.90	\$ 356.90
RBC investment income	\$ 143,469.81	\$ 165,722.61	\$ 61,795.00	\$ 624,195.00	\$ 81,674.81	\$ (22,252.80)
Total Income	\$ 3,158,674.57	\$ 2,621,520.78	\$ 2,979,946.00	\$ 3,883,495.00	\$ 178,728.57	\$ 537,153.79

Expense

Damages paid	\$ 139,777.87	\$ 789,377.24	\$ 583,331.00	\$ 1,000,000.00	\$ (443,553.13)	\$ (649,599.37)
Damages recovered	\$ (234,301.96)	\$ (79,332.53)	\$ -	\$ -	\$ (234,301.96)	\$ (154,969.43)
Administration fees	\$ 76.00	\$ 9,131.05	\$ 5,831.00	\$ 10,000.00	\$ (5,755.00)	\$ (9,055.05)
Defence costs	\$ 344,664.92	\$ 503,476.11	\$ 449,162.00	\$ 770,000.00	\$ (104,497.08)	\$ (158,811.19)
Non insurance payments	\$ -	\$ 3,638.00	\$ -	\$ -	\$ -	\$ (3,638.00)
Recovery of Defence Costs	\$ (51,640.32)	\$ (236,043.44)	\$ -	\$ -	\$ (51,640.32)	\$ 184,403.12
Cyber insurance	\$ 76,366.31	\$ 73,048.29	\$ 70,000.00	\$ 70,000.00	\$ 6,366.31	\$ 3,318.02
Directors/officers ins	\$ 23,918.00	\$ 21,769.00	\$ 23,000.00	\$ 23,000.00	\$ 918.00	\$ 2,149.00
Excess prof liab ins	\$ 16,109.39	\$ 13,970.13	\$ 14,500.00	\$ 14,500.00	\$ 1,609.39	\$ 2,139.26
Lawyer assist - MB Blue Cross	\$ 40,235.00	\$ 33,930.00	\$ 33,000.00	\$ 66,000.00	\$ 7,235.00	\$ 6,305.00
Mandatory ins	\$ 162,624.00	\$ 358,280.00	\$ 401,500.00	\$ 803,000.00	\$ (238,876.00)	\$ (195,656.00)
RST, collected for CLIA	\$ (16,673.18)	\$ (51,151.78)	\$ (54,590.00)	\$ (60,300.00)	\$ 37,916.82	\$ 34,478.60
RST, paid to CLIA	\$ 16,568.75	\$ 28,628.60	\$ 30,555.00	\$ 61,110.00	\$ (13,986.25)	\$ (12,059.85)
Administrative charge (to GF)	\$ 277,083.31	\$ 277,083.31	\$ 277,081.00	\$ 475,000.00	\$ 2.31	\$ -
Miscellaneous expense	\$ -	\$ -	\$ 231.00	\$ 400.00	\$ (231.00)	\$ -
Courier	\$ 250.79	\$ 386.70	\$ 581.00	\$ 1,000.00	\$ (330.21)	\$ (135.91)
Office supplies	\$ 30.00	\$ 24.60	\$ 175.00	\$ 300.00	\$ (145.00)	\$ 5.40
Photocopying	\$ 1,925.19	\$ 1,932.69	\$ 2,250.00	\$ 3,000.00	\$ (324.81)	\$ (7.50)
Filing fee	\$ 65.00	\$ 12.00	\$ 100.00	\$ 100.00	\$ (35.00)	\$ 53.00
Course/conference fees	\$ -	\$ -	\$ 500.00	\$ 500.00	\$ (500.00)	\$ -
Membership fees	\$ 262.51	\$ 274.88	\$ 500.00	\$ 500.00	\$ (237.49)	\$ (12.37)
Actuarial fees	\$ 27,825.00	\$ 27,912.50	\$ 29,000.00	\$ 29,000.00	\$ (1,175.00)	\$ (87.50)

Law Society of Manitoba
Profit & Loss Professional Liability Claims Fund (PLCF)
April 1, 2021 to March 31, 2022

	Actual YTD		2021/22 Budget		Variances YTD	
	April to October 2021	April to October 2020	April to October 2021	April 2021 to March 2022	(Actual - Budget) April to October 2021	(Actual) April to October 2021 to 2020
	Column 1	Column 2	Column 3	Column 4	Column 1 - 3	Column 1 - 2
General legal consulting	\$ 535.00	\$ -	\$ -	\$ -	\$ 535.00	\$ 535.00
Investment management expense	\$ 41,540.81	\$ 42,256.11	\$ 42,150.00	\$ 96,000.00	\$ (609.19)	\$ (715.30)
Practice advisor	\$ 17,500.00	\$ 17,500.00	\$ 18,669.00	\$ 32,000.00	\$ (1,169.00)	\$ -
Systems consulting	\$ 2,511.00	\$ 2,227.51	\$ -	\$ 5,000.00	\$ 2,511.00	\$ 283.49
CPP exp	\$ 8,081.79	\$ 6,766.93	\$ 9,012.00	\$ 16,000.00	\$ (930.21)	\$ 1,314.86
El exp	\$ 2,664.46	\$ 2,354.10	\$ 3,099.00	\$ 5,500.00	\$ (434.54)	\$ 310.36
Mba payroll tax expense	\$ 5,524.67	\$ 5,427.92	\$ 5,816.00	\$ 10,325.00	\$ (291.33)	\$ 96.75
Pension exp - current service	\$ 53,923.50	\$ 45,854.34	\$ 53,732.00	\$ 95,400.00	\$ 191.50	\$ 8,069.16
Salaries expense	\$ 253,188.39	\$ 248,775.86	\$ 266,401.00	\$ 473,000.00	\$ (13,212.61)	\$ 4,412.53
Hardware expense	\$ 69.75	\$ 77.23	\$ 1,750.00	\$ 3,000.00	\$ (1,680.25)	\$ (7.48)
Software expense	\$ 1,061.43	\$ 1,039.60	\$ 1,162.00	\$ 2,000.00	\$ (100.57)	\$ 21.83
Tech services	\$ -	\$ 457.71	\$ 350.00	\$ 600.00	\$ (350.00)	\$ (457.71)
Conferencing	\$ 52.93	\$ 157.48	\$ 175.00	\$ 300.00	\$ (122.07)	\$ (104.55)
Total Expense	\$ 1,211,820.31	\$ 2,149,242.14	\$ 2,269,023.00	\$ 4,006,235.00	\$ (1,057,202.69)	\$ (937,421.83)
Net Income (Loss)	\$ 1,946,854.26	\$ 472,278.64	\$ 710,923.00	\$ (122,740.00)	\$ 1,235,931.26	\$ 1,474,575.62
Total salaries/benefits	\$ 323,382.81	\$ 309,179.15	\$ 338,060.00	\$ 600,225.00	\$ (14,677.19)	\$ 14,203.66
Total benefits	\$ 70,194.42	\$ 60,403.29	\$ 71,659.00	\$ 127,225.00	\$ (1,464.58)	\$ 9,791.13
Net damages	\$ (94,524.09)	\$ 710,044.71	\$ 583,331.00	\$ 1,000,000.00	\$ (677,855.09)	\$ (804,568.80)
Net defence	\$ 293,024.60	\$ 267,432.67	\$ 449,162.00	\$ 770,000.00	\$ (156,137.40)	\$ 25,591.93

Law Society of Manitoba
Profit & Loss Education and Competence Fund (ECF)
April 1, 2021 to March 31, 2022

Actual YTD		2021/22 Budget		Variances YTD	
April to October 2021	April to October 2020	April to October 2021	April 2021 to March 2022	(Actual - Budget) April to October 2021	(Actual) April to October 2021 to 2020
Column 1	Column 2	Column 3	Column 4	Column 1 - 3	Column 1 - 2

Income

Practising fee	\$ 367,509.94	\$ 373,966.14	\$ 330,190.00	\$ 371,000.00	\$ 37,319.94	\$ (6,456.20)
Application to article	\$ -	\$ 11,100.00	\$ -	\$ -	\$ -	\$ (11,100.00)
Call fee - CPLED/PREP	\$ -	\$ 57,010.00	\$ -	\$ -	\$ -	\$ (57,010.00)
CPD program revenue	\$ 156,888.38	\$ 227,984.32	\$ 254,750.00	\$ 425,000.00	\$ (97,861.62)	\$ (71,095.94)
PREP recovery	\$ -	\$ -	\$ -	\$ 5,000.00	\$ -	\$ -
MB Law Foundation grant	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 167,692.00	\$ -	\$ -
RBC investment income	\$ -	\$ 3,818.09	\$ 7,025.00	\$ 14,365.00	\$ (7,025.00)	\$ (3,818.09)
Material sales	\$ -	\$ 4,864.00	\$ -	\$ -	\$ -	\$ (4,864.00)
Miscellaneous revenue	\$ 1,325.36	\$ (0.10)	\$ 290.00	\$ 500.00	\$ 1,035.36	\$ 1,325.46
PREP recovery	\$ -	\$ -	\$ 2,000.00	\$ -	\$ (2,000.00)	\$ -
Total Income	\$ 625,723.68	\$ 778,742.45	\$ 694,255.00	\$ 983,557.00	\$ (68,531.32)	\$ (153,018.77)

Expense

Call ceremony	\$ -	\$ 1,829.16	\$ -	\$ -	\$ -	\$ (1,829.16)
Coffee/water/pop/milk	\$ -	\$ 171.36	\$ 290.00	\$ 500.00	\$ (290.00)	\$ (171.36)
Meetings catering	\$ -	\$ 44.39	\$ 290.00	\$ 500.00	\$ (290.00)	\$ (44.39)
Program catering	\$ -	\$ -	\$ -	\$ 25,000.00	\$ -	\$ -
CPLED development	\$ -	\$ 13,348.00	\$ -	\$ -	\$ -	\$ (13,348.00)
Gifts	\$ -	\$ -	\$ 700.00	\$ 2,000.00	\$ (700.00)	\$ -
Honoraria	\$ -	\$ 450.00	\$ -	\$ -	\$ -	\$ (450.00)
ECF transfer to GF	\$ 116,666.62	\$ 116,666.62	\$ 116,665.00	\$ 200,000.00	\$ 1.62	\$ -
Miscellaneous expense	\$ 5.00	\$ -	\$ 235.00	\$ 400.00	\$ (230.00)	\$ 5.00
Courier	\$ -	\$ (156.63)	\$ 585.00	\$ 1,000.00	\$ (585.00)	\$ 156.63
Office furn/equip exp	\$ -	\$ 223.62	\$ 875.00	\$ 1,500.00	\$ (875.00)	\$ (223.62)
Office supplies	\$ 497.25	\$ 629.06	\$ 1,170.00	\$ 2,000.00	\$ (672.75)	\$ (131.81)
Photocopy expense	\$ 4,536.87	\$ 4,536.87	\$ 4,650.00	\$ 6,200.00	\$ (113.13)	\$ -
Notifications	\$ -	\$ 108.00	\$ -	\$ -	\$ -	\$ (108.00)
PREP subsidy	\$ 191,100.00	\$ 135,200.00	\$ 156,000.00	\$ 312,000.00	\$ 35,100.00	\$ 55,900.00
Course/conference fees	\$ 179.41	\$ 157.38	\$ 1,050.00	\$ 3,500.00	\$ (870.59)	\$ 22.03
Membership fees	\$ 1,861.77	\$ 3,122.35	\$ 4,125.00	\$ 4,500.00	\$ (2,263.23)	\$ (1,260.58)
Contract services	\$ 1,556.25	\$ -	\$ 10,500.00	\$ 18,000.00	\$ (8,943.75)	\$ 1,556.25
CPLED - training principals	\$ -	\$ -	\$ 2,670.00	\$ 16,000.00	\$ (2,670.00)	\$ -
Investment management expense	\$ -	\$ 973.53	\$ 1,015.00	\$ 2,320.00	\$ (1,015.00)	\$ (973.53)

Law Society of Manitoba
Profit & Loss Education and Competence Fund (ECF)
April 1, 2021 to March 31, 2022

	Actual YTD		2021/22 Budget		Variances YTD	
	April to October 2021	April to October 2020	April to October 2021	April 2021 to March 2022	(Actual - Budget) April to October 2021	(Actual) April to October 2021 to 2020
	Column 1	Column 2	Column 3	Column 4	Column 1 - 3	Column 1 - 2
Program speaker fee	\$ 6,611.50	\$ 1,397.58	\$ 4,000.00	\$ 10,000.00	\$ 2,611.50	\$ 5,213.92
Profit/cost sharing	\$ 150.00	\$ -	\$ -	\$ -	\$ 150.00	\$ 150.00
Outside printing	\$ -	\$ 746.62	\$ 1,000.00	\$ 1,000.00	\$ (1,000.00)	\$ (746.62)
Program printing	\$ -	\$ -	\$ -	\$ 2,500.00	\$ -	\$ -
Rent - space	\$ 2,000.00	\$ 2,000.00	\$ -	\$ 3,000.00	\$ 2,000.00	\$ -
CPP exp	\$ 11,467.32	\$ 14,549.30	\$ 11,513.00	\$ 20,440.00	\$ (45.68)	\$ (3,081.98)
El exp	\$ 3,806.32	\$ 5,308.32	\$ 4,089.00	\$ 7,260.00	\$ (282.68)	\$ (1,502.00)
Mba payroll tax expense	\$ 8,121.18	\$ 9,943.75	\$ 7,519.00	\$ 13,350.00	\$ 602.18	\$ (1,822.57)
Pension exp - current service	\$ 62,849.99	\$ 67,035.47	\$ 56,181.00	\$ 99,750.00	\$ 6,668.99	\$ (4,185.48)
Salaries expense	\$ 372,668.95	\$ 456,787.61	\$ 342,912.00	\$ 608,845.00	\$ 29,756.95	\$ (84,118.66)
Credit card fee	\$ 4,681.43	\$ 5,665.27	\$ 11,670.00	\$ 20,000.00	\$ (6,988.57)	\$ (983.84)
Paypal fee	\$ 123.28	\$ 257.44	\$ 300.00	\$ 1,000.00	\$ (176.72)	\$ (134.16)
AV services	\$ -	\$ -	\$ -	\$ 5,000.00	\$ -	\$ -
Hardware expense	\$ 427.98	\$ 202.10	\$ 1,750.00	\$ 3,000.00	\$ (1,322.02)	\$ 225.88
Software expense	\$ 1,781.00	\$ 198.97	\$ 1,575.00	\$ 2,700.00	\$ 206.00	\$ 1,582.03
Tech services	\$ 2,737.05	\$ 2,485.01	\$ 3,210.00	\$ 5,500.00	\$ (472.95)	\$ 252.04
Conferencing	\$ -	\$ 38.67	\$ 290.00	\$ 500.00	\$ (290.00)	\$ (38.67)
Presenters travel	\$ -	\$ -	\$ -	\$ 5,000.00	\$ -	\$ -
Staff travel	\$ -	\$ -	\$ -	\$ 3,500.00	\$ -	\$ -
Total Expense	\$ 793,829.17	\$ 843,919.82	\$ 746,829.00	\$ 1,407,765.00	\$ 47,000.17	\$ (50,090.65)
Net Income (Loss)	\$ (168,105.49)	\$ (65,177.37)	\$ (52,574.00)	\$ (424,208.00)	\$ (115,531.49)	\$ (102,928.12)
Salaries/benefits	\$ 458,913.76	\$ 553,624.45	\$ 422,214.00	\$ 749,645.00	\$ 36,699.76	\$ (94,710.69)
Benefits	\$ 86,244.81	\$ 96,836.84	\$ 79,302.00	\$ 140,800.00	\$ 6,942.81	\$ (10,592.03)



FLSC COUNCIL REPORT

To: Benchers
From: Lynda Troup
Date: December 6, 2021

On December 6, 2021, I attended the winter Council meeting of the Federation.

We started our meeting with a visit from Justice David Lametti, who, similar to last year, noted that the government remains committed to increasing diversity. He encouraged all of us to encourage those who can bring diversity to the bench to throw their name in the ring. We ended our meeting with a visit from Chief Justice Wagner.

Governance:

- At this meeting we set the committee composition for 2021-2022. Yours truly is on the NCA Assessment Modernization Committee, the CanLII Board Nominating Committee and the Litigation Committee (which will be called upon to, for example, retain counsel who will intervene on behalf of the Federation as needed).
- Activity plan was confirmed for the upcoming year. This includes not only implementing the goals of the strategic plan that was undertaken a few years back but also planning for conferences for the upcoming year. There is a plan to travel this year and it remains to be seen as to whether that occurs.

National Well-Being Study:

- The data collection has been completed and a draft report has been prepared and the aim is for the phase I report to be available for June 2022.
- After the report is issued, the intention is to reach out to each of the law societies to discuss the report.
- Work continues to move forward on phase II.

Anti-Money Laundering Working Group:

- We received a brief report on this working group.
- Once Quebec (Chambre and Barreau) implements the AMLTF rules, the rules will be in force across Canada.
- There is ongoing development of on-line modules and the hope is that this will be available to the law societies and practitioners generally.

- Discussions remain ongoing regarding tracking investigation and enforcement activities.
- This is a very important issue and there are a lot of pressures in a number of different directions.
- This group is doing a tremendous amount of work to address the concerns that continue to be raised inside and outside the profession.

Reconciliation Initiatives:

- There is ongoing work to populate the Indigenous Advisory Council and outreach has begun.
- Further Truth and Reconciliation initiatives will be explored through the Standing Committee on the Model Code of Professional Conduct and the Standing Committee on National Discipline Standards.

NCA Assessment Modernization Committee:

- The National Committee on Accreditation (“NCA”) is responsible for assessing the credentials of internationally trained lawyers and graduates.
- This is the advisory committee of the (or to the) task force that is working on the modernization of the National Committee on Accreditation.
- Feedback is currently ongoing and our own Law Society has been asked to provide feedback.
- There has been some concerns expressed by the academic world for not being consulted sufficiently - this is being explored further and further academics are being added to the task force.

National Requirement Review Committee:

- The National Requirement sets the competencies that graduates of Canadian common law programs must have and the learning resources those programs must provide. The National Requirement is reviewed regularly and the next review must be completed by the end of 2022.
- The first meeting will occur in January 2022.

Odds and Ends:

- The budget was set for CanLII and discussion and information was provided for the General Fund for the 2022-2023 year (starting in July), which will be finalized at our next meeting. Savings realized during the pandemic will be credited back to the law societies over three years (2021-2022 being the first year).
- The next Council meeting is in March. The current plan is for an in-person meeting in Montreal.

LKT



MEMORANDUM

To: Benchers

From: Leah Kosokowsky

Date: December 14, 2021

Re: Reimbursement Fund Claims Committee

At the October 28, 2021 bencher meeting, you received a written report from the Reimbursement Committee along with a verbal update as the committee met on a further occasion shortly before the bencher meeting. This constitutes a written report regarding the October 25, 2021 Reimbursement Fund Claims Committee meeting.

The committee considered three separate claims of which one claim was approved and was capped at the limit of \$300,000, one claim was partially approved for \$110,000 and one claim was denied. The committee decisions were all consistent with the decisions made by the Complaints Investigation Committee and the Discipline Committee.

To date, 20 claims have been approved for a total of \$3,588,870.00.