



Communiqué

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FEATURED ARTICLE:

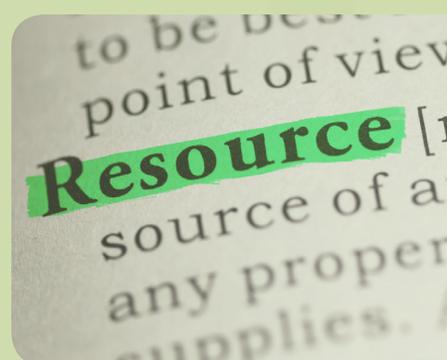
**ABLEISM - An Overlooked
Problem in the Legal Profession**

12

FEATURED RESOURCES:

**EDUCATION CENTRE
New Resources Added**

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President's Report



GRANT DRIEDGER

President

The October 28th meeting of the benchers was a landmark event. Not that any revolutionary decisions were made, rather, because it was held as a hybrid meeting, partly in person, partly via Zoom, with approximately half of the participants physically in the Law Society classroom. That was the first time that many of us were in the same room together in more than a year. There are many among the bencher group who were first elected or appointed in April of 2020. Many of us have been colleagues in this endeavor for 19 months without ever having seen one another in person. It has functioned quite well, all things considered, but there is no substitute for some of the benefits to being physically together. While the fourth wave remains an ongoing challenge, let us hope that this meeting marked the beginning of the end of the endless Zoom meetings.

To whatever extent that the profession at large has not been aware, throughout the pandemic, the operation of the Law Society has continued to march forward. The core operations of admissions, education, discipline, audit and insurance have not missed a beat. Strategic initiatives on health and wellness, equity and diversity, access to justice and reconciliation continue to receive time and attention. All in the midst of the worst of times. Leah Kosokowsky, Rennie Stonyk and the entire staff deserve tremendous credit for not merely keeping the ship afloat, but running smoothly, in extraordinary circumstances.

Wishing each of you a peaceful, healthy and restful holiday season, as we bid good riddance to 2021, and peek ahead to the 2022 year with cautious optimism that it will be less dreadful than its two predecessors.

What's New

WELL-BEING

Practising the Habit of the "Positive No"

RICHARD J. SCOTT

AWARD Recipient

WIRE FRAUD ALERT

One With a Happy Ending



Richard J. Scott Award Recipient Heather Leonoff, Q.C.

Congratulations to Heather Leonoff, Q.C., who was awarded the Richard J. Scott Award for 2021. This award was created in 2013 in honour of Richard J. Scott, former Chief Justice of Manitoba and is presented annually to an individual who advances the rule of law and contributes to a strong and independent legal profession through advocacy, litigation, teaching, research, writing or mentoring.



Ms. Leonoff is the Director of the Constitutional Law Branch of the Department of Justice with the Province of Manitoba. Throughout her career she has demonstrated an unwavering and longstanding commitment to advancing the rule of law and has made significant contributions through her advocacy, teaching, writing and mentorship.

Ms Leonoff has appeared before all levels of court and also assists Manitoba counsel to prepare for Supreme Court of Canada hearings through her work with the Supreme Court Advocacy Institute.

Click Here



to view a recording of the award presentation officially announced at the 2021 Pitblado Lectures.

More information about the award and past recipients, can be found here:

[Richard J. Scott Award](#)

CEO Report



LEAH KOSOKOWSKY

Chief Executive Officer

“
... *the benchers received a report regarding the strategic planning retreat ... in which the benchers concluded that the four strategic objectives of the Society ought to remain ...*

For the first time since March 2020, the October 28, 2021 benchers meeting was held at the Law Society premises with about one-half of the benchers attending in person, while the rest of the benchers attended by video conference. It would be an understatement to say that the energy level in the room was pretty high and it was clear that all had missed meeting in person for the last year and half.

In the course of the meeting, the benchers passed Law Society rule amendments in the areas of membership, complaints and discipline, which among other things, grant the authority to the chief executive officer to receive and relieve members of undertakings related to bankruptcy matters. Within discipline, the most significant amendment is to the rule that establishes three person hearing panels. It now provides that if a hearing panel member is unable to complete a hearing, the remaining two panel members can conclude the matter as if fully constituted.

The benchers also asked the Admissions and Education Committee to examine the Law Society's Good Character Guidelines and to return to the benchers with recommendations to ensure that the guidelines are proportionate and appropriately address the Law Society's public protection mandate.

The benchers received a monitoring report from the Audit Department which showed that the Trust Safety Program, implemented in April 2019, has been an effective means of addressing firms with serious and persistent deficiencies in their record keeping. The report also



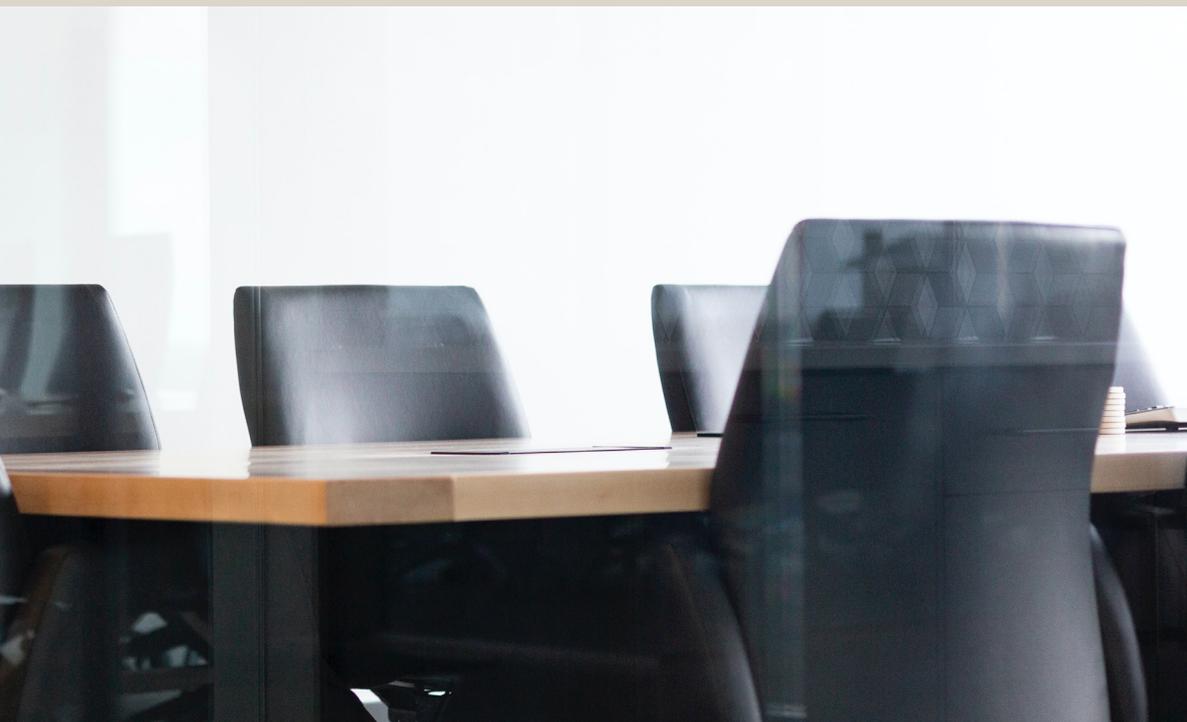
demonstrated that while the audit program has been affected by the COVID-19 pandemic, law firms and members have been very cooperative with the necessary adjustments attendant with a remote, desk audit.

The Reimbursement Committee delivered an update to the benchers regarding the claims paid arising out of the Paul Hesse defalcation. As of October 25, 2021, the claims of 20 claimants were approved totalling \$3,588,870.

Finally, the benchers received a report regarding the strategic planning retreat that was held remotely in September in which the benchers concluded that the four strategic objectives of the Law Society ought to remain as enhancing the competence of the profession, increasing stakeholder confidence, improving access to justice for Manitobans, and promoting and improving equity, diversity and inclusion in the legal profession. A small working group will return to the benchers with a proposal containing a range of strategic options for their consideration.

On November 1, 2021, Law Society staff members took the first tentative steps in our return to work plan, with each staff member in attendance at the Law Society at least two days per week. In accordance with the Law Society's Access to Premises Policy, all persons who attend at the Law Society must either provide proof of vaccination or proof of a recent negative COVID-19 test. So far, the return to work plan has been quite successful and we have seen new and renewed relationships along with an increase in collaboration across the board. It remains our intention to increase staff attendance in the new year as well as in person bencher and committee meetings.

As the holiday season approaches, I wish all of you a season of good health, with the warmth and love of family and friends.



REMOTE WITNESSING

In with the New and Out with the Old

TANA CHRISTIANSON, Director - Professional Liability Claims Fund

The temporary orders under *The Emergency Measures Act* are no more. If you witness documents remotely the old way, your clients' documents may be rejected or invalidated.

The new permanent Regulations are here and they are VERY different.

Before you witness your next document remotely, read the relevant Regulation. The Law Society has also developed a checklist to help you out.

The now-defunct temporary orders were driven by COVID. The new Regulations balance access to justice and convenience (for both lawyers and clients) against the need to protect the integrity of execution of documents witnessed remotely.

Verify Identity

The new Regulations require you to verify the identity of the person who is signing the document, whether or not the document relates to a financial transaction and whether or not the signer is your client. The Regulations set out how identity must be verified. And you cannot skip this step because the jurat or certificate that you must sign as witness requires you to state how identity was proved.

Confirm Document

Before the client signs the document, you must see each of the pages so you can compare them to the document you sent them. This can be tedious as the client holds each page up to the camera, but you want to be sure the signer is signing the latest and last version of the document. What if the signer misplaced or missed printing some pages? What if a bad actor tampered with the documents? The Regulations expressly require this comparison. Your job is to protect the client and the integrity of execution, so don't skip this step.



Verify Signature

Obviously, you have to be able to see the signer, but under the Regulations you also must actually see them putting pen to paper and signing. This may require some repositioning of both camera and client. Then the signer must show you the signature which you must **verify**. As you are going to need to compare the signature you saw on video to the one mailed back to you, you will need to either take a screen shot, use a snipping tool or record the video session so you can make that comparison. If you can think of a better way to capture that signature so that you can compare it later, let me know. Having a 'great memory' will not be enough.

Wills

Wills need two witnesses. For a remotely witnessed will, one of the witnesses must be a lawyer. And, unlike under *The Emergency Measures Act* orders, both witnesses must be in the same room together as they witness on video and again when they sign the returned original will as witnesses.

Land Titles Documents

Documents that might be filed in the Land Titles Office – instruments under *The Real Property Act*, Homestead Releases, affidavits or other documents – also need a [Form 32 Video Witness Certificate](#).



Learning the New Process

The Regulations take you step-by-step through the process. We hope our [checklists](#) will help as well.

Have further questions? Need CPD hours? A video replay of Remote Witnessing of Documents Processes under the Permanent Regulations is now available on [CPDOnline](#).

Links to the Regulations:

[Remote Witnessing Regulation under the Powers of Attorney Act;](#)

[Remote Witnessing Regulation under the Wills Act;](#)

[Remote Commissioning Regulation under the Manitoba Evidence Act;](#)

[Remote Witnessing Regulation under the Homesteads Act;](#)

[Remote Witnessing Regulation under the Real Property Act;](#) and

[Remote Witnessing Regulation under the Health Care Directives Act.](#)



We're Hiring!

CLAIMS COUNSEL

Professional Liability Claims Fund

We are looking for a quick, clever and practical lawyer to join our team at the Law Society of Manitoba's Professional Liability Claims Fund.

As Claims Counsel, the successful candidate's primary responsibilities will be to investigate, assess, manage and settle negligence claims made against lawyers, as well as claims for misappropriation of trust property. This is an opportunity to work collaboratively with our experienced team at the Professional Liability Claims Fund and with outside counsel. [Learn more....](#)

Application Deadline: Monday, December 20, 2021

PRACTICE RESOURCE COORDINATOR

Continuing Professional Development

We are looking for a positive warm-hearted team player with solid legal knowledge and a desire to support the competence of the legal profession as a member of our Continuing Professional Development team.

The successful candidate's primary responsibilities will be to coordinate and contribute to the ongoing development and updating of practice resources, with opportunities to collaborate with subject matter experts from within and outside of the Law Society. [Learn more....](#)

Application Deadline: Monday, January 3, 2022

AUDITOR INSPECTOR

Audit

We are looking for a dynamic team member interested in a high level of variety in their work and excited by the challenge of learning different business processes and financial components of varying legal matters.

The work of an auditor inspector helps protect the public interest by ensuring lawyers and law firms comply with the Law Society rules established to safeguard client property. Responsibilities include conducting law firm audits and other periodic reviews of law firm trust accounting systems, assessing trust account supervisor applications and periodically assisting with investigations. [Learn more....](#)

Application Deadline: Friday, December 24, 2021

Remembering Marilyn Billinkoff



On November 16, 2021, former Law Society Deputy CEO, Marilyn Billinkoff passed away. Marilyn retired just six years ago to spend time with her family and young grandchildren.

Marilyn was a member of the infamous Class of '79 and articulated with Walsh Micay & Company. She joined the Law Society of Manitoba in 1992 as its first Director of Insurance and later became Deputy Chief Executive Officer.

Marilyn developed an expertise in drafting rules and regulations and was integrally involved in national initiatives such as the National Mobility rules, the Know Your Client Rules and the Western Conveyancing Protocol. She also played a significant role in the establishment of the Law Society's Equity Ombudsperson and Complaints Commissioner roles. The work she did continues to serve the legal profession in Manitoba and to protect the public interest.

Marilyn's Law Society family holds many fond memories of her and will miss her dearly.

Scholarship Opportunity

Canadian
Institute for
Advanced
Legal
Studies



Institut
canadien
d'études
juridiques
supérieures

The Canadian Institute for Advanced Legal Studies is seeking applicants for the **Rt Hon Paul Martin Sr Scholarship** and the **Paul-André Crépeau Scholarship**.

The Institute sponsors scholarships to provide recent graduates from Canadian law schools with an excellent opportunity to pursue graduate studies abroad.

The Right Honourable Paul Martin Sr. Scholarship

The Right Honourable Paul Martin Sr. Scholarship is awarded for study in the LLM Program at the University of Cambridge. This scholarship is co-funded with the Cambridge Commonwealth European & International Trust, which is the principal channel for scholarship programs at the University. Each year it awards scholarships to a number of postgraduate Canadian applicants, including our joint scholarship for LLM students.

The Paul-André Crépeau Scholarship

The Paul-André Crépeau Scholarship, previously the French Language Scholarship, is awarded for advanced legal studies leading to the equivalent of a master's or doctoral degree study in the French language outside Canada. In addition to renaming the scholarship after the distinguished professor and legal scholar Paul-André Crépeau, the scholarship's eligibility criteria have been expanded to also allow for a one-year stay within the scope of a doctoral program jointly supervised with a French language university outside Canada. This broadening of the scholarship criteria allows for applicants planning to study in joint doctoral programs offered by French language universities in Canada to be considered for the award.

**Deadline for applications for the 2022-2023 academic year is
*December 31, 2021.***

For more information, see the [Canadian Institute for Advanced Legal Studies](#) website.



Lawyers who chose to pay their insurance by instalment are reminded of the following due date:

JANUARY 3, 2022

PAYMENT DUE
2021-2022 Insurance
(2nd and Final Instalment)

**TO VIEW YOUR INVOICE,
log into the Member's Portal:**

[Member's Portal](#)

**Our Payment Methods
can be viewed here:**

[Payment Methods](#)

A reminder notice was sent via email on December 3rd.

ABLEISM

An Overlooked Problem in the Legal Profession



ALISSA SCHACTER
Equity Officer and Policy Counsel

Ableism exists in the legal profession and in Canadian society, yet it often goes unaddressed.

Diversity and inclusion issues have been front and centre in the public discourse recently, particularly concerns amplified by the Black Lives Matter movement and the long overdue need to meaningfully reconcile with Indigenous peoples. It is encouraging that we are discussing these issues, but much hard work remains to be done.

Another equally important facet of diversity that has received less attention relates to equity and inclusion for people with disabilities. According to the Ontario Human Rights Commission, ableism is “a belief system analogous to racism, sexism or ageism that sees persons with disabilities as being less worthy of respect and consideration, less able to contribute and participate, or of less inherent value than others. Ableism may be conscious or unconscious, and may be embedded in institutions, systems or the broader culture of a society. It can limit the opportunities of persons with disabilities and reduce their inclusion in the life of their communities.” Ableism exists in the legal profession and in Canadian society, yet it often goes unaddressed.

In my role, I hear from lawyers, students and those employed in legal workplaces with a variety of concerns relating to disability accommodation. I recently spoke with [Dayna Steinfeld](#), who practices with RavenLaw’s Winnipeg office and represents unions and workers in all areas of the law that touch the workplace, including terminations and wrongful dismissals, human rights and the duty to accommodate, workplace investigations and harassment complaints. Dayna agreed to answer common questions and speak to issues that arise for lawyers as both employers and employees.



The Interview

Alissa Schacter (AS): *The (Manitoba) Human Rights Code* requires that employers make reasonable accommodation for individuals with physical or mental disabilities. In your experience, does that usually happen? If not, why not?

Dayna Steinfeld (DS): Disabled people who require workplace accommodation experience a myriad of challenges, from intrusive and unnecessary demands for information, to assumptions about competency and risks, and insufficient investigation of options and approaches for accommodations. People with invisible disabilities may find that the legitimacy of their accommodation request is doubted because their disability cannot be “seen” while those with visible disabilities may find that their opportunities are limited by perceptions about their capabilities. These challenges are not necessarily rooted in bad faith, but the concern in human rights law is always on the impact on the individual and not the intent of the employer. Barriers to inclusion and accommodation often arise because of unconscious, mistaken assumptions about the capacities of people with disabilities or the capacities that are required to do certain work, or because of unquestioned beliefs that the status quo ways of doing things cannot or should not be changed to increase inclusion.

AS: If you interview someone for a job and they have a visible physical disability, for example, they use a walker, can you ask them any questions about their disability in the interview? If so, what are you legally entitled to ask?

DS: As a starting point, it is important to remember that the hiring process should be focused on the candidate’s ability to perform the essential duties of the job based on their skills and experience. Processes that are informed by considerations of “fit” can be unintentionally discriminatory. It is important to not assume that a candidate is unable to do the job in question.

This issue really comes down to whether questions about the candidate’s disability are truly relevant to the candidate’s qualifications or ability to perform



DAYNA STEINFELD

the duties of the job in question. In this example, if the essential duties of the job include particular physical demands, it may be permissible to ask questions about the employee’s ability to fulfil those job requirements. To avoid making assumptions about a candidate’s capabilities, the questions should be framed through identification of the particular job duties as opposed to the interviewer’s identification of any perceived physical limitations on the part of the candidate. The employer must consider whether the duties in question are truly a job requirement. For example, we might want an articling student to be able to run to the court to file a document last minute, but does a disability that limits their ability to do so truly mean they are not able to perform the job of an articling student? Are there other options, such as other staff or courier services or incurring the minor expense of a cab, that would allow the court runs to still get done without disqualifying an otherwise qualified candidate? Similarly, the questions should not be aimed at satisfying the interviewer’s curiosity about the candidate’s disability (“have you always had to use a walker?”) or as an educational opportunity for the interviewer, even if this comes from a place of good intentions.

continued ...

... continued

If a candidate raises their need for workplace accommodations, the interview can include discussion of their disability-related restrictions and limitations. This discussion should be aimed at understanding what accommodations may be available. It is important to remember that employers and prospective employers only have a right to information that will allow them to assess the accommodation request, and do not have a broad right to access the private medical information of the employee or candidate, including medical diagnoses. When candidates provide information regarding their capabilities, restrictions and limitations during job interviews, remember that the information is coming directly from the person who has the best understanding of their disability, how it impacts them, and how it can be successfully accommodated.

AS: Society is increasingly open about mental health issues including addiction and we know that lawyers suffer from anxiety, depression and addiction issues at higher rates than the general population. If a lawyer discloses to their employer that they have a mental health issue and that they require an accommodation, what responsibility does the employer have? What questions are they legally allowed to ask?

DS: Anxiety, depression, and addiction are all disabilities protected under the Code. As such, the employer of the lawyer has a legal obligation to provide reasonable accommodation to the point of undue hardship. The employer must investigate and consider possible accommodations that would meet any disability-related restrictions and limitations the lawyer has. This can include alternate schedules or work hours, bundling of duties, allowing the lawyer to take a leave of absence, and adjusting communications standards or work deadlines. The employer can only ask questions that are legitimately related to the restrictions and limitations identified and the request for accommodation, with the aim being to be able to consider and assess the accommodation request. The employer is not entitled to know the employee's diagnosis and cannot ask for more confidential medical information than is necessary to assess the accommodation request.

AS: In your experience, what are the biggest misconceptions employers have about candidates with disabilities?

DS: Employers may assume that because a person has a disability, they will not be able to do the job – even if the person is qualified, the disability is perceived to be disqualifying. The issue of “fit” is also significant as the search for a candidate who will fit into the workplace culture is often unintentionally discriminatory and eliminates candidates who are qualified because their personal characteristics are seen as being somehow outside the norm. Employers are also often unwilling to consider whether there are other ways to do things that would be as effective while also promoting the inclusion of a wider range of candidates.

AS: What legal obligations do employers have with respect to prospective or actual employees with a disability?

DS: There are two key obligations, both of which apply to prospective and actual employees. First, employers cannot discriminate against prospective and actual employees with disabilities. This means that employers must ensure that prospective and actual employees with disabilities do not experience an adverse impact in the hiring process or in employment. Not being offered the job is an example of an adverse impact, as are comments or questions in an interview process that are not relevant to the candidate's qualifications and that a non-disabled candidate would not be asked.



www.freepik.com/photos/Hand photo created by freepik

The second obligation is to provide reasonable accommodation to the point of undue hardship. This obligation is to ensure that people with disabilities have equal opportunities and access and are not unfairly excluded. The underlying principle is that people with disabilities should have their dignity respected and should have every opportunity for full integration and participation in society. This principle informs the legal assessment of whether reasonable accommodation has been provided. The obligation to accommodate a person with disabilities includes taking steps to remove barriers in both the workplace itself and in job competitions or recruitment.

AS: If someone believes they were not genuinely considered for a position because of their disability and assumptions made about their limitations, is there anything they can do?

DS: They should seek legal advice as they may have a basis for a human rights complaint.

AS: What advice would you give to a person with an invisible disability who has an offer of employment but knows at some point they will require accommodation? When should they disclose this to their employer? How much should they disclose?

DS: This does not have to be disclosed during the hiring process. When they should disclose will depend on the kind of accommodation needed and whether the accommodation is anticipated to be regular and ongoing. An accommodation that may only arise if certain conditions or circumstances exist in the future does not necessarily need to be disclosed before the need for accommodation arises. For regular and ongoing accommodation, the disclosure should occur after the offer of employment has been made and at an early enough stage to ensure that the employee is not limited in their ability to succeed in the position by the fact that their necessary accommodations were not requested. The employee should disclose their restrictions and limitations relevant to the accommodation request, but need not provide the detail of their medical condition and diagnosis.



AS: Is it really necessary to talk about these issues to an audience of lawyers? Shouldn't we know all of this?

DS: It is absolutely necessary for lawyers to consider and discuss these issues. The profession is in the midst of reckoning with how we have failed to achieve equity and diversity. This extends to and includes equity and diversity for lawyers, clients, and legal system participants with disabilities. It is important for lawyers to confront how systems, structures, and processes within our profession exclude people with disabilities, including law students and lawyers with disabilities. The ways lawyers engage in hiring processes for students and associates can, intentionally or not, create discriminatory barriers. Not only is that an unacceptable result for those who have trained, and are qualified, to join the profession, but the profession is worse off when those with different life experiences are excluded.

We are trained as lawyers, but not trained to be employers. Those who do not practice in labour and employment law may not have a good understanding of human rights considerations in hiring. And those who do practice in that area will still have their own unconscious biases. We can and should do better.

AS: Thank you very much Dayna.

continued ...

... continued

Facts About Disabilities



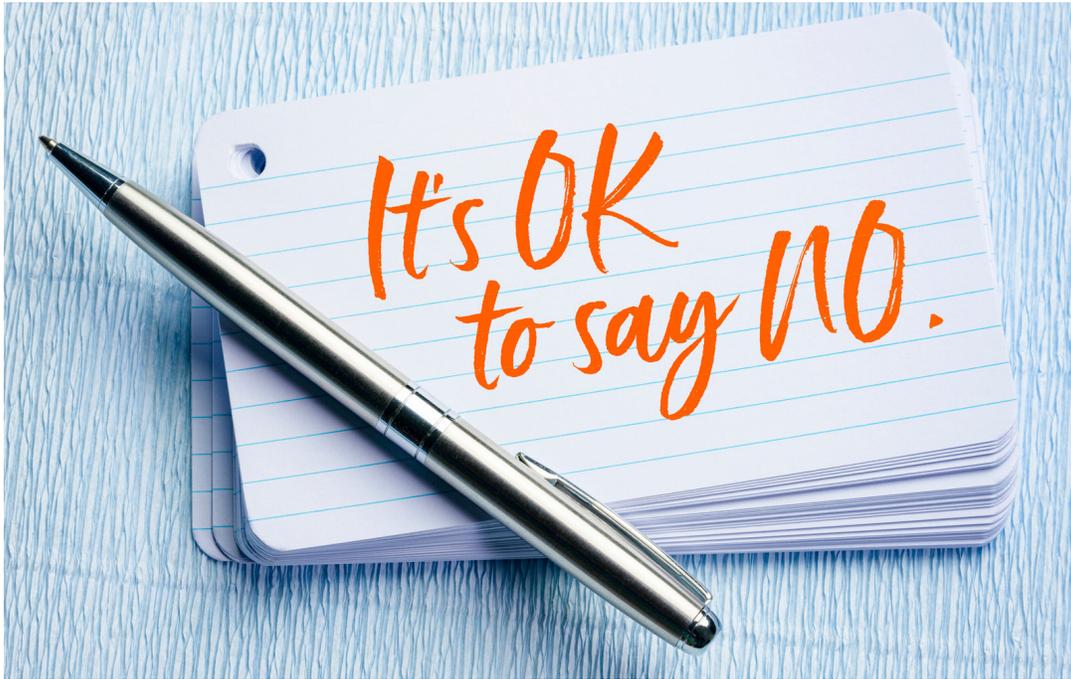
- There are over 175,000 Manitobans living with some type of disability. That is almost one in six people. Over the next 20 years, as people grow older, that number will rise to one in five Manitobans.¹
- When thinking about disabilities, many people think only of the physical ones, but there are many different kinds. Disabilities can be visible, hidden, and permanent or occur only at certain times. A disability can be presented at birth or sudden, such as those caused by trauma, an accident, illness or injury. A disability can happen to anyone at any time.
- Invisible disabilities are more common, such as those related to pain, flexibility, mental health, or mobility. More than two million Canadians ages 15 and up live with a mental health disability defined as experiencing limitations in their daily life due to an emotional, psychological, or mental health condition. While 655,000 of those two million Canadians say they're employed, more than 52% of respondents consider themselves disadvantaged in employment because of their condition.²
- If we live long enough, most of us will live with a disability at some point.
- The [American Bar Association](#) reported on a study which found that “preference for people without disability compared to people with disabilities was among the strongest implicit and explicit effects across the social group domains” (e.g., gender, race, religion, sexuality, weight, political orientation, etc.), with only age showing more implicit bias. Significantly, 76% of respondents showed an implicit preference for people without disabilities, compared to 9% for people with disabilities. Even test takers with disabilities showed a preference for people without disabilities.

¹ [Barrier Free Manitoba](#), accessed on November 23, 2021

² [Diversifying Your Workforce: Hiring Individuals with a Disability](#), Manitoba Chambers of Commerce website accessed on November 23, 2021

Practising the Habit of the “Positive No”

EILEEN DERKSEN, Director - Continuing Professional Development



Does that sound contradictory to you? How can saying no be positive?

As Alison Wolf of ShiftWorks Coaching for Lawyers explains in her resource, [10 Strategies for Thriving Through Challenge](#), learning how to say no as a way of saying yes to your priorities is a powerful and healthy habit that will serve you and your practice well.

There comes a point when old habits, such as saying yes to everything, no longer serve us well. Circumstances change. Our responsibilities grow. Our health suffers. New habits are called for.

Alison Wolf refers to William Ury's book, *The Power of a Positive No*:

"At the heart of Ury's work is the idea that every No is in fact a Yes to something else. When your plate is overflowing with work, a No to a new file is a Yes to all the commitments you currently have on the go. For this reason the other crucial "know" is know your priorities and commitments."

To learn exactly how to execute the positive no, read more of [Alison's work](#) (pages 5-7) as generously shared on the [CLEBC's Lawyer Wellness and Well-Being Resources webpage](#).

ARTICLING REGISTRATION REMINDER

JOAN HOLMSTROM, Director - Competence and Manitoba CPLED



Students and their workplaces that choose to start PREP in December 2021, but the articles at a later date, are asked to submit their application and related documents to be approved as an articling student before the end of January 2021 so that eligibility for the PREP tuition subsidy can be determined at the start of the PREP course. Only those that have received prior approval of their status as an articling student member of the Law Society are eligible for the PREP tuition subsidy.

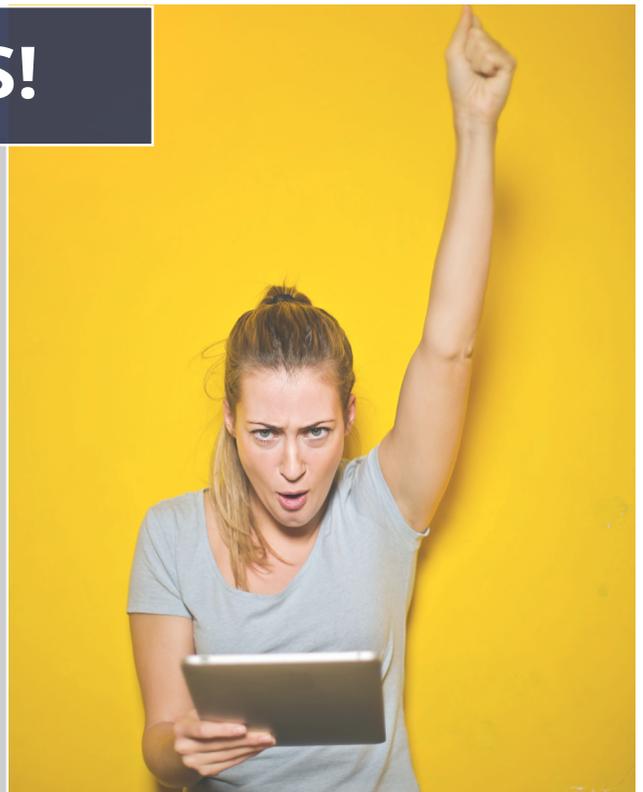
Refer to our website for the [application](#) and [related documents](#).

CONGRATULATIONS!

The results of the December 2020 intake of CPLED's PREP course were released by CPLED on November 5.

Twenty Manitoba Articling students successfully completed the course.

Congratulations!



PREP and ARTICLING - *Important Dates*

With more than one offering of the bar admission program provided each year, please refer to the following table that highlights the important dates for articling students according to the relevant program, depending on which offering of PREP is being taken.

	June 2021 Intake	December 2021 Intake
December 2021	- Continuing work on Business Law Virtual Law Firm	- Phase One: Foundation Modules begin
January 2022	- Criminal Law Virtual Firm opens January 3	
February 2022	- Family Law and Real Estate Virtual Firm (January 30 to March 10)	- Last day to register for the December 2021 intake is February 24
March 2022	- Phase Four: Capstone Assessment takes place online: March 14 to 17 or March 21 to 24 or 28 to 31 <i>Students will be completing assessment assignments online for 4 full days.</i> <i>Workplaces are reminded to not assign any work to students during their assigned Capstone week.</i>	- Complete work on Phase One: Foundation Modules by April 3
April 2022		- Foundation Workshops pre-work to be completed
May 2022	- Phase Four: Capstone Results released May 12	- Phase Two: Foundation Workshops <i>Students attend week long workshops.</i> <i>Workplaces are reminded to not assign any work to students during their assigned Workshop Week.</i> - Phase Three: Virtual Firms open on May 20 with the Business Law rotation
June 2022	- Call to the Bar Ceremony - Capstone Re-Assessments	- Phase Three: Virtual Firm Business Law rotation continues

PRACTICE MANAGEMENT QUICK TIPS *To Make Practice (and Life) Easier*

TANA CHRISTIANSON, Director - Insurance



For many of us, the hardest part of lawyering is not the law, but managing our practices, offices and technology. Barney Christianson might be able to help with that.

Barney has been retained by the Law Society of Manitoba to be its Practice Management Advisor. Barney can provide advice on a broad range of practice management areas, whether you are starting a new practice, wanting to make your existing practice run more effectively or thinking about retiring, winding-up your practice or changing the direction of your work life.

If you are looking for advice on how to make your practice more efficient and less aggravating, contact Barney. His practice management advice is free and confidential.

Here are some more quick tips from Barney:

Bad Clients

Bad clients will cost you money and drive you to distraction. This post by Jim Calloway, reposted by Catherine Reach, is sound advice on [Bad Clients and Red Flags](#).

To supplement that bad client message, remember that 80/20 rule for problem/profitable clients and [review your client list](#).

Career Coaching

And now for something completely different...

Do you need a career coach? Two US lawyers who Barney has worked with on an annual tech conference have coaches and swear by the improvements made to their practice. If you are wondering if you could use some help, read this article titled, [Should You Hire a Career Coach? Know What to Look For First](#).

Judicially Considered Emoji

Barney thinks this signals the end of law as he knows it. Still, we have to stay current. These [emojis](#) are showing up in legal disputes.



If you would like to contact Barney Christianson, Q.C., the Law Society of Manitoba's [Practice Management Advisor](#), for free confidential advice about practice management issues, call him directly at 204-857-7851 or by email at barney.christianson@gmail.com.

WIRE FRAUD ALERT! *One With a Happy Ending*

TANA CHRISTIANSON, Director - Professional Liability Claims Fund

A lawyer recently called the Law Society to tell us about an unsuccessful Wire Fraud attempt made on their firm. Because of a smart lawyer at the firm, this \$180,000 scam was not successful, but they would like us to warn you in case others are targeted.

The Transaction

- 1 The law firm was contacted through its website to act for IBS Precision Engineering (IBS), on the sale of some equipment to a company based out of Selkirk, Manitoba.
- 2 Both IBS, based in the Netherlands, and the Selkirk company appear to be legitimate businesses (although they may know nothing about this transaction).
- 3 The lawyer did a conflict search, got a signed retainer letter and opened a file.
- 4 The lawyer requested a retainer of \$5,000. The representative of IBS said that the deposit for the equipment sale would be forwarded right away by a third party (an insurance agency in California) and the firm could deduct the retainer from those funds.
- 5 The firm received what appeared to be a CIBC bank draft from the California agency, payable to the firm in trust, for \$180,000, which included enough to cover both the deposit and the retainer.
- 6 The lawyer asked IBS to provide the required ID verification documents.
- 7 IBS wanted the lawyer to wire the funds immediately. However, the lawyer said funds would not be disbursed until the bank draft cleared and all required ID documentation was received.
- 8 The “bank draft” subsequently bounced. The lawyer was advised by the bank that the bank draft was counterfeit.
- 9 But for the alert lawyer, \$180,000 (less the retainer of \$5,000) would have been sent by wire to an account controlled by the fraudsters and permanently withdrawn from the firm’s trust account. Because the lawyer held off, waiting for the bank to confirm the draft had cleared, the funds were not lost.



Red Flags



Here are the red flags on this retainer that caused the lawyer to exercise caution and save the day.

- The inquiry came through the website as a cold call.
- The new client was unknown and out of the country.
- The new client was not referred from a known source.
- The email address for the client's representative ended with @outlook.com. Normally, commercial entities have their own email domain with their company name, in this case, @ibspe.com. When the lawyer googled the company, its legitimate website showed that their domain name, appearing after the @ symbol, is @ibspe.com.
- The initial deposit was to be forwarded 'right away' from a third party with no logical connection to the transaction.
- The firm was to take their fees from the deposit right away and the funds were to be wired immediately, all in a big rush.

Recognizing these red flags and holding the funds until the bank draft cleared saved \$180,000.

Bank Drafts and Wires

Even though lawyers tend to consider bank drafts and certified cheques to be 'as good as cash', fraudsters can and do produce excellent counterfeit versions, so hold these instruments until your bank confirms in writing that the funds can be safely wired.

Once funds are wired out of your trust account to the fraudsters account, you cannot cancel the wire or call the wire back. Once the money is wired, it is gone. So, be careful.

Don't be in a rush. Don't let clients pressure you to disburse money from your trust account until you are satisfied that it is safe to do so.



Play Detective



A google search of “IBS precision engineering fraud” directs you to Avoid a Claim <https://avoidclaim.com/> and other legal blogs that show that this Netherland company’s name has been used by fraudsters before.

Do some careful Google stalking of new referrals. Fraudsters will often use the details of a real company, including web address, names of real employees and the mailing address. The contact phone number and email, however, will be fake or spoofed, so watch out.

Do a Google search of all the names involved adding the terms fraud or scam to your search. You may be directed to Avoid a Claim or other legal websites that document known frauds. You may be one of many law firms that have been approached on the same fraudulent retainer.

Copy and paste a paragraph from the email into a search engine. Fraudsters often use the same precedent emails for their scams. Your search may show you documented scams using the same wording but new party names.

If you don’t have the time or talent to rule out a potential scam through internet searches and inquiries, someone else in your office might enjoy playing detective for you.

Verify the Client’s Identity

One reason the lawyer was holding the funds was that the fraudster client had not yet provided the verification of identity required under the [Anti-Money Laundering Rules](#).

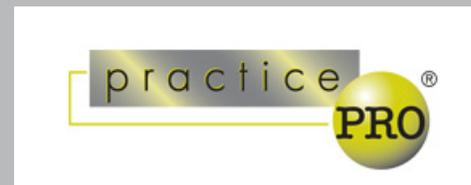
Although the steps required in the verification process can be faked, it requires more effort than many fraudsters are prepared to expend. Insisting that the verification rules be complied with, which the lawyer is required to do, helped to save the \$180,000. A fraudster pressed to comply with the Anti-Money Laundering Rules may move on to another lawyer who is prepared to ignore the rules and their professional obligations.

Educate Yourself and Your Firm Free Fraud Protection Webinar

***Avoiding the Wire Fraud Nightmare
- What You Need to Know to Protect
Yourself and Your Clients***

CLICK HERE TO REGISTER

If you want to learn more about how to protect yourself and your firm from wire fraud attempts like this one, you can view a free program offered by Ontario’s law society insurer and the Toronto Lawyers Association on PracticePro’s [CPD site](#).





**The Law Society
of Manitoba**

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NOTICE OF SUSPENSION

Chaman Deep Badohal

Pursuant to the resolution of a Panel of the Discipline Committee of The Law Society of Manitoba made on September 7, 2021, **CHAMAN DEEP BADOHAL** of **FOCUSED LAW OFFICE** was found guilty of conduct unbecoming a lawyer and professional misconduct and is suspended from the practice of law for a period of 2 years, commencing on November 15, 2021 through to and including November 14, 2023.

November 15, 2021

Leah Kosokowsky
Chief Executive Officer

Issued: November 15, 2021

Membership Changes

Practising to Non-Practising:

October 15, 2021	Aaron M. London
October 25, 2021	Samir Hassan
November 1, 2021	Adedamola O. Adetoro
November 17, 2021	Rachel E. Rusen
November 22, 2021	Caroline L. Pellerin
November 30, 2021	Natasa Andelovic-Bijedic
December 2, 2021	Heather K. Unger

Inactive to Practising:

October 18, 2021	Eric S.J. Shinnie
November 2, 2021	Rachelle G.M. Nadeau
November 4, 2021	Barbara J. Hendrickson
November 10, 2021	Heather L.O. Wadsworth
November 22, 2021	Darren F. Pawella

Non-Practising to Practising:

October 21, 2021	Cleyton Ruckl
November 1, 2021	Marcelle M. Marion
November 2, 2021	John A. McAmmond
November 19, 2021	Deniz A. Izzet
December 1, 2021	Marla A.P. Bettencourt
December 1, 2021	Aaron M. London

Practising to Inactive:

October 22, 2021	David A. Grohmueller
October 30, 2021	Sara D. Minshull
November 19, 2021	Erika J.B. Drew
November 30, 2021	Kelsey M. McIntyre
December 1, 2021	Lester W. Vopni

New Admissions:

November 1, 2021	Sarah K. Davis
November 1, 2021	Shahrukh Z. Abbas
November 9, 2021	Michael Y. Lorange
November 9, 2021	Daniel R. Schipper
November 10, 2021	Mary Claire G. Lacanilao
November 10, 2021	Katrina S.E. Scaramuzzi
November 10, 2021	Saurabh V. Kumar
November 16, 2021	O. Laura AF. Onyebukwa
November 16, 2021	Cassandra M. Frederickson
November 23, 2021	Justin Fekete
November 23, 2021	Francine C. Laurin
November 25, 2021	Ernst J.C. Hansch
December 1, 2021	Athanasia Z. Guerrero

Non-Practising to Suspended:

November 24, 2021	Caroline B. Cramer
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Update your membership information by using the [Member Forms](#) located in the For Lawyers, Membership Services section of the Law Society's website.

IN MEMORIAM

Paul Gregory Saranchuk, who passed away on June 8, 2021 at the age of 70. Mr. Saranchuk received his call to the Bar on June 24, 1975. After practising with Buchwald Asper Henteleff for four years, Mr. Saranchuk relocated to Alberta where he practised for eight years. In 1987 he returned to Winnipeg, joining D'Arcy & Deacon LLP in practice for 24 years. Mr. Saranchuk retired in 2012.

Norman Marvin Tatelman, who passed away on January 12, 2021 at the age of 89. Mr. Tatelman received his call to the Bar on May 27, 1958. He was a practising member of the Law Society for three years.

eLex

This is a monthly newsletter available to all members of the Law Society. It provides a quick summary of the state of the law in Manitoba, summarizing the latest decisions, the status of legislation, and selected articles of interest to the practising bar. It's easy to skim or read in depth. If you'd like to subscribe, let us know by emailing library@lawsociety.mb.ca.

To learn more visit: lawlibrary.ca/elex/.

Notice of Benchers' Meeting

The next regular meeting of the benchers of the Law Society of Manitoba will be held on:

Thursday, December 16, 2021 at 12:30 p.m. at the Law Society office, 200 - 260 St. Mary's Avenue, Winnipeg, Manitoba.

The dates of future meetings of the benchers are as follows:

- Thursday, February 3, 2022
- Thursday, March 24, 2022
- Thursday, May 19, 2022
- Thursday, June 23, 2022

Members of the Law Society are encouraged to attend via videoconference and participate in the deliberations of the governing body.

If you wish to attend a meeting, please contact Pat Bourbonnais at pbourbonnais@lawsociety.mb.ca.

Agenda and meeting minutes are published on the website [here](#).



GREAT LEXPECTATIONS

GEORGE ROY, Legal Information Professional

With the move of our Irwin Law collection from desLibris to vLex, we have the opportunity to update our catalog and discover new titles and series. We have already mentioned the fantastic [Essentials of Canadian Law](#) series before, but another great series worth a mention available now is the [Young Advocates Series](#).

Traditionally, law schools teach legal theory and legal analysis. Increasingly, however, they have started to teach some students entry-level practicalities, from trial advocacy to negotiation to alternative dispute resolution. They teach to enable students to succeed in law school, but not to succeed in law practice. This may come in the future, but law schools are a long way from accomplishing that today.

This creates a need for practical advice, in the form of concise, practical handbooks, for each of the many subjects that junior lawyers require to get through their days. This series, which has emerged from the Ottawa-based Advocacy Club, seeks to fill that need.

– Taken from *Expert Witnesses in Civil Litigatin: A Practical Guide*, in the Young Advocates Series

Great Library Hours

Monday to Friday:
8:30 a.m. to 4:30 p.m.

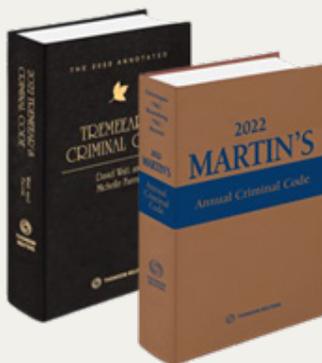
For assistance, please continue to contact us
by phone 204-945-1958
or email at library@lawsociety.mb.ca
as much as possible.

Current Titles Include

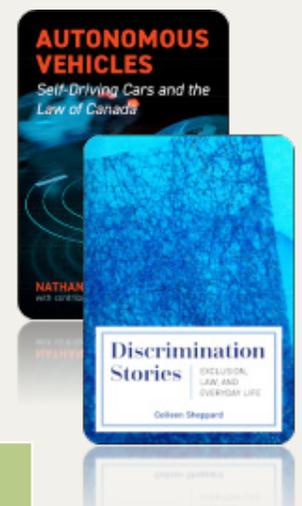


- The Art of the Interview: How Lawyers Talk with Clients
- Case Analysis: The Critical Path to Persuasion
- The Civil Courtroom: Professionalism to Build Rapport
- Discovery Techniques: A Practical Guide to the Discovery Process in Civil Actions
- Examinations in Civil Trials: The Formula for Success
- Expert Witnesses in Civil Litigation: A Practical Guide
- Legal Writing: Mastering Clarity and Persuasion
- Mediation for Civil Litigators: Issues and Solutions

Print:



Our new print additions this month are the new 2022 editions of [Martin's](#) and [Tremeear's](#) Annotated Criminal Code. Our online collections continues to provide [new updates with HeinOnline](#) adding new journals, databases, and collections, including all volumes of the [recently discontinued](#) Human Rights Reporter.



The Manitoba Law Library is on Twitter!
Follow us [@MBLawLibrary](#)
for the latest updates on essential legal
information and resources.

Have You Checked Out the Law Society Education Centre Recently?

New [Practice Resources](#) have been added to our library!



This collection of resources is designed to support all Manitoba lawyers in their practice.

You will find procedural guidance, case law, precedents and forms with the ease of hyperlinked references in numerous topic areas.

They are conveniently available free of charge.



NEW

Practice Resource Available

Remote Witnessing
Regulations

Checklist



Practice Area Fundamentals

NEW!

Civil Procedure

Wills and Estates

Updated - New Chapters Added to:

Corporate Commercial

Real Estate

Also available in this section:

Criminal Law

Visit the Law Society [Education Centre](#) and check them out!

Education Centre Calendar of Events

Upcoming Programs

Joint Family Law Program

March 4, 2022

Save the Date!

CPDonline

Welcome to your virtual classroom

2021 has been a great year for CPD, with a wide range of programs to support you in your practice. If you missed them the first time around, check out the recordings available to you on-demand at [CPDonline](#).

Featured Sessions

[Jordan's Principle](#) presented by Dr. Cindy Blackstock **(FREE)**

Details and Registration

[Remote Witnessing of Documents](#) *Just Posted!*

Details and Registration

Paul Unger's **Get Organized / Get Focused / Get Ready!** series

- [Time and Distraction Management](#)
- [Email Management](#)
- [Task, Goal, and Deadline Management](#)
- [Fight the Paper – Organize your Digital Matter File!](#)

Details and Registration

Details and Registration

Details and Registration

Details and Registration

[L'immigration francophone en milieu minoritaire](#)

Details and Registration

[Forms of Address and Pronouns](#)

Details and Registration

[Access to Justice: Indigenous Perspectives](#) **(FREE)**

Details and Registration

[Commemorating 150 Years of Treaty 1 and Treaty 2: What You Need to Know](#)

Details and Registration

[Breaking the Cycle of Stress and Poor Sleep](#)

Details and Registration

[Where Does the Practice of Law Fit Into Your Life?](#)

Details and Registration

Questions about CPDonline?

Please reference the [FAQs](#) and if you still have questions contact CPDonline@lawsociety.mb.ca or Kirsty Hyduk at 204-926-2035

Holiday Hours:

December 24, 2021

Closing at noon

December 27, 2021

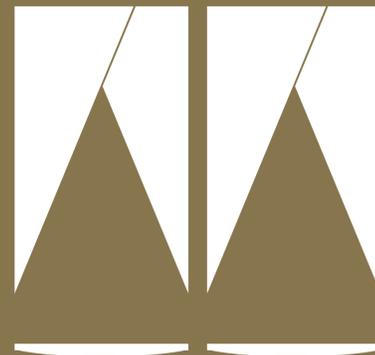
to

December 31, 2021

Closed

January 3, 2022

Open at 8:30 a.m.



PRESIDENT

Grant Driedger

VICE PRESIDENT

Sacha Paul

CHIEF EXECUTIVE OFFICER

Leah Kosokowsky

DIRECTOR OF REGULATION

Rennie Stonyk

Mailing Address

200 - 260 St. Mary Ave
Winnipeg, Manitoba
R3C 0M6 - MAP

Telephone: 204-942-5571

Facsimile: 204-956-0624

Toll-free: 1-855-942-5571

Office Hours

Monday to Friday
8:30 a.m. - 4:30 p.m.

Law Society staff working remotely remain available by either email or phone during core office hours.

lawsociety.mb.ca

