

Communiqué

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President's Report



SACHA PAUL
President

In a month's time, many will be making New Year's resolutions. I ask the nearly 2100 practising lawyers in Manitoba to make this resolution: let's be nice to each other in 2023 and beyond.

"Nice." It's not a word frequently used to describe how lawyers interact with each other. Too often, lawyers are described as "zealous." But that is really the wrong use of that word. We are not talking about advancing cases without fear or favour. Instead, too many use the concept of zealous advocacy just to be mean to each other.

The gladiator approach to law is something we are all used to.

And this is the problem.

The Federation of Law Societies (along with the Université de Sherbrooke and the Canadian Bar Association) released its report on mental health in the legal profession in October 2022. It can be found here: [Canadian Bar Association - The First Comprehensive National Study on Wellness in the Legal Profession is Published](#). The report is a survey of 7300 legal professionals in Canada and Phase I of the Report is almost 400 pages long.



What's New

ANNOUNCEMENT

Richard J. Scott Award Recipient

**HAVE YOU CHECKED OUT
OUR WEBSITE LATELY?**

**PRACTICE MANAGEMENT
QUICK TIPS**

The report is quite comprehensive. There is much to digest. The overall picture is of a profession suffering from significantly high levels of psychological distress, depression, anxiety, burnout and suicidal ideation.

One area I wish to highlight is the study's findings on incivility in the profession. What was of particular note to me was *who* was reporting facing incivility. The report notes that professionals living with a disability, Indigenous professionals, and LGBTQ2S+ professionals reported experiencing high rates of incivility.

This must stop.

“
The assault of incivility is
making lawyers leave the
profession.”

The assault of incivility is making lawyers leave the profession. For these three segments of society, there are already too few lawyers serving the Manitoba public. Our [2022 Annual Report](#) shows only 46 lawyers identifying a disability, only 69 lawyers identifying being from the LGBT2SQ+ community, and only 125 from the Indigenous community. Any losses here are significant losses - losses solely borne by the public.

So, I ask us all to reflect upon how we can be nicer to each other. I ask it for the public good. We can all be zealous advocates and still “be courteous and act in good faith with all persons” (as Rule 7.2-1 of our *Code* requires).



Zealousness and civility are not mutually exclusive. They have always existed side by side. It is what makes us all professionals.

So, whether you make a New Year's Resolution or not, choose to be nice and choose it for the public good.

CEO Report



LEAH KOSOKOWSKY
Chief Executive Officer

“
The progress report is posted on the Law Society’s website and demonstrates the many advances made by the Law Society staff, particularly in the area of providing enhanced website resources to support the competence of the legal profession.

The Law Society benchers met in the Law Society classroom on November 10, 2022 at which meeting we covered a variety of issues.

The benchers received a detailed progress report on the activities in furtherance of the 2022-2025 strategic plan. The progress report is posted on the [Law Society’s website](#) and demonstrates the many advances made by the Law Society staff, particularly in the area of providing enhanced website resources to support the competence of the legal profession.

The benchers were taken on a tour of the Education Centre of the website to view the extensive resources and supports that have been created both in the areas of practice management and practice fundamentals. Elsewhere in this issue, you will find further information under the title “Have You Checked out our Website Lately?” I encourage you to take five minutes to take the “tour” and discover the wealth of materials that have been created.

The benchers approved of amendments to the *Code of Professional Conduct* commentaries related to language rights. When the amendments are translated into French, they will be returned to the benchers for final approval.

Complaints and Discipline are an important regulatory function of the Law Society and the benchers received a monitoring report on the work of both departments.

Beyond the borders of Manitoba, the benchers also received reports on two important developments. First, the Government of British Columbia intends to create a single regulator in that province for the delivery of legal services by lawyers, notaries and licenced paralegals. The Government invited submissions in response to an Intentions Paper to which the Law Society of Manitoba made a submission advocating for maintaining the independence of the legal profession through an independent regulatory board and for ensuring that the board is diverse and reflective of the population of British Columbia. The Law Society will continue to monitor the development of the project with some interest.

Secondly, the Université de Sherbrooke’s national study on the wellness of the legal profession has completed Phase I and recently released its report. The report paints a rather bleak picture of the health and wellness of both articling students and lawyers. The results reinforce the Law Society of Manitoba’s continued focus on health and wellness as a strategic priority.

Richard J. Scott Award Recipient Helga D. Van Iderstine

Congratulations to Helga Van Iderstine who was selected to receive the Richard J. Scott Award for 2022. The award honours former Chief Justice Richard J. Scott of the Manitoba Court of Appeal and is presented annually to an individual who advances the rule of law through advocacy, litigation, teaching, research or writing.



Ms Van Iderstine is a partner with MLT Aikins. The breadth of her practice is vast, including litigation and administrative law, professional liability, health care, utility work and advice on matters related to regulatory issues.

Ms Van Iderstine has been a pioneer in the field of medical assistance in death and dying, has given freely of her time and experience in many pro bono activities as well as to the governance of the profession. She is a trusted mentor who has also been a generous and committed leader for the advancement of art, culture, education, sport and commerce in Manitoba.

The award will be presented to Ms Van Iderstine on Thursday, December 15, 2022 in conjunction with the annual joint meeting of the benchers of the Law Society and the Council of the Manitoba Bar Association.

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

[**Richard J. Scott Award**](#)

If You're Acting as a Personal Representative, How Many Hats are You Wearing?

A Message from the Audit Department



If you are acting as a personal representative to an estate, the next question you should ask yourself is if you're wearing more than one hat. Are you solely the executor or are you also the lawyer? Knowing which hat(s) you wear, and at which time, will help you know which Law Society rules apply to the situation.

Wearing one hat?

If you are acting as a personal representative for an estate but not providing legal services to the estate, Rule 5-41 defines the related property as fiduciary property and financial accountability Rules 5-49 and 5-50(1)(b) apply, which involve reporting and recordkeeping obligations and **prohibit** deposit of the funds into a firm trust account.

How about two hats?

However, if you are acting in a dual role by providing legal services normally performed by the solicitor for the estate and, at the same time, acting as the executor or administrator, you **must** deposit all funds related to the estate to your firm trust account. As time passes and if legal services are concluded while the personal representative role continues, you're now down to one hat. Now the funds have become fiduciary property as defined in Rule 5-41 and must be removed from a firm trust account and deposited to an estate account. Note that the reporting and recordkeeping obligations of Rules 5-49 and 5-50(1)(b) are also triggered at this time.

While the above is not new, we have recently amended [Practice Direction 92-01](#) to provide better clarity to members.

HAVE YOU CHECKED OUT OUR WEBSITE LATELY?

LEAH KOSOKOWSKY, Chief Executive Officer

As part of the 2022–2025 strategic plan, the Law Society is engaged, on several fronts, to support the competence of the profession, particularly in more remote rural areas and in the far north. As a consequence, increased focus has been placed on developing materials for the Law Society website that are easily accessible.

Please continue reading for a quick website tour that will highlight the amazing resources that have been created for the use of the profession.

Contact Us 

[For the latest COVID-19 Updates](#)

Regulating the Legal Profession in the Public Interest



[LSM Initiatives](#)

[Lawyer Lookup](#)

[Making a Complaint](#)

[Education Centre CPD](#)

[Lawyer Discipline](#)

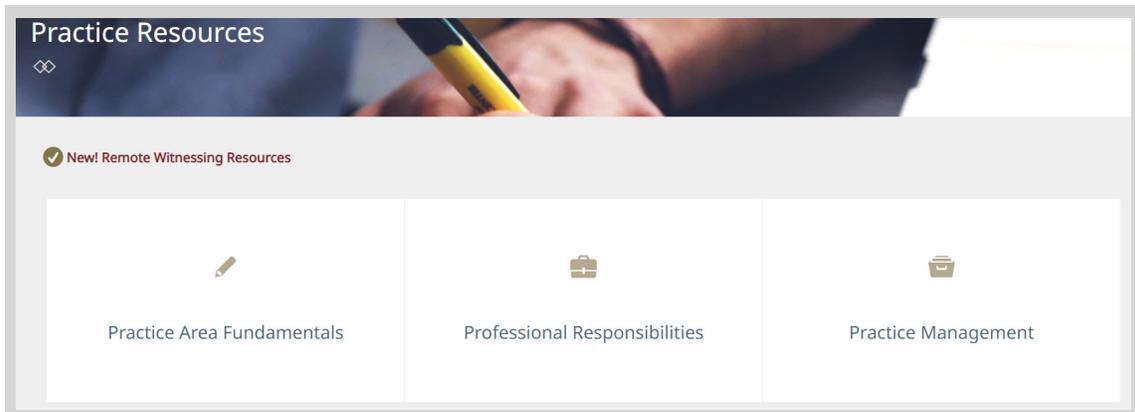


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News

...continued

Entering into the [Practice Resources tab of the Education Centre](#), you will find extensive, helpful resources in a variety of areas, including:



[Remote Witnessing](#) – in this area, you will find resources to understand and comply with the permanent regulations that allow for the remote witnessing of documents. They include a remote witnessing checklist which tracks the steps required to meet the new regulations.

[Practice Area Fundamentals](#) – as the name suggests, the reader will find resource materials to assist with the basic fundamentals of practising in:

- Civil Procedure
- Corporate Commercial
- Criminal Law
- Family Law
- Real Estate
- Wills and Estates

These materials provide a go-to resource for articling students, relatively recent calls and any practitioner who wishes to explore a practice issue. The recently updated Family Law materials include all of the recent changes to the Court of King's Bench Rules and the federal legislation.

[Practice Management](#) – in this area, you will find resource materials to assist with:

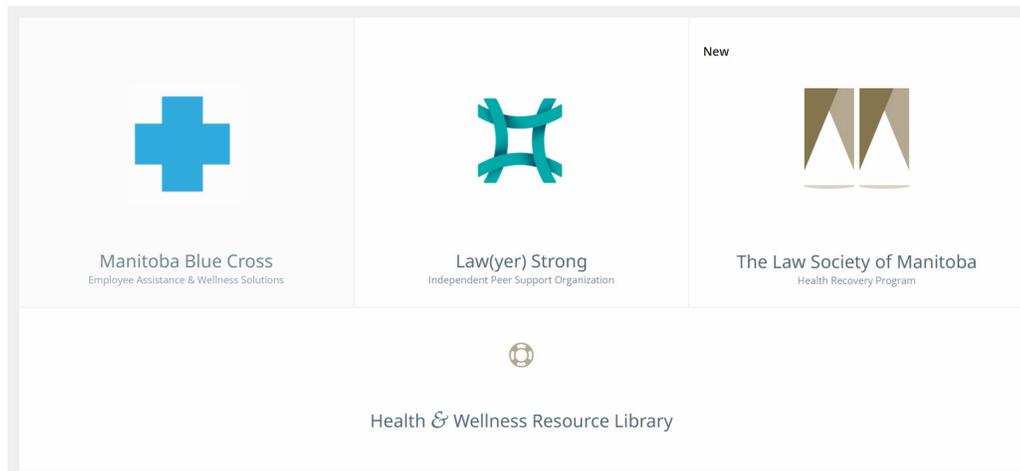
- File Closing, Retention, Storage and Destruction
- Withdrawal of Legal Services
- Absences and Contingency Planning
- Retainers
- Billing
- Retirement

In addition, you will find a [newly launched resource workbook](#) to assist you to develop practice management policies and procedures whether you practice in a solo practice or a multi-lawyer firm.

[Professional Responsibilities](#) – to assist in complying with your professional responsibilities, in this section you will find resources to navigate the trust accounting rules as well as the anti-money laundering requirements. Under the Equity Tab, you will find a whole host of resources to conduct equitable interviews and to create and maintain an inclusive, equitable and diverse work environment.

Finally, if one returns to the **For Lawyers** tab on the main page of the website, you will find four broad areas in which the Law Society offers [supports for lawyers](#) – the Equity Officer, the Practice Management Advisor, the Director of Policy and Ethics and a Health and Wellness Program.

While I encourage you to explore all four areas, you may wish to take a deeper dive into the [Health and Wellness section](#) where, in addition to finding information on the variety of wellness programs available, you will find a wide-ranging library of resources on nearly every wellness topic you could imagine.



Our amazing staff in Continuing Professional Development are continuously updating and expanding upon these materials. For example, in the [Family Law section](#) of the Practice Area Fundamentals, a new Chapter on Child Protection is due to be launched soon. So, keep checking back for new and exciting supports and resources.



**Have a question? Can't find something? Have a suggestion?
We want to hear from you.**

Please reach out to:

Eileen Derksen, Director of Continuing Professional Development
ederksen@lawsociety.mb.ca or

Deirdre O'Reilly, Communications Officer
doreilly@lawsociety.mb.ca

INDEPENDENT LEGAL ADVISOR

Law Society Health Recovery Program

Volunteer Opportunity for Lawyers

The Law Society is seeking lawyer volunteers who are willing to provide pro bono independent legal advice to lawyers who are considering entering the [Health Recovery Program](#).

The program offers a remedial alternative to the discipline process where the lawyer's conduct or practice concerns are related to health conditions such as addiction, depression or other mental health issues. Participation in the program is voluntary and may be accompanied by conditions or practice restrictions. The lawyer will be asked to provide written consent to be referred to a healthcare provider and will later be asked to enter into an agreement with the Law Society that would set out the terms and conditions for participation. It is recommended that the lawyer obtain independent legal advice to review their rights and obligations under the written consent and agreement with the Law Society.

A lawyer may already have their own legal counsel; however, if they do not, the lawyer will be referred to a roster of legal counsel who have volunteered to provide pro bono legal advice to lawyers considering the program. The decision to enter the Health Recovery Program may be a difficult one, as many lawyers may be apprehensive for a variety of reasons. The offering of pro bono independent legal advice from a volunteer will help provide additional support to these lawyers.



This commitment will involve:

- Reviewing the consent form and draft agreement for participation in the program with the lawyer and advising the lawyer of their rights and obligations under these documents.
- Advising the lawyer of the consequences of entering the program and what happens if they complete their treatment, if they do not complete their treatment or otherwise fail to comply with the terms and conditions of the agreement.

This pro bono work is limited to advising the lawyer on the decision to enter into the Health Recovery Program. The volunteer commitment would not apply to legal services or advice where:

- the lawyer opts not to participate in the Health Recovery Program. If the lawyer is the subject of an investigation or has been charged, they could hire legal counsel in the ordinary course for representation;
- the lawyer enters the Health Recovery Program but partway through opts to leave – the lawyer could also need to hire legal counsel if their matter was to be referred to the usual discipline process.



All lawyers entitled to practice law in Manitoba are welcome to apply to volunteer for this program. Experience in administrative law and/or advising on regulatory matters will be considered an asset.

Anyone interested in this volunteer opportunity is invited to contact the Law Society's Health Recovery Program coordinator, Elaine Kinchen, at 204-926-2039 or hrp@lawsociety.mb.ca.

Newly Added Health and Wellness Supports for Lawyers

The Law Society Health Recovery Program is now available

[Click to Learn More](#)

PREP and ARTICLING - Important Dates

With more than one offering of the bar admission program now provided each year, and to assist with managing schedules, below you will find an overview of some of the important dates for articling students according to the applicable PREP offering.

If you have articling students in your workplace, please familiarize yourself with this table so you can be aware of the bar admission program's demands on your students. Detailed schedules can be found [here](#).

	Summer 2022 Intake June to March (results in May)	Winter 2022 Intake December to late September (results in November)
December 2022	Complete work on Business Law Virtual Law Firm Criminal Law Virtual Firm opens December 10 th	Phase One: Foundation Modules begins
January 2023	Complete work on Criminal Law Virtual Law Firm (ends January 27 th)	
February 2023	Family Law and Real Estate Virtual Firm (January 28 th to March 9 th)	Last day to register for the Winter 2022 intake is February 9 th .
March 2023	Phase Four Capstone Assessment online: March 13 th to 16 th or March 20 th to 23 rd or March 27 th to 30 th <i>Students will be completing assessments online for 4 full days. Workplaces are reminded to not assign any work to students during their assigned Capstone week.</i>	Complete work on Phase One: Foundation Modules by March 26 th
April 2023		Foundation Workshops pre-work to be completed
May 2023	Phase Four Capstone results released May th	Phase Two: Foundation workshops <i>Students attend weeklong workshops. Workplaces are reminded to not assign any work to students during their assigned workshop week (May 8th to 12th)</i> Phase Three: virtual Firms opens on May 20 th with the Business Law rotation
June 2023	Call to the Bar ceremony June 15, 2023 at RBC Convention Centre Capstone Re-Assessments	Phase Three: Virtual Firm Business Law rotation is completed Criminal Law rotation starts

CONGRATULATIONS

TO THOSE COMPLETING THE 2022 ACCELERATED PREP PROGRAM AND THE WINTER 2021 PREP INTAKE

JOAN HOLMSTROM, Director - Competence and Manitoba CPLED

This summer, PREP introduced a condensed PREP course called Accelerated PREP. Instead of running from June through March, it was delivered from June through to the end of August, during which time students focused exclusively on the PREP course. Three articling students in Manitoba took this course this summer and we are happy to report that they were all successful. They will complete their articles and be eligible to be called to the Bar with articling students doing both the Summer 2022 intake of PREP at the same time as their articles.

CONGRATULATIONS!

The results of the Winter 2021 intake of CPLED's PREP course were released by CPLED on November 3rd.

Ten Manitoba Articling students successfully completed the course.

Congratulations!



CALL TO THE BAR

On October 24th, the Law Society of Manitoba presented six more candidates to Chief Justice Joyal for Call to the Bar of Manitoba.

Congratulations!

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

TANA CHRISTIANSON, Director - Insurance



Here are some more quick tips from Barney (Bjorn) Christianson, K.C., Practice Management Advisor, for members of the Law Society of Manitoba.

This month, Barney has collected articles and resources that focus on Cyber security. If you don't think cyber security is a practice management issue, then I suggest you talk to a firm that has been shut down by ransomware or had hackers divert trust funds, or had to report to the Privacy Commissioner about a security breach, or advise clients personal information entrusted to the law firm had been accessed by bad guys.

Read on for Barney's recommendations.

Hackers and Two-Factor Authentication

It had to happen. Hackers have found a way to beat two-factor authentication. This link relates to the [hack of an experienced user's Instagram account](#). The victim puts some blame on Instagram for poor security measures. However, the lesson to learn is that 2FA is not bulletproof.

Consider ways to make your accounts safer like [using an authenticator](#) instead of your personal phone number and whether you can use a username instead of your email address.



A More Secure Way to Receive Client Documents

You all know that email is not secure, right? Right? You need a secure method to allow a client to send you documents, especially tax returns, credit card statements, bank statements, etc. Catherine Reach explains several of those methods in her article [Requesting Files from Clients \(Without Email\)](#).

A Break from Digital - Enjoy Some Analog Planners

No particular generation has a lock on this – some people of any age just prefer pen and paper instead of the keyboard and screen. Paper works, as it did for a few hundred years before computers. If you want some suggestions for [paper planners](#), take a look.



If you would like to contact Barney Christianson, K.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. And remember, Barney's practice management advice is free and confidential.

CLOSE CALL - *Two Law Firms Make Mistakes on \$1.7 Million Transaction*

TANA CHRISTIANSON, Director - Insurance
IN COLLABORATION WITH THE AUDIT DEPARTMENT

Two separate law firms each made mistakes on the same transaction, but disaster was averted at the last minute.



Mistake #1

Staff from the firm acting for the lender took a LARGE trust cheque to the bank to be deposited directly to what was thought to be the trust account of the borrower's law firm. They got the coordinates for this direct deposit in an email, purportedly from the law firm acting for the borrower. The lender's law firm did not phone to confirm the emailed instructions. This was a potentially catastrophic mistake.

Mistake #2

Neither firm knew that someone at the borrower's law firm had fallen for a phishing email, clicking on a link or attachment which allowed an evil hacker full access to the firm member's email. Failing to recognize the phishing email as a scam was a potentially costly mistake.

Once the borrower's law firm's email was compromised by the virus in the attachment or link in the phishing email, the hacker could control the compromised email account and pose as the paralegal handling the file. The hacker was then able to send the lender's firm phony instructions, claiming they wanted the funds deposited directly to the borrower's law firm's trust account and supplying the coordinates to do that. The hacker put rules in place in the email account diverting all communication about this transaction to a seldom viewed email folder. The hacker was carrying on their fraud using the law firm's email. The instructions looked like they were coming from the borrower's law firm email account, because they were! Falling for a phishing email was a potentially catastrophic mistake.

Last Minute Save

When a staff person from the lender's firm took their trust cheque to the bank, they asked the teller to check the coordinates. The teller advised that the payee on the cheque (borrower's law firm) and the name on the account did not match, and the deposit was never made – PHEW!

Usually, in scams of this nature, phony instructions come from a client's hacked email. In this case, the instructions were not from a client's email but from another law firm. Law firm email accounts are also vulnerable to Phishing attacks! That is why you should NEVER consider ANY emailed payment instructions to be final until they are VERIFIED by secure communication. If you do get an email providing original or updated payment or transfer instructions, call the instructing party at the phone number you already had on your file. Do not use the contact information in the payment instruction email and do not reply to the change payment email – remember, a hacker could be controlling the email account!

This advice applies to wire transfer instructions, instructions to direct deposit into a bank account and also requests to transfer or direct deposit a trust cheque to someone, whether listed in an order to pay or not.

The Trust Account Rules

Lawyers who have taken the [Trust Accounting Fundamentals education program](#) will know to always confirm changes to payment instructions. That Trust Safety course says:

- Beware the last-minute change, or instructions that do not make sense in the context such as being asked to wire funds to another province or country; and
- Always confirm new or changed transfer instructions with the client or other law firm in person or on the phone on a call you initiated with a number previously provided to you. Under no circumstances should you confirm by email or call using contact information provided with the changed instructions. (False contact information included in written instructions is a common fraud technique.)



Remind the lawyers and staff in your firm to:

Verify ALL new or changed payment instructions received by email!!!

Also, here is some advice from the Canadian Centre for Cyber Security on [how to avoid Phishing attacks and defeat evil hackers](#). Our own CPD program on cyber security will be coming soon.

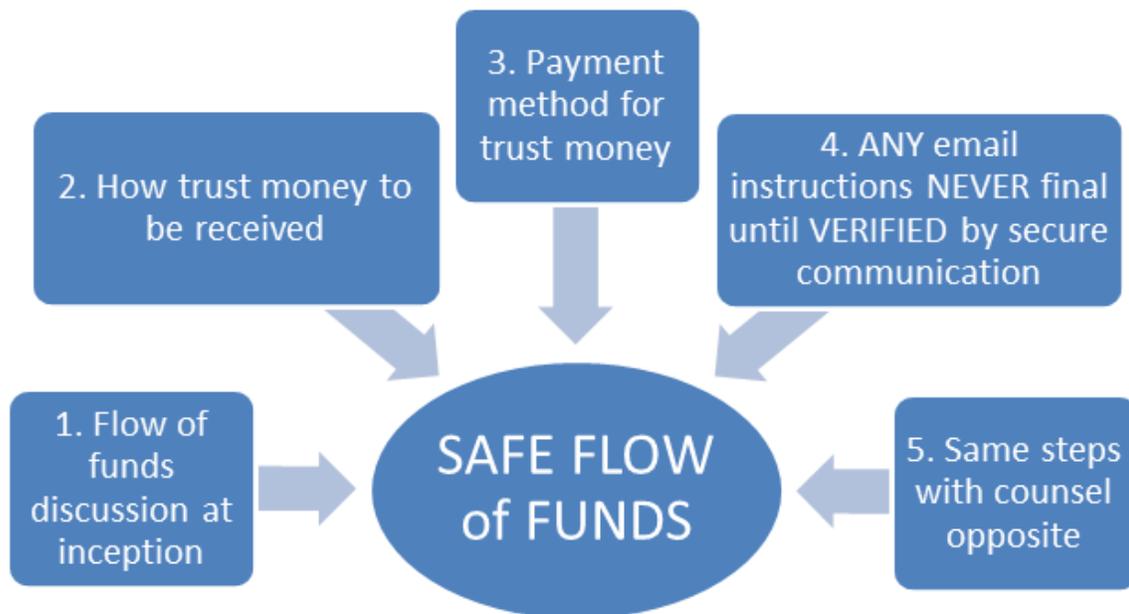
Share this article. Get the word out. Protect client trust money. Protect yourself.

Practice

... continued

Safe Flow of Funds

In addition to having strong internal controls and adopting good cyber hygiene, you can SIGNIFICANTLY REDUCE the risk of all kinds of threats to trust money by following the Safe Flow of Funds guideline **every single time** you handle trust money:



- 1 Flow of funds discussion:** Establish the flow of funds together with your client as early as possible. This is for funds to be received or disbursed.
- 2 Receipt of trust money:** Tell your client how you are to receive money in this matter, that your instructions will not change and to be automatically suspicious of such an event, calling you ONLY at the phone number they already have for you – NOT using any number accompanying the changed instruction!
- 3 Payment of trust money:** Obtain written payment instructions at that same meeting if you can, but that's not always possible and remember there will be extra steps to verify any information received later.
- 4 Payment instructions via email:** If you EVER receive ANY payment instructions by email – even initial instructions - have a two-part policy:
 - i) they are NEVER considered to be final instructions until they are VERIFIED; and
 - ii) they can only be verified by using contact information other than those that accompany the instructions.If this is your client providing payment instructions, confirm using the contact information you gathered at the start of the matter. If it's another law firm, call the firm using the contact information from the Law Society's website directory ([Lawyer Lookup](#) in Manitoba, with similar directories in other jurisdictions).
- 5 Counsel Opposite:** Take the same precautions for money flowing from or to counsel opposite. Would-be thieves impersonate anybody involved in a transaction, including staff at another law firm.

Beware the last minute changes – VERIFY THEM!
Questions? Email: audit@lawsociety.mb.ca

Notice of Benchers' Meeting

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

Thursday, December 15, 2022 at 12:30p.m. at the Law Society offices.

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

- February 9, 2023
- March 23, 2023
- May 18, 2023
- June 22, 2023

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

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

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

REMINDER...



Lawyers who chose to pay their insurance by instalment are reminded that the second and final instalment was due:

December 1, 2022

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

[Member's Portal](#)

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

[Payment Methods](#)

Membership Changes

Inactive to Practising:

November 3, 2022	Danielle J. Dubois
November 14, 2022	Jacqueline F.G.C. Boily
November 21, 2022	Caroline L. Pellerin
November 23, 2022	Michael S. Rankine
November 23, 2022	Brittany K. Rankine

Non-Practising to Practising:

November 4, 2022	Wendy E. Friesen
November 10, 2022	Gary W. Goodwin
November 21, 2022	Mark A.R. Intertas
November 27, 2022	Erika J.B. Drew

Practising to Non-Practising:

November 1, 2022	Reanna N. Blair
November 15, 2022	Trevor J. Sicotte
December 1, 2022	Sarah Khalil
December 1, 2022	Lori A. Watts

Practising to Inactive:

October 31, 2022	Thomas J.M. Prendiville
November 4, 2022	Dallas L. Charles
November 14, 2022	Susan A. Benning
November 15, 2022	Justin Fekete
November 28, 2022	Graham N.G. McDonald
November 28, 2022	Breanna R. Shephard
December 1, 2022	Abiodun O. Obafemi

Suspended to Practising:

December 1, 2022	R. Ian Histed
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New Admissions:

November 1, 2022	Iriny Shenoda
November 7, 2022	Blake M. Rowswell
November 10, 2022	Aasheesh K. Puri
November 10, 2022	Eric A.F. Grigg
November 10, 2022	Gitish Bhardwaj
November 14, 2022	Margaretha J. Spezzano
November 17, 2022	Gordana Ivanovic
November 23, 2022	Jessica K. Clermont
November 23, 2022	Wan Yen (Jazz) Tan
November 28, 2022	Brieanne K. Brannagan

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

Ronald Gary Reimer, who passed away on August 31, 2022 at the age of 72. Mr. Reimer received his call to the Bar on June 29, 1978. He practised for one year as an associate with David Friesen and Associates and then served as in house counsel to Qualico Developments Limited until 1996. From 1996 until the date of his death he continued to be employed by Qualico Developments but was not licensed to practice law.

Mark Chapnick, who passed away on September 2, 2022 at the age of 62. Mr. Chapnick received his call to the Bar in Manitoba on June 27, 1985. He practised with Wolch Pinx Tapper for two years before relocating to Ontario to further his education.

Jagjit Singh Gill, who passed away on September 4, 2022 at the age of 89. Mr. Gill received his call to the Bar in Manitoba on June 25, 1974. He practised in Winnipeg for 30 years, primarily as a sole practitioner. Mr. Gill retired from practice in 2006.

William Samuel Hechter, who passed away on September 17, 2022 at the age of 75. Mr. Hechter received his call to the Bar on June 29, 1971. He practised in Winnipeg for five years as a sole practitioner and then relocated to the United States to further his education. At the time of his death, Mr. Hechter resided in Ontario where continued to practice law.

Sidney Roe Restall, who passed away on September 20, 2022 at the age of 65. Mr. Restall received his call to the Bar on June 23, 1983. Over the course of 31 years of practice, he served as in house counsel to Manitoba Hydro for eight years, and for the remainder of his career he served as counsel to the Department of Justice (Canada). Mr. Restall retired from practice in 2014.

Lydia Louise Ritchie, who passed away on October 17, 2022 at the age of 92. Ms Ritchie joined the Law Society in 1992, serving as a claims examiner in the Insurance Department for 19 years. In addition to working in several Winnipeg law firms, including Newman MacLean and Thompson Dorfman Sweatman, Ms Ritchie taught the legal assistant course at Success Business College to several generations of students.



The Provincial Court of Manitoba

PROVINCIAL COURT JUDGE

The Judicial Appointment Committee welcomes the interest of qualified persons wishing to be considered for appointment to the Bench of The Provincial Court of Manitoba. There are currently four positions available in Winnipeg and one position available in The Pas.

As the Judicial Appointment process has been amended by legislation, we invite all interested applicants to apply. Previous applications will not be considered. It is the expectation that all interested persons will apply taking into consideration the new requirements, including providing an Undertaking or Confirmation. We urge all applicants to carefully review the requirements for application including what information and documentation must be provided to perfect your application.

The mandate of the Judicial Appointment Committee is to assess the professional excellence, community awareness and personal suitability of candidates, while taking into account the diversity of Manitoba society (c. 275, *The Provincial Court Act*).

Applicants must have practised for not less than five (5) years as a barrister and solicitor in Manitoba, be a member in good standing of The Law Society of Manitoba, be entitled to practise as a barrister and solicitor in this province, or have other equivalent experience and complete an Undertaking or Confirmation respecting continuing legal education as contemplated by Section 3(2)(d) of *The Provincial Court Act*, C.C.S.M c. C275.

Applicants must be willing to reside in the the judicial centre of appointment and be capable of and willing to travel by automobile and small aircraft to circuit courts throughout the province.

Judicial responsibilities will include a caseload of criminal cases and child protection matters as well as family law. The successful applicant will be subject to screening checks.

It is the responsibility of the Judicial Appointment Committee to provide to the Minister of Justice a list of candidates and indicate whether such candidates are recommended or not recommended for appointment.

Your Application Package must clearly indicate how you meet the qualifications and must include a cover letter, a résumé, and the following documents located at the Manitoba Court's website at <http://www.manitobacourts.mb.ca/provincial-court/about-the-provincial-court/judges/judicial-vacancies/>

- Judicial Candidate Information Form;
- Cover Letter;
- Consent to the Disclosure and Verification for Screening Checks;
- Law Society of Manitoba Authorization for Disclosure of Information Concerning Candidate;
- Undertaking or Confirmation; and
- A brief summary of your background and qualifications, not to exceed 30 words.

Please submit one copy of your application package via email to judicialapplication@lawsociety.mb.ca and an original plus eight copies (nine copies in total) of your application package by 4:30 p.m. on the Application Deadline to:

The Administrator, Judicial Appointment Committee
200 - 260 St. Mary Avenue
Winnipeg, Manitoba R3C 0M6

Application Deadline: December 12, 2022



Cour provinciale du Manitoba

JUGE DE LA COUR PROVINCIALE

Le Comité des nominations des juges invite les personnes qualifiées souhaitant devenir juges à la Cour provinciale du Manitoba à poser leur candidature. Il y a actuellement quatre postes disponibles à Winnipeg et un poste à The Pas.

Étant donné que le processus de nomination judiciaire a été modifié par la loi, nous invitons toutes les personnes intéressées à poser leur candidature. Les demandes reçues précédemment ne seront pas prises en considération. On s'attend à ce que toutes les personnes intéressées posent leur candidature en tenant compte des nouvelles exigences, y compris en fournissant un engagement ou une confirmation. Nous exhortons tous les personnes à examiner attentivement les exigences de candidature, y compris les informations et les documents à fournir afin de parfaire votre candidature.

Le mandat du Comité des nominations des juges est d'évaluer l'excellence professionnelle, la connaissance de la collectivité et les qualités personnelles des personnes candidates, tout en tenant compte de la diversité de la société manitobaine (C275 – Loi sur la Cour provinciale).

Les personnes candidates doivent avoir exercé pendant au moins cinq (5) ans comme avocat et procureur au Manitoba, être membre en règle de la Société du Barreau du Manitoba, avoir le droit d'exercer comme avocat et procureur dans cette province, ou avoir une expérience équivalente et remplir un engagement ou une confirmation concernant la formation juridique continue, comme le prévoit l'alinéa 3(2)d) de la Loi sur la Cour provinciale, CPLM c. C275.

Les personnes intéressées doivent être prêtes à résider dans le centre judiciaire de la nomination et être capables et désireuses de se rendre aux tribunaux itinérants de la province en voyageant par automobile ou par petit aéronef.

Les personnes choisies auront comme responsabilités judiciaires de traiter des affaires criminelles, des affaires relatives à la protection de l'enfance et des affaires relatives au droit de la famille, entre autres. Les personnes choisies feront l'objet de vérifications des antécédents.

Il incombe au Comité des nominations des juges de fournir au ministre de la Justice une liste de personnes candidates et d'indiquer si celles-ci sont recommandées ou non pour une nomination.

Votre dossier de candidature doit clairement démontrer que vous répondez aux exigences du poste, et doit inclure une lettre d'accompagnement, un curriculum vitae et les documents suivants, que vous pouvez télécharger à partir du site Web des Tribunaux du Manitoba au www.manitobacourts.mb.ca/fr/cour-provinciale/sur-la-cour-provinciale/juges/judicial-vacancies/ :

- la Formule de renseignements des candidats à la magistrature;
- une lettre de présentation;
- le formulaire de consentement à la divulgation et à la vérification aux fins des enquêtes de filtrage;
- l'Autorisation de communiquer des renseignements au sujet du candidat de la Société du Barreau du Manitoba;
- l'engagement ou la confirmation;
- un bref résumé de votre parcours et de vos qualifications, ne dépassant pas 30 mots.

Veuillez faire parvenir une copie de votre dossier par courriel à judicialapplication@lawsociety.mb.ca ainsi qu'une version originale et huit copies (neuf au total) de votre dossier de candidature, au plus tard à 16 h 30 à la date limite de réception des candidatures, à l'adresse suivante :

Administrateur, Comité des nominations des juges
200 – 260, avenue St. Mary
Winnipeg (Manitoba) R3C 0M6

Date limite de réception des candidatures : le 12 décembre 2022

Great Library

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.



eLex

Have you had a chance to review eLex? This is a monthly newsletter available to all members of the Law Society of Manitoba. 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/.

Please note our
holiday hours:



December 26, 2022 to January 2, 2023

Closed

January 3, 2023

Open at 8:30 a.m.



The Manitoba Law Library is on Twitter!

Follow us [@MBLawLibrary](https://twitter.com/MBLawLibrary) for the latest updates on essential legal information and resources.

GREAT LEXPECTATIONS

GEORGE ROY, Legal Information Professional

NEW BOOKS

A number of new books have come into the library this month with updated editions of popular texts as well as new titles to expand our collection.



Updated titles include:

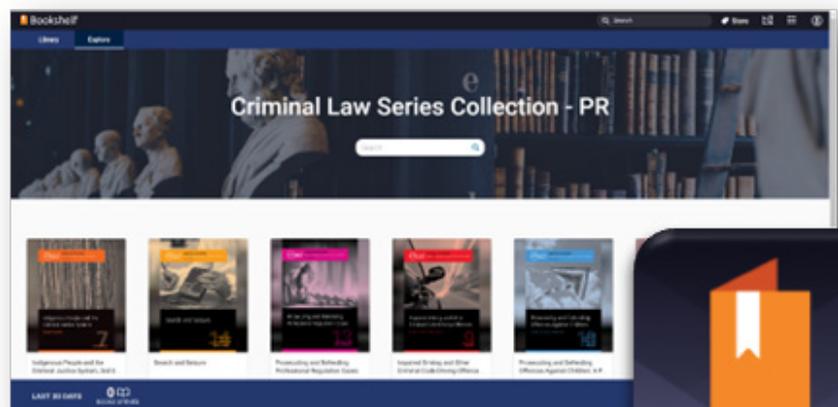
- Waters Law of Trusts in Canada, 5th ed.,
- Oosterhoff on Wills, 9th ed., and
- Waddams' Law of Contracts, 8th ed.

New texts added are:

- Preparation of Wills and Powers of Attorney
- The Canadian Construction Contracts Guidebook, Revision Edition
- Haber and Ross: Top Commercial Leasing Cases
- Distress: A Commercial Landlord's Remedy, 2nd ed.

Our online resources are also being updated with a brand new platform for Emond's Criminal Law Series through VitalSource's Bookshelf. Besides the new look, it will also include additional functionality including creating your own bookmarks, annotations, and even flashcards. For mobile users, you can also download the Bookshelf app for research on the go.

Look for the changes coming soon.



Education Centre Calendar of Events

Upcoming Programs

A Guide for the Notary – Not Just a Witness

February 8, 2023

[Register](#)

Microsoft Word Styles –
Word's Most Powerful Feature Explained

February 15, 2023

[Save the Date!](#)

Child Protection Program

March 10, 2023

[Save the Date!](#)

Welcome to your virtual classroom

2022 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, recordings are available to you on-demand at [CPDOnline](#).

2022 Program Recordings

[Best Legal Tech Tips, Tricks, Services, Gadgets, and Websites](#)

available for a limited time only

[A Legal Professional's Guide to PDF Files](#)

[Update on Medical Assistance in Dying \(MAiD\)](#) *available for a limited time only*

2022 Joint Family Law Program

- [Retroactive Support After Colucci](#)
- [When Does Spousal Support End?](#)
- [Drafting Support Clauses Panel](#)

[Réflexions du banc concernant la pratique du droit en français](#)

[The New Limitations Act](#)

[Amendments to Probate Rules 74 and 75](#)

[Criminal Law Forum about Firearms](#)

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

PRACTICE MANAGEMENT SUPPORT TOOLS!

Could you use some guidance in helping manage risk and improving overall practice management?

Meeting your professional responsibilities while running an efficient legal practice takes a lot of effort. Is it possible you are missing something important?



We are launching some new self-assessment resources to help you reflect and prioritize.

We are excited to announce Manitoba's version of the Prairie Law Societies Practice Management Assessment Tool, developed in conjunction with the Law Societies of Alberta and Saskatchewan.



An opportunity to review best practices and identify priority needs, along with an up-to-date source of practical resources – all in one!

There are versions for both sole practitioners and multi-lawyer firms.

Comprehensive workbooks
(available now)



Workbook
Sole Practitioner Firms



Workbook
Multi-Lawyer Firms

COMING SOON!

Online assessment tool

Visit the Law Society's
[Education Centre](#)
to learn more.

Upcoming IMPORTANT DATES At a Glance



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VICE PRESIDENT
Wayne Onchulenko

CHIEF EXECUTIVE OFFICER
Leah Kosokowsky

DEPUTY CEO
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.

 [lawsociety.mb.ca](https://twitter.com/lawsociety.mb.ca)

DECEMBER 15
BENCHER MEETING
12:30 p.m.

DECEMBER 31
DUE DATE
MCPD Hours to be completed
(PLEASE NOTE: This is NOT the reporting deadline.
The deadline to report these hours is April 1st.)



Holiday Hours:

December 26, 2022 to December 30, 2022
Closed

January 2, 2023
Open at 8:30 a.m.