



Communiqué

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PRESIDENT'S REPORT

WAYNE ONCHULENKO

Bencher Elections are Around the Corner

It is an exciting time in the legal community. I know, you're probably thinking Wayne needs to get a life. But seriously, there are a lot of interesting things that are happening. There's a bencher election this spring. It provides an opportunity to get involved in the leadership of the profession. It'll also give you an opportunity to help provide direction in these changing times. The new group of benchers will be deciding on a new strategic plan. They will be building on the progress made in the current plan. The current plan has: helped enhance the competence of our members by, amongst other things, improving the resources and supports that are available on our website; by proceeding down our own path of reconciliation (pun intended) by adding made in Manitoba elements to our PATH program; by reaching out to our shareholders, specifically the communication plan with the public and by providing further resources for lawyers outside of Winnipeg; and by taking steps to provide best practices with respect to equity, diversity and inclusion, including racism training for the benchers.

The Law Society is working on providing further best practices offerings with respect to how to deal with generative artificial intelligence. We are also working cooperatively with the Manitoba Bar Association and our law school on several projects. These include the recently announced University College of the North offering of positions that prepare northern students for university and entrance into law school; a wellness challenge (more on this later this summer); and a joint project dealing with generative artificial intelligence.

What's New

**CLIENT
COMMUNICATION**

LAWYERS FOR LITERACY

**MOVING MONEY ON
EMAILED INSTRUCTIONS
A New Twist**

DON'T BE A DUPE

Many of us recently participated in the Manitoba Bar Association's Mid-Winter meetings where many of the topics I've just mentioned were the subject of sessions. I also had an opportunity to attend the recent Manitoba Bar Council meeting where we received reports from all three levels of the Court, the CBA President, and a representative of the provincial Attorney General.

Justice Kroft told us that the Court of Appeal will be the first court to get access to some new technologies which will allow for filing digitally. It is hoped this will expand to the other courts after they work out some of the kinks.

We heard from Chief Justice Joyal that the new one judge system has seemingly encouraged more resolutions of matters so that in this past year there were only 30 civil trials, 15 family trials, and no child protection trials.

We also heard from Chief Judge Rolston that for the first time in many years they have the full complement of judges in the Provincial Judges Court, but he echoed what we heard from our Deputy Attorney General which was that there are significant difficulties in staffing, court clerks, and assistants causing difficulties maintaining their current court ROTA.

The Deputy Attorney General spoke about the desire for technical upgrades and about the new government's priorities and emphasized their desire to improve access to justice which is a priority we share. The CBA President, our own John Stefaniak, talked about a number of issues but emphasized the importance of all lawyers being supportive of the rule of law here and abroad and about many of the good works undertaken by our CBA.

Lastly, there were several sessions dealing with delay motions, and we're advised by our Law Society insurer that this has now become the number one form of insurance claim that the Law Society is receiving. We all need to be vigilant.

As I mentioned, there is a lot going on. The Law Society is a great place to volunteer because of the people that work there. If you may be interested in running for bencher or volunteering, give me a call and I would be happy to give you more information.

Join Your Governing Body



The Law Society bencher election and appointment processes will take place in May 2024, and we encourage you to consider running for election or applying for appointment as you will find the experience to be engaging and rewarding.

As a self-regulated profession, the bencher table is comprised of 12 elected lawyers, four appointed lawyers and six appointed public representatives.

To be eligible for election or appointment, a member of the Law Society must be a practising lawyer on the 1st Monday in March. Each bencher sits for a two year term, for a maximum of four terms (eight years).

LEARN MORE

If you have any questions, please contact any one of the following:

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CEO'S REPORT

LEAH KOSOKOWSKY



A monitoring report was received from the Professional Liability Claims in which we detailed the efforts to build resources in the area of cyber security and in which the benchers were advised that the greatest sources of recent insurance claims are dismissals for delay...

When the benchers last met on December 14, 2023, they received an interim report from the Law Society's new auditors, BDO, who reviewed their approach and their progress in respect of the Law Society's 2023-2024 audit.

The benchers also approved of various rule amendments. They reviewed and approved of the final, translated rules related to the verification of clients' identities as well as the removal of the category of "inactive status" for retired Law Society members. They also approved amendments to the English version of rules to streamline the bencher election and appointment processes.

The benchers received an update on the progress of the development of the Western Entry to Practice Profile, which is on track to be completed in the spring of 2024. This exciting initiative will assist the Law Society to determine in which pre-call program competencies are best achieved. It will assist in determining the requirements of principals in the articling process and will help to design training programs for supervisors and principals.

We were pleased to share with the benchers an update on well-being initiatives undertaken by the Law Society in cooperation with the Manitoba Bar Association and Law(yer) Strong, along with the Manitoba Blue Cross' semi-annual report on usage of the Employee Assistance Program. Notably, overall usage of the program continues to increase, with the majority of new cases relating to personal stress and general anxiety. Women continue to access the services more than men, with persons between the ages of 31 and 40 years as the highest category of users of the program. Also of note is the high rate of individuals taking advantage of the telephone and video conferencing option for counselling.

The benchers considered a consultation report received from the Federation of Law Societies Model Code Committee addressing reconciliation efforts and guidance. The benchers resolved to refer the report to a specially created committee to review the recommendations, consult as deemed necessary and report back to the benchers.

A monitoring report was received from the Professional Liability Claims Fund in which we detailed the efforts to build resources in the area of cyber security and in which the benchers were advised that the greatest sources of recent insurance claims are dismissals for delay in both civil litigation and family law files. The insurance fund has also had to respond an increase in criminal law claims based on the ineffective assistance of counsel. However, none have resulted in damage payouts.

The benchers also received their first ever communications monitoring report outlining the work of our Communications Officer and our plan to build stakeholder confidence with the public at large and with the rural, northern, small firm and solo practitioners.

Finally, Law Society benchers and staff were very pleased to join the members of the Manitoba Bar Association for the annual Dragon's Den pitches (this year regarding Generative Artificial Intelligence and the practice of law), followed by a lovely reception.

At the outset of the joint meeting, the Honourable Richard Scott personally presented the Richard J. Scott Award to Garth Smorang, KC, to recognize his commitment to the rule of law and his enormous contributions through advocacy, litigation, teaching and mentoring.



Law Society

HEALTH RECOVERY PROGRAM

A positive alternative.

Focusing on support, rehabilitation and recovery.

[Learn More](#)

Congratulations to Garth Smorang, K.C., who was presented with the Richard J. Scott Award at the December bencher meeting.

In the photo left to right:

Susan Dawes
Hon. Richard J. Scott
Garth Smorang, K.C.
Kristen Worbanski
Shannon Carson

Congratulations TO Hon. Richard J. Scott



A RECEPTION WAS HELD ON
DECEMBER 11, 2023
TO CELEBRATE MR. SCOTT'S
RETIREMENT AS THE INAUGURAL
INDEPENDENT CHAIRPERSON OF
THE DISCIPLINE COMMITTEE.



CLIENT COMMUNICATION

TANA CHRISTIANSON, Director - Insurance



Poor client communication comes up as a major cause of insurance claims in Manitoba and everywhere where professional liability insurers keep track of such things. Failure to communicate effectively with clients, including disputed instructions, misunderstandings over instructions, advice and consent are at the root of many claims and complaints against lawyers.

There is a new resource on client communications available to Law Society members only.

Check out [Client Communications](#). You will need your user name and password (the same ones you use to access things on the Member Portal like invoices and your annual member's report).

YOUR OPINION IS WANTED

Participate in a University of Manitoba Research Study

EXAMINING FORENSIC EXPERT WITNESS MENTAL HEALTH EVALUATIONS FROM A JUDICIAL PERSPECTIVE

What is the study about?

How do judges and lawyers perceive forensic mental health professionals' credibility in the context of mental health assessments?

Who can participate?

Judges and lawyers working in Canada or the USA in the areas of criminal or litigation law.

Survey Deadline extended to:
February 9, 2024

[Learn More](#)



Thank you

FOR ALL YOUR HARD WORK!



Gratitude for the 2023 CPD Volunteer Contributors

As we embark on this new year and reflect on all the educational resources we built last year, we are reminded again that Manitoba's legal profession is a particularly generous, skilled and collaborative bunch.

The Law Society CPD team simply could not curate and create such high quality programs and materials without **YOUR** expertise and willingness to dedicate the time and energy to educate your colleagues.

We are grateful to work with each and every one of you. Thank you so much.

Eileen Denksen

Director of Continuing Professional Development

In honour of all our 2023 CPD volunteer contributors, the Law Society is "paying it forward" with one combined gift to [Law\(yer\) Strong](#) in recognition of the educational peer support they have so generously given to the legal community.

See the impressive list of volunteer contributors for 2023

Thank you

FOR ALL YOUR HARD WORK!



2023 CPD Volunteer Contributors

Justice Scott Abel
 Professor Abdi Aidid
 Kassy Baker
 Kristal Bayes-McDonald
 Vic Bellay
 Luke Bernas
 Heather Berthelette
 Mark Binder
 Eric Blouw
 Jason Bryk, K.C.
 Andrew Buck
 Kathy Bueti, K.C.
 Solange Buissé
 Darryl Buxton
 Johanna Caithness
 Dr. Hygiea Casiano
 Barney Christianson, K.C.
 Judge Michael Clark
 Sr. Assoc. Judge Karen Clearwater
 Krista Clendenning
 Tarik Daoudi
 Russell Davidson
 John Delaney
 Kristin Desrochers
 Jessica Dillon
 Andrea Doyle

Desiree Dorion
 Dhara Drew
 Anne Dubouloz-Lodge
 Justice Kaye Dunlop
 Beth Eva
 Greg Evans, K.C.
 Maria Grande
 Miranda Grayson
 Nicole Hamilton
 Assoc. Chief Justice Gwen Hatch
 Justice Alain Huberdeau
 Justice Sarah Inness
 Amy Jackson
 Kristen Jones
 Chief Justice Glenn Joyal
 Robynne Kazina
 Crystal Kennedy
 Hafeez Khan
 Diana King
 Peter Kingsley, K.C.
 Alex Klippenstein
 Tyrone Krawetz
 Melanie LaBossiere
 Yvan Larocque
 Josh Lieberman
 Caily MacGregor
 Melissa Malden
 Ken Mandzuik, K.C.
 Judge Lee Ann Martin
 Tamara McCaffrey
 Cheryl McGibbon
 Meredith Mitchell
 Tracy Morrow
 Scott Newman

Assoc. Judge Robert Patterson
 Shea Peplinskie
 Karen Poetker
 Debra Poskar
 Raegan Rankin
 Judge Doreen Redhead
 Justice Herb Rempel
 Darla Rettie
 Laura Robinson
 Evan Roitenberg, K.C.
 Chief Judge Ryan Rolston
 Jessica Saunders
 Ian Scarth
 Joan Schmidt
 Jeff Shypit
 Marta Smith
 Earl Stevenson
 Kimberly Stonechild
 Dr. Katie Szilagyi
 Jana Taylor
 Gerrit Theule
 Andrew Torbiak
 Chau Tran
 Justice Anne Turner
 Matthew Underwood
 Justin Voris
 Elder Wendy Whitecloud
 David Wiebe
 Gerri Wiebe, K.C.
 Judge Margaret Wiebe
 Erin Wilcott
 Byron Williams
 Judge Darcie Yale



14TH ANNUAL LAWYERS FOR LITERACY

Saturday, March 16, 2024

Mulvey School

750 Wolseley Avenue

10:00 a.m. to 3:00 p.m.

Join in for a rewarding day of reading for an hour or more with children in the West Broadway Youth Outreach Program.

Or, you can sponsor one of your colleagues to read or you can simply make a donation.

Register Here

[Pledge forms](#) are available on the Law Society website.

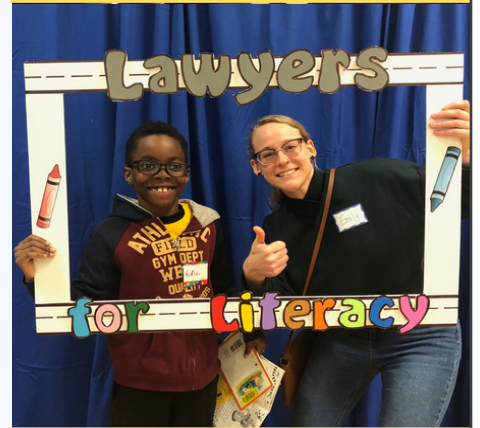
Donate Here

Monetary donations can be made by cash, cheque or online donation. WBYO will provide a charitable receipt for donations of \$25.00 or more.

Learn more about this event on our [community page](#).



"A child's potential ends... just beyond infinity"
- WBYO



A Documentary Written and Directed by
Stephen Herman and Evelyn Neaman

RETIREMENT ON TRIAL



**The Law Society
of Manitoba**

Friday, March 1, 2024 at 12:00 PM
LAW SOCIETY OF MANITOBA CLASSROOM

[Learn More & Register](#)

[Watch the Trailer](#)

[Read
Every Day is Sunday](#)

“HOW ARE YOU PAYING FOR THAT?”

A MESSAGE FROM THE AUDIT DEPARTMENT

“How are you paying for that?” It’s a question often heard when you are at a fast-food restaurant or standing at the check out at your favourite retailer.

Since 2020, it’s also a question every lawyer who is acting on a financial transaction must ask their client.

However, unlike restaurant or retail situations, it’s a much deeper question for lawyers, and sometimes confusing.

WHAT IS IT?

As per Law Society Rule 5-120(a), when engaged in or giving instructions in regard to a financial transaction on behalf of a client, lawyers must obtain and record, with the applicable date, information about the source of funds. Source of funds is the economic activity or action generating the funds and you need to document it for every financial transaction. This applies to both individual and organizational clients, and requires the lawyer to inquire about the origin of the funds in cases where it is not apparent from the information obtained from the client for the retainer. For example, if you are representing a client who is selling the home they have lived in for 20 years and purchasing a new one, use of the sale proceeds to purchase the new home is information that is readily apparent. However, what if your client is instead buying their first home and when you ask about the source of funds, it turns out they are borrowing most of the cash to mortgage from a friend?

Financial transaction? You need to know the source of funds.

- Ask it.
- Document it.
- Request more information if there are inconsistencies.

Satisfy yourself before you proceed.

Where do you record it?

The source of funds is most often recorded within a firm’s client identification and verification system. This can be a separate system, integrated with the firm’s software platform, or in the client file.

The purpose of this requirement is to assess whether there is anything that suggests the proposed transaction is inconsistent with the client’s apparent means or the circumstances of the transaction. To satisfy themselves that the funds are not the proceeds of crime, lawyers may need to question the client, consider whether someone other than the client provided the funds, request supporting documents and/or conduct their own search. Lawyers also should retain supporting documents to show how they arrived at this determination.



Remember – when it comes to anti-money laundering, lawyers are gatekeepers. The source of funds is just one piece of the puzzle when it comes to your client’s profile. It is to be used together with other due diligence requirements, such as verifying your client’s identity as well as the totality of the information in the matter in order to assess your client relationship. Any red flags must be addressed before you can continue to act.



Unsure what might be red flags for suspicious sources of funds? In the resource material entitled “Risk Assessment Case Studies for the Legal Profession”, found both on the [Federation’s website](#) as well as in the [Anti-Money Laundering](#) section of the Law Society of Manitoba’s Education Centre, you will find various scenarios which demonstrate the red flags that should cause you to be on the alert for potential money-laundering and the due diligence you can undertake.

WHAT IT’S NOT

It’s also important to know what the source of funds isn’t, as there are several terms that seem similar but have different meanings, which can cause confusion.

Source of Funds is not Form of Receipt “Form of receipt” is the way in which you received the money. Did your client bring in a bank draft or send the money by wire transfer? This information is the form of receipt, and must be recorded in your firm’s accounting records for money received in your trust account (in accordance the requirements for a book of original entry in Rule 5-41) or general account (Rule 5-48(1)(a)).

Source of Funds is not Receipt Payor “Receipt payor” closely resembles “source of funds” and can be easily confused. A “receipt payor” is the person or entity paying. In every instance that money is received, you need to ask and record whose money it is, even where you do not need to record the source of funds (such as payments for retainers or fees and disbursements).

FEATURE

Consider these examples:

- i) Your client is purchasing a home and bank ABC is providing mortgage funds for the purchase:
 - When your client provides cash to mortgage, “receipt payor” is your client.
 - When the bank provides mortgage proceeds, “receipt payor” is bank ABC.
 - There are two sources of funds. One source is a bank loan from bank ABC and the other (cash to mortgage) – should be answered by your own assessment and inquiring of the client - is it consistent with the client’s means?
- ii) You have been retained to defend your client on criminal charges:
 - If your client provides a retainer, “receipt payor” is your client.
 - If your client’s sister provides a retainer, “receipt payor” is your client’s sister. You must record both names “sister name for client name”
 - Because it is a retainer, you do not need to record the source of funds.

Like “form of receipt”, receipt payor is a concept for your accounting records, to be recorded in your book of original entry (for your trust or general account) and your client trust ledger.

If you have support staff or other members of the firm not familiar with the file who are responsible to receive payments from clients, communication is key. All staff handling receipts must be familiar with these concepts and requirements. If, based on your meeting with your client, you are expecting a bank draft with your client’s name on it as the draft purchaser yet instead receive a wire transfer from a foreign bank, this must be flagged by your staff for your attention.



EACH AND EVERY TIME SOMEONE GIVES YOU TRUST MONEY you must know and record:

1. Which **way** did someone provide funds to you? (form of receipt)
2. **Whose** money is it? (receipt payor)

And.... If it’s a financial transaction:

3. What economic activity or action **generated** the funds? (source of funds)

In summary, remember that the source of funds is the economic activity or action generating the funds, and that you need to document it for every financial transaction. Examples include savings from salary, insurance proceeds, inheritance or bank loan.

SOLICITOR CLIENT PRIVILEGE: *It Survives the Death of Your Client*

TANA CHRISTIANSON, Director - Insurance



When you are approached by anyone to provide information about a deceased client, stop and think about it before telling your client's story or passing along your client's file. Remember, solicitor client privilege survives the death of the client and can only be relaxed under certain limited circumstances.

If you are asked to produce your client's will file and any other files relating to a deceased client, do some research or contact the Law Society for advice. Don't assume that the personal representative/spouse/children can waive privilege on behalf of the deceased. Until you have thoroughly canvassed the issue, or been served with a court order, conduct yourself as if privilege has NOT been waived.

For advice and direction, please contact either:

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Claims Counsel
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MOVING MONEY ON EMAILED INSTRUCTIONS

A New Twist

TANA CHRISTIANSON, Director - Insurance



We have been warning you for a couple of years to never accept new or changed payment instructions from your client by email without checking if that email really came from them. We think that by now, most lawyers and their staff know that if a client gives them instruction by email to move funds, they should call the client at the phone number on their file and confirm that the client had in fact emailed the instruction and that nobody had been hacked.

Last month a local lawyer encountered a new twist. They were acting for a client who had a transaction closing. The law firm informed the client of the amount required to close the transaction and told the client to get a bank draft or a certified cheque to the lawyer before the closing date.

The client called the lawyer from her bank branch at the suggestion of the bank teller. The client had received an email, purportedly from the lawyer, telling the client to wire the funds to certain coordinates. The client had gone into the bank to arrange for the wire transfer and an alert teller had suggested that she call her lawyer before wiring the funds.

Sure enough, *the client's email* had been hacked. The fraudster had sent an email that appeared to come from the lawyer's firm giving her instructions to send the money to the fraudster's account.

We know that law firms have been warning clients that the firm will not accept changes to payment instructions by email. It would be a good idea to warn your clients that you will not be changing your payment instructions to them by email either.

WHAT CAN YOU DO TO AVOID FUTURE FRAUDS?

- 1 Share cyber security and awareness information with lawyers and staff, using the Law Society's [Cyber Security resource library](#) as a starting point;
- 2 Educate all lawyers and staff in your firm about fraud risks directed at law firms:
 - a) Review and discuss the Law Society's recently updated [Fraud Awareness page](#) in the Trust Accounting Fundamentals;
 - b) Reference this article as a real-world example for why you need to follow these steps, as well as earlier Communique articles from [June 2022](#), [December 2022](#) and [January 2023](#);
 - c) Walk through the [Safe Flow of Funds guideline](#), found in the Trust Accounting Fundamentals;
- 3 Review and discuss your firm's cheque requisition process, adding a checklist if you don't already use one. If you already have a checklist, review it to ensure key elements and risks are addressed;
- 4 Include anti-fraud awareness and training as part of orientation of all new lawyers and staff;
- 5 Refresh existing staff knowledge by ensuring their cyber security knowledge and awareness is kept current;
- 6 Review your checklists as you receive new information to ensure they evolve with the ever-changing fraud techniques; and
- 7 Tell your clients that you will not be changing payment instructions by email either and that if they do receive an email purportedly from you re-directing funds, they should phone you at the phone number that they look up in the Law Society's Lawyer Lookup or in previous communications from you.



**FRAUD
PREVENTION**

DON'T BE A DUPE

TANA CHRISTIANSON, Director - Insurance

Don't become the dupe of an unscrupulous fraudster or money launderer.

It's time to take the anti-money laundering rules seriously. Verification of the identity of clients participating in financial transactions is all about fraud and crime prevention. There have been some big claims in Canada arising out of fraud where 'the client' was not who they said they were, resulting in significant losses to innocent persons. Strict adherence to the anti-money laundering rules might have prevented those losses.

If your approach to verification got a bit casual during COVID, tighten up. Law Society auditors are checking to confirm compliance.

Before COVID - Verifying photo ID in person only

Before COVID, we met with clients in person, inspected their government-issued photo ID – usually a driver's license or passport – and copied that ID to verify the client's identity on financial transactions.

During COVID - Verifying photo ID on Zoom

During the COVID pandemic, meeting with clients in person wasn't safe. Also, new provincial regulations allowed us to witness certain documents, including land titles forms, remotely by video conference. We only saw client's government-issued photo ID on the screen, not in person, but because of COVID, the application of the anti-money laundering rules was not strictly enforced.

After COVID - Verifying photo ID in person or using an alternate method

Now that COVID is behind us, holding up photo ID on a video call to verify identity is not safe enough. Going forward, if you are acting on a financial transaction, the identity of your client must be verified using an alternate method, and not by a grainy screenshot.

BUT I WON'T BE MEETING THIS CLIENT IN PERSON!!!!

In a new world of Teams, Zoom and other video conferencing, you may not be meeting every client in person. However, there are ways to reliably verify the identity of someone you only meet on screen.



Alternative Ways to Verify ID When You Don't Meet in Person

1. You or someone else in your office or the previous lawyer on the file has previously verified the client's ID in person.
2. An agent verifies ID for you. Send off an Agent Agreement to the client's real estate agent or banker or accountant or other responsible person who can do the verification for you. (Draft yourself a nice go-to precedent based on this [sample agreement](#).)
3. ***New*** – Use a DIACC-certified software service that can confirm the authenticity of government photo ID and match the result to the image or video of the client. [[Check out the directory of certified software on the DIACC website](#).] Some title insurers are also offering authentication as an additional service, partnering with certified providers. The service is available whether or not you are also placing a title insurance policy. If your client has an email address, a smart phone and valid photo ID, this is a simple and quick process and costs around \$15 to \$30.
4. The credit check method, seldom used by lawyers, but still an option.
5. Use two trusted pieces of information from a reliable source.

This method requires some advance planning because the two trusted pieces of information must be original – not a photocopy or electronic image like a digital photograph, screen capture or scanned copy. It works well for clients who do not have any valid government-issued photo ID but takes time and advance planning.

Examples of reliable source documents include: Canada Pension Plan (CPP) statement, property tax assessment, vehicle registration, Canada Revenue Agency notice of assessment, utility bill (e.g. electricity, water, telecommunications), record of employment, registered investment account statements (e.g. RRSP, TFSA or RRIF), government benefits statement, insurance documents (e.g. home, auto or life), birth certificate, permanent resident card, citizenship certificate, marriage certificate, mortgage statement, bank statement, and credit card statement.

The client can try to email you the document received from the reliable source or to send you a link to the document on the issuer's website. You may not be able to open those documents because access to them often requires your client's log in and password, so you will need to plan ahead. You may need to have the information snail mailed to you.

You can still **witness** documents related to a *financial transaction* remotely using Zoom, Teams or other video conferencing platforms but you cannot **VERIFY** the identification of the client remotely by looking at the client's government issued photo ID on your screen. You will have to take one of these additional steps to verify ID. And don't forget to ask [the source of the funds](#).

For more information on the anti-money laundering rules, check out the [Anti-Money Laundering page on the Law Society of Manitoba's Education Centre](#) or take in the [Federation of Law Societies' new on-line Anti-Money Laundering education package](#) and get CPD hours (free!).

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

TANA CHRISTIANSON, Director - Insurance



As Practice Management Advisor to the Law Society of Manitoba, Barney (Bjorn) Christianson collects articles and information about law practice management. In addition to providing free and confidential practice management advice to all Manitoba lawyers, Barney is plugged into a network of practice management advisors from all across North America.

Here's what Barney wants to share this month:

HYBRID FEE ARRANGEMENTS

Have you been struggling with a change to a flat-fee approach, rather than living minute by minute aka .1 by .1? Maybe a [hybrid](#) is in your future.

REFLECTIONS ON AI

[Is AI the future of law?](#) I am not sure, since Microsoft's AI recommended the Ottawa Food Bank as a "do not miss!" in a travel blog. Others are more confident, I guess.

TAKING A LOOK AT THE NEW OUTLOOK

If you are subscribed to Microsoft 365 and using the installed Outlook software, you may have noticed a little "Try the New Outlook" toggle in the upper right corner. Give it a try. I have agreed to (sometimes) use the [New Outlook](#); it is friendlier than Old Outlook.

WORD PDF TRICKS

One of the (many) problems with Word is that Microsoft keeps throwing bells and whistles into it. Some of the bells and whistles that you might actually use become hidden in the mess. Here is how you can [use Word to create PDFs](#).



If you are looking for advice on how to make your practice more efficient and less aggravating, contact Barney directly at 204-857-7851 or by email at barney.christianson@gmail.com. And remember, Barney's practice management advice is free and confidential.



Hello February

Make time to talk to,
or listen to a friend.

The background of this section is a soft-focus photograph of white and light-colored flowers on thin green stems. A semi-transparent white rectangular box is centered over the image, containing the text.

lawyerstrong-mb.ca

On January 24th – “Bell Let’s Talk” day – we talk about mental health and illness to break down stigma and to encourage action. Why is this day recognized across the world in the winter? Maybe it is because the greatest number of suicides happen in the spring, despite it being a time we hope to see new beginnings and growth.

Let’s make February, a month celebrating love, one for prevention by caring, kindness, community, and connection. Let’s make every day one where we can talk or listen to a colleague who needs support.

While in Canada, 12% of people think about suicide at some point in their lifetime, the National Study on the Psychological Health Determinants of Legal Professionals in Canada (2022: Cadieux) noted that 24% of lawyers have thoughts about suicide during their career.

Statistics Canada data shows that men are three times more likely to die from suicide than women. The highest rates of suicide occur between 50-64 years of age, but it is also the 3rd leading cause of death in young people aged 15-34.

Taking Action, Next Steps

On January 12th, nine of our caring peer support volunteers took action, by participating in a half day suicide awareness course, "SafeTalk", led by truelistening.ca, to learn about how to talk to and support someone experiencing thoughts of suicide.

If you are thinking about suicide, call **9-8-8** - the national suicide prevention and mental health support line, which is available 24 hours a day, 7 days a week.

Manitoba lawyers have [counselling](#) available through the [Blue Cross EAP program](#), telephone: **204-786-8880**.

If you are a lawyer in Manitoba and struggling, **you are not alone**. It takes courage and strength to reach out. We offer non-judgmental, peer support from lawyers who care. We can also help connect you with professional mental health support if that is what you choose. All contacts are confidential.

**Join the movement
towards a thriving legal profession,
one connection at a time.**

Upcoming Dates to Note:

Peer Support Volunteer Training Day



February 9th


Health: Yoga




Wednesdays at noon
Now until March 13th

Contact us:

 lawyerstrong-mb.ca

 support@lawyerstrong-mb.ca

 204-201-1764

Manitoba Articling Recruitment Guidelines

For the 2025-2026 Articling Year



These Guidelines are prepared pursuant to Law Society Rule 5-6.1 and concern the recruitment of articling students for positions within the City of Winnipeg. They set out the procedures for the recruitment of articling students in Winnipeg and were developed by representatives of the Manitoba Bar Association (MBA), the Law Society of Manitoba, the Manitoba Law Students Association and the University of Manitoba, Faculty of Law. **All Winnipeg firms and organizations engaged in the recruitment of articling students for the 2025–2026 articling year, and all candidates applying to such employers, are expected to adhere to the guidelines and dates set out below. Workplaces outside of Winnipeg who also wish to participate in this recruitment may do so by submitting their firm profile in accordance with the guidelines. By doing so, they will be required to follow the deadlines and procedures set out in these guidelines.**

Guidelines & Important Dates to Remember for Firms, Organizations and Students

Firm Profiles

Employers are to provide profiles containing information about the firm's practice, office facilities, the number of articling positions available, the documents required for the application (resume, cover letter, copies of transcripts, etc.), the contact person, address to which applications must be sent, and all other pertinent information to both:

1. The Faculty of Law, Career Development Office, via email: lisa.griffin@umanitoba.ca (phone: 204-474-7932); and
2. The Law Society of Manitoba, via email: lehnes@lawsociety.mb.ca (phone: 204-926-2042)

no later than 4:00 p.m., Monday, March 18, 2024. All postings received by this date will be accessible to Robson Hall students through the Faculty of Law Career Development website on Friday, March 22, 2024 by noon and to all others from the Law Society of Manitoba by emailing a request to lehnes@lawsociety.mb.ca. Profiles received after Monday, March 18, 2024 will be posted as quickly as possible.

Application Deadline

The application deadline for students to submit resumes, cover letters and transcripts directly to the employers for 2025-2026 articling positions shall be **12:00 (noon), Tuesday, May 14, 2024.**

Interview Call Day

Interview offers may only be made between the hours of **10:00 a.m. to 4:00 p.m., Friday, May 24, 2024**. No communication regarding interviews may be made prior to this time. Students must respond to an offer of an interview within this same timeframe

Recruitment Suspension Period

Between **4:00 p.m. on Friday, May 24, 2024 and 8:00 a.m. on Monday, June 3, 2024**, neither students nor employers should be involved in any recruitment activity, including but not limited to participating in open houses, firm tours, or similar activities directed at encouraging employment, conducting of interviews, and discussing offers of employment.

Communications and interactions between employers and students related to a summer job placement, and not concerning an articling placement, are not prohibited in this context.

Interview Period

8:00 a.m., Monday, June 3, 2024, to 5:00 p.m., Tuesday, June 11, 2024. Interviews shall not be conducted prior to 8:00 a.m. on Monday, June 3, 2024. Firms and organizations may interview students at a location of their choosing. Both the Law Society of Manitoba and the Faculty of Law may provide space upon request. Please contact lehnes@lawsociety.mb.ca or lisa.griffin@umanitoba.ca if you require either.



No Contact Period

There is to be no contact between students and employers between the end of the interview period and the earliest offer date.

Eligible Students

Approved principals or their delegates may make an offer of an articling position only to students who have, at a minimum, completed their second year of law studies. Only students who have, or will have obtained an LL.B., J.D. or CQ from the National Committee of Accreditation on or prior to June 30, 2024 will be eligible to apply for 2025-2026 articling positions

Earliest Offer Date

Approved principals or their delegates may **not** make an offer of an articling position in Winnipeg for the 2024-2025 articling term **before 2:00 p.m. on Wednesday, June 12, 2024**. Offers made on June 12, 2024 must remain open until 10:00 a.m. of the following morning. Offers made on June 12, 2024 can be accepted or rejected by students anytime before 10:00 a.m. on June 13, but must be responded to by that time. *Offers made **after** June 13, 2024 must be responded to no later than 10:00 a.m. the following morning.*

Content of Offers

At the time the offer is made, employers must provide students with the name and contact information of the person to whom the student should communicate acceptance or rejection of the offer. Employers are also encouraged to include pertinent information with the offer, such as the proposed start date, salary and benefits.

Communication of Acceptance/Rejection

As a courtesy to employers and fellow students, students shall deal with offers received as soon as reasonably possible. Once a student has accepted an offer from one employer, the student must promptly communicate his/her rejection to any other employer that has extended an offer to the student. Failure to promptly communicate rejection of an offer prejudices the offering employer, as well as fellow students to whom subsequent offers may be made.

Accepted Offers

Once an offer has been accepted, neither the employer nor the student may withdraw from the agreement without the permission of the Chief Executive Officer of the Law Society of Manitoba.

Offer of Articling Positions after June 13, 2024

Employers may contact students directly to fill any unfilled articling positions. Offers made after June 13, 2024 must remain open until 10:00 a.m. the following day, unless accepted or rejected by the student.



Communication of Results

Once an offer has been accepted, the student and the employer **must immediately** advise **both**:

1. Lisa Griffin; Career Development, University of Manitoba, Faculty of Law by email: lisa.griffin@umanitoba.ca or phone: 204-474-7932); and
2. Lisa Ehnes, The Law Society of Manitoba, by email: lehnes@lawsociety.mb.ca or phone: 204-926-2042)

These [recruitment guidelines](#) for workplaces looking to hire articling students to start in the spring/summer of 2024 are also posted on our website.

Timeline Summary

Employer profiles/postings due at both Robson Hall and the Law Society of Manitoba	4:00 p.m. CDT, Monday, March 18, 2024
Profiles/postings available to students	12:00 p.m. (noon) CDT, Friday, March 22, 2024
Application deadline for students	12:00 p.m. (noon) CDT, Tuesday, May 14, 2024
Interview offers	Between 10:00 a.m. and 4:00 p.m. CDT, Friday, May 24, 2024
Recruitment suspension period	4:00 p.m. CDT, Friday, May 24, 2024 to 8:00 a.m. CDT, Monday, June 3 2024
Interview period	8:00 a.m., Monday, June 3, 2024 to 5:00 p.m. CDT, Tuesday, June 11, 2024
No contact period	5:00 p.m. CDT, Tuesday, June 11, 2024 to 2:00 p.m. CDT, Wednesday, June 12, 2024
Earliest offer date	No earlier than Wednesday, June 12, 2024 at 2:00 pm CDT



BARRISTER ROBES

The 2024 Mass Call to the Bar Ceremony is scheduled to take place at the RBC Convention Centre on Thursday, June 20th at 9:00 am.

If you are a candidate for Call and you know you want to purchase your own set of Court robes, you should place your order in the next few weeks to ensure you receive your robes in time for the ceremony. Locally, Hanford Drewitt can be consulted.

There are also online vendors offering appropriate Court attire.

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.

	Accelerated PREP 2023	June 2023 Intake
January 2024		Phase Three - Virtual Firm Rotations continue
February 2024		Phase Three - Virtual Firm Rotations concludes
March 2024	Capstone Assessment re-attempts	Capstone Assessment weeks begin
April 2024	Applications for Israels' Prize due	Applications for Israels' Prize due
May 2024	Capstone Re-Attempts results issued	Capstone Re-Attempts results issued
June 20, 2024	Call to the Bar	Call to the Bar

Please note that CPLED no longer allows students who are unsuccessful on portions of the Capstone Assessment to attempt a supplemental evaluation on only a segment of the Capstone Assessment. To successfully complete PREP, a student must successfully complete the full Capstone Assessment.

If a student is unsuccessful on the March Capstone Assessment, the next opportunity to attempt a Capstone Assessment will be in September 2024.

Students must successfully complete both PREP and their required articling period to be eligible to be called to the Bar and to participate in the Call Ceremony in June.

Students and their principals are reminded to make sure that they have sufficient time to prepare for their Capstone Assessment in March and that there are no other office duties assigned during their Capstone Assessment week.

Annual Member Report

Complete Online

Due April 1, 2024

This year's Annual Member Report is now available in the [Member Portal](#) and is due April 1, 2024. It combines your annual report on your continuing professional development activities in 2023 and your Law Corporation renewal (for those that have them). For trust account supervisors, there are additional reporting requirements. This report must be filed by every lawyer who had practising status in Manitoba at any time in 2023.


Completing and submitting this report is mandatory. If you have provided us with your business email address, then you should have already received notification by email that your personalized online report is ready for completion. The email notification would also have contained your user ID and login instructions on how to access the Member Portal for easy completion and filing of the report. If you have not received your email notification but believe you should have, first check your spam or junk mail folder. To avoid Law Society emails mistakenly being flagged as spam, add the email address no_reply@lawsociety.mb.ca to your contacts/safe sender list.

If you are still unable to locate this notice in your inbox, then please email us at membership@lawsociety.mb.ca or by phone at 204-942-5571. If you have not provided the Law Society with your business email address, please do so immediately.

***Take the Next Step
Connect with***



All contacts are confidential

 204-201-1764

 support@lawyerstrong-mb.ca

 www.lawyerstrong-mb.ca



**The Law Society
of Manitoba**

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NOTICE OF SUSPENSION

Ryan William Fawcett

Pursuant to a resolution of a Panel of the Discipline Committee of The Law Society of Manitoba made on November 28, 2023, **RYAN WILLIAM FAWCETT** was found guilty of professional misconduct and conduct unbecoming a lawyer and is suspended from the practice of law and is ineligible to apply for a practising certificate for a period of two months, starting on November 28, 2023 and ending on January 27, 2024 and remains suspended thereafter until such time as he demonstrates that he has met requirements specified by the Panel.

December 20, 2023

Leah Kosokowsky
Chief Executive Officer

Issued: December 20, 2023



NOTICE OF DISBARMENT

Chaman Deep Badohal

By resolution of a Panel of the Discipline Committee of The Law Society of Manitoba, **CHAMAN DEEP BADOHAL** was found guilty of professional misconduct. She was ordered to be disbarred and her name struck from the Rolls of Barristers and Solicitors of the Society.

January 2, 2024

Leah Kosokowsky
Chief Executive Officer

Issued: January 2, 2024

Membership Changes

Inactive to Practising:

December 4, 2023	Ebo Dadzie
December 11, 2023	Chloe G.M. Freynet-Gagne
January 2, 2024	Amelia M. Peterson
January 16, 2024	Kelly A. Kennedy

Non-Practising to Practising:

December 4, 2023	Spencer C. Weisensel
December 11, 2023	Victoria S.B. Perrie
January 2, 2024	Veronica L. Haasbeek
January 5, 2024	Katherine E. Jones
January 8, 2024	Danielle J. Dubois
January 22, 2024	Darrin R. Davis

Practising to Inactive:

December 5, 2023	Jacqueline E. Pelland
December 11, 2023	David A. Grohmueller
December 20, 2023	Pamela D. Pekatawasin
December 22, 2023	Shea S. Peplinskie
December 31, 2023	Kristal A. Bayes -McDonald
December 31, 2023	Rodney E. Shannon
December 31, 2023	Diane E. Jones, K.C.
January 1, 2024	Seth A. Nerman
January 1, 2024	Richard L. Cassidy
January 3, 2024	Tanys J. Bjornson

Practising to Non-Practising:

December 1, 2023	Anders Bruun
December 11, 2023	Deevia R. Boyd
December 11, 2023	Candace L. Bishoff
December 11, 2023	John J.R. Isfeld
December 14, 2023	Stefanie T. Steigerwald
December 16, 2023	Megan E. Spencer
December 18, 2023	Christopher S. Tait
December 31, 2023	Marcelin F. Murray
January 1, 2024	K. Jennifer Moroz
January 1, 2024	Michael J. Dow
January 4, 2024	Anita L. Southall
January 5, 2024	Sheryl A. Rosenberg
January 17, 2024	Caroline N. Lacey

New Admissions:

December 14, 2023	Tawakalitu F. Alabi
December 15, 2023	Wilford N. Mullin
January 22, 2023	Harpal S. Atwal

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

Dunlop Harry Kells, who passed away on October 27, 2023 at the age of 76. Mr. Kells received his call to the Bar on June 26, 1980. He practised with Thompson Dorfman Sweatman LLP for 29 years, retiring in 2010.

Bernarr Ivan Klapman, who passed away on November 12, 2023 at the age of 83. Mr. Klapman received his call to the Bar on June 6, 1966. He was a practising member of the Law Society for 24 years.

MANITOBA BLUE CROSS



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- **Financial Stress**
- **Relationships**
- **Career Transitions**
- **Mental Health Addictions**



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Winnipeg: 204-786-8880
Toll-Free: 1-800-590-5553
Hearing-Impaired Line: 204-775-0586

NOTICE OF BENCHERS' MEETING

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

 **Thursday, February 8, 2024**

 **The Law Society offices
and via videoconference**

 **12:30 p.m.**

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.

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

- March 21, 2024
- May 16, 2024
- June 27, 2024

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

Health and Wellness Resource Library

Resources from the Law Society, Manitoba Blue Cross and other Partner Organizations

Digital Wellness Platform from Manitoba Blue Cross

www.wellness.mb.bluecross.ca

From one central location you can now access:

- Counselling support
- Relationship learning program
- Yoga and meditation program
- Sleep assessment
- Budgeting and financial self-directed courses
- And much more

For curated content, tips and resources to help YOU, start by taking a quick 10-minute [wellness assessment](#).



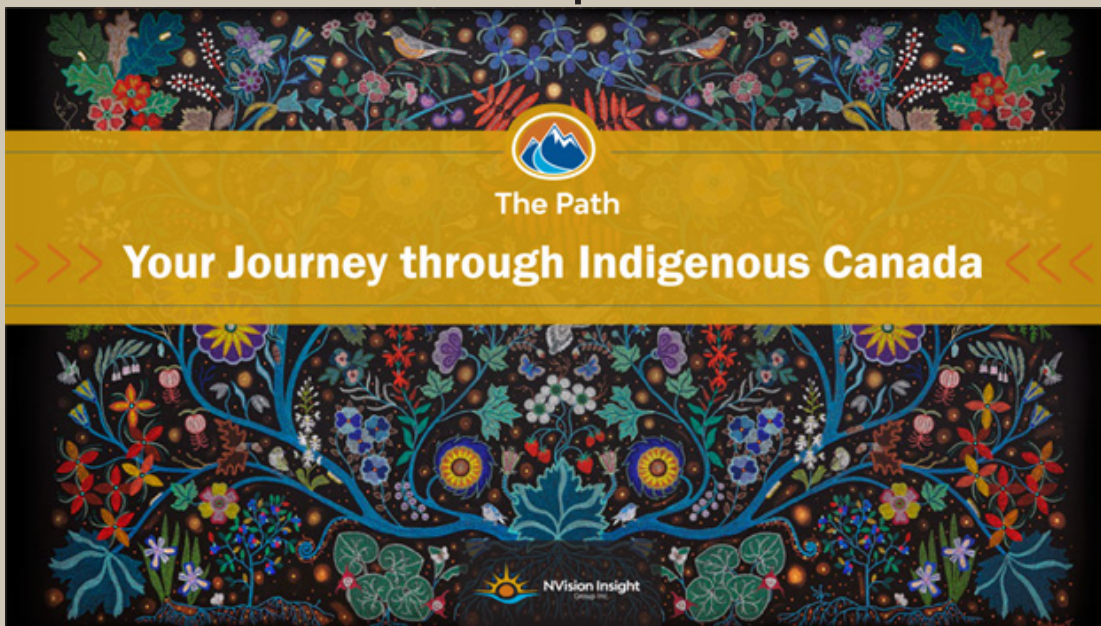
Learn More

New Anti-Money Laundering Learning Program

Anti-Money Laundering

Free resource from the Federation of Law Societies of Canada includes 5 modules, eligible for CPD and EPPM hours ~ Available in [French](#) and [English](#).

Time to Fill the Gap in Our Education



Access The Path Today ~ Eligible for a total of 6 CPD and EPPM hours, this mandatory training is available to practising members at no cost. [Learn more.](#)

CPD Education Centre

Upcoming Programs

Register	Feb 1	Time & Distraction Management
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Register	Apr 25	Task & Deadline Management
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Register	Feb 27	Email Management
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Save the Date	May 9	POAs, HCDs and Committeeship
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Register	Mar 1	Retirement on Trial
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Register	May 15	Organize Your Digital Matter File
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Register	Mar 8	Joint Family Law Program
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Register	May 29	Documenting & Mapping Your Process
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A Look Back at CPD on Demand for 2023

Did you miss any of our value-packed CPD programs from 2023?

Good news! You can access the recorded versions anytime on-demand!

[Access 2023 CPDonline Recordings](#)

What did we cover? What *didn't* we cover!

- Intro to Cyber Security Awareness
- Microsoft Word Styles
- Financial Fitness for a wHealthy Retirement
- Child Protection Program
- Estate Administration Fundamentals
- Challenging Search Warrants
- Big Changes in Family Law
- Persuasive Advocacy in the Courtroom
- The Journey Forward: Moving Toward Economic Reconciliation
- An Act Respecting Child & Family Services

- Sleep and Your Wellness
- L'interprétation et la traduction dans un dossier civil bilingue
- Hot Topics in Real Estate
- Pitblado Lectures
 - Introduction to Artificial Intelligence*
 - Responsible and Ethical Use of AI*
 - Promises and Pitfalls of Integrating AI into Law*
 - Use of AI in Manitoba Practice*
 - Judges' Perspective on AI*
 - Wellness Impacts of AI*

[Read: CPD – So Many Options!](#)

[Read: Meeting your MCPD Requirements](#)

Upcoming IMPORTANT DATES At a Glance



FEBRUARY 8
BENCHER MEETING
12:30 p.m.

MARCH 16
LAWYERS FOR LITERACY
Mulvey School - 850 Wolseley Avenue
10:00 a.m. to 3:00 p.m.

MARCH 18
FIRM PROFILE DEADLINE
by 4:00 p.m.
for 2025-2026 Articling Recruitment

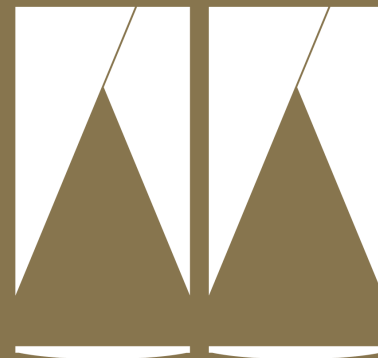
MARCH 21
BENCHER MEETING
12:30 p.m.

APRIL 1
FILING DEADLINE
2023 Annual Member Report

APRIL 1
FILING DEADLINE
2023 Mandatory Continuing
Prof. Development (MCPD) Report

APRIL 1
RENEWAL DEADLINE
Law Corporation Permit

APRIL 1
PAYMENT DUE
2024-2025 Practising Fees



PRESIDENT
Wayne Onchulenko

VICE PRESIDENT
Gerri Wiebe

CHIEF EXECUTIVE OFFICER
Leah Kosokowsky

DEPUTY CEO
Rennie Stonyk

Mailing Address

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Office Hours

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8:30 a.m. - 4:30 p.m.

lawsociety.mb.ca

