

May 2017

INSIDE THIS ISSUE:

President's Report	1
Meeting Notice	2
Bencher Highlights	3
Some Moments in Time	4
New Officers	6
Articling Student Recruitment for 2017-2018	6
Great Lexpectations	7
Do You Need Excess Insurance?	8
Speak Now or Forever Hold Your Peace	9
Articling Recruitment Guidelines for 2018-2019	10
Courthouse Lockers	11
2017 Important Dates	12
Call to the Bar	13
Annual Meeting Notice	13
Bits&Bytes	14
Lawyers for Literacy	15
Entity Regulation - Benchers Approve Pilot Project	16
Photos	17
Membership Changes	18
In Memoriam	19
Discipline Case Digests	20
CPD Calendar	21

President's Report

ROBERTA CAMPBELL



My term as President ends on May 25th, so this will be my last report in the Communiqué. The year has flown by and it never fails to amaze me, that now when I actually know what I'm doing, it is time to move along.

As many of you are aware, last year we had our first bencher election under our new governance model. The new model provided for a mix of appointed and elected lawyers and an increased number of public representatives. In May of 2016, we had legislation in place that allowed us to reduce our number of elected benchers from 16 to 12. Those four elected benchers were replaced with four appointed lawyers. We also increased our public representatives from four to six. Of our 25 benchers, nearly 25% are public representatives. If we are going to regulate in the public interest, surely we need the public's input. After the election in May, we took a look around the table and developed a matrix which set out a broad range of knowledge, skill sets, core competencies, perspectives and backgrounds. We now have a bencher table that looks very different from what it did prior to 2016. We have much greater ethnic and cultural diversity and public representatives with a vast range of knowledge, skills and life experience. In practical terms, that means we have much broader and in depth discussions that would not have occurred absent this change.

I have had the opportunity to travel to the Law Societies of Alberta, Saskatchewan and just two weeks ago, Upper Canada to share our experience with this new governance model. It has been very well received and a number of law societies are looking at changing their models to ensure that they too develop a skills based table that represents the diversity in their communities.

The President's Special Committee on Entity Regulation has done an enormous amount of work on entity regulation in collaboration with the Prairie Working Group. The entity regulation tool has been developed and we will be rolling out the pilot project over the next few months. We're looking for a broad range of firms and solo practitioners for the pilot. Volunteers will be required; if that fails, bribery and arm twisting.

Communiqué 2.0

is published by
 The Law Society of Manitoba

219 Kennedy Street
 Winnipeg, Manitoba
 R3C 1S8

Telephone: 204-942-5571
 Fax: 204-956-0624
www.lawsociety.mb.ca

continued on page 2

President's Report

continued from page 1

We recently spent two days developing the latest three year strategic plan. Or at least the beginnings of one. While many ideas were discussed, the one that seems the most pressing in my humble opinion is access to justice and really attempting to do something to make a difference. This is a pressing concern in all jurisdictions and we must find a way to remove barriers to low cost alternate service providers. In Ontario, they have the Licensed Paralegal Program. Paralegals are educated, tested, licensed, insured and regulated. They do not work under the supervision of a lawyer and can perform limited functions, such as small claims, traffic court, summary conviction criminal matters, uncomplicated wills and incorporations. There are five paralegals at the bench table in Ontario. While it was a long and arduous road, they are now looking at expanding certain aspects of family law to further address the access problem.

An alternative model has been developed in Washington State, where their LLLT's or Limited License Legal Technicians, exclusively practise family law. The program is rigorous and expensive, and it would appear the graduates of that program are far more versed in family law than the average graduating J.D.

I think the challenge for all of us is to develop our own, uniquely Manitoba approach. Perhaps a version of the LLLT, where life experience could be the on ramp to write standardized exams for separate areas that a person may be able to practise. Perhaps someone with a degree in criminology would like to take a shot at writing the criminal and criminal procedure exam. An administrative assistant working for many years in a family firm, may be interested in writing the exam for limited family practise. Perhaps law graduates who can't obtain articles, could write the small claim exam, among others. This could certainly help deal with the glut of law graduates in Ontario. Of course, developing the testing for these areas would be onerous at first, but once up and running could provide assistance in areas that lawyers have largely abandoned.

If we are going to increase access to justice, thinking outside the box might very well be the only way. This may be the single most important issue facing the profession today and we have a long way to go. This and many other important initiatives will continue after my term has ended. I congratulate my successor, Jim McLandress, on his election as president. I am confident he will carry on and implement many of the initiatives we have begun. Congratulations, as well, to Kathy Bueti, who was elected by the benchers at their last meeting to serve as the Law Society's vice-president.

I would like to thank all of my fellow benchers for their hard work and commitment through the years and especially the last year. Special thanks to Ted Bock who is moving out to pasture as a life bencher. I have enjoyed Ted's wit, dry sense of humour, guidance and support, but most of all his friendship. Couldn't have done it without you Ted.

I would also like to thank the staff at the Law Society. They are all incredible professionals. I really don't know how I am going to function again without Pat. I've sometimes asked the strangest things, like what have I been doing the last seven years, and she cheerfully sends me back the answer. I'm sure our CEO, Kris Dangerfield, will be looking forward to having a new travel partner as I seem to attract my fair share of snow storms, thunder storms and even an earthquake close by on our last trip to Victoria.

I am grateful for the opportunity to do something completely different. It has been an amazing experience without which I would never have met all the wonderful people, here in Winnipeg and across the country.

NOTICE OF BENCHERS' MEETING

The next regular meeting of the Benchers of the Law Society of Manitoba will be held on **Thursday, May 25, 2017 at 12:30 p.m.**, in the Society's classroom, 219 Kennedy Street, Winnipeg, Manitoba.

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

The dates of future Benchers' meetings scheduled for 2017 are as follows:

- Thursday, June 22, 2017
- Friday, September 8, 2017
- Thursday, October 26, 2017
- Thursday, December 14, 2017

Bencher Highlights

Kris Dangerfield, Chief Executive Officer



April was a very busy month at the Law Society of Manitoba. The benchers gathered together on April 20 for a bencher meeting and dealt with a host of issues before heading into a day and a half of strategic planning.

The benchers considered several policy issues. The first related to The Property Registry and its new system for electronic registration (eRegistration) of land titles documents that will begin in December 2017. The system is intended to create efficiencies, including the electronic transfer of funds that would accompany the submission of land titles smart forms. The benchers considered how best to facilitate lawyers' use of an electronic funds transfer system without putting client trust funds at risk and approved a model that would require lawyers using the system to establish a new special-purpose trust account. New rules are in the process of being developed together with some professional development programming for the profession prior to the new system coming into effect.

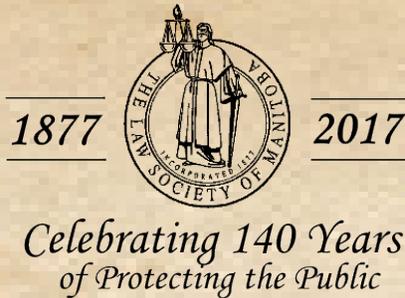
Unfortunately we identified an increase in plagiarism in the 2016-2017 CPLED program, which led to some students being suspended from the program and others having to take supplemental examinations this spring. This took an enormous amount of time to conduct the necessary investigations and impose consequences within our current rule structure. The benchers accepted recommendations from staff to develop rules which will bring more clarity to a process for the investigation of the concerns within the framework of the Admissions and Competence Departments, and that will provide for a range of penalties and an appeal process.

The benchers received a report from **Anita Southall**, Chairperson of the Equity Committee, about the work done by the committee to respond to the Truth and Reconciliation Commission's Calls to Action. An equity and diversity working group has been established to develop model policies and resources for workplace equity and diversity, much like those that were developed for the Justicia Project. The committee also recommended that the benchers consider establishing a mentoring program for young lawyers that could concurrently support the development of indigenous lawyers. Finally, the committee is looking at, and will continue to work toward the development of cultural competence training for the profession.

The benchers also approved a pilot project recommended by the President's Special Committee on Entity Regulation, chaired by **Kathy Bueti**, which was tasked with developing a framework for the Law Society to regulate entities (i.e. law firms, including associations of lawyers and non-lawyers). Law firms will be asked to volunteer to participate in the pilot project to test a self-assessment form that will require the firm to reflect on seven identified firm management principles. Firms will then report back to the Law Society via a survey to assist the benchers in making decisions around entity regulation and the self-assessment process.

The Access to Justice Steering Committee reported on its work. The Co-Chair, **Neil Cohen**, reported on the recent National Access Committee Conference held March 23-24, 2017 that he attended along with **Darcia Senft**, Director of Policy and Ethics. In addition to the Annual Meeting, there was an Innovation Day which provided practical learning and discussion on how to address the implementation gap in access to justice reform. Co-Chair **Lynda Troup** conveyed a recommendation from the committee to amend the terms of reference to increase the committee membership with an additional practising lawyer and a public representative. The committee is also continuing to look at the forgivable loans program with a view to making it more viable and effective.

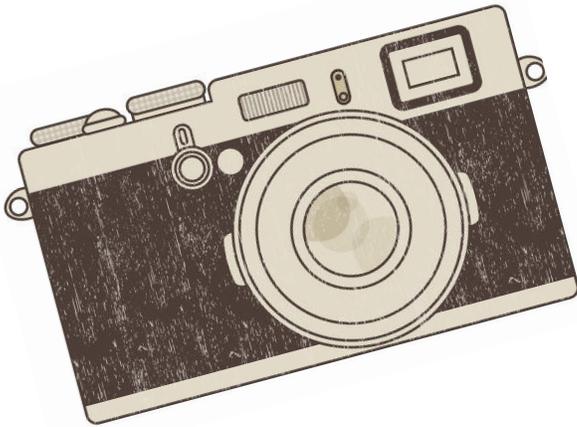
There was no rest for the benchers as they then went on to engage in a strategic planning session facilitated by **Andrew Norton**, Director, Business Technology of the Law Society of Alberta. Professor **Noel Semple** from the University of Windsor, attended and spoke to the benchers about the public interest in the delivery of legal services. His thought provoking presentation on what it is that clients want and need from the legal profession provided a framework for the discussions that followed. The work on a strategic plan is now well under way and will come back to the benchers in June for more discussion.



Some Moments in Time

- 1937** The Society establishes a procedure to supply free legal services to needy parties in civil matters.
- 1943** The Reimbursement Fund is established.
- 1946** George Percy Raymond Tallin replaces B.E. Chaffey as the Law Society's Sub-Secretary, Librarian and Solicitor and also serves as Dean of the Law School.
- 1949** The Society provides counsel in criminal matters (without remuneration) to persons accused of certain offences who cannot afford to engage barristers for reward. This continued to 1963.
- 1958** Harold St. George Stubbs is named Secretary and Treasurer of the Society, a position he held until his retirement in 1980.
- 1962** Concurrent articling is eliminated for the 1963-64 term.
- 1965** The Bar Admission course is created for students graduating from the full-time university program to supplement the one year service under articles after completion of the LL.B.
- 1966** The Manitoba Law School programme is phased into the Faculty of Law at the University of Manitoba and the full-time three-year academic program is created.

A Snapshot in Time



If only you knew what these two former Presidents of the Law Society of Manitoba were discussing way back in 1985. On the right is the Honourable Vern Simonsen who was president of the Law Society from 1973 to 1974, before being appointed to the Court of Queen's Bench in 1982. On the left is Bill Olson, who served as president of the Law Society in 1985 to 1986 when he was a partner at Scarth Simonsen. Bill became a partner at Thompson Dorfman LLP and just recently retired from practise after 45 years as a civil litigator and a mentor for a host of Manitoba lawyers. Best wishes on your retirement Bill.

NEW OFFICERS

Jim McLandress
President



On April 20, 2017 the Benchers of the Law Society of Manitoba elected Jim McLandress as our 97th President (taking office on May 25, 2017). Jim has been serving as Vice President this year and in his day job is General Counsel and Corporate Secretary at the Winnipeg Airports Authority Inc.

Kathy Bueti
Vice-President



At that same meeting Kathy Bueti was elected Vice President. Kathy is a senior partner at Bueti Wasyliv Wiebe where she practises criminal defence work.

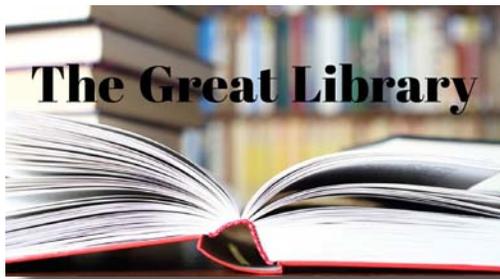


Articling Student Recruitment for 2017-2018

In another section of this Communiqué you will see the guidelines for the recruitment of articling students for the 2018-2019 articling year. These guidelines do not apply to articling positions starting in the current year.

If your office is interested in taking on an articling student to start sometime in 2017, your job search may be made easier if you contact the Law Society of Manitoba. The Law Society can help by posting your job notice on the Law Society webpage. If you would prefer not to have your job notice posted, the Law Society presently has resumes from over 20 individuals looking for an articling placement in the current year. These resumes can be provided to you for your consideration.

So, if you have been thinking about taking on an articling student for this year, let us know about it.



GREAT LEXPECTATIONS

Karen Sawatzky, Director of Legal Resources

Shortly after I started at the Great Library, I observed a couple of lawyers looking around. One said to the other, “It’s just a room full of old books, the good stuff is on the computers.” My first reaction was indignation, but then I tried to see the library through their eyes, and I realized not that they were right, but that the print “good stuff” was hidden behind all the old books. There is a lot of duplication of texts that aren’t used very often, or are available online, in particular the report series. We are fortunate this summer to have a Red River College Library and Information Technology student working with us and much of her work will involve removing duplicate titles and shifting the collection so that the valuable materials are what you see first.

There is a period of time between the 1960s and 1970s when there was no dedicated Manitoba reporting series. Significant decisions were published in Western Weekly Reports and Dominion Law Reports, but less important decisions were ignored. The Great Library took up the slack and has several filing cabinets of paper decisions from the 1970s on, indexed in an electronic database. Unfortunately, the database is DOS based, and has almost come to the end of its useful life. And so another project for our student will be to digitize the decisions so that they can be preserved and retrieved remotely. Recreating the database to be Windows- or HTML-based is a longer term project.

Next time you’re at the Great Library, please make sure you introduce yourself and let us know what you think of the changes.

Karen Sawatzky

ksawatzky@lawsociety.mb.ca

<http://www.lawsociety.mb.ca/manitoba-law-libraries>

204-945-1958

National Access Committee Conference



Neil Cohen, Darcia Senft, and Jeff Hirsch join former Supreme Court Justice Tom Cromwell and Chief Justice McLachlin at the National Access Committee Conference held in Vancouver on March 23-24, 2017.

Do You Need Excess Insurance?

Tana Christianson, Director of Insurance



All insured lawyers in the province of Manitoba have mandatory insurance coverage of \$1 million per claim with an aggregate limit of \$2 million. If a disgruntled former client presents a claim against you between July 1, 2017 and July 1, 2018, you have coverage for up to \$1 million for defence and damages combined on that claim. This is the \$1 million per claim limit. If three unhappy clients each make unrelated \$1 million claims against you between July 1, 2017 and July 1, 2018, the \$2 million aggregate limit means you have a total of \$2 million to cover the damage and defence costs on those three claims.

You should consider these limits of insurance when you decide whether or not this is enough coverage for your practice. You can purchase excess insurance that covers you for claims that might arise after your \$1 million limit and \$2 million aggregate have been exhausted. Excess coverage is available through the Law Society from the Canadian Lawyers Insurance Association (CLIA) in amounts from \$ 1 million to \$9 million.

It's always difficult to decide how much insurance you should have in place. Here are some of the things that lawyers and law firms take into consideration when deciding whether or not to purchase excess insurance.

1. Client requires it

Many lawyers tell us that their clients require proof of excess insurance. Lenders may require insurance at a level that matches a loan advance. Some government agencies or large corporations may require proof of a minimum level of insurance that is higher than the mandatory \$1 million as a condition of the retainer.

2. Area of practice

Some areas of law consistently result in more frequent claims. For instance, real estate files account for the highest number of claims by volume, but these are usually less costly per claim. Missed limitations on medical malpractice or personal injury files, or securities or tax law related claims arise less frequently, but damages tend to be more severe. When you are deciding whether to purchase excess insurance and in what amount, consider whether your practice and that of your partners and associates falls into areas of law that are high risk for frequent claims or high risk for severity.

3. Dollar value of files

You should also assess the potential quantum of damages arising out of potential claims. Valuable estates, farm transactions and family law files where the value of assets at issue is high all have the potential to develop into large claims. Personal injury, including medical malpractice, has potentially high value if limitations are missed or claims are dismissed for delay. If you and your firm seldom deal with matters where more than \$500,000 is at issue, you may not feel such a pressing need. However, large claims continue to arise out of unforeseen areas of law. For instance, ten years ago, we did not expect to see drafting and executing wills as a top five area of law for frequency of claims.

continued on page 9

Do You Need Excess Insurance?

continued from page 8

4.. Defence expenses

You should also remember that it is not only the indemnity or damage payment which might ultimately erode the limits of your insurance. Defence costs eat into your coverage limits. There have been claims in Canada where costs incurred in defending lawyers in complex legal malpractice suits have exceeded \$1 million.

The decision is yours.

You are the only one who can assess your firm's exposure to a claim or series of claims that might take you over the mandatory \$1 million limit or the annual \$2 million aggregate limit. Take some time and consider your exposure today.

The Canadian Lawyers Insurance Association (CLIA) offers excess coverage in amounts from \$1 million to \$9 million in excess of the \$1 million mandatory insurance.

Rates for July 1, 2017 are not yet available. However, if you would like more information on this year's CLIA Excess Program and/or excess coverage for retired lawyers, please contact:

Tana Christianson	204-926-2011	e-mail: tchristianson@lawsociety.mb.ca
Heather Vanrobaeys	204-926-2036	e-mail: hvanrobaeys@lawsociety.mb.ca
Kristin Forbister	204-926-2047	e-mail: kforbister@lawsociety.mb.ca

For Your Own Protection Speak Now or Forever Hold Your Peace

Tana Christianson, Director of Insurance

The current Policy of Insurance expires on July 1, 2017. Make sure that you report any potential problems that you know about which might possibly, at some point in the future, give rise to an insurance claim against you. You should be moving into the new policy year with a clean slate, so let the Professional Liability Claims Fund staff know about any potential claims before June 30th.

The new 2017-2018 Insurance Policy will only provide you coverage if you had no knowledge of the claim or potential claim before the policy period commenced and could not reasonably have foreseen that a claim might arise. If you think you might have made an error in providing professional services to others or someone is making allegations (even unmeritorious allegations) that you have made an error or you are concerned about a file now, please call, email or write the Professional Liability Claims Fund staff and put us on notice before the policy year runs out on July 1, 2017. Late reporting can compromise your coverage, so speak now or forever hold your peace.

Here's how you can contact Claims Fund staff:

Tana Christianson	204-926-2011	e-mail: tchristianson@lawsociety.mb.ca
Kate Craton	204-926-2012	e-mail: kcraton@lawsociety.mb.ca
Jim Cox	204-926-2024	e-mail: jcox@lawsociety.mb.ca

Or go to our website at www.lawsociety.mb.ca, through to the Members' Portal, and fill in and submit a Claim Report form. If you would like a form mailed or e-mailed to you contact:

Kristin Forbister	204-926-2047	e-mail: kforbister@lawsociety.mb.ca
Heather Vanrobaeys	204-926-2036	e-mail: hvanrobaeys@lawsociety.mb.ca

Articling Recruitment Guidelines for 2018-2019 Applicable to Winnipeg Positions Only

Joan Holmstrom, Director of Education



The articling interview process for students finishing off second year law and about to enter third, will be in full swing at the end of May. Members are reminded to comply with the following guidelines:

Interview Call Day

Interview offers may only be made between the hours of 10:00 a.m. - 2:00 p.m., Friday, May 26th, 2017. No correspondence regarding interviews may be made prior to this time.

Interview Week

8:00 a.m., Monday, May 29, 2017 to 5:00 p.m., Friday, June 2, 2017.

Interviews shall not be conducted prior to 8:00 a.m. on Monday, May 29, 2017. Firms and organizations may interview students at a location of their choosing. The Faculty of Law will provide space upon request. Please contact lisa.griffin@umanitoba.ca if you require same.

Eligible Students

Approved principals or their delegates may make an offer of an articling position only to students who have, at a minimum, commenced their second year of law studies. Only students who have, or will have obtained an LL.B. or J.D. prior to or during 2018 will be eligible to apply for 2018 - 2019 articling positions.

Earliest Offer Date

Approved principals or their delegates may not make an offer of an articling position in Winnipeg for the 2018 – 2019 articling term before 4:00 p.m. on Monday, June 5th, 2017. Offers made on June 5, 2017 must remain open for 24 hours, unless accepted or rejected by the student prior to the expiration of the 24 hour period. Offers made after June 5, 2017 must be responded to no later than 10:00 a.m. the following morning.

Content of Offers

At the time the offer is made firms must provide students with the name and contact information of the person to whom the student should communicate acceptance or rejection of the offer. Firms 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 firms and fellow students, students shall deal with offers received as soon as reasonably possible. Once a student has accepted an offer from one firm, the student must promptly communicate his/her rejection to any other firm that has extended an offer to the student. Failure to promptly communicate rejection of an offer prejudices the offering firm as well as fellow students to whom subsequent offers may be made.

continued on page 11

Articling Recruitment Guidelines for 2018-2019 Applicable to Winnipeg Positions Only

continued from page 10

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 5, 2017

Firms and organizations may contact students directly to fill any unfilled articling positions. Offers made after June 5, 2017 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 Lisa Griffin; Career Development, University of Manitoba, Faculty of Law by email: lisa.griffin@umanitoba.ca or phone: 204-480-1087

Courthouse Lockers: Squatters be Warned!



Did you know that the Law Society is responsible for administering the allocation of the lockers in the robing area of the Law Courts building? Every year when you renew your Law Society membership, you have an option of renting a locker at the courthouse for a fee. In fact, you need not wait until your annual renewal to make arrangements to get a locker. You can contact the LSM receptionist, Shari Lough, at 204-942-5571 to get a locker at any time of the year.

By the end of May, we will be posting notices on the doors of those lockers for which our records suggest there is no registered and paying member. At the end of June, any items remaining in these lockers will be removed and stored at the Law Society until the end of summer, at which point we will dispose of them. If you have any items stored in a locker, please attend at the court house during the month of June to see if the locker that you thought was yours is not in fact paid for according to our records. Many members shared a locker with another lawyer at some point and as the years passed, a lawyer moved on and may not have renewed the locker rental without telling you. You may be a squatter and not even know it.

The Society's review may also involve a re-allocation of some lockers in an effort to maintain at least one male-only and one female-only locker/change area.

Don't be caught without your robes next fall! Be sure to check the locker rooms in June to make sure you are in an authorized locker.

2017

Important Dates to Note



May 25
12:30 p.m.
Benchers' Meeting

June 14
PAYMENT DUE
2017/18 Practising Fee and Contributions
(or first instalment)
for students being called to the Bar on June 15, 2017

June 15
9:00 a.m.
Call to the Bar Ceremony
Centennial Concert Hall

June 22
12:30 p.m.
Annual Members' Meeting and Benchers' Meeting

June 23
Deadline to file application for CLIA Excess
Professional Liability Insurance coverage

June 23 to 25
Northern Bar
Annual CPD and Meeting

July 3
2017/18 Prof. Liability Claims Fund Contribution
(or first instalment)
PAYMENT DUE

August 25
Annual Trust Account Report (Self-Report)
for members with June 2017 year end
FILING DEADLINE

September 11 to 15
CPLED classes

September 8 and 9
Western Bar
Annual CPD and Meeting

October 2
2017/2018 Practising Fee and Contributions
(2nd Instalment)
PAYMENT DUE

October 2
2017/18 Practising Fee and Contributions
(2nd Instalment)
for members called to the Bar on June 15, 2017
PAYMENT DUE

October 31
Annual Trust Account Report
with Accountant's Review (Form D)
for members with June 2017 year end
FILING DEADLINE

November 2
140th Anniversary Gala Dinner

November 3
2017 Pitblado Lectures

November 27 to December 1
CPLED classes

December 1
2017/18 Prof. Liability Claims Fund Contribution
(2nd Instalment)
PAYMENT DUE

December 1
2017/18 Practising Fee and Contributions
(3rd Instalment)
for members called to the Bar on June 15, 2017
PAYMENT DUE

A graphic for the 'Call to the Bar' ceremony. It features a blue sky with white clouds in the background. Several hands are holding up black graduation caps (mortarboards) with gold tassels. The text is overlaid on this image.

Call to the Bar

June 15, 2017
9:00 a.m.
Manitoba Centennial Concert Hall

The Law Society of Manitoba will conduct its annual Call to the Bar ceremony on Thursday, June 15, 2017 at 9:00 a.m. at the Manitoba Centennial Concert Hall. The ceremony is a special sitting of the Court of Queen's Bench. The judiciary of Manitoba will be participating, along with The Law Society of Manitoba and the Manitoba Bar Association.

It is anticipated that 73 candidates will be presented for admission to the bar on this day. Others from the 2017-18 bar admissions class will be called to the Bar at proceedings taking place before or after June 15 and at various courts throughout Manitoba.

At the proceedings on June 15, guest speaker The Honourable Madam Justice Holly Beard of the Manitoba Court of Appeal, will address the candidates for Call and Admission.

The A. Montague Israels, Q.C. Memorial Prize for the outstanding bar admission course student will be presented to one of the candidates by the Honourable Madam Justice Lori Spivak.

After the ceremony, the newly admitted members of the Bar each sign the Rolls of the Law Society and the Court of Queen's Bench.

For further information, please contact Joan Holmstrom at 926-2017.

NOTICE OF ANNUAL MEETING

The Annual Meeting of the Benchers of the Law Society of Manitoba will be held on **Thursday, June 22, 2017 at 12:30 p.m.**, in the Society's classroom, 219 Kennedy Street, Winnipeg, Manitoba.

All members are invited to attend.

Bits&Bytes

Kris Dangerfield, Chief Executive Officer



1. President **Roberta Campbell** and I were invited to attend the British Columbia Benchers Retreat on May 4-6, 2017 in Victoria, BC. The meetings were excellent and we came home brimming with ideas about removing barriers that prevent Manitobans from accessing justice. We also heard from Mohamed Fahmy, the Egyptian-born Canadian and former Al Jazeera journalist who was arrested by the Egyptian government in 2013 and imprisoned for 438 days. It was a fascinating look into his journey in a world where the rule of law does not always prevail, yet with the persistence of his lawyers (including Amal Clooney) he was ultimately freed in 2015.
2. I was reminded what a small world it is when I bumped into one of our former benchers at the President's Reception held in conjunction with the Bencher Retreat in Victoria. **Jennifer Cooper**, who served as a bencher in Manitoba from 2005 to 2013 is now practising family law in Victoria, BC. I don't think that Jennifer would mind me disclosing that she introduced me to her fiancé, Michael Eeles, who practises in the area of family law and mediation. They are getting married on the May long weekend and congratulations go out to them both.
3. Our good friend and colleague **Darrel Pink**, Executive Director of the Nova Scotia Barristers' Society recently announced that he is leaving the Society in January 2018. Darrel has been a passionate voice in the world of legal regulation, board governance and strategic planning and his colleagues across the country will miss him enormously. I am pretty confident that this is not the last we will see of Darrel, however, and that he will have many opportunities to use his knowledge and skills to ensure that the public interest in the delivery of legal services is protected.
4. My former classmate, **Mark O'Neill**, who many of you will know from the many MTC and MBA plays in which he has starred, has left Manitoba with his wife Tara to take up residence in Montreal. A gathering of the Class of '82 took place to wish Mark a fond farewell earlier this spring. This fortunately made up for the fact we neglected to plan a reunion for the 35th anniversary of our graduation from Robson Hall. Bon chance Mark and Tara! And don't forget, Mark, that you are still responsible to convene the annual Christmas lunch.
5. Speaking of the MTC and MBA plays, I hope that many of you were able to attend the 25th Annual Lawyers Play, *Twelve Angry Jurors*. I am old enough to have been around for the first performance of this play by a cast of Manitoba lawyers and I enjoyed it even more the second time around (perhaps it is something about **John Harvie**, **Bill Haight** and **Jeff Hirsch** all being on the stage at the same time?) Congratulations to the fabulous cast and crew who give generous amounts of their time to a production that generates substantial financial support for the Manitoba Theatre Centre.



Michael Eeles, Jennifer Cooper and Kris Dangerfield

Lawyers for Literacy

Kris Dangerfield, Chief Executive Officer



Thanks go out to so many of you who were able to support Lawyers for Literacy, either through your participation in the event on Saturday, March 18, 2017 or by donating to a great cause. This was the 7th annual event sponsored by the Law Society of Manitoba that supports West Broadway Youth Outreach, a recreational life skills program for children between the ages of 4 and 17 who live in the West Broadway area. We had more than 60 volunteer lawyers who either read to, or were read to by, a nearly equal number of amazing kids. A total of **\$11,175.00** was raised this year, which will support a wide range of programming. This event could not happen without the incredible talent and organizational skills of Law Society staff Carol Hiebert and Pat Bourbonnais. Kudos go to them for another successful and fun year.



**More Photos
on
Page 17**



Entity Regulation - Benchers Approve Launch of Pilot Project

Darcia Senft, Director - Policy and Ethics

Over the past couple of years or so, the Law Society of Manitoba has collaborated with the prairie law societies in a joint effort to consider how we, as regulators, can be innovative. We all recognize that it is better to be proactive when it comes to regulating the delivery of legal services in the public interest and our benchers have determined that proactive regulation should be a priority. When we first started this work, we looked at alternative business structures and whether it made sense to allow legal services to be delivered to the public through businesses that were set up differently from a traditional law firm. But rather quickly, the talk around the table turned to how we could regulate businesses that included non-lawyers as service providers. We considered developments across the country and around the globe and decided to explore entity regulation as a means to regulate more proactively and as a way to assist lawyers to enhance practice standards, in the public interest.

In conjunction with the work of the prairie law societies, our Manitoba President's Special Committee on Entity Regulation spent considerable time reviewing different models of entity regulation including "compliance-based" or "outcomes-focused regulation." As part of the Committee's work, they reviewed various forms of entity self-assessments which contain expectations relating to certain management principles such as competence and capacity, client management, file management, and financial management. The Committee also considered and provided recommendations with respect to a "made on the Prairies" law firm self-assessment tool.

There has been much debate about how a self-assessment tool could and should be utilized to enhance practice standards. For example, should a firm simply have to complete an assessment and note, internally, what it is doing well and where improvements could be made or should a firm be expected to demonstrate "compliance" with articulated goals/outcomes? Should the overall goal be to assist lawyers within firms to practice more effectively and, if so, how might we successfully "change the conversation" between the Law Society and law firms so that the Society is viewed as a resource rather than as a regulator best avoided?

Most recently, there has been a shift towards viewing an assessment tool primarily as a way to enhance practice standards and towards viewing entity regulation as an opportunity for the Law Society to act as an important resource to firms in their efforts to deliver legal services according to accepted "best practices." We expect that firms and legal practitioners that implement best practices will benefit from improved services delivery through increased client satisfaction and enhanced reputation.

The Manitoba committee and the prairie provinces group determined it would be a good idea to run a pilot project for the self-assessment tool so that we could obtain the feedback necessary to help us achieve our objective to regulate more proactively in the public interest. In April, the benchers endorsed the use of a pilot project to test the current version of the assessment tool, find out what works and what doesn't, and listen to firms as they describe what the process entails, whether it is a useful exercise (potentially effecting positive change), and consider revisions to the assessment tool to make it as user-friendly and helpful as possible.

We intend to conduct the pilot project over the next couple of months and report back to the benchers with our findings. We expect to include a good cross-section of lawyers and law firms (e.g. sole practitioners, medium firms, large firms) to ensure that we obtain representative and meaningful feedback.

Your firm may receive an invitation to participate in the pilot perhaps because of its size or location (city v. rural). Please consider our invitation favorably and view it as an opportunity to affect the deliberations of our benchers in the days ahead. And, if you would like to volunteer to participate in the pilot, please contact the Society to let us know the good news! You can email Darcia Senft at dsenft@lawsociety.mb.ca or contact her at 204-926-2023.



7th Annual
Lawyers for Literacy
In support of West Broadway Youth Outreach



Saturday, March 18th, 2017



Membership Changes



The following members have changed their membership status effective on the date shown:

Practising to Inactive:

March 15, 2017	Pamela D. Palmater
April 1, 2017	George Chapman
April 1, 2017	Rebecca L. Klass
April 1, 2017	Donna J. Miller
April 1, 2017	Moses Okimaw
April 1, 2017	Reuben Z. Potash
April 1, 2017	Maurice M. Rutherford
April 11, 2017	Terrance (Terry) B. Kumka
April 13, 2017	Paul A. Beauregard
April 17, 2017	Christine F. Wong
April 17, 2017	Carla A. Agatiello
April 18, 2017	Chelsea L. McCrimmon
April 21, 2017	Kyle Edmond
April 24, 2017	Ranjit S. Walia
April 28, 2017	Hope M. Buset
April 30, 2017	E. William (Bill) Olson
April 30, 2017	Megan A. Pohl

Non-Practising to Practising:

April 1, 2017	Jodi Koffman (Sasaki)
April 1, 2017	Paul S. Simms
April 1, 2017	Sandra C. Swystun
May 1, 2017	Aimée E. Craft

New Admissions:

April 13, 2017	Merle Gie
April 13, 2017	Carrie G.Y. Ho
April 13, 2017	Nueva T. Mabilen

Practising to Non-Practising:

March 30, 2017	Kristal A. Bayes
April 1, 2017	Joyce Dalmyn
April 1, 2017	Karen L. Dyck
April 1, 2017	Roxanne M.L. Gagne
April 1, 2017	Colleen A. McDuff
April 1, 2017	Anne B. McGarry
April 1, 2017	Terence J. Sargeant
April 1, 2017	Catherine A. Kelly
April 1, 2017	A. Lori Douglas
April 1, 2017	Hayley B. Main
April 1, 2017	Trevor W. Oleniuk
April 1, 2017	Alicia C. Laufer
April 1, 2017	Breana R.M. Murray
April 7, 2017	Matthew R. Carvell
April 1, 2017	Catherine A. Kelly
April 1, 2017	Tracey L. Pniowsky
April 1, 2017	Sidney Green
April 1, 2017	Johann (Joe) R. Gallagher
April 1, 2017	Meghan A. Menzies
April 13, 2017	Eugene M. Peterson
April 17, 2017	Erin M. Wilcott
April 19, 2017	Stephen A. Yusuff
April 28, 2017	William D. Gould

Inactive to Practising:

April 3, 2017	Renee G.A. Howard
April 3, 2017	Susan A. Benning
April 15, 2017	Zahra Hosseini
April 20, 2017	Cary K. Jackson

continued on page 19

Membership Changes

continued from page 18

CORRECTION:

(From March 2017 Communiqué)

Practising to Non-Practising:

February 16, 2017 Glenn P. Pruden

Practising to Suspended (Administrative):

April 25, 2017 Jennifer A. Faircloth

Suspended to Inactive:

May 1, 2017 Jennifer A. Faircloth

Update your membership information by using the Member Forms located in the “Forms” section on the Society’s website:

<http://www.lawsociety.mb.ca/forms/members-forms>

In Memoriam

Frances Ann Bailey, who passed away on February 13, 2017 at the age of 65. Ms Bailey received her call to the Bar on June 29, 1978. After practising for eight years with Krawchuk and Company, Ms Bailey joined Justice Manitoba as Crown counsel. She initially worked in the Legal Services Branch and then in 1991 joined the Legislative Counsel’s Office. Ms Bailey retired from practice in December, 2016.

Darren Michael Sawchuk, who passed away on March 18, 2017 at the age of 51. Mr. Sawchuk received his call to the Bar on June 28, 1990. He practised for one year at Nozick Sinder and then relocated his practice to Szewczyk Wasel & Associates. In 1996 he joined the firm now known as Phillips, Aiello where he practised for 20 years. Mr. Sawchuk retired from practice in February, 2017.

Discipline Case Digest

You will find these new postings under the [Lawyer Regulation/Discipline Case Digests](#) section of the Law Society Website:

- 16-07 Gary Samuel Stern
- 16-08 Allan Phillip Baker



The Law Society of Manitoba

PRESIDENT
ROBERTA CAMPBELL

VICE-PRESIDENT
JIM MCLANDRESS

CHIEF EXECUTIVE OFFICER
KRISTIN DANGERFIELD

DIRECTOR OF REGULATION
LEAH KOSOKOWSKY

219 Kennedy Street
Winnipeg, Manitoba
R3C 1S8

Telephone: 204-942-5571
Fax: 204-956-0624

www.lawsociety.mb.ca



CPD Calendar of Events 2017

Upcoming Programs

May 24 12 noon to 1:30 pm

**New Civil Queen's Bench Rules:
A Focus on Case Management,
Proportionality and Expediency**

June 5 12 noon to 1:30 pm

**Most Often Asked Questions of a
Supreme Court Justice**

June 9 12 noon to 1:30 pm

Changes to Probate QBR

June 13 12 noon to 1:00 pm

Replay ~ Avoiding Cyber Dangers

June 23 9:00 am to 4:30 pm

Northern Bar Annual CPD

Save the Date!

August 11
Central Bar CPD

September 8
Western Bar CPD

September 26
Hot Topics in Wills and Estates ~ Winnipeg

October 4
Hot Topics in Wills and Estates ~ Brandon

November 3
Pitblado Lectures

November 9
Costs in Estate Litigation

November 24
Child Protection CPD

New Program Announcement Summer Replays

July 2017

***Catch up on your CPD hours this
summer with replays scheduled
July 10 - 28***

**Programs includes Popular Past Sold Out Programs
from a variety of Practice Areas:**

Ethics, Professional Responsibility & Practice Management

*Ethics Primer for In-House Counsel
Plain Language Communication*

You are Not Alone:
The Lawyer's Guide to Dealing with Anxiety

Family Law

*Manitoba's New Child Protection Model
2017 Annual Joint Family Law Program*

Hot Issues in Spousal Support:
Revised User's Guide to the SSAG

Real Property

*10th Annual Hot Topics In Real Estate
Land Titles eForms 101
Mortgage Sale and Foreclosure*

Wills & Estates

*Hot Topics in Wills and Estates
Estate Litigation and Administration
Family Trust Tips and Traps
Wills that Work: Practical and Proficient Drafting
And Much More!*

Click here for the replay registration form