

# See below for Professional Development Rules

## Division 8.1 – Professional Development

(ENACTED 05/11)

### Definitions

**2-81.1(1)** In this division,

“**continuing professional development**” means learning activities that protect the public interest by enhancing the competence, integrity and professional responsibility of lawyers;

“**eligible activities**” are learning activities determined by the chief executive officer that comply with the guiding principles for mandatory continuing professional development approved by the benchers.

(ENACTED 05/11)

### Professional Development

**2-81.1(2)** In order to enhance standards for the education, professional responsibility and competence of lawyers, the benchers may, from time to time, require lawyers to:

- (a) report annually on the extent of their continuing professional development activities,
- (b) complete a minimum number of hours of continuing professional development,
- (c) complete mandatory training and educational requirements relating to the practice of law or a particular area of law,
- (d) complete such other programs, training or reporting as the benchers determine may be appropriate for this purpose.

(ENACTED 02/11) (AM 05/11)

### Requirement to report continuing professional development activities

**2-81.1(3)** On or before April 1<sup>st</sup> in each year, all members who maintained active practising status during the preceding calendar year or for any part of that year must file a report with the chief executive officer with respect to their continuing professional development activities during the preceding calendar year. The report must be in the form prescribed by the chief executive officer. (ENACTED 10/07) (AM. 02/11; 05/11)

**Mandatory Code of Professional Conduct training**

**2-81.1(4)** All practising lawyers must successfully complete a society training program on the Code of Professional Conduct before January 1, 2012. (ENACTED 02/11) (AM. 05/11)

**Mandatory Code of Professional Conduct training for other members**

**2-81.1(5)** When a non-practising, inactive or suspended member applies to resume active practice and has not completed a society training program on the Code of Professional Conduct, he or she must successfully complete a program within six months of resuming active practice. (ENACTED 02/11) (AM. 05/11)

**Extension of time for completion of training or reporting**

**2-81.1(6)** The chief executive officer may extend the time for completion of the requirements set out in subsections (3), (4) and (5). (ENACTED 02/11) (AM. 05/11)

**Failure to comply**

**2-81.1(7)** Failure to complete the requirements set out in subsections (3), (4) (5) and (11), without reasonable excuse, may constitute professional misconduct. (ENACTED 02/11) (AM 05/11)

**Mandatory continuing professional development**

**2-81.1(8)** Commencing January 1, 2012, and subject to subsection (10), a practising lawyer must complete one hour of eligible activities for each month or part of a month in a calendar year during which the lawyer maintained active practising status. Where the lawyer maintained active practising status for three or more months in the calendar year, one and a half hours of the total eligible hours must relate to ethics, professional responsibility or practice management. (ENACTED 05/11)

**Carry over permitted only in exceptional circumstances**

**2-81.1(9)** In exceptional circumstances, the chief executive officer may permit the carry over of not more than 12 hours of eligible activities to the next calendar year. (ENACTED 05/11)

**Exemption in year of call**

**2-81.1(10)** A practising lawyer is exempt from complying with subsection (8) in the calendar year in which the lawyer is called to the bar in Manitoba, but must comply with the requirement to report set out in subsection (3). (ENACTED 05/11)

**Auditing compliance**

**2-81.1(11)** In order to demonstrate compliance with subsection (8), a member must:

- (a) keep all documents substantiating the completion of the eligible activities set out in the member's annual reporting until December 31 of the year following the year in which the activities were reported; and
- (b) provide the documents set out in paragraph (a) to the chief executive officer on request, together with such further information as may be reasonably required by the chief executive officer for purposes of auditing the member's compliance with the rules.

(ENACTED 05/11)

**Failure to complete continuing professional development activities**

**2-81.1(12)** Where a practising lawyer fails to comply with subsection (8), the chief executive officer may send a letter to the lawyer advising that he or she must comply with the requirements within 60 days from the date the letter is received. A member who fails to comply within 60 days is automatically suspended from practising law until such time as the requirements have been met and a reinstatement fee paid. (ENACTED 05/11)

**Referral to complaints investigation committee**

**2-81.1(13)** Where a member is suspended more than once for failing to comply with subsection (8), the chief executive officer may also refer the matter to the complaints investigation committee for its consideration. (ENACTED 05/11)

**Division 8.2 – Annual Member Report**

(ENACTED 05/11)

**Annual member report**

**2-81.2(1)** On or before April 1st in each year, all members who maintained active practising status during the preceding calendar year or for any part of that year must complete and file an annual member report in the form prescribed by the chief executive officer. (ENACTED 03/11)

**Extension of time for filing annual report**

**2-81.2(2)** The chief executive officer may extend the time for a member to file the report required under subsection (1). (ENACTED 03/11)

**Failure to file**

**2-81.2(3)** Failure to complete and file the report required in subsection (1) without reasonable excuse may constitute professional misconduct. (ENACTED 03/11)