



## 2011-2012 HANDBOOK FOR STUDENTS AND PRINCIPALS



## Important Dates

May 31, 2011	Application Deadline
May 31, 2011	First Installment of Admission and CPLED Tuition Fees Due
August 29, 2011	Start of Manitoba CPLED Program
August 29 - September 2, 2011	Face-to-Face Module - Mandatory Attendance
September 30, 2011	Second Installment of Admission and CPLED Tuition Fees Due
November 14 - 18, 2011	Face-to-Face Module - Mandatory Attendance
November 30, 2011	Third Installment of Admission and CPLED Tuition Fees Due
January 13, 2012	Mid Term Review of Education Plan by Student and Principal Due
January 30 – February 3, 2012	Face-to-Face Module - Mandatory Attendance
March 30, 2012	Application for Israels Prize Due
April 13, 2012	Israels Prize References and Personal Statement Due
May 18, 2012	Filing Date for Call to the Bar Documents & Fees
June 21, 2012 (tentative)	Call to the Bar Ceremony

## Practice by Students

Students are permitted to practise law in accordance with the terms of the Articling Agreement and Education Plan. The Articling Agreement, entered into by the student

and the principal, sets out the responsibilities of the principal, which include the responsibility to supervise, provide advice and instruction, ensure the student has the skills and competency to handle the assigned tasks, and inform clients of the student's involvement.

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# Introduction to Handbook

## 1. Purpose of this Handbook

To be licensed as a lawyer, you must successfully complete both the CPLED Program and a year of articling in a law firm or other legal organization. The two parts, together, provide the basis for determining whether articling students have met the qualifications for licensing by the Law Society of Manitoba as competent general practice lawyers.

This handbook introduces you to some of the features of the CPLED Program and articling and serves as a continuing reference. The handbook provides articling students and principals with information about the expectations, requirements, structures, procedures, policies, schedules and forms relevant to both the CPLED Program and articling. The information in this handbook will assist articling students and principals to understand their obligations and to plan appropriately to ensure that the articling student successfully prepares for admission to the bar. Articling students and principals are deemed to know the information contained in this handbook. Principals should encourage other lawyers who will be assigning work to students to review the handbook.

The handbook is also available online at [www.lawsociety.mb.ca](http://www.lawsociety.mb.ca).

## 2. Canadian Centre for Professional Legal Education (CPLED) Program

The CPLED Program is the Manitoba bar admission course. The CPLED Program combines face-to-face small group instruction and online learning experiences. The program is designed to assist articling students to develop the skills required by competent general practice lawyers.

Most articling students participate in the CPLED Program while articling in a law firm or organization. However, students may start the CPLED Program after they have completed their articles or they may complete the CPLED Program before starting their articles. In any event, both articles and the CPLED Program must be completed within two years from the start date of either the CPLED Program or articles, whichever is commenced earlier.

## 3. Articling

Articling students are apprenticed to qualified lawyers, who are approved as principals, to gain exposure to practice under supervision. The objective of articling is to provide realistic experiences in a supervised and reflective atmosphere. Principals should treat the articling experiences of the students as educational experiences and not only as client-service opportunities. The benefits to be gained by articling students depend on

the willingness of the students to apply themselves to the work delegated by their principal, and on the supervision and instruction offered by the principal and other associated lawyers.

Both parts of bar admission preparation are demanding. At times students may feel a conflict between their obligations as articling students and the requirements of the CPLED Program. If problems arise, articling students and principals may contact the Director of Professional Education and Competence for assistance.

#### **4. Lawyers at Risk Program**

The Lawyers at Risk program is a free and confidential service for practising lawyers and articling students in Manitoba and their families. It offers help with:

- Stress
- Addictions
- Psychological disorders
- Family and parenting
- Relationships
- Emotional and behavioural issues
- Financial crisis

Services are available anywhere in Manitoba, 24 hours a day, 7 days a week. The Law Society of Manitoba contracts with Manitoba Blue Cross to provide this service, but **Blue Cross will not disclose any information to the Law Society of Manitoba**, other than blind statistical usage reporting.

Call the Manitoba Blue Cross Employee Assistance Centre:

- In Winnipeg: 786-8880
- Toll Free: 1-800-873-2583
- Deaf Access Line: 775-0586

Students will receive an identification card indicating the group number and contract number. Reference this information when you call.

#### **5. Organization of this Handbook**

The handbook has three sections.

##### **Section 1 The CPLED Program**

This section provides a general overview of the CPLED Program. It contains information that is common to the CPLED Programs offered in Manitoba, Saskatchewan and Alberta. It also contains information specific to students enrolled in the Manitoba CPLED Program.

## **Section 2 Manitoba Articles**

This section deals with articling in Manitoba.

## **Section 3 Forms**

This section lists the forms for both the Manitoba CPLED Program and articling. The forms are posted on the Law Society of Manitoba website [www.lawsociety.mb.ca](http://www.lawsociety.mb.ca). Forms may also be obtained from:

The Law Society of Manitoba  
Education and Competence Department  
219 Kennedy Street  
Winnipeg, Manitoba  
R3C 1S8  
204-926-2042



# Section 1 The CPLED Program

## 1. Introduction

The CPLED Program is delivered through three provincial organizations, the Legal Education Society of Alberta, the Law Society of Saskatchewan-Bar Admission Office and the Law Society of Manitoba. Each of the organizations has a provincial director, who is responsible for administering the CPLED Program in that province. All inquiries about the CPLED Program should be directed to the provincial CPLED office.

The Law Society of Manitoba, through its Education and Competence Department, administers the Manitoba CPLED Program. The Manitoba CPLED Program is delivered by the following staff members:

Director of Professional Education and Competence	Brenda Silver
Counsel	Ian Blomely
Counsel	Ellen Henry
Administrative Registrar	Debbie Rossol

The Admissions and Education Committee of the Law Society of Manitoba governs the Manitoba CPLED Program.

A glossary of CPLED terms appears at the end of this section.

## 2. CPLED Program Structure

The CPLED Program is divided into modules. Three modules are face-to-face and take place in a classroom setting and the rest are delivered online. Content of the online modules and most of the face-to-face modules is common across the three provinces. The face-to-face modules include some content that is specific to the individual provinces. Annually, the program is offered twice in Alberta and once in each of Saskatchewan and Manitoba.

## 3. Focus of Instruction

The emphasis of the CPLED Program is on building and assessing the skills that research has shown are essential for a lawyer in the first five years of practice. Students are expected to develop lawyering skills and to apply the law through solving the problems of fictional clients.

The skills emphasized in the CPLED Program are:

- problem-solving
- legal research
- writing
- drafting

- interviewing and advising
- advocacy and dispute resolution

The CPLED Program also assists students to develop competence in the areas of practice management, ethics and professionalism and legal knowledge.

#### **4. Technical Requirements**

All students must have access to a computer system with high speed internet access and a web browser. Contact the provincial CPLED office if you have any questions about technical requirements.

#### **5. Program Materials**

The CPLED website provides access to a comprehensive set of procedural and substantive law materials, along with other resources. Students can download and print the program materials through their own computer.

Manitoba learners receive a CD containing the Manitoba Resource Materials. They may also purchase hard copies of the Manitoba Resource Materials from the Education and Competence Department.

#### **6. Enrolment in the CPLED Program and Admission as an Articling Student**

The Admissions & Membership Department of the Law Society of Manitoba administers the admissions process. Direct inquiries to:

Donna Mihalick  
Administrative Assistant – Admissions and Membership Department  
The Law Society of Manitoba  
219 Kennedy Street  
Winnipeg Manitoba R3C 1S8  
204-926-2050  
dmihalick@lawsociety.mb.ca

An application form is available on the website of the Law Society of Manitoba and from the Admissions & Membership Department. The application deadline is **May 31, 2011**. An applicant must satisfy the following requirements for enrolment in the CPLED Program and for admission as an articling student.

**(a) Legal Education**

A bachelor of laws degree or juris doctor degree from a faculty of common law at a Canadian university dated not more than 6 years before the date of application is required in Manitoba. Alternatively, a certificate of equivalency from the National Committee on Accreditation dated not more than 6 years before the date of application is acceptable. Applicants with a degree or certificate dated more than 6 years before the date of application must apply for admission to the chief executive office of the Law Society.

**(b) Good Character Requirement**

In Manitoba each applicant must provide proof that he or she is of good moral character and a fit and proper person to be admitted to the CPLED Program and as an articling student. Questions relating to good character are included in the Application for Admission to the CPLED Program and as an Articling Student. The application and Guidelines on Good Character Applications are available on the website of the Law Society of Manitoba and from the Admissions and Membership Department.

Applicants must apply for a Certified Criminal Records Check (finger-print based) from the RCMP Canadian Criminal Records Information Service. Instructions are provided at <http://www.rcmp-grc.gc.ca/cr-cj/fing-empr2-eng.htm>.

**We recommend using the Manitoba Commissionaires as the results will generally be returned to the Law Society offices within 10 working days.**

**COMMISSIONAIRES WINNIPEG HEAD OFFICE**

50 Stafford Street  
Winnipeg, MB R3M 2V7  
204-942-5993  
admin@commissionaires.mb.ca  
Hours of Operation: Monday-Friday – 8:00 a.m.-4:00 p.m.

Applicants must request that the results be sent to:

Donna Mihalick  
Administrative Assistant – Admissions & Membership Department  
The Law Society of Manitoba  
219 Kennedy Street  
Winnipeg, Manitoba R3C 1S8

**Applicants will not be permitted to start articling until the Law Society has received a satisfactory criminal records check**

### (c) Documents

In Manitoba the following documents must be submitted **to the Admissions and Membership Department by May 31, 2011.**

- completed application form, available on the website of the Law Society of Manitoba;
- **original official** transcripts from all post-secondary educational institutions you attended (including, universities, community colleges, etc.) showing all degrees granted and final marks received **to be sent directly from the educational institution** to the Law Society;
- if you did not receive a Canadian Common Law degree, an original Certificate of Equivalency sent directly from the National Committee on Accreditation;
- one character reference in the prescribed form, available on the website of the Law Society of Manitoba;
- Certified Criminal Records Check (National finger-print based) from the RCMP Canadian Criminal Records Information Service, or documentation showing that it has been requested;
- CPLED Program Education Agreement, available on the website of the Law Society of Manitoba; and
- Admission and CPLED Program tuition fees (see (d) below for amount and installment dates).

#### **Pursuant to Law Society of Manitoba Rule 5-4.3:**

**Within two weeks of starting articles**, an applicant and the applicant's principal must submit the following documents to the Admissions and Membership Department:

- **original** executed articling agreement (one copy should be kept by the student and one by the principal) available on the website of the Law Society of Manitoba;
- education plan executed by student and principal, a sample is available on the website of the Law Society of Manitoba and should be adapted;

In addition, as part of the documentary requirements, the Law Society requires applicants to attend at the Law Society offices before May 31, 2011 to have their picture taken for identification and security purposes.

Applications for admission to the CPLED Program and as an articling student will not be approved until all documentation has been received. **The length of articles to be served will be increased by one week for each week that the filing of documents is delayed.**

As noted above, forms are available on the Law Society website. Additional copies are available from the Admissions and Membership Department on request.

**Applicants who fail to submit complete documentation will not be eligible for admission to the Manitoba CPLED Program, admission as an articling student or call to the Bar. Applicants who are unable to provide any of the required documentation for reasons beyond their control should discuss their situation and alternative arrangements with Admissions & Membership Department staff.**

Applications must be complete by May 31, 2011, in order to be approved before the CPLED Program starts. The chief executive officer of the Law Society has the power to reject an unsuitable applicant or principal and to require further investigation of any applicant's credentials. Applicants may appeal admission decisions to the Admissions and Education Committee within 14 days of notification of the decision.

**(d) Fees**

In Manitoba the fees for 2011-2012 are as follows:

Admission and CPLED Tuition Fee	\$1,800.00 + \$90.00 = \$1,890.00
Call to the Bar Fee	to be set in March 2012 (payable in May 2012)

Make cheques payable to The Law Society of Manitoba. Credit cards are not accepted.

If you are paying the full tuition amount, please submit to the Admissions and Membership Department.

If you are unable to pay the fees, please contact the Education and Competence Department to discuss alternative arrangements.

The fee is due in full at the time of registration in the course, but may be paid in installments:

1. \$600.00 + \$30.00 G.S.T. = \$630.00 on application or by May 31, 2011
2. \$600.00 + \$30.00 G.S.T. = \$630.00 by September 30, 2011
3. \$600.00 + \$30.00 G.S.T. = \$630.00 by November 30, 2011

**This schedule will be strictly enforced. If you plan to pay in installments, please diarize these dates now. Articling students who have not paid their fees will not be permitted to continue in the CPLED Program until the fees are current and will not be considered for call to the Bar.**

Students who pay their own tuition may request a form letter from the Education and Competence Department for inclusion with their income tax returns if they wish to claim their tuition as a deduction. Tax letters will be available in late February or early March.

There are limited funds available to provide assistance to Manitoba CPLED Program students in financial need. Further information and application forms are available from the Education and Competence Department.

Some interest relief on student loans may be available by obtaining and filing a Canada Student Loan Program Confirmation of Enrollment Schedule 2. For more information telephone the National Student Loans Centre at 1-888-815-4514.

Students who withdraw from the CPLED Program may be eligible for a full or partial refund. The Manitoba CPLED Program Tuition Refund Policy is included at the end of this section. Students who withdraw continue to be responsible for any student loans and must stay in contact with their student loan program.

## **7. CPLED Program Requirements for Standing**

All students in the CPLED Program must demonstrate competency in all skill areas, and successfully complete all assignments, competency evaluations and examinations.

## **8. Attendance and Participation**

Classroom attendance and participation and online participation in CPLED are mandatory for all students.

In Manitoba the Law Society Rules require that a principal **must** permit articling students to attend and participate in all activities of the Manitoba CPLED program, including all online activities, assignments, competency evaluations and examinations. Students are under a similar obligation to attend and participate in all these activities. We recommend that during online modules articling students be permitted by their principals to spend at least six hours per week during office hours on CPLED activities.

## **9. Excused Absences**

All students must participate fully in all online or face-to-face course activities. All competency evaluations, assignments and examinations must be submitted on time and satisfactorily completed. A student must apply to the provincial CPLED director in advance in writing to be excused from any part of face-to-face instruction or participation in online activities. Documentation will be required as appropriate.

Permissible reasons are in the director's discretion, and may include illness and serious family circumstances.

## **10. Competency Evaluations and Examinations**

In order to complete the CPLED program, all students must demonstrate general knowledge of substantive law and competence in nine skills areas. The skills are:

- Problem-solving

- Legal research
- Writing
- Drafting
- Interviewing and advising
- Advocacy and dispute resolution
- Practice management
- Ethics and professionalism

The criteria used to assess whether competency has been achieved have been articulated in a Competency Profile. The Competency Profile is included at the end of this section.

## **11. Grades**

For assignments, competency evaluations and examinations the possible grades are:

- Competency demonstrated
- Competency not yet demonstrated
- Deferred
- Incomplete

Generally a 'deferred' grade is only available prior to the event, and 'incomplete' is only available after the fact, and only in the most exceptional circumstances.

Grades of "competency not yet demonstrated" or "incomplete" are considered to be non-passing grades.

## **12. Re-reads**

All non-passing competency evaluations and examinations are re-read. The re-read grade is the final grade and is the grade communicated to the student.

## **13. Duty of Student to Inform Principal of Non-Passing Grades**

In Manitoba students have a positive obligation to inform their principal when they receive a second or subsequent grade of "competency not yet demonstrated" on a competency evaluation or examination. Confirmation that their principal has been informed that the student has received a second or subsequent grade of "competency not yet demonstrated" on a competency evaluation or examination must be provided to the CPLED director within seven days of the receipt of the second or subsequent grade of "competence not yet demonstrated" on a competency evaluation or examination. If confirmation is not received, the CPLED director will inform the principal of the non-passing grade.

#### **14. Deferrals**

A student must apply to the provincial CPLED director in advance for a deferral of an assignment, competency evaluation or examination. A deferral is available for medical or serious personal circumstances, and must be documented in writing within seven days of the date of the assignment, competency evaluation or examination for which the deferral is sought.

#### **15. Supplemental Competency Evaluations**

A student who receives a non-passing grade on any competency evaluation or examination has a right to complete one supplemental competency evaluation or examination for any competency evaluation or examination that was not passed. All supplemental competency evaluations and examinations must be passed to successfully complete the CPLED Program.

#### **16. Appeal of Grades**

Students may not appeal a grade of “competency not yet demonstrated” awarded on an assignment, competency evaluation or examination. In the case of an assignment, the student must repeat the assignment until a grade of “competency demonstrated” is awarded. In the case of a competency evaluation or examination, the student is eligible to complete a supplemental competency evaluation or examination after all modules have been completed.

In Manitoba a grade of “competency not yet demonstrated” on a supplemental competency evaluation or examination may be appealed to the Admissions and Education Committee of the Law Society of Manitoba. Notice of the appeal must be submitted to the Education and Competence Department within 14 days of the student receiving notice of the grade and the right to appeal. Debbie Rossol, Administrative Registrar, is available to answer questions about appeals. She may be contacted at [drossol@lawsociety.mb.ca](mailto:drossol@lawsociety.mb.ca) or by telephone at 204-926-2042.

#### **17. Duration of the CPLED Program and Articles**

Every student must successfully complete the CPLED Program and articling within two years of commencement of articling or the CPLED Program, whichever is commenced first.

## **18. Repeating the CPLED Program**

A student who fails the Manitoba CPLED Program may apply to the chief executive officer for permission to repeat the program, but is only eligible to repeat the program twice.

## **19. CPLED Schedule**

The 2011 – 2012 CPLED Program will begin on Monday, August 29, 2011. The first Module will be held from Monday, August 29, 2011, through September 2, 2011 at the Law Society of Manitoba – 219 Kennedy Street in Winnipeg. A complete schedule will be distributed to students and principals. The Call to the Bar is tentatively scheduled for June 21, 2012.

## **20. Students Articling Outside Winnipeg - Lodging and Travel Expenses**

The Education and Competence Department assists students in the Manitoba CPLED Program who are articling outside Winnipeg with expenses for travel to and from Winnipeg to attend the face-to-face sessions, and for the overnight lodging on the evenings immediately preceding a day of classes. Additional evenings are reimbursed only when required by the course schedule or for the purpose of reducing air travel. Students articling outside Winnipeg will receive more detailed information regarding assistance when contacted for accommodation information for the first Face-Face Module in September.

## **21. Professional Integrity**

CPLED students are members of their provincial law societies and are bound by the profession's ethical standards. Since professional integrity is essential to the practice of law the CPLED Program takes academic behaviour very seriously. **Plagiarism or any form of cheating is not tolerated.**

The CPLED Policy on Professional Integrity is attached to the CPLED Program Education Agreement, available on the website of the Law Society of Manitoba. All students must be completely familiar with the policy, as any breach could have a serious impact on whether or not they will be issued a license to practise law.

A student can be suspended from the CPLED Program for unprofessional behaviour. More serious incidents will be referred to the Law Society discipline process for consideration as to whether the student should also be suspended from articles. A decision to suspend a student may be appealed to the Admissions and Education Committee within 14 days of notification of the decision to suspend. Debbie Rossol,

Administrative Registrar, is available to answer questions about appeals. She may be contacted at drossol@lawsociety.mb.ca or by telephone at 204-926-2042.

## **22. Accommodation**

CPLED also has a policy on accommodation for special needs. A copy of that policy is included at the end of this section. An application form can be found on the website of the Law Society of Manitoba. Copies of the form can be obtained from the Education and Competence Department. All applications for accommodation should be made to the provincial CPLED director 30 days before the CPLED Program starts.

## **23. Privacy**

Student information may be exchanged between the Law Society of Manitoba and the Canadian Centre for Professional Legal Education where the exchange of information is for the purpose of monitoring student performance, assisting in the operation of the Manitoba CPLED Program or governing the articling process.

Marks and other information on individual students will not be disclosed to principals or other parties without the student's written consent, unless a student has failed to advise his/her principal of a grade of competency not yet demonstrated on a second competency evaluation.

## **24. Election of a Student Bencher**

### **(a) Role of the Student Bencher**

Section 6(2) (c) of *The Legal Profession Act* and Rule 2-30 provide for the election of a student bencher. The workload includes attendance at meetings of the benchers, meetings of the Admissions and Education Committee, and a number of other duties.

The student bencher is a full bencher of the society and is expected to act in the public interest - with complete personal independence, discretion and responsibility - and **not as the delegate of any one constituency**. The experience of sitting on the Law Society's various committees can be very educational and rewarding.

### **(b) Nominations and Election**

The process for nomination and election of the student bencher is as follows:

- Nominations are made on a form, available from the Education and Competence Department and signed by the proposer **and** nominee.

- Nominations are filed at the Education and Competence Department. Nominees are asked to file a brief (not more than two pages) written statement with biographical information and other relevant details.

The biographical information is distributed to the class.

- Ballots are distributed and **may be cast up to 3:30 p.m. on election day (date to be set).**
- Ballots are counted by Law Society staff. The results are posted on the CPLED Bulletin Board.

## **25. Election of Student Representative to Manitoba Bar Association Council**

### **(a) Role of the Student Representative**

The General By-law of the Manitoba Bar Association (MBA) provides that a representative of the articling students shall be a designated voting member of MBA Council. Council meets approximately 5 times per year between the period of September to June. Generally speaking, MBA Council, which consists of 36 elected members, including the student representative, and various ex-officio members, is responsible for the advancement of the affairs of the Canadian Bar Association within the Province of Manitoba. The student representative on Council attends and votes at meetings of Council and reports to the articling students on the results of Council meetings and the activities of the MBA in general.

### **(b) Nominations and Elections**

The student representative on MBA Council is nominated and elected by the articling students. To be eligible for nomination and election, a prospective candidate must be a member of the Canadian Bar Association. All articling students, whether or not they are members of the Canadian Bar Association, may vote on the election of the student representative.

Nominations, which consist of a brief (one page) résumé, are to be emailed to Stacy Nagle, Executive Director of the MBA. Students will be advised of the election rules and the date of the election once it is set.

## **26. A.M. Israels, Q.C. Prize: The Outstanding Articling Student**

The A. Montague Israels, Q.C. Prize is awarded annually to an outstanding articling student. It consists of a monetary award, a booklet describing the background of the prize and the name of the prize winner is added to a plaque that hangs at the Law Society of Manitoba.

**(a) Presentation of the Prize**

The name of the recipient is announced and the presentation is made at the Call to the Bar ceremony in June.

**(b) Selection Committee**

The Committee is appointed by the benchers of the Law Society, and includes:

- the immediate past-president of the society
- a judge
- a graduate of the CPLED Program
- the Dean of Law, University of Manitoba
- the Chairperson of the Admissions and Education Committee
- the Director - Professional Education and Competence

**(c) Eligibility**

Any 2011-2012 articling student is eligible to apply for the prize by filing an application in the form of a referee form by **March 30, 2012**.

**(d) Method of Selection**

After the closing date for applications the committee reviews information provided by the referees and principals of all applicants. The committee interviews some, or all, of the candidates.

**(e) Basis of Selection**

The Selection Committee is directed “to have regard to those professional and personal attributes of scholarship, character, skill and breadth of interest that Mr. Israels valued and demonstrated in his own career and life.” The committee takes into account, among other matters:

- (1) the applicant’s performance in all aspects of the Manitoba CPLED Program and in articles;
- (2) the candidate’s earlier academic record, with particular emphasis on performance in law studies;
- (3) the likelihood of future accomplishments by the candidate; and
- (4) the candidate’s range of interests and achievements, both within and outside the field of law.

The experience of the committee indicates that there may well be a number of suitable candidates for the prize, and that the final decision will be a matter of judgment based on the best information available. The committee therefore tries to gather as much information as possible from the referees and principals of all applicants, and any other persons it thinks might have helpful information (such as professors at the Faculty of Law, and faculty in the Manitoba CPLED Program).

**(f) How to Apply**

A package of materials including the application form is available in early spring for articling students who wish to be considered for the prize.

**(g) Nominations**

Whether or not you wish to apply for the prize, you may wish to nominate someone in your class. If so, speak to the Director.

**(h) Deadline**

The deadline for applications (in the form of a referee form) is **March 30, 2012**. All references and personal statements must be received no later than **April 13, 2012**.

**(i) The Israels Prize: Instructions for Applicants**

**(i) Application**

The application package provides details of documents, which must be filed prior to the deadline.

**(ii) Referees**

The list of up to four referees should include your principal or another lawyer in your firm, one or two professors under whom you studied law and one or two references who may report and assess your activities and accomplishments outside the field of law.

**(iii) Other Information**

You should include an up-to-date resume, with a list of such things as:

- Honours achieved in high school and university (scholarships, prizes, awards, etc.)
- Extra-curricular activities, achievements, and interests in high school and university (with dates) including athletic activities, academic achievements, and offices held
- Articles or other works published or in preparation for publication

- Awards, offices held, community service, sports activities and achievements, and other activities and achievements outside the context of school and university
- Work, travel and special study experiences
- Any other activities or accomplishments likely to be of interest to the committee.

**(iv) Personal Statement**

Applicants should prepare and submit a personal statement, which should not exceed two pages, outlining their attitude towards the field of law, and their intentions with regard to their future in the profession.



**PROFESSIONAL INTEGRITY POLICY**  
**May 1, 2010**

CPLED students must conduct themselves with the honesty and professional integrity expected of a lawyer. To ensure licensing requirements are met and to protect the integrity of the CPLED Program, students are bound by the additional provisions in this policy. The onus is on the student to seek clarification from the CPLED Director concerning any activity that could violate this policy.

**Definitions**

“Assignment” means the instructions, fact scenarios and supporting documentation in relation to the educational component of the CPLED Program.

“Assignment Submission” means the materials submitted by a student in completion of an Assignment.

“Assignment Feedback” means comments provided by Facilitators on Assignment Submissions.

“Competency Evaluation” means the instructions, fact scenarios and supporting documentation in relation to the licensing component of the CPLED Program.

“Competency Evaluation Submission” means the materials submitted by a student in completion of a Competency Evaluation.

“Competency Evaluation Marking Sheet” means the marking sheet used by the Facilitators in the marking of Competency Submissions and provided to students.

“CPLED Director” means the Director of the CPLED Program in each province.

“CPLED Staff” means the staff of the CPLED Program in each province.

“Facilitators” means persons retained by the CPLED Program in each Province to provide Assignment Feedback to students and assist them in developing their skills and knowledge.

**General Permissions**

Students may discuss the general law, background materials, precedents and learning exercises with others. Students may use precedents provided by others.

## **Assignments and Assignment Submissions**

Students may discuss and analyze Assignments, Assignment Submissions and Assignment Feedback with others. Students may use precedents to prepare Assignment Submissions. Assignment Submissions must be the student's own original work.

## **Competency Evaluations, Competency Evaluation Submissions and Competency Evaluation Marking Sheets**

The Competency Evaluations, Competency Evaluation Submissions and Competency Evaluation Marking Sheets are strictly confidential.

Students must not receive or disclose any Competency Evaluation, Competency Evaluation Submission or Competency Evaluation Marking Sheet past or present.

Students must not discuss their Competency Evaluation, Competency Evaluation Submissions or Competency Evaluation Marking Sheets with anyone other than the CPLED Director, CPLED Staff, and Facilitators.

Students may use precedents to prepare Competency Evaluation Submissions.

Competency Evaluation Submissions must be the student's own original work.

## **Plagiarism**

Students must not copy, paraphrase, or incorporate all or any part of secondary research materials, including CPLED Resource materials, into their Assignment Submissions or Competency Evaluation Submissions without proper attribution.

## **Inadvertent Breach**

A student who inadvertently breaches this policy must immediately advise the CPLED Director.

## **Consequences of Breach**

If a student breaches this policy, the CPLED Director may take any action provided by the Rules and Policies of the CPLED Program and the Law Society.

## Policy on Accommodation



# THE LAW SOCIETY OF MANITOBA POLICY ON ACCOMMODATION



The Centre for Professional Legal Education is committed to ensuring that learners with disabilities are accommodated, while maintaining the integrity of the CPLED course and materials. Any accommodation requested must not compromise the public interest in ensuring that lawyers are qualified to provide competent legal services.

A learner who wishes to apply for accommodation begins the process by completing the accommodation application form and sending it to the CPLED office in their province. The application must be received at least thirty days before the start of the session for which the learner is seeking accommodation.

Approval of a request for accommodation is a two-step process. The first step is consideration of whether or not to grant accommodation. It is not CPLED's role to assess the learner's disability but, rather, to assess the documentation provided by the learner in support of the request. If accommodation is granted, the second step is to decide the form of the accommodation.

## Tuition Refund Policy

### MANITOBA CPLED PROGRAM TUITION REFUND POLICY

Manitoba CPLED tuition is payable in full on application, or in three instalments.

This refund policy applies to tuition paid by or on behalf of CPLED learners who voluntarily choose to withdraw from the Manitoba CPLED Program before completing the program for the year in which the tuition was paid.

A full refund is available on or before the CPLED Program application deadline.

Partial refunds are available on or before:

- 30 days after the application deadline
- The date the second tuition instalment is payable
- The date the third tuition instalment is payable

No refund is available after the date the third tuition instalment is payable.

Refunds are not available for the cost of any Resource Materials or Handbook.

Refunds, where available, will be provided to the payer (learner, firm or other, as the case may be).

Requests for refunds must be made in writing addressed to the Director Professional Education and Competence.

Full Refund	Partial Refund	No Refund
Before Application Deadline		
	Within 30 days after the Application Deadline <ul style="list-style-type: none"> <li>• If first instalment paid, the amount of the first instalment less \$100</li> <li>• If paid in full, the amount paid less \$100</li> </ul>	
	On or before the Second Instalment Payment Date <ul style="list-style-type: none"> <li>• If first &amp; second instalments paid, the amount of the second instalment</li> <li>• If paid in full, the total amount of the second and third instalments</li> </ul>	On or before the Second Instalment Payment Date if only the first instalment paid
	On or before the Third Instalment Payment Date <ul style="list-style-type: none"> <li>• If paid in full, the amount of the third instalment</li> </ul>	On or before the Third Instalment Payment Date if only first and second instalments paid
		After the Third Instalment Payment Date

## Competency Profile

### COMPETENCY PROFILE

This competency profile outlines the knowledge, skills and behaviours expected of entry-level lawyers. It lays the foundation for a renewed bar admission course and is a building block in the Western Canada Law Society's mobility initiative.

A newly called lawyer must demonstrate competency in the following four areas:

1. Lawyering skills;
2. Practice and management skills;
3. Ethics and professionalism;
4. Legal knowledge.

#### 1. Lawyering skills

A newly called lawyer shall have and maintain the following lawyering skills:

##### (i) Problem-Solving

A newly called lawyer must:

- identify relevant facts
- identify legal, practical, and client issues and conduct the necessary research arising from those issues
- ascertain the clients' goals and objectives
- analyze the results of research
- apply the law to the facts
- form an opinion as to the client's legal entitlements
- identify and assess possible remedies
- develop and implement a plan of action

##### (ii) Legal Research

A newly called lawyer must:

- identify the question(s) of law
- select sources and methods and conduct research
- select sources and methods and conduct search(es)
- analyze and apply guiding principles of case law
- analyze and apply statutes
- identify, interpret, and apply results of research
- effectively communicate the results of research

(iii) **Writing**

A newly called lawyer must:

- clearly identify the purpose of the proposed communication
- use correct grammar and spelling and use language suitable to the comprehension of the reader and the purpose of the communication
- present the subject of the communication, advice, or submissions in a logical, organized, clear and succinct manner
- be persuasive where appropriate
- be accurate and well-reasoned in legal content and analysis
- communicate with civility

(iv) **Drafting**

A newly called lawyer must:

- identify the purpose of the document
- effectively organize the document
- be able to draft an original transactional document without a precedent
- use precedents appropriately
- use clear language appropriate to the document
- draft a legally effective and enforceable document
- understand and be able to explain a legal document
- identify and implement all necessary steps to enforce a legal document

(v) **Interviewing and Advising**

A newly called lawyer must:

- determine the clients' goals, objectives and legal entitlements
- use appropriate questioning techniques to ensure the interview is thorough, effective and efficient
- be understood by the interviewee
- manage client expectations
- establish and maintain rapport and an open communication relationship with the client
- clarify instructions and retainers
- explain and assess possible courses of action with the client
- document the interview

(vi) **Advocacy and Dispute Resolution**

A newly called lawyer must:

- advocate persuasively to advance a client's position
- represent the client effectively in trial or hearing

- effectively prepare, present and test evidence
- represent the client effectively at a mediation
- negotiate effectively on behalf of a client
- advocate effectively on behalf of a client
- know and observe procedures and etiquette of the forum

## **2. Practice and Management Skills**

A newly called lawyer shall have and maintain the following practice and management skills:

### **(i) Personal Practice Management**

A newly called lawyer must implement effective practices, procedures or systems for:

- time management
- project management
- diaries/limitation reminders
- timely and on-going client communications
- client development
- risk avoidance
- technological proficiency
- balancing professional life with personal life
- effectively managing documents

### **(ii) Office Management**

A newly called lawyer must understand and be able to implement effective practices, procedures or systems for:

- quality control
- billing and collection
- trust and general accounting
- file and precedent organization
- avoiding conflicts of interest
- diaries/limitation reminders
- record-keeping/archiving/file destruction

## **3. Ethics and professionalism**

A newly called lawyer shall:

- (i) with respect to professionalism:

- demonstrate professional courtesy and good character in all dealings
- maintain and enhance the reputation of the profession
- recognize an obligation to pursue professional development to maintain and enhance legal knowledge and skills
- act in a respectful, non-discriminatory manner
- recognize the limitations on one's abilities to handle a matter and seek help where appropriate

(ii) with respect to ethics:

- recognize circumstances that give rise to ethical problems or conflicts
- recognize and discharge all duties and undertakings
- protect confidences
- know and apply professional ethical standards

#### **4. Legal Knowledge**

A newly called lawyer shall have a general knowledge of the substantive law and current practice and procedures of the areas of law that are likely to be encountered in the early years of a general practice.<sup>1</sup>

1 The "areas of law likely to be encountered in the early years of a general practice" include:

- Real Estate – which may include, for example, builders' liens, undertakings, contracts, aboriginal lands, tax, foreclosure;
- Civil Procedure - which may include, for example, mediation, negotiation, arbitration, administrative tribunals, evidence, contracts, torts;
- Death and Disability - which may include, for example, wills, estates, planning, probate, representation agreements, wills variation, capacity, aboriginal issues, tax;
- Business - which may include, for example, corporate, commercial, personal property, securities, intellectual property, tax, aboriginal business;
- Criminal procedure which may include, for example, Charter of Rights and Freedoms, bail, sentencing, elections, evidence and aboriginal issues;
- Debtor/Creditor - which may include, for example, collections, aboriginal issues, bankruptcy and insolvency;
- Family Relationships - which may include, for example, divorce, custody, maintenance, access, aboriginal issues, same-sex unions; common-law relationships, tax, property rights and distribution, settlement.

## **CPLED Glossary**

### **CPLED Glossary**

#### ***Assignments***

Students will be required to prepare and submit original work according to the instructions and within established the timelines. Students will be required to resubmit unsatisfactory or incomplete assignments.

#### ***Competency Evaluations***

Competency evaluations will indicate the level at which a student demonstrates specific competencies. Students who receive grades of competency not yet demonstrated will be eligible to complete supplemental competency evaluations.

#### ***Feedback***

Learning group facilitators will review assignments using the competency-based approach. Responses are not point-marked, but globally evaluated for the identification and solution of legal issues, and demonstration of the required skill. In giving feedback on assignments, facilitators may suggest where weaknesses lie, and what needs to be done to achieve competency, if necessary.

#### ***Face-to-Face Learning Group Facilitators***

These lawyers are responsible for either

- participating in a plenary session or demonstrating skills, or
- leading in-person sessions for a small group of students. These sessions include a series of discussions and practice skills sessions. Learning group facilitators use their practice experience to develop and evaluate the students' skills.

#### ***Learning Group***

A small group of 6 to 16 students. Activities may take place online or face-to-face.

#### ***Non-Passing Grade***

Any grade of 'competency not yet demonstrated' or 'incomplete' earned on a competency evaluation or examination.

#### ***Online Learning Group Facilitators***

These lawyers guide students to find answers, and help them acquire the competencies they need to be successful in the practice of law. They interact with students in their online learning group by responding to their email questions and providing feedback on student assignments. They evaluate student performance on specific skills, such as writing, drafting, problem solving and legal research.

#### ***Resource Materials Writers and Reviewers***

Practising lawyers review existing resource materials to ensure that the legal content is current. On occasion, new materials may need to be written if there is a significant change in an area of law.



## Section 2 Manitoba Articles

### 1. Articling Agreement and Education Plan

An applicant for admission to the society as an articling student must enter into an articling agreement with a principal, on a prescribed form. The Articling Agreement form can be found on the Law Society website. A principal is an approved lawyer who has, for at least three years, carried on practice in Manitoba and meets the criteria. Prospective principals are responsible for applying to the chief executive officer for approval to act as a principal. Students should ask prospective principals if they have been approved before finalizing their contractual arrangements. Approval of a principal can be withdrawn at any time.

More information on the role of the principal is set out later in this section.

**Students must submit an Articling Agreement and an Education Plan within two weeks of commencing articles. The length of articles will be increased by one week for each week the filing of these documents has been delayed.**

The Education Plan will be reviewed to determine if the proposed principal can provide adequate training to the student. A sample Education Plan can be found on the Law Society website. The sample Education Plan should be adapted to reflect the experiences the student is likely to have during the articles.

### 2. Duration of Articles and Vacation Time

Students must serve the equivalent of 52 weeks of full-time articles.

For the purposes of calculating the period of articles served, the 52-week period may include periods of vacation, which must not exceed three weeks in total. However, this policy does not entitle the student to three weeks (or any) vacation nor impose a duty on the employer/principal to give such vacation. It does not ensure that vacations, if granted, will be paid. Vacation leaves and remuneration are matters for negotiation and agreement between student and principal.

**Students must arrange their vacations to allow for attendance at and participation in the Manitoba CPLED Program.**

### 3. Limits of Practice as an Articling Student

Section 21 of *The Legal Profession Act* authorizes students to practise law as permitted under the Law Society Rules. Rules 5-7.1 and 5-7.2 limit the practice of students to the terms of the Education Plan and Articling Agreement entered into by the student and principal. The Articling Agreement sets out the principal's obligations, including the

responsibility to supervise, provide advice and instruction, and the responsibility to ensure that the student has the skills and competency to handle the assigned tasks.

When appearing in court, students must identify themselves as articling students and provide the names of their principal to the presiding judge.

#### **4. Confidentiality**

Articling students, like practising lawyers, like to discuss cases. This is desirable because students can gain information and learn from each other.

There are limits to how much information can be shared. In one case dealt with by the Discipline Committee, an articling student discussed with other students a legal point in a case from his office. In the discussion, he mentioned the name of the client. One of the other students knew the client and the client's spouse. The second student passed this information on in such a way that it got back to the client. It was very embarrassing to all concerned.

There was nothing wrong with discussing the legal point. But the student erred in revealing the name of the client, and he would have been in error even if he had not revealed the name, but had disclosed enough facts to make it possible for others to figure out the identity of the client. That very thing happened at a party, where an articling student overheard lawyers talking about a case in such detail that the student realized her office was representing the other side. Useful information was obtained. The student's ethical dilemma was whether to give the information to the lawyer in her office who was handling the case.

The articling agreement signed by articling students and principals says this:

##### **3. The Articling Student shall**

- (b) at all times keep in strict confidence the business and affairs of the Principal, the other lawyers in the firm and the business and affairs of their respective clients;

Rule 2.03(1) of the Manitoba *Code of Professional Conduct* is on "Confidentiality". The rule reads:

##### **Confidential Information**

**2.03 (1)** A lawyer at all times must hold in strict confidence all information concerning the business and affairs of the client acquired in the course of the professional relationship and must not divulge any such information unless:

- (a) expressly or impliedly authorized by the client;

- (b) required by law or a court to do so; or
- (c) required to deliver the information to the Law Society, or
- (d) otherwise permitted by this rule.

The commentary states:

A lawyer should avoid indiscreet conversations and other communications, even with the lawyer's spouse or family, about a client's affairs and should shun any gossip about such things even though the client is not named or otherwise identified. Similarly, a lawyer should not repeat any gossip or information about the client's business or affairs that is overheard or recounted to the lawyer. Apart altogether from ethical considerations or questions of good taste, indiscreet shop-talk among lawyers, if overheard by third parties able to identify the matter being discussed, could result in prejudice to the client. Moreover, the respect of the listener for lawyers and the legal profession will probably be lessened. Although the rule may not apply to facts that are public knowledge, a lawyer should guard against participating in or commenting on speculation concerning the client's affairs or business.

## **5. Designation on Cards, Correspondence and Documents**

**Rule 5-8:** During the term of articles, an articling student must be publicly designated as an "articling student-at-law", and this designation may be used on business cards and under the articling student's signature.

**Rule 5-111:** A member may list on his or her firm letterhead only the following persons:  
(c) the names of articling students, . . . provided the persons are appropriately designated as such.

Pleadings or other documents that include an articling student's name should clearly designate the student as an "articling student-at-law."

## **6. Telephone Book Listings**

Although telephone books are not distributed or in use until June, principals and offices must **not** list their students as lawyers in the telephone book, even though they may be continuing employment in the firm after their Call. Firms may list their current articling students as articling students even though they may become lawyers shortly after the telephone books are distributed.

## 7. Transfer of Articles from One Lawyer to Another

Not many students transfer articles, but it does happen for a variety of reasons:

- the principal and student do not see eye to eye;
- the student discovers that the type of law he or she thought would be wonderful turns out not to be;
- another firm offers the student the chance of employment after the articling year.

The student must have the original principal sign a certificate of completion of articles for the time spent in his or her office. The certificate of completion of articles can be found on the Law Society website. This document is required as part of the petition for call. The new principal and the student must enter into a new articling agreement and complete a new education plan. The articling agreement and the education plan must be filed within two weeks of commencement of the new articles. The length of articles will be increased by one week for every week that filing of these documents has been delayed.

## 8. Termination of Articles

**Rule 5-6(4):** An articling student who has completed his or her term of articles under rule 5-5(1) may terminate the articling agreement before being called to the bar provided that prior written notice is given to the chief executive officer.

Students who wish to end their articling term (that is, to end it upon completion of 52 weeks and before the Call to the Bar) must notify the Director of the Admissions & Membership Department in advance of their intention to do so. The written request to the director should include an indication of whether the principal of the student agrees with the proposed date of termination, and should include the reason for the proposed termination. The student and/or principal must not simply end the articles after a certain period, without proper written notice to the society.

Requests for termination of articles should be filed as early as possible. Students who terminate articles prior to Call must **not** engage in any employment that may be seen as providing legal services of any kind.

## 9. Abridgement of Articles

Students who are unable to serve 52 weeks of articles may apply to have their articling period shortened. **Abridgements of more than four weeks will only be granted in exceptional circumstances.**

A request for abridgement should be made on the prescribed form to the Admissions & Membership Department. The form can be found on the Law Society website. It should detail the reasons why the student requests the abridgement. Applications will only be considered in early spring, after the CPLED program has been successfully completed.

A decision denying the request may be appealed to the Admissions and Education Committee within 14 days of notification of the decision. Debbie Rossol, Administrative Registrar, is available to answer questions about appeals. She may be contacted at [drossol@lawsociety.mb.ca](mailto:drossol@lawsociety.mb.ca) telephone 204-926-2042.

## 10. Lawyer Discipline and the Code of Ethics

*The Legal Profession Act* is the basis on which lawyers in Manitoba govern themselves. The Act provides for discipline procedures, which apply to all articling students. Consequences of professional misconduct are set out in s. 72(1):

If a panel finds a member guilty of professional misconduct or conduct unbecoming a lawyer or student, it may do one or more of the following:

- (a) if the member is a lawyer, disbar the member and order his or her name to be struck off the rolls;
- (b) if the member is a student,
  - (i) expel the student and order his or her name to be struck off the student register,
  - (ii) deny the student the opportunity to write the required examinations,
  - (iii) defer the student's admission as a lawyer,
  - (iv) attach conditions to the student's admission as a lawyer;
- (c) for any period the panel considers appropriate,
  - (i) confirm, vary or impose restrictions on the member's practice, or
  - (ii) suspend the member from practising law;
- (d) order the member to pay a fine;
- (e) order the member to pay all or any part of the costs incurred by the society in connection with any investigation or proceedings relating to the matter in respect of which the member was found guilty;
- (f) reprimand the member;
- (g) permit the member to resign his or her membership and order his or her name to be struck off the rolls;
- (h) if the member is a director, officer or shareholder of a law corporation, revoke or suspend the corporation's permit, or impose conditions on the permit;

- (i) apply for a variation of any custodial order made under Division 6 (Custodianship);
- (j) rescind or vary any order made or action taken under this subsection;
- (k) make any other order or take any other action the panel thinks is appropriate in the circumstances.

In the past, articling students have been on the agenda of the Discipline Committee for matters ranging from the improper use of professional cards to not following the instructions of clients or principals.

## **11. Notice of Charges**

An articling student who is charged with an offence under a federal statute must, as soon as practicable, provide in writing to the chief executive officer of the Law Society details of the charge, the disposition of the charge and any agreement arising out of the charge.

## **12. Commissioner for Oaths Application**

The majority of articling students obtain appointments as Commissioners for Oaths (see s.69 of *The Evidence Act*). The application form is available from the **Finance, Companies Office (945-2654)**. Email: [comforoath@gov.mb.ca](mailto:comforoath@gov.mb.ca)

Articling students should familiarize themselves with the law and practice with respect to oaths, affidavits, and statutory declarations, and the appropriate forms with respect to jurats. See *The Evidence Act*.

## **13. Notary Public Application**

Articling students may not act as notaries public until they have been called to the Bar, and do not become notaries automatically upon call to the Bar. Application forms for appointment as notary public are made available shortly before the call in June. Additional application forms are available from the **Finance, Companies Office (945-2654)**. Email: [comforoath@gov.mb.ca](mailto:comforoath@gov.mb.ca)

## **14. Call to the Bar and Admission as Solicitor**

At the end of the articling term, each student must file the following with the Admissions & Membership Department of the Law Society:

1. certificate of completion of articles signed by the student's principal;

2. application for call to the bar and admission as a solicitor;
3. final assessment of education plan; and
4. the appropriate fees.

The Education and Competence Department will circulate the forms and advise of the amount of fees prior to completion of articles.

Although a Call to the Bar may take place at any time of the year, articling students are traditionally called in a formal ceremony held each year in mid-June.

## **15. Role of the Principal**

In the Articling Agreement entered into between the articling student and the principal, the principal agrees to:

- (a) teach and instruct the Articling Student, or cause the Articling Student to be taught and instructed in the practice of law and professional conduct, to the best of the Principal's skill and ability;
- (b) provide reasonable assistance to the Articling Student to help the Articling Student become competent to practise law and possess the knowledge and skill level required for call to the Bar in the Province of Manitoba;
- (c) be responsible for the supervision of the Articling Student at all times, but the principal may allow another practising lawyer in his or her firm to supervise or assist in the supervision of the Articling Student, in which case the Principal and the supervising lawyer shall be jointly responsible for the conduct and actions of the Articling Student;
- (d) advise any other lawyer who is supervising an Articling Student of the joint responsibility set out in paragraph (c) above;
- (e) ensure that in each case where an Articling Student is instructed to appear before a court or tribunal or where an Articling Student is given conduct of a file, that:
  - (i) except in routine matters, the client understands and agrees that the Articling Student will be handling the matter;
  - (ii) the interests of the client will not be harmed or compromised;
  - (iii) the Articling Student has been briefed on all matters and is properly prepared;
  - (iv) the matter is appropriate for the Articling Student's training, experience and ability;
  - (v) the Principal is completely satisfied that the Articling Student is competent to handle the matter; and

- (vi) the Articling Student has been instructed to advise the judge or presiding official of his or her name and that he or she is an Articling Student and articulated to the Principal.
- (f) allow the Articling Student time to attend and complete all CPLED Program lectures, seminars, activities, and examinations including on-line participation in CPLED Program activities, assignments, competency evaluations and examinations.

A critical aspect of this obligation is to provide guidance by instruction and example on the practical application of ethical standards and rules of professional conduct.

Principals are expected to support their students' participation in the CPLED Program. During the online modules, principals are encouraged to allow their students to spend about six hours per week during office hours on CPLED activities.

## **16. Suggestions for Principals**

Suggestions for maximizing the potential educational value of articling include:

### **(a) Orientation to the Office**

Review with the articling student:

- responsibilities of office personnel - lawyers, students, office manager, office accountant, bookkeeper, paralegals, secretaries, receptionist;
- lines of authority and supervision;
- procedures for requesting work assignments, advice and feedback;
- accounting, billing and timekeeping procedures;
- special policies or practices regarding correspondence, trust conditions, admission of service, etc.; and
- procedures for opening, maintaining and closing files.

### **(b) Observation**

Give the articling student opportunities to attend interviews, meetings, hearings, examinations for discovery, trials and appeals with lawyers in the office. Beforehand, provide the student with the background to the event. After the event, discuss with the student the issues of professional judgment, ethical issues, goals, tactics and strategies that arose during the event.

**(c) Scope of Articles**

Expose the articling student to as many areas of practice as possible. He or she, when called to the Bar, will be licensed as a general practitioner.

**(d) Guidance**

Work assignments given to the articling student should provide initial explanation and direction, what is expected, and when the work is due.

**(e) Feedback**

A principal should observe the articling student conducting some interviews, meetings, counseling or negotiating sessions, court or tribunal appearances, or examinations for discovery. The principal should critique the student's performance and provide encouragement and constructive criticism. A student cannot learn from his or her experiences without reasoned, informed, and honest comments based on personal observation. Also provide feedback on written work assignments.

**(f) Priorities**

If the articling student is receiving assignments from more than one lawyer, provide the student with some guidance regarding setting priorities. This will not only develop the student's ability to handle large volumes of work and face the pressures of practice, but will alleviate possible problems for the lawyers who assign work to students and count on it being done.

**(g) Stimulation**

Routine or repetitive assignments are of limited educational value and should be kept to a minimum. The articling period is relatively short compared to what must be accomplished by the student to enable him or her to bridge the gap from theory to practice. The student should use the time to do as much significant work as possible.

**(h) Communication**

Times and methods of communicating about his or her articling experience (type of work, amount of work, quality of supervision) and the student's progress and performance in the CPLED Program should be established with the articling student.

**(i) Loss Prevention**

An articling student should receive instruction and guidance in such matters as communication with clients, diarization systems, tickler systems, and file management. Time and effort spent in improving the competency of students will result in higher

professional standards and a lower incidence of losses, claims, and complaints to The Law Society (and lower insurance premiums).

## **17. Checklist of Recommended Experience for Articling Students**

All articling students must have the opportunity to practise the skills listed in the Competency Profile (see Section 1). This checklist is a reference for the range of activities that may be undertaken by articling students. However, given differences in articling environments, it is unlikely that all students will be able to complete all these tasks during the articling year.

### **(a) Family Law**

#### **(i) Separation Agreements**

- Attend initial meeting with new client.
- Attend meeting with client regarding the terms for a proposed separation agreement.
- Attend with principal when terms negotiated with other lawyer.
- Draft an agreement.

#### **(ii) Court Proceedings for Separation**

- Draft petition under *The Family Maintenance Act* and *The Family Property Act* and file in the Court of Queen's Bench.
- Draft motion and supporting affidavits for interim relief, attend on Family Motions list and/or argument.
- Attend with principal on any cross-examinations on affidavits.
- Follow action through discovery, production of documents, preparation for trial and trial of the action, attending with principal at all stages.
- Do a calculation under the Child Support Guidelines for child support.
- Attend a pre-trial conference and/or a case conference.
- Help prepare an offer to settle.
- Draft and issue judgment.

#### **(iii) Court Proceedings for Divorce**

- Attend conference with principal when instructions taken from client on facts for petition for divorce.
- Complete and file notice of petition and petition for divorce.

- Prepare affidavit for uncontested divorce.
- Draft the notice of motion and supporting affidavits on an application for interim corollary relief, serve, and set down.
- Attend cross-examination on affidavits.
- Attend at argument of motion.
- Draft, issue and arrange service of order.
- Follow proceeding through discovery, production of documents, preparation for hearing.
- Attend hearing.
- Draft and issue divorce judgment, including corollary relief.
- Follow through a variation proceeding.

**(iv) Family Property**

*(The Law of Property Act, The Family Property Act and The Married Women's Property Act)*

- Prepare summary of assets and liabilities for *Family Property Act* accounting, and attend with principal before the Master for the reference.
- Follow matter through trial including consideration of the evidence, preparation for trial and attendance at hearing.

**(v) Guardianship**

- Process documents on an application for guardianship of the person.

**(vi) Optional Matters**

- Draft judgment and follow through with judgment sale or partition proceedings.
- Apply for vesting order.
- Process an application for adoption.
- Take part in a child protection proceeding.
- Attend Child Protection Docket.

**(b) Criminal Procedure**

- Attend initial interview with an accused person (or complainant).
- Attend court to argue an application for judicial interim release.
- Attend Provincial Court to obtain a remand.
- Prepare and deliver a submission on sentence on behalf of an accused or the Crown.

- Assist in preparation for and attend a preliminary inquiry and/or trial.
- Attend meeting with Crown Attorney (or Defence Counsel).
- Assist in preparation for bail review hearing.
- Assist in preparation for appeal, including preparation of notice of appeal, appeal book and factum.
- Assist in preparation and conduct of trial under the *Youth Criminal Justice Act* or a summary conviction matter.
- Attend a jury trial. Observe a jury selection and a charge to the jury.
- Attend Provincial Court one half day with duty counsel (check with Legal Aid for duty roster, or arrange through classmate articling with LAM), or attend docket court with Crown Attorney.
- Attend one half day at Court of Appeal to observe several sentence appeals (call the Court office for the schedule of dates).

**(c) Civil Procedure**

- Interview clients, with and without principal.
- Prepare draft written opinion.
- Draft:
  - Statement of claim
  - Documents for a Rule 20A expedited action
  - Statement of defence
  - Request for particulars
  - Reply to request for particulars
  - Third party claim
  - Cross claim
  - Notice of application, with support material
  - Notice of motion with supporting material
  - Motion brief
- Attend case conference on Rule 20A proceeding.
- Appear on and draft order for interlocutory/interim motion.
- Prepare notice of examination.
- Draft affidavit of documents.
- Attend with principal at examination for discovery of:
  - Principal's client
  - Opposing party
- Prepare trial record and pre-trial brief in a Queen's Bench action.
- Attend with principal at pre-trial conference.

- Attend with principal at settlement meeting and/or alternative dispute resolution meeting.
- Draft a brief on evidence.
- Prepare agreed statement of facts and/or documents.
- Prepare a brief of law.
- Prepare and obtain a subpoena.
- Assist at trial.
- Draft judgment.
- Prepare a bill of costs and have bill assessed.
- Prepare garnishing order and supporting material.
- Prepare a writ of seizure and sale.
- Attend on examination in aid of execution.
- Draft notice of satisfaction.
- Obtain judgment by default.
- Draft notice of discontinuance.
- Draft release.
- Draft notice of appeal.
- Prepare appeal book.
- Assist in preparation of factum.
- Attend with principal on an appeal.
- Prepare a certificate of decision.
- Prepare a reporting letter.

**(d) Wills and Estates**

**(i) Will Drafting**

- Attend an interview to take instructions from a client and conduct an interview on your own.
- Attend a consultation with client regarding will instructions at which *Family Property Act*, Part IV issues are addressed.
- Participate in the preparation of and advising on an agreement waiving *Family Property Act*, Part IV entitlements.
- Draft a simple will and a will containing a spousal trust.

- Observe the explanation of a will to a client and the formal execution of the will - including the affidavit of execution. Handle the execution of a will on your own.
- Draft a codicil.

**(ii) Letters Probate and of Administration**

- Observe and later conduct an interview with a personal representative to assemble all information regarding a deceased's estate and to deal with tax implications.
- Investigate title to the deceased's assets, as may be required.
- Advertise for creditors.
- Prepare the forms for a request for probate, and secure a common form letters probate.
- Prepare the forms for request for administration and secure the issuance of letters of administration.
- Prepare the forms required in connection with an administration bond with and without sureties.
- Prepare the forms required to dispense with an administration bond.
- Prepare the indemnification form to allow disposition of a small estate without probate or administration.
- Obtain an administration order for an estate under \$10,000.
- Prepare the forms necessary to file an amended inventory.

**(iii) Contentious Proceedings**

- Prepare and file a caveat.
- Prepare and file an appearance.
- Prepare an application for a citation.
- Participate in an interview with a client to advise on possible challenges to probate of a will.
- Participate in a solemn form proof proceeding.
- Attend client interview, prepare documents and observe proceedings for advice and directions.

**(iv) Administration of Estates**

- Prepare notice to spouse and participate in a *Family Property Act* accounting on death.
- Prepare the necessary documentation for and handle the transmission and transfer of:
  - Real estate within Manitoba
  - Canada Savings Bonds
  - Share certificates, bonds and debentures of corporations with a transfer office in Manitoba

- Share certificates, bonds, and debentures of corporations with a transfer office outside Manitoba
  - Bank accounts located in Manitoba
  - Pension funds and insurance proceeds payable to the estate
  - Various assets, which do not form part of the estate, such as joint tenancy realty, joint bank accounts, and securities owned jointly; also pension funds and insurance proceeds payable to designated beneficiaries.
- Prepare instructions for other counsel for administration of assets in another jurisdiction.
  - Serve Form 74AA on personal representative on each residuary beneficiary.
  - Prepare request for clearance certificate.
  - Prepare estate accounts.
  - Prepare the documents for and observe a passing of accounts.
  - Draft reporting letter and solicitor's statement of account for a fully administered estate.
  - Prepare documents for approval of a personal representative's fee.
  - Prepare documents for approval of solicitor's fees in excess of what is provided in the Queen's Bench Rules.

**(v) Estate Planning/Taxation**

- Attend consultations with executors as to taxation considerations in respect of estates being handled in your office.
- Attend consultation with client at which instructions for a will are given to familiarize yourself with tax considerations in drafting a will.
- Draft an *inter vivos* trust; consider the concept of "attribution" of income under the *Income Tax Act*.

**(e) Real Property**

**(i) Sale and Purchase**

- Take instructions for and draft:
  - Offer to Purchase residential property
  - Acceptance of Offer to Purchase
  - Option to Purchase
  - Caveat
  - Transfer of Land (corporate and individual transferors)
  - Statement of Adjustments
  - Purchaser's and vendor's budgets
  - Draft closing letters (trust conditions) on both a vendor's and purchaser's behalf on a residential transaction
  - Reporting letters to a vendor and a purchaser
- Know when to use and participate in a "Protocol" closing.

- Be familiar with the use of and draft:
  - Power of Attorney
  - Standard opinions
  - Trust letters
- Participate in a commercial real estate transaction:
  - Consider a commercial property agreement of purchase and sale
  - Consider *Residential Tenancy Act* issues
  - Consider environmental issues
  - Participate in closing on commercial property

## **(ii) Searches and Inquiries**

- Conduct the following searches:
  - Land Titles Office (current titles and encumbrances)
  - Land Titles Office (historical)
  - Municipal sources (zoning, taxes, local improvements, work orders)
  - Surveyor's building location certificate

## **(iii) Mortgages**

- Take instructions for and draft a mortgage, direction to pay, report, advance of mortgage proceeds and account to client.
- Be familiar with practice differences in a "Protocol" closing.
- Follow through procedures and documentation in mortgage sale and foreclosure.

## **(iv) Leases**

- Take instructions for and draft or complete:
  - Lease of residential premises
  - Lease of commercial premises
  - Assignment of leasehold interests

## **(v) Condominiums**

- Review declaration and by-laws.
- Consider agreement of purchase and sale.
- Consider additional searches and items to be checked when purchasing.

## **(vi) Builders' Liens and Other Liens**

- Prepare documentation for registration and discharge.
- Prepare conditions with respect to builders' lien holdbacks in new house purchase.

**(v) Other**

- Draft documents concerning withdrawal of caveat, partial withdrawal of caveat, lapse of caveat.
- Draft documents dealing with lost Certificate of Title, Transmission on death of registered owner, Survivorship Request on death of joint owner.

**(f) Corporate and Commercial Transactions**

**(i) Searches**

- Conduct searches in respect of:
  - Personal property security
  - Incorporation, status
  - Bankruptcy
  - Section 427 of the *Bank Act* for inventory or other security to the bank
  - Executions (sheriff's certificate)
  - Names under *The Business Names Registration Act*

**(ii) Commercial Transactions**

- Attend at the closing of transaction.
- Attend to the closing of a transaction by exchange of trust letters.
- Take instructions and draft:
  - Closing agenda
  - Bill of sale
  - Promissory note
  - Authorizing resolutions

**(iii) Business Organizations**

- Determine form of organization suited to client's needs.
- Take instructions and draft:
  - Partnership agreement
  - Shareholder agreement
  - Name reservation
  - Articles of incorporation
  - General by-laws
  - Corporate organization resolutions
  - Share certificates
  - Articles of amendment
  - Application for registration
  - Reporting letter
- Organize minute book.
- Annual return.

**(iv) Bankruptcy**

- Attend at consultations with debtor in financial difficulties.
- Draft proof of claim form.
- Attend meeting of creditors.

**(v) Secured Lending**

- Draft security documents:
  - General Security Agreement
  - Guarantee
  - Pledge of Shares
- Attend to registrations at Personal Property Registry.

**(vi) Taxation**

- Document Preparation
  - Agreement of purchase and sale of assets where an election is being made under s. 85.
  - Price Adjustment Clause in an agreement of purchase and sale.
  - Indemnity sought by vendors of shares with respect to tax liabilities on the purchase and sale of shares of a corporation.
- Negotiations
  - Attend at consultations and negotiations with clients in respect of purchase and sale of shares and purchase and sale of assets.
  - Attend at meetings with official of the Canada Revenue Agency and Department of Justice.

## Section 3 Forms

There are many forms that students and principals must complete as part of CPLED Program and articling process. The following forms can be found on the Law Society's website at [www.lawsociety.mb.ca](http://www.lawsociety.mb.ca). Forms may also be obtained from:

The Law Society of Manitoba  
Education and Competence Department  
219 Kennedy Street  
Winnipeg, Manitoba  
R3C 1S8  
204-926-2042

### Intake Form

Pre-Registration Contact Form

### Admission Forms

Application for Admission to the Manitoba CPLED Program and as an Articling Student, Good Character Guidelines and Information for Applicants for Admission

Articling Agreement

Certificate of Character

Sample Education Plan

Application for Abridgement of Articles and Information for Applicants for Admission

Request for Credit for Articles Served in Another Jurisdiction and Information for Applicants for Admission

### Manitoba CPLED Program Forms

CPLED Program Education Agreement (and Professional Integrity Policy)

Manitoba CPLED Program – Application for Accommodation and Information for Applicants for Admission

Manitoba CPLED Program – Request to Be Excused from Participation or to Defer Assignment, Competency Evaluation, or Examination

**Articling Forms**

Application to Act as a Principal

Articling Student Practice Skills Area

Mid-Term Review Form

**Call to Bar Forms**

Certificate of Completion of Articles

Student Final Assessment of Education Plan

Application and Petition for Call and Admission and Information for Applicants for Admission

**Other**

Law Society of Manitoba Respectful Workplace Policy

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