



## 2018-2019 HANDBOOK FOR STUDENTS AND PRINCIPALS



## Important Dates

May 31, 2018	Application Deadline <ul style="list-style-type: none"><li>• all documents must be in</li></ul>
Two weeks after your letter of Acceptance	First Instalment of CPLED Tuition Fees Due
September 10, 2018	Start of Manitoba CPLED Program
September 10 – September 14, 2018	Face-to-Face Module - Mandatory Attendance
September 18, 2018	First online module opens
October 12, 2018	Second Instalment of CPLED Tuition Fees Due
December 3 – December 7, 2018	Face-to-Face Module - Mandatory Attendance
December 7, 2018	Deadline for articling position
December 7, 2018	Third Instalment of CPLED Tuition Fees Due
February 4 – February 8, 2019	Face-to-Face Module - Mandatory Attendance
April 5, 2019	Application for Israels Prize Due
April 12, 2019	Israels Prize References and Personal Statement Due
May 10, 2019	Call to the Bar Documents & Fees due
June 20, 2019	Call to the Bar Ceremony (Tentative)

## **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:

- supervising the Student's work
- providing advise & instruction on practice and procedure
- ensuring the student has the skills and competency to handle assigned tasks
- informing clients of the student's involvement

## **MANDATORY CPLED PARTICIPATION**

### **Mandatory student participation**

**5-9(1)** An articling student must attend all lectures, seminars, activities and examinations of the bar admission program, and this includes on-line participation in CPLED program activities, assignments, competency evaluations and examinations, unless excused from doing so by the chief executive officer.

(ENACTED 04/04) (AM. 05/07)

### **Principal to allow participation**

**5-9(2)** A principal must permit an articling student to attend or participate in the activities set out in subsection (1). (AM. 04/04; 05/07)

We recommend that during online modules principals permit their students to spend at least six hours per week during office hours on CPLED activities. Many principals designate Fridays as the student's "CPLED day".

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## Introduction to Handbook

### 1. Purpose of this Handbook

To be licensed as a lawyer, articling students 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 articling students and principals 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.

### 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. In order to participate in CPLED, the student must hold membership in the Law Society of Manitoba as an articling student and must also have a Canadian common law degree or a certificate of qualification from the NCA. A waiver of this latter requirement can be sought in writing in instances where an individual has completed all of the required examinations and courses prescribed by the NCA and is awaiting results. However, if the results are negative, the student may be required to withdraw from the CPLED program. Students are encouraged to commence their articles prior to starting the CPLED program. A student that has not started articling by December 7, 2018 will be required to withdraw from the CPLED program unless the Chief Executive Officer permits the student to continue. A student who is withdrawn from the CPLED program may or may not receive credit for any successfully completed CPLED modules, depending on the amount of time that passes before returning to complete the CPLED program. **Note:** there is a high degree of probability that no credit will be given in a subsequent CPLED year as the CPLED program is undergoing redevelopment with changes expected in the 2019-2020 year.

### 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 real 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.

Articles should provide the student with the following opportunities:

- Application of practice and problem solving skills through authentic experiences
- Consideration of practice management issues
- Application of ethical and professionalism principles through authentic experiences
- Socialization from student to lawyer

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 Education for assistance.

### 4. Lawyers Health & Wellness Program (LHWP)

The LHWP 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. The Law Society's Equity Officer**

The Law Society of Manitoba's Equity Officer, Alissa Schacter, is available to provide confidential information, advice and assistance to Manitoba lawyers, articling students, legal support staff and clients in dealing with issues of discrimination and harassment. Alissa can discuss specific problems with you and identify various options for addressing them. She is also able to informally resolve or mediate discrimination or harassment disputes.

Additionally, Alissa can help you identify resources, including model policies on maternity and parental leave, alternative work schedules, respectful workplaces, accommodation, and equity and diversity, and provide support to expectant or new parents.

Alissa does not provide legal advice and all communications with her will be strictly confidential unless otherwise agreed. Her services are offered free of charge.

If you think you may be experiencing discrimination or harassment, you can contact Alissa confidentially at 204-926-2029 or by email at [aschacter@lawsociety.mb.ca](mailto:aschacter@lawsociety.mb.ca)

## **Organization of this Handbook**

### **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 <http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms>

Forms may be obtained from:

The Law Society of Manitoba  
Education and Competence Department  
Lisa Ehnes 204-926-2042  
lehnes@lawsociety.mb.ca

## **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 Education  
Counsel  
Administrative Registrar

Joan Holmstrom  
Ian Blomeley  
Lisa Ehnes

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. Most content is common across the three provinces. Annually, the program is offered once in Manitoba. Students are expected to be articling while participating in the CPLED program or have articulated prior to participating in the CPLED program. Furthermore, as later modules refer to skills worked on and acquired in earlier modules, it is best to do the modules in the order that they are offered.

### **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 CPLED Program focuses on:

- problem-solving
- legal research
- interviewing and advising
- advocacy and dispute resolution
- writing
- drafting
- practice management
- ethics and professionalism
- client relationship management

#### **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 will receive a USB stick containing the Manitoba Resource Materials. These materials will be a useful resource to students while completing the CPLED program. These materials are also of great assistance to students while articling and in their early years of practice.

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

**To be enrolled in the CPLED Program, you must first be admitted to the Law Society of Manitoba as an Articling Student and you must have an articling position. Those without articling positions by the start of the 6<sup>th</sup> CPLED module will be unable to participate in the remainder of the CPLED program until articles are secured.**

**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  
204-926-2050  
dmihalick@lawsociety.mb.ca**

An application form and a listing of all required documents to accompany the application are available on the website of the Law Society of Manitoba and from the Admissions & Membership Department. The deadline for submitting the Application Form and the required documents and the Application Fee is **May 31**. The forms are available online at <http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms>

**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.

Note: While internationally educated applicants are eligible for admission to the Law Society of Manitoba as Articling Students after they have received their NCA assessment of their qualifications and are registered to take or are awaiting results of examinations of courses prescribed by the N.C.A., CPLED requires participants to have the certification of qualification from the NCA before commencing CPLED. A waiver of this requirement may be available in limited circumstances upon written request if the student has completed all of the required courses and examinations and is simply awaiting results. If the student is unsuccessful on any pending results, the student may be removed from CPLED until in receipt of the certification of qualification and may or may not be given credit for any completed CPLED modules.

**(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 Real Time Identification Services. Instructions are provided at <http://www.rcmp-grc.gc.ca/cr-cj/fing-empr2-eng.htm>.

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

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

**NOTE: Delays of weeks or months may occur in some cases and applicants are encouraged to apply for their criminal record check as soon as possible.**

**COMMISSIONAIRES WINNIPEG HEAD OFFICE**

290 Burnell Street  
Winnipeg, MB R3G 2A7  
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  
200-260 St. Mary Avenue  
Winnipeg, Manitoba R3C 0M6

**(c) Documents**

Applicants who fail to submit complete documentation prior to May 31 may 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 alternate arrangements with Admissions & Membership Department staff in advance of the May 31 deadline.

All forms referenced below are available online at <http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms> and are required whether applying to be an articling student or to participate in the CPLED program

In Manitoba the following documents **must** be submitted to the Admissions and Membership Department **three weeks prior to the articling start date**, or, if articles are starting after June 15, **by May 31<sup>st</sup>**, as stated in the CPLED Application.

- Completed application form:  
[http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms/Application for Admission to CPLED and as Articling Student.pdf/view](http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms/Application%20for%20Admission%20to%20CPLED%20and%20as%20Articling%20Student.pdf/view)
- **original official:** transcripts from all post-secondary educational institutions attended (including, universities, community colleges, etc.) showing all degrees granted and final marks received. **These are to be sent directly from the educational institution** to the Law Society – Admissions & Membership Department.

- if you did not receive a Canadian Common Law degree, an original Certificate of Qualification sent directly from the National Committee on Accreditation or proof that you are registered to take or are awaiting results of examinations or courses prescribed by the N.C.A. **(Must have a Certificate of Qualification to start CPLED – see 6(a)).**
- one character reference in the prescribed form, available on the website of the Law Society of Manitoba:  
[http://www.lawsociety.mb.ca/forms/admission/Guidelines for Good Character.pdf/view](http://www.lawsociety.mb.ca/forms/admission/Guidelines%20for%20Good%20Character.pdf/view)
- Certified Criminal Records Check (National finger-print based) from the RCMP Canadian Criminal Real Time Identification Services, or documentation showing that it has been requested;
- CPLED Program Agreement:  
[http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms/CPLED Professional Integrity Agreement.pdf/view](http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms/CPLED_Professional_Integrity_Agreement.pdf/view) and
- Application fee (see (e) for amount).

Please note: CPLED Program Tuition fees are not to be paid until notified of acceptance into the CPLED program.

#### **(d) Additional Documents**

##### **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; [http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms/Articling Agreement.pdf/view](http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms/Articling_Agreement.pdf/view)
- education plan executed by student and principal. A sample is available on the website of the Law Society of Manitoba and should be adapted to the individual circumstances. [http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms/Sample Education Plan.pdf/view](http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms/Sample_Education_Plan.pdf/view)

Applications for admission to the CPLED Program and as an articling student will not be approved until all documentation and the Application fee 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. Students will not be able to commence articles until their application has been approved. Furthermore, any requirements still outstanding as of May 31 may mean that a space in the CPLED program cannot be held as there is a limited capacity in the program. Preference will be given to those with articling positions who have submitted required documents and fees by the deadline.**

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

Applications must be complete in full by May 31, in order to be approved before the CPLED Program starts in September. The Director of Admissions & Membership of the Law Society has the discretion 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.

**(e) Fees**

In Manitoba the fees for the 2018-2019 CPLED year are:

Non-refundable Application Fee	\$100.00 + GST
CPLED Tuition Fee	\$2,400.00 + \$120.00 GST = \$2520.00
Refund Fee	\$100.00
Instalment Fee	\$100.00
Call to the Bar Fee	to be set in March 2019

Make cheques, bank drafts and money orders payable to The Law Society of Manitoba. **Credit cards are accepted. Debit cards are accepted**

If you are unable to pay the fees, please contact the Director of Admissions and Membership Department to discuss alternative arrangements.

The CPLED tuition fee is due, in full, within two weeks of being notified of your acceptance into the CPLED course and, in any event, prior to starting your first CPLED Module.

The CPLED Tuition may be paid in instalments:

1. **Due within two weeks of acceptance upon application: \$945.00** (\$800.00 + \$100.00 (non refundable) + \$45.00 G.S.T.)
2. \$840.00 = (\$800.00 + \$40.00 G.S.T.) by October 12, 2018
3. \$840.00 = (\$800.00 + \$40.00 G.S.T.) by December 7, 2018

**This schedule will be strictly enforced. If you plan to pay in instalments, 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 very limited funds available to provide assistance to Manitoba CPLED Program students in financial need to cover expenses such as all or part of CPLED tuition or Call to the Bar fees. Further information and application forms are available from the Education and Competence Department. Applications are not considered until a student has been approved as a CPLED/Articling student.

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.

#### **(f) Articling**

Participants in the CPLED program ought to be in an articling position. Any student not serving articles by the start of the 6<sup>th</sup> module of the CPLED program will be withdrawn from the program unless the Chief Executive Officer permits the student to continue. Any CPLED student who is withdrawn from the program will be able to return to the CPLED program in a future year once serving articles. **Note:** it is anticipated that completed modules will not be available for credit in future CPLED years as the program is being redeveloped.

#### **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 highly 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.

The CPLED schedule is posted on the Law Society of Manitoba website and it is expected that students will NOT schedule other matters (personal or professional) in conflict with the CPLED schedule.

## **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
- Client Relationship 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.

### **10.1 Call to Action 27 & COUSERA's Indigenous Canada Course**

In 2015 the Truth and Reconciliation Commission of Canada released its Calls to Action, geared to redress the legacy of residential schools and advance the process of Canadian reconciliation. Call to Action 27 is specific to the legal community:

*"We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism."*

CPLED, in its response to Call to Action 27, requires all students to complete the University of Alberta's Indigenous Canada on-line course. The course is offered for free by Coursera and offers a detailed overview of the Indigenous histories and issues in Canada. The link to the course can be found here:

<https://www.coursera.org/learn/indigenous-canada?action=enroll>

Students who do not complete this course will not have completed CPLED and will not be eligible for a call to the bar.

## **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 upon request prior to the time the evaluation takes place or is due. An 'incomplete' is available when an evaluation is missed and given only after the fact. In either instance, the student must provide the required documentation. Both are offered only in the most exceptional circumstances.

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

Grades will be posted for each student in a private and confidential area of the CPLED website.

## **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. A student who has more than three non-passing grades on any combination of competency evaluations and examinations must repeat the CPLED program. All supplemental competency evaluations and examinations must be passed to successfully complete the CPLED Program. A student will not be eligible to attempt a supplemental evaluation or examination until all 10 competency evaluations and examinations offered in the CPLED program have been attempted by the student.

#### **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 may be required by the CPLED director to repeat the assignment until a grade of “competency demonstrated” is awarded. In the case of a competency evaluation or examination, the student may be eligible to complete a supplemental competency evaluation or examination after all modules have been completed (generally in April) provided that the student has 3 or less supplemental evaluations and examinations to attempt.

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 attention of the secretary to the Admissions and Education Committee within 14 days of the student receiving notice of the grade and the right to appeal. Lisa Ehnes, Administrative Registrar, is available to answer questions about appeals. She may be contacted at lehnes@lawsociety.mb.ca or by telephone at 204-926-2042.

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

Every student must successfully complete the CPLED Program 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 2018 – 2019 CPLED Program will begin on Monday, September 10, 2018. The first Module will be held from Monday, September 10, 2018, through Friday, September 14, 2018 at the Law Society of Manitoba premises in Winnipeg. A complete schedule will be distributed to students and principals. The mass Call to the Bar is tentatively scheduled for June 20, 2019.

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

The Education and Competence Department assists students in the Manitoba CPLED Program who are articling in Manitoba, but reside more than 100km outside of Winnipeg, with expenses 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 Agreement, available on the website of the Law Society of Manitoba:  
[http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms/CPLED\\_Professional\\_Integrity\\_Agreement.pdf/view](http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms/CPLED_Professional_Integrity_Agreement.pdf/view)

All principals and 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 will automatically receive a grade of CNYD for academic dishonesty. In addition, the student's record will be considered by the Director of Admissions who will conduct a good character assessment when the student applies to be called to the Manitoba bar. The Director of Admissions may deny the student admission to the bar on the basis that the student does not meet the good character requirement.

In more serious incidents, the student can be expelled from the CPLED Program and have his or her articles terminated.

Students who are found to have engaged in academic dishonesty may appeal that finding to the Admissions and Education Committee within 14 days of notification of the finding, by submitting a Notice of Appeal to Lisa Ehnes, Administrative Registrar. Questions can also be directed to Ms Ehnes at [lehnes@lawsociety.mb.ca](mailto:lehnes@lawsociety.mb.ca) or 204-926-2042

## **22. Accommodation for Special Needs**

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: [http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms/Application\\_for\\_Accomodation-1.pdf/view](http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms/Application_for_Accomodation-1.pdf/view)

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 or as authorized by the Program Agreement.

## **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 obligations of the position include attendance at meetings of the benchers, meetings of the Admissions and Education Committee, and a number of other duties. The experience of sitting on the Law Society's various committees can be very educational and rewarding.

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.

**(b) Nominations and Election**

The process for nomination and election of the student benchers 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 – usually in late summer)**.
- Ballots are counted by Law Society staff. The results are posted on the CPLED Bulletin Board and on the CPLED website.

**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 of Education

### **(c) Eligibility**

Any 2018-2019 articling student is eligible to apply for the prize by filing an application in the form of a referee form by **April 5, 2019**.

### **(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 **April 5, 2019**. All references and personal statements must be received no later than **April 12, 2019**.

**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.



**THE LAW SOCIETY OF MANITOBA  
CPLED PROGRAM AGREEMENT**



In consideration of the Canadian Centre for Professional Legal Education (“CPLED”) accepting my registration in the Manitoba CPLED Program, I, \_\_\_\_\_, agree to the following:

1. I will abide by and comply with:
  - a) CPLED’s Professional Integrity Policy (attached hereto);
  - b) the Rules of the Law Society of Manitoba
  - c) the Law Society of Manitoba’s Code of Professional Conduct
  - d) the Law Society of Manitoba’s Articling handbook and each as amended from time to time
2. All work I submit to CPLED will be my own original work.
3. I understand and acknowledge that the CPLED materials provided to me are proprietary. The CPLED module content and materials are for my use only.
4. I am responsible for any work I produce as a result of working in a CPLED module.
5. I am responsible for storing my work in a secure manner.
6. I will not lend, give or sell my CPLED work or materials to any other students, prospective students or individuals. If I am found to have participated in another student’s plagiarism, in any way, directly or indirectly, I may be subject to disciplinary action by CPLED or the Law Society of Manitoba.
7. Breaches of professional integrity, including plagiarism, are not tolerated by CPLED and may result in investigation, suspension, failure in the program and disciplinary action by CPLED, or referral to the Law Society of Manitoba for investigation and disciplinary action.
8. I will give credit or properly cite any materials I have used during my research or have incorporated into my work.

Personal Information

9. I consent to the following collection, use, and disclosure of my personal information:
  - a. CPLED and LSM may collect and use my personal information for the following purposes:
    - i. To assist in the operation of the CPLED Program, including processing my application for enrolment in the CPLED Program, administering the CPLED Program and my participation in it, and monitoring my performance in the CPLED Program.
    - ii. To prevent, detect, sanction or report any breach of the requirements of professional behaviour, professional integrity, and academic integrity,
    - iii. To provide evidence, relevant to a breach of the requirements of professional behavior, professional integrity, and academic integrity.
  - b. CPLED may disclose my personal information to the Law Society of Manitoba for the following purposes, in accordance with the Rules of the Law Society of Manitoba:
    - i. To prevent, detect, sanction or report any breach of the requirements of professional behavior, professional integrity and academic integrity
    - ii. To advise the Law Society of Manitoba of any actions taken by a student that are unprofessional, without academic integrity, or without professional integrity.
    - iii. To provide evidence relevant to a breach of the requirements professional behavior, professional integrity and academic integrity.
    - iv. To monitor student performance
    - v. To assist in the operation of the CPLED Program; and
    - vi. To govern the articling process.
  - c. CPLED and the LSM may disclose my CPLED grades to my principal in Accordance with the Rules of the Law Society of Manitoba for the purpose of governing the articling process.
  - d. CPLED and the LSM may disclose to my instructors, facilitators, and evaluators my personal information, including my name and the name of the organization(s) where I am completing my articles, for the purposes of assisting in the operation of the CPLED Program and determining whether there are any conflicts involved in a particular individual assessing my assignments and competency evaluation.

- e. CPLED and the LSM may collect, use, and disclose my personal Information, such as my submitted assignments and competency evaluations, for the purposes of evaluating and improving the CPLED program. I understand that any materials with personally identifying information will only be disclosed for this purpose to individuals and organizations who are obligated to keep the information confidential pursuant to any agreement with CPLED and the LSM.
  - f. CPLED and the LSM may collect and use my contact information to send me information regarding educational resources for articling students.
10. I give permission for my image and voice, captured during CPLED evaluations through video, photo, and digital camera, and audio recording devices, to be collected, used, and disclosed solely for the purposes of the CPLED Program, including evaluating student performance, training evaluator's and monitoring and assessing evaluator performance, and waive any rights of compensation or ownership thereto.

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Date

**I \_\_\_\_\_, principal of the above student, confirm that I reviewed the Revised CPLED Program Education Agreement and attached Professional Integrity Policy with the student.**

\_\_\_\_\_  
Signature of Principal

\_\_\_\_\_  
Date



**PROFESSIONAL INTEGRITY POLICY**  
*(Revised November 3, 2017)*

1. CPLLED 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 CPLLED Program, students are bound by the additional provisions in this policy.
2. The onus is on the student to seek clarification from the CPLLED Director concerning any activity that could violate this policy.

**DEFINITIONS**

3. In this policy:
  - a. "Assignment" means the instructions, fact scenarios and supporting documentation relating to the educational component of the CPLLED Program.
  - b. "Assignment Submission" means the materials created or submitted by a student completing an Assignment.
  - c. "Assignment Feedback" means comments provided by Facilitators on Assignment Submissions.
  - d. "Competency Evaluation" means the instructions, fact scenarios and supporting documentation relating to the licensing component of the CPLLED Program.
  - e. "Competency Evaluation Submission" means all materials created, presented or submitted by a student completing a Competency Evaluation.
  - f. "Competency Evaluation Marking Sheet" means the marking sheet completed by the Facilitators in the marking of Competency Evaluation Submissions.
  - g. "CE Documents" means all past and present CPLLED Competency Evaluations, Competency Evaluation Submissions and Competency Evaluation Marking Sheets.
  - h. "CPLLED Director" means the Director of the CPLLED Program in each province.
  - i. "CPLLED Staff" means the staff of the CPLLED Program in each province.
  - j. "Facilitators" means persons retained by the CPLLED Program in each province to provide Assignment Feedback to students and assist them in developing their skills and knowledge.

### **GENERAL PERMISSIONS**

4. Subject to paragraph 5, as much as possible, students should engage in CPLED activities in the same way they engage in the practice of law. Students may discuss and analyze the general law, background materials, precedents and learning exercises.
5. CPLED's primary role is to evaluate students to ensure that they meet licensing requirements for admission to the profession. When students are engaged in CPLED evaluation activities they must ensure that the work they submit or present represents their own knowledge, skills and abilities. This Professional Integrity Policy restricts students' ability to share information when they are completing Assignments and Competency Evaluations.

### **ORIGINAL WORK**

6. All Assignment Submissions and Competency Evaluation Submissions must be the student's own original work. Students may use precedents, including their own CPLED work, to prepare Assignment Submissions and Competency Evaluation Submissions.
7. To prepare their Assignment Submissions and Competency Evaluation Submissions students may use and discuss precedents from:
  - a. their offices,
  - b. the CPLED resource materials,
  - c. the CPLED skills materials,
  - d. commercial providers, and
  - e. other sources, except Assignment Submissions or Competency Evaluation Submissions from current or previous CPLED students.
8. Copying, paraphrasing or incorporating precedents as permitted in paragraph 7 is not plagiarism, but students must provide the source of any precedent that they copy, paraphrase or incorporate. Students may be asked to produce any precedent they copy, paraphrase or incorporate.
9. Students who copy, paraphrase, or incorporate all or any part of primary or secondary research materials, including CPLED resource materials, into their Assignment Submissions or Competency Evaluation Submissions must provide proper attribution.

### **CONFIDENTIALITY**

10. Students may discuss and analyze Assignments, Assignment Submissions and Assignment Feedback with others.
11. Students must not disclose or discuss CE Documents with anyone except the CPLED Director or CPLED Staff. Students may discuss their CE Documents with counsel in the event of an appeal or disciplinary procedures.
12. Students must ensure that their CE Documents remain confidential by storing them securely through the use of password protection or in a place accessible only to the student.

13. To ensure confidentiality, CPLED recommends that students destroy all CE Documents after they complete the CPLED Program.

**CONSEQUENCES OF BREACH**

14. A student who inadvertently breaches this policy must immediately advise the CPLED Director.
15. A student who breaches this policy may be subject to imposition of a grade of competency not yet demonstrated, suspension, or other consequences.

## 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 within two weeks of being accepted into the program and, in any event prior to the start of a student's first module. The tuition may be paid over three instalments along with a fee of \$100.00.

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 fee of \$100.00 will be charged for processing a refund.

A refund of the full tuition or, any instalments paid to date, is available 30 days prior to the student starting the first CPLED Module.

Thereafter, partial refunds are available on or before:

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

Requests for refunds must be made in writing addressed to the Director of Education.

***See Refund Chart next page***

<b>Full Refund (subject to \$100.00 fee)</b>	<b>Partial Refund (subject to a \$100.00 fee)</b>	<b>No Refund</b>
If request is made more than 30 days prior to the start of the first Module		
	If request is made before the first Module has started: <ul style="list-style-type: none"> <li>• Whatever has been paid to date on account of tuition provided materials are returned</li> </ul>	
	If request is made after the first Module has started but before second instalment due date <ul style="list-style-type: none"> <li>• The amount of the second and third instalments; if already paid</li> </ul>	If request is made after the first module has started and only first instalment paid
	If CPLED has started and request is made on or before the Third Instalment Payment Date <ul style="list-style-type: none"> <li>• The amount of the third instalment; if already paid</li> </ul>	If the request is made on or before the Third Instalment Payment Date and only first and second instalments paid
		If the request is made after the Third Instalment Payment Date

# NATIONAL ENTRY TO PRACTICE COMPETENCY PROFILE FOR LAWYERS AND QUEBEC NOTARIES

## 1. SUBSTANTIVE LEGAL KNOWLEDGE

All applicants are required to demonstrate a general understanding of the core legal concepts applicable to the practice of law in Canada in the following areas:

### 1.1. Canadian Legal System

- (a) The constitutional law of Canada, including federalism and the distribution of legislative powers
- (b) The Charter of Rights and Freedoms
- (c) Human rights principles and the rights of Aboriginal peoples of Canada and in addition for candidates in Quebec, the Quebec Charter of Human Rights and Freedoms
- (d) For candidates in Canadian common law jurisdictions, key principles of common law and equity. For candidates in Quebec, key principles of civil law
- (e) Administration of the law in Canada, including the organization of the courts, tribunals, appeal processes and non-court dispute resolution systems
- (f) Legislative and regulatory system
- (g) Statutory construction and interpretation

### 1.2 Canadian Substantive Law

- (a) Contracts and in addition for candidates in Quebec: obligations and sureties
- (b) Property
- (c) Torts
- (d) Family, and in addition for lawyers and notaries in Quebec, the law of persons
- (e) Corporate and commercial
- (f) Wills and estates
- (g) Criminal, except for Quebec notary candidates
- (h) Administrative
- (i) Evidence (for Quebec notaries, only as applicable to uncontested proceedings)



- (j) Rules of procedure
  - i. Civil
  - ii. Criminal, except for Quebec notary candidates
  - iii. Administrative
  - iv. Alternative dispute resolution processes
  
- (k) Procedures applicable to the following types of transactions:
  - i. Commercial
  - ii. Real Estate
  - iii. Wills and Estates

### **1.3 Ethics and Professionalism**

- (a) Principles of ethics and professionalism applying to the practice of law in Canada

### **1.4 Practice Management**

- (a) Client development
- (b) Time management
- (c) Task management

## **2. SKILLS**

All applicants are required to demonstrate that they possess the following skills:

### **2.1 Ethics and Professionalism Skills**

- (a) Identifying ethical issues and problems
- (b) Engaging in critical thinking about ethical issues
- (c) Making informed and reasoned decisions about ethical issues

### **2.2 Oral and Written Communication Skills**

- (a) Communicating clearly in the English or French language, and in addition for candidates in Quebec, the ability to communicate in French as prescribed by law
- (b) Identifying the purpose of the proposed communication
- (c) Using correct grammar and spelling
- (d) Using language suitable to the purpose of the communication and the intended audience
- (e) Eliciting information from clients and others
- (f) Explaining the law in language appropriate to audience



- (g) Obtaining instructions
- (h) Effectively formulating and presenting well-reasoned and accurate legal argument, analysis, advice or submissions
- (i) Advocating in a manner appropriate to the legal and factual context. This item does not apply to applicants to the *Chambre des notaires du Québec*
- (j) Negotiating in a manner appropriate to the legal and factual context

### **2.3 Analytical Skills**

- (a) Identifying client's goals and objectives
- (b) Identifying relevant facts, and legal, ethical, and practical issues
- (c) Analyzing the results of research
- (d) Identifying due diligence required
- (e) Applying the law to the legal and factual context
- (f) Assessing possible courses of action and range of likely outcomes
- (g) Identifying and evaluating the appropriateness of alternatives for resolution of the issue or dispute

### **2.4 Research Skills**

- (a) Conducting factual research
- (b) Conducting legal research including:
  - i. Identifying legal issues
  - ii. Selecting relevant sources and methods
  - iii. Using techniques of legal reasoning and argument, such as case analysis and statutory interpretation, to analyze legal issues
  - iv. Identifying, interpreting and applying results of research
  - v. Effectively communicating the results of research
- (c) Conducting research on procedural issues

### **2.5 Client Relationship Management Skills**

- (a) Managing client relationships (including establishing and maintaining client confidence and managing client expectations throughout the retainer)
- (b) Developing legal strategy and advising client in light of client's circumstances (for example, diversity, age, language, disability, socioeconomic, and cultural context)
- (c) Advising client in light of client's circumstances (for example, diversity, age, language, disability, socioeconomic, and cultural context)
- (d) Maintaining client communications
- (e) Documenting advice given to and instructions received from client

## 2.6 Practice Management Skills

- (a) Managing time (including prioritizing and managing tasks, tracking deadlines)
- (b) Delegating tasks and providing appropriate supervision
- (c) Managing files (including opening/closing files, checklist development, file storage/destruction)
- (d) Managing finances (including trust accounting)
- (e) Managing professional responsibilities (including ethical, licensing, and other professional responsibilities)

## 3. TASKS

All applicants are required to demonstrate that they can perform the following tasks:

### 3.1 GENERAL TASKS

#### 3.1.1 Ethics, professionalism and practice management

- (a) Identify and resolve ethical issues
- (b) Use client conflict management systems
- (c) Identify need for independent legal advice
- (d) Use time tracking, limitation reminder, and bring forward systems
- (e) Use systems for trust accounting
- (f) Use systems for general accounting
- (g) Use systems for client records and files
- (h) Use practice checklists
- (i) Use billing and collection systems

#### 3.1.2 Establishing client relationship

- (a) Interview potential client
- (b) Confirm who is being represented
- (c) Confirm client's identity pursuant to applicable standards/rules
- (d) Assess client's capacity and fitness
- (e) Confirm who will be providing instructions
- (f) Draft retainer/engagement letter
- (g) Document client consent/instructions
- (h) Discuss and set fees and retainer



### 3.1.3 Conducting matter

- (a) Gather facts through interviews, searches and other methods
- (b) Identify applicable areas of law
- (c) Seek additional expertise when necessary
- (d) Conduct legal research and analysis
- (e) Develop case strategy
- (f) Identify mode of dispute resolution
- (g) Conduct due diligence (including ensuring all relevant information has been obtained and reviewed)
- (h) Draft opinion letter
- (i) Draft demand letter
- (j) Draft affidavit/statutory declaration
- (k) Draft written submission
- (l) Draft simple contract/agreement
- (m) Draft legal accounting (for example, statement of adjustment, marital financial statement, estate division, bill of costs)
- (n) Impose, accept, or refuse trust condition or undertaking
- (o) Negotiate resolution of dispute or legal problem
- (p) Draft release
- (q) Review financial statements and income tax returns

### 3.1.4 Concluding Retainer

- (a) Address outstanding client concerns
- (b) Draft exit/reporting letter

## 3.2 ADJUDICATION/ALTERNATIVE DISPUTE RESOLUTION

**3.2.1.** All applicants, except for applicants for admission to the Chambre des notaires du Québec, are required to demonstrate that they can perform the following tasks:

- (a) Draft pleading
- (b) Draft court order
- (c) Prepare or respond to motion or application (civil or criminal)
- (d) Interview and brief witness
- (e) Conduct simple hearing or trial before an adjudicative body



**3.2.2** All applicants are required to demonstrate that they can perform the following tasks:

- (a) Prepare list of documents or an affidavit of documents
- (b) Request and produce/disclose documents
- (c) Draft brief

### **3.3. TRANSACTIONAL/ADVISORY MATTERS**

**3.3.1** Applicants for admission to the Chambre des notaires du Québec are required to demonstrate that they can perform the following tasks:

- (a) Conduct basic commercial transaction
- (b) Conduct basic real property transaction
- (c) Incorporate company
- (d) Register partnership
- (e) Draft corporate resolution
- (f) Maintain corporate records
- (g) Draft basic will
- (h) Draft personal care directive
- (i) Draft powers of attorney



## **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 may 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.

### ***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 at:

[http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms/Articling\\_Agreement.pdf/view](http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms/Articling_Agreement.pdf/view)

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 leave or 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. Students must also identify themselves as articling students in all written communications and on any legal documents such as those filed with a Court.

### 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 3.3-1 of the Manitoba *Code of Professional Conduct* is on Confidential Information. The rule reads:

## **Confidential Information**

**3.3-1** 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;
- (c) required to deliver the information to the Law Society, or
- (d) otherwise permitted by this rule.

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. 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.

Pursuant to Rule 5-6.2 the student or principal must receive permission from the chief operative officer of the law society to terminate the articling agreement. This request should be directed to the Director of Education.

If permission is granted 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.

## 7. 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.

Students can continue to article until they are actually called within their original organization (if they are staying on after call to the bar) or transfer the articles to the firm who is hiring them after call to the bar.

## 8. 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 at <http://www.lawsociety.mb.ca/forms/admission/articling-and-cpled-admission-forms/application-for-abridgement-of-articles-2009-2010.pdf/view>

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

## 9. 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.

#### **10. 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.

#### **11. 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*.

#### **12. 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)

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

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

1. certificate(s) of completion of articles signed by the student's principal  
[http://www.lawsociety.mb.ca/forms/admission/cpled-call-to-the-bar-information-package/Certificate\\_Completion\\_Articles.pdf/view](http://www.lawsociety.mb.ca/forms/admission/cpled-call-to-the-bar-information-package/Certificate_Completion_Articles.pdf/view)
2. application for call to the bar and admission as a solicitor  
[http://www.lawsociety.mb.ca/forms/admission/cpled-call-to-the-bar-information-package/CPLED\\_Call\\_to\\_Bar\\_Application\\_-\\_Petition.pdf/view](http://www.lawsociety.mb.ca/forms/admission/cpled-call-to-the-bar-information-package/CPLED_Call_to_Bar_Application_-_Petition.pdf/view)
3. final assessment of education plan:  
[http://www.lawsociety.mb.ca/forms/admission/cpled-call-to-the-bar-information-package/Final\\_Assessment\\_of\\_Education\\_Plan.pdf/view](http://www.lawsociety.mb.ca/forms/admission/cpled-call-to-the-bar-information-package/Final_Assessment_of_Education_Plan.pdf/view)
4. application to commence active practice if the student intends to practice immediately upon Call to the Bar:  
[http://www.lawsociety.mb.ca/forms/admission/cpled-call-to-the-bar-information-package/Application\\_to\\_Commence\\_Active\\_Practice.pdf/view](http://www.lawsociety.mb.ca/forms/admission/cpled-call-to-the-bar-information-package/Application_to_Commence_Active_Practice.pdf/view)
5. the appropriate fees.

The Education and Competence Department will circulate the forms and advise of the amount of fees by email prior to completion of articles. The fee notice you receive may be provided to your employer as an invoice if required.

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.

### **14. 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 strongly encouraged to allow their students to spend about six hours per week during office hours on CPLED activities.

## **15. 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).

**16. Articling Student Practice Skills Areas**

The Law Society recognizes that individual articling experience varies according to the setting in which the student articling. Students may article in a large or small firm, a general or specialized firm, in the public sector, or elsewhere in the private sector. Necessarily, therefore, the specific functions which students perform on a day-to-day basis will differ; however, certain practice skills should be developed by each student irrespective of the firm, department or corporation at which the student articling.

The following is a list of skill areas in which **all** students should receive experience. If principals cannot provide experience in a particular area, the student and principal should ensure that the student is exposed to that skill area in conjunction with another lawyer.

Ideally, the student experience in each skill area will include significant responsibility, whether under supervision or by assisting a lawyer. Student performance should be carefully monitored. In instances where the student is only observing rather than actively participating, the principal and student should fully discuss what the student has observed.

**I. Problem Solving**

Students should be involved in analyzing problems with a view to achieving an optimal result. In most instances, students will not be initially equipped to perform this function without significant involvement by a lawyer.

Fact investigation is part of problem-solving. It includes obtaining evidence or information by client interviews and other means, e.g. telephone contacts and letters, etc. Students

should have an opportunity to both observe and then participate in the gathering of facts required in connection with various matters.

To develop competent problem-solving skills, students should have an opportunity to observe and participate in the following activities related to client files:

- Identification of relevant facts
- Identification of legal, practical and client issues
- Research arising from these issues
- Identification of client goals and objectives
- Analysis of the results of research
- Application of the law to the facts
- Formation of an opinion as to client's legal entitlements
- Identification and assessment of possible remedies
- Development of a plan of action
- Implementation of a plan of action

## **II. Legal Research**

Students should perform practical legal research, but should **not**, however, find that their articling experience in a particular area (for example, litigation) is substantially confined to legal research. The lawyer should review the approach to legal research and the result with the student in order to assist the student in developing research skills. To develop competent legal research skills the students should perform the following activities:

- Identification of questions of law
- Selection of sources and methods of research, including searches
- Conduct research, including searches
- Analyze and apply guiding principles of case law
- Analyze and apply statutes
- Identify, interpret and apply results of research
- Communicate the results of research

## **III. Writing**

Students should write letters, reports and opinions. Again, almost all such writing should be reviewed by a lawyer to ensure both accuracy and clarity of expression. Competent writing should:

- Identify the purpose of the communication
- Use correct grammar and spelling
- Use language suitable to the comprehension of the reader and the purpose of the communication
- Present the subject of the communication in a logical, organized, clear and succinct manner
- Be persuasive, where appropriate

- Be accurate and well-reasoned in legal content and analysis

#### **IV. Drafting**

Students should develop their legal drafting skills in the context of their specific type of articles. For example, students should be involved in the drafting of a contract, a will, an affidavit, or pleadings. A supervising lawyer should ensure both accuracy and clarity of expression. To develop competent drafting skills, students require experience in:

- Organizing the form and structure of the document
- Drafting an original transactional document without a precedent
- Using precedents appropriately
- Using clear language appropriate to the document
- Drafting a legally effective and enforceable document

#### **V. Interviewing and Advising**

Interviews are typically of clients, experts or witnesses. The student should be actively involved in, initially, observing interviews by lawyers, with discussion subsequent to the interview, and then conducting interviews, with and then without the involvement of the principal.

One of the primary tasks of a lawyer is to give advice. The student should have an opportunity to observe and participate in the giving of advice, both orally and by the provision of a written opinion. If it is the student who actually gives the advice, the advice should be monitored with particular care by the lawyer.

To develop competent interviewing and advising skills, the student should have the opportunity to:

- Determine the client's goals, objectives and legal entitlements
- Use appropriate questioning techniques to ensure the interview is thorough, effective and efficient
- 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 and advice

#### **VI. Advocacy, Negotiation and Dispute Resolution**

Articling should provide an opportunity for enhancing advocacy skills. While not all students can (or will want to) be exposed to the special skills of trial advocacy, general advocacy skills, including effective argument and persuasion, whether in the office, a boardroom, or before a tribunal, should be developed during the articling year.

Student involvement in the negotiation process should include being educated as to various approaches to negotiation, together with active participation in negotiations.

To develop competent skills in these areas, students should have an opportunity to:

- Advocate to advance a client's position
- Represent a client in trial or hearing
- Prepare, present and test evidence
- Represent a client at a mediation
- Negotiate on behalf of a client
- Follow the procedures and etiquette of the forum

## **VII. Personal Practice Management**

Students should be instructed in and their activities monitored in relation to:

- Time management
- Project management
- Document management
- Diaries and limitation reminders
- Timely and on-going client communications
- Client development
- Risk avoidance
- Technology
- Balancing professional life with personal life

## **VIII. Office Management**

Students should become familiar with the firm's systems related to:

- Quality control
- Billing and collection
- Trust and general accounting
- File and precedent organization
- Conflict of interest checks
- Diaries and limitation reminders
- Record keeping, archiving and file destruction

## **IX. Ethics**

The principal should ensure that the student understands the special role of the lawyer as a professional in a self-governing profession. Students should be given the opportunity to develop proper attitudes and behaviours so that they:

- 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 their ability to handle a matter and seek help where appropriate
- Recognize circumstances that give rise to ethical problems or conflicts
- Recognize and discharge all duties and undertakings
- Protect confidences
- Know and apply ethical standards

## **18. 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

- Counter 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 an 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/forms/admission](http://www.lawsociety.mb.ca/forms/admission). Forms may also be obtained from:

The Law Society of Manitoba  
Education and Competence Department  
Lisa Ehnes 204-926-2042  
[lehnes@lawsociety.mb.ca](mailto:lehnes@lawsociety.mb.ca)

### **Admission Forms**

[Application for Admission](#)

[Articling Agreement](#)

[Certificate of Good Character](#)

[Sample Education Plan](#)

[Application for Abridgement](#)

[Request for Articles Served](#)

[CPLED Professional Integrity Agreement](#)

[Application for Accommodation](#)

[Request to be Excused or Defer an Assignment](#)

[Application for Financial Assistance](#)

### **Articling Forms**

[Application to Act as a Principal](#)

[Mid-Term Review of Education Plan](#)

### **Call to Bar Forms**

[Certificate of Completion of Articles](#)

[Student Final Assessment of Education Plan](#)

[Application for Call to the Bar](#)

[Application to Commence Active Practice](#)

**Other**

[Law Society of Manitoba Respectful Workplace Policy](#)

[Transfer of Articles to New Principal](#)

[Member Update Form](#)

[Request for Articles Served](#)