



APPLICATION TO RESUME ACTIVE PRACTICE

This application must be submitted by non-practising and inactive members seeking to resume active practice, **together with a non-refundable application fee of \$52.50 (\$50.00 + \$2.50 GST.)**

Complete Parts A, B and C. If you are requesting an exemption from insurance, also complete Part D.

If you did not pay non-practising fees to the Society while you were away from practice, you will be required to pay the non-practising fee for each of the years during which you did not practice, to a maximum of 5 years (Law Society Rule 5-28(c)).

Upon approval of your resumption application, you must pay your fees within 30 days or another application to resume will be required. You cannot return to active practice until your fees have been received by the Society and you have fulfilled any conditions imposed.

Please review the attached [Guidelines for Good Character](#).

Note that any omissions or inaccuracies will be grounds for rejection of the application.

COMPLETE AND RETURN WITH THE APPLICATION FEE TO:

Admissions & Membership

The Law Society of Manitoba
219 Kennedy Street, Winnipeg, Manitoba, R3C 1S8
Fax: (204) 956-0624
membership@lawsociety.mb.ca

I am returning to active practice from:

Maternity / Parental Leave

Leave of Absence

Suspension

Other: _____

Anticipated date of return to work: _____

I hereby request a release from my undertaking not to practice law in Manitoba upon being approved to resume active practising status.

Part A: Name and Current Residential Address

Last name		First name		Middle name(s)
Street				
City	Province	Postal Code	Telephone ()	
Fax ()	Email			

Part B: Practice or Employment Information on Resumption

Firm or Employer name			
Street			
City	Province	Postal Code	Telephone ()
Fax ()	Email		Direct Line ()

I will:

- use the firm's trust account
- open my own trust account
- not handle trust money, use or operate a trust account

Please provide details of your intended professional endeavours, including area of law.

Name of person(s) in new firm/employment designated to receive information from the Law Society about complaints, disciplinary matters and insurance claims in which you may be involved (not required to name a Designated Member if you are sole practitioner or if you are the sole shareholder and lawyer practising through a law corporation):

Part C: Practice History

1. Date ceased active practice in Manitoba: _____

Reasons: _____

2. Please list all professional and occupational endeavours **since you left active practice in Manitoba**. Include details such as name of employer, position, duties, institution and further education. If you wish, you may attach a resume containing this information.

3. Areas of law which you have practised: _____

4. I am or have been a member of a law society or equivalent body in another jurisdiction.

Yes No

I have enclosed a certificate of standing from that organization dated not more than 30 days before the date of this application, **OR**

I have arranged for a certificate of standing to be sent directly to the Law Society of Manitoba.

**If you answer "YES" to any part of the following Questions 5-8,
you must provide full particulars on a separate sheet.**

5. As a member of the Law Society of Manitoba have you: Yes No

(a) been convicted of professional misconduct, conduct unbecoming or incompetence?

(b) accepted a formal caution?

(c) been limited by the Law Society in your ability to practise law (such as inability to sign trust cheques or practise under supervision of another practitioner)?

(d) granted a pardon by a panel of the Discipline Committee?

6. Do you owe any money to the Law Society of Manitoba?
If so, how much? \$ _____

7. Since ceasing to hold a Manitoba practising certificate have you been:

(a) found guilty of a criminal offence?

(b) found liable in any proceeding based on fraud or dishonesty?

(c) treated for or suffered from any condition or circumstance that may compromise your ability to practise safely and effectively?

(d) a judgment debtor?

(e) refused membership in another Canadian Law Society

8. (a) Have you ever made a proposal or voluntary assignment in bankruptcy or been petitioned into bankruptcy?

(b) Have you been discharged?

If **not**, explain the circumstances on a separate sheet.

9. Are there any events, circumstances or conditions, other than those mentioned above, that might be considered an impediment to your resumption of active practice or might require further inquiry by The Law Society of Manitoba? If so, please provide full particulars on a separate sheet.

10. Consent to Release of Information

I, _____ consent to the disclosure of all information in the possession of The Law Society to be reviewed in considering my application to resume active practice. I understand and agree that the information which may be disclosed may include full particulars about any insurance claims against me, and my audit, complaints, competence and discipline histories, including information concerning any pending complaints or charges against me.

11. Some members may be eligible for an exemption from professional liability insurance.

Are you claiming an exception from professional liability insurance? Yes No

If YES, please complete Part D of this application.

Part D: Exemption from Insurance - Please check the applicable option.

- I will be employed exclusively by the Government of Manitoba, an agency of the Government as defined in ss. 1(1) of *The Civil Service Act* (except the Legal Aid Services Society of Manitoba), a municipality, or the Federal Government and will not practise law in Manitoba outside the scope of this employment.

Attach a completed Insurance Exemption Application found on The Law Society of Manitoba website at: <http://www.lawsociety.mb.ca/forms/insurance>

- I am a member in good standing of the Law Society of _____ with a current practising certificate in that jurisdiction and current professional liability insurance with coverage of at least \$1,000,000 per occurrence with respect to professional services I will perform in Manitoba. I do not maintain an office in Manitoba from which I provide legal services on a regular basis.

Attach a Certificate of Insurance from your home law society.

- I am a member in good standing of the Law Society of _____ with a current practising certificate in that jurisdiction and current professional liability insurance with coverage of at least \$1,000,000 per occurrence with respect to professional services I will perform in Manitoba. I maintain an office in Manitoba from which I provide legal services, however, I continue to maintain an office in _____, and this is my primary place of business.

Attach a Certificate of Insurance from your home law society.

I certify that the above information is true and accurate.

Date

Signature

- I am aware that any required non-practising fees as well as my current practising fees must be received by the Law Society prior to my commencing practice.

- I have enclosed my practising fees and contributions in the amount of \$ _____

**Refer to the two tables on Page 5 for the appropriate fee.
Please make your cheque payable to the Law Society of Manitoba and
attach it to this form.**

Please refer to this page to calculate the practising fees owing once your application is approved.

Prorated Practising Fee and Contributions 2012/13 (including insurance)

Month of Resumption	Prorated annual practising fee and contributions (includes GST)
March 2012	\$ 393.75
April (full annual payment)	\$2,178.75
May	\$1,951.25
June	\$1,723.75
New Insurance Rates to be set in June 2012	

Prorated Practising Fee and Contributions 2012/13 (exempt from insurance)

Month of Resumption	Prorated annual practising fee and contributions (includes GST)
March 2012	\$ 148.75
April (full payment)	\$1,995.00
May	\$1,828.74
June	\$1,662.51
July	\$1,496.25
August	\$1,329.99
September	\$1,163.76
October	\$ 997.50
November	\$ 831.24
December	\$ 665.01
January 2013	\$ 498.75
February	\$ 332.49
March	\$ 166.26



GUIDELINES FOR GOOD CHARACTER APPLICATIONS UNDER RULES 5-4, 5-24(2), 5-28.1 and 5-28.2

Candidates applying for admission to the Manitoba CPLED Program and as an articling student, or seeking permission to resume active practice or transfer to the Manitoba Bar must disclose the following:

- (a) all convictions for crimes or other offences under any statute, regulation or law, except convictions under *The Highway Traffic Act*, *The Liquor Control Act*, or municipal by-law, unless there are four or more violations or a term of incarceration;
- (b) any conviction or finding of liability as a result of breach of trust, fraud, perjury, immorality, dishonourable conduct, misrepresentation, dishonesty or undue influence in any civil, criminal or administrative proceeding;
- (c) any order made against the candidate regarding institution of vexatious proceedings or vexatious conduct of a proceeding, pursuant to s. 73(1) of *The Court of Queen's Bench Act*, or such similar legislation as may be in effect in any other Canadian jurisdiction;
- (d) any suspension, disqualification, censure or disciplinary action imposed as a member of any profession or organization;
- (e) denial or revocation of any licence requirement, the procurement of which required proof of good character;

In addition, applicants must disclose whether they have ever suffered from or been treated for, or are currently being treated for, any condition which may compromise their ability to practice.*

The Law Society may consider other information which, though not strictly fitting within the categories above, might constitute behaviour coming under Rules 5-4, 5-24(2), 5-28.1 and 5-28.2 such as conduct which demonstrates or indicates an attitude of disrespect or abusiveness of the court and its processes.

* Examples of conditions which could compromise one's ability to practice include alcoholism additions and substance abuse, gambling, illnesses or disabilities.

Any such disclosures by a candidate or other relevant matters otherwise learned of by the Law Society will establish a rebuttable presumption that a candidate is not of good character and a fit and proper person under Rules 5-4, 5-24(2), 5-28.1 and 5-28.2. In considering whether such a presumption has been rebutted by the candidate, the Law Society may have regard to the following:

1. the applicant's candour, sincerity and full disclosure in the filings and proceedings as to character and fitness;
2. the materiality of any omissions or misrepresentations;
3. the frequency and recency of the conduct or behaviour disclosed that gives rise to the presumption;
4. the nature and extent of the applicant's voluntary treatment or rehabilitation;
5. the applicant's current attitude about the subject of their disclosure;
6. the applicant's subsequent constructive activities and accomplishments;
7. evidence of character and moral fitness including the reasonably informed opinion of others regarding the applicant's present moral character; and
8. in light of the entire record of the applicant, whether admission of the applicant would adversely affect the confidence of the public in the legal profession in Manitoba as an honourable, ethical and competent profession.

Where the disclosure relates to a criminal law matter or offence, the following criteria may also be applied by the Law Society:

9. the nature and character of any offences committed;
10. the number and duration of offences;
11. the age and maturity of the applicant when any offences were committed;
12. the social and historical context in which any offences were committed;
13. the sufficiency of the punishment given for any offences;
14. the grant or denial of a pardon or discharge for any offences committed;
15. the number of years that have elapsed since the last offence was committed, and the presence or absence of misconduct during that period;
16. the extent to which the applicant has made restitution and to which, if known, the restitution was made voluntarily at the initiative of the applicant, or as a consequence of the order of the Court;

*Approved by the Admissions and Education
Committee on January 29, 1997
Revised November 25, 1999 to Reflect New Rules
Preamble Revised by the Admissions and Education
Committee on October 30, 2001 and Further on March 26, 2002
Revised October 31, 2002 to Reflect New Rule Numbers
Revised March 2004 to Reference Manitoba CPLED Program
Revised October 2006
Revised May 2007
Revised March 2009
Revised September 2011 to include Rule Number*