

**NEW LANGUAGE RIGHTS RULE
REPRESENTING CLIENTS IN THEIR OFFICIAL
LANGUAGE OF CHOICE:
ETHICAL OBLIGATIONS, PRACTICAL SOLUTIONS
AND CERTAIN "JE NE SAIS QUOI"**



November 24, 2016

**THE LAW SOCIETY OF MANITOBA
EDUCATION AND COMPETENCE DEPARTMENT**

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**November 24, 2016
12:00 noon – 1:30 p.m.**

CHAIR: The Honourable Richard J. Scott, O.M. Q.C.
Hill Sokalski Walsh Olson LLP

PRESENTERS: Associate Chief Justice Marianne Rivoalen
Manitoba Court of Queen's Bench, Family Division

Daniel Boivan
Gowling WLG

Alain Laurencelle
Taylor McCaffrey LLP

Denis Guénette
Justice Manitoba, Legal Services Branch

Andrea Doyle
Thompson Dorfman Sweatman LLP

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AGENDA

WELCOME & INTRODUCTIONS

- *Tracy Lloyd*
- *The Honourable Richard J. Scott, O.M. Q.C.*

**HISTORY AND EVOLUTION OF LANGUAGE RIGHTS RULES
IN CANADA AND THE ONTARIO EXPERIENCE**

- *Daniel Boivin*

**PANEL DISCUSSION –
OBLIGATIONS AND SOLUTIONS FOR PRACTITIONERS**

- *Associate Chief Justice Marianne Rivoalen*
- *Andrea Doyle*
- *Alain Laurencelle*
- *Denis Guénette*

QUESTIONS

CLOSING REMARKS

- *The Honourable Richard J. Scott, O.M. Q.C.*

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The Honourable Richard J. Scott, O.M. Q.C.

Hill Sokalski Walsh Olson LLP

The Honourable Richard Scott graduated from the University of Manitoba and was called to the Manitoba Bar in May 1963.

During his time as a practising lawyer, he held many positions within the legal community and participated in the governance of the legal profession as a bencher of the Law Society of Manitoba from 1980 through 1984 and then as president for 1983 – 1984.

He was appointed a judge of the Manitoba Court of Queen's Bench in June 1985, and a few months later was appointed Associate Chief Justice.

In July 1990 he was appointed Chief Justice of Manitoba (Court of Appeal). He was chairperson of the Judicial Independence Committee of the Canadian Judicial Council from 1990 to 1998 and chairperson of the Special Working Committee on the preparation of *Ethical Principles for Judges* from March 1995 to December 1999. From September 2000 to October 2012, he held the position of first vice-chairperson of the Canadian Judicial Council, and from September 2000 until January 1, 2013 was chairperson of the Judicial Conduct Committee of the Canadian Judicial Council.

The Honourable Richard Scott retired as Chief Justice of Manitoba on March 1, 2013, a few weeks short of his 75th birthday.

In June 2014 he became the first Independent Chair of the Manitoba Law Society Discipline Committee, a position that he still holds. In the fall of 2014 he became a director of Winnipeg Harvest as well as the Legal Help Centre, and in February 2015 he joined the firm of Hill Sokolski Walsh Olson LLP as Counsel.

Associate Chief Justice Marianne Rivoalen

Manitoba Court of Queen's Bench, Family Division

Marianne Rivoalen was appointed a judge of the Family Division of the Court of Queen's Bench of Manitoba on February 2, 2005. She has been the Associate Chief Justice (Family Division) since May 22, 2015. She received a Bachelor of Laws from the University of Moncton Law School in 1988 and was admitted to the Manitoba Bar in 1989. At the time of her appointment, she was Senior Counsel with the Department of Justice Canada, practicing within the Aboriginal Law Services Group. She had previously worked at the Winnipeg firms of Aikins, MacAulay & Thorvaldson and Pitblado & Hoskin, practicing mostly in the areas of family law and civil litigation.

In the past, Madam Justice Rivoalen has served as Deputy Chief Commissioner of the Residential Tenancies Commission of Manitoba. She has served on several committees of the Law Society of Manitoba, has been a member of Council of the Manitoba Bar Association, as well as a member of the Committee on Case Management in the Court of Queen's Bench Family Division. She is a past President of the Association des

Juristes d'Expression Française du Manitoba, the Société Franco-Manitobaine, as well as Pluri-Elles. She was also a Director of Réseau Action Femmes.

Madam Justice Rivoalen has taught at portions of the Manitoba Bar Admission Course and at Red River College. In addition, she has served as Vice-President and member of the Board of Governors of the Collège universitaire de Saint-Boniface.

Daniel Boivan

Gowling WLG

Daniel Boivin is a partner in the Ottawa office of Gowling WLG. He practises as a member of the Advocacy Group. Daniel's practice focuses on health law and medical defence, including acting as counsel to the Canadian Medical Protective Association and the physicians.

Daniel is a graduate of University of Ottawa Faculty of Law and was called to the Bar in Ontario in 1993. He has appeared before the Ontario Superior Court of Justice, the Ontario Court of Appeal, the Federal Court and the Supreme Court of Canada. Daniel is a part-time professor teaching evidence law and trial advocacy at the University of Ottawa, Faculty of Law. He also lectures on evidence law and advocacy skills with various organizations and gives frequent presentations on health law issues. Daniel practises in both official languages.

Since the start of his career, Daniel has been heavily involved in promoting access to justice for the Francophone community. He is the president of the Fédération des Associations de juristes d'expression française de common law and is past president of Association des juristes d'expression française de l'Ontario and of the Conférence des juristes d'expression française of the Canadian Bar Association. He is involved in sports and culture: for instance he is the president of the Outaouais Ski Zone, the organisation governing ski racing in Western Quebec, and is a national ski racing official. He is the vice president of the Ottawa Symphonic Orchestra and he had a key role in the founding of the Radio communautaire francophone d'Ottawa.

Alain Laurencelle
Taylor McCaffrey LLP

Alain was born in Steinbach, Manitoba on September 5th, 1966. He attended the Université de St-Boniface and the University of Manitoba (BA, 1987 the Governor General's Academic Medal) and the Faculté de droit, Université de Moncton (LL.B., 1990 Gold Medal). He is fluently bilingual, in French and English.

He was called to the Manitoba Bar in 1991 and since then has practiced law with Taylor McCaffrey LLP, first as an associate and then from 1998 to present as a Partner of this firm. He is a member of their Real Estate, Corporate and Commercial, Financial Advisory Services, Wills and Estates practice groups. He is experienced in all facets of real estate law, with a particular interest in life leases, condominiums and land development.

His clients include private developers and not-for-profit organizations/sponsors from Manitoba and Saskatchewan, as well as numerous life lease and condominium corporations in and around Winnipeg. Since 1995, he has acted as legal counsel in the development of numerous residential, condominium, not-for-profit life leases and commercial projects in Winnipeg, rural Manitoba and Saskatchewan.

Alain was a member of the Manitoba Bar Association (MBA) Real Property Section Committee reviewing life leases in 1998-99 and was a presenter on the topic at a subsequent continuing education program of the Law Society of Manitoba (Advising Older Clients about Real Estate and Other Housing Arrangements; Selected Topics, including Life Leases. June 2000) and at the Isaac Pitblado Lectures (November 2015, The State of Life Leases in Manitoba). He was also a regular sessional lecturer at the Université de St-Boniface (business admin. courses) and at Robson Hall, Faculty of Law (business organization law, en français). He has also been a presenter of continuing education programs on real estate, professional legal conduct and linguistic rights.

Currently, Alain is a member of: MBA and CBA: Practice and Ethics Committee (Law Society of Manitoba); La Chambre de commerce de Saint-Boniface (Past President); The Manitoba Club; St. John Ambulance (Chair of Manitoba, Northwest Territories and Nunavut), The Order of St. John (Commander); The Knights of Columbus (4th Degree); Canadian Corps of Commissionaires (Manitoba, Board); Canadian Forces Liaison Council (Manitoba Board). He is the Honorary Legal Counsel to the Royal Military Institute of Manitoba. In 2010, he and his daughter received Life Saving Awards from the RCMP and The Order of St. John. In 2014, he was a member of his firm's legal team that was awarded the MBA Pro Bono Legal Award of the Year.

In his legal career, he practices law in French and in English. He set up and manages three satellite offices for Taylor McCaffrey LLP in the francophone villages of St-Malo, St-Claude and Notre Dame de Lourdes.

Outside the practice of law, Alain is quite involved with St. John Ambulance and the Canadian Forces (past Honorary LCol of 17 Fd Amb, Reserves). On his personal time he enjoys baseball, curling (avidly!), and handyman jobs around the house and cottage.

He is married to Dr. Francine Laurencelle, Nursing Professor at the University of Manitoba, and together they have three adult children Colin, Martine and Rémi.

Denis Guénette

Justice Manitoba, Legal Services Branch

Denis Guénette was called to the Bar in Manitoba in 1995. He has been with Manitoba Justice's Legal Services Branch since he articled. Denis was seconded for three years to the Municipal Board as Vice Chair. In 2012 the Department appointed him General Counsel.

Denis' practice involves government civil litigation, with an emphasis in the area of administrative law. His assignments include providing advice to and representation for a number of Government departments, agencies, Crown corporations and boards and commissions. He appears in all levels of court, and before boards and tribunals.

Andrea Doyle

Thompson Dorfman Sweatman LLP

Andrea graduated from the Faculty of Law, University of Manitoba in 2009. After articling at Thompson Dorfman Sweatman LLP, she was called to the Manitoba Bar in 2010. She is engaged in a broad practice at Thompson Dorfman Sweatman LLP that includes civil litigation, bankruptcy and insolvency law, and corporate and commercial law. Andrea is fluently bilingual and works with clients in both English and French.

Andrea was co-author and co-presenter with Silvia V. de Sousa of "The Inter-relationship between Intellectual Property Rights and Bankruptcy and Insolvency Law" (The Law Society of Manitoba, Continuing Legal Education, October 2015) and was co-author with Donald G. Douglas of "Purchasing the Assets of an Insolvent Business" (2011 Isaac Pitblado Lectures).

Legislation and Rules

- Code of Professional Conduct
 - Language Rights
 - Competence
- *The Court of Appeal Act* –
 - Rules
 - Forms
- *The Manitoba Act*
- Court of Queen's Bench Rules

Language Rights

3.2-2A A lawyer must, when appropriate, advise a client of the client's language rights, including the right to proceed in the official language of the client's choice.

3.2-2B Where a client wishes to retain a lawyer for representation in the official language of the client's choice, the lawyer must not undertake the matter unless the lawyer is competent to provide the required services in that language.

Commentary

[1] The lawyer should advise the client of the client's language rights as soon as possible.

[2] The choice of official language is that of the client not the lawyer. The lawyer should be aware of relevant statutory and Constitutional law relating to language rights including the Canadian Charter of Rights and Freedoms, s.19(1) and Part XVII of the Criminal Code regarding language rights in courts under federal jurisdiction and in criminal proceedings. The lawyer should also be aware that provincial or territorial legislation may provide additional language rights, including in relation to aboriginal languages.

[3] When a lawyer considers whether to provide the required services in the official language chosen by the client, the lawyer should carefully consider whether it is possible to render those services in a competent manner as required by Rule 3.1-2 and related Commentary.

3.1 COMPETENCE

Definitions

3.1-1 In this section,

“competent lawyer” means a lawyer who has and applies relevant knowledge, skills and attributes in a manner appropriate to each matter undertaken on behalf of a client and the nature and terms of the lawyer’s engagement, including:

- (a) knowing general legal principles and procedures and the substantive law and procedure for the areas of law in which the lawyer practises;
- (b) investigating facts, identifying issues, ascertaining client objectives, considering possible options and developing and advising the client on appropriate courses of action;
- (c) implementing as each matter requires, the chosen course of action through the application of appropriate skills, including:
 - i. legal research;
 - ii. analysis;
 - iii. application of the law to the relevant facts;
 - iv. writing and drafting;
 - v. negotiation;
 - vi. alternative dispute resolution;
 - vii. advocacy; and
 - viii. problem solving;
- (d) communicating at all relevant stages of a matter in a timely and effective manner;
- (e) performing all functions conscientiously, diligently and in a timely and cost-effective manner;
- (f) applying intellectual capacity, judgment and deliberation to all functions;
- (g) complying in letter and spirit with all rules pertaining to the appropriate professional conduct of lawyers;
- (h) recognizing limitations in one’s ability to handle a matter or some aspect of it and taking steps accordingly to ensure the client is appropriately served;
- (i) managing one’s practice effectively;
- (j) pursuing appropriate professional development to maintain and enhance legal knowledge and skills; and

- (k) otherwise adapting to changing professional requirements, standards, techniques and practices.

Competence

3.1-2 A lawyer must perform all legal services undertaken on the client's behalf to the standard of a competent lawyer.

Commentary

[1] As a member of the legal profession, a lawyer is held out as knowledgeable, skilled and capable in the practice of law. Accordingly, the client is entitled to assume that the lawyer has the ability and capacity to deal adequately with all legal matters to be undertaken on the client's behalf.

[2] Competence is founded upon both ethical and legal principles. This rule addresses the ethical principles. Competence involves more than an understanding of legal principles: it involves an adequate knowledge of the practice and procedures by which such principles can be effectively applied. To accomplish this, the lawyer should keep abreast of developments in all areas of law in which the lawyer practises.

[3] In deciding whether the lawyer has employed the requisite degree of knowledge and skill in a particular matter, relevant factors will include:

- (a) the complexity and specialized nature of the matter;
- (b) the lawyer's general experience;
- (c) the lawyer's training and experience in the field;
- (d) the preparation and study the lawyer is able to give the matter; and
- (e) whether it is appropriate or feasible to refer the matter to, or associate or consult with, a lawyer of established competence in the field in question.

[4] In some circumstances expertise in a particular field of law may be required; often the necessary degree of proficiency will be that of the general practitioner.

[5] A lawyer should not undertake a matter without honestly feeling competent to handle it, or being able to become competent without undue delay, risk, or expense to the client. The lawyer who proceeds on any other basis is not being honest with the client. This is an ethical consideration and is distinct from the standard of care that a tribunal would invoke for purposes of determining negligence.

[6] A lawyer should recognize a task for which the lawyer lacks competence and the disservice that would be done to the client by undertaking that task. If consulted about such a task, the lawyer should:

- (a) decline to act,
- (b) obtain the client's instructions to retain, consult or collaborate with a lawyer who is

competent for that task, or

- (c) obtain the client's consent for the lawyer to become competent without undue delay, risk or expense to the client.

[7] A lawyer should also recognize that competence for a particular task may require seeking advice from or collaborating with experts in scientific, accounting, or other non-legal fields, and, when it is appropriate, the lawyer should not hesitate to seek the client's instructions to consult experts.

[7A] When a lawyer considers whether to provide legal services under a limited scope retainer the lawyer must carefully assess in each case whether, under the circumstances, it is possible to render those services in a competent manner. An agreement for such services does not exempt a lawyer from the duty to provide competent representation. The lawyer should consider the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. The lawyer should ensure that the client is fully informed of the nature of the arrangement and clearly understands the scope and limitation of the services. See also rule 3.2-1A.

[7B] In providing short-term summary legal services under Rules 3.4-2A – 3.4-2D, a lawyer should disclose to the client the limited nature of the services provided and determine whether any additional legal services beyond the short-term summary legal services may be required or are advisable, and encourage the client to seek such further assistance.

[8] A lawyer should clearly specify the facts, circumstances and assumptions on which an opinion is based, particularly when the circumstances do not justify an exhaustive investigation and the resultant expense to the client. However, unless the client instructs otherwise, the lawyer should investigate the matter in sufficient detail to be able to express an opinion rather than mere comments with many qualifications.

[9] A lawyer should be wary of bold and over-confident assurances to the client, especially when the lawyer's employment may depend upon advising in a particular way.

[10] In addition to opinions on legal questions, a lawyer may be asked for or may be expected to give advice on non-legal matters such as the business, economic, policy or social implications involved in the question or the course the client should choose. In many instances the lawyer's experience will be such that the lawyer's views on non-legal matters will be of real benefit to the client. The lawyer who expresses views on such matters should, if necessary and to the extent necessary, point out any lack of experience or other qualification in the particular field and should clearly distinguish legal advice from other advice.

[10A] When it becomes apparent that the client has misunderstood or misconceived the position or what is really involved, the lawyer should explain, as well as advise, so that the client is apprised of the true position and fairly advised about the real issues or questions involved.

[11] Intentionally left blank.

[12] The requirement of conscientious, diligent and efficient service means that a lawyer should make every effort to provide timely service to the client. If the lawyer can reasonably foresee undue delay in providing advice or services, the client should be so informed.

[13] A lawyer should refrain from conduct that may interfere with or compromise his or her capacity or motivation to provide competent legal services to the client and be aware of any factor

or circumstance that may have that effect.

[14] A lawyer who is incompetent does the client a disservice, brings discredit to the profession and may bring the administration of justice into disrepute. In addition to damaging the lawyer's own reputation and practice, incompetence may also injure the lawyer's partners and associates.

[15] **Incompetence, Negligence and Mistakes** - This rule does not require a standard of perfection. An error or omission, even though it might be actionable for damages in negligence or contract, will not necessarily constitute a failure to maintain the standard of professional competence described by the rule. However, evidence of gross neglect in a particular matter or a pattern of neglect or mistakes in different matters may be evidence of such a failure regardless of tort liability. While damages may be awarded for negligence, incompetence can give rise to the additional sanction of disciplinary action.

PART III

LANGUAGE RULES*

109 These rules shall apply with such modifications as the circumstances require to all appeal proceedings under Part I.

M.R. 177/93

PARTIE III

RÈGLES SUR L'EMPLOI DES LANGUES*

109 Les présentes règles s'appliquent, compte tenu des adaptations de circonstance, aux instances en appel introduites en vertu de la partie I.

R.M. 177/93

* The rules in Part III may be cited as *The Court of Appeal Language Rules*.

* Les règles visées à la présente partie peuvent être citées sous le titre de « *Règles sur l'emploi des langues à la Cour d'appel*. »

Continues on page 25.

Suite à la page 25.

110 Any document commencing a proceeding in this court (called an initiating document) shall be filed before being served.

111 An initiating document shall be in English or in French.

112 Every initiating document shall have attached to it a bilingual endorsement in Form 1 in Schedule C.

113 Where

(a) a party wishes to exercise his or her right to use a language other than that of the initiating document;

(b) a party wishes to use a language other than the language used by that party in the forum from which appeal is being taken; or

(c) testimony of witnesses or written exhibits were tendered on behalf of a party in both the English language and the French language in the forum from which appeal is being taken;

that party shall file with the registrar a notice to determine the language directions on appeal, within 21 days of service of an initiating document.

M.R. 94/2003

114 Where no notice to determine language direction is filed under rule 113, the appeal shall continue in the language of the initiating document, unless a judge otherwise orders.

115 The time limited for the filing of a notice under rule 113 may be enlarged or abridged by a judge before or after the time limited by the rule.

116 Every initiating document shall set forth an address for service of each party named in the document.

110 Le document par lequel une instance est introduite devant le présent tribunal (ci-après désigné sous le nom de document introductif d'instance) est déposé avant d'être signifié.

111 Le document introductif d'instance est rédigé en anglais ou en français.

112 Chaque document introductif d'instance est accompagné de l'inscription bilingue figurant à la formule 1 de l'annexe C.

113 Dans les 21 jours de la signification du document introductif d'instance, la partie dépose auprès du registraire un avis relatif à la langue utilisée en appel, si, selon le cas :

a) la partie désire se prévaloir du droit d'utiliser une langue autre que celle dans laquelle est rédigé le document introductif d'instance;

b) la partie désire utiliser une langue autre que celle qu'elle a utilisée au tribunal dont la décision fait l'objet de l'appel;

c) les témoignages des personnes ou les pièces écrites ont été présentés au nom de la partie, en anglais et en français, au tribunal dont la décision fait l'objet de l'appel.

R.M. 94/2003

114 Sauf ordonnance contraire d'un juge, si aucun avis relatif à la langue utilisée en appel n'est déposé en vertu de la règle 113, les procédures postérieures au document introductif d'instance se déroulent dans la même langue que celle du document.

115 Un juge peut proroger ou abréger le délai prescrit par la règle 113 pour le dépôt de l'avis, avant ou après l'expiration de ce délai.

116 Un document introductif d'instance indique le domicile élu aux fins de signification de chaque partie mentionnée dans le document.

117 A party filing a notice under rule 113 may at the time of filing advise the registrar in writing of an address for service in substitution for that set out in the initiating document.

118(1) Upon receipt of a notice under rule 113 the registrar shall cause an appointment in Form 2 in Schedule C to be served on the parties by registered mail at their address for service.

118(2) The appointment shall be mailed at least three days before the return date of the appointment.

119 On the return date of the appointment, the registrar or a judge shall make an order of language directions.

120 An order of language directions shall regulate the mode of exercise of the right to use French and English in the proceeding.

121 Where, under an order of language directions, any document is directed to be translated in French or English, the Court Services Branch shall on the filing of such document, obtain certified translations and the Registrar shall distribute copies of the translation as directed in the order of language directions.

122 An order of language directions may require the Department of the Attorney-General to supply interpreters for an oral hearing, and such interpreters shall offer simultaneous interpretation.

123 Persons providing oral or written translation services shall, while providing such services, function under the direction of the judges of the Court of Appeal, for the purposes of fulfilling the requirements of these Rules.

124 Reasons for judgment and the judgments of the court may be delivered in both languages where an order of language directions has been made.

125 Orders and certificates of decision shall be in both English and French in all cases where an order of language directions has been made, and otherwise all orders and certificates of decision shall be in the language of the initiating document.

117 La partie qui dépose un avis en vertu de la règle 113 peut, au moment du dépôt, aviser par écrit le registraire d'un domicile élu aux fins de signification remplaçant celui indiqué dans le document introductif d'instance.

118(1) Sur réception de l'avis prévu à la règle 113, le registraire fait signifier aux parties, par courrier recommandé envoyé à leur domicile élu aux fins de signification, un avis de convocation rédigé selon la formule 2 de l'annexe C.

118(2) L'avis de convocation est envoyé par la poste, au moins trois jours avant la date prévue pour l'étude du dossier.

119 Lors de l'étude du dossier, le registraire ou un juge rend une ordonnance relative à la langue.

120 L'ordonnance relative à la langue régit le mode d'exercice du droit à l'usage du français et de l'anglais dans les instances.

121 Lorsque l'ordonnance relative à la langue prévoit la traduction d'un document en français ou en anglais, la Division des services judiciaires se procure, dès le dépôt du document, des traductions certifiées conformes et le registraire en distribue des copies, conformément à l'ordonnance relative à la langue.

122 L'ordonnance relative à la langue peut exiger du ministère du Procureur général qu'il fournit des services d'interprétation simultanée pour les audiences.

123 Afin qu'il soit satisfait aux exigences des présentes règles, les personnes qui fournissent des services d'interprétation ou de traduction sont soumises à l'autorité des juges de la Cour d'appel, lorsqu'elles fournissent ces services.

124 Les motifs de jugement et les jugements du tribunal peuvent être rendus dans les deux langues si une ordonnance relative à la langue a été rendue.

125 Si une ordonnance relative à la langue a été rendue, les ordonnances et les certificats de décision sont rédigés en anglais et en français. Dans les autres cas, les ordonnances et les certificats de décision sont rédigés dans la même langue que celle du document introductif d'instance.

SCHEDULE C

FORM 1
(Rule 112)

IN THE COURT OF APPEAL

Notice of Intent to Exercise Language Right

The attached document begins a proceeding in the Court of Appeal. Your rights may be affected in the course of the proceeding. You have a right to use either the English or the French language even where the attached document is in the other language, but in order to exercise your right you are required within 21 days of service of this document on you to file with the registrar of the court a notice of your intention to do so and to leave with the registrar an address for service. If you file such a notice, you will be notified, in the language indicated in your notice, of further stages in the proceeding by registered mail addressed to your address for service. If you do not file a notice of your intention to exercise your right, the appeal will continue in the language of the attached document. The time limited for your filing of a notice may be enlarged or abridged at any time by order of a judge made on application in either English or French.

Registrar
Manitoba Court of Appeal
Room 205 Law Courts Building
408 York Avenue
Winnipeg, Manitoba
R3C 0P9

FORM 2
(Rule 118)

IN THE COURT OF APPEAL

Appointment for Order of Language Directions

I hereby appoint day, the day of 19 , at the hour of
o'clock in the noon at Winnipeg, Manitoba, as the time and place at which
the registrar or a judge of this court shall consider and make an order of language directions to regulate the
exercise by one or more of the parties hereto of the right to use the English or the French language in the
course of proceedings in this court.

Registrar
Manitoba Court of Appeal
Room 205 Law Courts Building
408 York Avenue
Winnipeg, Manitoba
R3C 0P9

M.R. 94/2003

ANNEXE C

FORMULE 1
(Règle 112)

COUR D'APPEL

Avis relatif au droit d'utilisation d'une langue

Le document ci-joint constitue un document introductif d'instance devant la Cour d'appel. Les procédures dans l'instance pourront porter atteinte à vos droits. Vous avez le droit d'utiliser l'anglais ou le français aux différentes étapes de l'instance même lorsque le document ci-joint est rédigé dans l'autre langue. Si vous désirez exercer votre droit d'utiliser l'une ou l'autre langue, vous devez, dans les 21 jours de la signification qui vous est faite de ce document, déposer auprès du registraire de la Cour d'appel un avis à cette fin et lui indiquer un domicile élu aux fins de signification. Si vous déposez cet avis, vous serez avisé(e) des procédures subséquentes par lettre recommandée envoyée à votre domicile élu aux fins de signification, dans la langue que vous aurez indiquée dans l'avis. Si vous ne déposez pas un avis de votre intention d'exercer votre droit, toutes les procédures subséquentes en appel se dérouleront dans la même langue que celle du document ci-joint. Suite à une demande présentée en anglais ou en français, le juge peut, en tout temps, par ordonnance, proroger ou abréger le délai prescrit pour le dépôt de l'avis.

Registraire
Cour d'appel du Manitoba
Palais de justice
408, avenue York, pièce 205
Winnipeg, Manitoba
R3C OP9

FORMULE 2 (Règle 118)

COUR D'APPEL

Convocation en vue d'une ordonnance relative à la langue

Je fixe par les présentes le jour d' 19 , à heure(s), à
, à Winnipeg au Manitoba, comme le jour et le lieu où le registraire ou un juge de cette Cour examinera le présent cas et rendra une ordonnance relative à la langue régissant l'exercice, par une ou plusieurs des parties à l'instance, du droit à l'usage de l'anglais ou du français durant le déroulement de l'instance devant cette Cour.

Registraire
Cour d'appel du Manitoba
Palais de justice
408, avenue York, pièce 205
Winnipeg, Manitoba
R3C 0P9

R.M. 94/2003

The Manitoba Act (1870)

23. English and French languages to be used.

Either the English or the French language may be used by any person in the debates of the Houses of the Legislature, and both those languages shall be used in the respective Records and Journals of those Houses; and either of those languages may be used by any person, or in any Pleading or Process, in or issuing from any Court of Canada established under the British North America Act, 1867, or in or from all or any of the Courts of the Province. The Acts of the Legislature shall be printed and published in both those languages.

Loi sur le Manitoba (1870)

23. Usage du français et de l'anglais

Chacun a le droit d'employer le français ou l'anglais dans les débats des chambres de la Législature du Manitoba et l'usage de ces deux langues est obligatoire pour les archives, les comptes rendus et les procès-verbaux de ces chambres. Chacun a le droit d'employer le français ou l'anglais dans toutes les affaires dont sont saisis les tribunaux du Canada établis sous le régime de la Loi de 1867 sur l'Amérique du Nord britannique ou ceux de la province et dans tous les actes de procédure qui en découlent. Les lois de la Législature du Manitoba sont imprimées et publiées dans les deux langues.

RULE 53

EVIDENCE AT TRIAL

EVIDENCE BY WITNESSES

Oral evidence as general rule

53.01(1) Unless these rules provide otherwise, witnesses at the trial of an action shall be examined orally in court and the examination may consist of direct examination, cross-examination and re-examination.

Leading questions on direct examination

53.01(2) Where a witness appears unwilling or unable to give responsive answers, the trial judge may permit the party calling the witness to examine the witness by means of leading questions.

Interpreter

53.01(3) Where a witness does not understand the language or languages in which the examination is to be conducted or is deaf or mute, a competent and independent interpreter shall, before the witness is called, take an oath or make an affirmation to interpret accurately the administration of the oath or affirmation to the witness, the questions put to the witness and the answers of the witness.

Who provides interpreter

53.01(4) Where an interpreter is required under subrule (3), the party calling the witness shall provide the interpreter.

EVIDENCE OTHER THAN
BY PERSONAL ATTENDANCE

Order

53.02(1) On motion, before or at the trial of an action, the trial judge may make an order allowing the evidence of a witness or proof of a particular fact or document to be given in such manner as may be specified by the trial judge.

RÈGLE 53

PREUVE À L'INSTRUCTION

PREUVE PAR TÉMOINS

Témoignage oral en règle générale

53.01(1) Sauf disposition contraire des présentes règles, les témoins à l'instruction d'une action sont interrogés oralement devant le tribunal. L'interrogatoire peut comprendre un interrogatoire principal, un contre-interrogatoire et un réinterrogatoire.

Questions suggestives

53.01(2) Si le témoin paraît refuser ou être incapable de répondre aux questions autrement que de manière évasive, le juge du procès peut permettre à la partie qui l'a appelé de lui poser des questions suggestives.

Interprète

53.01(3) Si le témoin ne comprend pas la langue ou les langues qui doivent être utilisées pour l'interroger, ou est sourd ou muet, un interprète compétent et indépendant s'engage, sous serment ou affirmation solennelle, avant que le témoin soit appelé, à traduire fidèlement le serment ou l'affirmation solennelle du témoin, les questions qui lui seront posées ainsi que ses réponses.

Services d'un interprète

53.01(4) Si un interprète est requis en application du paragraphe (3), la partie qui appelle le témoin fournit les services d'un interprète.

PRÉSENTATION DE LA PREUVE
EN L'ABSENCE DES TÉMOINS

Ordonnance

53.02(1) Avant ou pendant l'instruction d'une action, le juge qui préside peut, sur motion, rendre une ordonnance permettant que le témoignage d'une personne ou la preuve d'un fait ou d'un document donné soit produit de la manière qu'il indique.

Presenter Materials

- Family Division Contact List
- The Language Rights Rule and the Rules of the Court of Queen's Bench and the Court of Appeal
- Dealing With French Clients In A Solicitor's Practice In Manitoba
- The New Language Rights Rule in Manitoba's Code of Professional Conduct

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THE LANGUAGE RIGHTS RULE AND THE RULES OF THE COURT OF QUEEN'S BENCH AND THE COURT OF APPEAL

Andrea Doyle

Thompson Dorfman Sweatman LLP

A. INTRODUCTION

The Language Rights Rule in the *Code of Professional Conduct* includes the obligation that, "A lawyer must, when appropriate, advise a client of the client's language rights, including the right to proceed in the official language of the client's choice" (*Code of Professional Conduct*, Rule 3.2-2A). This obligation is consistent with section 23 of the *Manitoba Act, 1870* which guarantees English and French language rights in Manitoba. These guarantees include the right to use either English or French in any pleading or process in the courts of Manitoba.

The Court of Queen's Bench and the Court of Appeal have each established a framework to enable a party to proceed in the official language of the party's choice. While having the same objective, their frameworks are very different.

The right to judicial bilingualism in English and French has been implemented by the Court of Queen's Bench through its language policies. The court has policies on the translation of court documents and the interpretation of its proceedings. Queen's Bench Rules which apply when a person does not understand the language which is being used in a proceeding support the court's language policies. However, the Rules do not specifically address any issue related to the interpretation of proceedings from English to French or from French to English.

In contrast, the Court of Appeal has established a framework for judicial bilingualism in its proceedings through its rules. Part III, *The Court of Appeal Language Rules*, more specifically Court of Appeal Rules 109 - 125, provide the framework for a party to exercise the right to use English or French in its proceedings.

B. COURT OF QUEEN'S BENCH

Evidence at Trial

There is no Queen's Bench Rule that confirms the entitlement of a litigant to proceed in English or in French which is granted by section 23 of the *Manitoba Act, 1870*. The Rules are limited to providing interpretation assistance where a person does not understand the language of the proceeding.

Rules 53.01(3) and 53.01(4) apply to providing evidence during a trial. Rule 53.01(3) states:

Where a witness does not understand the language or languages in which the examination is to be conducted... a competent and independent interpreter shall, before the witness is called, take an oath or make an affirmation to interpret accurately the administration of the oath or affirmation to the witness, the questions put to the witness and the answers of the witness.

The Supreme Court of Canada has commented in regard to the purpose of providing interpretation. In *R. v. Tran*, [1994] 2 S.C.R. 951 at paragraph 41, the Supreme Court stated, "Ultimately, the purpose of the right to interpreter assistance is to create a level and fair playing field, not to provide some individuals with more rights than others."

Rule 53.01(4) states:

Where an interpreter is required under subrule (3), the party calling the witness shall provide the interpreter.

However, in advising a client of his/her language rights, a lawyer should be aware that where any party or witness to a civil proceeding requires interpretation from one official language to the other, that person shall receive that service at no cost from Translation Services (Manitoba Justice - Courts Division Policy: Interpretation Services in the Official Languages).

In furtherance of the rights granted in section 23 of the *Manitoba Act*, 1870, the Court of Queen's Bench has developed policies for translation and interpretation. The Queen's Bench Rules are silent in regard to Translation Services providing interpretation services at no cost during a trial.

Contrast the Queen's Bench Rules concerning interpretation at trial with the Ontario Rules of Civil Procedure under the *Courts of Justice Act*, R.S.O. 1990, c. C.43. Ontario Rule 53.01(6) states:

Where an interpreter is required under subrule (5), the party calling the witness shall provide the interpreter, unless the interpretation is to be from English to French or from French to English and an interpreter is provided by the Ministry of the Attorney General (emphasis added).

Taking into account the language guarantees provided by section 23 of the *Manitoba Act*, 1870 and the obligation imposed upon lawyers by the Language Rights Rule, it would be

helpful for Rule 53.01(4) to provide that interpretation at trial from English to French or from French to English is provided by Translation Services.

C. COURT OF APPEAL

A lawyer advising a client in regard to language rights should be aware that Part III of the Court of Appeal Rules (Man. Reg. 555/88 R) is *The Court of Appeal Language Rules*. They provide the procedural framework for exercising language rights guaranteed by section 23 of the *Manitoba Act, 1870*.

The language rules are Court of Appeal Rules 109 - 125. Rule 111 specifies that any document that commences a proceeding in the Court of Appeal shall be in English or in French.

Rules 112 - 115 apply when a Notice of Appeal is filed. Rule 112 prescribes that the initiating document must have an attached form, Form 1 in Schedule C which is a "Notice of Intent to Exercise Language Right". It informs a responding party that he/she may use either English or French in the proceeding.

The form states, in part:

You have a right to use either the English or the French language even where the attached document is in the other language, but in order to exercise your right you are required within 21 days of service of this document on you to file with the registrar of the court a notice of your intention to do so... If you do not file a notice of your intention to exercise your right, the appeal will continue in the language of the attached document... (*emphasis added*).

In the event that a responding party wishes to use English or French where it was not the language of the initiating document, Rule 113 specifies that a party is to file a notice with the Registrar of the Court of Appeal to determine the language directions on appeal.

It is Rule 113 that provides a time limitation of "within 21 days of service of an initiating document" for filing this notice with the Registrar. Rule 114 states:

Where no notice to determine language direction is filed under rule 113, the appeal shall continue in the language of the initiating document, unless a judge otherwise orders.

It is important to note that Rule 115 provides that this time limit may be enlarged.

Rule 113 which specifies the 21 day time limitation has not been tested. It is difficult to accept that the constitutional right of a litigant to bilingualism can be lost for failure to file in a timely manner a notice with the Registrar to determine language directions. Hopefully, if the time limit of 21 days was not satisfied by a litigant, a judge would exercise discretion pursuant to Rule 115 to extend the time for filing.

Rule 120 provides that:

An order of language directions shall regulate the mode of exercise of the right to use French and English in the proceeding.

The registrar or a judge may make an order of language directions. If the parties were consenting to the appeal proceeding in English or French, the Registrar, Douglas McCoy would be able to make the order. In the event that the parties were not in agreement, the matter would appear on the Court of Appeal's motions list which would be on a Thursday at 10:00 a.m. where a judge would provide language directions.

An order of language directions may provide for the translation of any document in English or in French (Rule 121). Section 32 of *The Court of Appeal Act*, C.C.S.M. c. C240 grants the power to a judge of the court to extend time limits for filing documents to allow for translation of any document from French into English or English into French.

An order of language directions may also, as specified in Rule 122, "...require the Department of the Attorney-General to supply interpreters for an oral hearing..."

Reasons for judgment and judgments of the court may also be delivered in both languages where an order of language directions has been made (Rule 124).

Lawyers providing advice in regard to language rights should be aware of this comprehensive framework for ensuring judicial bilingualism.

D. CONCLUSION

The Language Rights Rule requires a lawyer, when appropriate, to inform a client of his/her language rights which includes "...the right to proceed in the official language of the client's choice." A lawyer in fulfilling his/her obligation to a client should be aware that the Court of Queen's Bench and the Court of Appeal have each established a framework to enable litigants to proceed in the official language of their choice. The bilingual language framework of the Court of Queen's Bench is built upon its language policies; the Court of Appeal upon its Language Rules.

DEALING WITH FRENCH CLIENTS IN A SOLICITOR'S PRACTICE IN MANITOBA

Alain L. J. Laurencelle
Taylor McCaffrey LLP

Even though your client would prefer proceeding in French, most of the time the other party and opposing counsel have limited or no ability to function in French. Are there acceptable work-arounds to this situation?

1 A SOLICITOR PRACTICING IN MANITOBA WHO HAS FRENCH CLIENTS SHOULD KNOW:

- (a) there are dialects, slangs and nuances in spoken and written French in different regions of our Province;
- (b) there are significant variations in the level of comprehension of English amongst different generations of Franco-Manitobans, and also between urban and rural Franco-Manitobans (ie, the influence of the Jesuit Priests education, Le Juniorat, Le Petit Séminaire, le Collège de Saint-Boniface, etc.);
- (c) there is a lack of good/current legal precedents in French (Ontario, New Brunswick);
- (d) there is a shortage of fluently bilingual paralegal(s) and legal assistants;
- (e) because of the reasons stated above, there can be delays, more work and additional costs associated with proceeding in French;
- (f) the majority of solicitors in Manitoba who have received their Common Law Degree (LLB) in French studied at the Faculty of Law of either the University of Ottawa or the Université de Moncton; and,
- (g) there has been a steady increase in immigration to Manitoba of people from Quebec, Africa and other francophone countries.

2 NEW FRANCOPHONE IMMIGRANTS FACTORS:

- (a) Student Visas, Université de Saint-Boniface; L'Accueil Francophone de la SFM; L'Association des municipalités bilingues du Manitoba inc.; Centralia (World Trade Centre of Winnipeg);
- (b) For some, their level of French is highly sophisticated;

- (c) For others, French is not always their first, or even second, language, but the only one that they might know enough to be able to function in Manitoba;
- (d) Many of these immigrants chose to immigrate to Manitoba because, amongst other reasons, this Province has the largest francophone population in Western Canada with the infrastructures (ie, education, banking, cultural, businesses, etc.) and linguistic rights to support it;
- (e) They may not speak or understand English very well;
- (f) Understandably, they come with their own perceptions and biases;
- (g) There can be significant cultural and social differences which effect their understanding of Canadian realities, including its legal system(s);
- (h) New immigrant (Fr) to new immigrant (Fr), no excuses. It may not be reasonable nor justifiable to do the transaction in English if both parties indicate their decision (preference?) to proceed in French. Potential ethical risk if at a later date issues arise from the transaction and comprehension of the legal documents (ie, rights and obligations, reps and warranties, etc.) is called into question by one of the parties because of his/her lack of knowledge of the English language.

3 WHAT EFFECT(S) COULD THE NEW LANGUAGE RIGHTS PROVISIONS IN THE CODE OF PROFESSIONAL CONDUCT HAVE ON SOLICITORS WHO ARE DEFINITELY COMPETENT TO HANDLE A FILE BUT WHO HAVE LIMITED ABILITIES (SPEAK, READ AND/OR WRITE) IN FRENCH?

- (a) Providing a valuable legal service to the client with only those linguistic tools at your disposal (pros and cons/risks);
- (b) The remote area situation;
- (c) Are francophone clients better served if those solicitors are dissuaded, hesitate or refuse, to handle their file because of a language issue?; and,
- (d) Can a business case be made for new hires and/or collaborations between Manitoba/Other Canadian Provinces law firms?

4 RELATED ISSUES:

- (a) Can you charge a client extra for having to deal with what would normally be a standard file, but in French?
- (b) Can/should you act as a witness or a notary if the document is in French?

- (c) The use of translation services to ensure an acceptable level of comprehension. Is the translator capable of understanding the regional dialects, slangs and nuances? Certified translator with professional liability insurance? Is there a need to have the client acknowledge or confirm his understanding of the translation with the translator?
- (d) Does your professional liability insurance cover you for your own translation of a legal document (legal negligence?);
- (e) Has the Law Society of Manitoba's Complaints Resolution Department ever dealt with language issues as part of a complaint? Can we glean any guiding principles from these situations about the standard of professional conduct that might be expected of solicitors in the face of a breach of Language Rights rules?

THE NEW LANGUAGE RIGHTS RULE IN MANITOBA'S CODE OF PROFESSIONAL CONDUCT

Denis Guénette

Justice Manitoba, Legal Services Branch

A. LANGUAGE RIGHTS

One aspect of language rights is the right of a citizen to deal with Government in one's chosen language (English or French). The right belongs to individuals and entities alike. The rights are divided by orders of Government.

Canada:

- *Canadian Charter of Rights and Freedoms*, ss. 16 to 19.
- *Official Languages Act (Canada)*.

Manitoba:

- *The Manitoba Act*, 1870, s. 23.
- * * See also *The Francophone Community Enhancement and Support Act*, S.M. 2016, c. 9, in force since June 30, 2016 * *

B. RECALL: THE THREE BRANCHES OF GOVERNMENT

Legislative:

- Federal
 - Bills may be debated in either language.
 - Laws are enacted and made in both languages.
 - Both versions are equally authoritative.
- Manitoba
 - Bills may be debated in either language.
 - Laws are enacted and made in both languages. See:
 - Forest (SCC, 1979); Bilodeau (SCC, 1986); Language Ref. (SCC, 1992).
 - Both versions are equally authoritative.

Executive:

- Federal
 - Executive government operates with citizens bilingually.
- Provincial
 - Executive government operates with citizens bilingually. See:
 - Rapport Chartier ("Above All, Common Sense", May 1998).
 - French Language Services Policy (March 1999).
 - Fact Sheet on Administrative Tribunals.
 - Ad now, S.M. 2016, c. 9.

Judicial:

- Federal: Federally-administered Courts are bilingual:
 - Federal Court; Tax Court; other federally-established courts.
- Provincial: Provincially-administered Courts are bilingual:
 - Criminal Courts (QB, Provincial Court), see
 - *Criminal Code* ss. 530 to 533.1 – “Language of the accused”.
 - *R. v. Beaulac* (SCC, 1999).
 - Civil Courts (QB)
 - *The Manitoba Act, 1870*, s. 23.

C. WHAT ABOUT CIVIL LITIGATION IN FRENCH IN MANITOBA?

The judicial branch of Government – the QB and the CA – is very much alive to language rights in civil litigation. They have organized themselves accordingly. They receive the litigant according to the litigant’s choice.

The client has the choice of language. It is not the discretion of the lawyer. “Client” includes:

- An individual.
- An organization or entity.

When the client is an organization or entity, how does it exercise its language right?

- Does the organization have a standing policy?
- Does the instructing officer choose the language?
- Should the matter be raised with the Board of Directors?

NOTE regarding Government and civil litigation:

- Government itself has its own right to choose language.
- BUT, where it is a responding party, it may attempt to respond in the litigant's choice of language.
- However, there might be some public agencies that will have a specific francophone mandate. They might choose to litigate in French as a matter of principle – regardless of the other litigant's choice of language.

Beyond Government, some entities have an obvious Francophone mandate. Some are public institutions. Others are community-based organizations. In addition, some Manitoba businesses self-identify as serving the francophone population in Manitoba. Moreover, there are some broad-based businesses that have a wide-ranging clientele, and they make a point of serving their customers in the customer's language of choice.

QUESTION:

How should these entities be advised of their language rights for civil litigation?

In Manitoba, it has been far too easy for lawyers to forget about French as an option in civil litigation. While every client has the right to choose, they need to be reminded that they have that choice.

Lawyers now have an ethical duty to inform each of our clients of these language rights in the civil courts.

D. WHAT ABOUT PRACTICE BEFORE ADMINISTRATIVE TRIBUNALS?

Administrative tribunals are an extension of the Executive Branch of Government, not the Judicial Branch.

Generally, for the provincial Government this has fallen within the French Language Services Policy. Moreover, in August 2006 Manitoba issued a "Fact Sheet" regarding its intention to appoint more bilingual individuals to sit on administrative tribunals. This has now been reinforced by *The Francophone Community Enhancement and Support Act*, S.M. 2016, c. 9, in force since June 30, 2016.

For federal boards and agencies, a starting point might be the administrative tribunal itself, or perhaps the *Official Languages Act*.

The lawyer's ethical duty regarding language rights before administrative tribunals presumably begins by advising the client of the right to proceed in the language of choice.

E. WHAT DOES IT MEAN FOR THE CLIENT TO “EXERCISE THE RIGHT”?

There is no singularly correct answer. It can have several aspects to it. Ultimately, it should be included as a point of discussion between the lawyer and the client.

What are the client’s preferences in court?

- File pleadings and documents in the Registry in French?
- Have the lawyer speak in open court in French?
- Testify as a witness in French? In court? In out-of-court procedures (e.g. exam for discovery; cross-exam on affidavit)?
- Have the lawyer ask questions of all witness in French?
- Have the lawyer speak in French in chambers procedures?

Beyond Court:

- Will the client want to speak to and give instructions to the lawyer in French?
- Will the client want to have the lawyer communicate with other lawyers (or parties) in French?
- Will an institutional client expect all of its employees to testify in French? Or will it allow them to choose their own language?

F. OBSERVATIONS:

The practical reality in Manitoba is that where a language right has been exercised by a party to proceed in French, civil litigation will be **bilingual**. It will rarely be unilingual French.

In light of the bilingual reality, there may be room to be practical and flexible. Perhaps:

- Written correspondence between the lawyers might occur in the language that is commonly understood.
- Appearances in chambers need not require oral translation.
- Ask questions of witnesses in the witness’s chosen language.

Ultimately, the client presumably gets to choose.

Where the client has chosen to proceed in French, the lawyer should be vigilant about **routinely reminding** all parties involved – including the court – of the bilingual realities of the case:

- File the originating pleading in French. That is the best way to declare the choice.

- Consider whether a request should be made for a bilingual judge at these stages:
 - Case management and other procedures that occur in chambers.
 - Pre-trial motions.
 - Mediation / JADR.
 - Trial.

There probably is no singularly correct answer to all of these questions for all cases.
These are all points that should be discussed with the client.

Court Notices and Policies

- Notice – Court of Queen’s Bench
- Avis - Cour du Banc de la Reine
- Policy on the Translation of Documents Filed with the Court, Manitoba Justice – Courts Division
- Politique sur la Traduction des Documents Déposés Auprès du Tribunal - Justice Manitoba, Division des tribunaux
- Policy on Interpretation Services in the Official Languages, Manitoba Justice - Courts Division
- Politique - Justice Manitoba, Division des tribunaux

NOTICE

COURT OF QUEEN'S BENCH

RE: Information to Facilitate the Scheduling of Hearings Requiring French Language Interpretation in all Court of Queen's Bench Court Locations

Where there is no Crown Attorney involvement, Counsel or the self-represented party must make it known to the appropriate Court of Queen's Bench Motion/Hearing/Trial Coordinator when interpretation services in the French language are required.

Prior to any dates being provided, the coordinator must ensure the availability of Interpretation Services and a French speaking Judge. Assignment of a French speaking Court Clerk/Monitor will follow.

Counsel or the self-represented party is also asked to provide background material (such as copies of court documents and/or material that will be relied on at hearing) to the same Court of Queen's Bench Motion/Hearing/Trial Coordinator. Preferably this information should be provided two weeks prior to the hearing date so that it can be forwarded to the interpreters for their pre-court preparation.

Where there is Crown Attorney involvement, the appropriate Crown Attorneys Office will continue to coordinate their own interpretation request with Translation Services before contacting the appropriate Court of Queen's Bench Motion/Hearing/Trial Coordinator to obtain a hearing date before a French speaking Judge. Assignment of a French speaking Court Clerk/Monitor will follow.

Crown Counsel will continue to provide any background material directly to the Interpreters for their pre-court preparation within the same two week timeline.

A list of the Court Coordinators for Queen's Bench courthouses across the province is attached to this Notice for easy reference and to facilitate arrangements.

ISSUED BY:

Original signed by

**Chief Justice Marc Monnin
(Manitoba)**

DATE: November 2007

**COURT OF QUEEN'S BENCH
COURT COORDINATORS LIST**

| Location | Address | Coordinator | Phone # |
|---|---|--|--|
| Winnipeg | Main Floor, 408 York Avenue Winnipeg, MB R3C 0P9 | - Case Management Coordinator - Civil Motions Coordinator - Criminal Motions Coordinator - Family Motions Coordinator - Masters' Motions Coordinator - Civil & Criminal Trial Coordinator - Family Trial Coordinator - Small Claims Coordinator | 945-7853/2539 945-3043/8697 945-3040/8697 945-4209/2539 945-0994 945-8697 945-2539 945-5383 |
| St. Boniface | 227 Provencher Blvd St. Boniface, MB R2H 0G4 | Case Coordinator | 945-8010 |
| Brandon Includes scheduling for: - Minnedosa - Virden | 100-1104 Princess Avenue Brandon, MB R7A 0P9 | Trial Coordinator | 1-204-726-6134 |
| Dauphin | 114 River Avenue West Dauphin, MB R7N 0J7 | Trial Coordinator | 1-204-622-2200 |
| Flin Flon | 104-143 Main Street Flin Flon, MB R8A 1K2 | Trial Coordinator | 1-204-687-1670 |
| Morden | 301 Wardrop Street Morden, MB R6M 1X6 | Trial Coordinator | 1-204-822-2882 |
| Portage la Prairie | 25 Tupper Street North Portage la Prairie, MB R1N 3K1 | Trial Coordinator | 1-204-239-3383 |
| Selkirk | 101-235 Eaton Avenue Selkirk, MB R1A 0W7 | Trial Coordinator | 1-204-785-5078 |
| Swan River | 201 – 4 th Avenue South Swan River, MB R1A 0W7 | Trial Coordinator | 1-204-734-2252 |
| The Pas | 300-3 rd Street East The Pas, MB R9A 1L2 | Trial Coordinator | 1-204-627-8420 |
| Thompson | 59 Elizabeth Road Box 34 Thompson, MB R8N 1X4 | Trial Coordinator | 1-204-677-6757 |

COURT OF APPEAL – Trial Coordinator can be contacted at 945-2647 (Winnipeg)

AVIS

COUR DU BANC DE LA REINE

OBJET : Renseignements destinés à faciliter l'organisation d'audiences nécessitant de l'interprétation en français dans tous les lieux où siège la Cour du Banc de la Reine

Lorsque aucun procureur de la Couronne ne fait partie du processus, l'avocat ou la partie qui se représente elle-même doit informer le coordonnateur des motions, des audiences et des procès de la Cour du Banc de la Reine de la demande de services d'interprétation en français.

Avant de fournir une date, le coordonnateur doit s'assurer que des services d'interprétation et un juge francophone sont disponibles. La désignation d'une greffière-surveillante francophone suivra.

L'avocat ou la partie qui se représente elle-même doit également fournir de la documentation (telle que des copies des documents judiciaires ou de tout document qui sera cité au cours de l'audience) au même coordonnateur des motions, des audiences et des procès de la Cour du Banc de la Reine. Il faudrait de préférence fournir ces renseignements deux semaines avant la date de l'audience afin d'être envoyés aux interprètes et de leur permettre de s'y préparer.

Lorsqu'un procureur de la Couronne fait partie du processus, le bureau du procureur de la Couronne fait le suivi de la demande de services d'interprétation qu'il a lui-même déposée auprès du Service de traduction. Ensuite, il communique avec le coordonnateur des motions, des audiences et des procès approprié afin d'obtenir une date d'audience, puis la participation d'un juge francophone. La désignation d'une greffière-surveillante francophone suivra.

Dans ce cas aussi, le procureur doit fournir toute documentation existante directement aux interprètes deux semaines avant la date de l'audience, afin de leur permettre de s'y préparer.

Une liste des coordonnateurs des audiences judiciaires des palais de justice du Banc de la Reine de la province est jointe à cet avis pour faciliter la recherche d'information et l'organisation des audiences.

Émis par :

Document original signé par

**Marc Monnin, juge en chef
(Manitoba)**

DATE : Novembre 2007

COUR DU BANC DE LA REINE
LISTE DES COORDONNATEURS DES AUDIENCES JUDICIAIRES

| Lieu | Adresse | Coordonnateur | Téléphone |
|---|---|--|--|
| Winnipeg | 408, av. York, rez-de-chaussée Winnipeg (Manitoba) R3C 0P9 | - Coordonnateur de la gestion des cas - Coordonnateur des motions en droit civil - Coordonnateur des motions en droit criminel - Coordonnateur des motions en droit de la famille - Coordonnateur des motions des conseillers-maîtres - Coordonnateur des procès civils et criminels - Coordonnateur des procès en matière familiale - Coordonnateur des petites créances | 945-7853/2539 945-3043/8697 945-3040/8697 945-4209/2539 945-0994 945-8697 945-2539 945-5383 |
| St.Boniface | 227, boulevard Provencher St.Boniface (MB) R2H 0G4 | Coordonnateur des procès | 1-204-945-8010 |
| Brandon y compris pour les audiences prévues à : - Minnedosa - Virden | 1104, avenue Princess, bureau 100 Brandon (Manitoba) R7A 0P9 | Coordonnateur des procès | 1-204-726-6134 |
| Dauphin | 114, avenue River Ouest Dauphin (Manitoba) R7N 0J7 | Coordonnateur des procès | 1-204-622-2194 |
| Flin Flon | 143, rue Main, bureau 104 Flin Flon (Manitoba) R8A 1K2 | Coordonnateur des procès | 1-204-687-1670 |
| Morden | 301, rue Wardrop Morden (Manitoba) R6M 1X6 | Coordonnateur des procès | 1-204-822-2882 |
| Portage-la-Prairie | 25, rue Tupper Nord Portage-la-Prairie (MB) R1N 3K1 | Coordonnateur des procès | 1-204-239-3431 |
| Selkirk | 235, av. Eaton, bureau 101 Selkirk (Manitoba) R1A 0W7 | Coordonnateur des procès | 1-204-785-5078 |
| Swan River | 4iem, av. sud, bureau 201 Swan River (Manitoba) R0L 1Z0 | Coordonnateur des procès | 1-204-734-2252 |
| Le Pas | 300, 3 ^e Rue Est Le Pas (Manitoba) R9A 1L2 | Coordonnateur des procès | 1-204-627-8420 |
| Thompson | 59, chemin Elizabeth Thompson (Manitoba) R8N 1X4 | Coordonnateur des procès | 1-204-677-6757 |

COURT D'APPEL – Coordonnateur des procès 945-2647 (Winnipeg)

**MANITOBA JUSTICE - COURTS DIVISION
FRENCH LANGUAGE SERVICES
TRANSLATION OF COURT DOCUMENTS**

**POLICY ON THE TRANSLATION OF DOCUMENTS
FILED WITH THE COURT**

The purpose of this Policy is to allow parties to exercise their right to use either of Canada's official languages throughout court proceedings.

Translation of all court documents from one official language to the other is provided without costs to the parties at any time during the proceedings.

General Rule:

Translation of court documents is the responsibility of the Courts only after filing and will commence when:

1. an English document is filed with the Courts and the opposing party responds in French
2. a French document is filed with the Courts and the opposing party requests a translation before responding

Note: The translation of all documents filed in the above situations will continue throughout the proceedings until such time as English or French are indicated to be the language of preference either by order of the Court or by consent of the parties.

Note: Because translation of documents on a file may vary from the General Rule (such as a party requesting the translation of a specific court document later in the proceedings), each file will be dealt with on an individual basis.

All official document translations are provided by:

**Translation Services
Culture, Heritage & Tourism
213 Notre Dame Avenue
Winnipeg, Manitoba. R3B 1N3
Phone: 945-3096
Fax: 945-5879
Email: Translation@gov.mb.ca**

All Translation Requests are to be forwarded by court staff to the *French Language Services Coordinator*, whom is authorized to deal directly with Translation Services.

All Translation Request Forms and Documents are preferred and should be e-mailed to the *French Language Services Coordinator*:

Stephanie.Holfeld@gov.mb.ca

If the Hardcopy Document cannot be scanned and sent electronically, you should e-mail the *Translation Request Form* and then either fax or courier the document along with a copy of the *Translation Request Form* directly to the ***French Language Services Coordinator***:

**Stephanie Holfeld
French Language Services Coordinator
100 – 614 Des Meurons Street
St. Boniface (MB) R2H 2P9
Phone 945-2203
Fax 948-3020**

PROCEDURE FOR THE TRANSLATION OF COURT DOCUMENTS FILED WITH THE COURT

DOCUMENT TRANSLATION REQUIRED

If a document requires translation as per the French Language Services Policy on Translation of Court Documents, proceed as follows:

The Court of Appeal or Court of Queen's Bench staff member will:

1. add the filed document(s) to the Court Registry System followed by numbering, initializing and stamping
2. indicate in the corresponding notes field (following the required information) the additional information that the document has been sent for translation [Example: SENT FOR FRENCH TRANSLATION 03AUG2004]
3. activate the *French Language Services ALERT* in the Court Registry System - specify in the Alert notes field the type of French Service required for that file, ie: translation of (specify document(s) by name and filing date), French Interpreters required, French hearings, etc.
Note: The French Language Services Alert remains active to notify or remind staff members that the file requires some form of French Language Service
4. make a copy of the document(s)
5. prepare the **Internal Translation Request Form** and keep a copy until receipt of the completed translation. Any Court staff member requesting a translation is to use the "Special Instructions" box to provide additional information to be forwarded to the translator or court staff when the completed work is returned to them for processing, such as special urgency for request, distribution of copies and/or notification requirements.
6. forward the request form and copy of the document(s) being translated to the **French Language Services Coordinator**.

NOTE: All Queen's Bench Centres in Manitoba are presently on the Court Registry System and they are all to adapt this procedure record keeping process.

The Provincial Court staff member will:

1. make a copy of the document(s)
2. prepare the **Internal Translation Request Form** and keep a copy until receipt of the completed translation. The Provincial Court staff member is to use the "Special Instructions" box of the request form to assist their staff members with follow-up instructions on receipt of the translation, attaching a copy of the request for translation to the original provincial court document for future reference (to be removed only when the translation has been received and attached to the original).
3. forward the request form and copy of the document(s) being translated to the **French Language Services Coordinator**.

The French Language Services Coordinator will:

1. verify the completion of the **Internal Translation Request Form**
2. prepare an electronic Request for Translation form and forward it to Translation Services
3. keep a detailed electronic record of each request throughout the process

DOCUMENT TRANSLATION COMPLETED

Upon translation of the document being completed and returned to the French Language Services Coordinator

The French Language Services Coordinator will:

1. forward the translated document to the requesting Court staff member
2. keep a copy for the FLS file
3. update the electronic record

The Court of Appeal or Court of Queen's Bench staff member will:

1. date stamp the translated document
2. affix the same assigned document number as the original filed document
3. update or arrange to have updated the original document notes field on the Court Registry System by removing the notation "SENT FOR FRENCH TRANSLATION 03AUG2004" and inserting a notation such as "FRENCH TRANSLATION ATTACHED 19AUG2004"
4. staple the translated version of the document behind the original document
5. distribute copies to all relevant parties to the request as specified in the "Special Instructions" box
6. seek further direction from supervisor when necessary

NOTE: All Queen's Bench Centres in Manitoba are presently on the Court Registry System and they are all to adapt this procedure record keeping process.

The Provincial Court staff member will:

1. staple the translated version of the document behind the original document after removing the copy of the Request Form
2. distribute copies to all relevant parties to the request as specified in the "Special Instructions" box
3. seek further direction from supervisor when necessary

COPY OF A TRANSLATED DOCUMENT REQUESTED BY A PARTY

In the event one of the parties requests a copy of a translated document on file, proceed as follows:

The Court of Appeal and Court of Queen's Bench staff member will:

1. prepare a requisition form at NO COST
2. copy the document at NO COST
3. add the requisition on the Court Registry System and in the notes field provide clear information about what was copied and to whom it was provided as follows:
[Example: COPY OF FRENCH AFFIDAVIT OF JOHN ENGLISH, SWORN 02FEB2003, PROVIDED TO JANE FRENCH]

NOTE: All Queen's Bench Centres in Manitoba are presently on the Court Registry System and they are all to adapt this procedure record keeping process.

The Provincial Court staff member will:

1. copy the document at NO COST and record on the original document the date and to which party it was provided

COPY OF TRANSLATED DOCUMENT REQUESTED BY PUBLIC

All regular Service Fees apply.

**POLICY AND PROCEDURE FOR THE TRANSLATION OF
INTERNAL DOCUMENTS TO BE
POSTED IN THE COURTHOUSE,
HANDED TO THE PUBLIC,
USED BY THE PUBLIC
OR
DISTRIBUTED OUTSIDE THE COURTHOUSE**

When there is a requirement for translation of:

- any internal document within Courts Division, which may require public distribution or publication, such as; notices, written judgments, brochures, etc., or
- general correspondence, form letters, letterheads, certificates, electronic forms (not including JetForm documents), or specific wording within a document, etc.

The Court staff member will:

1. prepare the **Internal Translation Request Form**
2. forward an electronic copy of the document to be translated along with a request form to the **French Language Services Coordinator**

The French Language Services Coordinator will:

1. verify the completion of the **Internal Translation Request Form**
2. prepare an electronic Request for Translation form and forward it to Translation Services
3. keep a detailed electronic record of each request throughout the process
4. upon receipt of the translation, forward the translated document to the requesting Court staff member for further action as required
5. keep a copy for the FLS file
6. update the electronic record

VERY IMPORTANT: For in-house documents, the Court staff member (or Section Manager) is responsible for keeping a record of the Translation Services Reference Number with the corresponding English and French documents in the event future revisions are required. This will eliminate duplication of a translation service already provided and misuse of our allotted yearly word count. Any modifications (no matter how minor) made to an English or French document after translation are to be highlighted and provided to Translation Services through the French Language Services Coordinator in order that both offices are in possession of the latest version of any and all documents in anticipation of future revisions.

TRANSLATION REQUEST FORM

| | |
|--|--------------------------------------|
| Requester Information | |
| Date: Contact Person: Phone Number: Branch: Address: | Fax Number: Department of Justice |
| Document Information | |
| Document Title: MG Number (if applicable): Source Language: | Target Language: |
| Special for Court Registry Documents: If the document you have requested to be translated is a Court Registry document, you are responsible for ensuring the update of the document's notesfield and the activation of the file's FLS Alert function as specified in the "Policy and Procedure for the Translation of Documents". | |
| Provide Document Word Count | |
| Time Estimate Based on Your Word Count Above <small>(ASAP not acceptable)</small> 1 – 500 words – 5 working days 500 – 3000 words – 10 working days 3000 words or more – 21 working days | |
| <small>Electronic Word Count – Go to Tools and select Word Count</small> <small>Manual Word Count = Count all words in one average line and multiply by the amount of lines in an average page and multiply by the # of pages</small> | |
| Type of Service Required (Copy and paste the following Symbol to indicate your box selections ■) | |
| <input type="checkbox"/> Translation <input type="checkbox"/> Update <input type="checkbox"/> Revision <input type="checkbox"/> Voice Recording <input type="checkbox"/> Proof | |
| Is this Internet Material? <input type="checkbox"/> No <input type="checkbox"/> Yes – Internet URL or Address is: | |
| Has this document been translated before? <input type="checkbox"/> No <input type="checkbox"/> Yes – Last Translation Services Reference Number is: | |
| Special Formatting <input type="checkbox"/> No <input type="checkbox"/> Yes – Details: | |
| Delivery Method <input type="checkbox"/> E-mail <input type="checkbox"/> Courier (paid by client) <input type="checkbox"/> Fax <input type="checkbox"/> Client pick up <input type="checkbox"/> Interdepartmental mail | |
| Special Instructions <small>Additional information to be forwarded to assist the translator or to assist you when the completed work is returned.</small> | |

Send this *Translation Request Form* along with document being translated
by e-mail to the *French Language Services Coordinator*
Stephanie.Holfeid@gov.mb.ca
100 – 614 Des Meurons Street
St. Boniface (MB) R2H 2P9
Phone 945-2203
Fax 948-3020
Revised April 2012

**JUSTICE MANITOBA – DIVISION DES TRIBUNAUX
SERVICES EN FRANÇAIS
TRADUCTION DES DOCUMENTS DE PROCÉDURE**

**POLITIQUE SUR LA TRADUCTION DES DOCUMENTS DÉPOSÉS
AUPRÈS DU TRIBUNAL**

Le but de la présente politique est de permettre aux parties d'exercer leur droit d'utiliser l'une ou l'autre des langues officielles du Canada dans le cadre d'instances judiciaires.

La traduction de tous les documents de procédure d'une langue officielle à l'autre est fournie gratuitement aux parties à tout moment durant la procédure.

Règle générale :

La traduction des documents de procédure incombe aux tribunaux et est enclenchée par :

1. le dépôt au tribunal d'un document en anglais auquel la partie adverse répond en français;
2. le dépôt au tribunal d'un document en français dont la partie adverse demande la traduction avant de répondre.

Remarque – La traduction de tous les documents déposés dans les circonstances susmentionnées se poursuivra durant la procédure jusqu'à ce que le tribunal ordonne ou que les parties consentent à ce que l'anglais ou le français soit la langue de choix.

Remarque – Étant donné que la traduction de documents faisant partie d'un dossier peut s'écartier de la règle générale (par exemple, une partie peut demander la traduction d'un document particulier à un stade ultérieur de la procédure), chaque dossier sera traité individuellement.

Toutes les traductions officielles de documents sont fournies par le :

**Service de traduction
Culture, Patrimoine et Tourisme
213, avenue Notre Dame
Winnipeg (Manitoba) R3B 1N3
Tél. : 204 945-3096
Télécopieur : 204 945-5879
Courriel : translation@gov.mb.ca**

Le personnel du tribunal doit transmettre toutes les Demandes de services de traduction à la coordonnatrice des services en français, laquelle est autorisée à transiger directement avec le Service de traduction provincial.

Il est recommandé d'utiliser les formules de Demande de services de traduction et les documents connexes, le tout devant être envoyé par courriel à la coordonnatrice des services en français :

Stephanie.Holfeld@gov.mb.ca

Si vous ne pouvez pas numériser un document papier et l'envoyer de façon électronique, vous devriez envoyer la Demande de services de traduction par courriel, puis envoyer le document par télécopieur ou par messager, accompagné d'une copie de la Demande de services de traduction, directement à la **coordonnatrice des services en français** :

Stéphanie Holfeld
Coordonnatrice des services en français
614, rue Des Meurons, bureau 100
Saint-Boniface (Manitoba) R2H 2P9
Téléphone : 204 945-2203
Télécopieur : 204 948-3020

PROCÉDURE DE TRADUCTION DES DOCUMENTS DE PROCÉDURE DÉPOSÉS AUPRÈS DU TRIBUNAL

TRADUCTION DE DOCUMENT REQUISE

Si un document de procédure doit être traduit en vertu de la politique sur les services en français relative à la traduction des documents, la procédure est la suivante :

Le membre du personnel de la Cour d'appel ou de la Cour du Banc de la Reine :

1. ajoute le document au registre du greffe, puis le numérote, le paraphe et l'estampille;
2. indique dans le champ de notes correspondant (après les renseignements requis) les renseignements additionnels indiquant que le document a été envoyé au Service de traduction [Exemple : ENVOYÉ POUR TRADUCTION EN FRANÇAIS 03AOÛT2004];
3. active l'ALERTE des services *en français* dans le registre du greffe et précise dans le champ de notes de l'alerte le type de service en français requis pour ce dossier, p. ex. : traduction de (préciser le nom et la date de dépôt du document), interprètes en langue française requis, audiences en français;

Remarque – L'alerte des services en français reste active pour informer les membres du personnel ou leur rappeler que le dossier requiert des services en français.

4. fait une copie du document;
5. prépare une **Demande de services de traduction (formule interne)** et en garde une copie jusqu'à la réception de la traduction. Tout membre du personnel du tribunal qui demande des services de traduction doit indiquer dans la case des consignes particulières les renseignements additionnels destinés au traducteur ou au personnel du tribunal chargé du traitement final de la demande après la prestation du service (p. ex., demande urgente, exigences en matière d'avis ou de distribution de copies);
6. envoie la formule de demande et une copie du document à traduire à la **coordonnatrice des services en français**.

REMARQUE – Tous les centres de la Cour du Banc de la Reine au Manitoba sont reliés au registre du greffe et doivent adopter cette procédure de tenue des dossiers.

Le membre du personnel de la Cour provinciale :

1. fait une copie du document;
2. prépare une **Demande de services de traduction (formule interne)** et en garde une copie jusqu'à la réception de la traduction. Le membre du personnel de la Cour provinciale doit utiliser la case des consignes particulières figurant sur la demande de services de traduction pour aider ses collègues à faire le suivi après la réception de la traduction. Il doit aussi joindre une copie de la demande de services de traduction au document original de la Cour provinciale à titre de référence ultérieure. (Cette copie ne sera retirée que lorsque la traduction aura été reçue et jointe au document original);
3. envoie la formule de demande et une copie du document à traduire à la **coordonnatrice des services en français**.

La coordonnatrice des services en français :

1. vérifie que la **Demande de services de traduction (formule interne)** est bien remplie;
2. prépare une Demande de services de traduction en ligne et l'envoie au Service de traduction;
3. conserve un dossier électronique détaillé de chaque demande pendant toute la procédure.

TRADUCTION DE DOCUMENT TERMINÉE

Une fois que la traduction est terminée et a été envoyée à la coordonnatrice des services en français

La coordonnatrice des services en français :

1. envoie la traduction au membre du personnel du tribunal qui a fait la demande;
2. garde une copie pour le dossier des services en français;
3. met à jour le dossier électronique.

Le membre du personnel de la Cour d'appel ou de la Cour du Banc de la Reine :

1. appose le timbre à date sur la traduction;
2. appose le même numéro de dossier que celui du document original déposé;
3. met à jour ou demande à quelqu'un de mettre à jour le contenu du champ de notes du document original dans le registre du greffe en supprimant la mention « ENVOYÉ POUR TRADUCTION EN FRANÇAIS 03AOÛT2004 » et en insérant une mention telle que « TRADUCTION FRANÇAISE JOINTE 19AOÛT2004 »;
4. agrafe la traduction derrière le document original;
5. distribue des copies à toutes les parties visées par la demande, selon les indications figurant dans la case des consignes particulières;
6. demande d'autres directives à son superviseur le cas échéant.

REMARQUE – Tous les centres de la Cour du Banc de la Reine au Manitoba sont reliés au registre du greffe et doivent adopter cette procédure de tenue des dossiers.

Le membre du personnel de la Cour provinciale :

1. agrafe la traduction derrière le document original après avoir enlevé la copie de la demande de services;
2. distribue des copies à toutes les parties visées par la demande, selon les indications figurant dans la case des consignes particulières;
3. demande d'autres directives à son superviseur le cas échéant.

COPIE DE TRADUCTION DEMANDÉE PAR UNE PARTIE

Si une des parties demande à obtenir une copie d'un document traduit faisant partie du dossier, la procédure est la suivante :

Le membre du personnel de la Cour d'appel et de la Cour du Banc de la Reine :

1. prépare une demande de réquisition SANS FRAIS;
2. fait une copie du document SANS FRAIS;
3. ajoute la réquisition au registre du greffe et indique clairement dans le champ de notes quel document a été copié et pour quel destinataire; [Exemple : COPIE DE LA VERSION FRANÇAISE DE L'AFFIDAVIT DE JOHN ENGLISH DATÉ DU 02FÉV2003, FOURNIE À JANE FRENCH].

REMARQUE – Tous les centres de la Cour du Banc de la Reine au Manitoba sont reliés au registre du greffe et doivent adopter cette procédure de tenue des dossiers.

Le membre du personnel de la Cour provinciale :

1. fait une copie du document SANS FRAIS et note sur le document original la date et la partie auxquelles le document a été fourni.

COPIE DE TRADUCTION DEMANDÉE PAR LE PUBLIC

Tous les frais de service ordinaires s'appliquent.

POLITIQUES ET PROCÉDURES VISANT LA TRADUCTION DES DOCUMENTS INTERNES QUI SERONT AFFICHÉS AU PALAIS DE JUSTICE, REMIS AU PUBLIC, UTILISÉS PAR LE PUBLIC OU DISTRIBUÉS À L'EXTÉRIEUR DU PALAIS DE JUSTICE

Lorsque la traduction des documents suivants est requise :

- tout document interne de la Division des tribunaux qui pourrait devoir être publié ou distribué au public, p. ex. des avis, des jugements écrits ou des brochures;
- la correspondance générale, les lettres types, les en-têtes, les certificats, les formules électroniques (exception faite des documents JetForm), les formulations tirées d'un document, etc.;

Le membre du personnel du tribunal :

1. prépare la **Demande de services de traduction (formule interne)**;
2. envoie une copie électronique du document à traduire accompagnée d'une formule de demande à la **coordonnatrice des services en français**.

La coordonnatrice des services en français :

1. Vérifie que la **Demande de services de traduction (formule interne)** est bien remplie;
2. prépare une Demande de services de traduction en ligne et l'envoie au Service de traduction;
3. conserve un dossier électronique détaillé de chaque demande pendant toute la procédure.
4. à la réception de la traduction, envoie celle-ci au membre du personnel du tribunal qui a fait la demande afin que d'autres mesures soient prises, le cas échéant;
5. garde une copie pour le dossier des services en français;
6. met à jour le dossier électronique.

TRÈS IMPORTANT – En ce qui concerne les documents internes, il incombe au membre du personnel du tribunal (ou au chef de section) de conserver le numéro de référence du Service de traduction ainsi que les documents anglais et français correspondants au cas où il faudrait faire des révisions. Cela évite la répétition des services de traduction déjà fournis et le gaspillage du compte de mots qui vous a été attribué. Toute modification (si mineure soit-elle) apportée à un document anglais ou français après la traduction doit être soulignée et communiquée au Service de traduction par l'entremise de la coordonnatrice des services en français afin que les deux bureaux soient en possession de la version la plus récente des documents, en prévision de toute révision.

DEMANDE DE SERVICES DE TRADUCTION

Renseignements sur le demandeur

Date :

Personne-ressource :

N° de téléphone :

N° de télécopieur :

Direction :

Ministère de la Justice

Adresse :

RENSEIGNEMENTS SUR LE DOCUMENT

Titre du document :

N° MG (le cas échéant) :

Langue de départ :

Langue d'arrivée :

Consigne réservée aux documents du greffe du tribunal – Si le document dont vous avez demandé la traduction est un document du greffe du tribunal, il vous incombe de veiller à la mise à jour du contenu du champ de notes du document et à l'activation de la fonction d'alerte des services en français, comme cela est indiqué dans les politiques et procédures visant la traduction des documents.

Fournir le nombre de mots du document

Délai à prévoir selon le nombre de mots indiqué ci-dessus

(« Dès que possible » n'est pas acceptable)

1 à 500 mots : 5 jours ouvrables

500 à 3000 mots : 10 jours ouvrables

3 000 mots et plus : 21 jours ouvrables

Comptage électronique : sous « Outils », sélectionner « Comptage des mots »

Comptage manuel : compter le nombre de mots dans une ligne moyenne, multiplier par le nombre de lignes sur une page moyenne, et multiplier par le nombre de pages

Type de service requis

(Copier et coller le symbole suivant pour indiquer vos choix de cases ■)

| | | | | |
|-------------------------------------|--------------------------------------|-----------------------------------|---|--|
| <input type="checkbox"/> Traduction | <input type="checkbox"/> Mise à jour | <input type="checkbox"/> Révision | <input type="checkbox"/> Enregistrement vocal | <input type="checkbox"/> Correction d'épreuves |
|-------------------------------------|--------------------------------------|-----------------------------------|---|--|

S'agit-il de contenu pour Internet?

- Non
- Oui – Quel est l'URL ou l'adresse Internet?

Ce document a-t-il déjà été traduit?

- Non
- Oui – Le dernier numéro de référence du Service de traduction est :

Formatage particulier

- Non
- Oui – Préciser :

Mode de livraison

- Courriel
- Messager (aux frais du client)
- Télécopieur
- Récupéré par le client
- Courrier interministériel

Consignes particulières

Renseignements additionnels destinés à aider le traducteur ou à vous aider à faire le suivi après la réception de la traduction

Envoyer la présente *Demande de services de traduction* accompagnée du document à traduire par courriel à la
coordonnatrice des services en français
Stephanie.Holfeld@gov.mb.ca
614, rue Des Meurons, bureau 100
Saint-Boniface (Manitoba) R2H 2P9
Téléphone : 204 945-2203
Télécopieur : 204 948-3020

**MANITOBA JUSTICE - COURTS DIVISION
INTERPRETATION SERVICES
IN THE
OFFICIAL LANGUAGES (French and English),
AMERICAN SIGN LANGUAGE / DEAF-BLIND INTERVENORS/NOTETAKERS
or NON-OFFICIAL LANGUAGES**

POLICY

Interpretation services in Manitoba are provided **at no cost** to the litigant in the following categories:

- A. Interpretation from one official language to the other for all criminal and civil proceedings
- B. Interpretation services for American Sign Language/English Interpreters and Deaf-Blind Intervenors/Notetakers to accommodate Deaf and Deaf-Blind Manitobans
- C. Interpretation services for non-official languages in criminal proceedings with Crown involvement (including outside counsel hired on the Crown's behalf)

Interpretation services in Manitoba are **at cost** to the litigant or requesting party in the following categories:

- D. Interpretation services for non-official languages in civil proceedings with Crown involvement
- E. Interpretation services for non-official languages in criminal and civil proceedings with no Crown involvement

PROCEDURE

PROVIDERS OF INTERPRETATION SERVICES

The Manitoba Government has **ALL** interpretation services from one official language to the other provided by **Translation Services ONLY**. Requests for interpretation must be made through an authorized government agency.

Interpretation Section Head
Translation Services
Culture, Heritage, Tourism and Sport
213 Notre Dame Avenue
Winnipeg, Manitoba. R3B 1N3
Phone: 945-3096
Fax: 945-5879
Email: Translation@gov.mb.ca

The Manitoba Government deals with the **E-Quality Communication Centre of Excellence (ECCOE)** to provide American Sign Language/English Interpreters and Deaf-Blind Intervenors/Notetakers to accommodate Deaf and Deaf-Blind Manitobans.

E-Quality Communication Centre of Excellence (ECCOE)
200 – 1 Forks Market Road
Winnipeg, Manitoba. R3C 4L9
Phone: 926-3271
After Hours Answering Service: 475-6332
TTY line: 452-0687
Fax: 452-0688
Email: candy@eccoe.com

The Manitoba Government deals with the **Language Bank** and the **E-Quality Communication Centre of Excellence (ECCOE)** to provide interpretation in the non-official languages only where there is Crown involvement (including outside counsel hired on the Crown's behalf).

Language Bank
Immigrant Centre Manitoba Inc.
100 Adelaide Street
Winnipeg MB R3A 0W2
Phone: 943-9158
After Hours & Weekends Phone: 943-7954
Fax: 949-0734
Email: mgribben@icmanitoba.com

E-Quality Communication Centre of Excellence (ECCOE)
200 – 1 Forks Market Road
Winnipeg, Manitoba. R3C 4L9
Phone: 926-3271
After Hours Answering Service: 475-6332
TTY line: 452-0687
Fax: 452-0688
Email: candy@eccoe.com

A. INTERPRETATION FROM ONE OFFICIAL LANGUAGE TO THE OTHER FOR ALL CRIMINAL AND CIVIL PROCEEDINGS (AT NO COST TO THE LITIGANT)

In Manitoba, any party or witness to a proceeding requiring interpretation from one official language to the other official language will receive the service at no cost from Translation Services ONLY.

Note: Interpretation for a witness is restricted to their testimony only.

Before setting a date, counsel or the self-represented party must make it known to the appropriate Motion/Hearing/Trial Coordinator (See Schedule A for the Court Coordinator List) that French/English interpretation services are required.

Types of French/English language interpretation:

1. Consecutive Interpretation – Standard Practice

Definition: A method by which an interpreter provides, as exactly as possible, a word-for-word translation of the speaker's words. The speaker is required to pause frequently, allowing the interpreter to relay the message. This method is used most often in situations involving sworn testimony.

2. Simultaneous Interpretation – Very Special Circumstances

Definition: Not a verbatim method. The interpreter attempts to convey the meaning of what is said, summarizing and paraphrasing the words of the speaker to a certain extent. This method involves transmission from a soundproof booth with headsets (Courtrooms 115 and 120). This method may be used in situations **not** involving oral testimony, i.e.: motions, arguments, etc...

3. Escort Interpretation – Occasional

Definition: Similar to simultaneous interpretation, but done without equipment. The interpreter sits next to the person requiring the service and provides a whispered interpretation.

A Motion/Hearing/Trial Coordinator (See Schedule A for Court Coordinator List), who receives a request to set a hearing in which French/English interpretation is needed, will contact the **Interpretation Section Head, Translation Services**, to obtain a number of available dates. Upon confirming the availability of a French speaking Judge, the Motion/Hearing/Trial Coordinator will contact counsel or the self-represented party to confirm a date and will notify the Court Clerk/Monitor Coordinator, who will ensure a French speaking Court Clerk/Monitor is assigned to that hearing. The Motion/Hearing/Trial Coordinator will then complete an **e-Request for Interpretation** see web link; <http://www.chc.internal/cht/translation/request.html>. The e-request once completed is automatically sent to **Interpretation Section Head, Translation Services**. Print the e-request and add to the relevant file for record keeping. Upon receipt of your e-request, **Interpretation Section Head, Translation Services** will contact you to confirm that interpreters are indeed available for your event and to arrange final details of the assignment.

Note: You must have an account with **Interpretation Section Head, Translation Services**, to send an e-Request for Interpretation, see web link; <http://www.chc.internal/cht/translation/request.html>.

Counsel or the self-represented party is also to provide any background material (such as copies of court documents/material that will be relied on at hearing) to the Motion/Hearing/Trial Coordinators **preferably two weeks prior to the hearing date** in order that this information can be forwarded to the interpreters for their pre-court preparation.

Exception: Where there is Crown involvement (including outside counsel hired on the Crown's behalf), a member of the Crown Attorneys Office will coordinate and complete the **e-Request for Interpretation** with the **Interpretation Section Head, Translation Services**, before contacting the Motion/Hearing/Trial Coordinators to set a hearing date.

Crown Counsel will provide any background material **preferably two weeks prior to the hearing date** directly to the Interpreters for their pre-court preparation.

Contact Information:

**Interpretation Section Head
Translation Services
Culture, Heritage, Tourism and Sport
213 Notre Dame Avenue
Winnipeg, Manitoba. R3B 1N3
Phone: 945-3096
Fax: 945-5879
Email: Translation@gov.mb.ca**

**B. INTERPRETATION SERVICES FOR AMERICAN SIGN LANGUAGE/ENGLISH
INTERPRETERS AND DEAF-BLIND Intervenors/Notetakers TO ACCOMMODATE
DEAF AND DEAF-BLIND MANITOBNANS (AT NO COST TO THE LITIGANT)**

In Manitoba, any party or witness to a proceeding requiring American Sign Language/English Interpreters or Deaf-Blind Intervenors/Notetakers will receive the service at no cost.

Note: Interpretation for a witness is restricted to their testimony only.

Before setting a date, counsel or the self-represented party must make it known to the appropriate Motion/Hearing/Trial Coordinator (See Schedule A for Court Coordinator List) that an American Sign Language/English Interpreter or a Deaf-Blind Intervenor is required.

A Motion/Hearing/Trial Coordinator, who receives a request for an American Sign Language/English Interpreter or a Deaf-Blind Intervenor, will contact the **E-Quality Communication Centre of Excellence (ECCOE)** to obtain a number of available dates. Upon confirming the availability of an interpreter or intervenor, the Motion/Hearing/Trial Coordinator will contact counsel or the self-represented party to confirm a date.

Exception: Where there is Crown involvement (including outside counsel hired on the Crown's behalf), a member of the Crown Attorneys Office will coordinate the interpretation request with the **E-Quality Communication Centre of Excellence (ECCOE)** before contacting the Motion/Hearing/Trial Coordinators to set a hearing date.

Contact Information:

E-Quality Communication Centre of Excellence (ECCOE)
200 – 1 Forks Market Road
Winnipeg, Manitoba. R3C 4L9
Phone: 926-3271
After Hours Answering Service: 475-6332
TTY line: 452-0687
Fax: 452-0688
Email: candy@eccoe.com

C. INTERPRETATION SERVICES FOR NON-OFFICIAL LANGUAGES IN CRIMINAL PROCEEDINGS WITH CROWN INVOLVEMENT (INCLUDING OUTSIDE COUNSEL HIRED ON THE CROWN'S BEHALF) (AT NO COST TO THE LITIGANT)

In Manitoba, any party or witness to a criminal proceeding where there is **Crown involvement** (including outside counsel hired on the Crown's behalf), who requires interpretation in languages other than French and English, will receive the service at no cost.

Note: Interpretation for a witness is restricted to their testimony only.

The Prosecutions Branch of the Department of Justice in Manitoba will coordinate interpretation services for criminal proceedings under the Criminal Code of Canada, Highway Traffic Act or Provincial Statutes.

Counsel must make a request for interpretation services to the Prosecutions Branch at 945-2852 located at 5th Floor – 405 Broadway, Winnipeg, MB R3C 3L6.

NOTE: Federal proceedings will be coordinated by the Federal Crown office @ 983-2391.

A member of the appropriate Crown Attorneys Office will coordinate the service with the **Language Bank** or the **E-Quality Communication Centre of Excellence (ECCOE)**.

Contact information:

**Language Bank
Immigrant Centre Manitoba Inc.**
100 Adelaide Street
Winnipeg MB R3A 0W2
Phone: 943-9158
After Hours & Weekends Phone: 943-7954
Fax: 949-0734
Email: mgribben@icmanitoba.com

**E-Quality Communication Centre
of Excellence (ECCOE)**
200 – 1 Forks Market Road
Winnipeg, Manitoba. R3C 4L9
Phone: 926-3271
After Hours Answering Service: 475-6332
TTY line: 452-0687
Fax: 452-0688
Email: candy@eccoe.com

**D. INTERPRETATION SERVICES FOR NON-OFFICIAL LANGUAGES IN CIVIL PROCEEDINGS
WITH CROWN INVOLVEMENT (AT COST TO THE LITIGANT)**

In Manitoba, in civil proceedings where there is **Crown involvement** and where a party or witness requires interpretation services in languages other than French and English, the litigant assumes responsibility for the coordination and cost.

**E. INTERPRETATION SERVICES FOR NON-OFFICIAL LANGUAGES IN CRIMINAL AND CIVIL
PROCEEDINGS WITH NO CROWN INVOLVEMENT (AT COST TO THE LITIGANT)**

In Manitoba, in criminal and civil proceedings where there is **no Crown involvement** and where a party or witness requires interpretation services in languages other than French and English, the litigant assumes responsibility for the coordination and cost.

SCHEDULE A TO THE INTERPRETATION SERVICES POLICY

COURT COORDINATORS LISTS

PROVINCIAL COURT COURT COORDINATORS LIST

| Location | Address | Coordinator | Phone # |
|---|--|-------------------|----------------|
| Winnipeg Includes scheduling for: - Altona - Arborg - Ashern - Beausejour - Berens River - Bloodvein - Carman - Emerson - Fisher Branch - Garden Hill - Gimili - Lac du Bonnet - Little Grand Rapids - Lundar - Morden - Morris - Pauingassi - Peguis - Pine Falls - Poplar River - St. Pierre - Selkirk - Steinbach - Stonewall - Teulon | 2 nd Floor - 408 York Avenue Winnipeg, MB R3C 0P9 | Trial Coordinator | 945-5657/8538 |
| Morden | 301 Wardrop Street Morden, MB R6M 1X6 | Administrator | 1-204-822-2882 |
| Portage la Prairie | 25 Tupper Street North Portage la Prairie, MB R1N 3K1 | Trial Coordinator | 1-204-239-3383 |
| Selkirk | 101-235 Eaton Avenue Selkirk, MB R1A 0W7 | Administrator | 1-204-785-5078 |
| Steinbach | 284 Reimer Avenue Steinbach, MB R0A 2T3 | Administrator | 1-204-785-5078 |

| | | | |
|---|---|-------------------|----------------|
| Brandon Includes scheduling for: - Minnedosa - Virden, Neepawa - Russell, Rossburn - Waywayseecappo - Killarney - Boissevain - Sioux Valley | 100-1104 Princess Avenue Brandon, MB R7A 0P9 | Trial Coordinator | 1-204-726-6247 |
| Dauphin | 114 River Avenue West Dauphin, MB R7N 0J7 | Trial Coordinator | 1-204-622-2200 |
| Flin Flon | 104-143 Main Street Flin Flon, MB R8A 1K2 | Trial Coordinator | 1-204-687-1670 |
| Swan River | 201-4 th Avenue South Swan River, MB R0L 1Z0 | Trial Coordinator | 1-204-734-2252 |
| The Pas | 300-3 rd Street East The Pas, MB R9A 1L2 | Trial Coordinator | 1-204-627-8420 |
| Thompson | 59 Elizabeth Road Thompson, MB R8N 1X4 | Trial Coordinator | 1-204-677-6773 |

COURT OF QUEEN'S BENCH
COURT COORDINATORS LIST

| Location | Address | Coordinator | Phone # |
|---|---|--|--|
| Winnipeg | Main Floor, 408 York Avenue Winnipeg, MB R3C 0P9 | - Case Management Coordinator - Civil Motions Coordinator - Criminal Motions Coordinator - Family Motions Coordinator - Masters' Motions Coordinator - Civil & Criminal Trial Coordinator - Family Trial Coordinator - Small Claims Coordinator | 945-7853/2539 945-3043/8697 945-3040/8697 945-4209/2539 945-0994 945-8697 945-2539 945-5383 |
| St. Boniface | 227 Provencher Blvd St. Boniface, MB R2H 0G4 | Case Coordinator | 945-8010 |
| Brandon Includes scheduling for: - Minnedosa - Virden | 100-1104 Princess Ave Brandon, MB R7A 0P9 | Trial Coordinator | 1-204-726-6134 |
| Dauphin | 114 River Avenue West Dauphin, MB R7N 0J7 | Trial Coordinator | 1-204-622-2200 |
| Flin Flon | 104-143 Main Street Flin Flon, MB R8A 1K2 | Trial Coordinator | 1-204-687-1670 |
| Morden | 301 Wardrop Street Morden, MB R6M 1X6 | Trial Coordinator | 1-204-822-2882 |
| Portage la Prairie | 25 Tupper Street North Portage la Prairie, MB R1N 3K1 | Trial Coordinator | 1-204-239-3383 |
| Selkirk | 101-235 Eaton Avenue Selkirk, MB R1A 0W7 | Trial Coordinator | 1-204-785-5078 |
| Swan River | 201 – 4 th Avenue South Swan River, MB R0L 1Z0 | Trial Coordinator | 1-204-734-2252 |
| The Pas | 300-3 rd Street East The Pas, MB R9A 1L2 | Trial Coordinator | 1-204-627-8420 |
| Thompson | 59 Elizabeth Road Thompson, MB R8N 1X4 | Trial Coordinator | 1-204-677-6757 |

COURT OF APPEAL – Trial Coordinator can be contacted at 945-2647 (Winnipeg)

JUSTICE MANITOBA – DIVISION DES TRIBUNAUX
SERVICES D'INTERPRÉTATION : LANGUES OFFICIELLES (français et anglais),
AMERICAN SIGN LANGUAGE (ASL), PRISE DE NOTES ET INTERVENTIONS
POUR LES PERSONNES SOURDES ET AVEUGLES, ET LANGUES NON
OFFICIELLES

POLITIQUE

Au Manitoba, les services d'interprétation suivants sont offerts **gratuitement** aux plaideurs :

- A. Interprétation d'une langue officielle à l'autre dans toutes les instances criminelles et civiles
- B. Interprétation ASL/anglais, prise de notes et interventions pour les Manitobains sourds ou aveugles
- C. Interprétation en langues non officielles dans les instances criminelles auxquelles participe la Couronne ou un avocat de l'extérieur embauché pour la représenter

Au Manitoba, les plaideurs ou les parties requérantes sont tenus de **payer** les services d'interprétation dans les cas suivants :

- D. Interprétation en langues non officielles dans les instances civiles auxquelles la Couronne participe
- E. Interprétation en langues non officielles dans les instances civiles auxquelles la Couronne ne participe pas

PROCÉDURE

FOURNISSEURS DE SERVICES D'INTERPRÉTATION

Le gouvernement du Manitoba fournit **TOUS** ses services d'interprétation d'une langue officielle à l'autre **EXCLUSIVEMENT** par l'intermédiaire du **Service de traduction provincial**. Les demandes d'interprétation doivent être faites par l'intermédiaire d'un organisme autorisé du gouvernement.

Chef de la Section d'interprétation
Service de traduction
Culture, Patrimoine et Tourisme
213, avenue Notre Dame
Winnipeg (Manitoba) R3B 1N3
Tél. : 204 945-3096
Télécopieur : 204 945-5879
Courriel : translation@gov.mb.ca

Le gouvernement du Manitoba fait affaire avec le **centre ECCOE (E-Quality Communication Centre of Excellence)** pour fournir des services d'interprétation ASL/anglais et de prise de notes et d'interventions pour les Manitobains sourds ou sourds et aveugles.

Centre ECCOE (E-Quality Communication Centre of Excellence)
1, chemin Forks Market, bureau 200
Winnipeg (Manitoba) R3C 4L9
Tél. : 204 926-3271
Service de réponse téléphonique après les heures : 204 475-6332
ATS : 204 452-0687
Télécopieur : 204 452-0688
Courriel : candy@eccoe.com

Le gouvernement du Manitoba fait affaire avec le **centre ECCOE (E-Quality Communication Centre of Excellence)** pour fournir des services d'interprétation en langues non officielles uniquement lorsque la Couronne (ou un avocat de l'extérieur embauché pour la représenter) participe à l'instance.

Banque des langues
Immigrant Centre Manitoba Inc.
100, rue Adelaide
Winnipeg (Manitoba) R3A 0W2
Tél. : 204 943-9158
Téléphone après les heures et en fin de
semaine : 204 943-7954
Télécopieur : 204 949-0734

Centre ECCOE (E-Quality
Communication Centre of
Excellence)
1, chemin Forks Market,
bureau 200
Winnipeg (Manitoba) R3C 4L9
Tél. : 204 926-3271

Courriel : mgrribbon@icmanitoba.com

Service de réponse téléphonique après les

heures : 204 475-6332

ATS : 204 452-0687

Télécopieur : 204 452-0688

Courriel : candy@eccoe.com

A. INTERPRÉTATION D'UNE LANGUE OFFICIELLE À L'AUTRE DANS TOUTES LES INSTANCES CRIMINELLES ET CIVILES (SERVICES OFFERTS GRATUITEMENT AUX PLAIDEURS)

Au Manitoba, toute partie à une instance ou tout témoin qui requiert des services d'interprétation d'une langue officielle à l'autre recevra ces services gratuitement UNIQUEMENT s'ils sont fournis par le Service de traduction provincial.

Remarque – Dans le cas d'un témoin, ces services se limitent à l'interprétation de son témoignage.

Avant de fixer une date d'audience, l'avocat ou la partie qui se représente doit aviser le coordonnateur approprié (coordonnateur des motions, des audiences ou des procès) que des services d'interprétation français/anglais sont requis. (Voir l'annexe A pour la liste des coordonnateurs des audiences judiciaires.)

Il existe différents types d'interprétation français/anglais :

1. Interprétation consécutive – utilisée couramment

Définition : une méthode d'interprétation où l'interprète cherche à rendre le plus fidèlement possible tous les propos de la personne qui parle. On demande à cette dernière de faire des pauses fréquentes pour que l'interprète puisse relayer le message. On utilise cette forme d'interprétation le plus souvent dans des situations de témoignage sous serment.

2. Interprétation simultanée – utilisée dans des circonstances exceptionnelles

Définition : une méthode d'interprétation moins précise que la consécutive. L'interprète cherche à communiquer le sens général de ce qui est dit, en résumant et en paraphrasant jusqu'à un certain point les propos de la personne qui parle. Cette méthode exige une cabine insonorisée et des casques d'écoute (salles d'audience 115 et 120). On peut utiliser l'interprétation simultanée dans les cas où il n'y a pas de témoignage oral, p. ex. les motions et l'argumentation.

3. Interprétation d'escorte – utilisée de temps en temps

Définition : une forme d'interprétation semblable à la simultanée mais effectuée sans équipement. L'interprète se place à côté de la personne ayant besoin du service et fournit une interprétation chuchotée.

Un coordonnateur des motions, des audiences ou des procès (voir l'annexe A pour la liste des coordonnateurs des audiences judiciaires) qui reçoit une demande d'audience pour laquelle des services d'interprétation français/anglais sont requis doit communiquer avec le **chef de la Section d'interprétation du Service de traduction** afin que celui-ci lui propose quelques dates. Une fois que la disponibilité d'un juge francophone est confirmée, le coordonnateur des motions, des audiences ou des procès communique avec l'avocat ou avec la partie qui se représente afin de confirmer la date et avise le coordonnateur des greffiers du tribunal afin que celui-ci affecte un greffier francophone à cette audience. Le coordonnateur des motions, des audiences ou des procès remplit ensuite une **demande d'interprétation en ligne** (voir le site Web au www.chc.internal/cht/translation/request.html). Une fois remplie, la demande en ligne est envoyée automatiquement au **chef de la Section d'interprétation du Service de traduction**. Veuillez imprimer la demande et la conserver dans vos dossiers. À la réception de votre demande électronique, le **chef de la Section d'interprétation du Service de traduction** communiquera avec vous pour confirmer que des interprètes seront disponibles le jour de l'audience et pour régler les derniers détails de l'affectation.

Remarque – Vous devez avoir un compte auprès du **Service de traduction** pour pouvoir envoyer une demande d'interprétation en ligne. Voir le site Web au www.chc.internal/cht/translation/request.html.

L'avocat ou la partie qui se représente doit aussi fournir toute documentation pertinente aux coordonnateurs appropriés (p. ex., des copies de documents de la cour que l'on consultera lors de l'audience), **de préférence deux semaines avant la tenue de l'audience**, pour qu'on puisse l'acheminer aux interprètes afin que ceux-ci aient le temps de se préparer.

Exception – Lorsque la Couronne (ou un avocat de l'extérieur embauché pour la représenter) participe à l'instance, le bureau des procureurs de la Couronne coordonne et soumet une **demande d'interprétation en ligne** auprès du **chef de la Section d'interprétation du Service de traduction** avant de communiquer avec les coordonnateurs appropriés pour fixer une date d'audience.

L'avocat de la Couronne fournira toute documentation pertinente directement aux interprètes, **de préférence deux semaines avant l'audience**, pour que ces derniers puissent se préparer.

Coordonnées :

Chef de la Section d'interprétation
Service de traduction
Culture, Patrimoine et Tourisme
213, avenue Notre Dame
Winnipeg (Manitoba) R3B 1N3
Tél. : 204 945-3096
Télécopieur : 204 945-5879
Courriel : translation@gov.mb.ca

B. Interprétation ASL/anglais, prise de notes et interventions pour personnes sourdes et aveugles, à l'intention des Manitobains sourds ou sourds et aveugles (services offerts gratuitement aux plaideurs)

Au Manitoba, toute partie à une instance ou tout témoin ayant besoin d'un interprète ASL/anglais ou d'un preneur de notes/intervenant pour personnes sourdes ou aveugles recevra ces services gratuitement.

Remarque – Dans le cas d'un témoin, ces services se limitent à l'interprétation de son témoignage.

Avant de fixer une date d'audience, l'avocat ou la partie qui se représente doit aviser le coordonnateur approprié (coordonnateur des motions, des audiences ou des procès) qu'un interprète ASL/anglais ou qu'un intervenant pour personnes sourdes ou aveugles est requis. (Voir l'annexe A pour la liste des coordonnateurs des audiences judiciaires.)

Un coordonnateur des motions, des audiences ou des procès qui reçoit une demande visant les services d'un interprète ASL/anglais ou d'un intervenant pour personnes sourdes ou aveugles doit communiquer avec le **centre ECCOE (E-Quality Communication Centre of Excellence)** afin qu'on lui propose quelques dates. Une fois que la disponibilité d'un interprète ou d'un intervenant est confirmée, le coordonnateur des motions, des audiences ou des procès communique avec l'avocat ou avec la partie qui se représente afin de confirmer une date.

Exception – Lorsque la Couronne (ou un avocat de l'extérieur embauché pour la représenter) participe à l'instance, le bureau des procureurs de la Couronne coordonne la demande d'interprétation avec le **centre ECCOE (E-Quality Communication Centre of Excellence)** avant de communiquer avec les coordonnateurs appropriés pour fixer une date d'audience.

Coordinées :

Centre ECCOE (E-Quality Communication Centre of Excellence)

1, chemin Forks Market, bureau 200

Winnipeg (Manitoba) R3C 4L9

Tél. : 204 926-3271

Service de réponse téléphonique après les heures : 204 475-6332

ATS : 204 452-0687

Télécopieur : 204 452-0688

Courriel : candy@eccoe.com

**C. INTERPRÉTATION EN LANGUES NON OFFICIELLES DANS DES INSTANCES CRIMINELLES
AUXQUELLES PARTICIPE LA COURONNE OU UN AVOCAT DE L'EXTÉRIEUR EMBAUCHÉ POUR LA
REPRÉSENTER (SERVICES OFFERTS GRATUITEMENT AUX PLAIDEURS)**

Au Manitoba, les services d'interprétation sont offerts gratuitement à tout témoin et à toute partie qui requiert l'interprétation dans des langues autres que le français et l'anglais dans le cadre d'une instance criminelle **à laquelle participe la Couronne** ou un avocat de l'extérieur embauché pour la représenter.

Remarque – Dans le cas d'un témoin, ces services se limitent à l'interprétation de son témoignage.

Le Service des poursuites du Ministère de la Justice du Manitoba coordonnera les services d'interprétation pour les instances criminelles qui relèvent du Code criminel, du Code de la route ou d'autres lois provinciales.

Les avocats doivent soumettre leur demande de services d'interprétation auprès du Service des poursuites dont voici les coordonnées : 204 945-2852; 5^e étage, 405, Broadway, Winnipeg (Manitoba) R3C 3L6.

REMARQUE – Le bureau fédéral des procureurs de la Couronne (204 983-2391) coordonnera les demandes d'interprétation pour les instances de compétence fédérale.

Le bureau des procureurs de la Couronne pertinent coordonnera le service avec la banque de traducteurs et d'interprètes **Language Bank** ou avec le **centre ECCOE**.

Coordonnées :

**Banque des langues
Immigrant Centre Manitoba Inc.
100, rue Adelaide
Winnipeg (Manitoba) R3A 0W2
Tél. : 204 943-9158
Téléphone après les heures et en fin de
semaine : 204 943-7954
Télécopieur : 204 949-0734
Courriel : mgribben@icmanitoba.com**

**Centre ECCOE (E-Quality
Communication Centre of
Excellence)
1, chemin Forks Market,
bureau 200
Winnipeg (Manitoba) R3C 4L9
Tél. : 204 926-3271
Service de réponse téléphonique après les
heures : 204 475-6332
ATS : 204 452-0687
Télécopieur : 204 452-0688
Courriel : candy@eccoe.com**

D. INTERPRÉTATION EN LANGUES NON OFFICIELLES DANS LES INSTANCES CIVILES AUXQUELLES LA COURONNE PARTICIPE (SERVICES QUE LES PLAIDEURS SONT TENUS DE PAYER)

Au Manitoba, lorsqu'une partie ou un témoin requiert des services d'interprétation dans des langues autres que le français ou l'anglais dans le cadre d'une instance civile **à laquelle participe la Couronne**, le plaideur ou la partie requérante est responsable de la coordination et du coût de ces services.

E. INTERPRÉTATION EN LANGUES NON OFFICIELLES DANS LES INSTANCES CRIMINELLES ET CIVILES AUXQUELLES LA COURONNE NE PARTICIPE PAS (SERVICES QUE LES PLAIDEURS SONT TENUS DE PAYER)

Au Manitoba, lorsqu'une partie ou un témoin requiert des services d'interprétation dans des langues autres que le français ou l'anglais dans le cadre d'une instance criminelle ou civile **à laquelle la Couronne ne participe pas**, le plaideur ou la partie requérante est responsable de la coordination et du coût de ces services.

ANNEXE A DE LA POLITIQUE DES SERVICES D'INTERPRÉTATION

LISTES DES COORDONNATEURS DES AUDIENCES JUDICIAIRES

COUR PROVINCIALE LISTE DES COORDONNATEURS DES AUDIENCES JUDICIAIRES

| Lieu | Adresse | Coordonnateur | Nº de téléphone |
|--|---|--------------------------|-------------------|
| Winnipeg y compris pour les audiences prévues à : - Altona - Arborg - Ashern - Beauséjour - Berens River - Bloodvein - Carman - Emerson - Fisher Branch - Garden Hill - Gimli - Lac du Bonnet - Little Grand Rapids - Lundar - Morden - Morris - Pauingassi - Peguis - Pine Falls - Poplar River - Saint-Pierre-Jolys - Selkirk - Steinbach - Stonewall - Teulon | 408, avenue Manitoba, 2 ^e étage Winnipeg (Manitoba) R3C 0P9 | Coordonnateur des procès | 204 945-5657/8538 |
| Morden | 301, rue Wardrop Morden (Manitoba) R6M 1X6 | Administrateur | 1 204 822-2882 |
| Portage la Prairie | 25, rue Tupper Nord Portage la Prairie (Manitoba) | Coordonnateur des procès | 1 204 239-3383 |

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|--|---|--------------------------|----------------|
| | R1N 3K1 | | |
| Selkirk | 235, avenue Eaton, bureau 101 Selkirk (Manitoba) R1A 0W7 | Administrateur | 1 204 785-5078 |
| Steinbach | 284, avenue Reimer Steinbach (Manitoba) R0A 2T3 | Administrateur | 1 204 785-5078 |
| | | | |
| Brandon y compris pour les audiences prévues à : - Minnedosa - Virden, Neepawa - Russell, Rossburn - Waywayseecap po - Killarney - Boissevain - Sioux Valley | 1104, avenue Princess, bureau 100 Brandon (Manitoba) R7A 0P9 | Coordonnateur des procès | 1 204 726-6247 |
| Dauphin | 114, avenue River Ouest Dauphin (Manitoba) R7N 0J7 | Coordonnateur des procès | 1 204 622-2200 |
| Flin Flon | 143, rue Main, bureau 104 Flin Flon (Manitoba) R8A 1K2 | Coordonnateur des procès | 1 204 687-1670 |
| Swan River | 201, 4 ^e Avenue Sud Swan River (Manitoba) R0L 1Z0 | Coordonnateur des procès | 1 204 734-2252 |
| The Pas | 300, 3 ^e Rue Est The Pas (Manitoba) R9A 1L2 | Coordonnateur des procès | 1 204 627-8420 |
| Thompson | 59, chemin Elizabeth Thompson (Manitoba) R8N 1X4 | Coordonnateur des procès | 1 204 677-6773 |

COUR DU BANC DE LA REINE
LISTE DES COORDONNATEURS DES AUDIENCES JUDICIAIRES

| Lieu | Adresse | Coordonnateur | N° de téléphone |
|---|--|---|--|
| Winnipeg | 408, av. York, rez-de-chaussée Winnipeg (Manitoba) R3C 0P9 | - Coordonnateur de la gestion des causes - Coordonnateur des motions en droit civil - Coordonnateur des motions en droit criminel - Coordonnateur des motions en droit de la famille - Coordonnateur des motions des conseillers-maîtres - Coordonnateur des procès civils et criminels - Coordonnateur des procès en matière familiale - Coordonnateur des petites créances | 204 945-7853/2539 204 945-3043/8697 204 945-3040/8697 204 945-4209/2539 204 945-0994 204 945-8697 204 945-2539 204 945-5383 |
| Saint-Boniface | 227, boulevard Provencher Saint-Boniface (Manitoba) R2H 0G4 | Coordonnateur des dossiers | 204 945-8010 |
| Brandon y compris pour les audiences prévues à : - Minnedosa - Virden | 1104, avenue Princess, bureau 100 Brandon (Manitoba) R7A 0P9 | Coordonnateur des procès | 1 204 726-6134 |
| Dauphin | 114, avenue River Ouest Dauphin (Manitoba) R7N 0J7 | Coordonnateur des procès | 1 204 622-2200 |
| Flin Flon | 143, rue Main, bureau 104 Flin Flon (Manitoba) | Coordonnateur des procès | 1 204 687-1670 |

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|---------------------------|---|--------------------------|----------------|
| | R8A 1K2 | | |
| Morden | 301, rue Wardrop Morden (Manitoba) R6M 1X6 | Coordonnateur des procès | 1 204 822-2882 |
| Portage la Prairie | 25, rue Tupper Nord Portage la Prairie (Manitoba) R1N 3K1 | Coordonnateur des procès | 1 204 239-3383 |
| Selkirk | 235, avenue Eaton, bureau 101 Selkirk (Manitoba) R1A 0W7 | Coordonnateur des procès | 1 204 785-5078 |
| Swan River | 201, 4 ^e Avenue Sud Swan River (Manitoba) R0L 1Z0 | Coordonnateur des procès | 1 204 734-2252 |
| The Pas | 300, 3 ^e Rue Est The Pas (Manitoba) R9A 1L2 | Coordonnateur des procès | 1 204 627-8420 |
| Thompson | 59, chemin Elizabeth Thompson (Manitoba) R8N 1X4 | Coordonnateur des procès | 1 204 677-6757 |

COUR D'APPEL – On peut joindre le coordonnateur des procès au 204 945-2647 (Winnipeg).