

Preface and Issue Overview

D A R C Y L . M A C P H E R S O N

This issue of the Manitoba Law Journal is a continuation of our “The Current Legal Landscape” series. The contributions featured in this edition deploy a range of methodologies to address some of the most fundamental issues in our legal system.

The Honourable Justice Malcolm Rowe of the Supreme Court of Canada and his co-authors review case law and academic literature to address an issue that arises frequently in court. The standard of review on appeal is relevant not only when a case is appealed but can be crucial from the outset of any litigation. Whether a case is initiated, how it is conducted, and how the first-instance court deliberates and explains its decision can all be influenced by the standard of review if and when the case is reviewed at a higher level.

Over the years, the Manitoba Law Journal has been innovative in using oral histories to preserve the voices of distinguished members of the legal profession. Our previous issue was framed around the reflections of the Honourable Chief Justice Richard Chartier on the occasion of his retirement.¹ The woman who would succeed him as Chief Justice of Manitoba, the Honourable Marianne Rivoalen, was also kind enough to sit and provide an oral history interview with us. With her participation in this series, the Manitoba Law Journal has served as a forum for the reflections of the province's Chief Justices, speaking in the first person, dating back to Chief Justice Sam Freedman, who assumed the role of Chief Justice in 1971.²

In “The Access to Justice Needs of Manitobans: Legal Practitioners' Views”, our former colleague at the University of Manitoba, Faculty of Law, Gerard Kennedy and our current colleague Natasha Brown, offer a contribution on a broad survey they conducted of legal practitioners

¹ See Darcy L MacPherson & Bryan P Schwartz, “Interview with the Honourable Richard J.F. Chartier” (2025) 47:1 Man LJ 1; See also Bryan P Schwartz & Darcy L MacPherson, “Preface” (2025) 47:1 Man LJ i.

² See *A Judge of Valour: Justice Sam Freedman – In His Own Words* (2014) 37: Special Issue Man LJ. This includes the memoirs of Chief Justice Samuel Freedman.

throughout our province which assesses the challenges of access to justice here in Manitoba.

In “Lawyers’ Incivility in Family Law and the Question of Systems Abuse”, Deanne Sowter reviews the case law and academic literature on the issue of civility in family proceedings. She uses quantitative methods to enrich her analysis and assessment in this area.

In summary, this volume features a diverse array of contributions from lawyers, judges, and legal scholars. Each contribution is relevant to the Manitoba Law Journal and addresses important issues within Manitoba’s legal landscape.