



THE MANITOBA BAR ASSOCIATION  
L'ASSOCIATION DU BARREAU DU MANITOBA  
A Branch of the Canadian Bar Association  
Une Division de L'Association du Barreau canadien

Thursday, January 19, 2017 to  
Saturday, January 21, 2017

Fairmont Winnipeg  
2 Lombard Place, Winnipeg, MB

**The MBA**

**2017**

**Mid-Winter Conference**

*The Manitoba Bar Association's Premier Event of the Year*

Watch our website (<http://cba-mb.ca/>) for updated Mid-Winter information

Registration for this Conference will be done online for CBA members.

Please go to [www.cbapd.org/MB\\_MW2017](http://www.cbapd.org/MB_MW2017) to fill out your online registration form. Members need their CBA membership number and their last name.

Non-members and members who are GST exempt will need to contact the MBA office at 204-927-1210 to register.

*Full attendance at the 2017 Mid-Winter Conference can be applied towards your entire 12 hour yearly mandatory Law Society of Manitoba's continuing professional development requirement.*

Consider purchasing an add on CBA membership package to reduce your cost to attend the MBA Mid-Winter. The Portfolio add on package will give you a \$250.00 credit that can be used when you register for the MBA Mid-Winter and other CBA/MBA programs and services for only \$200.00. The Portfolio plus add on package will give you a \$500.00 credit that can be used when you register for the MBA Mid-Winter and other CBA/MBA programs and services for only \$400.00. More information about these add on membership packages can be found on-line at <http://www.cbamembership.org/>.

# thursday • 19-jan-2017 • fairmont winnipeg

8:00am – 2:00pm – Registration – *East Ballroom*

8:00am – 9:00am – Continental Breakfast – *East Ballroom* 

Sponsored by *Legal Data Resource Corporation*

8:00am – 3:30pm – Exhibitor Trade Show – *East Ballroom*

Exhibitors Include: *Bridgeport • Broadview Network • CBIA/CBAF • Chicago Title Insurance Company Canada \* Childview • DoProcess Software • ERAssure Estate Risk Assurance • First Canadian Title • Lawyerdoneal Corp. • Matson Driscoll & Damico Ltd, Forensic Accountants • Mercedes-Benz Canada Inc. • Phoenix Recycling • Ricoh Canada • SAI Systems Auditing Inc. • Stage2Data Inc. • Staples Business Advantage • Stewart Title Guaranty Company • TitlePLUS*

9:00am – 11:30am – Morning Continuing Legal Professional Development Sessions

## Family Law – A Year in Review AM

Back by popular demand, this session will review the pivotal cases federally and provincially in family law.

Speakers: - Aaron Franks, *Epstein Cole LLP (Toronto, ON)*  
- Lawrence Pinsky, *Taylor McCaffrey LLP*

Sponsored by the *Family Law Section*

## Civil Litigation Update

Leading practitioners will provide an update on recent developments in the areas of oppression remedies, rules of evidence for a trial lawyer and employment law. You are encouraged to attend both the AM or PM sessions, as the content will be different, but you can just attend one of the sessions.

Speakers: - David Hill, *Hill Sokalski Walsh Olson LLP*  
- Jamie Jurczak, *Taylor McCaffrey LLP*  
- Jamie Kagan, *Thompson Dorfman Sweatman LLP*

Moderator: - Alison McCullough-Butchart, *Qualico Developments Canada Ltd.*

Sponsored by the *Civil Litigation Law Section*

## The (New) Manitoba New Home Warranty Act and Regulation

This session will feature information on *The New Home Warranty Act* and the *New Home Warranty Regulations* becoming effective January 1, 2018. This legislation will require builders of new residential buildings to provide or cause to be provided to their purchasers, a minimum and specified level of warranty protection against defects for a specified period of time. Senior officials from the Manitoba Consumer Protection Office (which will administer the legislation) will speak and lead a discussion on the new rules and requirements. This session will be of interest to lawyers acting for builders and new home buyers, but it should also be of interest and concern to lawyers acting for clients who provide financing for builders and home buyers.

Speakers: - Beatrice Dyce, *Manitoba Consumer Protection Office*  
- Gordon Lillie, *Manitoba Consumer Protection Office*  
- Gary Sawchuk, *Manitoba Consumer Protection Office*

Moderator: - Edward (Ned) Brown, *Pitblado LLP*

Sponsored by the *Real Property Section*

## Discretionary Action by Regulatory Authorities

How do you prepare for a discussion or negotiation with a governmental authority? This panel will provide insight on how you should prepare; what should be offered or disclosed and the scope of discretion to be exercised, as well as considerations around the participants in the discussion and the documentation of the results.

Speakers: - Donald Douglas, *Thompson Dorfman Sweatman LLP*  
- Michael Foote, *Public Prosecution Service of Canada*  
- Mike Triggs, *Manitoba Public Insurance*

Moderator: - Candace Bishoff, *Manitoba Telecom Services*  
Sponsored by the *CCCA Section*

10:15am – 10:30am – Break – *East Ballroom*

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11:45am – 1:45pm – Working Lunch - *Midway Ballroom*

## Protecting your Most Valuable Asset . . . Your Reputation

*"It takes 20 years to build a reputation and five minutes to ruin it."*  
- Warren Buffett

This working lunch session will provide you with information on how to build and protect your reputation in the legal community in Manitoba. Come and learn about:

- common complaints to the Law Society;
- how to avoid a complaint against you;
- when and how to reach out to the Law Society if you or someone you know needs help;
- ethical issues from a managing partner's perspective and how to deal effectively with other counsel;
- proper courtroom decorum; and,
- ethical issues and competency requirements when in Court.

Speakers: - Darcia Senft, *General Counsel, Director of Policy and Ethics, The Law Society of Manitoba*  
- Chief Judge Margaret Wiebe, *Provincial Court of Manitoba*  
- Benjamin Hecht, *Managing Partner, Pitblado LLP*

Moderator: - Bradley D. Regehr, *MBA President, D'Arcy & Deacon LLP*

This working lunch will provide you with 2 hours of Ethics, Professionalism and Practice Management that can be applied towards your Law Society mandatory yearly continuing professional development requirement.

2:00pm – 4:30pm – Afternoon Continuing Legal Professional Development Sessions

## Family Law – A Year in Review PM

Back by popular demand, this Session will review the pivotal cases federally and provincially in family law. You are encouraged to attend both the AM or PM sessions, as the content will be different, but you can just attend one of the sessions.

Speakers: - Aaron Franks, *Epstein Cole LLP (Toronto, ON)*  
- Lawrence Pinsky, *Taylor McCaffrey LLP*

Sponsored by the *Family Law Section*

## Electronic Registration of Land Titles Office Documents

Electronic registration (eRegistration) of the new electronic forms (Discharge, Caveat, Mortgage and Transfer) raises many issues. This session will consider issues that include how eForms are to be uploaded, how signatures and other evidence will be dealt with, the collaboration and exchange of documents electronically, electronic payment of fees and land transfer tax and electronic notifications.

Speakers: - Russell Davidson, *Winnipeg Land Titles Office*  
- Maureen Terra, *The Property Registry*

Moderator: - Edward (Ned) Brown, *Pitblado LLP*

Sponsored by the *Real Property Section*

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## Appearing Before Professional Standards/Self-Governing Bodies Regarding Complaints

Practical tips for representing clients before professional standards/self-governing bodies including the Law Society of Manitoba, Engineers Geoscientists Manitoba and the College of Physicians and Surgeons of Manitoba. The seminar will include a review of the governing legislation, procedure, and advocacy.

**Speakers:** - Lynne Arnason, *College of Physicians and Surgeons of Manitoba*  
- Rocky Kravetsky, *The Law Society of Manitoba*  
- Brian Meronek, Q.C., *D'Arcy & Deacon LLP*

**Moderator:** - Ian Scarth, *MLT Aikins LLP*

This session will provide you with 0.75 hours of Ethics, Professionalism and Practice Management that can be applied towards your Law Society mandatory yearly continuing professional development requirement.  
*Sponsored by the Administrative Law Section*

## Manitoba Law Reform Commission: Current Areas of Law Reform

Representatives from the Manitoba Law Reform Commission will discuss current projects that seek to address access to justice issues and create efficiencies in the law. In particular, this session will cover: (1) the Commission's project on improving the small claims system under *The Court of Queen's Bench Small Claims Practices Act*; (2) the Commission's

project on increasing the monetary limit for the summary administration of small estates under Section 47 of *The Court of Queen's Bench Surrogate Practices Act*; and (3) the Commission's series on Creating Efficiencies in Law, which will include such topics as substitute powers of attorney and expropriation law. Presenters will provide an overview of the current law in Manitoba and elsewhere in Canada and discuss recommendations to improve and modernize the law.

**Speakers:** - Jacqueline Collins, *Gange Collins Holloway*  
- Kara Hague, *Legal Help Centre*  
- Cameron Harvey, Q.C., *Faculty of Law, University of Manitoba & President, Manitoba Law Reform Commission*

**Moderator:** - Elizabeth McCandless, *Manitoba Law Reform Commission*  
*Sponsored by the Legal Research Section*

3:15pm – 3:30pm – Break – East Ballroom

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4:30pm – 6:30pm – Bench & Bar Reception - Midway Ballroom

The Provincial Court Chief Judge, The Honourable Margaret Wiebe will host this year's reception with MBA President, Brad Regehr and Nalini Reddy. The reception will include hors d'oeuvres, a cash bar and entertainment.

# friday • 20-jan-2017 • fairmont winnipeg

8:30am – 2:00pm – Registration – West Foyer

8:30am – 9:00am – Continental Breakfast – West Foyer

*Sponsored by Legal Data Resource Corporation*



9:00am – 11:30am – Morning Continuing Legal Professional Development Sessions

## Psychological Injury in the Workplace

What is psychological injury, and how has this type of injury in the workplace been addressed in recent years by arbitrators, judges and legislators? This session will tackle those questions, and provide helpful advice on topics related to psychological injury in the workplace such as how to manage risks associated with psychological hazards; along with issues of accommodation, sick leave, long term disability, and employee termination.

**Speakers:** - Shandra Czarnecki, *MLT Aikins LLP*  
- Dr. Garry Hawryluk  
- Keith LaBossiere, *Thompson Dorfman Sweatman LLP*  
- Garth Smorang, Q.C., *Myers Weinberg LLP*

**Moderator:** - Jason Gisser, *University of Manitoba Faculty Association*  
*Sponsored by the Labour & Employment Law Section*

## Legal and Social Services for Elders in Transition From Being Self-sufficient to Reliant

This session will address the roles of lawyers, social workers, the WRHA and the Public Guardian and Trustee's Office in assisting individuals in their transition from self-sufficiency to reliance.

In particular, it will explain the process of home care panelling, identify elder abuse resources, and highlight remedies available under statutes such as *The Mental Health Act* and *The Powers of Attorneys Act*.

**Speakers:** - Viviane Lentz, *Tradition Law LLP*  
- Dara Maternick, *Coordinator, Prevent Elder Abuse Manitoba (PEAM)*  
- Jana Taylor, *Legal Counsel, Public Guardian and Trustee of Manitoba*

**Moderator:** - Sharon Tod, *St. Mary's Law LLP*  
*Sponsored by the Elder Law Section and the Wills and Estates Section*

## Partnership Law

This session will provide a review of partnership law in Manitoba including: an examination of partnership agreements and how they differ from shareholder agreements, an overview of *The Partnership Act of Manitoba* including specifically its approach to limited partnerships, the benefits and consequences of organizing a business as a partnership rather than a corporation, and the tax implications of choosing a partnership structure.

**Speakers:** - Leilani Kagan, *Thompson Dorfman Sweatman LLP*  
- Bradley Madison, *Pitblado LLP*  
- Richard Yaffe, *MLT Aikins LLP*

**Moderator:** - Jeff Kowall, *Thompson Dorfman Sweatman LLP*  
*Sponsored by the Business Law Section*

## The Future of Legal Research in Manitoba

When the Law Society of Manitoba decided to freeze the Great Library's acquisition budget this summer and discontinue the provision of Westlaw to rural lawyers, many practitioners wondered what impact those decisions might have on the future of legal research in Manitoba, especially in light of the recent staffing changes at the Great Library. This session will feature a lively panel discussion on that theme, with insights from a wide variety of perspectives. Xavier Beauchamp-Tremblay will share his vision for the future of CanLII, while Melanie Hodges Neufeld will describe the resources available to Saskatchewan's lawyers through their Great Library. Dean Black-Branch will discuss the future of the legal research education in Manitoba,



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with Donna Sikorsky providing her perspective from the EK Williams Law Library. Donald Douglas will explain how lawyers in his firm will conduct legal research in their new office space and Karen Sawatzky will highlight free online resources available to Manitoba lawyers to supplement more traditional legal research tools.

- Speakers:**
- Xavier Beauchamp-Tremblay, *CEO, CanLII (Ottawa, ON)*
  - Dean Jonathan Black-Branch, *University of Manitoba Faculty of Law*
  - Melanie Hodges Neufeld, *Director of Legal Resources, Law Society of Saskatchewan (Regina, SK)*
  - Donald Douglas, *Managing Partner, Thompson Dorfman Sweatman LLP*
  - Karen Sawatzky, *Great Library, Law Society of Manitoba*
  - Donna Sikorsky, *Acting Head, E. K. Williams Law Library, University of Manitoba*

**Moderator:** - Melanie Bueckert, *Legal Research Counsel, Manitoba Court of Appeal*

*Sponsored by the Legal Research Section*

10:15am – 10:30am – Break – West Foyer

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11:45am – 1:45pm – Awards Luncheon – East/Midway Ballroom

Featuring presentations of the 2017 MBA Distinguished Service Award, the 2017 Pro Bono Award and the 2016 MBA Recognition Awards.

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2:00pm – 4:30pm – Afternoon Continuing Legal Professional Development Sessions

## Considerations When Facing the Insolvency of a Business

Presenters will review a number of common concerns or issues that arise when a lawyer's client, or a business that a client has dealings with, becomes or threatens to become insolvent. The presenters will explain insolvency issues in labour and employment; will review the law as it relates to builder's liens and insolvency; and will address tenant relationships and rights and obligations in the event of an insolvency.

- Speakers:**
- J.J. Burnell, *MLT Aikins LLP*
  - Kristin Gibson, *MLT Aikins LLP*
  - David Jackson, *Taylor McCaffrey LLP*
  - David Marshall, *Taylor McCaffrey LLP*
  - Douglas Ward, *Q.C., Pitblado LLP*

**Moderator:** - David Silver, *Pitblado LLP*

*Sponsored by the Bankruptcy & Insolvency Law Section*

## Tech and Security Issues in Law

The confidentiality of information is not only at the core of the legal practice, it is critical for the protection of privacy to clients, lawyers and the public. As technology becomes increasingly involved in your practice and your client's business, new issues have arisen that you need to consider. Join our panel of presenters to discuss current issues ranging from cloud computing and cross-border considerations to ransom-ware and the unauthorized access to client data.

- Speakers:**
- Julia Barss, *Office of the Privacy Commissioner of Canada (Gatineau, QC)*
  - Allister Gunson, *Winnipeg Regional Health Authority*
  - Andrew Buck, *Pitblado LLP*

**Moderator:** - John Myers, *Taylor McCaffrey LLP*

*Sponsored by the Technology & IP Section*

## Communicating with Confidence

This session covers how to have confidence and inspire confidence in various settings. It addresses how to deliver a concise message that gets heard and remembered. Topic areas will cover oral and written presentation styles, body language, unhelpful speech habits, and other tools to convey information effectively to your audience. The session will be applicable for communication in the courtroom, boardroom, administrative boards or tribunals, and media (in print and on camera). The techniques provided will be beneficial for dealing with clients, colleagues, other counsel, decision-makers and your targeted audience.

- Speakers:**
- Adam Dooley, *Dooley Communications*
  - Daphne Dumont, *Q.C., MacNutt & Dumont (Charlottetown, PE)*
  - Allison Fenske, *Public Interest Law Centre*
  - Riva Richard, *Pollard Banknote Limited*

**Moderator:** - Annette Horst, *Manitoba Justice - Legal Services Branch, Family Law Section*

This session will provide you with 2 hours of Ethics, Professionalism and Practice Management that can be applied towards your Law Society mandatory yearly continuing professional development requirement.

*Sponsored by the Women Lawyers' Forum & the Young Lawyers' Section*

3:15pm – 3:30pm – Break – West Foyer

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# saturday • 21-jan-2017 • fairmont winnipeg

9:00am – Continental Breakfast MBA Council – West Ballroom

9:30am – MBA Council Meeting – East Ballroom

## hotel accommodations

A block of rooms has been reserved at the Fairmont Winnipeg, 2 Lombard Place, Winnipeg, MB at a rate of \$138 for single or double occupancy. Reserve directly by calling 204-985-6234/1-800-441-1414 and indicating that you will be attending the MBA Mid-Winter conference. The rate is in effect until January 11, 2017.

**thank you to our 2017 Mid-Winter Sponsors:**



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## **the 2017 mid-winter organizing committee**

### **Co-Chairpersons:**

Elona McGifford, *Taylor McCaffrey LLP*  
Leandro Zylberman, *Great-West Life Assurance Company Law  
Department*

### **Committee Members:**

Melissa Beaumont, *Thompson Dorfman Sweatman LLP*  
Andrea Doyle, *Thompson Dorfman Sweatman LLP*  
Alexandra Dueck-Dunsford, *Ratuski Law Office*  
Jason Gisser, *University of Manitoba Faculty Association*  
Tyler Grant, *Tapper Cuddy LLP*  
Jennifer Litchfield, *MLT Aikins LLP*  
Iain McDonald, *Fillmore Riley LLP*  
Kelli Potter, *Paterson Patterson Wyman & Abel*  
Ian Scarth, *D'Arcy & Deacon LLP*  
David Silver, *Pitblado LLP*  
Kristen Worbanski, *Myers Weinberg LLP*



## registration costs

	<u>Early Bird Member</u> (to Dec. 31, 2016)	<u>Member</u> (After Jan. 1, 2017)	<u>Member Student/Young Lawyer*</u>	<u>Non-Member</u>
<b>One Day Registration</b>	\$288.75	\$341.25	\$194.25	\$525.00
<b>One Half Day Registration</b>	\$210.00	\$262.50	\$131.25	\$393.75
<b>Two Full Day Registration</b>	\$525.00	\$577.50	\$351.75	\$787.50

*Two Day Registration Only: You will receive all 12 hours of your LSM Mandatory yearly CPD requirement (including a minimum 2 hours of EPPM.)*

## individual event tickets

	<u>Member</u>	<u>Non-Member</u>	<u>Student/Young Lawyer*</u>
<b>Bench &amp; Bar Reception (Thursday)</b>	\$36.75	\$55.13	\$21.00
<b>Working Lunch (Thursday)</b> (2 hours of EPPM)	\$78.75	\$115.50	\$52.50
<b>Awards Luncheon (Friday)</b>	\$52.50	\$78.75	\$42.00

All prices include GST #R126095728

\*Young Lawyer rate is available to CBA Members, practising 5 years or less.

**One Full Day Registration (Thursday or Friday):** Includes continental breakfast, entrance to exhibitors trade show (Thursday), one morning professional development session, one afternoon professional development session, working luncheon (Thursday) or MBA Awards Luncheon (Friday) and access to the session materials on the CBA Professional Development website.

**One Half-Day Registration (Thursday or Friday):** Includes continental breakfast (am only), entrance to exhibitors trade show (Thursday), one morning professional development session (am only) or one afternoon professional development session (pm only), working luncheon (Thursday) or MBA Awards Luncheon (Friday) and access to the session materials on the CBA Professional Development website

**Two Full Day Registration (Thursday and Friday):** Includes continental breakfasts, entrance to exhibitors trade show (Thursday), two morning professional development sessions, two afternoon professional development sessions, working luncheon (Thursday), MBA Awards Luncheon (Friday) and access to the session materials on the CBA Professional Development website.

Registrants are not able to combine a Half-Day Registration on separate days as a Full-Day Registration.

**Please note the Bench & Bar Reception is a separately ticketed event and is NOT included in the Full Day or Half Day registration.**

Refunds: Cancellations will be accepted by fax or email (admin@cba-mb.ca) until January 13, 2017, subject to a 15% administrative charge.

NO REFUNDS will be made if notification is received after January 13, 2017.

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