



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 24, 2019 to
Friday, January 25, 2019

Fairmont Winnipeg
2 Lombard Place, Winnipeg, MB

The MBA

2019

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_MW2019 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 2019 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 online at <http://www.cbamembership.org/>.

thursday • 24-jan-2019 • fairmont winnipeg

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

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

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

Exhibitors Include: Bridgeport, Canadian Process Serving, Chicago Title, Childview, CourtCall, Do Process, First Canadian Title, Lawyerdoneal Corp., Lawyers Financial, Leegals Express Legal Services, Matson Driscoll & Damico Ltd, Mercedes Winnipeg, Red River Group - Real Property Solutions, SAI Systems Auditing Inc., Shred-It, Stewart Title Guaranty Company, TitlePlus and Xpera Risk Mitigation & Investigation

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

Farm Corporations

This session will include information on: transitioning the family farm and the intergenerational farm transfer rules; structuring the arm's length farm sale - some (hopefully) helpful hints; farm land transfers and land transfer tax; and how new tax rules will affect farmers including TOSI rules, passive income, association and corporate income.

Speakers: - Warren Barber, Q.C., *Meighen Haddad LLP*
- Mona Brown, *Brown & Associates Law Office*
- Andrew Winkless, *Brown & Associates Law Office*

Moderator: - Leilani Kagan, *Thompson Dorfman Sweatman LLP*

Sponsored by the Business Law Section

Understanding Common Diagnoses in Youth Forensic Reports

When advocating for children and youth in the court system, lawyers will often come across forensic or psychological assessment reports which outline challenges that client may be facing and provide information on diagnoses that have been made. These reports include doctor's terminology that can be difficult for anyone to interpret and understand. Join our panel as we help lawyers understand those diagnoses and their impact on their clients day to day, as well as review how to effectively use the information in those reports within the court system.

Speakers: - Dr. Brian Chaze, *Manitoba Adolescent Treatment Centre*
- Dr. Garry Fisher, *Manitoba Adolescent Treatment Centre*
- Hillarie Tasche, *Legal Aid Manitoba - Regency Community Law Centre*

Moderator: - Sandra Bracken, *Legal Aid Manitoba - Regency Community Law Centre*

Sponsored by the Child & Youth Law Section

Reverse Mortgage Loans - What to Tell Clients

Clients approach you to discuss whether or not they should obtain a reverse mortgage loan. What should you tell them? What is the lender compelled by law to tell them? How do you go about educating yourself as to what's involved? These questions and more will be discussed at an information session dealing with "reverse mortgage loans".

Speakers: - Tom Ewanchyshyn, *HomEquity Bank (primary reserve mortgage loan lender in Canada)*
- Sharon Tod, *St. Mary's Law*

Moderators: - Edward Brown, *Pitblado LLP*
- Charlotte McCrudy, *Taylor McCaffrey LLP*

Sponsored by the Elder Law, Real Property and Wills & Estates Sections

Drug and Alcohol Testing Policies in the Workplace

In this session, you will hear four unique perspectives which will examine both reasonable and unreasonable testing policies, and how policies and methods of testing may vary depending on the workplace. The reasons for testing and some of the problems associated with testing will also be explored, as well as a discussion on accommodation, drug and alcohol dependency, and the relevant human rights considerations. The session will conclude with an examination of how drug and alcohol testing policies have changed since the legalization of cannabis on October 17, 2018. If you are involved in drafting drug and alcohol testing policies, or advise employers or employees on this topic, this is an important session to attend.

Speakers: - Adrian Frost, *Thomson Dorfman Sweatman LLP*
- Kristin Gibson, *MLT Aikins LLP*
- Isha Khan, *Manitoba Human Rights Commission*
- Trevor Ray, *Myers LLP*

Moderator: - Darcie Yale, *D'Arcy & Deacon LLP*

Sponsored by the Labour & Employment Law Section

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

Sponsored by:



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

Sponsored by:



#MeToo - What it Means for You

The #MeToo movement has caused a seismic shift in workplaces across Canada. But according to a February 2018 Angus Reid poll, "large majorities of both genders say #MeToo discussions are long overdue and will have a positive impact on gender relations in the long run". This session will consider how lawyers, both as employers and as professionals providing advice, can respond most effectively to this shift. Issues to be considered include: What should clients be doing in their workplaces to more effectively address workplace sexual harassment? How can lawyers lead by example through their own workplace policies and practices? This session will provide you with 2 hours of ethics, professional responsibility or practice management that can be applied towards your Law Society of Manitoba mandatory yearly continuing professional development requirement.

Speakers: - Janice Rubin, *Rubin Thomlinson (Toronto, ON)*
- Cynthia Lazar, *Taylor McCaffrey LLP*
- Alissa Schacter, *Law Society of Manitoba Equity Ombudsperson*

Moderator: - Professor Karen Busby, *University of Manitoba, Faculty of Law*

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

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The Children's Voice in Family Proceedings

The perspective and preferences of children are increasingly being considered in legal proceedings. This is a result of what appears to be a growing appreciation for the need to recognize children's voices in decisions that affect them. Further, research suggests including a child's voice promotes better outcomes for children, respects their rights and dignity, and facilitates settlement. Come to this session to learn about legal representation of children, the different types of representation including *amicus curiae*, instructional advocate, and best interests advocate. You will also learn about other methods to have a child's voice heard by way of a *Voice of the Child Report*, and developmental considerations from a child psychologist.

In this session experts will share their thoughts on various methods to have children's views heard both in family proceedings involving separation and divorce, child protection and private guardianship matters.

Speaker: - The Hon. Madam Justice Lore Mirwaldt, *Court of Queen's Bench of Manitoba*
- Katherine Kavassalis, *Office of the Children's Lawyer (Toronto, ON)*
- Lorraine Mocarski, *Family Conciliation*
- Dr. Leonard Greenwood, *Clinical Psychologist*

Moderator: - Robynne Kazina, *Taylor McCaffrey LLP*

Sponsored by the Family Law Section

What To Do About Disasters Occurring Between a Real Estate Closing and Possession?

You are acting for a property buyer, you have done your "due diligence" and you "set" your trust conditions with the seller's lawyer so that both of you are committed. Possession is granted and immediately upon taking possession, your purchaser client discovers that material damage/material harm has occurred to the property that was unknown by the vendor and the vendor's lawyer. Should you - and can you legally - repudiate the closing? This dilemma will be discussed at this session.

Speakers: - Maria Grande, *Thompson Dorfman Sweatman LLP*
- Fred Klein, *Taylor McCaffrey LLP*
- Jeff Shypit, *Robertson Shypit Soble*

Moderator: - Edward Brown, *Pitblado LLP*

Sponsored by the Real Property Law Section

Non-Consensual Distribution of Intimate Images

Often referred to as "revenge porn", the crime of non-consensual distribution of an intimate image was added to the *Criminal Code* in

2015. Shortly after, Manitoba enacted complementary legislation to ensure civil suits could proceed, and in Ontario, the landmark case of *Doe 464533 v N.D.*, 2016 ONSC 541 and subsequent cases, recognized the need for civil recourse. In a world where everyone is recording everything, and the click of a mouse can have irrevocable implications for both victim and perpetrator, this issue has taken the legal world by storm. It is not just members of the criminal bar who are dealing with this - lawyers with privacy, civil, family & intellectual property issues in their practice are also impacted. Join us to learn more about the rapidly evolving law in this area and receive practical tips about the myriad of legal and other issues to be considered when this issue arises in your practice.

Speakers: - Donna Wilson, *Wilson Litigation (Toronto, ON)*
- Michelle Bright, *Manitoba Justice - Prosecutions Service Division*
- Lisa LaBossiere, *Myers LLP*
- Monique St. Germain, *Canadian Centre for Child Protection Inc.*

Sponsored by the Technology & Intellectual Property Law Section / Privacy Law Section

Minding Your Own Business: Making, Marketing, and Managing Your Practice

This informative session is a "must-attend" for young lawyers or any lawyers looking to expand or improve their practice. Panelists will share different perspectives on making a business plan and model, networking, marketing, managing your practice and clients, and avoiding ethical pitfalls.

Speakers: - Darryl Lazarenko, *Pitblado LLP*
- Sofia Mirza, *Fillmore Riley LLP*
- Gerrit Theule, *Wolseley Law LLP*
- Stacy Senkbeil, *Meighen Haddad LLP*

Moderator: - Hilary Taylor, *Petersen King Law Corporation*

Sponsored by the Young Lawyers' Section

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

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

The Honourable Chief Justice of Manitoba, Richard Chartier and Liza Maheu will host this year's reception with MBA President, Mark Toews and Melissa Toews. The reception will include hors d'oeuvres, a cash bar and entertainment.

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

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

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

First Nations Sovereignty and Economic Development: Shaping our Future

This panel discussion is intended to provide lawyers in various practice areas a deeper understanding of First Nation and Indigenous economic development and governance initiatives that may affect your clients, including issues related to land management, self-governance, urban reserves, taxation and other topics of interest.

Speakers: - Rob Louie, *Chair of the Lands Advisory Board (Kelowna, BC)*
- Chief Marcel Moody, *Nisichawayasihk Cree Nation (Nelson House, MB)*
- Brenda Johnston, *Cochrane Saxberg Law*
- Brad Regehr, *Maurice Law*

Moderator: - Valerie Matthews Lemieux, *General Counsel, Nisichawayasihk Cree Nation*

Sponsored by the Aboriginal Law Section

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Family Law – A Year in Review

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

Manitoba Law Reform Commission (MLRC): Current Areas of Law Reform

Representatives from the Manitoba Law Reform Commission (MLRC) will discuss current law reform projects. In particular, this session will cover: (1) the culmination of the MLRC's project on construction law and *The Builders' Liens Act*; and (2) a run-through of MLRC's current projects on law reform topics, including a review of vacant and unclaimed property legislation and other projects that seek to create efficiencies in the law or promote access to justice. Presenters will provide an overview of the MLRC's mandate and describe both the current law in Manitoba and possible recommendations to improve and modernize the law in the areas listed above.

Speakers: - Kristal Bayes, *Legal Counsel, MLRC*
- Jacqueline Collins, *Gange Collins*
- Sacha Paul, *Thompson Dorfman Sweatman LLP*

Moderator: - Elizabeth McCandless, *Legal Counsel, MLRC*

Sponsored by the Legal Research Section

Billing Practice in Estates

Have the not-so-recent changes to Court of Queen's Bench Rule 74.14 got you down? Wondering why the Law Society is paying special attention to your estate administration files and why the Master will not approve your fees? Come join us as we review the rules relating to the fees and disbursements of lawyers for personal representatives under Court of Queen's Bench Rule 74.14. This session will provide a detailed overview of your obligations as the lawyer for the personal representative of an estate, and will include tips from the Master's office, advice on ethical billing practices and how to have your fees approved by the Court.

Speaker: - Master Karen Clearwater, *Court of Queen's Bench of Manitoba*
- Solange Buisse, *Taylor McCaffrey LLP*
- Cynthia Hiebert-Simkin, *Tradition Law LLP*

Moderator: - Charlotte McCurdy, *Taylor McCaffrey LLP*

Sponsored by the Wills & Estates Law 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 2019 MBA Distinguished Service Award, the 2019 Pro Bono Award and the 2018 MBA Recognition Awards.

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LAWYERS FINANCIAL

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

Part II of The Limitation of Actions Act

The Limitation of Actions Act provides opportunities in specific circumstances to extend time to commence actions in the Courts. This session will provide information on how to navigate and properly

implement the provisions in Part II of *The Limitation of Actions Act* to extend limitation periods in the appropriate circumstances.

Speakers: - The Hon. Mr. Justice James Edmond, *Court of Queen's Bench of Manitoba*
- David Hill, *Hill Sokalski Walsh LLP*
- Karen Poetker, *Pitblado LLP*

Moderator: - Bailey Harris, *Thompson Dorfman Sweatman LLP*

Sponsored by the Civil Litigation Section

Family Law – Mediation and Arbitration

Many other jurisdictions have very active mediation/arbitration practices in family law. Manitoba appears poised to join them in establishing a framework for mediation and arbitration in family law matters in Manitoba. As it becomes apparent that there will be a multi-layered approach to the delivery of family justice in Manitoba mediation/arbitration is expected to play a vital role going forward for Manitobans. It is critical for lawyers to get a head start in the delivery of this service. This session will discuss mediation and arbitration practice in family law, drawing on the experiences of other provinces.

Speakers: - John-Paul Boyd, *John-Paul Boyd Arbitration Chambers (Calgary, AB)*
- Aaron Franks, *Epstein Cole LLP (Toronto, ON)*

Moderator: - Lawrence Pinsky, *Taylor McCaffrey LLP*

Sponsored by the Family Law Section

The Impact of Artificial Intelligence on Canadian Legal Research

While we may tire of hearing how artificial intelligence is going to revolutionize the world, there is no denying that artificial intelligence is already having a major impact on legal research in Canada. Come and hear from our knowledgeable panel of speakers about cutting-edge developments in the field and how Canadian lawyers are putting them into practice. This session will include a real-time demonstration of existing AI-powered Canadian legal research tools.

Speakers: - Benjamin Alarie, *CEO of Blue J Legal (Toronto, ON)*
- Colin Lachance, *CEO of vLex Canada (Ottawa, ON)*
- Dean Jonathan Black-Branch, *University of Manitoba Faculty of Law*

Moderator: - Melanie Bueckert, *Manitoba Court of Appeal*

Sponsored by the Legal Research Section

Current Issues in Tax Law

This panel discussion, which is geared towards non-tax specialists interested in gaining a deeper understanding of tax issues affecting their clients and their practices, will cover a variety of tax hot topics, tips and traps, and other items of note. The discussion will focus on applying the material covered in practice and will generally not be technical in nature. This session will be of particular interest for general practitioners, commercial lawyers, and estate planners.

Speakers: - Johanna Caithness, *Fillmore Riley LLP*
- Paul Grower, *Fillmore Riley LLP*

Moderator: - David Silver, *Department of Justice Canada*

Sponsored by the Taxation Law Section

3:15pm – 3:30pm – Break – West Foyer

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hotel accommodations

A block of rooms has been reserved at the Fairmont Winnipeg, 2 Lombard Place, Winnipeg, MB at a rate of \$142 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 (Block #MBA20119). The rate is in effect until January 11, 2019.

thank you to our 2019 Mid-Winter Sponsors:



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The Property Registry

Your 2019 Mid-Winter Organizing Committee

Co-Chairpersons:

Alexandra Dueck-Dunsford, *Ratuski Law Office*
Tyler Grant, *Tapper Cuddy LLP*

Committee Members:

Katherine Bayer, *Taylor McCaffrey LLP*
Anthony Foderaro, *Fillmore Riley LLP*
Jason Gisser, *University of Manitoba Faculty Association*
Brent Kendall, *D'Arcy & Deacon LLP*
Cynthia Lau, *Great-West Life Assurance Company Law Department*
Jennifer Litchfield, *The Winnipeg Foundation*
Devon Mazur, *Myers LLP*
Meghan Ross, *Thompson Dorfman Sweatman LLP*
David Silver, *Department of Justice Canada*
Heather Wadsworth, *Petersen King Law Corporation*



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registration costs

	<u>Early Bird Member</u> (to Dec. 31, 2018)	<u>Member</u> (After Jan. 1, 2019)	<u>Member</u> <u>Student/Young Lawyer*</u>	<u>Non-Member</u>
One Day Registration	\$288.75	\$341.25	\$194.25	\$525.00
One Half Day Registration	\$210.00	\$262.50	\$131.25	\$393.75
Two Full Day Registration	\$525.00	\$577.50	\$351.75	\$787.50

Two Day Registration Only: You will receive all 12 hours of LSM Mandatory yearly CPD requirement (including 2 hours of Ethics, Professionalism and Practice Management)

individual event tickets

	<u>Member</u>	<u>Non-Member</u>	<u>Student/Young Lawyer*</u>
Bench & Bar Reception (Thursday)	\$36.75	\$55.12	\$21.00
Awards Luncheon (Friday)	\$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 lunch (only if registering for a full day Thursday) or MBA Awards Luncheon (only if registering for a full day 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 lunch (only if registering for a half day Thursday) or MBA Awards Luncheon (only if registering for a half day 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 lunch (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 17, 2019, subject to a 15% administrative charge. NO REFUNDS will be made if notification is received after January 17, 2019.



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