



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 18, 2018 to
Saturday, January 20, 2018

Fairmont Winnipeg
2 Lombard Place, Winnipeg, MB

The MBA

2018

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_MW2018 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 2018 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 that costs \$200.00 will give you a \$250.00 credit that can be used when you register for the MBA Mid-Winter and other CBA/MBA programs. The Portfolio plus add on package that costs \$400.00 will give you a \$500.00 credit that can be used when you register for the MBA Mid-Winter and other CBA/MBA programs. More information about these add on membership packages can be found on-line at <http://www.cbamembership.org/>.

thursday • 18-jan-2018 • 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: Canadian Process Serving • Chicago Title • Childview • DoProcess Software • First Canadian Title Insurance • LawyerDoneDeal Corp. • Lawyers' Financial • Matson Driscoll & Damico Ltd, Forensic Accountants • Mercedes-Benz Canada Inc. • SAI Systems Auditing Inc. • Stewart Title Guaranty Company • TitlePLUS • Xpera Risk Mitigation & Investigation

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

Effective Cross-Examination of Experts

Hear from experienced trial lawyers and a Court of Queen's Bench Justice to learn important techniques to improve your cross-examination skills.

Speakers: - Justice Regan Thatcher, *Court of Queen's Bench of Manitoba*
- Dean Kropp, *Tapper Cuddy LLP*
- Kathleen McCandless, *Pitblado LLP*

Moderator: - Tyler Grant, *Tapper Cuddy LLP*
Sponsored by the Family Law Section

Directors' Liability

This session will discuss the various situations in which personal liability can be imposed on directors of a corporation for certain debts and actions, or inactions, of a corporation. Speakers will discuss how commercial lawyers may advise their clients on this issue, describe how these potential liabilities operate in an insolvency situation and will explain the various taxation statutes which impose directors' liability and how they are enforced by government.

Speakers: - Bruce King, *Pitblado LLP*
- Ross McFadyen, *Thompson Dorfman Sweatman LLP*
- Penny Piper, *Federal Department of Justice, National Litigation Sector*

Moderator: - Sam Gabor, *Taylor McCaffrey LLP*
Sponsored by the Insolvency Law Section

Mines & Minerals

At this session, the speakers will discuss the rules pertaining to the ownership and exploitation of naturally occurring mineral substances in Manitoba. The discussion will centre upon these two broad areas:

- (i) determining ownership of mineral substances for any particular parcel of land (distinguishing between Crown ownership and private ownership); and
- (ii) the forms, documents and procedures which can (or must) be used in order to explore, claim and then use/exploit/extract mineral substances, again, distinguishing between where the minerals are held by the Crown and where they are held privately.

While clearly of interest to practitioners acting for prospectors and developers of mineral resources and for financiers dealing with them, the presentation should be useful for practitioners who do not "specialize" in this area, but from time to time encounter clients/potential clients who simply "want to know about" their or others' mineral rights (and how to deal with those who hold mineral rights, subsurface to one's surface ownership of land).

Speakers: - Jason Bryk, *Pitblado LLP*
- Thomas Frohlinger, *Pullan Kammerloch Frohlinger*

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

Sponsored by the Real Property Section

Financial Statements

It doesn't have to be Greek to you. Financial statements can be complex and confusing. The session is designed to help take some of the mystery out of interpreting financial reports. In this session, speakers will provide the tools to assist lawyers in various practice areas in understanding and analyzing an organization's financial picture.

Speakers: - Diana Axelrod, *KPMG*
- Mark Tallon, *Fillmore Riley LLP*
- Jon Taylor, *KPMG*

Moderator: - Aaron Ingram, *DD West LLP*

Sponsored by the Young Lawyers' Section

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

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

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This Changes Everything

Nicole Verkindt will speak to the major trends that are changing the way consumers interact with products and services and the implications that these trends will have on the legal sector, including evolution in office management, finding new clients, servicing clients and expanding the firm's businesses. Nicole will also address how such changes to the legal sector will drive dramatic change within clients' businesses in how they continue to compete and the various new issues lawyers will face from not losing market share, growing their businesses in this new environment, managing data, adopting new technologies and the changing leadership style that will be required in this new economy. This talk will motivate the audience to embrace the new economy, think about the implications for both their clients (in all sectors) and in their own law practices.

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.

Speaker: - Nicole Verkindt, Founder, OMX (Offset Market Exchange) | "Dragon", *Next Gen Den* | Panellist, CBC News, *The Exchange*

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

Family Matters: Using Child Specialists, Parenting Coaches, Mediation and Arbitration

Learn from alternative dispute resolution experts including lawyer-mediators and a parenting specialist how thinking outside the courtroom can help clients resolve complex family issues.

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Speakers: - Greg Evans, *Evans Family Law*
- Pam Leech, *Academy Family Law*
- Judy Baskerville, *Parenting Coordinator, Collaborative Practice Manitoba*

Moderator: - Connie Petersen, *Petersen King Law Corporation*
Sponsored by the Family Law Section

Estate Litigation: Ethical and Legal Considerations when Seeking Disclosure of a Testamentary File

Ian Scarth and Ken Mandzuik will discuss restrictions on disclosing a legal file relating to a Last Will and Testament and tactics on cross-examining the lawyer who prepared the Will. Tana Christianson and Jim Cox will discuss what the Law Society looks for in a lawyer's file and when a lawyer should contact the Law Society. Charlotte McCurdy will discuss from a solicitor's perspective: taking Will instructions, documenting the file, and how to avoid a possible challenge.

This session will provide you with 0.5 hours of Ethics, Professionalism and Practice Management that can be applied towards your Law Society mandatory yearly continuing professional development requirement.

Speakers: - Tana Christianson, *Law Society of Manitoba*
- Jim Cox, *Law Society of Manitoba*
- Ken Mandzuik, *Tradition Law LLP*
- Charlotte McCurdy, *Taylor McCaffrey LLP*
- Ian Scarth, *MLT Aikins LLP*

Moderator: - Charlotte McCurdy, *Taylor McCaffrey LLP*
Sponsored by the Wills and Estates Section

Off-Duty Conduct

What happens when an employee's activities outside of the workplace become a problem for the employer? This session will review how

employers, unions, judges, and arbitrators have dealt with this issue, including a discussion on discipline and dismissals. The panel will give particular attention to activities such as offensive personal blogs, social media postings, and involvement in rallies, given the recent events that have dominated the news in North America.

Speakers: - Greg Bartel, *Myers Weinberg LLP*
- Tracey Epp, *Pitblado LLP*
- Dr. Bryan Schwartz, *University of Manitoba*

Moderator: - Mark Toews, *Deeley Fabbri Sellen Law Corporation*
Sponsored by the Labour & Employment Law Section

Wikipedia and Legal Research

What role should crowdsourced wikis play in legal research? In this session, Peter Dostal, a senior Halifax Crown Attorney and the creator of the Canadian Criminal Law Notebook, will explain how wikis (including Wikipedia) work, will discuss when it may be appropriate to use wikis in legal research, and will explore the extent to which Wikipedia and other wikis are currently relied upon by Canadian courts.

Speaker: - Peter Dostal, *Public Prosecution Service, Halifax, NS*,
Creator of the Canadian Criminal Notebook

Moderator: - Melanie Bueckert, *Manitoba Court of Appeal*
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 Honourable Chief Justice Glenn D. Joyal of the Manitoba Court of Queen's Bench and Joanne Préjet will host this year's reception with MBA President, Melissa Beaumont and Thom Proch. 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

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*
- Lawrence Pinsky, *Taylor McCaffrey LLP*

Sponsored by the Family Law Section

Trial Advocacy with Perspectives from a Judge, a Senior Litigator and a Junior Litigator

This panel session is a primer and refresher on trial advocacy. Hear from the perspective of a Judge regarding what counsel does well to maximize efficiency and how best to assist the trier of fact in the courtroom. Topics will include effective opening statements, pre-trial issues, and whether to pursue JADR, among others. Pick up trial preparation tips and strategies from a senior litigator with over 10 years of experience, on topics like key pre-trial timelines, evidentiary issues

and late-stage settlement strategies. Find out from the perspective of an experienced junior on how junior litigators can best prepare themselves, their clients and their principal(s) for trial.

Speakers: - Associate Chief Justice Shane Perlmutter, *Court of Queen's Bench of Manitoba*
- Richard Beamish, *Tapper Cuddy LLP*
- Kalyn Bomback, *City of Winnipeg Legal Services*

Moderator: - Jennifer Litchfield, *MLT Aikins LLP*
Sponsored by the Civil Litigation Section

Business Law Issues Arising from Internet Transactions

Selected legal issues arising from conducting business on the internet will be addressed, including issues relating to the protection and enforcement of intellectual property rights, the protection of confidential information and the legal consequences of an online breach of confidential information.

Speakers: - Silvia de Sousa, *Thompson Dorfman Sweatman LLP*
- Adam Herstein, *Pitblado LLP*
- Mike Hicks, *InfoTech Inc.*

Moderator: - Jeff Kowall, *Thompson Dorfman Sweatman LLP*
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Manitoba Law Reform Commission: Current Areas of Law Reform

Representatives from the Manitoba Law Reform Commission (MLRC) will discuss current projects that seek to create efficiencies in the law, modernize the law, and promote access to justice. In particular, this session will cover: (1) the MLRC's project on Construction Law and *The Builders' Liens Act*, (2) the MLRC's series on Creating Efficiencies in Law, and specifically the MLRC's current project on expropriation law, (3) the MLRC's project on possible changes to beneficiary designations under *The Beneficiary Designation Act* (Retirement, Savings and Other Plans), as well as other potential areas of reform. Presenters will provide an overview of the MLRC's mandate and will describe both the current law in Manitoba and possible recommendations to improve and modernize the law in the areas listed above.

Speakers: - Cameron Harvey, *President, Manitoba Law Reform Commission*
- Jacqueline Collins, *Commissioner/Gange Collins Holloway*
- Sacha Paul, *Commissioner/Thompson Dorfman Sweatman LLP*

Moderator: - Kristal Bayes, *Legal Counsel, Manitoba Law Reform Commission*

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 2018 MBA Distinguished Service Award, the 2018 Pro Bono Award and the 2017 MBA Recognition Awards.

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

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*
- Aron Grusko, *Fillmore Riley LLP*

Moderator: - David Silver, *Pitblado LLP*
Sponsored by the Taxation Law Section

What's Diversity Got to Do with It?

This session will discuss achieving diversity on your boards, in your organization and the effect on your organization.

Speakers: - Carol Hansell, *Hansell LLP (Toronto)*
- Sofia Mirza, *Fillmore Riley LLP*
- Rhonda Goldberg, *IGM Financial Inc. (Toronto)*

Moderator: - TBC
Sponsored by the CCCA and Women Lawyers' Sections

Technology Skills Every Lawyer Should Master

In light of the Federation of Law Society's proposal that technological competence be included as an aspect of the standard of competency required by the Code of Professional Conduct, this session will help lawyers identify and master key technology skills that will make them more effective in practice. This session will also include tips for lawyers on relevant technology concepts that modern lawyers need to understand. Sarah Glassmeyer, from the ABA's Center for Innovation, is a former academic law librarian and legal research professor who frequently writes and speaks on this topic.

Speaker: - Sarah Glassmeyer, *Project Specialist Manager, American Bar Association Center for Innovation (Chicago)*

Moderator: - Heather Fast, *Legal Research Section Co-Chair*
Sponsored by Law Practice Management, Legal Research and Technology & IP Law Sections

3:15pm – 3:30pm – Break – West Foyer

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

9:30am – MBA Council Meeting – East Ballroom

hotel accommodations

A block of rooms (MBA20118) 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. The rate is in effect until January 5, 2018.

thank you to our 2018 Mid-Winter Sponsors:



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The Property Registry

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the 2018 mid-winter organizing committee

Co-Chairpersons:

Leandro Zylberman, *The Great-West Life Assurance Company Law Department*
Alexandra Dueck-Dunsford, *Ratuski Law Office*

Committee Members:

Katherine Bayer, *Taylor McCaffrey LLP*
Andrea Doyle, *Thompson Dorfman Sweatman LLP*
Jason Gisser, *University of Manitoba Faculty Association*
Tyler Grant, *Tapper Cuddy LLP*
Jennifer Litchfield, *MLT Aikins LLP*
Devon Mazur, *Myers Weinberg LLP*
Iain McDonald, *Fillmore Riley LLP*
Ian Scarth, *MLT Aikins LLP*
David Silver, *Pitblado LLP*
Mark Toews, *Deeley Fabbri Sellen Law Corporation*
Heather Wadsworth, *Petersen King Law Corporation*



registration costs

	<u>Early Bird Member</u> (to Dec. 31, 2017)	<u>Member</u> (After Jan. 1, 2018)	<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	\$55.13	\$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 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), law practice management 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, law practice management 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 12, 2018, subject to a 15% administrative charge.

NO REFUNDS will be made if notification is received after January 12, 2018.



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