



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 23, 2020 to
Friday, January 24, 2020

Fairmont Winnipeg
2 Lombard Place, Winnipeg, MB

The MBA

2020

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_MW2020 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 2020 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 • 23-jan-2020 • 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: ADR Institute of Canada, Beal Business Growth Consultants, Inc., Chicago Title, DoProcess Software, Evans Mediation & Arbitration, Facilitated Solutions, First Canadian Title, Investigation Solutions Network Inc, LawyerDoneDeal Corp., Lawyers' Financial, Mercedes Benz Canada Inc., SAI Systems Auditing Inc., Stewart Title Guaranty Company and TitlePlus.

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

Family Law Year in Review – Part I

The MBA is pleased to welcome back Lawrence Pinsky (Taylor McCaffrey LLP) and Aaron Franks (Epstein Cole LLP, Toronto) to host a review of the emerging areas and issues in family law in the past year. As there will be no Joint Family Law Program with the Law Society of Manitoba this spring, this year's Family Law – Year in Review will, in addition to a case law review, feature a variety leading speakers in important developing areas in family law.

Speakers: - The Hon. Mr. Justice Allan Dueck, *Court of Queen's Bench of Manitoba*
- Aaron Franks, *Epstein Cole LLP (Toronto, ON)*
- Lawrence Pinsky, *Taylor McCaffrey LLP*
- Byron Williams, *Public Interest Law Centre*

Sponsored by the Family Law Section

Income Tax Considerations in Residential Realty Conveyancing

While most real estate conveyancers will not have dived deeply into the income tax considerations related to residential real estate conveyancing, it is absolutely necessary for all such practitioners to be aware of potential pitfalls.

Speakers: - Jason Bryk, *Pitblado LLP*
- Desiree Hale, *MLT Aikins LLP*

Moderator - Edward Brown, *Pitblado LLP*

Sponsored by the Real Property Law Section

Ensuring Safe Workplaces

Whether you represent employers, workers, or unions, understanding their rights and obligations under *The Workplace Safety and Health Act* (Manitoba) is critical to ensuring that their workplaces are safe. This session will outline the rights and obligations for employers and workers under *The Workplace Safety and Health Act* (Manitoba), the process for filing and responding to complaints and accident reports, and the more recently legislated obligations regarding bullying and harassment in the workplace. This is an important and timely session for all labour and employment law practitioners given the general increase in awareness and complaints relating to workplace safety and health.

Speakers: - Shannon Carson, *Myers LLP*
- Jamie Hall, *Chief Operating Officer of Safe Work Manitoba*
- Jamie Jurczak, *Taylor McCaffrey LLP*

Moderator: - Anne Gregory, *Legal Counsel, Manitoba Nurses Union*

Sponsored by the Labour & Employment Law Section

Strategic Use of Research to Advocate for Social Change

How can you advance novel legal arguments when there aren't any precedents on which to rely? How do you find quasi-legal instruments when much of your legal education has been devoted to locating primary

sources of law? Sharing their experience in the animal law context, panelists will explore how legal research can support advocacy efforts, focusing on quasi-legal instruments or "soft law" as it is often referred. Though panelists will focus on animal law cases, the lessons learned are applicable across practice areas.

Speakers: - Kaitlyn Mitchell, *Legal Counsel, Animal Justice*
- Dr. Mary Shariff, *University of Manitoba Faculty of Law*
- James Silver, *Pennypacker Barristers (Toronto, ON)*

Moderator: - Elizabeth McCandless, *Graduate Studies, University of Manitoba*

Sponsored by the Animal Law Section and Legal Research Section

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

Sponsored by:

stewart title

Real partners. Real possibilities.™

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

Sponsored by:



Finding the Courage to Admit When you Need Help and the Struggles of Making that Admission

Michael Bryant tells a dramatic story of inspiration, survival, tough choices, and transformation. As the *Globe & Mail* put it, "the story that fate handed [Michael Bryant] on an unsavoury platter is not merely the stuff of fiction, it is the stuff of the greatest moral dramas in the literary canon." But it's what happened after Bryant's addiction admission that has deeply moved audiences. At this luncheon session, you will hear about his amazing journey and the lessons Michael has learned from it.

Bryant is a former Ontario Cabinet Minister and the former Attorney General of Ontario. His bestselling memoir, *28 Seconds: A True Story of Addiction, Tragedy, and Hope* was nominated for a Heritage Toronto Book Award in 2013. He is currently the executive director and general counsel for the Canadian Civil Liberties Association. In 2019, Bryant was named Canadian Lawyer's Top 25 Most Influential in the justice system and legal profession in Canada.

This session will provide you with two hours of ethics, professional responsibility or practice management that can be applied towards your Law Society of Manitoba mandatory yearly continuing professional development requirement.

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

Family Law Year in Review – Part II

The MBA is pleased to welcome back Lawrence Pinsky (Taylor McCaffrey LLP) and Aaron Franks (Epstein Cole LLP, Toronto) to host a review of the emerging areas and issues in family law in the past year. As there will be no Joint Family Law Program with the Law Society of Manitoba this spring, this year's Family Law – Year in Review will, in addition to a case law review, feature a variety leading speakers in important developing areas in family law.

Speakers: - The Hon. Mr. Justice Allan Dueck, *Court of Queen's Bench of Manitoba*
- Aaron Franks, *Epstein Cole LLP (Toronto, ON)*
- Lawrence Pinsky, *Taylor McCaffrey LLP*
- Byron Williams, *Public Interest Law Centre*

Sponsored by the Family Law Section

thursday • 23-jan-2020 • fairmont winnipeg

Legal Services for Agricultural Producers

Given that agricultural production and processing represents a significant element of Manitoba's economy, you will almost certainly encounter – frequently if you practice outside of Winnipeg – clients involved in farming operations.

Speakers: - John Stewart, *D'Arcy & Deacon LLP*
- Doug Ward, Q.C., *Pitblado LLP*
- Katherine Jones, *District Registrar of Dauphin Land Titles Office*

Moderator: - Edward Brown, *Pitblado LLP*

Sponsored by the Real Property Law Section

Motions to Dismiss for the Delay

The (still somewhat) new Rules have brought a web of new procedures to navigate. As litigators, we are often faced with managing “those files” that started years ago but have become stagnant due to a lack of forward movement. Learn how to smoothly and efficiently have these types of matters dismissed for delay (and how to avoid having your own matters dismissed for delay) by attending this session which will tell you what exactly it is that you need to do.

Speakers : - Aaron Challis, *Fillmore Riley LLP*
- Ian Scarth, *MLT Aikins LLP*

Moderator: - Kalyn Bomback, *City of Winnipeg Legal Services*

Sponsored by the Civil Litigation Section

Reconciliation: What's Law Got to do with it?

The word “reconciliation” has increased in popularity following the important work of the Truth and Reconciliation Commission of Canada and the National Inquiry into Missing and Murdered Indigenous Women and Girls. But what does “reconciliation” mean? Reconciliation is and must be more than just a “buzzword”. This panel discussion is intended to provide lawyers in various practice areas a deeper understanding of reconciliation between Indigenous and non-Indigenous peoples, as well as substantive suggestions for practicing lawyers to engage with the concept of reconciliation in their everyday practices.

Speakers: - The Honourable Chief Justice Glenn Joyal, *Court of Queen's Bench of Manitoba*
- Aimée Craft, Assistant Professor, *Faculty of Law, University of Ottawa*
- Tanya Kappo, *Kappo Hildebrand LLP*

Moderator: - Joëlle Pastora Sala, *Public Interest Law Centre*

Sponsored by the Aboriginal Law Section

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

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

The Honourable Chief Judge Margaret Wiebe will host this year's reception with MBA President, Cynthia Lau and her husband, George Poritsanos. The reception will include hors d'oeuvres, an open bar and entertainment.

friday • 24-jan-2020 • fairmont winnipeg

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

Supreme Court of Canada Trilogy Decisions

Signaling their intention to revisit the standard of review of administrative action, the Supreme Court of Canada has granted leave to three appeals that it heard together, namely, *Bell Canada v. Canada* (Attorney General), *National Football League v. Canada* (Attorney General), 2017 FCA 249 and *Vavilov v. Canada* (Citizenship and Immigration), 2017 FCA 132. This trilogy of cases has the potential to rework the law on standard of review of administrative action. Underlying these appeals is the struggle that lawyers and judges routinely encounter when trying to determine the appropriate standard of review in any case. There is a need for predictability and clarity, so that lawyers may advise their clients and avoid the ambiguity that encourages costly appeals from judicial review at first instance. The session aims to provide practical guidance on how the Supreme Court of Canada's decision will affect your practice of administrative law.

Speakers: - Andrew Pinto, *Pinto James LLP (Toronto, ON)*
- Dr. Gerald Heckman, *University of Manitoba Faculty of Law*
- Sherri Walsh, *Hill Sokalski Walsh LLP*

Sponsored by the Administrative Law Section

Family Issues in Estate Matters

Decisions made in the family context can clearly impact a client's estate plan. Without proper planning, parties may end up facing a Part IV accounting under *The Family Property Act*. This session will cover how

to do a Part IV accounting and the differences between Part IV and Part II family property division. We will also cover ways to avoid the spectre of an accounting or family fight by planning ahead. The mutual wills doctrine will be discussed, along with potential pitfalls of relying on mutual wills, and why an estate planning agreement might be the safest course of action in blended family situations. Our presentation will be relevant to both estate and family law practitioners.

Speakers: - Kim Antonio, *Taylor McCaffrey LLP*
- Solange Buissé, *Taylor McCaffrey LLP*
- Ken Mandzuik, *Tradition Law LLP*

Moderator: - Charlotte McCurdy, *Taylor McCaffrey LLP*

Sponsored by the Family Law Section and Wills & Estates Section

Outside the Mold: New and Creative Opportunities for Marketing

Tired of golf tournaments? Reluctant to attend yet another cocktail reception? Feel the standard lunch with clients has become stale? Don't pretend to be someone you're not. Attend this CPD and enjoy the success that comes from making the most of who you are. Geared towards both private and public practitioners, this CPD will provide you with advice and suggestions for building your practice and developing a marketing plan that goes beyond the standard approach. It will also provide effective marketing strategies for introverts as well as ideas for non-conventional alternatives to make your marketing approach work for you.

Speakers: - Suzanne Braun, *Managing Director, Relish New Brand Experience Inc.*
- Cynthia Cannon, *Marketing Coordinator, Taylor McCaffrey LLP*

Moderator: - Karen Wittman, *Fast Trippier Clunie Wittman LLP*

Sponsored by the Women Lawyers Forum

friday • 24-jan-2020 • fairmont winnipeg

Intellectual Property Considerations in Purchase and Sale Transactions

A panel discussion addressing intellectual property considerations in purchase and sale transactions and, in particular, representations and warranties, carve-outs and cross-border issues.

Speakers: - Silvia de Sousa, *Thompson Dorfman Sweatman LLP*
- John Myers, *Taylor McCaffrey LLP*
- Julia Ryckman, *Pitblado LLP*

Moderator: - Michael Jason, *Richardson International Limited*

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

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

Sponsored by:



CBIA

LAWYERS FINANCIAL

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

Featuring presentations of the 2020 MBA Distinguished Service Award, the 2020 Pro Bono Award and the 2019 MBA Recognition Awards.

Sponsored by:



CBIA

LAWYERS FINANCIAL

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

Insolvency Issues in Family Law

Bob Klotz (Klotz Associates, Toronto), author of Bankruptcy, Insolvency, and Family Law, will provide an invaluable overview of the intersection of family law and bankruptcy in the post-Schreyer era.

Speaker: - Bob Klotz, *Klotz Associates (Toronto, ON)*

Moderator: - Robynne Kazina, *Taylor McCaffrey LLP*

Sponsored by the Family Law Section and Insolvency Law Section

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 series on Access to Courts and Court Processes, specifically a review of the requirements for administration of an oath, affirmation or statutory declaration under *The Manitoba Evidence Act* and the potential for electronic witnessing of documents to improve access to justice, (2) the MLRC's revisiting of reforms to *The Wills Act*, and (3) review of *The Escheats Act* and the potential of establishing a process for unclaimed intangible personal property in Manitoba. 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: - Jacqueline Collins, *Commissioner, MLRC*
- Cameron Harvey, *Q.C., President MLRC*
- Kobra Rahimi, *Legal Counsel, MLRC*

Moderator: - Kristal Bayes-McDonald, *Legal Counsel, MLRC*

Sponsored by the Legal Research Section

Three Cs of the First Five Years of Practice: Conditions, Children, and Complaints

What trust conditions should I impose upon opposing counsel? What is a cross trust-condition?

Am I entitled to receive parental benefits from my firm? Can I go back to work after baby part-time?

What happens when one gets a Law Society Complaint or Request for Fee Arbitration? Am I the only one who has received such a complaint?

If you would like to know the answers to these questions and many others, but are too afraid to ask, you are not alone!

Our diverse panel will provide guidance on and share experiences about three common concerns affecting the day-to-day practice of young and senior lawyers alike: the "how-tos" and "what to avoids" of trust conditions, including inter-provincial trust conditions, "what to expect when you are expecting" from your employer or how parental leave may work when you are self-employed, and "what to do" if you receive a Complaint or Request for Fee Arbitration from the Law Society.

Speakers: - Sadira Garfinkel, *Tapper Cuddy LLP*
- Kara Hague, *Wolseley Law LLP*

Moderator: - Jessica Carvell, *Manitoba Hydro – Law Division*

Sponsored by the Young Lawyers' 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

Sponsored by:



CBIA

LAWYERS FINANCIAL

hotel accommodations

A block of rooms has been reserved at the Fairmont Winnipeg, 2 Lombard Place, Winnipeg, MB at a rate of \$149 for single or double occupancy. Reserve directly at <https://book.passkey.com/go/MBA2020MidWinter>. Or by calling 204-985-6234/1-800-441-1414 and indicating that you will be attending the MBA Mid-Winter conference (Block #MBA2012220). The rate is in effect until January 10, 2020.

thank you to our 2020 Mid-Winter Sponsors:



CBIA

LAWYERS FINANCIAL

stewart title®

Real partners. Real possibilities.™



TERANET®
MANITOBA

Your 2020 Mid-Winter Organizing Committee

Co-Chairpersons:

Tyler Grant, *Tapper Cuddy LLP*

Jennifer Litchfield, *The Winnipeg Foundation*

Committee Members:

Adriel Agpalza, *Pitblado LLP*

Danielle Barchyn, *MLT Aikins LLP*

Katherine Bayer, *Taylor McCaffrey LLP*

Krista Clendenning, *Tradition Law LLP*

Anthony Foderaro, *Fillmore Riley LLP*

Jason Gisser, *University of Manitoba Faculty Association*

Carli Owens, *Christianson TDS*

Meghan Ross, *Thompson Dorfman Sweatman LLP*

Abram Silver, *Myers LLP*

David Silver, *Department of Justice Canada*

Heather Wadsworth, *Mitousis Lemieux Howard Law Corporation*



Thursday, January 23, 2020 to
Friday, January 24, 2020

Fairmont Winnipeg
2 Lombard Place, Winnipeg, MB

registration costs

	<u>Early Bird Member</u> (to Dec. 31, 2019)	<u>Member</u> (After Jan. 1, 2020)	<u>Member Student/Young Lawyer*</u>	<u>Non-Member</u>
One Day Registration	\$290.00	\$340.00	\$190.00	\$525.00
One Half Day Registration	\$210.00	\$260.00	\$130.00	\$400.00
Two Full Day Registration	\$525.00	\$575.00	\$350.00	\$900.00

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)	\$45.00	\$65.00	\$25.00
Awards Luncheon (Friday)	\$55.00	\$80.00	\$45.00

Prices do not 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. Bench & Bar Reception ticket includes complimentary appetizers & beverages.

Refunds: Cancellations will be accepted by fax or email (admin@cba-mb.ca) until January 16, 2020, subject to a 15% administrative charge.

NO REFUNDS will be made if notification is received after January 16, 2020.

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

Please go to www.cbapd.org/MB_MW2020 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.

