

**THE MANITOBA
BAR ASSOCIATION**

The voice of the legal profession



**L'ASSOCIATION DU
BARREAU DU MANITOBA**

La voix de la profession juridique

MANITOBA BRANCH OF THE CBA / DIVISION MANITOBAINE DE L'ABC



2007
ANNUAL REPORT
RAPPORT ANNUEL

Executive Committee 2006-2007

President.....Antoine Hacault
Vice-PresidentMichael Law
Secretary/Treasurer.....Anthony Kavanagh
Advocacy and Public Relations
.....Annette Horst

Membership/Member Services
.....Michael Law
Past President.....John Stefaniuk
Executive DirectorStacy Nagle

Elected Council 2006-2007

WINNIPEG JUDICIAL DISTRICT

Kim Antonio
Derek Booth
Katherine Bueti
J.J. Burnell
Karen Clearwater
Robert Dawson
Barry Effler
Michelle Gallant
Adam Herstein
Joan Holmstrom
Sarah Inness
Anthony Kavanagh
Christina Kopynsky, Q.C.
Michael Law
William Malcolm
Ken Mandzuik
Ralph Neuman
Sandra Phillips
Michelle Reddekopp
Brad Regehr
Jacqueline St. Hill
Dean Scaletta
Priti Shah
Barbara Shields
Barry Sinder
Grant Stefanson
Josh Weinstein
Ken Zaifman

MLSA Representative

Charlene Caron

CPLED Student Representative

Krista Piché

CENTRAL JUDICIAL DISTRICT

Diane Stevenson
Avaline Widmer

EASTERN JUDICIAL DISTRICT

Gérard Simard

WESTERN JUDICIAL DISTRICT

Scott Abel
Tammy Baryluk
Richard Lonstrup
Wendy Stewart

NORTHERN JUDICIAL DISTRICT

Annette Horst

DAUPHIN JUDICIAL DISTRICT

Therese Koturbash

STAFF

Executive Director - Stacy Nagle
Executive Assistant – Jadah Nerman/
Melissa Tannahill
Law Student – Tanya Johannesson

Special Thanks to MBA Organizers

Nos bénévoles sont toujours au cœur de nos activités et leurs efforts sont grandement appréciés. Where would we be without our volunteers? A special **THANK YOU** to everyone who has made and continues to make things happen for the MBA. They are too numerous to mention but they include the following individuals:

Bar Bonspiel

Kerry UnRuh & Dana Kochan, *Tournament Organizers*

CBA Companies – Manitoba Representatives

- *Canadian Bar Insurance Association:*
Chrys Pappas, Q.C. (Past-President)
Jeffrey Harris (Director)
- *Canadian Bar Association Financial Services:*
Chrys Pappas, Q.C. (Vice-President & Treasurer)

CBA Standing Committee Members – Manitoba Representatives

- *Awards* - Jennifer Cooper, Q.C.
- *Continuing Legal Education* - Karen Wittman
- *Equity* - David Matas
- *Law Day* - Corrine Kulyk
- *Legal Aid* - Veronica Jackson
- *Judicial Compensation & Benefits*
- Richard Buchwald
- *Membership* - Michael Law, Chair
- *Pro Bono* - Byron Williams
- *Resolutions, Constitution & By-Laws*
- Wayne Onchulenko
- *Supreme Court of Canada Liaison Committee*
- Sandra Phillips

Charity Golf Tournament

William Malcolm & Ron Simenik, *Tournament Organizers*

Francophone Affairs Committee

Antoine Hacault, *Chairperson*

Law Day Organizing Committee

Corrine Kulyk, *Chairperson*

Kim Antonio
Debbie Baker
Karlee Blatz
Paulette Desaulniers
Karen Fulham
Beth Olson
Omar Siddiqui
Mary Troszko
Kelly Wilson
Graeme Young

Lawyers Professional Assistance (Lawyers Helping Lawyers)

Myfanwy Bowman, *Chairperson*

Legal Aid Advisory Committee Representatives

Saul Simmonds Sandip Sett

Legislation & Law Reform Committee

Ken Mandzuik, *Chair*
Michelle Gallant
Grant Stefanson

Manitoba Law Foundation

MBA Board Representative

Barbara Shields as of November 2004

Manitoba Law School Foundation Board

Wayne Onchulenko Veronica Jackson

MPI PUB Rate Application Hearing Counsel

Robert Dawson

MTC/MBA Joint Production – *Inherit the Wind* Cast

Hayley Anderson Helena
Nunziata Ardita Hermia
Gail Asper Titania
Lawrie Cherniack Philostrate
Jessica Cogan First Fairy
Scott Farlinger Oberon
Carolyn Frost Fairy
Danny Gunn Puck
John Harvie Peter Quince
Sean Hicks Francis Flute/Thisbe
Jeff Hirsch Snug the Joiner/Lion
Catherine Kelly Fairy
Robin Kersey Robin Starveling/Moon
Jim McLandress Tom Snout/Wall
Candray Mehkary Fairy
Marika Nerbas Fairy
Nalini Reddy Hippolyta
Brad Regehr Theseus
Steve Scarfone Demetrius
Murray Sinclair Nick Bottom
Lyle Smordin Egeus
Mark Toews Lysander

Play Committee Members

Joan Holmstrom John Stefaniuk

Mid-Winter Conference Committee

Karen Clearwater, *Co-Chair*
Karen Wittman, *Co-Chair*

Jessica Arnett
Melanie Bueckert
JJ Burnell
Shannon Carson
Lisa Cupples
David Davis
Robert Dawson
Barry Effler
Annette Horst
Jamie Jurczak
Christina Kopynsky, Q.C.
Paul McDonald
Sofia Mirza
Lindsay Pearce
Lisa Sumka

Pitblado Lectures

Karen Clearwater, *Organizing Committee Member*
Robert Dawson, *Topic Selection Committee Member*

Court of Queen's Bench & Bar Liaison Committee

The Honourable Mr. Justice Robert Carr, *Chairperson*

Provincial Court Bench & Bar Liaison Committee

The Honourable Judge Ron Meyers, *Chairperson*



Antoine Hacault

PRESIDENT'S REPORT

Je profite de cette occasion afin d'exprimer ma gratitude pour tout l'appui que j'ai reçu au cours de l'année. Notre association provinciale continue d'être vibrante. Due in large part to you, the members, together with the support of our outstanding administrative staff, the MBA continues to provide top quality continuing education seminars and meetings and continues to be ever vigilant on issues of concern to you.

At a National level, we were again very well represented on CBA Standing Committees and Special Committees. We had representatives on 10 CBA Standing Committees. We also had 23 of our members who held Executive positions on National Sections and Conferences. In addition, we had representatives on the CBA companies - Canadian Bar Insurance Association and Canadian Bar Financial Services Corp. Finally, Wayne Onchelenko has been acclaimed as Treasurer of the CBA and Guy Joubert was the 2nd Vice-President in 2006/2007. I can proudly say that we do more than our fair share at the National level.

This year the CBA adopted a strategic plan and Branches, including ours, adapted their strategic plans to mesh with the National one. We approved an exciting initiative; the hiring of an additional staff whose primary role will be to enhance services to members. This includes assistance to the branch Sections in organizing regular meetings with substantive CLE components. You, the members, continue to tell us in surveys that this is an important aspect of the services that your Association provides.

En ce qui concerne les médias, je suis intervenu dans les journaux, à la radio et à la télévision, dans les deux langues officielles, à votre nom afin de défendre des critiques injustes de la magistrature et afin de défendre l'image de notre profession.

The Association is proud of the open lines of communication that it has with the Chief and Associate Chief Judges and Justices. This exchange allows us to improve the administration of justice by dealing with any issues in a proactive way.

This year, we also continued our regular meetings with the Minister of Justice and Attorney General for Manitoba and with the Justice Critic. Having regular meetings allows us to work with legislative representatives on various initiatives and legislative reform. The long awaited announcement of the construction of a new women's correctional centre to replace the dungeon at Portage La Prairie and the legislation enacted to exempt RRSP's from seizure are examples of success achieved through the efforts of many,

including the MBA. We also promptly dealt with and clarified issues of concern such as media quotes of the Justice Critic to the effect that judges were out of touch with the public.

Dans ma capacité de Président j'ai également eu le privilège de participer à plusieurs activités reliés à l'école de droit - Robson Hall. Nous sommes là à la rentrée des classes, pour la journée de carrière, pour les tribunaux écoles et pour les activités de mentorat. In addition, we continue to monitor the articling match process. Other issues include student loans and the rising cost of tuition. I also attended various other law school functions including an open forum at the law school with the then Federal Justice Minister, The Honourable Vic Toews. The tampering of the Federal Justice Selection Committee by adding law enforcement representatives and the cancellation of the Court Challenges Program were just some of the issues raised on your behalf.

This year the MBA had an active Legislation and Law Reform Committee, which tracked and commented on various Bills. We were also proactive in seeking comments from Universal membership law firms and MBA Section leaders on issues which were of concern to them.

My year as President was marked by an unusually high number of judicial appointments both at the Provincial Court as well as at the Superior Courts. The composition of about a quarter of the Provincial Court changed. One position was added to enhance service in Thompson. La Cour d'appel et la Cour de Banc de la Reine ont vu l'addition de juges bilingues.

Practicing law is not all about work. The annual charity golf tournament and curling bonspiel were successes as was the participation in the activities organized by the Central, Western and Northern Bars. On the issue of rural representation, we were fortunate to have one of our Council meetings in Dauphin, Manitoba. This allowed Council to visit the antiquated Dauphin Court house and see and better understand all of the issues faced by victims, the public, staff, lawyers and judges.

Finally, the MBA, as the voice of the profession, undertakes various activities for the benefit of the public and the administration of justice. Our support of MTC through the annual fundraising play has raised over \$750,000 to date and the resounding success of Law Day activities both in Winnipeg and Brandon are clearly appreciated and recognized.

Merci encore de m'avoir donné le privilège de vous représenter. Your Association is healthy and vibrant. The Executive is comprised of a broad cross-section of the profession which is representative of both genders, the public sector, the private sector, firms both large and small, and finally, rural and urban lawyers. The upcoming year promises to be dynamic and exciting. Once again, thank you for having given me the privilege of being its President.



Michael Law

VICE-PRESIDENT'S REPORT

From August 2006 until February 2007, Barry Effler was Vice-President of the MBA. Following Mr. Effler's resignation from the Executive in February 2007, I took on that role until my term ended in August 2007. The Vice-President is the member of Executive primarily responsible for Section activities. Sections and CLE programming are seen by most MBA members as integral parts of the Association.

In 2006/2007, the number of Section meetings and the attendance at Section meetings decreased fairly significantly as compared to the previous few years. To address the decline, the MBA has hired Melissa Tannahill as the new Section/CLE coordinator. Ms Tannahill is scheduled to start work in November 2007.

In an effort to be more accessible to our non-Winnipeg members, in May 2007, we held a second video link CLE in the area of Family Law. Unfortunately, due some technical issues that were not within our control,

the CLE could not proceed. However, the MBA plans to continue with video link CLEs in the future.

Mr. Effler attended planning meetings for the MBA Mid-Winter meeting, and served on the Topic Selection Committee for the 2007 Pitblado Lectures.

On April 19, 2007, MBA Council approved the establishment of a branch Law Practice Management Section. The Section will focus on the business of the practice of law, including: organizational structure for law firms and law departments; recruitment and retention of legal talent; talent management and professional development, knowledge management, marketing of legal services, pricing of legal services, e-lawyering, multi-disciplinary and multi-jurisdictional practice of law; relationships between law firms and their clients; compensation systems for partners, associates, and in house counsel; ethics and professionalism in the delivery of legal services.

As Vice-President, I attended the CBA National Administrative Law conference in Winnipeg, chaired by MBA Council member, Robert Dawson.

As Vice-President, Mr. Effler or I attended meetings with the Attorney General of Manitoba and with the judiciary and participated in the Section Leaders Orientation Workshop.



Michael Law

MEMBERSHIP/MEMBER SERVICES REPORT

My two-year term as MBA Membership/Member Services Chair ended in August 2007. For the last year of that term I also served as Chair of the CBA Membership Committee. During that two-year period, the CBA hired a full-time membership and marketing director and began aggressively working towards the goal of achieving 90% market penetration as mandated by the CBA Strategic Plan. For me, participating in this progressive and

potentially radical endeavour has been an exceptionally rewarding experience.

Manitoba Membership Statistics

As of August 28, 2007, Manitoba had 1,238 members (1,219 paid members), an increase of 1.3% from one year earlier.

Lawyers

The MBA secured the continuation of the provincial Crown's pilot project through which provincial Crown attorneys have half of their membership fees paid by their employer.

In April and May 2007, we had "Bring a Buddy" months during which MBA members were encouraged to bring out their non-member colleagues to Section meetings and other MBA events. Follow-up letters were sent to all "Buddy" lawyers who attended an MBA meeting or event during that month.

A one-page "cheat sheet" highlighting the benefits of membership was prepared and distributed at the December 2006 Council meeting. The list of "Preferred Suppliers" continues to be developed.

"Welcome letters" continue to be sent to new MBA members and follow-up phone calls were made to lapsed members.

Students/CPLED

Specifically for students, the MBA continued with its very popular lawyer/student mentorship program. Approximately 75 law students

were "matched" with 75 MBA lawyer members. A wine and cheese networking opportunity took place at Thompson Dorfman Sweatman LLP in November 2006 and a casual night of bowling at Academy Lanes was held in February 2007. Thanks go to Charlene Caron and her Committee who coordinated the 2006/2007 Mentorship program. In addition, members of the MBA Executive attended orientation week at Robson Hall where we co-sponsored a lunch with The Law Society of Manitoba.

Many of our members and the Executive attended the MLSA's formal "Carbolic Smoke Ball" event in conjunction with the MBA's Mid-Winter conference in January 2007.

MBA President, Antoine Hacault presented to the CPLED Students in September, 2006 on the benefits of membership in the CBA.

CBA National

I attended the meetings of the CBA National Membership Committee in October 2006, February 2007 in Mont-Tremblant and August 2007 in Calgary. National membership initiatives include:

- The completion of the segmentation survey by the time of the Calgary CLC in August 2007. Analysis of the survey results is ongoing. The 90% market penetration rate goal may be unrealistic.
- Personal meetings with universal firms and developing benefits to encourage firm universality.
- Review and continued development of a national advertising campaign aimed at boosting the image of lawyers in the eyes of the public.
- The continuation of the 5 year pilot project for free membership to Ontario law students with ongoing monitoring of its success in retaining students as paying members once they leave law school.
- Approval of a reduced fee rate for retired members.
- The extension of preferred rates to non-CBA member lawyers through TD Meloche Monnex for home and auto insurance.



Anthony Kavanagh

SECRETARY / TREASURER'S REPORT

I have been delighted to serve as the Association's Secretary-Treasurer for the last 3 years. During that time, I can unreservedly report that in my opinion, the MBA - and its finances specifically - are very well maintained by the staff at the MBA and in particular, our Executive Director, Stacy Nagle. I am therefore pleased to provide with this report, the audited Financial Statements for the fiscal year ended August 31st 2007,

prepared by Dean R. Jenkyns, Chartered Accountant Inc.

Our investments are at \$323,824 providing a solid base of protection for our organization. In my opinion, with the addition of another part-time staff person to deal with Section growth and member services, a significant lease agreement (which had been put off for some time) and an aggressive plan to enhance member services including a number of longer-term initiatives, I suspect that although we shall be able to maintain those

investments, we will not expect to see the kind of surpluses we have seen in recent years. However this is a positive development because as a not-for-profit organization, we ought not to be building too large an asset base. This year, our membership fees with related levies and rebates increased just under \$12,000, our investment income, \$3,000 which more or less accords with an overall increase of revenue over the previous year of about \$15,000, a total figure of \$416,440. On the other hand, our expenditures overall decreased by some \$14,000, a total figure of \$391,481. In part, we reduced Council activity costs and public relations while increased Member services and administration costs. The overall excess of revenue over expenses was some \$28,463.

The Association's fiscal situation remains in great shape. I do want to congratulate Stacy Nagle and her staff for the great fiscal processes and management, the Executive and Council for their collective wisdom. I am quite sure that Ms Karen Wittman, who assumes the role as Secretary/Treasurer for the year 2007-2008, will find her duties as rewarding as I did.



Annette Horst

ADVOCACY AND PUBLIC RELATIONS REPORT

It has been my great pleasure to hold the position of Director of Advocacy and Public Relations for the year 2006-2007 previously known as the Communication Chair.

Headnotes & Footnotes

The Director of Advocacy and Public Relations is tasked with responsibility of reviewing *Headnotes & Footnotes* on a monthly basis. This is the end result of the enormous contribution by our Executive Director Stacy Nagle to have each edition formatted and all contributions vetted for publication. In this past year we initiated a new feature "Universal Firm Spotlight". We have continued to feature Dean Scaletta's very popular column "What's Happening?".

Legislation and Law Reform Committee

This was the first year for this very important Committee to be up and running with a mandate from Council. Ken Mandzuik and his committee members, Michelle Gallant and Grant Stefanson circulated notices to relevant Sections for their input and maintained a watchful eye on legislation as it was introduced in the legislature.

MBA Website

Our website continues to receive many hits and be an important avenue for members to access us and the services we provide.

MTC/MBA Production

This year's production of *A Midsummer Night's Dream* was our primary community fund raiser. The MTC Production has been very successful each year and provides a positive image of lawyers in our community. The production raised over \$91,000 for MTC, bringing the total amount to \$750,000 raised to date.

MBA Legal Directory & Dayplanner

This is an essential tool on every lawyer's desk. The sales of the directory continue to rise year after year and this year was no exception with over 1,925 copies of the directory sold.

Bar Bonspiel

Eighteen teams participated in this year's event that was held on Friday, March 9, 2007 at the Granite Curling Club. Kerry Unruh and Dana Kochan from Deeley Fabbri Law Corporation organized this event.

Charity Golf Tournament

The 2007 MBA charity golf tournament was held on May 28, 2007 at Elmhurst Golf & Country Club. Approximately 50 golfers participated in this event. Thanks go to Bill Malcolm and Ron Simenik who organized the tournament. The Winnipeg Children's Access Agency was the charity for this year's tournament.

MBA Awards

This was the first year that the MBA Council Awards were presented at the MBA Mid-Winter Awards Luncheon. This was very well received and will continue in the future as an excellent opportunity to more publicly recognize those members who have made significant contributions to our association and the community each year.

Law Day 2007

This year Law Day was a special celebration of the 25th Anniversary of the Charter. Events on April 15, 2007 were very successful in both Winnipeg and Brandon. Credit goes to the Organizing Committees for their tireless efforts in organizing this important educational event for the public about the law.

I am sure that the MBA will be well served by Tony Kavanagh in this position for 2007-2008. Good luck Tony! Lastly, thank you to Stacy and Jada for making my first year on Executive go so smoothly.



John Stefaniuk

PAST PRESIDENT'S REPORT

It has been a pleasure to serve as the MBA's representative on the CBA Board of Directors. For one thing, it has been an opportunity to serve with a group of like-minded but diverse individuals from across Canada, all working for the betterment of the Association, the improvement of conditions for lawyers and the enhancement of systems for the administration of justice in our country. It has also given me an even closer first-hand look at how well-run the CBA is, under the guidance of its

prudent, professional management and through the efforts of a large number of wonderful staff and dedicated volunteers. We should take pride in our Association and the excellent work that it is doing and take comfort in knowing that our membership fees are being put to good use.

One of the main items for discussion at the Board this year has been the finalization and beginning stages of the implementation of the CBA's new strategic plan, *Crystal Clear*. The strategic plan does not represent a dramatic change in the direction of the Association, but rather provides focus to the CBA's activities. In the initial stages a great deal of effort will be spent on maintaining and improving

member services and recruitment of new members in order to maintain and enhance the CBA's position as the voice of the legal profession in Canada.

A number of issues were dealt with at the Board over this past year. Presentations were received from the CBA's Conflict of Interest Task Force, which is now in the process of consulting with lawyers regarding the establishment of clearer rules governing conflict of interest in the lawyer-client relationship. The Canadian Judicial Council gave a presentation in which the CBA's support was requested for alternative models of court administration that would give greater control over court resources to the courts themselves. CBA President Parker MacCarthy, Q.C. engaged the Board in taking action on the issues faced by rural practitioners and the difficulties in finding adequate legal services in rural and remote communities. We dealt with the CBA's court interventions including the (unsuccessful) decision in *Christie*, and heard from the working group on no-fault insurance (still a large issue in some provinces).

I am confident that, through the diligence and strength of the CBA and the efforts of its members, the many challenges now being faced by our profession and those new challenges that loom upon the horizon will be well met and that our membership and our systems of justice will be well-served. I encourage you to get involved; you will find your participation to be valuable and rewarding.

EXECUTIVE DIRECTOR'S REPORT



Stacy Nagle

On June 15, 2005, MBA Council approved a 4 year strategic plan for the Branch and work has been proceeding on meeting the objectives of that plan. On December 7, 2006 the MBA Executive Committee held a brainstorming session and reviewed the work already accomplished in the current strategic plan and discussed possible changes to the plan based on the new CBA 5 year strategic plan approved in 2006/2007. On June 13, 2007 the MBA Council adopted a new 5 year strategic plan.

The Manitoba Bar Association is the Association of lawyers, judges and law students in Manitoba. Our purpose is to advance the interests of our diverse membership and to promote the essential role of the legal profession in our society.

As the voice of the legal profession, the Manitoba Bar Association is a leader in the community, providing high quality training and services, increased involvement in the development of legislation and promoting high standards of professionalism. Representing those who work within the legal profession, the Manitoba Bar Association will be a relevant and proactive advocate for its members and a presence within the legal community.

Over the past five years that I have been the Executive Director of the Manitoba branch of the Canadian Bar Association, many accomplishments have been made. Highlights of these, not already mentioned in the other reports, for 2006/2007 include:

- The MBA moved its offices on September 1, 2006 to 1450-363 Broadway, Winnipeg, MB R3C 3N9.
- Robert Dawson represented the MBA as an intervener at the MPI PUB Rate Application hearing in October 2006.
- A kick off Women Lawyers' Forum reception was held on Tuesday, October 24, 2006. Approximately 81 members attended this event.
- The Ad Hoc Committee of MBA Past-Presidents met on October 31, 2006 to discuss various issues and make a recommendation regarding the Distinguished Service Award recipient.
- Representatives of the MBA met with The Honourable Dave Chomiak on November 9, 2006, January 30, 2007 and June 18, 2007.
- The MBA continues to raise the issue of Legal Aid with the Minister of Justice and Attorney General for Manitoba. The Manitoba Bar Association has two representatives on the Legal Aid Advisory Committee, Sandip Sett and Saul Simmonds. In addition, Antoine Hacault sits on the Advisory Committee. The CBA continues its work on the Legal Aid test case. The National office and each of the branches are providing the financial support for this test case.
- On September 19, 2006 representatives of the MBA met with Hugh McFadyen, Leader of the Official Opposition and Kelvin Goertzen, Justice Critic.
- On November 28, 2006 the provincial government announced *The Registered Retirement Savings Protection Act* which is designed to protect creditors retirement savings held in deferred profit sharing plans, registered retirement savings plans and registered retirement income funds. The MBA has been lobbying the provincial government for many years on this issue. Although all of our recommendations were not included in the new legislation it is a positive benefit to our members. The legislation is expected to take effect on November 1, 2007.
- The 2007 Mid-Winter which was held on January 25 – 27, 2007 featured 7 CLEs: Duty to Consult, Managing Clients, Joint Ownership, Defamation Actions, 15 Minute Family Lawyer, 25 Years of the Charter and Raising Capital. The 2007 MBA Distinguished Service Award was presented to Professor Trevor Anderson, Q.C. and the 2007 Pro Bono Award Recipient was Veronica Jackson of the firm Gange Goodman & French. The MBA Council Awards were also presented at the ceremony: Community Involvement Award to **Stuart Blake**, *Fillmore Riley LLP* for his work with the Winnipeg Humane

Society; Council Member Awards to **Veronica Jackson**, *Gange Goodman & French*, **Sandra Phillips**, *Barrister & Solicitor* and **Jacqueline St. Hill**, *Manitoba Justice*; Equality Award to **Brenlee Carrington-Trepel**, *Equity Ombudsperson, The Law Society of Manitoba*; and, Headnotes & Footnotes Award to **Dean Scaletta**, *Manitoba Public Insurance*.

- CBA President, Parker MacCarthy, Q.C., was in Winnipeg on January 27, 2007 for the MBA Mid-Winter meeting. In addition, we were also pleased to have James Morton, Ontario Branch President and Inez Cardinal, Saskatchewan Branch President attend our Mid-Winter and speak to Council.
- Mr. Justice John Scurfield of the Manitoba Court of Queen's Bench was the keynote speaker for the Young Lawyers' Judges lunch which was held on April 19, 2007. Approximately 95 people attended the luncheon that was sponsored by CBA.
- The MBA, the Office of the Public Trustee and The Winnipeg Foundation presented "Will Week" from April 23 – 27, 2007. The initiative is intended to raise public awareness of the value of estate planning, and stressing the importance of having a will, power of attorney and living will. MBA members generously volunteered their time to present a number of public information sessions during the week in Portage La Prairie, Ste. Rose du Lac, Swan River, Winkler, and Winnipeg. The sessions proved to be well attended (in excess of 1,163 people in Winnipeg) and well received.
- The MBA with the Ombudsman Manitoba, Canadian Taxpayers Federation (Manitoba), Canadian Association of Journalists, Provincial Council of Women, Manitoba Library Association, Consumers Association of Canada (Manitoba), and the Winnipeg Press Club sponsored two events for Right to Know Week in Manitoba. The first event was held Friday, September 22, 2006 at Portage Place. A Panel on Access to Information was moderated by Tom Brodbeck from the Winnipeg Sun. There were approximately 100 people in attendance. The second event was held on Thursday September 28, 2006 at the Winnipeg Press Club. It was another panel discussion on Government Secrecy vs. The Public's Right to Know Where do Political Parties stand on Access to Information? It was moderated by Janet Stewart, News Anchor CTV and opening remarks by Jon Singleton, F.C.A, former Manitoba Auditor General. Thanks go to Wayne Forbes, Chair of the MBA Health Law Section and Brian Bowman, Chair of the CBA Privacy & Access Law Section for their work on these events.
- Weekly court decisions were distributed to subscribing firms.

This work could not have been accomplished without the assistance of the MBA staff and volunteers. Volunteers contribute countless hours to ensure the Association can provide quality services to our members.

In addition to working with some wonderful volunteers in 2006/2007 I was also fortunate to have worked with some fantastic, amazing staff. In November 2006, Melissa Tannahill gave birth to an adorable baby boy, Nathaniel Kevin Tannahill. Jadah Nerman was hired to replace Melissa as the MBA Executive Assistant during her maternity leave. I must confess that I was very concerned about finding a replacement for Melissa's maternity leave, however Jadah has been a wonderful addition and a great support for the Association. In June 2007, MBA Council approved funds to hire a new Section/CLE Coordinator position. Melissa will begin in this new position in November 2007 and Jadah will be confirmed as the full-time permanent MBA Executive Assistant. Tanya Johannesson, a second year law student, worked for the MBA in the summer of 2007, researching and assembling the information that was included in the Legal Directory & Day Planner.

Section Chairs 2006-2007

Within brackets, the first figure indicates the number of members enrolled, and the second figure indicated the number of meetings, events or continuing legal education programs held in 2006/2007.

ABORIGINAL LAW (102; 3)
Brenda Johnston, Co-Chair
Sacha Paul, Co-Chair

ADMINISTRATIVE LAW (161; 4)
Clay Purves, Chair

ALTERNATIVE DISPUTE RESOLUTION (124; 3)
Patricia Lane, Chair

BANKRUPTCY & INSOLVENCY LAW (74; 2)
Richard Schwartz, Chair

BUSINESS LAW (229; 2)
Daniel Sherbo, Chair

CIVIL LITIGATION (250; 4)
Shane Perlmutter, Chair

CONSTITUTIONAL/HUMAN RIGHTS (123; 6)
Diana Cameron, Co-Chair
Veronica Jackson, Co-Chair

CONSTRUCTION LAW (98; 2)
Shayne Berthaudin, Chair

CORPORATE (IN-HOUSE) COUNSEL (197; 7)
Gary Goodwin, Chair

CRIMINAL JUSTICE (101; 3)
Kusham Sharma, Co-Chair
Evan Roitenberg, Co-Chair

ELDER LAW (55; 4)
Heather Dixon, Chair

ENVIRONMENTAL LAW (66; 2)
Nigel Thompson, Chair

EQUALITY ISSUES (77; 0)
Catherine Dunn, Chair

FAMILY LAW (158; 5)
Michael Williams, Chair

GENERAL PRACTITIONERS (100; 1)
Victoria Lehman, Chair

HEALTH LAW (79; 0)
Wayne Forbes, Chair

IMMIGRATION LAW (46; 7)
Edward Rice, Chair

INTERNATIONAL LAW (70; 1)
Dhara Drew, Co-Chair
Charlotte Young, Co-Chair

LABOUR LAW (123; 0)
No Chair

LAW PRACTICE MANAGEMENT & TECHNOLOGY (56; 0)
Avaline Widmer, Chair

MEDIA & COMMUNICATIONS LAW (58; 0)
Robert Sokalski, Chair

MUNICIPAL LAW (64; 3)
Harold Dick, Chair

PUBLIC SECTOR LAWYERS (70; 1)
Mary Ann Thompson, Chair

REAL PROPERTY (190; 3)
Ned Brown, Co-Chair
Howard Nerman, Co-Chair

SECURITIES LAW (75; 2)
Richmond Bayes, Chair

SOIC MANITOBA (29; 3)
Kristine Barr, Co-Chair
Ken Mandzuik, Co-Chair

TAXATION LAW (87; 1)
Leilani Kagan, Chair

TECHNOLOGY & INTELLECTUAL PROPERTY LAW (82; 3)
Adam Herstein, Chair

TRANSPORTATION LAW (30; 0)
Joseph Barnsley, Chair

WILLS & ESTATE LAW (186; 2)
Marvin Giesbrecht, Co-Chair
Jacob Giesbrecht, Co-Chair

WOMEN LAWYERS' FORUM (158; 3)
Veronica Jackson

YOUNG LAWYERS' (469; 3)
Graeme Young, Chair

MBA Branch Statistics

Members	Sections
1,219	32
Section Membership	
3,787	

HONOURS - 2006-2007

HONOURS:



**2007 MBA Distinguished
Service Award Recipient:**
Professor D. Trevor Anderson, Q.C.



The 2007 Pro Bono Award Recipient:
Veronica Jackson, Gange Goodman French

MANITOBA BAR ASSOCIATION / ASSOCIATION DU BARREAU DU MANITOBA

2006/2007 SECTION ACTIVITY

Aboriginal Law

- November 9, 2006 Forum on *R. v. Jenkinson*: Non-Smoking Laws on Reserve
- January 26, 2007 Mid-Winter CLE – Duty to Consult (joint CLE with Business and Environmental Law Sections)
- February 22, 2007 Financing Projects on First Nations' Reserve Lands (joint meeting with Real Property Section)

Administrative Law

- December 13, 2006 Property Tax Appeals: Do's, Don'ts and Other Tips
- April 12, 2007 Where Do They Go From Here?
- June 8, 2007 General Business Meeting
- June 8, 2007 Administrative Law on the Prairies CLE (in conjunction with CBA National Administrative Law Section)

Alternative Dispute Resolution

- October 11, 2006 ADR Section Wine and Cheese Kick-Off Event
- February 16, 2007 The Importance of Language in Dispute Resolution
- June 26, 2007 *The Apology Act* and The Election of the ADR Executive

Bankruptcy & Insolvency Law

- November 22, 2006 Standard Receivership Orders
- May 16, 2007 *The New Registered Retirement Savings Protection Act*

Business Law

- November 29, 2006 General Business, Recruitment to the Executive
- January 26, 2007 Mid-Winter CLE – Duty to Consult (joint CLE with Business and Environmental Law Sections)

Civil Litigation

- October 31, 2006 Practical Pointers and Proper Practice on Cross Examinations on Affidavits in Motions and Applications
- December 12, 2006 Queen's Bench Rules Committee
- January 26, 2007 Mid-Winter CLE - Words Hurt More than Sticks and Stones: Defamation Actions for Civil Litigators
- June 5, 2007 Informal discussion regarding the practice of Civil Litigation with Judges and Masters

Constitutional/Human Rights Law

- October 26, 2006 Advocacy before a Human Rights Adjudicator: The inside track
- January 26, 2007 Mid-Winter CLE – 25 Years of *The Charter* – Should We Celebrate or Hold a Wake?
- March 5, 2007 Accommodation of Disabilities in the Workplace: Protect Yourself, Your

April 27, 2007

May 29, 2007

June 11, 2007

Construction Law

- November 20, 2006 Material Non-Compliance with Requests for Proposals
- June 19, 2007 Business and Planning Meeting

Corporate (In-House) Counsel

- September 28, 2006 Responsibilities in Pension Administration - Can You Ever Really Fulfill Your Duties?
- January 11, 2007 Recently Announced Changes to the Workplace Safety & Health Regulations & The Employment Standards Code
- January 26, 2007 Mid-Winter CLE – Raising Capital Without a Prospectus and New Statutory Civil Liability for Misrepresentations (joint CLE with the Securities Law Section)
- February 22, 2007 Misleading Advertising, Comparative Advertising, Contests and Promotions: How to Avoid Going Directly to Jail
- March 7, 2007 Hard-Learned Insurance Lessons for In-House Counsel – From Lloyd's Coffee House to 9/11 to Hollinger
- May 24, 2007 The Law Society & Corporate Counsel: Insurance, Conflicts, and Privilege (and a whole bunch of other stuff to lose sleep over)
- June 21, 2007 Renewal Clauses in Commercial Leases - Traps & Tips

Criminal Justice

- January 5, 2007 Conflicts in Criminal Law: Ethics and Beyond
- June 8, 2007 Courtroom Demeanour
- June 21, 2007 Information Session on Fetal Alcohol Syndrome and Election of Executive for 2007-2008

Elder Law

- November 24, 2006 Financial abuse by Power of Attorney
- January 3, 2007 Paneling, Personal Care Homes, Per Diems: Everything You Wanted to Know About Elder Care
- May 4, 2007 General Meeting; National Updates and Information; Topics for 2007-08
- June 1, 2007 Canada Pension Plan & Old Age Security

- Office and Your Clients! (joint CLE with The Law Society of Manitoba)
- Drugs, Dogs, Noses and The Supreme Court of Canada
- Manitoba's Human Rights Process: A How to Guide
- The Good, The Bad and The Ugly...Take 2!

MANITOBA BAR ASSOCIATION /ASSOCIATION DU BARREAU DU MANITOBA

2006/2007 SECTION ACTIVITY

Environmental Law

January 11, 2007 Recent changes at Manitoba Conservation and upcoming initiatives

January 26, 2007 Mid-Winter CLE – Duty to Consult (joint CLE with Business and Environmental Law Sections)

Family Law

November 28, 2006 Everything you ever wanted to know about *The Inter-jurisdictional Support Orders Act (ISO)*

December 12, 2006 Annual Christmas Party

January 26, 2007 Mid-Winter CLE – The 15 Minute Family Lawyer

May 30, 2007 Video Link CLE - The Changeling: A Traveller's Guide to Recent Changes in Family Law Rules, Child Support, Grandparent Access and Family Conciliation Support Services

June 15, 2007 Annual BBQ

General Practitioners

June 12, 2007 Planning Session for 2007-2008

Immigration Law

August 25, 2006 U.S. Immigration Issues

November 27, 2006 Labour Market Options

December 13, 2006 Recent Case law of Interest

January 12, 2007 American Consular Services

February 13, 2007 Provincial Nominee Program

May 8, 2007 PNP Business Office - Recent Developments in Processing

May 16, 2007 Application Processing Procedures - Canadian Consulate General, Buffalo

International Law

April 18, 2007 Using International Law in Canadian Litigation

Municipal Law

November 15, 2006 Fallout from 'Spraytech': Implications for Municipal Powers

February 23, 2007 Municipal Hearings (including the duty to give reasons)

April 11, 2007 The New City of Winnipeg Zoning By-law

Public Sector Lawyers'

June 27, 2007 Election of Officers, Roundtable Exchange, Tour of One Canadian Air Division/Canadian Norad Region Headquarters

Real Property Law

October 24, 2006 Condominium Law and Practice Update

November 30, 2006 Unknown highways affecting land (and other similar "traps for the unwary")

February 22, 2007

Financing Projects on First Nations' Reserve Lands (joint meeting with Aboriginal Law Section)

Securities Law

January 26, 2007

Mid-Winter CLE – Raising Capital Without a Prospectus and New Statutory Civil Liability for Misrepresentations (joint CLE with the Corporate (In-House) Council Section)

May 31, 2007

Proposed National Instrument Rule 31-501 – *Registration Requirements*, and Election of Executive for 2007 – 2008

SOGIC Manitoba

October 18, 2006

Autumn Wine & Cheese

April 24, 2007

Dinner & Discussion with The Honourable Judge Timothy J. Preston

July 26, 2007

Celebration of the 25th Anniversary of *The Charter*, Discussion of potential entitlements arising out of the Supreme Court's decision in *Hislop*

Taxation Law

June 26, 2007

Annual General Meeting

Technology & Intellectual Property Law

October 19, 2006

Privacy Finding #340 - Law firms collected credit reports without consent: What is a "Commercial Activity"?

November 13, 2006

Canadian Scientific Research & Experimental Development (SR&ED) Tax Credits – All you need to know
Open Source Licensing Primer

April 30, 2007

Wills & Estates Law

October 6, 2006

Questions and Answers regarding Passing of Accounts

January 26, 2007

Mid-Winter CLE – Joint Ownership: Estate Planning Tool vs. Estate Administration Nightmare

Women Lawyers' Forum

October 24, 2006

Innaugural Wine & Cheese

March 6, 2007

Play - *Honour* – Joanna Murray-Smith

April 26, 2007

Play - *A Midsummer Night's Dream* – William Shakespeare

Young Lawyers'

November 24, 2006

Round Table Pilot Project - Family Law Practice

January 26, 2007

Mid-Winter CLE – Managing Clients – Meeting Expectations or Feeling Exasperated?

March 23, 2007

Round Table Pilot Project – Civil Litigation

Statement of Financial Position as at 31 August 2007

	GENERAL FUND	CAPITAL FUND	TOTAL 2007	TOTAL 2006
ASSETS				
CURRENT ASSETS				
Cash in bank	\$ -	\$ -	\$ -	\$ 10,294
Accounts receivable	11,975	-	11,975	11,138
Prepaid expenses	9,732	-	9,732	8,517
	<u>21,707</u>	<u>-</u>	<u>21,707</u>	<u>30,579</u>
INVESTMENTS (note 4)	323,824	-	323,824	318,327
CAPITAL ASSETS (note 3)	-	4,112	4,112	2,893
	<u>\$345,531</u>	<u>\$ 4,112</u>	<u>\$349,643</u>	<u>\$351,799</u>
LIABILITIES AND FUND BALANCES				
CURRENT LIABILITIES				
Bank Indebtedness	\$ 6,435	\$ -	\$ 6,435	\$ -
Accounts payable & accrued liabilities	10,136	-	10,136	43,848
Deferred revenue	32,490	-	32,490	32,328
	<u>49,061</u>	<u>-</u>	<u>49,061</u>	<u>76,176</u>
FUND BALANCES				
Invested in capital assets	-	4,112	4,112	2,893
Unrestricted	296,470	-	296,470	272,730
Balances, end of year	<u>296,470</u>	<u>4,112</u>	<u>300,582</u>	<u>275,623</u>
	<u>\$345,531</u>	<u>\$ 4,112</u>	<u>\$ 349,643</u>	<u>\$351,799</u>

Statement of Operations and Changes in Fund Balances for the year ended 31 August 2007

	GENERAL FUND	CAPITAL FUND	TOTAL 2007	TOTAL 2006
REVENUE				
Membership				
CBA memberships rebates	\$ 150,321	\$ -	\$ 150,321	\$143,274
CBA middle province rebates	39,230	-	39,230	35,227
CBIA rebates	6,018	-	6,018	5,659
MBA levies	36,263	-	36,263	35,844
	<u>231,832</u>	<u>-</u>	<u>231,832</u>	<u>220,004</u>
Council activity	38,529	-	38,529	41,759
Membership services	122,632	-	122,632	118,296
Sections	8,904	-	8,904	9,852
Investment income	10,499	-	10,499	7,476
Sundry income	4,044	-	4,044	4,190
	<u>416,440</u>	<u>-</u>	<u>416,440</u>	<u>401,577</u>
EXPENDITURES				
Council activity	83,318	-	83,318	108,018
Member services	111,669	-	111,669	106,556
Membership and public relations	8,862	-	8,862	14,532
Sections	20,310	-	20,310	21,128
Administration	163,818	-	163,818	153,043
Amortization	-	3,504	3,504	2,559
	<u>387,977</u>	<u>3,504</u>	<u>391,481</u>	<u>405,836</u>
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENSES	28,463	(3,504)	24,959	(4,259)
FUND BALANCES, BEGINNING OF YEAR	272,730	2,893	275,623	279,882
TRANSFER TO CAPITAL FUND	(4,723)	4,723	-	-
FUND BALANCES, END OF YEAR	<u>\$296,470</u>	<u>\$ 4,112</u>	<u>\$300,582</u>	<u>\$275,623</u>

NOTES TO FINANCIAL STATEMENTS

Year Ended August 31, 2007

1. PURPOSE OF THE ORGANIZATION

The Manitoba Bar Association, a branch of the Canadian Bar Association, is a non-profit organization dedicated to enhancing the economic, professional and social interests and well-being of its members throughout the province of Manitoba. The Manitoba Bar Association represents approximately 1,250 members of Manitoba's legal profession, including: lawyers, judges, law students and law professors.

2. SIGNIFICANT ACCOUNTING POLICIES

a) METHOD OF ACCOUNTING

The Association follows the restricted fund method of accounting. Revenue and expenses related to program delivery and administration are reported in the General Fund, on an accrual basis. Purchases, sales and amortization of capital assets are reported in the Capital Fund. Revenue and expenses related to participation in the Canadian Bar Association's annual meetings are reported in the Conference Fund, on an accrual basis.

b) INVESTMENTS

Investments are recorded at cost. Interest income is recognized as revenue when earned.

c) CAPITAL ASSETS

Capital assets are stated at costs less accumulated amortization, recorded on the straight-line basis at a rate designated to amortize the cost over the estimated useful life: Computers – 3 years; Furniture and equipment - 5 years.

d) USE OF ESTIMATES

The preparation of financial statements in accordance with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amount of assets and liabilities at the date of the financial statements and the reported amount of revenues and expenses during the reporting period. Actual results could differ from these estimates.

e) FAIR VALUE

Due to the short-term nature of all financial instruments other than long-term debt and long-term investments, the carrying values as presented in the financial statements are reasonable estimates of fair value. Management has estimated fair value by reference to established financial markets. As is true for all estimates, actual fair value could differ from this estimate, and if so, any difference would be accounted for in the period in which it becomes known. For long-term investments and long-term debt, it is not practicable within constraints of timeliness or cost to determine the fair value with sufficient reliability because the instruments are not traded in an organized financial market.

3. CAPITAL ASSETS

	<u>2007</u>		<u>2006</u>	
	<u>Cost</u>	<u>Accumulated Amortization</u>	<u>Cost</u>	<u>Accumulated Amortization</u>
Computer equipment & furniture	\$37,229	\$33,117	\$32,506	\$29,613
Net Book Value	\$ 4,112		\$ 2,893	

4. INVESTMENTS

	<u>2007</u>	<u>2006</u>
Various series, at cost, of		
Guaranteed Investment certificates	\$ 1,036	\$ 1,004
Provincial government bonds	\$108,218	\$109,732
Money market funds	\$135,226	\$130,514
Equity funds	\$ 79,344	\$ 77,077
Market Value	\$323,824	\$318,327

The financial statements and notes presented are excerpts from the complete financial statements. To obtain a full set of the financial statements please contact the branch.

5. COMMITMENTS

On September 1, 2006 the Association entered into a 48 month lease for its office, terminating on August 31, 2010. Base rent is \$869.33 per month plus common area costs.

Auditor's Report to the Members

I have audited the statement of financial position of the Manitoba Bar Association as at 31 August 2007 and the statement of operations, changes in net assets and cash flows for the year then ended. These financial statements are the responsibility of the association's management. My responsibility is to express an opinion of these financial statements based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether these financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosure in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the association as at 31 August 2007 and the results of its operation and cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

Winnipeg, Manitoba
24 October 2007


Dean R. Jenkyns, Chartered Accountant