

2017

ANNUAL REPORT RAPPORT ANNUEL



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

Executive Committee 2016-2017

President Brad Regehr
Vice-President Melissa Beaumont
Secretary/Treasurer Peter Kingsley
Advocacy and Public Relations Cynthia Lau

Membership Mark Toews
Past President Sofia Mirza
Executive Director Stacy Nagle

Elected Council 2016-2017

WINNIPEG JUDICIAL DISTRICT

Melissa Beaumont
Karlee Blatz
Trevor Brown
Tony Cellitti
Grant Davis
Silvia de Sousa
George Derwin
Kelsey Desjardine
Andrea Doyle
Celia Fergusson
Jason Gisser
Jennifer Goldenberg
Tyler Grant
Michael Jerch
Peter Kingsley
Lisa LaBossière
Cynthia Lau
Sarah Lugtig
Kathleen McCandless
Candray Mehkary
Lawrence Pinsky
Ian Scarth
Nick Slonosky
Maureen Terra
Mark Toews
Peter Tonge
James Wishart

MLSA Representative

Madison Pearlman

CPLED Student Representative

Paul Kathler

CENTRAL JUDICIAL DISTRICT

Carli Owens
Jaret Hoeppner

EASTERN JUDICIAL DISTRICT

Eugene Warwaruk

WESTERN JUDICIAL DISTRICT

Andrea Hadley
Kelli Potter
Bryton Moen
Derrick Stewart

NORTHERN JUDICIAL DISTRICT

Theresa McDonald, Q.C.

DAUPHIN JUDICIAL DISTRICT

Vacant

STAFF

Executive Director - Stacy Nagle
Executive Assistant - Melissa Tannahill
Section Coordinator - Chelsey Tait
Law Student - Kara Moore

Special Thanks to MBA Organizers

Volunteers are the heart of our Branch. Without them, we would not be able to do all that we do. Special thanks to all of our volunteers who go above and beyond, making the Manitoba Bar Association the strongest that it can be. Thank you for generously sharing your time, energy and expertise.

CBA Companies – Manitoba Representatives

- Canadian Bar Insurance Association
Ken Mandzuik (*Director*)
- Canadian Bar Association Financial Services
Wayne Onchulenko (*Director*)
Annette Horst (*Director*)

CBA Connexions Pilot Project Connectors

Jason Gisser
Jessica Schofield

CBA Standing Committee Members –

Manitoba Representatives

- Access to Justice – Natasha Brown, *Member at Large*
- Awards – Melanie Bueckert, *Chair*
- Equality – Karen Dyck, *Chair*
- Ethics & Professional Issues – Darcia Senft, *Member at Large*
- Judicial Compensation & Benefits – Richard Beamish, *Chair*
- Law Day – Andrew Buck and Tanya Keller, *Members at Large*
- Legal Aid Liaison – Michelle Bright, *Chair*
- Legislation and Law Reform – Ken Mandzuik, *Chair*
- Legislation and Law Reform – Nick Slonosky, *Member at Large*
- Membership – Mark Toews, *Member at Large*
- Pro Bono – Allison Fenske, *Member at Large*
- Professional Development – Scott Abel, *Vice-Chair*

CBA Wellness

Colleen McDuff

Court of Queen's Bench & Bar Liaison Committee

The Hon. Justice Michael Thomson, *Chairperson*

2017 Isaac Pitblado Lectures

Brad Regehr, *Co-Chair*
Joëlle Pastora Sala, *Organizing Committee Member*

Law Day Organizing Committee

Andrew Buck, *Co-Chair*
Tanya Keller, *Co-Chair*

Josh Bokhaut
Tatiana Bubnowicz
Sarah Crabbe
Andrea Doyle
Anthony Foderaro
Aimee Fortier
Julia Kosyuga
Amber Lamboo
Rachel Loewen
Barb Norbury
Alex Nordal-Budinsky
Mary Troszko

Morden Law Day Organizer

Carli Owens

Legal Aid Advisory Committee Representatives

Tony Cellitti
John Ramsay
Stacy Nagle

Legal Help Centre MBA Board Representative

Yvonne Peters

Legislation & Law Reform Committee

Melanie Bueckert, *Chair*

Ken Mandzuik
Elizabeth McCandless
Melissa Beaumont
Heather Fast
Cynthia Lau

Manitoba Law Foundation MBA Board Representative

Karlee Blatz

Manitoba Law School Foundation Board

Wayne Onchulenko

2017 Mid-Winter Conference Committee

Elona McGifford, *Co-Chair*
Leandro Zylberman, *Co-Chair*

Melissa Beaumont
Andrew Doyle
Alexandra Dueck-Dunsford
Jason Gisser
Tyler Grant
Jennifer Litchfield
Iain McDonald
Kelli Potter
Ian Scarth
David Silver
Kristen Worbanski

Provincial Court Bench & Bar Liaison Committee

The Honourable Judge Tim Killeen, *Chairperson*

2017 RMT/MBA Production

Twelve Angry Jurors

Kalyn Bomback	Juror #10
Bill Haight	Juror #11
John Harvie	Juror #8
Cynthia Hiebert-Simkin	Juror #4
Jeff Hirsch	Juror #3
Zilla Jones	Juror #1
Tony Kavanagh	Juror #9
Peter Kingsley	Guard
Jody Ostapiw	Juror #12
Victoria Perrie	Juror #7
Sandi Phillips	Juror #6
Steve Scarfone	Juror #2
Heather Wadsworth	Juror #5

Special Guests:

Brian Klein	Judge (May 3)
Jim McLandress	Judge (May 4 & 5)
Gail Asper	Judge (May 6)

RMT/MBA Joint Production Play Committee

Representative

Cynthia Lau

2017 Will Week Committee Representative

Robert Fabbri
Leilani Kagan



2017 MBA Distinguished Service Award Recipient:

J. Guy Joubert



The 2017 Pro Bono Award Recipients:

Myers Weinberg LLP Team –

Mr. Garth Smorang, Q.C., Ms Shannon Carson,
Ms Johanna Willows (now legal counsel with
the City of Winnipeg), Mr. Joel Deeley, Mr. Kelly Olson
and Ms Kristen Worbanski



2016 MBA Access to Justice Award:

John Myers and Allison Fenske

2016 Council Member Award:

Carli Owens



2016 Section Activity Award:

Young Lawyers' Section,
Adele Domenico, Chair 2016/2017 and
Jessica Schofield, Chair 2015/2016

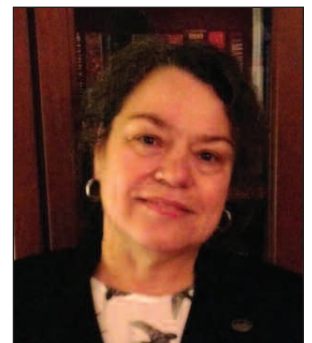


2016 Equality Award:

Judge Kael McKenzie

2016 Isabel Ross (Maclean) Hunt Award:

Theresa McDonald, Q.C



2016 President's Award (previously known as the Wild Card Award):

Judge Ken Champagne

PRESIDENT'S REPORT

My second year as President continued to be both challenging and rewarding. The CBA Re-Think Project, originally launched in 2014, had moved from the conceptual to the real. In August 2016, CBA Council passed a resolution adopting a new governance model. Over the 2016-2017 year, numerous working groups came together and undertook drafting significant changes to the CBA By-Laws. I attended numerous CBA Board meetings (the majority by teleconference) considering the various phases of implementation and new wording that would be required. As you are aware, in August 2016, CBA Council approved a resolution to dissolve itself and pass all of its powers on to the CBA Board. In June 2017, the CBA Board passed a resolution approving the changes to the CBA By-Laws, which included the holding of an Annual General Meeting (AGM). The first CBA AGM was held in August 2017 in Montreal. Not only could members attend in person in Montreal, they could also attend at numerous hubs across the country, including one in Winnipeg. At the AGM, the members voted to approve the By-Law changes reflecting the new CBA governance model. In June the MBA also made some changes to our own By-Laws to reflect some of the changes in governance.

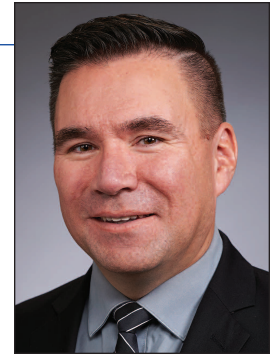
On the CBA Board front, Dean Scaletta was appointed as the board member from Manitoba for a one year term. Dean's knowledge as the former CBA Treasurer (a position eliminated as a result of the governance changes) landed him the position as the chair of the CBA Finance Committee!

Some additional key changes that have occurred are as follows:

- 1) The CBA Board has been reduced from 26 to 14 members;
- 2) CBA Board members will serve two year staggered terms and will no longer include members of branch executives;
- 3) There is now only a President and Vice-President of the CBA;
- 4) There is one board member from each province and territory;
- 5) A matrix to address issues of diversity has been developed and was utilized during the vote for the CBA Board;
- 6) All existing CBA Committees were dissolved and replaced with three Committees – Finance, Governance and Equality and Policy;
- 7) There will be a new CBA Leadership Forum to allow various leaders with the CBA and the various branches to meet and discuss items of concern – this will be an annual meeting to be held in conjunction with the AGM;
- 8) A formal management team has been established, which is comprised of senior management in the CBA and the branches/CCCA which meets regularly;
- 9) While each branch will approve its own budget (which the MBA did in June), the CBA budget and all branch budgets will be consolidated for the first time.

I should note that in late 2016, Cheryl Farrow became the new

CBA Chief Executive Officer, replacing John Hoyles who retired. Cheryl has done an excellent job in taking over and starting the hands on job of implementing the new governance and business model. Her experience in “change management” should assist the CBA greatly. I had the pleasure of working with her on the CBA Board.



Brad Regehr

I was honoured to co-host the Bench and Bar Reception at the 2017 MBA Mid-Winter Conference with Chief Judge Margaret Wiebe. We were also fortunate to have numerous out of town guests at the conference including CBA President Rene Basque and the Presidents of the CCCA, Alberta, Saskatchewan and Ontario branches. CBA CEO Farrow also joined us.

As President I had the pleasure of attending a number of meetings and events on behalf of the MBA throughout the year, including Section and Law School receptions, Mentorship receptions, meetings with the Attorney General and Minister of Justice for Manitoba, Law Society Benchers meeting, swearing-in ceremonies, Law Day, the Call to the Bar Ceremony, CBIA dinner and Board meeting, a dinner with the Canadian Judicial Council and a working dinner with the Chiefs and Associate Chief Justices and Judges of Manitoba.

Thank you to Sofia Mirza, the Past President of the MBA during my second year as President (and her second year as Past President!). She has been a great support to me. I also want to thank Melissa Beaumont, Peter Kingsley, Mark Toews and Cynthia Lau for their support over the past year. I want to thank them all and all the members of the MBA Council who had the confidence in me to allow me to serve a second year as President of the MBA.

I must also thank our hardworking MBA staff. Stacy Nagle, our Executive Director, has provided support and guidance to me on all issues. Stacy is one of the most experienced Branch Executive Directors in the whole CBA and is often consulted by other Executive Directors – after two years as President I can say this with the utmost confidence. Her advice and knowledge about the CBA is superb. Chelsey Tait and Melissa Tannahill are our other hard-working MBA staff and we are so very lucky to have them both. They also provided so very much assistance to me while I was President.

It has been my pleasure to represent you as President over the last year and I want to thank you for providing me with that opportunity.

VICE-PRESIDENT'S REPORT

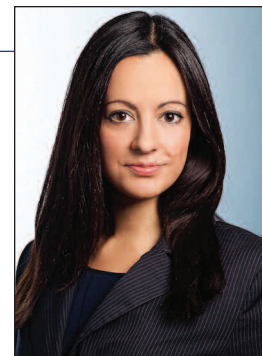
It was a pleasure to serve my second term in the position Vice President of the Manitoba Bar Association. My involvement as a member of the MBA Executive has been professionally and personally rewarding.

As Vice President, I was responsible for the oversight of section activity. Sections is one of the major benefits of membership, providing countless opportunities for professional development in substantive areas of the law, common interest areas and practice related issues. Approximately 3,000 members participated in 79 section meetings throughout the year. I would like to thank all of our section chairs, co-chairs, executives, and volunteers for your work in ensuring that the MBA continues to put on quality section events.

I also sat on the 2017 Mid-Winter Conference Organizing Committee. I want to thank the 2017 committee, led by co-chairs

Elona McGifford and Leandro Zylberman, for an incredibly successful conference. The Mid-Winter conference is and continues to be one of our premier events and allows lawyers to obtain all of their mandatory professional development hours for the year at one conference.

I would like to thank Chelsey Tait and Melissa Tannahill for their hard work, experience and positivity. I would also like to thank Stacy Nagle for her incredible leadership, dedication and utmost professionalism. To Sofia, Brad, Peter, Mark, and Cynthia, it has been a pleasure serving on this Executive with you all and I look forward to my term as President in the upcoming year.



Melissa Beaumont

MEMBERSHIP/MEMBER SERVICES REPORT

This has been my second and final year as the Director of Membership/Membership Services. It has been a privilege over the course of the two years to work in this capacity. I can only emphasize that our membership is well served with a terrific staff, as well as a very supportive Executive Committee and Council. The Bar Association continues to strive to provide high quality services, and it has been my personal objective to satisfy the trust that has been placed in me as the Director of Membership Services.

Consistent with the previous years, our recruitment efforts are geared toward the future of the legal profession. With that we began the school year at the Faculty of Law with a champagne reception in order to introduce the first-year students to the Bar Association, and to invite them to take out a membership. We also continued to run the MBA mentorship program, which is always highly appreciated by the students. We appreciate our partnership with the MLSA, and particularly appreciate the hard work of our MLSA representative, Maddie Pearlman, in organizing this program.

Recognizing the need to continue our relationship with our profession's future, we had a reception for the CPLED students to continue to review the merits of membership with them, and to encourage them to maintain or renew their membership. Overall, it was a very positive event, and credit needs to be given to Paul Kathler, our CPLED representative who helped organize the event.

Our members continue to benefit from the many services and benefits that the MBA provides. Of significant benefit are the Continuing Professional Development programs, primarily provided by our Sections, and our hard-working volunteers that are involved in them. In addition, we also ran another highly

successful Mid-Winter Conference. Members continue to receive benefits from our preferred suppliers, by receiving savings on their insurance, cell phone, car rentals, amongst others.

Our strong renewal rate for membership provides us with a sense of validation that our members appreciate the services that are provided. We do not ever take that for granted. Our total membership continues to be slightly over 1,400 individuals. Our market penetration as well as our overall renewal rate significantly exceeds the national average.

As Director of Membership Services, with the assistance of the entire Executive and MBA staff, we have reached out to lapsed members through personal phone calls, not only to encourage them to renew, but to determine how we can better address their needs or better communicate the services that the MBA already offers. In addition, welcome letters are sent out to all new members that outline the benefits of membership that they can receive.

I have thoroughly enjoyed my tenure as Director of Membership, in order to engage the challenge of addressing the needs and expectations of our members. It is of paramount importance that continued efforts be made to prioritize the needs of our members. I would like to thank everyone for their support and encouragement during these two years, including the MBA Council, my colleagues on the Executive, and especially our Executive Director, Stacy Nagle, and her entire team. Their hard work and dedication has made my job a pleasure to carry out.



Mark Toews

EXECUTIVE DIRECTOR'S REPORT

In February 2016, the CBA approved a new strategic plan. The following is a list of the activities undertaken by the MBA in 2016/2017 under the headings of the five strategic pillars included in the CBA strategic plan.

Develop Deep, Smart Member Intelligence

Deepen the knowledge and understanding of Members to better assess their aspirations, needs and satisfaction levels. Smarter data will lead to more relevant communications with Members and leading-edge offerings that equip them for success.

- The MBA Executive Committee members monitor monthly membership statistics.
- The MBA Executive Committee also monitors monthly web-site usage.
- The MBA participated in a CBA Connexions pilot project that connected newly-joined young lawyers with a peer in Manitoba. Various information was collected from this pilot project regarding why young lawyers join the CBA and what services they are hoping to receive from their membership.

Deliver Distinct & Relevant Professional Development

Deliver professional development (PD) that includes both substantive education and skill development. Substantive education is important and will continue. Skills development offerings will be enhanced. Skill development is broadly defined and will be determined based on member needs, and includes cultural competence and skills and tools for self-improvement and personal success. An increased emphasis will be placed on delivering offerings both in English and French.

- The MBA and The Law Society of Manitoba hosted a luncheon with The Hon. Supreme Court of Canada Justice Richard Wagner on September 14, 2016. The MBA and The Law Society of Manitoba also hosted a luncheon with Supreme Court of Canada Justices, The Hon. Justice Michael Moldaver and The Hon. Justice Suzanne Côté on June 5, 2017.
- The MBA, the University of Manitoba Faculty of Law and The Law Society of Manitoba featured the 2016 Isaac Pitblado Lectures on November 4 – 5, 2016. The conference discussed the Calls to Action from the Truth and Reconciliation Commission.
- The 2017 MBA Mid-Winter Conference was held on January 19 – 21, 2017. It featured 16 continuing professional development (CPD) sessions, which provided 39.5 hours of CPD, a bench and bar reception, an exhibitor trade show and the Awards luncheon. Approximately 475 people attended the conference.
- In 2016-2017 a total of 2,993 members attended 79 Section meetings, which provided over 107 hours of continuing professional development, many offered at no charge for members. Where possible, these meetings offer teleconferencing for members outside of Winnipeg. These numbers include five meetings that were held via webinar. Written materials from Section meetings are posted behind the wall on the MBA web-site. Branch Section Chairs attended CBA National Section meetings. Travel rebates are provided to

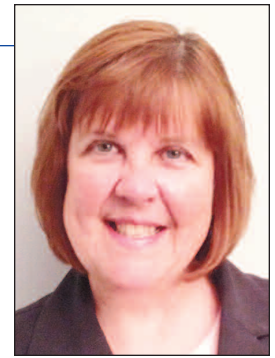
members outside of Winnipeg to attend MBA education programs in Winnipeg.

- The MBA promoted other CBA on-line and Law Society of Manitoba CPD programs.

Advocate on Behalf of the Profession

Focus on issues that shape the legal profession, improve the law, or advance the Rule of Law, including access to justice, through means such as interventions and influencing the legislative process. Inform and solicit feedback from Members at all levels.

- Representatives from the MBA met with the Attorney General and Minister of Justice for Manitoba.
- The MBA Legislation and Law Reform Committee reviews legislation introduced and forwards it to Section representatives for their information and possible comments.
- The MBA Technology, IP & Privacy Law Section submitted comments to the government regarding possible changes to *The Personal Health Information Act* and *The Freedom of Information and Protection of Privacy Act*.
- Representatives of the MBA met with the Chiefs and Associate Chief Justices and Judges.
- Representatives from the MBA participated at Legal Aid Advisory Committee meetings.
- Representatives from the MBA met with Dean Jonathan Black-Branch, Robson Hall - Faculty of Law.
- The MBA President, or their representative, spoke at Judicial swearing-in ceremonies.
- The MBA President, or their representative, participated on a Provincial Court Judicial Nominating Selection Committee. The MBA also has a representative on the Federal Judicial Advisory Committee.
- Responded to media inquiries.
- An open house for the public was hosted at the Winnipeg Law Courts Building in Winnipeg on April 9, 2017 for Law Day. The open house included: guided tours of the law courts, exhibits and displays, special sitting of citizenship court, mock trials in French and English presented by elementary and senior high students, high school student debates in French, question and answer sessions, and demonstrations by a victim services dog and a drug detection dog and their handlers. Approximately 1,200 people attended the open house. An open house was also held in Brandon on April 9, 2017 that included guided tours of the Court House and legal information sessions. In addition, Morden held an open house on April 28, 2017 that included a mock trial presentation and a question and answer session. Social media outlets Facebook and Twitter were used to promote 2017 Law Day activities, including some paid advertising.



Stacy Nagle

- The MBA, the Office of the Public Trustee, and The Winnipeg Foundation presented “Will Week” on April 24 – 28, 2017 that provided free estate-planning seminars.
- The MBA participates on the Law Society of Manitoba's Forgivable Loan Program Committee and Access to Justice Committee and Sub-Committees.

Prepare the Profession for the Future

Building on a strong Futures foundation, further elevate CBA's leadership thinking to guide the profession toward a future that is in-step with emerging trends, needs and opportunities. See things before others see them, and inspire Members to lean into the future.

- Various Section meeting topics and articles contained in *Headnotes & Footnotes* focused on preparing the profession for the future.
- The MBA Women Lawyers' Section announced a new program for women lawyers to connect them with women Judges/Justice to obtain information about applying to be on the bench.

Cultivate an Inclusive, Engaged Professional Community

Build a more powerful, inclusive, diverse and engaged professional community across Canada. Prioritize building membership among groups such as law students, articling students and young lawyers. Encourage Member exchange of knowledge, discourse on professional issues and peer-to-peer support. Facilitate interpersonal connections in person and, importantly, online.

- The mentorship program matched 69 law students and lawyers and held two networking events.
- The MBA hosted a reception for new law students during orientation week at the Faculty of Law, spoke to CPLED students during the first week of classes, hosted a reception for CPLED students and spoke at the Call to the Bar ceremony.
- The contributions of the legal profession were recognized through Awards and a “What's Happening” column in *Headnotes & Footnotes*. The MBA also provides a financial prize for the first and second place students in the Robson Hall moot court competition.
- The MBA/RMTC joint production of *Twelve Angry Jurors* was held on May 3 – 6, 2017. To date, CBA members have raised over \$1 million for RMTC.
- Various networking events were held throughout the year.
- MBA has a membership with Kids & Company Daycare. MBA members are guaranteed a full-time or part-time child care spot within six months.
- The MBA provided funding to a law firm in an underserved area in Manitoba to hire a summer law student as part of our contribution to The Law Society of Manitoba's Forgivable Loan program.

- Members of the MBA Executive attended regional bar meetings.
- Various membership recruitment and retention activities were held in 2016-2017.
- Weekly decision packages were distributed to subscribers.
- Ten editions of *Headnotes & Footnotes* were prepared and distributed. Some members continue to receive the newsletter via a link to a pdf version or an on-line magazine format on the MBA web-site instead of a paper copy.
- Approximately 875 copies of the 2017 Legal Directory and 875 copies of the Legal Directory and Dayplanner were sold.
- On average www.cba-mb.ca has over 1,000 visitors each month. On December 19, 2016 the MBA launched its new web-site.

Organizational Infrastructure

- Participated on the CBA Management Team who is working on preparing the operational side of the Association's transition within the new CBA governance structure.
- Co-Chaired a team of CBA staff from across the country who looked at how the CBA can develop a coordinated approach for professional development and Sections to enhance service to members.
- Participated on the CBA Committees Transition Team that was responsible for reviewing the existing CBA Committees and recommend which should be disbanded.
- The MBA By-Laws were revised, and Section Regulations were included to address the CBA governance changes.
- A Harassment & Violence Prevention policy, a policy on Section Submissions, Statements & Policies and Guiding Principles for Nominations to the Senate of Canada were approved for the MBA.
- Section Leaders', Council and Executive Committee orientation sessions were held.
- The MBA established a twitter account (@MBBarAssn) on January 26, 2017.
- Thank you letters were sent to MBA volunteers.
- All MBA staff receive yearly written evaluations.
- Staff is encouraged to take professional development.
- An audit was conducted on October 12, 2017 and no concerns were identified.

Thanks go to the MBA Executive Committee, Council and all the other great volunteers who give so much of their time, knowledge and expertise to support the work of the MBA. Finally, I would also like to thank the MBA staff; Chelsey Tait, Melissa Tannahill and Kara Moore. They make coming to work fun and enjoyable.

ADVOCACY AND PUBLIC RELATIONS

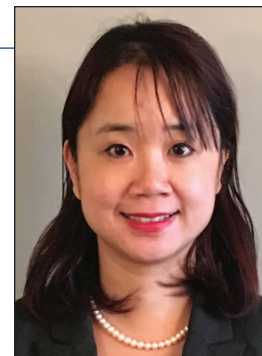
I have now completed my first year of a two-year term in the position of Director of Advocacy and Public Relations. It has been an honour to be part of the Manitoba Bar Association (MBA) Executive, and to be an active participant and observer of the many activities with which the MBA is involved as the voice of the legal profession in Manitoba. The membership itself is presently comprised of approximately 1,400 lawyers, law students, articling students, members of the judiciary and law professors such that the professional and social benefits it provides are vast in scope.

As Director of Advocacy and Public Relations, I have been responsible for activities and initiatives of the Branch relating to advocacy, legislation and law reform and public relations, including promoting communication of these efforts within the Province.

In this role:

- I participated in Access to Justice Initiatives as MBA Representative, including the Access to Justice Steering Committee and Stakeholders Committee. In addition, I provided input on improving public access to research resources and tools during various teleconferences for different access groups.
- I was your MBA Representative on the Lawyer's Play Committee. This year marked the 25th Royal Manitoba Theatre Centre (MTC)/MBA Lawyer's Play, *Twelve Angry Jurors*. It is astonishing to believe that some of the original talented actors and actresses from the same play - twenty-five years ago - were also in this one! To date, we have raised more than \$1 million dollars for the programs and productions of the Royal MTC due to this wonderful collaborative effort.

- Throughout the year, the MBA's website was frequently visited by its members, the legal community, and the public. The statistics were steady, with an observed growth during the months leading to the January Mid-Winter Conference. In that regard, I was involved in the selection process for the annual MBA Recognition Awards and participated in the MBA Awards Luncheon.



Cynthia Lau

- *Headnotes & Footnotes* was published and distributed 10 times this past year. As part of the editorial board, I cannot sufficiently express my awe for the volume of time and work it takes for the writers to research and regularly contribute articles to the newsletter. It is a very impressive feat by a relatively small Bar. In my opinion, this is one of the most valuable benefits of a MBA membership to keep your fingers on the pulse of the Manitoba legal community.
- Much appreciation to the MBA's Legislation and Law Reform Committee, chaired by Melanie Bueckert. The committee does excellent work in reviewing provincial legislation and ensuring that the MBA and specific sections are alerted to relevant upcoming and new legislation.
- A special thanks to Stacy Nagle for her remarkable dedication and leadership to the MBA and Chelsey Tait and Melissa Tannahill, all of whom continue to go above and beyond. Brad, Melissa, Mark, Sofia and Peter – you have been an inspired team to work with (and so much fun)!

PAST PRESIDENT'S REPORT

It was a pleasure to be in the unique position of serving a second year as MBA Past President. It was a rewarding, busy and exciting year to represent our profession through an Association that believes in equality and strength in diversity. On behalf of the MBA, the voice of the legal profession, I participated at national meetings to discuss the implementation and transition phase of the CBA "Re-Think" project which was launched in response to the January 2014 CBA Brand Audit Report. During the past year, my role on the CBA Sections Transition Task Force assisted with establishing a policy and governance model moving forward, that is intended to better ensure that the CBA remains a viable, vibrant and sustainable organization now and for upcoming generations for members of the legal profession. With this new model, the CBA's goal is to continue to meet the challenges of our dramatically changing marketplace.

As Past President, I also had the pleasure of contributing at meetings and events on behalf of the MBA throughout the year, including the CBA annual general meeting and provincial meetings with the Attorney General and Minister of Justice for Manitoba, swearing in ceremonies, and a working dinner with the Chief and Associate Chief Justices and Judges of Manitoba. I was

also privileged to participate in a Judicial Nominating Committee chaired by Chief Judge Wiebe, which led to a judicial appointment in Thompson, Manitoba.

It has been my pleasure to represent you as Past President for a second year and I thank you for providing me with that opportunity. I wish to extend my sincere thanks and appreciation to all members of the MBA Executive, as well as members of MBA Council, for their tireless dedication and contributions.

The work of the MBA Executive was made easier this year thanks to the contributions of the hardworking MBA staff and, in particular, Stacy Nagle, Executive Director of the MBA. I thank her for her assistance, hard work, dedication, professionalism and diplomacy. Year after year, Stacy has provided tireless support, guidance and assistance to members of the MBA Executive and Council. She is well recognized nationally in the CBA as well. She makes volunteering, as a voice of the legal profession, an interesting and rewarding experience.



Sofia Mirza



Peter Kingsley

SECRETARY / TREASURER'S REPORT

Attached are the audited financial statements for the Manitoba Bar Association (MBA) for the fiscal year ended August 31, 2017 prepared by Dean R. Jenkyns of Jenkyns Smith Chartered Accountants LLP. This is the fifth year that the financial statements have been prepared in accordance with Canadian Accounting Standards for Not-for-Profit Organizations, which

the MBA adopted effective September 1, 2012. Several items are worthy of note:

- Several years ago, Council determined that it would be appropriate to reduce the MBA surplus which at that time represented approximately six months of operational funding. To that end in 2016-2017, the Association budgeted for a deficit of \$12,560. Primarily due to growth in membership services revenues and a significant decrease in our expenses especially the Council activity (due to the lack of national meetings), the MBA realized an operating surplus of \$56,603.
- The aggregate of current assets and long term Investments at year-end grew from \$324,567 to \$386,275. Long term

Investments saw a modest increase (from \$118,987 to \$121,486), while the cash on hand at year-end was significantly higher (\$230,214 as compared to \$148,953). Our investments continue to be made up primarily of equity funds with some guaranteed investment certificates. We added capital assets this year as well (new computers and peripherals) which will be amortized over the next few years.

- Our aggregate revenue actually diminished a bit this year from \$627,989 in fiscal year end 2016 to \$620,461, however our expenses dropped from \$590,517 to \$560,030 giving us a substantially better net income as noted above.
- The MBA continues to be fiscally prudent and financially strong, putting it on a solid foundation for the realization of its short and long-term strategic goals. We will continue to monitor our income and expenses as the CBA moves through the Re-Think transformation to ensure that we continue this trend.
- While I am technically responsible for the budget all the credit for the hard work and excellent care should go to our Executive Director, Stacy Nagle and her excellent team.

Independent Auditor's Report to the Members of Manitoba Bar Association

We have audited the accompanying financial statements of Manitoba Bar Association, which comprise the statement of financial position as at August 31, 2017 and the statements of revenues and expenditures, changes in net assets and cash flow for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of Manitoba Bar Association as at August 31, 2017 and the results of its operations and its cash flow for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Winnipeg, Manitoba
December 14, 2017



Jenkyns Smith, Chartered Professional Accountants

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.

Statement of Financial Position 31 August 2017

	<u>2017</u>	<u>2016</u>
ASSETS		
CURRENT		
Cash	\$230,214	\$148,953
Accounts receivable	18,618	24,282
Goods and services tax recoverable	280	1,716
Prepaid expenses	8,020	30,629
	257,132	205,580
LONG TERM INVESTMENTS (Notes 2, 3)	121,486	118,987
CAPITAL ASSETS (Notes 2, 4)	7,657	—
	\$386,275	\$324,567
LIABILITIES		
CURRENT		
Accounts payable	\$ 52,991	\$ 40,063
Deferred revenue (Note 2)	39,201	47,024
	92,192	87,087
NET ASSETS		
General Fund	\$286,426	\$237,480
Capital Fund	7,657	—
	294,083	237,480
	\$386,275	\$324,567

Statement of Revenues and Expenditures Year Ended 31 August 2017

	<u>2017</u>	<u>2016</u>
MEMBERSHIP REVENUE		
CBA membership rebates	\$218,379	\$206,162
CBA middle province rebates	47,419	47,193
CBIA rebates	9,605	7,460
MBA levies	43,983	39,752
	319,386	300,567
FEES AND OTHER INCOME		
Council activity	140,260	149,745
Membership services	121,983	126,361
Sections	18,205	18,335
Investment income	2,945	8,489
Sundry income	17,682	24,492
	301,075	327,422
REVENUE TOTAL	620,461	627,989
EXPENDITURES		
Administration	301,280	277,518
Council activity	122,512	170,474
Member services	85,929	85,450
Membership and public relations	18,236	23,474
Sections	32,073	34,001
	560,030	590,517
DEFICIENCY OF REVENUE OVER EXPENDITURES FROM OPERATIONS	60,431	37,072
CAPITAL FUND		
Amortization	(3,828)	(272)
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES FOR THE YEAR	56,603	36,800

Statement of Changes in Net Assets Year Ended 31 August 2017

	<u>GENERAL FUND</u>	<u>CAPITAL FUND</u>	<u>2017</u>	<u>2016</u>
NET ASSETS - BEGINNING OF YEAR	\$237,480	-	\$237,480	\$200,680
Excess (Deficiency) of membership revenue over expenses for the year	60,431	(3,828)	56,603	36,800
Transfer to Capital Fund for purchase of equipment	(11,485)	11,485	-	-
NET ASSETS - END OF YEAR	\$286,426	7,657	\$294,083	\$237,480

Statement of Cash Flows Year Ended 31 August 2017

	<u>2017</u>	<u>2016</u>
OPERATING ACTIVITIES		
Cash receipts from customers	\$615,357	\$639,110
Cash paid to suppliers and employees	(524,493)	(626,474)
Interest received	2,945	8,489
Goods and services tax	1,436	(747)
Cash flow from (used by) operating activities	95,245	20,378
INVESTING ACTIVITIES		
Purchase of capital assets	(11,485)	-
(Increase) decrease in investments	(2,499)	(7,691)
Cash flow (used by) investing activities	(13,984)	(7,691)
INCREASE IN CASH FLOW	81,261	12,687
Cash - Beginning of Year	148,953	136,266
CASH END OF YEAR	\$230,214	\$148,953

NOTES TO FINANCIAL STATEMENTS

Year Ended August 31, 2017

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 1,400 members of Manitoba's legal profession, including: lawyers, judges, law students and law professors.

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of presentation

The financial statements were prepared in accordance with Canadian accounting standards for not-for-profit organizations (ASNFO).

Fund 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.

Capital assets

Capital assets are stated at cost less accumulated amortization. Capital assets are amortized over their estimated useful lives at the following rates and methods:

Computer equipment	3 years	straight-line method
Furniture and fixtures	5 years	straight-line method

The Association regularly reviews its capital assets to eliminate obsolete items.

Investments

Investments are classified as held for trading and are recorded at market value.

Revenue Recognition

Restricted contributions related to general operations are recognized as revenue of the General Fund in the year in which the related expenses are incurred. All other restricted contributions are recognized as revenue of the appropriate restricted fund.

Unrestricted contributions are recognized as revenue of the General Fund in the year received or receivable if the amount to be received can be reasonably assured.

Investment income is recognized as revenue of the General Fund when earned.

Fees and other income are recognized as revenue of the General Fund when the events are held and or services or products are provided.

Deferred revenue

Deferred revenue reported in the General Fund relates to revenue collected for the legal directory which will not be issued until the subsequent year.

Measurement uncertainty

The preparation of financial statements in conformity with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amount of assets and liabilities, disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the period. Such estimates are periodically reviewed and any adjustments necessary are reported in earnings in the period in which they become known. Actual results could differ from these estimates.

Financial Instruments

Fair Value - Fair value is the amount that would be agreed upon in an arm's length transaction between knowledgeable willing parties who are under no compulsion to act. Fair value is an estimate, which is significantly affected by the assumptions and methods used in its determination. Further, estimation of fair value involves the use of subjective judgments and uncertainty. Fair value should not be interpreted as an amount which could be realized in immediate settlement of the instruments. With the exception of investments, management has estimated that the fair value of all financial instruments approximate their cost, as there is no active market for the assets and liabilities of the association that are financial instruments. The fair value of investments is based on the quoted market values.

3. INVESTMENTS

	2017	2016
Cash	-	\$ 1,536
Equity funds	\$120,322	\$116,297
Guaranteed Investment certificates	1,164	1,154
Investments are recorded at market value	\$121,486	\$118,987

4. CAPITAL ASSETS

	2017		2016	
	Cost	Accumulated Amortization	Cost	Accumulated Amortization
Computer equipment	\$29,523	\$21,866	\$18,038	\$18,038
Furniture & Fixtures	8,266	8,266	8,266	8,266
	\$37,789	\$30,132	\$26,304	\$26,304
Net Book Value	\$7,657		\$ -	

6. FINANCIAL INSTRUMENTS

The association is exposed to various risks through its financial instruments and has a comprehensive risk management framework to monitor, evaluate and manage these risks. The following analysis provides information about the association's risk exposure and concentration as of August 31, 2017.

Credit risk

Credit risk arises from the potential that a counter party will fail to perform its obligations. The association is exposed to credit risk from customers. In order to reduce its credit risk, the association reviews a new customer's credit history before extending credit and conducts regular reviews of its existing customers' credit performance. An allowance for doubtful accounts is established based upon factors surrounding the credit risk of specific accounts, historical trends and other information. The association has a significant number of customers which minimizes concentration of credit risk.

Liquidity risk

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with financial liabilities. The association is exposed to this risk mainly in respect of its receipt of funds from its customers and other related sources, long-term debt, obligations under capital leases, contributions to the pension plan, and accounts payable.

6. COMMITMENTS

On August 1, 2012 the Association entered into a 84 month lease for its office, terminating on July 31, 2019. Annual Base rent is as follows each rental period August 1 to July 31, \$13,635.00 (2013), \$14,392.50 (2014), \$15,150.00 (2015), \$15,907.50 (2016), \$16,665.00 (2017), \$18,180.00 (2018), and \$18,937.50 (2019) plus common area costs.

Section Chairs 2016-2017

Within brackets, the first figure indicates the number of members enrolled, and the second figure indicates the number of meetings, events or continuing professional development programs held in 2016/2017.

Aboriginal Law (118; 0)

Michael Jerch, Co-Chair

Jöelle Pastora Sala, Co-Chair

Administrative Law (214; 3)

Tim Lach, Chair

Alternative Dispute Resolution (153; 1)

Lyle Smordin, Chair

Business Law (279; 1)

Jeff Kowal, Chair

CCCA (Canadian Corporate Counsel Association) (298; 7)

Rennie Stonyk, Co-Chair

Michael Jason, Co-Chair

Child and Youth Law (90; 2)

Corey La Berge, Chair

Civil Litigation (292; 3)

Alison McCullough-Butchart, Chair

Constitutional/Human Rights (158; 2)

Meghan Menzies, Co-Chair

Bryton Moen, Co-Chair

Construction and Infrastructure Law (132; 0)

Jason Kendall, Chair

Criminal Justice (111; 4)

Tony Cellitti, Co-Chair

Melissa Hazelton, Co-Chair

Elder Law (80; 2)

Sharon Tod, Chair

Entertainment, Media & Communications Law (67; 1)

Robert Sokalski, Chair

Environmental, Energy and Resources Law (80; 3)

Andrew MacSkimming, Chair

Equality Issues (89; 2)

Zilla Jones, Chair

Family Law (204; 6)

Jessica Dillon, Chair

French Speaking Lawyers (56; 1)

Caroline Pellerin, Chair

Health Law (94; 0)

Daniel Ryall, Co-Chair

Elisabeth Olson, Co-Chair

Immigration Law (72; 2)

Dean Szikinger, Chair

Insolvency Law (87; 4)

Catherine Howden, Chair

International Law (75; 0)

Daniel Watts, Chair

Labour & Employment Law (155; 3)

Jason Gisser, Co-Chair

Karine Pelletier, Co-Chair

Law Practice Management & Technology (120; 0)

Anthony Kavanagh, Chair

Legal Research (149; 9)

Melanie Bueckert, Co-Chair

Darla Rettie, Co-Chair

Municipal Law (99; 1)

Robert Tyler, Co-Chair

Krista Boryskavich, Co-Chair

Public Sector Lawyers (80; 0)

Vacant

Real Property (251; 7)

Ned Brown, Co-Chair

Howard Nerman, Co-Chair

Securities Law (89; 2)

Andrew MacSkimming, Co-Chair

Maria Penner, Co-Chair

SOGIC Manitoba (34; 2)

Joel Guénette, Chair

Small, Solo and General Practice (112; 1)

Sidney Laviolette, Chair

Taxation Law (113; 0)

Paul Grower, Contact

Technology, Intellectual Property & Privacy Law (131; 2)

Kelsey Desjardine, Co-Chair

John Myers, Co-Chair

Andrew Buck, Co-Chair

Transportation Law (48; 0)

Joseph Barnsley, Chair

Wills, Estates and Trusts (257; 2)

Charlotte McCurdy, Chair

Women Lawyers (236; 5)

Karen Wittman, Co-Chair

The Hon. Madam Justice Diana Cameron, Judicial Co-Chair

Young Lawyers (685; 4)

Adele Domenico, Chair

MBA Branch Statistics

<i>Members</i>	<i>Sections</i>
1,404	35
<i>Section Membership</i>	
5,308	



2016/2017 SECTION ACTIVITY

Administrative Law

November 24, 2016 Arguing Charter Competence before Administrative Tribunals (*joint session with Constitutional/Human Rights Section*)

January 19, 2017 Mid-Winter CPD – Appearing Before Professional Standards/ Self-Governing Bodies Regarding Complaints

June 29, 2017 Workplace investigations (*joint session with the Labour Law Section*)

Alternative Dispute Resolution (ADR)

May 23, 2017 Canada Labour Code Alternative Dispute Resolution

Business Law

January 20, 2017 Mid-Winter CPD – Partnership Law

CCCA (Canadian Corporate Counsel Association)

September 21, 2016 Hot Topics in Labour Law

October 19, 2016 Dismissal Claims – Summary Judgments (Avoiding a Trial)

November 23, 2016 Effective Tax Strategies

January 19, 2017 Mid-Winter CPD – Discretionary Action by Regulatory Authorities

February 24, 2017 A Guide to Dealing with Recalcitrant Shareholders: how to proceed when faced with obstinate, rogue, or non-responsive shareholders from a litigator's perspective

March 15, 2017 What To Do When The Human Rights Commission Comes Calling

June 12, 2017 What In-House Counsel Should Know Before Summer Vacation

Child & Youth Law

November 1, 2016 Reconciliation, Child Welfare and Youth Criminal Justice

June 22, 2017 Manitoba Youth Centre Bail Court

Civil Litigation

October 21, 2016 Should Manitoba Increase the Monetary Limit for Small Claims?

January 19, 2017 Mid-Winter CPD – Civil Litigation Update

May 19, 2017 An Overview on Injunctions and other Extraordinary Remedies

Constitutional/Human Rights

November 24, 2016 Arguing Charter Competence before Administrative Tribunals (*joint session with Administrative Law Section*)

June 8, 2017 The role of the legal profession in advancing the goal of accessibility and full inclusion for people with disabilities in society – the cutting edge challenges that lawyers can spearhead (*joint session with Equality Issues Section*)

Criminal Justice

November 18, 2016 Sentencing Research (*joint session with Legal Research Section*)

March 14, 2017

June 9, 2017

June 12, 2017

Elder Law

January 20, 2017

May 29, 2017

Entertainment, Media & Communications Law

December 13, 2016 Business Meeting

Environmental, Energy & Resource Law

December 13, 2016 What's New in Water Legislation and Policy?

April 21, 2017 Canadian Carbon Pricing Plan

June 6, 2017 What's new in Manitoba oil and gas regulation? – Webinar

Equality Issues

March 14, 2017

June 8, 2017

Family Law

December 6, 2016

December 13, 2016

January 19, 2017

February 21, 2017

June 14, 2017

French Speaking Lawyers

June 22, 2017

Immigration Law

March 24, 2017

April 26, 2017

Insolvency Law

December 15, 2016

January 20, 2017

R v. Jordan: A panel discussion on delay in the context of criminal proceedings and Section 11 of the *Charter* (*joint session with Equality Issues Section*)

Top Supreme Court/Court of Appeal Cases for 2016-2017

Welcome to the Practice of Criminal Law

Mid-Winter CPD – Legal and Social Services for Elders in Transition From Being Self-sufficient to Reliant (*joint session with Wills & Estates Law Section*)

e-filings Initiatives

Business Meeting

What's New in Water Legislation and Policy?

R v. Jordan: A panel discussion on delay in the context of criminal proceedings and Section 11 of the *Charter* (*joint session with Criminal Justice Section*)

The role of the legal profession in advancing the goal of accessibility and full inclusion for people with disabilities in society – the cutting edge challenges that lawyers can spearhead (*joint session with Constitutional/Human Rights Section*)

Conducting a Guardianship File

Annual Holiday Party

Mid-Winter CPD – Family Law Year in Review (AM and PM)

Tax Benefits/ Credits and Deductions relevant to Family Law Cases

Welcome to Family Law – What they didn't teach you at law school

Wine & Cheese Reception

IRCC Economic Immigration Update – What's New and What's Ahead (Part 1)

IRCC Economic Immigration Update – What's New and What's Ahead (Part 2)

Joint session with MAIRP

Mid-Winter CPD – Considerations When Facing the Insolvency of a Business



2016/2017 SECTION ACTIVITY

February 9, 2017 CCAA and Receivership E-Filing – Phase II

May 24, 2017 Business Meeting

Labour & Employment Law

November 10, 2016 2nd Annual MBA Labour & Employment Law Section Wine & Cheese Reception

January 20, 2017 Mid-Winter CPD – Psychological Injury in the Workplace

June 29, 2017 Workplace investigations (*joint session with the Administrative Law Section*)

Legal Research

September 22, 2016 Researching American Law – Webinar

November 18, 2016 Sentencing Research (*joint session with Criminal Justice Section*)

December 14, 2016 Annual Holiday Party

January 19, 2017 Mid-Winter CPD – Manitoba Law Reform Commission: Current Areas of Law Reform

January 20, 2017 Mid-Winter CPD – The Future of Legal Research in Manitoba

February 9, 2017 There's More to Law than Litigation: the Role of Legal Research

March 6, 2017 Platforms, apps and omnibots – alternate views on the future of legal research – Webinar

April 25, 2017 Board game night!

June 14, 2017 Year End Wrap Up – A New Judge's Perspective on Legal Research

Municipal Law

June 1, 2017 *Municipal By-law Enforcement Act* and new *Provincial Offences Act*

Real Property Law

September 15, 2016 The New Land Titles eMortgage

November 17, 2016 *The New Home Warranty Act*

January 19, 2017 Mid-Winter CPD – The (New) Manitoba New Home Warranty and Regulation

January 19, 2017 Mid-Winter CPD – Electronic Registration of Land Titles Office Documents

February 27, 2017 Canada Goods and Services Tax and dealings in real estate interests

March 16, 2017 Water rights (and obligations)

April 12, 2017 Commercial landlords' remedies on tenant's default

Securities Law

December 1, 2016 Navigating the Securities Regime for Fintech Companies – Webinar

May 30, 2017 Securities Law Issues in Early Stage Financing: Best Practices and Standardization – Webinar

SOGIC Manitoba

March 23, 2017 Business Meeting with OUTLAWS

May 31, 2017 Pride Reception

Small, Solo and General Practice

May 4, 2017 Tour and how to – Great Library

Technology & Intellectual Property Law

January 20, 2017 Mid-Winter CPD – Tech and Security Issues in Law

June 20, 2017 Year End Wrap Up

Wills & Estates

January 20, 2017 Mid-Winter CPD – Legal and Social Services for Elders in Transition From Being Self-sufficient to Reliant (*joint session with Elder Law Section*)

June 21, 2017 Debunking the Myth. Trust Companies – Too expensive or a viable option?

Women Lawyers

November 17, 2016 Wine Women & Song

January 20, 2017 Mid-Winter CPD – Communicating with Confidence (*joint session with Young Lawyers' Section*)

March 5, 2017 Soup Sisters/International Women's Day Event

May 9, 2017 Networking Event – "Boundaries, Balance and Business: The Importance of Self-Care"

June 8, 2017 Celebrating Success – Wine & Cheese Reception

Young Lawyers'

November 2, 2016 Annual Wine & Cheese

January 20, 2017 Mid-Winter CPD – Communicating with Confidence (*joint session with Women Lawyers' Section*)

May 31, 2017 Demystifying Financial Statements

July 7, 2017 Small Claims Primer



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

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