

MANITOBA BAR ASSOCIATION ASSOCIATION DU BARREAU DU MANITOBA

*A branch of the Canadian Bar Association
Division manitobaine de l'Association du Barreau canadien*



2004
ANNUAL REPORT
RAPPORT ANNUEL

Executive Committee 2003-2004

PresidentRichard Buchwald
Vice-PresidentVeronica Jackson
Secretary/TreasurerBarry Effler
Communications/Public Relations
.....John Stefaniuk

Membership/Member Services
.....Antoine Hacault
Past PresidentBrian Midwinter, Q.C., C.D.
Executive DirectorStacy Nagle

Elected Council 2003-2004

WINNIPEG JUDICIAL DISTRICT

Joelle Aylward
Derek Booth
Vincent Bueti
Karen Clearwater
Robert Dawson
Barry Effler
Allan Foran
Antoine Hacault
Joan Holmstrom
Randall Horton
Sarah Inness
David Jackson
Anthony Kavanagh
Christina Kopynsky, Q.C.
Michael Law
William Malcolm
Ken Mandzuik
Sandra Phillips
Jacqueline St. Hill
Dean Scaletta
Priti Shah
Barbara Shields
Barry Sinder
John Stefaniuk
Grant Stefanson
Josh Weinstein
Ken Zaifman

MLSA Representative

Dawn Dubois

Bar Ad Representative

Kim Antonio

CENTRAL JUDICIAL DISTRICT

Diane Stevenson
Avaline Widmer-Thrush

EASTERN JUDICIAL DISTRICT

Jon van der Krabben

WESTERN JUDICIAL DISTRICT

Scott Abel
Richard Lonstrup
Norman Sims, Q.C.
Wendy Stewart

NORTHERN JUDICIAL DISTRICT

Annette Horst

DAUPHIN JUDICIAL DISTRICT

Therese Koturbash

STAFF

Executive Director - Stacy Nagle
Executive Assistant – Melissa Morier
Law Student – Rodrigue Guay

Special Thanks to MBA Organizers

Nos bénévoles sont toujours au coeur 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

Rob Zaparniuk, *Tournament Organizer*

CBA Winnipeg 2004 Canadian Legal Conference & Expo

John Stefaniuk, *Chairperson*

Karen Clearwater	Robert Dawson
Anne Gregory	Dave Hill
Annette Horst	Bruce King
Guy Joubert	Mike Law
Richard Leipsic	Justice Don Little
Sarah Lugtig	Ken Mandzuik
Stacy Nagle	Elissa Neville
Sandra Phillips	Priti Shah
Barbara Shields	Lisa Stiver
Sandra Swystun	Josh Weinstein
Karen Wittman	

CBA Companies – Manitoba Representatives

- *Canadian Bar Insurance Association:*
Chrys Pappas, Q.C. (President)
Jeffrey Harris
- *Law for the Future Fund:*
Garth Smorang, Q.C.

CBA Standing Committee Members – Manitoba Representatives

- *Communications Committee*
J. Guy Joubert, *Chair*
- *Ethics & Professional Issues*
Priti Shah, *Member-at-Large*
- *Law Day*
Trina Lichkowski, *Member-at-Large*
- *Legal Aid*
Therese Koturbash, *Member-at-Large*
- *Membership*
Antoine Hacault, *Member-at-Large*
- *Pro Bono*
John Jones, *Chair*
- *Resolutions, Constitution & By-Laws*
Eric Lister, Q.C., *Chair*

Francophone Affairs Committee

Antoine Hacault, *Chairperson*

Future of Law in Manitoba Committee

Veronica Jackson, *Chairperson*

Maryl Addison	John Barr
Allan Fineblit, Q.C.	Peter Davey
Duncan Fraser	Associate Dean Cam Harvey
Rob Kozak	Keith Labossiere
Rick Literovich	Colin MacArthur, Q.C.
Jacqueline St. Hill	Dean Harvey Sector
Brenda Silver	Nicole Simoneau
Michael Walker	

Law Day Organizing Committee

Trina Lichkowski, *Chairperson*

Kim Antonio	Debbie Baker
Paulette Desaulniers	Karen Fulham
Ross McFadyen	Nalini Reddy
Carol Lynn Shafer	Mary Troszko
Kelly Wilson	

Lawyers on Track

Antoine Hacault, *Chairperson*

Lawyers Professional Assistance (Lawyers Helping Lawyers)

Myfanwy Bowman, *Chairperson*

Manitoba Law Foundation MBA Board Representative

Shawn Hughes

Manitoba Law School Foundation Board

Wayne Onchulenko

Veronica Jackson

MTC/MBA Joint Production – Little Shop of Horrors Cast

Victor Barga	Bum/Customer #2
Jessica Cogan	Audrey
Joy Cooper	Salvation Army
Paul Cooper	Bernstein/Cop
Lisa Cupples	Mary
Bonnie Gembe	Crystal
Anne Gregory	Bag Lady
Danny Gunn	Seymour
Cynthia Hiebert-Simkin	Interviewer/Prostitute/Mrs. Lu
Jamie Jurczak	Prostitute
Catherine Kelly	Bag Lady
Robin Kersey	Customer #1/Audrey II Puppeteer
Brenda Keyser	Bag Lady
Lauren Lu	Chiffon
Ron Meyers	Mr. Mushnik
Mark O'Neill	Orin
Myron Pawlowsky	Bum/Skip Snip
Nalini Reddy	Ronnette
Margaret Redmond	Supreme
Brad Regehr	Cop/Patrick Martin
Dean Richert	John/Chinese Man
Evan Roitenberg	Audrey II - Voice
Priti Shah	Prostitute
Barb Shields	Salvation Army
Freda Steel	Bag Lady
Tracey Telford	Marveletta
Raymond Wyant	Bum

Mid-Winter Conference Committee

Ken Mandzuik, *Co-Chair*

Josh Weinstein, *Co-Chair*

Anne Barkman	Shauna Braz
JJ Burnell	Karen Clearwater
Troy Harwood-Jones	Annette Horst
Veronica Jackson	Erin Keedian
Nicole Merrick	Karen Wittman

No-Fault Automobile Insurance Committee

Robert Dawson, *Chairperson*

Pitblado Lectures

Priti Shah, *MBA Liaison*

Court of Queen's Bench & Bar Liaison Committee

The Honourable Mr. Justice Robert Carr, *Chairperson*

Provincial Bench & Bar Liaison Committee

The Honourable Judge Ron Meyers, *Chairperson*



Richard Buchwald

PRESIDENT'S REPORT

I have just completed one of the most exciting and interesting years of my legal career. Serving as President of the Manitoba Bar Association has enabled me to learn so much about the issues which affect lawyers in our province.

In what has become a recurring theme for MBA Presidents in recent years, I begin this report to you by advising that much of my year as President was spent working on issues affecting Legal Aid in this province.

These are turbulent times for members of our profession practicing in the area of Legal Aid. Furthermore, continued government under-funding is greatly impeding access to justice. We continue to make the case to the Attorney General of Manitoba that the current private bar/staff lawyer model is the right one for our province and ought to be maintained. The discussion on this subject is not over and will no doubt continue in the coming year.

I wish to now highlight for you some of the activities in which I participated as President of the MBA:

- addressing the First Year Class at the Faculty of Law on the benefits of practicing law in Manitoba and, further, the benefits of membership in the MBA
- participating on the Court of Queen's Bench Master Selection Committee
- attending meetings of the Western Manitoba Bar Association
- speaking on behalf of the MBA at the swearing in ceremony for Madam

Justice Greenberg of the Court of Queen's Bench

- meeting with Members of the Dauphin and Swan River area Bar
- attending the Annual Legal Conference/Mid-Winter Meetings of the Alberta and Ontario Branches of the Canadian Bar Association
- meeting with the Attorney General and his staff on several occasions to discuss issues affecting the profession
- formalizing the MBA Policy with respect to membership as it relates to the joint production with MTC
- proudly representing the Manitoba Bar Association in various public appearances and media interviews
- acting as host President at the 2004 CBA Canadian Legal Conference and Expo in Winnipeg

Of the many things I learned during my year as President, the most significant was the fact that Manitoba is a great place to practice law and its lawyers are not only as skilled and professional as any lawyers in the country, but we are tremendous citizens of our various communities. As I have repeated often throughout my year as President, I am very proud to be a lawyer practicing in this great province of ours.

It has been great working with the Executive and staff of the MBA during this past year. I could not have served effectively as your President without their support and guidance.

I look forward to continuing to represent the MBA as Past-President in the coming year.



Antoine Hacault

MEMBERSHIP/MEMBER SERVICES REPORT

Thank you to all who have made my position such a rewarding one during 2003-2004. Membership services to our rural members were enhanced by initiating a video conference Section meeting on Builders' Liens made available to three rural locations. It is my hope that more Sections will take advantage of these free continuing education opportunities so that our Section activities in Winnipeg are made available for all our members.

Volunteers have been and will continue to be recognized in *Headnotes & Footnotes*. With the help of volunteers and our dedicated staff - Stacy Nagle and Melissa Morier - the MBA has been and continues to be vibrant.

Students - We have a mentorship program for students and have been making efforts to ensure that there is and will be a structured and effective articling interview process. We, together with others, host a Barbeque during orientation day and two wine and cheese events later in the year.

Judiciary - We support the independence of the Judiciary and respond against inappropriate attacks in the media. An information session on the National Parole was offered. We are also a voice for the Judiciary on certain Provincial and Federal issues which affect them.

Lawyers - We have lobbied the provincial government and met with government representatives on issues which are important to the public

and the profession such as Legal Aid and the new Retail Sales Tax on legal fees. We also intervened when new immigration policies appeared to restrict the involvement of lawyers in the Provincial Nominee immigration program. Pension plans for salaried persons are creditor proof. We have made submissions with respect to changes in the law to give non-salaried lawyers the same creditor protection for their RRSP's and RRIF's. For many lawyers, these investment vehicles are indispensable for their retirement.

We continued to enhance the image of lawyers in the public by various ad campaigns and well publicized fundraising activities such as the Lawyers on Track event in support of the Winnipeg Boys and Girls Clubs and the annual production at MTC. *Little Shop of Horrors* raised over \$50,000 bringing the cumulative total to over \$450,000. The Law Day activities both in Winnipeg and Brandon attracted record crowds.

Section activity, the Young Lawyers' Judges Luncheon, the Mid-Winter and the National Conference all provided networking opportunities as well as continuing education opportunities. There are also a number of excellent MBA social activities including Curling and Golf. At a National Level, member services continue to be enhanced through preferred rates for life insurance, disability insurance, investments and home insurance. Take time to check for negotiated preferred supplier rates on the CBA website: www.cba.org. For many members, the savings pay for the membership. I have also been elected as Vice-chair of Membership at a National level. As always, your comments and suggestions with respect to membership services and benefits are welcomed so they can be addressed both locally and nationally.



Veronica Jackson

VICE-PRESIDENT'S REPORT

The role of Vice-President is, in some ways, one of "pinch hitter". The Vice-President steps into the breach when the President is unavailable. This past year, our President Richard Buchwald, was pretty much always available, with the result that little, if any, of the President's work fell to me. I was, however, pleased and honoured to stand in for Richard at the holiday dinner of the Provincial Court Judges Association. Other than that one "pinch hitter" evening, I was left free to focus on the those areas of responsibility that are designated as belonging to the Vice-President.

One of my primary responsibilities as Vice-President was to serve as Chair of the Future of Law in Manitoba Committee. The membership of this Committee includes representatives of the Manitoba Bar Association, The Law Society of Manitoba, the Faculty of Law, and the practising bar, from both private and public sector. The Committee was formed in the fall of 2002 in response to a shortage of articling students. The past four years have seen many changes, including in the area of articling positions. In 2004 there was actually a shortage in the number of articling positions available.

On March 22, 2004, the MBA organized an "Articling Forum". Members were invited to attend and participate in a dialogue about several articling issues, including the match process. Attendance was good, and the dialogue constructive. Subsequent to the Articling Forum, the Law Society Benchers met to discuss the issue of the articling match process. The Future of Law in Manitoba Committee met again and decided that, if there was a will among the stakeholders, there was an interest in attempting to develop a new articling protocol.

The MBA, The Law Society, the Faculty of Law and the MLSA all agreed that it was time to develop a new articling "match-like" system, and, that it was desirable that the Future of Law in Manitoba Committee take on the task of charting the course.

To that end, a sub-committee of the full Future of Law in Manitoba Committee, constituted by a representative each of the stakeholder groups, met to see if an

outline for such a new process could be developed, one that took into account the frailties of the current "match" system, as well as the concerns which had been expressed to the MBA and the Future of Law in Manitoba Committee during the survey conducted and the Articling Forum held.

The sub-committee was able to develop such an articling proposal and it will now go back to the full Committee for their review and consideration.

The CBA has formed a working group of lawyers from across the country to cast an eye to the future with a view to determining where the legal profession will be in ten years time and the implications of that demographic on the CBA and its membership. I am a member of that committee which has reported to the CBA Council both at the Mid-winter meeting in Whitehorse and at the CLC in Winnipeg. I will continue to work on that Committee into the next year.

Regarding the other comings, goings and doings as Vice-President, over the past year I attended the MBA Mid-Winter organizing Committee meetings, and, along with other members of the Executive, met with the Attorney General on several occasions to discuss various issues of importance to the MBA and our members, including of course Legal Aid. In addition, an ad hoc Committee was organized, which I chaired, aimed at assessing issues relating to a potential move to a public defender system. The work of this Committee was used as the basis for a presentation by Richard Buchwald and myself to Ron Perrozo, who was commissioned to provide the government with a report on Legal Aid.

As Vice-President I have continued to serve as the "point person" for Section related issues, concerns and questions (with the assistance of the CBA national office from time to time, as well as our own Executive Director, Stacy Nagle).

In March I had an opportunity to meet with Maryel Andison from the Law School. She is the staff person responsible for fundraising and stewardship and has now also taken on responsibility for "career services". The meeting was a good opportunity to discuss issues of mutual interest and open another line of communication between the Law School and the MBA.

It has been a true pleasure for me to serve as the Vice-President of the Manitoba Bar Association. I look forward to serving the MBA further in the upcoming year in the office of President.



John Stefaniuk

COMMUNICATIONS REPORT

This year has brought some major accomplishments as well as a few disappointments.

The greatest accomplishment was the organization and ultimate hosting of the CBA Canadian Legal Conference and Expo in August. This was carried off through the Herculean efforts of our terrific Local Organizing Committee and a horde of the

best volunteers that anyone could imagine. Rave reviews have been received from all in attendance. A detailed report on the CLC will be forthcoming.

With some assistance from a local communications consultant, the MBA was able to take steps to increase its responsiveness to issues affecting the MBA and you, its members. This meant more media releases, more meetings and interviews with the press and more letters to the editor in response to issues ranging from inappropriate criticism of members of the judiciary to the imposition of Retail Sales Tax (RST) on professional fees to pursuit of additional support for Legal Aid. Unfortunately, the consultant was unable to complete the project and some work still remains to be done.

The public image campaign for lawyers has continued. The most notable element this year was the running of television ads on CBC during the Summer Olympics coverage. The MBA achieved maximum public exposure at only moderate cost. The ads have received favourable comment both from members and from other organizations.

I am continuing to carry the ball on securing exemptions of RRSPs from seizure equivalent to those exemptions now enjoyed by holders of private pension plans. We are encouraging Manitoba to adopt the model that has been legislated in Saskatchewan. Meetings with the Manitoba Department of Finance are ongoing and our hope is that they will result in legislation within the next year or so.

The biggest disappointment has been the inability of the MBA, along with other professional groups, including the Institute of Chartered Accountants, to convince the Government of Manitoba of the error in imposing RST on professional fees. Not only is the tax regressive, in that it imposes a greater burden on those least able to pay, it is the position of the MBA that it is also inappropriate and will detract from Manitoba's competitive position.

PAST PRESIDENT'S REPORT



*Brian Midwinter,
Q.C., C.D.*

It's with mixed emotions that I report to you for the last time in any official capacity, as I am now, in that delightful Manitoba phrase, "tail lights".

This past year the Board of Directors of the CBA committed the organization to support the call for an inquiry into the Maher Arar case, which has been acted upon. The CBA also moved to intervene in the Marriage Reference to the Supreme Court of Canada.

I was selected by the Branches to be their representative on the CBA Finance Committee, (following in the steps of Jeff Harris and Wayne Onchulenko-three Manitobans in a row in that job) which also put me on the Nominations and Canadian Legal Conference Committees. From that perspective, I watched as British Columbia narrowly voted against universal membership, felt despondent as that looked like the death knell for the Legal Aid test case, and felt my heart soar like a hawk when alternate funding was found internally to seed the program. Those of you who have followed my involvement in the Legal Aid portfolio will know what a roller coaster it's been to get to this stage.

The CBA, in furthering the operations of CBA Financial Services Corp., wound up two old subsidiary companies, and was able to then utilize the funds which were liberated thereby to seed the funding of the Legal Aid test case along with the Branches and individual donations which will be tax deductible. More information will flow on this matter once the Branches have ratified the proposal passed at the Council Meeting in Winnipeg in August. Who would have thought we'd have made such progress on this issue when in 1999 the Legal Aid Committee had to first get a workable internal budget established.

The revised CBA Code of Conduct was passed in August in Winnipeg, with some lively discussion.

Practice Link continues to expand and is now a viable member's usable benefit.

The latest Image of the Profession campaign ran nationally, and we did extra ad buys that ran during the Olympics, poaching an idea from Alberta.

One of the things National Office does is monitor the operations of the CBA---Do we deliver a bang for the buck? We were treated at the CLC to an address by the Executive Director of the Canadian Dental Association, who was astounded by the volume and quality of work done by our relatively small staff at National Office when compared to the situation within other national professional organizations. An amazing number of submissions are done to Federal and Provincial governments, and it's the combination of staff and volunteers who keep us in the forefront of issues of the day.

Our relationship with Canadian Corporate Council Association continues to be reviewed and developed.

On the international scene, Past President Simon Potter has been carrying the money laundering message to our American, European and Commonwealth counterparts, and the general consensus is that Canada handled the situation properly. Some of the European countries are now following the lead of the CBA and the Federation of Law Societies in getting their governments to amend their legislation to more closely mirror ours. Even at that, there continues to be negotiations between the CBA and the Federation on the one hand, and the Federal Government on the other. The last word has not yet been heard on this front.

A few personal words, if I may. If I have made a contribution to our Association, I have received back from my time with the Bar a vastly larger measure than I was able to contribute. I thank you all for the opportunity to serve and to represent you. I must thank the Council members and members of the executives with whom I have been ever so privileged to work. You're a wonderful collection of folks. I need to thank my family and my firm for their support. And, not in any way diminishing their importance by leaving them till last, Stacy and Melissa have made my time in this last job on the Executive a joy. The professional manner in which they approach their tasks can only be appreciated in full once one has gone through the planning of a full day's appointments in Winnipeg, so as not to have to hook the horizontal bungee cord to the family car more than once or twice a month for the commute.

SECRETARY / TREASURER'S REPORT



Barry Effler

I am pleased to deliver with this report the audited Financial Statements for the MBA for the fiscal year ended August 31, 2004.

We ended the year with an excess of revenue over expenses of \$28,687.

I am pleased to note that all requests for extra funding to reimburse for Section travel and expenses over a particular Section's budget were paid. Section

activity is vital and we will continue to support our members whenever possible, subject to fiscal prudence.

I wish to thank the other members of the executive, Bar Council and the Association staff for their help, hard work and goodwill. Together as a team we have accomplished much and continue to have fun doing it!

Overall, our Association's financial health has never been better. This should allow for improved delivery of service to our membership.

I look forward to working with all of you in my new position as Director of Communications and Public Relations next year. My five years as your Secretary-Treasurer have been fulfilling and interesting and I thank you for giving me this opportunity.

EXECUTIVE DIRECTOR'S REPORT



Stacy Nagle

As I reflect back on the 2003/2004 year, the Manitoba Bar Association can be proud of its accomplishments during the year.

Membership/Member Services

- Total paid membership for Manitoba as of August 31, 2004 is 1,166, up 25 members or 2.2% from the previous year.
- The 2003/2004 Mentorship Program "matched" approximately 80 law students with 75 Manitoba Bar Association members.
- Membership recruitment activities were held in 2003/2004 for law students and Bar Admission students.
- A membership recruitment campaign was undertaken by Annette Horst encouraging members of the Northern Bar to join the CBA.
- The MBA featured its first video conference Section Meeting on April 20, 2004 on Builders Liens. The Section meeting was held in Winnipeg and linked in Brandon, Flin Flon and The Pas.

Communications/Public Relations

- Ten issues of the branch newsletter, *Headnotes & Footnotes*, were published in 2003/2004.
- The MBA received approval for a volunteer position in 2003/2004 to research, write and edit articles for *Headnotes & Footnotes* under the Youth Serves Manitoba program. Aniz Alani volunteered 100 hours for the Association and received a \$500 bursary from Youth Serves Manitoba.
- The MBA web site (<http://www.cba.org/mb>) continues to be updated monthly.
- A billboard promoting the Manitoba Bar Association's involvement with the Manitoba Theatre Centre was displayed in Winnipeg April 2004.
- In August 2004 the Association aired approximately 60 TV spots during the Athens Olympics on how lawyers make a difference through their work and how lawyers serve their clients and their communities.
- The Executive Committee participated in some media training on May 11, 2004 with Stephen Hanson, Senior Communications Director of the Canadian Bar Association.
- A communications consultant reviewed and made recommendations on how the MBA disseminates information to the media, including, the format of our press releases and public service announcements and who and how press releases and PSA are sent, etc.

MBA Activities

- A total of 1,725 copies of the 2004 Legal Directory & Dayplanner were ordered and distributed.
- Weekly court decisions were distributed to subscribing firms.
- In 2003/2004 a total of 1,815 members attended 137 Section meetings. The branch currently has 29 active Sections.
- Approximately 12 teams competed in the "Lawyers on Track Relay" on September 6, 2003 at St. Vital Shopping Centre. Approximately \$10,000 was raised for the Winnipeg Boys & Girls Clubs.
- The Ad Hoc Committee of MBA Past-Presidents met on November 4, 2003 to discuss various issues and make a recommendation regarding the Distinguished Service Award recipient.
- The 2004 Mid-Winter was held on January 29 – 31, 2004 at The Fort Garry Hotel. The conference featured a Bench & Bar Reception, a Trade Show, the Distinguished Service Award Luncheon that honoured the late Israel Harold Asper, O.C., Q.C., and Pro Bono award recipient John Harvie from Myers Weinberg LLP, a President's reception with CBA President, Bill Johnson, Q.C. and 6 CLEs: The Role and Responsibilities of the Lawyer in Planning For Death or Incapacity – Problems and Solutions for The Practitioner; Urban Reserves in Manitoba: New

Relationships from Old Promises; Show Me The Money! Some Creative Solutions when Dealing with Difficult Commercial Litigation Problems; Tax Law; How to Deal with Charter Issues in Court and Before Administrative Tribunals; and, Privacy Consideration in a Purchase and Sale of a Business.

- Regular meetings with The Honourable Gord Mackintosh, Minister of Justice and Attorney General for Manitoba were held.
- Fifteen teams participated in the annual MBA Curling Bonspiel that was held on March 5, 2004 at the Granite Curling Club.
- The Honourable Madam Colleen Suche of the Manitoba Court of Queen's Bench was the keynote speaker for the Young Lawyers' Judges luncheon which was held on April 22, 2004. Approximately 80 people attended the luncheon that was sponsored by CBIA.
- Over 2,100 members of the public participated in the Winnipeg Law Day that was held on April 18, 2004 at the Winnipeg Law Courts Building. Events included six mock trials, exhibits, legal information panels, a special sitting of Citizenship Court, tours of the old and new courthouses and a special presentation by the Minister of Justice, Gord Mackintosh, to the Law Day Senior 1 "Celebrate Your Freedom" Poster Contest winners. An open house was also held at the Brandon Law Courts on April 18, 2004. Approximately 50 members of the public participated in tours of the law courts, a mock trial presented by an elementary school in Brandon and a general legal information panel discussion.
- *Little Shop of Horrors* marks the 10th joint production of the Manitoba Bar Association and the Manitoba Theatre Centre. The production raised over \$45,000 for MTC, bringing the total amount raised to date for the MTC to approximately \$450,000.
- The MBA held two Charity Golf Tournaments in 2003/2004, one on September 12, 2003 and the other on June 11, 2004.
- March 22, 2004, the MBA organized an "Articling Forum". Members were invited to attend and participate in a dialogue about several articling issues, including the match process.
- The MBA, in coalition with other affected organizations, lobbied regarding the RST on legal fees that was introduced in the 2004/2005 provincial budget.
- The MBA continues to work on Legal Aid.

CBA Activities

- CBA President, Bill Johnson, Q.C. was in Winnipeg meeting with members on November 6, 2003 and January 31, 2004.
- The CBA Mid-Winter was held on February 20 – 22, 2004 in Whitehorse, Yukon. Ten representatives from Manitoba attended the meeting.
- Last and certainly not least the Manitoba branch hosted the 2004 CBA Canadian Legal Conference & Expo in August.

All of this great work could not be accomplished without dedicated volunteers who give so much of their time and talent. The amount of time and work of the MBA volunteers give to this great organization continues to amaze me. In addition to the volunteers, I was thankful to have worked with some great staff in 2003/2004. Melissa Morier, Dawn Dubois, Aniz Alani and Rodrigue Guay all made significant contributions to the Association in 2003/2004.

SECTION CHAIRS 2003-2004

Within brackets, the first figure indicates the number of members enrolled, and the second figure indicates the number of meetings, events or continuing education programs held in 2003/2004.

ABORIGINAL LAW (85; 5)

Michael Jerch, *Chair*

ADMINISTRATIVE LAW (118; 5)

Robert Dawson, *Chair*

ALTERNATIVE DISPUTE RESOLUTION (110; 4)

Audra Bayer, *Chair*

BANKRUPTCY & INSOLVENCY LAW (66; 3)

David Jackson, *Chair*

BUSINESS LAW (193; 1)

Bruce King, *Vice-Chair*

CIVIL LITIGATION (237; 6)

Grant Stefanson, *Chair*

CONSTITUTIONAL/HUMAN RIGHTS (89; 3)

Lisa Cupples, *Chair*

CONSTRUCTION LAW (76; 2)

Elanor Andres, *Chair*

CORPORATE (IN-HOUSE) COUNSEL (168; 6)

Dean Scaletta, *Chair*

CRIMINAL JUSTICE (100; 5)

Josh Weinstein, *Co-Chair*

Diana Cameron, *Co-Chair*

ENVIRONMENTAL LAW (51; 2)

Sheryl Rosenberg, *Chair*

ELDER LAW (26; 2)

Eric Lister, Q.C., *Chair*

EQUALITY ISSUES (56; 7)

Sarah Lugtig, *Co-Chair*

Yvonne Peters, *Co-Chair*

FAMILY LAW (154; 9)

Gerald Ashcroft, *Chair*

GAY & LESBIAN ISSUES (19; 2)

Tanit Gilliam, *Co-Chair*

Jason Hamilton, *Co-Chair*

GENERAL PRACTITIONERS (100; 2)

Gary Gilmour, *Co-Chair*

Victoria Lehman, *Co-Chair*

HEALTH LAW (58; 1)

Helga Van Iderstine, *Co-Chair*

Wayne Forbes, *Co-Chair*

IMMIGRATION LAW (38; 6)

Baerbel Langner, *Chair*

LABOUR LAW (94; 1)

Ken Dolinsky, *Chair*

MEDIA & COMMUNICATIONS LAW (42; 1)

Robert Sokalski, *Chair*

MUNICIPAL LAW (50; 0)

Robert Tyler, *Chair*

PUBLIC SECTOR LAWYERS (54; 1)

Julie Frederickson, *Chair*

REAL PROPERTY (161; 5)

Ned Brown, *Co-Chair*

Kim Joss, *Co-Chair*

SECURITIES LAW (52; 0)

Richmond Bayes, *Chair*

TAXATION LAW (74; 0)

Steve Kohn, *Chair*

TECHNOLOGY & INTELLECTUAL PROPERTY LAW (59; 2)

Adam Herstein, *Chair*

TRANSPORTATION LAW (24; 0)

Joseph Barnsley, *Chair*

WILLS & ESTATE LAW (170; 7)

John Poyser, *Co-Chair*

Ralph Neuman, *Co-Chair*

YOUNG LAWYERS' (428; 7)

Nicole Harley, *Chair*

MBA Branch Statistics

<i>Members</i>	<i>Sections</i>
1,166	29
<i>Section Membership</i>	
2,952	

HONOURS - 2004

HONOURS:

The 2004 MBA Distinguished Service

Award in recognition of the late

Isreal Harold Asper, O.C., Q.C.

The 2004 Pro Bono Award Recipient:

John B. Harvie

MBA 2004 Equality Award Recipient:

Priti Shah

MBA 2004 Council Member Award Recipient:

Annette Horst



MBA 2004 Headnotes & Footnotes Award Recipient:

Deeley Fabbri Sellen Family Law Group

MBA 2004 Community Service Award Recipient:

Leonard French

MBA 2004 Section Activity Award Recipients:

Wills & Estates Law Section, Ralph Neuman and John E.S. Poyser,

Co-chairs

MBA 2004 Wild Card Award Recipient:

Robert Dawson

MANITOBA BAR ASSOCIATION / ASSOCIATION DU BARREAU DU MANITOBA

2003/2004 SECTION ACTIVITY

Aboriginal Law

November 6, 2003

- Update on Aboriginal Rights

January 30, 2004

- Mid-Winter CLE – Urban Reserves in Manitoba (joint CLE with Constitutional/Human Rights, Equality Issues, Municipal Law and Real Property Sections)

April 26, 2004

- Band Council Resolutions under the Indian Act in Commercial Contracts and Litigation

May 21, 2004

- "Is there a case for Aboriginal title in Treaty Territory?"

June 8, 2004

- "Residential Schools ADR and Litigation" Year End Presentation and Business Meeting

Administrative Law

October 15, 2003

- "How to start and build an administrative law practice"

December 3, 2003

- "Recent Developments in Administrative Law"

January 30, 2004

- Mid-Winter CLE – How to deal with Charter Issues (joint CLE with Criminal Justice and Constitutional/Human Rights Sections)

April 14, 2004

- Making effective federal access to information requests

June 16, 2004

- Election of Section Executive, 2004-2005

Alternative Dispute Resolution

March 19, 2004

- Domestic Violence Evaluation: Assessing, Communicating, and Managing Risk

April 12, 2004

- Insurance Litigation and Dispute Resolution Processes

April 15, 2004

- Communication with Elder Clients and Case Discussion

Bankruptcy & Insolvency Law

September 10, 2003

- Executive Meeting

November 12, 2003

- Pensions in Insolvency Situations

January 30, 2004

- Mid-Winter CLE – Show me the Money! (joint CLE with Civil Litigation Section)

February 25, 2004

- Can RRSP'S be made Creditor-proof?

Civil Litigation

October 7, 2003

- Code of Pretrial Conduct and Small Claims Limits - Should they be increased?

December 9, 2003

- The Manitoba Queen's Bench Rules

January 30, 2004

- Mid-Winter CLE – Show me the Money! (joint CLE with Bankruptcy & Insolvency Section)

April 6, 2004

- The impact of Privacy Laws (including PIPEDA) on Civil Litigation

June 1, 2004

- Annual Bench & Bar Open Forum

Constitutional/Human Rights Law

November 17, 2003

- The "New" Search

- Mid-Winter CLE – Urban Reserves in Manitoba (joint CLE with Aboriginal Law, Equality Issues, Municipal Law and Real Property Sections)

January 30, 2004

- Mid-Winter CLE – How to deal with Charter Issues (joint CLE with Administrative Law and Criminal Justice Sections)

February 25, 2004

- Solutions for Workplace Accommodation (joint CLE with The Law Society of Manitoba)

May 4, 2004

- The "Top 5" Constitutional and Human Rights Cases of 2003/04

Construction Law

March 10, 2004

- "Creative Solutions to Realizing on Builders' Liens"

Corporate (In-House) Counsel

September 24, 2003

- "You Can't Do That! (Or Can You??)" Do's & Don'ts of Communicating with your Employees During a Union Organizing Drive

October 30, 2003

- Insolvency Update for In-House Counsel

December 4, 2003

- "Canadian Income Trusts: A Primer for In-House Counsel"

January 15, 2004

- Everything You Always Wanted to Know About Liability for Contaminated Land but Were Afraid to Ask (joint meeting with Environmental Law Section)

March 10, 2004

- "Challenges for Corporate Counsel In the Land of e Discovery: Lessons from a Case Study"

April 27, 2004

- CCCA National Spring Conference - Highlights & Experiences

Criminal Justice

December 3, 2003

- Forensic Medicine and the Law: Identification (joint CLE with The Law Society of Manitoba)

January 15, 2004

- The Manitoba Ignition - Interlock Program

January 30, 2004

- Mid-Winter CLE – How to deal with Charter Issues (joint CLE with Administrative Law and Constitutional/Human Rights Sections)

April 27, 2004

- Domestic Violence Front End Project (Information Session held by Manitoba Justice Courts Division)

Elder Law

April 15, 2004

- Inaugural Meeting

Environmental Law

October 2, 2003

- General Meeting

January 15, 2004

- You Always Wanted to Know About Liability for Contaminated Land but Were Afraid to Ask (joint meeting with Corporate (In-House) Counsel Section)

Equality Issues

October 8, 2003

- Wine & Cheese Reception

December 3, 2004

- Wine & Cheese Reception

January 30, 2004

- Mid-Winter CLE – Urban Reserves in Manitoba (joint CLE with Aboriginal Law, Constitutional/Human Rights, Municipal Law and Real Property Sections)

February 25, 2004

- Business Meeting

MANITOBA BAR ASSOCIATION / ASSOCIATION DU BARREAU DU MANITOBA

2003/2004 SECTION ACTIVITY

April 7, 2004

- Benchers Elections, Proposal for Gender Equity on Judicial Appointment Committee, Follow up with Law Society on Issues Concerning Diversity in the Profession

June 16, 2004

- Reception Honouring Madam Justice Myrna Bowman

Family Law

November 14, 2003

- Managing the Case Management File (joint CLE with The Law Society of Manitoba)

December 8, 2003

- Annual Christmas Party

January 12, 2004

- Assessing Assessments

April 29, 2004

- Mediating the High Conflict Relationship

May 26, 2004

- Refresher / Update on The Common Law Partners' Property Act (Bill 53) (joint meeting with Wills & Estates Section)
- Annual BBQ

Gay & Lesbian Issues

November 4, 2003

- Tim Preston's appointment to the Bench

March 12, 2004

- Business and Planning Meeting

General Practitioners'

December 12, 2003

- Meet & Greet Reception

January 30, 2004

- Mid-Winter CLE – Planning for Death or Incapacity (joint CLE with Wills & Estates Section)

March 10, 2004

- On-Line Registries Forum (joint CLE with The Law Society of Manitoba)

Health Law

December 15, 2003

- Patient Safety

Immigration Law

September 24, 2003

- Issues related to the Appeal Division

December 12, 2003

- Business Meeting

January 14, 2004

- Changes in visa processing for non-Canadians post 9/11

February 27, 2004

- Meeting with the Secretariat on Regulating Immigration Consultants, Citizenship and Immigration Canada

March 19, 2004

- The Implementation of the Immigration and Refugee Protection Act and Regulations

June 25, 2004

- Current reorganization of Human Resources and Skills Development Canada

Media & Communications Law

April 17, 2004

- Courts and the Media Workshop

Public Sector Lawyers Conference

June 2, 2004

- Presentation by Department of Justice, Manitoba Justice and City of Winnipeg

Real Property Law

September 23, 2003

- Residential tenancy rent controls and related matters

October 28, 2003

- Revamping Land Titles Office Mortgage Realization Procedures

November 4, 2003

- City of Winnipeg Central Registry Searches and related matters

January 30, 2004

- Mid-Winter CLE – Urban Reserves in Manitoba (joint CLE with Aboriginal Law, Constitutional/Human Rights, Equality Issues and Municipal Law Sections)

February 25, 2004

- First Nations Reserve Lands Conveyancing

April 20, 2004

- Builders' Liens (offered via video-conferencing to Brandon, Flin Flon and The Pas)

Taxation Law Section

January 30, 2004

- Mid-Winter CLE – Tax Law

Technology & Intellectual Property Law

October 8, 2003

- Status Report on E-Commerce, Intellectual Property and Privacy Law

January 30, 2004

- Mid-Winter CLE – Privacy Considerations in a Purchase/Sale of a Business

June 29, 2004

- "Consumer Protection in Electronic Commerce in Manitoba - Where are we now?"

Wills & Estates Law

September 29, 2003

- Executive Meeting

October 30, 2003

- Executive Meeting

December 2, 2003

- Everything You Ever Wanted to Know About Estates - Just Ask

January 30, 2004

- Mid-Winter CLE – Planning for Death or Incapacity (joint CLE with General Practitioners' Section)

February 10, 2004

- "Postmortem Planning for Private Company Shares" Postmortem tax strategies to minimize income taxes in a corporate setting

April 30, 2004

- Discussion with Honorable Madame Justice Beard on various matters affecting Estate practice

May 26, 2004

- Refresher / Update on The Common Law Partners' Property Act (Bill 53) (joint meeting with Family Law Section)

Young Lawyers'

October 23, 2003

- Business/Planning Meeting

November 20, 2003

- Maximizing Your Options in Today's Legal Marketplace - Career Growth and Options for the Young Lawyer

March 18, 2004

- Insurance packages available through the CBIA

April 16, 2004

- In the Master's Court (joint CLE with The Law Society of Manitoba)

June 10, 2004

- Annual Meeting and Executive Election

Statement of Financial Position as at 31 August 2004

	GENERAL FUND	CAPITAL FUND	CONFERENCE FUND	TOTAL 2004	TOTAL 2003
ASSETS					
CURRENT ASSETS					
Cash in bank	\$ 11,597	\$ -	\$ 50,717	\$ 62,314	\$ 15,037
Accounts receivable	17,211	-	6,040	23,251	20,915
Prepaid expenses	4,553	-	-	4,553	17,706
	<u>33,361</u>	<u>-</u>	<u>56,757</u>	<u>90,118</u>	<u>53,658</u>
INVESTMENTS (note 4)	257,243	-	-	257,243	204,592
CAPITAL ASSETS (note 3)	-	6,679	-	6,679	927
	<u>\$290,604</u>	<u>\$ 6,679</u>	<u>\$ 56,757</u>	<u>\$354,040</u>	<u>\$259,177</u>
LIABILITIES AND FUND BALANCES					
CURRENT LIABILITIES					
Accounts payable & accrued liabilities	\$ 27,353	\$ -	\$ 53,664	\$ 81,017	\$ 6,710
Deferred revenue	32,052	-	-	32,052	28,358
	<u>59,405</u>	<u>-</u>	<u>53,664</u>	<u>113,069</u>	<u>35,068</u>
FUND BALANCES					
Invested in capital assets	-	6,679	-	6,679	927
Restricted	-	-	3,093	3,093	13,991
Unrestricted	<u>231,199</u>	<u>-</u>	<u>-</u>	<u>231,199</u>	<u>209,191</u>
Balances, end of year	<u>231,199</u>	<u>6,679</u>	<u>3,093</u>	<u>240,971</u>	<u>224,109</u>
	<u>\$290,604</u>	<u>\$ 6,679</u>	<u>\$ 56,757</u>	<u>\$354,040</u>	<u>\$259,177</u>

Statement of Operations and Changes in Fund Balances for the year ended 31 August 2004

	GENERAL FUND	CAPITAL FUND	CONFERENCE FUND	TOTAL 2004	TOTAL 2003
REVENUE					
Membership					
CBA memberships rebates	\$ 127,445	\$ -	\$ -	\$ 127,445	\$112,420
CBA middle province rebates	35,428	-	-	35,428	35,619
CBIA rebates	5,348	-	-	5,348	5,000
MBA levies	33,301	-	-	33,301	35,577
Winnipeg 2004 CBA CLC and Expo	-	-	134,176	134,176	-
	<u>201,522</u>	<u>-</u>	<u>134,176</u>	<u>335,698</u>	<u>188,616</u>
Council activity	41,102	-	-	41,102	39,358
Membership services	110,165	-	-	110,165	95,728
Sections	9,017	-	-	9,017	6,875
Investment income	6,849	-	-	6,849	9,098
Sundry income	6,473	-	-	6,473	6,164
Law Society of Manitoba Project	-	-	-	-	5,000
	<u>375,128</u>	<u>-</u>	<u>134,176</u>	<u>509,304</u>	<u>350,839</u>
EXPENDITURES					
Council activity	69,853	-	-	69,853	70,186
Member services	103,023	-	-	103,023	86,116
Membership and public relations	23,030	-	-	23,030	18,236
Sections	23,619	-	-	23,619	23,125
Administration	126,916	-	-	126,916	131,417
Amortization	-	927	-	927	1,234
Winnipeg 2004 CBA CLC and Expo	-	-	145,074	145,074	-
	<u>346,441</u>	<u>927</u>	<u>145,074</u>	<u>492,442</u>	<u>330,314</u>
EXCESS (DEFICIENCY) OF					
REVENUE OVER EXPENSES	28,687	(927)	(10,898)	16,862	20,525
FUND BALANCES, BEGINNING OF YEAR	209,191	927	13,991	224,109	203,584
TRANSFER TO CAPITAL FUND	<u>(6,679)</u>	<u>6,679</u>	<u>-</u>	<u>-</u>	<u>-</u>
FUND BALANCES, END OF YEAR	<u>\$231,199</u>	<u>\$ 6,679</u>	<u>\$ 3,093</u>	<u>\$240,971</u>	<u>\$224,109</u>

NOTES TO FINANCIAL STATEMENTS

Year Ended August 31, 2004

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 1,200 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.

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>2004</u>		<u>2003</u>	
	<u>Cost</u>	<u>Accumulated Amortization</u>	<u>Cost</u>	<u>Accumulated Amortization</u>
Computer equipment	\$31,507	\$24,828	\$24,828	\$23,901
Net Book Value	\$ 6,679		\$ 927	

4. INVESTMENTS

	<u>2004</u>	<u>2003</u>
Various series, at cost, of		
Guaranteed Investment certificates	\$ 1,000	\$ 1,000
Provincial government bonds	\$107,074	\$106,938
Money market funds	\$149,169	\$ 96,654
	<u>\$257,243</u>	<u>\$204,592</u>
Market Value	<u>\$257,243</u>	<u>\$202,232</u>

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. COMPARATIVE FIGURES - Comparative figures are unaudited and were reported by other accountants.

Auditor's Report to the Members

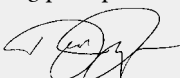
I have audited the statement of financial position of the Manitoba Bar Association as at 31 August 2004 and the statements of operations, changes in net assets and cash flows for the year then ended. These financial statements are the responsibility of the association's management. My responsibility is to express an opinion on 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 disclosures 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 2004 and the results of its operations and cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

Previous year's financial statements were reviewed by other accountants.

Winnipeg, Manitoba
15 October 2004


Chartered Accountant

