



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

2009

ANNUAL REPORT RAPPORT ANNUEL



Executive Committee 2008-2009

President Annette Horst
Vice-President Anthony Kavanagh
Secretary/Treasurer Karen Wittman
Advocacy and Public Relations Josh Weinstein

Membership/Member Services Ken Mandzuik
Past President Michael Law
Executive Director Stacy Nagle

Elected Council 2008-2009

WINNIPEG JUDICIAL DISTRICT

Kim Antonio
Richard Beamish
Derek Booth
Melanie Bueckert
Katherine Bueti
J.J. Burnell
Diana Cameron
Karen Clearwater
Robert Dawson
George Derwin
Candace Everard
Michelle Gallant
Peter Glowacki
Gary Goodwin
Joan Holmstrom
Anthony Kavanagh
Corrine Kulyk
Ken Mandzuik
Ralph Neuman
Sacha Paul
Yvonne Peters
Brad Regehr
Dean Scaletta
Barbara Shields
Lisa Sumka
Mark Toews
Josh Weinstein
Karen Wittman

MLSA Representative

Cameron Wong

CPLED Student Representative

Maria Versace

CENTRAL JUDICIAL DISTRICT

Diane Stevenson
Avaline Widmer

EASTERN JUDICIAL DISTRICT

Brent Buss

WESTERN JUDICIAL DISTRICT

Scott Abel
Richard Lonstrup
Trent Sholdice
Wendy Stewart

NORTHERN JUDICIAL DISTRICT

Erika Dolcetti

DAUPHIN JUDICIAL DISTRICT

Therese Koturbash

STAFF

Executive Director - Stacy Nagle
Executive Assistant – Nicole Hohner
Section/CLE Coordinator - Melissa Tannahill/Jadah Nerman
Law Student – Natalie Paul

Special Thanks to MBA Organizers

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

Bar Bonspiel

Kerry Unruh & Dana Kochan, *Tournament Organizers*

CBA Companies – Manitoba Representatives

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

CBA Standing Committee Members – Manitoba Representatives

- Communications - Antoine Hacault
- Continuing Legal Education - Karen Wittman
- Equity - Sandi Phillips
- Law Day - Corrine Kulyk
- Legislation & Law Reform - Ken Mandzuik
- Membership - Ken Mandzuik
- Pro Bono - Byron Williams
- Resolutions, Constitution & By-Laws - Dean Scaletta
- Supreme Court of Canada Liaison Committee
- John Stefaniuk

Charity Golf Tournament

Grant Davis, *Tournament Organizer*

Estate Planning for Your Future Committee Representative

Peter Glowacki

Francophone Affairs Committee

Antoine Hacault, *Chairperson*

Law Day Organizing Committee

Corrine Kulyk, *Chairperson*

Kim Antonio
Debbie Baker
Karlee Blatz
Paulette Desaulniers
Aimée Fortier
Karen Fulham
Madeline Low
John Martens
Krista Piché
Mary Troszko
Mark Wallace
Kelly Wilson

Lawyers Professional Assistance (Lawyers Helping Lawyers)

Therese Koturbash/Myfanwy Bowman

Legal Aid Advisory Committee Representatives

Leandre Buissé
Gerri Wiebe

Legislation & Law Reform Committee

Melanie Bueckert, *Chair*
Diana Cameron
Michelle Gallant
Catherine Skinner

Manitoba Law Foundation MBA Board Representative

Barbara Shields (*as of November 2004*)

Manitoba Law School Foundation Board

Wayne Onchulenko

MPI PUB Rate Application Hearing Counsel

Robert Dawson

MTC/MBA Joint Production – *The Odd Couple*

The Male Version

Kim AntonioCecily Pigeon
Paul CooperOscar Madison
Sean HicksVinnie
Robin KerseyMurray
Jim McLandressFelix Ungar
Marika Nerbas.....Gwendolyn Pigeon
Steve Scarfone.....Roy
Lyle SmordinSpeed

The Female Version

Gail AsperFlorence Unger
Karen BlicherVera
Erika DolcettiSylvie
Bill Haight.....Jesus Costazuela
John Harvie.....Manolo Costazuela
Vivian HilderOlive Madison
Joan HolmstromRenee
Krista Piché.....Mickey

MTC/MBA Joint Production Play Committee Members

Joan Holmstrom
Tony Kavanagh

2009 Mid-Winter Conference Committee

Melanie Bueckert, *Co-Chair*
Sofia Mirza, *Co-Chair*
Jeremy Akerstream
Todd Andres
Karlee Blatz
Jason Harvey
Tony Kavanagh
Lisa LaBossière
Cynthia Lau
Madeline Low
Kathleen McCandless
Paul McDonald
Lindsay Mulholland
Lisa Sumka
Mark Toews

Pitblado Lectures – 2009

Brad Regehr and Tony Kavanagh, *Topic Selection Committee Members*
Jeff Harris, *Organizing Committee Member*

Right to Know Committee Representatives

Brian Bowman
Wayne Forbes

Court of Queen's Bench & Bar Liaison Committee

The Honourable Mr. Justice Robert Carr, *Chairperson*

Provincial Court Informal Concerns Committee

The Honourable Judge Ron Meyers, *Chairperson*

PRESIDENT'S REPORT

It was my great honour and privilege to hold the office of President in 2008-2009. I am pleased to report that due to the collective efforts of the staff and volunteers the Manitoba Bar Association (MBA) had another successful year with no new controversy.

The MBA was well represented in the past year with J. Guy Joubert acting as National President of the Canadian Bar Association. It is a great honour for our branch to be home to the national President and one which we have claimed numerous times starting with Sir James Aikins.

Our profession continues to struggle with shortages of counsel practicing "beyond the perimeter" and in areas of family law. There have been successes in recruiting new young lawyers to the North. The MBA hopes to continue to support our members practicing in rural and northern areas. With online continuing professional development (CPD), connection to the profession provincially allows all members to feel part of the broader legal community.

The Law Society introduced mandatory reporting of CPD in the past year. The MBA is pleased to support our members by continuing to provide the highest quality CPD programs and making those programs accessible through teleconferencing and online webcast.

The past year has seen several changes on the bench. On the Provincial Court side, the court has a new Chief Judge with the end of Chief Judge Wyant's tenure and the beginning of the new Chief Judge Ken Champagne. On the Queen's Bench side, two new Associate Chiefs were appointed: Associate Chief Justice Glenn Joyal for the General Division and Associate Chief Justice Lori Douglas for the Family Division. In addition to changes in leadership on the bench there were numerous other changes, including four appointments outside of Winnipeg, to the bench in Manitoba. The MBA is very proud of the continuing positive relationship we enjoy with all levels of court and we welcome and congratulate all new members of the bench in the past year.

The MBA remains committed to providing relevant member services. In this year the MBA has made a commitment to a different type of member services. The development of a new

downtown daycare for the benefit of the lawyers is an exciting new opportunity for our profession. In particular, this recognizes the need for practical support to achieve work-life balance and support families in the legal profession. The MBA is committed to providing financial support to this project and we hope that in the years to come this will become a reality. This project demonstrates in a real and constructive way, that our Association is truly committed to equality.

The CBA took a chance with the Canadian Legal Conference this past year and went to Dublin, Ireland. This meeting was well attended by our members and provided an unique opportunity to interact with our international colleagues. The meetings, professional development programs, social and networking events were world class and the MBA was very happy to have so many of our members participate in the meeting.

Our Association is very proud of our commitment to our communities. The dedication of our members to continued community support is one of the legal professions greatest achievements. This past year the MBA achieved 15 years of our partnership with the Manitoba Theatre Centre and the community play project. We have raised over \$700,000 for MTC and we hope that we continue to see the unbelievable dedication of our members for the foreseeable future to this project. This year the MBA also donated \$25,000 to the Canadian Museum for Human Rights.

Our Association is strong and vibrant. We continue to work hard to ensure that the trust and loyalty of our members is well served. As President, it was truly an opportunity to give back to the profession that has given me so much. I hope that I was able to contribute to the ongoing success of our Association and that those who have come before were pleased, and that those who will come after continue the fine traditions of our Association.



Annette J.R. Horst

VICE-PRESIDENT'S REPORT



Anthony (Tony) J. Kavanagh

As Vice-President one has the pleasure to work with what is often considered to be the lifeblood of the Manitoba Bar Association (MBA): Section Activity. As an intrepid lawyer, this is what hooked me into MBA involvement years ago. Accordingly in September at the beginning of our year, I attended and presented at two *Section Leader Orientation Lunch Meetings*, where

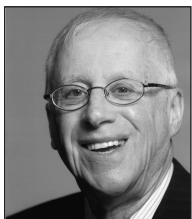
some 30 or so Section Leaders attended. This year the MBA also developed a series of *Surveys* to try and gauge the interest and input of the various Section members, so we could work to improve and continually grow our Section activity. Also, by the end of September the first formal meeting of our newest section, the *Legal Research Section* occurred - over 50 people attended that session. By the end of the year the MBA had hosted 91 Section meetings with 2,420 "attendances" (a 35% increase over the previous year) demonstrating in part the wisdom of dedicating staff resources and budget directed to assist Section work directly, and in part the vitality of our profession and its volunteer base.

The MBA was also invited to be part of the organizing committee for a Law Society sponsored, day-long, Professional Development Session entitled: *Unrepresented Litigants and Access to Justice: Today's Reality and a View to the Future*. Supreme Court Justice Marshall Rothstein was the keynote speaker. I represented the MBA at this excellent event and spoke on a panel discussing next steps. I also attended the Law Society lunch celebration with Executive members to honour several lawyers who had practiced for 50 years - it is remarkable to note how much the law has changed in that time. I presented at a *Public Sector Conference* session along with President Horst and the President of the BC Branch on the issue of dealing with Public Sector responsibilities to both the Employer and the Bar Association as leaders in the CBA: across Canada we are seeing more Public Sector leaders, a goal the CBA had long advocated. I also represented the MBA in selecting the Pitblado Lecture Topic for 2009 (*Practising Law in the 21st Century*) which seems especially fitting now that I read this paragraph again: our profession has evolved rapidly in the last 15 or years.

This year, I had the pleasure of attending several *Mid-Winter Planning Committee* sessions with a talented group of volunteers who put together an excellent and well attended MBA Mid-Winter held in January 2009. Of special note, our *Distinguished Service Award* went to The Honourable Judge Ron Meyers who proceeded to serenade the appreciative audience with song and comedy (perhaps the first ever recipient of this prestigious award to do so!) Through the year, I submitted several articles for *Headnotes & Footnotes* including a brief piece highlighting the excellent Manitoba showing at the CBA Québec City meeting, highlighting how Manitoba punches well above our weight-class: we are proud of Manitoba's role in the CBA. I attended several Swearing-In-Ceremonies for newly appointed Judges in Winnipeg, Brandon and Portage la Prairie, attended the MBA President's Reception, Council Meetings and Executive Meetings, as well as the CBA Mid-Winter held in Alberta. We also met with the Minister of Justice and Attorney General for Manitoba and discussed pressing issues for several of our members. Along with others from the MBA, I attended the function celebrating The Honourable Chief Judge Raymond Wyant's service of leading the Provincial Court (his term officially ended July 2, 2009 pursuant to the legislated 7 year term limit). I also served dinner to the MTC/MBA cast on one of their rehearsal nights, and as well presented a \$5,000 cheque on behalf of the MBA at the Friday night performance of the *Odd Couple*. (Annette had attended the night before to present another \$5,000!).

It is amazing the quality of the people that work for the MBA: Melissa Tannahill and Nicole Hohner do a fantastic job which makes my work very easy indeed. I must make a special mention to Nicole who has picked up the extra duties (including Section Activity Support) from Melissa who had to take an earlier maternity leave date than anticipated. As always my personal affection and appreciation for Stacy Nagle, our erstwhile Executive Director who makes everything the MBA does (including its Vice-President) seem so well-organized. I had a tremendous year. As Ken Mandzuik takes on the duties of Vice-President, I am confident he will enjoy the experience as much as I have: it was a great honour.

HONOURS 2008-2009



2009 MBA Distinguished Service Award Recipient:

The Hon. Judge Ronald J. Meyers

The 2009 Pro Bono Award Recipients:

Robert Dawson, John Myers, Shereese Qually, and Daniel Rempel (*The Bannerman Team*)

2008 MBA Community Involvement Award:

Rekha Malaviya

2008 MBA Council Member Award:

Melanie Bueckert

2008 MBA Section Activity Award:

George Derwin, *Alternative Dispute Resolution Section*

MEMBERSHIP/MEMBER SERVICES REPORT

I am happy to report that the last year has been another year of growth for the Manitoba Bar Association. As of the end of August 2009, we had 1,283 paid memberships, an increase of 1.9% from the same time last year. With close to 1,300 members, the MBA continues to be the voice of the legal profession in Manitoba; our increasing membership year after year is a testament to this.

With the downturn in the economy, members and firms might be thinking twice before cutting a cheque to the MBA, so the services we continue to provide our members must remain valuable and relevant. I think Manitoba gives great value and opportunity to our members.

We had another successful year of our mentorship program, which pairs up law students with practicing lawyers. The mentorship program hosts a couple of receptions and allows students a chance to have a connection with a real, (presumably) live lawyer to see what a student can expect on his or her call to the bar. Not only is this a great introduction for students to the profession, it is an opportunity for the MBA to showcase its wares and recruit new members and future leaders. As another part of our outreach to students, we again co-hosted a lunch with the Law Society at the Faculty of Law during orientation week.

This year continued to have the Province contribute 50% of membership fees for lawyers employed by Manitoba Justice. We are hopeful to have this extended to Legal Aid counsel and we continue to try to recruit members of the Federal Department of Justice as well.

We contacted all lawyers in the province who are not members of the MBA to encourage them to become members; and this outreach was again successful in attracting a number of new members.

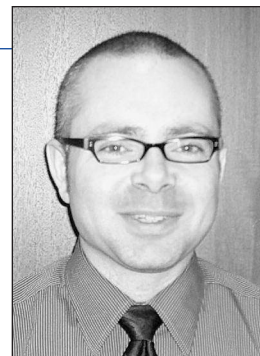
On an ongoing basis, we continue to follow up with lapsed members and welcome new members to the CBA.

As membership chair, I attended in-person meetings in Ottawa, at the CBA Mid-Winter meeting in Lake Louise, and the CBA Canadian Legal Conference in Dublin.

I was also the Co-Chair of the MBA SOGIC Section and a member of the CBA Legislation and Law Reform Committee. Along with other members of the Executive, I attended various meetings and functions throughout the year from the Mid-Winter Meeting, to sitting on two Judicial Nominating Committees.

In speaking with people about the benefits of the CBA, I often say that the more one contributes to the CBA, the more they will get out of it. Through my involvement with the CBA, I have made friends and contacts from coast to coast, and have been exposed to more ideas and areas of practice than if I was not involved. None of the activities of the CBA could take place without the involvement and dedication of our members and volunteers, and I thank all of you for support, and for allowing me to serve you as Membership Chair.

A final word of thanks goes to our staff who make volunteering for the MBA so easy and enjoyable. Melissa Tannahill, Jadah Nerman, Nicole Hohner and the incomparable Stacy Nagle keep the organization healthy, efficient and professional. None of what happens at the MBA could happen without their dedication and effort, and sincere thanks go to them as well.



Ken Mandzuik

PAST PRESIDENT'S REPORT

As past-president of the Manitoba Bar Association (MBA), I had the pleasure of serving as Manitoba's representative on the board of directors of the Canadian Bar Association (CBA). Being able to communicate and exchange ideas with like-minded, yet diverse individuals from across Canada, all of whom shared the goals of improving the justice system, supporting lawyers and judges and enhancing the association, was the highlight of my year. An added bonus was having two other Manitobans, J. Guy Joubert as CBA President and Wayne Onchulenko as CBA Treasurer, sit on the national executive with me.

Equity and equality issues have always been high on my agenda during my years on MBA council and, in 2009, I was pleased to see the release of the CBA's "Breaking Barriers" report. This report acknowledged the need to make the leadership of the association more open to women and minorities. Appropriately, the CBA elected Trinda Ernst to the CBA executive and once she moves up the executive ladder, she will become the fourth female president of the CBA in its long history. Furthermore, the CBA voted to give the chair of Conferences a permanent voting seat on the board. Conferences represent groups who are often underrepresented at national level in positions of power or leadership. A permanent vote for the Chair of Conferences will help address these imbalances of power as referenced by "Breaking Barriers" report.

On other issues, the CBA became somewhat constrained as a result of the global economic recession. Although the CBA's investments

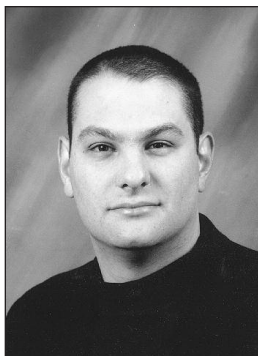
were mostly protected as a result of prudent fiscal management, corporate sponsorship decreased significantly. As a result, some of the bold membership plans of the previous years had to be put on hold as most areas of the CBA were asked to reduce their budgets by five percent. Nevertheless, the CBA continued its work in such areas as legal aid advocacy where, despite our previous loss in the *Christie* case, the board voted to continue with a strategy of selective litigation combined with advocacy. Additionally, further amendments to the Conflicts of Interest Report were approved and a new CBA logo was launched. Now that the recession appears to be coming to an end in Canada, I am confident that the association can resume and continue its important work in improving the association and the services it delivers to its members.

Finally, I would like to commend the staff at both the national and Manitoba branch levels of the CBA, and in particular our Executive Director, Stacy Nagle, for their excellent support and assistance which made my work so much easier. I am pleased to be able to continue my work at the national level as a new member of the Standing Committee on Equity.



Michael J. Law

ADVOCACY AND PUBLIC RELATIONS REPORT



Josh Weinstein

The year was a busy one filled with my attendances at the CBA Mid-Winter in Lake Louise, Council meetings as well as the numerous judicial Swearing-In ceremonies. The following are some of the other highlights from throughout the year.

In May 2009, our members contributed to a wonderful production of Neil Simon's *"The Odd Couple"* which was a great success. The play featured alternating versions each day between an all male and all female cast. The MBA provided a cash donation of \$10,000 and the total amount raised to date in this endeavour since its inception is estimated to be just over \$700,000.

The MBA continues to defend our members, both lawyers and judges, from unjustifiable negative comments in the media. The MBA also continues to track mention of our members in the media when their accomplishments are highlighted.

This year, all three levels of court embarked on the establishment of a Court Media Committee to include outside interested groups and considered issues that would assist the Courts in dealing with requests for more access by the media. I was happy to serve on that Committee which has now produced a final report that is currently being reviewed by the Chiefs of all three levels of court.

A *Headnotes & Footnotes* readership survey was distributed to members on March 9, 2009. The survey was sent to 1,218

members and we received 317 responses back. An overwhelming majority of members feel that the newsletter is an important aspect of their CBA/MBA membership and that it is relevant to their everyday practice. Based on the survey results various changes are being implemented for the newsletter.

The 2009 Legal Directory and Dayplanner was another sell out. This publication continues to be relied on daily by our members.

The MBA intervened at the 2009 MPI PUB Rate Application Hearing. Robert Dawson was the Association's Counsel for these hearings.

The MBA Legislation & Law Reform Committee continues to review various legislation that is introduced in the House. In 2008/2009 the Committee also asked each MBA Section to appoint a representative that would deal with legislative issues. Many Sections have designated members.

The MBA continues to see a steady increase in hits on our web-site since the previous year. The duration of the visits has also increased which we hope is an indication that our members are utilizing all the wonderful resources the site offers.

All in all, the year was a very satisfying one from my perspective. I find it easy to address the unwanted negative comments about our members when I'm in the privileged position of seeing the good they do whether it be with the community play or awards.

Lastly, I want to thank Stacy Nagle and the MBA staff for all their assistance and guidance over the years.

EXECUTIVE DIRECTOR'S REPORT

The Manitoba Bar Association (MBA) is a branch of the Canadian Bar Association, which is an organization of lawyers formed to provide support by the profession to the profession, so that it may better serve its members and the public.

As a non-profit professional organization, the MBA provides educational and networking opportunities for its members who number approximately 1,300 across Manitoba, including lawyers, articling students, law students, judges, and law professors.

The MBA also works to improve the law, strengthen the administration of justice, encourage access to justice for all citizens, and promote equality.

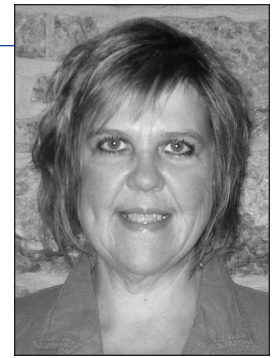
On June 13, 2007 the MBA Council adopted a new five year strategic plan. Over the past seven years that I have been the Executive Director of the MBA, many accomplishments have been made. Highlights of these, not already mentioned in the other reports, for 2008/2009 include:

- MBA Council approved a travel rebate policy for rural members to attend Section meetings.
- The MBA welcomed its 2008/2009 President, Annette Horst, at a reception on September 17, 2008 at the Western Canada Aviation Museum.
- The MBA with the Manitoba Ombudsman, Canadian Taxpayers Federation (Manitoba), Canadian Association of Journalists, Provincial Council of Women, Manitoba Library Association, the Winnipeg Free Press and the Winnipeg Sun sponsored three events for Right to Know Week in Manitoba. Professor Alasdair Roberts, Suffolk University Law School in Boston spoke September 29, 2008 at the University of Manitoba. On October 1, 2008 at Portage Place, Edmonton Court featured media personalities, other experienced access to information seekers and access to information professionals. They shared experiences and answered questions. On October 3, 2008, Suzanne Legault from the Office of the Information Commissioner made a presentation in French on Access to Information at the Collège universitaire de Saint-Boniface.
- Representatives of the MBA met with The Hon. Dave Chomiak, Minister of Justice and Attorney General of Manitoba and the Assistant Deputy Minister Jeff Schnoor, Q.C. on October 16, 2008 and July 14, 2009.
- The Ad Hoc Committee of MBA Past-Presidents met on October 29, 2008 to discuss various issues and make a recommendation regarding the Distinguished Service Award recipient.
- On November 14 & 15, 2008, the MBA, the University of Manitoba Faculty of Law and The Law Society of Manitoba featured the 2008 Isaac Pitblado Lectures.
- The 2009 MBA Mid-Winter which was held on January 22 – 24, 2009, featured eight CLEs: Trial Evidence/Process Refresher, Demystifying the “New” Standards of Review, Post *Dunsmuir*, Representations and Warranties: A Guide to Negotiation, Dispute Resolution & Mediation Skills for Lawyers, Corporations & Criminal Law: Advising, Defending and Avoiding Prosecutions of Corporations and Directors for Commercial Crimes and Regulatory Offences, Human Rights & First Nations People:

Application of the *Canadian Human Rights Act*, Class Actions and Disabled Beneficiaries – Maximizing Their Benefits. The Mid-Winter Awards lunch featured the presentation of the 2009 MBA Distinguished Service Award to Judge Ron Meyers. The 2009 Pro Bono Award was also presented at the lunch to the “Bannerman Team”

(John Myers and Shereese Qually of Taylor McCaffrey LLP, Robert Dawson of Dawson Law Chambers and Daniel Rempel formerly of Gange, Goodman & French). The MBA Recognition Awards were also presented at the luncheon: Community Involvement Award to Rekha Malaviya; Council Member Award to Melanie Bueckert; and Section Activity Award to George Derwin of the Alternative Dispute Resolution Section. CBA President, J. Guy Joubert attended the branch Mid-Winter meeting. In addition, we were also pleased to have Jamie Trimble, Ontario Branch President and Diane Young, Alberta Branch President attend the Mid-Winter and speak to Council.

- Twelve teams participated in the MBA Bar Bonspiel that was held on March 6, 2009.
- On March 13, 2009 representatives of the MBA met with Kelvin Goertzen, Justice Critic.
- An open house, celebrating Law Day was held at the Winnipeg Law Courts Building on Sunday, April 19, 2009. The open house included: guided tours of the law courts; 27 exhibits and displays; Mock Trials in French & English presented by elementary and senior high school students; high school student debates presented in French; distribution of the *Charter*; legal information panel discussions including a presentation and promotion of Will Week – Estate Planning for Your Future, a presentation on Unlocking Government Secrets and a presentation on Alcoholics Anonymous. Approximately 1,300 members of the public attended in the open house with over 400 people participating in the guided tours. Five Winnipeg high schools presented mock trials at the Winnipeg Courthouse in the evening on Tuesday, April 21, 2009. An open house was also held at the Brandon Law Courts on Sunday, April 19, 2009. Approximately 45 members of the public participated in the tours of the law courts and a general legal information panel discussion.
- The MBA, the Office of the Public Trustee and The Winnipeg Foundation presented “Will Week” from April 20 – 24, 2009. The initiative is intended to provide the general public with information on topics such as Health Care Directives, Enduring Powers of Attorney and Wills. Seminars were free and were held at 12 locations in Winnipeg and various locations outside of Winnipeg.
- The Honourable Judge Carena Roller from the Provincial Court of Manitoba was the keynote speaker for the Young Lawyers’ Judges lunch, sponsored by CBIA/CBAF, which was held on April 23, 2009.



Stacy Nagle

EXECUTIVE DIRECTOR'S REPORT *cont'd*

- Approximately 60 golfers participated in the 2009 MBA Charity Golf Classic. The tournament was originally scheduled for Monday, May 26, 2009 but because of inclement weather it was rescheduled to July 13, 2009 at Elmhurst Golf & Country Club. The Winnipeg Children's Access Agency was the charity for the tournament.
- On June 1, 2009, a Managing Partners Lunch was held at Aikins, MacAulay & Thorvaldson LLP. The CBA provided an update from the Conflicts of Interest Task Force and Richard Susskind provided a presentation entitled, "The End of Lawyers". Ten managing partners attended the session along with representatives of the MBA Executive, the CEO of the Law Society and the Dean of the law school.
- Weekly court decisions were distributed to subscribing firms.

All of this work was done with a small number of paid staff and a large group of fantastic volunteers.

First, an acknowledgment of the staff of the Association - Nicole Hohner continued as the MBA Executive Assistant during 2008/2009. Melissa Tannahill, the MBA Section/CLE Coordinator went on an early maternity leave in May 2009. However, we are fortunate to have Jadah Nerman, who filled in for Melissa on her first maternity leave, return to the MBA. Natalie Paul, who has just completed her second year at the University of Moncton, worked on the 2010 Legal Directory & Day Planner over the summer. They are an amazing, hard working, group of individuals that make my job easy and fun.

People often ask - What is the favourite part of your job? The answer is an easy one for me - I get to work with some amazing dedicated volunteers. Year after year it continues to amaze me how many billable hours and how much of an individual's personal time is given to the MBA. These volunteers ensure that the Association can provide quality services to our members. THANK YOU.



Karen Wittman

SECRETARY / TREASURER'S REPORT

Attached are the audited financial statements for the MBA for the fiscal year ended August 31, 2009 prepared by Dean R. Jenkyns Chartered Accountant Ltd.

Some highlights for your consideration:

- In keeping with Council's decision to attempt to reduce our surplus, we sustained an overall net budget deficit of \$69,622.00. Although the overall net

deficit was not as large as originally anticipated, we have nevertheless managed to reduce our overall net assets from \$309,416.00 to \$239,794.00.

- The MBA's investments have also been reduced this year from \$368,220.00 to \$310,380.00. A detailed breakdown of the MBA's investments may be found at Notes 2 and 4 to the Financial

Statement. Investment income was also down this year, dropping from \$14,115 last year to \$6,773.00 this year.

- Overall revenue is once again up, rising from \$447,036 last year to \$477,023 this year.
- Expenses have also increased, rising from \$433,572 last year to \$541,669.00 this year.

In all, our finances continue to be carefully maintained on behalf of our members and in accordance with our Association's work and objectives.

As always, I wish to express my sincere thanks and appreciation to the MBA's Executive Director, Stacy Nagle, whose expert skills and assistance, together with guidance from the Executive and Council, help provide excellent management of our funds.

Auditor's Report to the Members

I have audited the statement of financial position of MANITOBA BAR ASSOCIATION as at August 31, 2009 and the statements of revenues and expenditures, changes in net assets and cash flow for the year then ended. These financial statements are the responsibility of the company'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 the 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 company as at August 31, 2009 and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

Winnipeg, Manitoba
October 20, 2009

Dean R. Jenkyns, Chartered Accountant

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 2009

	<u>2009</u>	<u>2008</u>
ASSETS		
CURRENT ASSETS		
Cash	\$ 9,224	\$ 3,897
Accounts receivable	14,844	13,702
Prepaid expenses	10,228	7,774
	34,296	25,373
INVESTMENTS (Notes 2, 4)	310,380	368,220
CAPITAL ASSETS (Notes 2, 3)	7,568	10,510
	\$352,244	\$404,103
LIABILITIES		
CURRENT		
Accounts payable	59,424	39,324
Deferred revenue (Note 2)	53,026	55,363
	112,450	94,687
NET ASSETS		
Restricted Capital Fund	7,569	10,510
Unrestricted General Fund	232,225	298,906
	239,794	309,416
	352,244	404,103

Statement of Revenues and Expenditures

31 August 2009

	<u>2009</u>	<u>2008</u>
MEMBERSHIP REVENUE		
CBA Membership rebates	\$178,196	\$163,845
CBA middle province rebates	44,145	43,502
CBIA rebates	6,421	6,185
MBA levies	38,946	37,525
	267,708	251,057
FEES AND OTHER INCOME		
Council Activity	49,424	42,388
Membership services	131,729	124,245
Sections	18,857	13,172
Investment Income	6,773	14,115
Sundry income	2,532	2,059
	209,315	195,979
REVENUE TOTAL	477,023	447,036
EXPENDITURES		
Council Activity	109,767	92,561
Member services	122,776	117,050
Membership and public relations	42,256	6,964
Sections	34,939	22,610
Administration	231,931	194,387
	541,669	433,572
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES FROM OPERATIONS	(64,646)	13,464
CAPITAL FUND Amoritization	(4,976)	(4,630)
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES FOR THE YEAR	\$(69,622)	\$ 8,834

Statement of Changes in Net Assets

31 August 2009

	<u>GENERAL FUND</u>	<u>CAPITAL FUND</u>	<u>2009</u>	<u>2008</u>
NET ASSETS - BEGINNING OF YEAR	\$296,906	\$10,510	\$309,416	\$300,582
Excess (Deficiency) of revenue over expenses for the year	(64,646)	(4,976)	(69,622)	8,834
Transfer to Capital Fund for Equipment additions	(2,035)	2,035	—	—
NET ASSETS - END OF YEAR	\$232,225	\$ 7,569	\$239,794	\$309,416

Statement of Cash Flows

31 August 2009

	<u>2009</u>	<u>2008</u>
OPERATING ACTIVITIES		
Cash receipts from customers	\$466,770	\$454,161
Cash paid to suppliers and employees	(524,021)	(402,426)
Investment Income	6,773	14,021
Cash flow from (used by) operating activities	(50,478)	65,756
INVESTING ACTIVITIES		
Purchase of equipment	(2,035)	(11,028)
(Increase) decrease in investments	57,840	(44,396)
Cash flow from (used by) investing activities	55,805	(55,424)
INCREASE IN CASH FLOW	5,327	10,332
CASH (DEFICIENCY) - BEGINNING OF YEAR	3,897	(6,435)
CASH - END OF YEAR	\$ 9,224	\$ 3,897

NOTES TO FINANCIAL STATEMENTS

Year Ended August 31, 2008

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 1,300 members of Manitoba's legal profession, including: lawyers, judges, law students and law professors.

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

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 annual dues received in the current year which relate to the subsequent year and 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 generally accepted accounting principles 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 judgements 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. CAPITAL ASSETS

	<u>2009</u>		<u>2008</u>	
	<u>Cost</u>	<u>Accumulated Amortization</u>	<u>Cost</u>	<u>Accumulated Amortization</u>
Computer equipment & furniture	\$43,145	\$38,920	\$41,110	\$35,374
Furniture & Fixtures	\$ 7,147	\$ 3,804	\$ 7,147	\$ 2,373
Net Book Value	<u>\$7,568</u>		<u>\$10,510</u>	

4. INVESTMENTS

	<u>2009</u>	<u>2008</u>
Various series, at cost, of		
Cash	\$ 10,000	\$ —
Guaranteed Investment certificates	11,806	11,115
Provincial government bonds	92,599	102,601
Money market funds	116,829	175,339
Equity funds	<u>79,146</u>	<u>79,165</u>
Market Value	<u>\$310,380</u>	<u>\$368,220</u>

5. COMMITMENTS

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

Section Chairs 2008-2009

Within brackets, the first figure indicates the number of members enrolled, and the second figure indicates the number of meetings, events or continuing legal education programs held in 2008/2009.

Aboriginal Law (105; 5)

Aimée Craft, Chair

Administrative Law (168; 4)

Paul McDonald, Co-Chair

Robert Dawson, Co-Chair

Alternative Dispute Resolution (123; 2)

George Derwin, Chair

Bankruptcy & Insolvency Law (76; 2)

David Kroft, Chair

Business Law (249; 3)

Charlotte McCurdy, Co-Chair

Michael Jason, Co-Chair

Civil Litigation (260; 4)

Laureen Lu, Co-Chair

Bernice Bowley, Co-Chair

Constitutional/Human Rights (127; 4)

Cynthia Devine, Co-Chair

Jamie Jurczak, Co-Chair

Construction Law (91; 1)

Tom Turner, Chair

Corporate (In-House) Counsel (213; 7)

Jon Sigurdson, Chair

Criminal Justice (110; 5)

Sarah Inness, Co-Chair

Kusham Sharma, Co-Chair

Elder Law (60; 1)

Heather Dixon, Chair

Environmental Law (70; 2)

Stewart Pierce, Chair

Equality Issues (76; 2)

Beth Tait Milne, Co-Chair

Candray Mehkary, Co-Chair

Family Law (167; 5)

Sharon Kravetsky, Chair

General Practitioners (106; 2)

Sidney Laviolette, Chair

Health Law (76; 0)

Wayne Forbes, Chair

Immigration Law (54; 4)

Mira Thow, Chair

International Law (75; 2)

Philip Watts, Chair

Labour Law (129; 4)

Susan Polz, Co-Chair

Adrian Frost, Co-Chair

Law Practice Management & Technology (75; 2)

Ron Ade, Chair

Legal Research (72; 5)

Melanie Bueckert, Co-Chair

Darla Rettie, Co-Chair

Media & Communications Law (67; 1)

Robert Sokalski, Chair

Municipal Law (68; 1)

Harold Dick, Chair

Public Sector Lawyers' Forum (76; 2)

Mary Ann Thompson, Chair

Real Property (198; 4)

Ned Brown, Co-Chair

Howard Nerman, Co-Chair

Securities Law (79; 0)

Norman Snyder, Chair

SOGIC Manitoba (25; 2)

Krista Piché, Co-Chair

Ken Mandzuik, Co-Chair

Taxation Law (95; 1)

Adam Levene, Chair

Technology & Intellectual Property Law (96; 4)

Silvia de Sousa, Chair

Transportation Law (34; 0)

Joseph Barnsley, Chair

Wills & Estate Law (206; 0)

Marvin Giesbrecht, Co-Chair

Sharon Tod, Co-Chair

Women Lawyers' Forum (177; 5)

Patricia Lane, Co-Chair

The Hon. Justice Colleen Suche, Co-Chair

Young Lawyers' (442; 8)

Alana Parashin, Chair

MBA Branch Statistics

<i>Members</i>	<i>Sections</i>
1,283	33
<i>Section Membership</i>	
3,973	



2008/2009 SECTION ACTIVITY

Aboriginal Law

December 9, 2008	Federal Court Procedures – A Practitioner's Perspective
January 7, 2009	Aboriginal Student/Aboriginal Bar Reception
January 23, 2009	Mid-Winter CLE – Human Rights Legislation & First Nations People: Application of the Canadian Human Rights Act (joint CLE with Constitutional/Human Rights Section)
March 4, 2009	Consultation and Accommodation with Aboriginal People
June 8, 2009	Business Meeting and Executive Election

Administrative Law

November 12, 2008	Practical Tips for Administrative Law Lawyers
January 23, 2009	Mid-Winter CLE – Demystifying the "New" Standards of Review, Post-Dunsmuir (joint CLE with Constitutional/Human Rights and Labour Law Sections)
April 17, 2009	Deference to Lay Tribunals and the Problem of Expertise
June 16, 2009	How Can You Use International Human Rights Norms in Your Administrative Law Practice?

Alternative Dispute Resolution

April 7, 2009	Mediators Beyond Borders
May 12, 2009	Dispute Resolution in Labour Relations

Bankruptcy & Insolvency Law

October 27, 2008	Executive and Planning Meeting
April 16, 2009	Joint meeting with MAIRP

Business Law

December 10, 2008	Investments as Security: Making Sense of Recent Legislation (joint CLE with the Law Society of Manitoba)
January 23, 2009	Mid-Winter CLE – Corporations and Criminal Law: Advising, Defending and Avoiding Prosecutions of Corporations and Directors for Commercial Crimes and Regulatory Offences (joint CLE with Criminal Justice Section)
January 23, 2009	Mid-Winter CLE – Representations and Warranties: A Guide to Negotiation

Civil Litigation

January 23, 2009	Mid-Winter CLE – Class Actions
May 11, 2009	Demystifying the Federal Court – its Proceedings and Practices
June 2, 2009	How to Avoid Rejection in the Court of Appeal: Current and Upcoming Rules and Practice Directions
June 22, 2009	Presentation by Queen's Bench Rules Committee

Constitutional/Human Rights Law

November 3, 2008	Section 24(2) of the <i>Charter</i> – the Exclusion of Evidence (joint meeting with Criminal Justice Section)
January 23, 2009	Mid-Winter CLE – Demystifying the "New" Standards of Review, Post-Dunsmuir (joint CLE with Administrative Law and Labour Law Sections)
January 23, 2009	Mid-Winter CLE – Human Rights Legislation & First Nations People: Application of the Canadian Human Rights Act (joint CLE with Aboriginal Law Section)
June 11, 2009	You be the Judge!

Construction Law

March 25, 2009	Builders' Liens: An Update and Considerations
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Corporate (In-House) Counsel

September 25, 2008	"Civil Claims for Overtime: Yes? No? Maybe?"
November 27, 2008	Highlights from 2008 Isaac Pitblado Lectures "Legal Issues In A Greener World"
February 3, 2009	"The "Paper-Less Practice"
February 24, 2009	The Next Generation of Saving on External Legal Costs
March 11, 2009	<i>Made in America</i> : How the U.S. Exported its Sub-Prime Crisis & Financial Meltdown to the Rest of the World
May 26, 2009	"Insolvency's Contractual Impacts"
June 15, 2009	Facebook? Gripe Sites? Biometrics? RFID? Employee Monitoring in the 21st Century

Criminal Justice

October 22, 2008	Streamlining Cases
November 3, 2008	Section 24(2) of the <i>Charter</i> – the Exclusion of Evidence (joint meeting with Constitutional/Human Rights Section)
January 23, 2009	Mid-Winter CLE – Corporations and Criminal Law: Advising, Defending and Avoiding Prosecutions of Corporations and Directors for Commercial Crimes and Regulatory Offences (joint CLE with Business Law Section)
April 7, 2009	Jury Trials
June 3, 2009	Top 5 Supreme Court of Canada Criminal Cases for 2008/2009 & Executive Election

Elder Law

November 21, 2008	A Presentation from Ann Soden, "The Godmother of Elder Law in Canada"
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2008/2009 SECTION ACTIVITY



Environmental Law

March 19, 2009 The Precautionary Principle: What is it and how to use it/abuse it

June 9, 2009 Manitoba's Climate Change Strategy

Equality Issues

October 16, 2008 Wine, Women & Song Event (jointly presented by the Women Lawyers' Forum)

March 18, 2009 Whither Substantive Equality? Recent Developments in Section 15 Charter Jurisprudence

Family Law

November 26, 2008 Tax Implications for Family Law

December 9, 2008 Annual Christmas Party

April 24-25, 2009 Solving the Puzzle: Managing High Conflict Divorce in the Children's Interest (joint CLE with Collaborative Practice Manitoba)

May 29, 2009 Constructing and Deconstructing Best Interests Determinations - The Best Interests of the Child

June 11, 2009 Annual BBQ

General Practitioners

February 11, 2009 Webcast CLE - What Recession? A Profitable Law Practice in Good and Bad Times (joint meeting with Law Practice Management & Technology and Young Lawyers' Sections)

April 8, 2009 Litigation for Sole or Small Firm Practitioners - A View from the Bench

Immigration Law

October 16, 2008 Canadian Experience Class

February 11, 2009 The Worker Recruitment and Protection Legislation

March 12, 2009 Manitoba Provincial Nominee Program

May 28, 2009 Service Canada Update - Foreign Worker Program

International Law

November 6, 2008 Applying International Law in Canadian Courts and Tribunals In Light of Recent SCC Decisions (joint CLE with Legal Research Section)

June 5, 2009 International Trade, the Financial Crisis and the Role of the G20 - Do We Need Another Bretton Woods?

Labour Law

December 8, 2008 Wrongful Dismissal Update: Important Recent Developments in the Law

January 23, 2009 Mid-Winter CLE - Demystifying the "New" Standards of Review, Post-Dunsmuir (joint CLE with Constitutional/Human Rights and Administrative Law Sections)

April 30, 2009

Attendance Management Programs - Know how to advise your clients about absenteeism in the workplace

June 25, 2009

Workplace Safety and Health Case Update

Law Practice Management & Technology

February 11, 2009 Webcast CLE - What Recession? A Profitable Law Practice in Good and Bad Times (joint meeting with General Practitioners' and Young Lawyers' Section)

April 2, 2009 Get on the Brandwagon

Legal Research

September 29, 2008 Statutory Interpretation

November 6, 2008 Applying International Law in Canadian Courts and Tribunals In Light of Recent SCC Decisions (joint CLE with International Law Section)

December 9, 2008 Annual Holiday Party

February 19, 2009 American Legal Research

April 24, 2009 Introduction to the Resources of the Legislative Library

Media & Communications Law

April 27, 2009 Lawyers and the Media: Do's, Don'ts and Guidelines

Municipal Law

June 10, 2009 The Six Minute Lawyer

Public Sector Lawyers' Forum

March 20, 2009 Unrepresented Litigants - A Public Sector Perspective

April 20, 2009 Public Service and Professional Service: Balancing the interests of the Bar and our employers

Real Property Law

October 21, 2008 Practicalities of/what you need to know about Title Insurance

November 18, 2008 Program to electronically link lenders to lawyers in connection with processing real estate transactions

February 18, 2009 *The Manitoba Farm Lands Ownership Act*

April 15, 2009 Residential Home Inspections

SOGIC Manitoba

November 26, 2008 Fall Planning Meeting

June 30, 2009 Dinner/Outreach Meeting

Taxation Law

May 5, 2009 AGM and Current Tax Topics

Technology & Intellectual Property Law

October 22, 2008 Brainstorming and Electing a Secreray/Treasurer

November 18, 2008 Domain Name Disputes



2008/2009 SECTION ACTIVITY

March 31, 2009	Confidentiality Agreements	December 1, 2008	Practice in Masters' Chambers
June 16, 2009	Recent Developments in IP and Technology Law	January 23, 2009	Mid-Winter CLE – Trial Evidence/Process Refresher
Women Lawyers' Forum		February 11, 2009	Webcast CLE – What Recession? A Profitable Law Practice in Good and Bad Times (joint meeting with General Practitioners' and Law Practice Management & Technology Section)
October 16, 2008	Wine, Women & Song Event (jointly presented by the Equality Issues Section)		
November 21, 2008	UN Development Programs		
February 25, 2009	How to Survive the Practice of Law		
April 29, 2009	Spring Event and Reception - We Work Hard	March 31, 2009	How to Work Effectively with your Legal Assistant
June 23, 2009	Reception to honour The Hon. Susan Devine, recipient of the 2009 CBA Cecilia I. Johnstone Award.	May 13, 2009	Surviving your Junioring Years
		May 22, 2009	Executive Meeting and Election
		June 25, 2009	Webcast CLE – Law & Parenthood: Practical Strategies for Getting the Flexible Schedule You Want
Young Lawyers'			
October 15, 2008	Wine & Cheese		