



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

2011

ANNUAL REPORT RAPPORT ANNUEL



Executive Committee 2010-2011

President Ken Mandzuik
Vice-President Josh Weinstein
Secretary/Treasurer Dean Scaletta
Advocacy and Public Relations Scott Abel

Membership/Member Services Karen Wittman
Past President Tony Kavanagh
Executive Director Stacy Nagle

Elected Council 2010-2011

WINNIPEG JUDICIAL DISTRICT

Todd Andres
Kim Antonio
Kristine Barr
Richard Beamish
Melanie Bueckert
Diana Cameron (until April 2011)
Robert Dawson
Cynthia Devine
Heather Ann Dixon
Bev Froese
Michelle Gallant
Peter Glowacki
Gary Goodwin
Sarah Inness
Robynne Kazina
Corrine Kulyk
Lisa LaBossière
Sofia Mirza
Ralph Neuman
Yvonne Peters
Krista Piché
Brad Regehr
Bianca Salnave
Lisa Sumka
Mark Toews
Josh Weinstein
Karen Wittman

MLSA Representative

Rana Bokhari

CPLED Student Representative

Jason Roberts

CENTRAL JUDICIAL DISTRICT

Carli Owens
Maureen Terra

EASTERN JUDICIAL DISTRICT

Vacant

WESTERN JUDICIAL DISTRICT

Scott Abel
Richard Lonstrup
Trent Sholdice
Wendy Stewart

NORTHERN JUDICIAL DISTRICT

Judy Eagle

DAUPHIN JUDICIAL DISTRICT

Peter Kingsley

STAFF

Executive Director - Stacy Nagle
Executive Assistant – Jadah Trenouth/Chelsey Tait
Section Coordinator - Melissa Tannahill
Law Student – Sarah Crabbe

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
Jennifer Cooper, Q.C. (*Director*)
John Stefaniuk (*Director*)
- Canadian Bar Association Financial Services
Chrys Pappas, Q.C. (*Vice-President and Treasurer*)

CBA Standing Committee Members – Manitoba Representatives

- Communications - Antoine Hacault
- Continuing Professional Development - Karen Wittman
- Equity - Michael Law
- Law Day - Karlee Blatz
- Legislation & Law Reform - Catherine Skinner
- Membership - Karen Wittman
- Pro Bono - Myfanwy Bowman
- Supreme Court of Canada Liaison Committee -
John Stefaniuk

Charity Golf Tournament

Grant Davis, *Tournament Organizer*

Zane Tessler, *Tournament Organizer*

Estate Planning for Your Future Committee Representative

Peter Glowacki

Francophone Affairs Committee

Antoine Hacault, *Chairperson*

Law Day Organizing Committee

Karlee Blatz, *Chair*

Melissa Beaumont
Paulette Desaulniers
Courtney Dyson
Aimée Fortier
Noah Globberman
Tanya Keller
Madeline Low
John Martens
Laura Parr
Krista Piché
Josh Slayen
Mary Troszko
Mark Wallace

Lawyers Professional Assistance (Lawyers Helping Lawyers)

Myfanwy Bowman

Legal Aid Advisory Committee Representatives

Leandre Buissé (*until June 2011*)
Gerri Wiebe

Legal Help Centre MBA Board Representative

Ken Mandzuik (*until April 2011*)
Bev Froese (*as of May 2011*)

Legislation & Law Reform Committee

Diana Cameron, *Chair (until April 2011)*
Bev Froese, *Interim Chair (as of April 2011)*
Catherine Skinner
Wendy Stewart

Manitoba Law Foundation MBA Board Representative

Gary Goodwin

Manitoba Law School Foundation Board

Wayne Onchulenko

MPI PUB Rate Application Hearing Counsel

Robert Dawson

MTC/MBA Joint Production – Gypsy

Gail AsperRose
Kathrine BasarabMazeppa
Melissa BeaumontToreaborable/Mother/Caroline
Karlee BlatzToreadorable/Mother
Kalyn BombackJune
James CarterWeber/Kringelein/Phil
Jessica CoganTessie Tura
Rachel CoganBaby Louise (May 3, 5 and 7)
Becky FrohlingerBaby June
Bonnie GembeyEnsemble/Mother/Hayseed/Renee
Sean HicksMr. Goldstone/Georgie/Cigar/Bourgeron-Couchon
Reannah HockenDolores (Toreadorable)
Joan HolmstromAgnes (Toreadorable)
Bryan KleinHerbie
David KroftLA/Rich Man/Stage Hand
Myong LeeGail (Toreadorable)
Tyler LeightonClarinet Boy/Boy Scout/Newsboy
Hayley MainLouise
Candray MehkaryThelma/Toreadorable
Laure MoodyToreadorable
Marika NerbasElectra
Julia PerronBaby Louise (May 2, 4 and 6)
Laura PerronToreadorable
Connor James PlysiukRich Man's Son/Newsboy
Amanda SansregretMrs. Cratchitt
Steve ScarfoneYonkers/Uncle Jocko/Stage Hand
Priti ShaEnsemble/Mother/Hayseed/Waitress
Dan SherboAngie/Pastey/Stage Hand
Lyle SmordinPop/Announcer
Noah StaerkTap Dancing Urchin/Newsboy
Neil SteenTulsa
Hana Laura YamamotoMarjorie May/Torabdorable

MTC/MBA Joint Production Play Committee Members

Joan Holmstrom
Josh Weinstein

2011 Mid-Winter Conference Committee

Todd Andres, *Co-Chair*
Lisa Sumka, *Co-Chair*
Karlee Blatz
Melissa Burkett
Johanna Caithness
Lisa LaBossière
Cynthia Lau
Madeline Low
Elona McGifford
Josh Weinstein
Leandro Zylberman

Pitblado Lectures – 2011

Ken Mandzuik, *Topic Selection Committee Member*
Patricia Lane, *Organizing Committee Member*

Court of Queen's Bench & Bar Liaison Committee

The Honourable Mr. Justice Robert Carr, *Chairperson*

Provincial Court Informal Concerns Committee

The Honourable Judge Timothy Preston, *Chairperson*

PRESIDENT'S REPORT

I am pleased to report that the MBA prospered over the last year, once again due to the support of its members and volunteers. We continue to be guided by our strategic plan and have met the goals we have set for ourselves. In short, we continue to be trusted advocates interested in preserving the rule of law and the independence of the judiciary: we are the voice of the legal profession.

In the last year, we saw and defended attacks on the judiciary. This brought an unsought focus on the MBA early in the year, but also renewed respect for the job the CBA does across the country. Supporting an independent judiciary is one of the most important things the CBA can do, mostly as our judiciary cannot often defend themselves. After years of lobbying the provincial government, we were pleased to see the introduction of a Senior Judges' Program, which we anticipate will increase access to justice. Indeed, access to justice was a focus of the MBA's last year, as we conducted town-hall meetings in Thompson, Brandon, Steinbach and Winnipeg. The result of these meetings was a report that we submitted to the four provincial parties in advance of the last election, and which report will be front and centre of our meetings with the Attorney General and Minister of Justice as well as the opposition justice critic.

With the introduction of continuing mandatory professional development, the MBA is well-positioned to continue to provide top-notch CPD for its members either through local sections or web-based seminars from any of our branches across the country. The MBA is conscious of our members outside the Perimeter and will continue to make access for members outside of Winnipeg a priority.

Over the last year, in addition to conducting our town hall meetings, I had the pleasure of speaking at several swearing in

ceremonies, a citizenship ceremony at law day, a presentation at the CPLED class and the Call to the Bar ceremony. Our production of *Gypsy* at MTC was another example of how Manitoba's lawyers (particularly our members) give back to the community and have talents outside the office or courtroom.

Our volunteers at all levels make the MBA possible. Whether serving on a section executive or as an elected member of council, it is their work that makes us able to provide our members with the services and support we do. My personal thanks go to all of them. My thanks too go to the partners of D'Arcy & Deacon LLP for allowing me the (heavy) time commitment to the MBA and for their continued support of the MBA. The executive I had supporting me over the year provided me with unmatched guidance and support, for which I remain humbled (!) and grateful. My thanks too to our staff, lead by the gifted and talented Stacy Nagle. Without Stacy's leadership, the MBA would be rudderless, mast-less, well, simply flotsam and jetsam.

Despite the long hours and infrequent pressures and feelings of occasional doom or name-calling, I have enjoyed my work with the MBA so much, that the volunteering seemed effortless. I have said before that one gets out of the Bar association what one puts into it. I am sure I've got much more out of it than my input merits. I cannot encourage you enough to get involved. Please consider getting involved in a section or conference that interests you, consider running for council or our executive. If you enjoy your experiences with the MBA half as much as I have, you will not regret it.



Ken G. Mandzuik

VICE-PRESIDENT'S REPORT



Josh Weinstein

My year as Vice President was an extremely fulfilling one. I had an opportunity to work with many of our wonderful members who continue to do great things for our association.

In September 2010, I attended two well planned Section Leader Orientation workshops. Our sections continue to be the lifeblood of the MBA providing our membership with

current and relevant information for their areas of practice. We continue to emphasize the importance of what our sections provide as we move into mandatory continuing professional development. In 2010/2011, a total of 90 meetings were held with 2,311 people attending. The CBA Aboriginal Law Section held its national meeting in Winnipeg in April 2011.

One role I cherished greatly during my term was participating as the executive committee representative on the 2011 MBA Mid-Winter organizing committee. I was so proud to see a young energetic group plan what turned out to be an amazing event. The efforts of the committee and our Co-Chairs, Lisa Sumka and Todd Andres should be acknowledged and applauded.

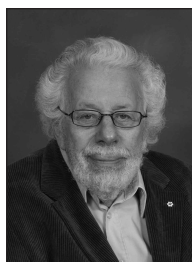
Other highlights of my year included presiding over high school debates at Law Day. The event is an excellent example of the MBA's commitment to community. I enjoyed returning to Robson Hall to witness the first day of classes where all first year students were presented with the CBA's *Code of Professional Conduct*. I also had the opportunity of toasting the 2011 graduating class of Robson Hall and brought greetings on behalf of the 1,300 members of the MBA. The ceremony was a memorable one and I'm looking forward to addressing the class of 2102 next year.

I attended both the CBA's Mid-Winter meeting in Charlevoix and the CBA Canadian Legal Conference (CLC) in Halifax. At the Halifax meeting, I attended meetings of the CBA Council and the Board of Directors. The CLC continues to be an important event for all CBA members, not only for the continuing professional development aspect of the conference, but also, for the networking and social opportunities with lawyers from around the country.

I continued my role as the MBA executive representative on the Manitoba Theatre Centre/Manitoba Bar Association Joint Play Committee. In 2011, we saw *Gypsy* brought to the stage by our talented volunteer members. The musical was a great success and continues to be a major fundraiser for MTC.

I conclude on a bittersweet note. Ken Mandzuik has not only been one of my dearest friends since we attended law school together, he has been a phenomenal president who has left a legacy of fearless advocacy on behalf of the profession and has lead innovative initiatives for our association such as the Town Hall Project. While I didn't think I would ever say this about Ken, he has left giant shoes to fill. I want to also acknowledge the efforts and tireless commitment of the rest of the executive and council. Our association is fuelled by volunteerism and all our members exemplify what is good and right about lawyers working to improve the profession and the community. Finally, to the staff of the MBA, headed by our fearless Executive Director, Stacy Nagle, thank you so much for your professionalism and commitment to the association, we would be lost without you. I look forward to my upcoming year as President and wish Karen Wittman well in her new role as Vice President.

HONOURS 2010-2011



2011 MBA Distinguished Service Award Recipient:

Roland Penner, C.M., Q.C.

The 2011 Pro Bono Award Recipient:

Wayne Leslie & Anita Southall

2010 MBA Community Involvement Award:

Paul McKenna

2010 MBA Equality Award:

Sarah Lugtig

2010 MBA Headnotes & Footnotes Award:

Robert Dawson

2010 MBA Section Activity Award:

Legal Research Section - Melanie Bueckert & Darla Rettie, Co-Chairs

MEMBERSHIP/MEMBER SERVICES REPORT

Once again, I am delighted to report that this past year has been another year of growth for the Manitoba Bar Association. Although CBA overall membership showed only a minimal increase of 0.42% this past year, the MBA showed an overall increase of 1.31%.

At the national level, the CBA has continued to be actively engaged in its branding effort and its expanded recruitment drive. New advertisements have been released and a membership fee review committee has been struck to re-evaluate the pricing model for members. We are hopeful that the fee review committee will have a report for CBA Council sometime in 2012.

At the branch level, membership retention and recruitment efforts have been focussed on individual contact with lapsing or lapsed members and an outreach program to non-members. Meetings were also held over the course of the past year with a number of the medium and larger firms, including Aikins, MacAulay & Thorvaldson LLP, Tapper Cuddy LLP, D'Arcy & Deacon LLP, and Taylor, McCaffrey LLP, to review with them some of the benefits and advantages of membership.

I am also pleased to report that, once again this year, we have universal membership among the provincial court judges. The province also continued to reimburse Manitoba Justice employees half of their CBA membership fees in 2010/2011. Although student membership has not been quite as strong as in past years, the MBA has been actively recruiting students both at the orientation week at the law school and through our

mentorship program, which is a program designed to pair first year law students attending the faculty of law at Robson Hall with lawyers practising in the community. The MBA hosted two events in 2010/2011. As a side benefit of this mentorship program, the MBA has an opportunity to introduce students to the many benefits and advantages of membership with the MBA.

As Director of Membership, I attended a number of meetings throughout the year, including meetings in Ottawa, the CBA Mid-Winter Meeting and the CBA Canadian Legal Conference. Along with other members of the Executive, I also attended various meetings and functions locally, including the MBA Mid-Winter meeting.

It has been my pleasure to represent you as Director of Membership over the past year and I thank you for giving me that opportunity. I also wish to thank the MBA staff and, in particular, the Executive Director, Stacy Nagle who, without fail each year, provide outstanding support, guidance and assistance to members of the Executive and to Council. Stacy and her team truly make volunteering for the MBA an enjoyable and rewarding experience. Without them, the MBA would not be able to accomplish nearly as much.



Karen R. Wittman

PAST PRESIDENT'S REPORT

It was an honour and privilege to serve this term as Past-President. Being on the MBA executive for seven years has been a great experience and I encourage those on council to consider running for the office.

The Past-President sits on the CBA Board and attends meetings with other leaders from across the country. It is a great way to see the amazing work the CBA does. And it does an incredible amount of work with the resources at hand. Whether advocacy on behalf of the rule of law at home or abroad, whether developing top notch continuing professional development endeavours, or simply resourcing and administering a terrific pot pourri of services to lawyers, it is a vibrant, extremely representative and democratic organisation lead by a great cadre of people: both staff and volunteers.

This year the CBA Board had to deal with what every organisation faces: recessionary worries, global pressures and transition.

But, perhaps the most difficult issue was the efforts to reach consensus with the former CCCA executive. After years of incredibly lengthy, protracted and good faith discussions culminating in a detailed top level mediation, it became clear that the CBA and CCCA would not be able to reach agreement.

With enormous reluctance but in adherence to high level principles, the CBA Board also realised that further years of debate would only serve to deepen the expense, division and harm to the CBA. Therefore the Board did what lawyers do every day: acted in the best interests of their "clients" and in

accordance with fiduciary duties, embarked on a process to bring the CCCA back within the CBA family and build up the CCCA.

Several top notch Manitobans were heavily involved in the negotiations and mediation including former MBA President and CBA President Guy Joubert. While a very difficult transition, the CCCA survived and is a very strong and active part of the CBA family. Dean Scaletta (MBA executive member) assisted, as did members of the local MBA Corporate (in-house) Counsel Section. Well attended and notable continuing professional development offerings were very successful as is the quality of the CCCA magazine.

Though a very busy year, it was a wonderful way to finish my MBA Executive career. I want to say what a privilege it was to work with an amazingly talented Executive Director, Stacy Nagle and her staff team over the years. Working with a talented group of volunteers over the years: the Executive, Council and Presidents of the MBA, was a great honour. The absolute value the MBA has in the CBA family and in Manitoba was confirmed beyond a reasonable doubt in 2010-2011. This conviction will stand.



*Anthony (Tony)
J. Kavanagh*

ADVOCACY AND PUBLIC RELATIONS REPORT



Scott Abel

Legislation and Law Reform: The MBA's Legislation and Law Reform Committee continues to be actively involved in reviewing provincial legislation. Their function is an important one in ensuring the MBA, or specific sections, are alerted to specific legislation being tabled.

MPI PUB Rate Application Hearing:

The MBA intervened at the 2011 MPI PUB Rate Application Hearing. Notice was provided to the PUB that the MBA will not be intervening at the 2012 MPI Rate Application Hearing. The MBA has been very fortunate to have Robert Dawson as counsel for these interventions.

Royal Manitoba Theatre Centre: For several years, the MBA and MTC have put on an annual fundraiser to display the talents of lawyers, judges, professors and students. This year's production, *Gypsy*, was huge success. To date, the MBA has raised nearly \$800,000 for the MTC. It goes without saying that the success of this production, as well as all previous productions, is due to the time, effort and energy of those MBA members participating in the production. A "Community Event" advertisement about the play was featured in the *Winnipeg Free Press*.

Media Relations: One of the key roles the MBA plays is defending our members, whether lawyers or the judiciary, from negative and often misinformed comments in the media. The MBA is quick to respond when a response is warranted. Equally

important is the role the MBA plays in highlighting the accomplishments of our members in the media.

MBA Recognition Awards: It is a pleasure to participate in the selection process and to be present during the MBA Awards Luncheon, held during the MBA Mid-Winter meetings, to be able to enjoy the variety and expanse of knowledge that our profession has locally in Manitoba.

Legal Directory & Day Planner: The 2011 MBA Legal Directory and Day Planner was another sell out. The Directory continues to be an invaluable resource for the legal community.

Headnotes & Footnotes: The MBA newsletter, *Headnotes & Footnotes*, was published and distributed 10 times this year, being an important aspect of the value that members receive, despite having to read about obscure and irrelevant musical references in the President's Report.

Web-Site: The MBA continues to see consistent and frequent use of our web-site. The web-site continues to be an important tool in both informing our members as to what is going on, and in providing valuable resources to our members.

Personally, I attended the MBA Mid-Winter Meetings in Winnipeg in January, the CBA Mid-Winter Meetings in Charlevoix, QC in February, the CBA Canadian Legal Conference in Halifax, NS in August, and the Western Manitoba Bar AGM in Clear Lake, Manitoba, in September.

Lastly, I want to thank Stacy Nagle and all the MBA staff for all of their hard work and assistance during this past year.

EXECUTIVE DIRECTOR'S REPORT

In June 2010, the MBA Council approved a strategic plan for 2010-2012. The plan includes the following six objectives.

Recruit New Members – The MBA will take specific recruitment and retention actions to increase membership by 20 members in 2010/2011.

Professional Interest Advocacy – The MBA will be the provincial voice of the legal profession in Manitoba in order to protect its core values, promote the essential role of lawyers in society and enhance the competitive advantage of MBA members.

Public Interest Advocacy – The MBA will advocate for effective law reform and fair justice systems.

Professional Development – The MBA will be recognized as a leading provider of relevant, accessible and cost-effective professional development on law and practice matters affecting lawyers and the legal community.

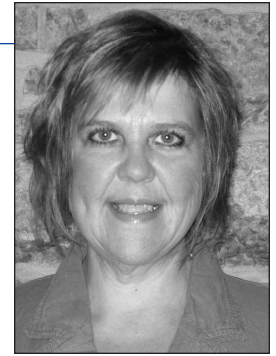
Develop Specialized Member Services and Benefits – The MBA will provide each member with benefits and services that are meaningful and relevant to that member.

Image – The legal profession, guided by the values of empathy, trust and client service, will be respected by Manitobans. The MBA's goal is to ensure that its image is based on fact and a sound understanding of the positive contributions of the profession to society and upholding the rule of law.

Various strategies have been established to meet each of these objectives and I am pleased to report that great progress has been made in many areas. Highlights of these accomplishments, not already mentioned in the other reports, for 2010/2011 include:

- The MBA welcomed its 2010/2011 President, Ken Mandzuik, at a reception on September 15, 2010 at Restaurant Dubronvik.
- The Ad Hoc Committee of MBA Past-Presidents met on October 13, 2010 to discuss various issues and make a recommendation regarding the Distinguished Service Award recipient.
- On November 26 & 27, 2010, the MBA, the University of Manitoba Faculty of Law and The Law Society of Manitoba featured the 2010 Isaac Pitblado Lectures at the Fort Garry Hotel.
- Members of the MBA Executive met with the Chiefs and the Associate Chief Justices and Judges on December 1, 2010 to discuss various matters of interest between the MBA and the judiciary.
- Representatives of the MBA met with The Hon. Andrew Swan, Minister of Justice and Attorney General for Manitoba on November 2, 2010 and March 31, 2011.
- The 2011 MBA Mid-Winter was held on January 20 – 22, 2011 and featured eight professional development sessions: Aboriginal Law Primer, Developments in Cause-in-Fact, Family Law: The Year in Review, Interpreting Manitoba's New *Franchise Act*, An Overview of Cost Awards, Impaired

Driving Primer, Removing Personal Representatives and The Impact of International Financial Reporting Standards and the Changing Accounting Landscape on Audit Inquiries under the Joint Policy Statement. At the Mid-Winter Awards Lunch, the 2011 MBA Distinguished Service Award was



Stacy Nagle

presented to Roland Penner, C.M., Q.C., the 2011 Pro Bono Award was presented to Anita Southall and Wayne Leslie from Fillmore Riley LLP, and the 2010 MBA Recognition Awards were presented at the ceremony: Paul McKenna (Community Involvement Award), Sarah Lugtig (Equality Award), Robert Dawson (*Headnotes & Footnotes* Award) and the Legal Research Section, Co-Chairs Melanie Bueckert and Darla Rettie (Section Activity Award). The Chief Justice of Manitoba, Richard Scott and Mary Scott co-hosted the Bench & Bar reception with Ken Mandzuik. CBA President, Rod Snow, Ontario Bar Association President Lee Akazaki, Saskatchewan branch President, Perry Erhardt, Q.C., Alberta branch President Analea Wayne and CBA 2nd Vice-President candidates Lukasz Granosik and Fred Headon attended our branch Mid-Winter meeting.

- A cheque for \$10,000 was presented to Winnipeg Harvest on behalf of the MBA members at the Mid-Winter Awards Lunch.
- Twelve teams participated in the MBA Bar Bonspiel that was held on February 25, 2011.
- Representatives of the MBA met with Kelvin Goertzen, Justice Critic on March 7, 2011.
- April and May 2011 were designated as "Bring a Buddy Months". Members were encouraged to bring a non-member to a Section meeting.
- The Honourable Madam Justice Holly Beard of the Manitoba Court of Appeal was the keynote speaker for the Young Lawyers' Judges lunch which was held on April 14, 2011.
- An open house, celebrating Law Day was held at the Winnipeg Law Courts Building on Sunday, April 17, 2011. The open house included: guided tours of the law courts; 25 exhibits and displays; a special sitting of citizenship court; Mock Trials in French & English presented by elementary and senior high school students; high school student debates presented in English and French; distribution of the *Charter*; legal information question and answer sessions. Over 1,300 people attended the open house and over 250 participated in the Courthouse tours. Open houses were also held at the Dauphin Law Courts and the Brandon Law Courts on Sunday, April 17, 2011 which included mock trials, guided tours of the law courts, distribution of legal materials and general legal information discussions.

EXECUTIVE DIRECTOR'S REPORT *cont'd*

- The MBA, the Office of the Public Trustee and The Winnipeg Foundation presented "Will Week" from April 25-29, 2011.
- Approximately 72 golfers participated in the 2011 MBA Charity Golf Classic on July 11, 2011. The Winnipeg Children's Access Agency was the charity for the tournament.
- Attending the Northern Bar meeting in the The Pas on June 10-12, 2011.
- Weekly court decisions were distributed to subscribing firms.
- The MBA By-Laws were reviewed, updated and approved at the June 2011 Annual meeting.

After reading the other reports and this impressive list, you might have already guessed that it took a group of dedicated fantastic MBA staff to accomplish these goals. Nicole Hohner, the MBA Executive Assistant, was to be on maternity leave until December 2, 2010. Sarah Crabbe was hired to fill in during her maternity

leave, but got accepted into law school at the University of Manitoba and left the position in August 2010. Jadah Nerman filled in for the remainder of Nicole's maternity leave. Nicole advised the MBA that she would not be returning to work at the end of her maternity leave. Chelsey Tait was hired and started at the MBA on November 24, 2010. The MBA Section Coordinator, Melissa Tannahill worked four days per week in the position during 2010/2011. Sarah Crabbe, who has completed her first year at the Faculty of Law at the University of Manitoba, worked for the MBA during the summer of 2011 and coordinated the production of the 2012 Legal Directory & Day Planner.

Ask any non-profit association manager why they love their job. I can assure you that it is not about the money. I have lived my life with the philosophy that you spend way too much time working, to not work at a job you love most of the time. I love that no two days are the same, I love the people that I get to work with, both the volunteers and the other MBA staff, and I love working for an organization that makes a difference.



Dean I. Scaletta

SECRETARY / TREASURER'S REPORT

Attached are the audited financial statements for the MBA for the fiscal year ended August 31, 2011 prepared by Dean R. Jenkyns, Chartered Accountant Ltd.

Several items are worthy of note:

- Several years ago, Council determined that it would be appropriate to reduce the MBA surplus. For 2010-2011, the Association budgeted for a deficit of \$75,000. Primarily due to higher than expected revenues and lower than expected expenses in several discrete, but significant segments of the operation (the Mid-Winter Meeting and the Legal Directory), the actual deficit came in at just under \$28,000. The impact of the operating deficit is reflected to a large extent in the aggregate Retained Earnings at year-end, which fell from \$239,133 to \$211,147.
- The aggregate of Current Assets and Investments at year-end fell from \$362,514 to \$284,462, although Investments – as a

distinct asset category – saw a modest increase, from \$256,515 to \$258,457. A more detailed description of the Investments portfolio as at August 31, 2011 can be found at Notes 2 and 4 to the Financial Statements. Membership Services revenues (primarily from Continuing Professional Development offerings) grew from \$127,072 last year to \$153,403 this year. Not unexpectedly, given the market conditions, Investment Income fell from \$10,393 in 2010 to \$6,201 in 2011.

- Aggregate revenue was up, from \$475,118 last year to \$504,612 this year.
- Aggregate expenses were also up, from \$470,803 last year to \$531,435 this year (but still lower than the 2009 total of \$541,669).

The MBA continues to be fiscally prudent and financially strong, putting it on a solid foundation for the realization of its short and long-term strategic goals.

Although I am notionally responsible for the oversight of the finances of the MBA, credit for the careful and astute manner in which those finances are actually managed belongs entirely to Executive Director, Stacy Nagle, and to her incomparable staff.

Auditor's Report to the Members

I have audited the accompanying financial statements of Manitoba Bar Association, which comprise the statement of financial position as at August 31, 2011, and the statements of revenues and expenditures, changes in net assets and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian generally accepted accounting principle, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

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 comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

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

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements present fairly, in all material respects, the financial position of Manitoba Bar Association as at August 31, 2011, 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
December 8, 2011



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 2011

	<u>2011</u>	<u>2010</u>
ASSETS		
CURRENT ASSETS		
Cash	\$ - - -	66,389
Accounts receivable	17,127	30,393
Goods and services tax recoverable	2,147	557
Prepaid expenses	6,731	9,217
	26,005	106,556
INVESTMENTS (Notes 2, 4)	258,457	256,515
CAPITAL ASSETS (Notes 2, 3)	1,429	2,592
	\$285,891	\$365,663
LIABILITIES		
CURRENT		
Bank indebtedness	\$13,307	\$ - - -
Accounts payable	8,795	30,799
Deferred revenue (Note 2)	52,642	95,731
	74,744	126,530
NET ASSETS		
Restricted Capital Fund	1,430	2,593
Unrestricted General Fund	209,717	236,540
	211,147	239,133
	285,891	365,106

Statement of Revenues and Expenditures

31 August 2011

	<u>2011</u>	<u>2010</u>
MEMBERSHIP REVENUE		
CBA Membership rebates	\$185,932	\$179,633
CBA middle province rebates	45,280	43,545
CBIA rebates	7,460	7,019
MBA levies	40,138	38,976
	278,810	269,173
FEES AND OTHER INCOME		
Council Activity	44,570	47,998
Membership services	153,403	127,072
Sections	19,190	17,579
Investment Income	6,201	10,393
Sundry income	2,438	2,903
	225,802	205,945
REVENUE TOTAL	504,612	475,118
EXPENDITURES		
Council Activity	124,975	109,623
Member services	116,221	111,507
Membership and public relations	27,982	11,024
Sections	36,265	30,083
Administration	225,992	208,566
	531,435	470,803
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES FROM OPERATIONS	(26,823)	4,315
CAPITAL FUND Amoritization	(1,163)	(4,976)
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES FOR THE YEAR	\$ (27,986)	(661)

Statement of Changes in Net Assets

31 August 2011

	<u>GENERAL FUND</u>	<u>CAPITAL FUND</u>	<u>2011</u>	<u>2010</u>
NET ASSETS - BEGINNING OF YEAR	\$236,540	\$2,593	\$239,133	\$239,794
Excess (Deficiency) of revenue over expenses for the year	(26,823)	(1,163)	(27,986)	(661)
NET ASSETS - END OF YEAR	\$209,717	\$1,430	\$211,147	\$239,133

Statement of Cash Flows

31 August 2011

	<u>2011</u>	<u>2010</u>
OPERATING ACTIVITIES		
Cash receipts from customers	\$468,589	\$491,881
Cash paid to suppliers and employees	(550,953)	(498,974)
Investment Income	6,201	10,393
Goods and services tax	(1,590)	755
Cash flow from (used by) operating activities	(77,753)	3,300
INVESTING ACTIVITIES		
(Increase) decrease in investments	(1,943)	53,865
INCREASE (DECREASE) IN CASH FLOW	(79,696)	57,165
CASH (DEFICIENCY) - BEGINNING OF YEAR	66,389	9,224
CASH (DEFICIENCY) - END OF YEAR	\$ (13,307)	\$66,389

NOTES TO FINANCIAL STATEMENTS

Year Ended August 31, 2011

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>2011</u>		<u>2010</u>	
	<u>Cost</u>	<u>Accumulated Amortization</u>	<u>Cost</u>	<u>Accumulated Amortization</u>
Computer equipment & furniture	\$11,638	\$11,638	\$43,145	\$42,467
Furniture & Fixtures	\$ 7,147	\$ 5,718	\$ 7,147	\$ 5,233
Net Book Value	<u>\$1,429</u>		<u>\$2,592</u>	

4. INVESTMENTS

	<u>2011</u>	<u>2010</u>
Various series, at cost, of		
Cash	\$10,156	\$ 10,038
Guaranteed Investment certificates	57,296	56,952
Provincial government bonds	12,024	11,888
Money market funds	91,640	93,702
Equity funds	87,341	<u>83,935</u>
Market Value	<u>\$258,457</u>	<u>\$256,515</u>

5. COMMITMENTS

On September 1, 2010 the Association entered into a 24 month lease for its office, terminating on August 31, 2012. Base rent is \$978.00 per month plus common area costs September 1, 2010 to August 31, 2011 and \$1086.67 per month plus common area costs September 1, 2011 to August 31, 2012.

Section Chairs 2010-2011

Within brackets, the first figure indicates the number of members enrolled, and the second figure indicates the number of meetings, events or continuing professional development programs held in 2010/2011.

Aboriginal Law (104; 3)

Allison Fenske, Chair

Administrative Law (179; 2)

Melissa Burkett, Chair

Alternative Dispute Resolution (130; 2)

Lawrie Cherniack, Chair

Bankruptcy & Insolvency Law (71; 1)

David Kroft, Chair

Business Law (246; 3)

Robert Fleischaker, Co-Chair

Michael Jason, Co-Chair

Civil Litigation (256; 4)

Bernice Bowley, Chair

Constitutional/Human Rights (121; 2)

Michael Conner, Co-Chair

Mark Toews, Co-Chair

Construction Law (95; 1)

Daryl Chicoine, Chair

Corporate (In-House) Counsel (209; 10)

Jon Sigurdson, Chair

Criminal Justice (115; 5)

Lisa Cupples, Co-Chair

Nancy Fazenda, Co-Chair (*until November 2010*)

Tony Cellitti, Co-Chair (*starting November 2010*)

Elder Law (55; 3)

Heather Dixon, Co-Chair

Sharon Tod, Co-Chair

Environmental Law (66; 3)

Stewart Pierce, Chair

Equality Issues (71; 3)

Bev Froese, Co-Chair

Myfanwy Bowman, Co-Chair

Family Law (163; 7)

Sharon Kravetsky, Chair

General Practitioners (96; 1)

Gloria Mendelson, Chair

Health Law (68; 2)

Corrine Deegan, Co-Chair

Catherine Tolton, Co-Chair

Immigration Law (44; 4)

Paul Hesse, Chair

International Law (68; 2)

Philip Watts, Co-Chair

George Derwin, Co-Chair

Labour Law (120; 0)

Adrian Frost, Chair

Law Practice Management & Technology (84; 2)

VACANT

Legal Research (106; 1)

Melanie Bueckert, Co-Chair

Darla Rettie, Co-Chair

Media & Communications Law (58; 0)

Robert Sokalski, Chair

Municipal Law (66; 1)

Robert Tyler, Chair

Public Sector Lawyers' Forum (83; 1)

Mary Ann Thompson, Co-Chair

Tracey Sterling, Co-Chair

Real Property (208; 6)

Ned Brown, Co-Chair

Howard Nerman, Co-Chair

Securities Law (79; 0)

VACANT

SOGIC Manitoba (22; 4)

Krista Piché, Co-Chair

Jeffrey Parker, Co-Chair

Taxation Law (90; 2)

Paul Grower, Chair

Technology & Intellectual Property Law (98; 6)

Adam Herstein, Chair

Transportation Law (33; 0)

Joseph Barnsley, Chair

Wills & Estate Law (208; 5)

Peter Glowacki, Co-Chair

Ralph Neuman, Co-Chair

Women Lawyers' Forum (188; 5)

Baerbel Langner, Co-Chair

The Hon. Judge Carena Roller, Co-Chair

Young Lawyers' (492; 5)

Robynne Kazina, Chair

MBA Branch Statistics

<i>Members</i>	<i>Sections</i>
1,341	33
<i>Section Membership</i>	
4,092	



2010/2011 SECTION ACTIVITY

Aboriginal Law

December 14, 2010 The *Manitoba Metis Federation Inc. v. Attorney General of Canada* case

January 21, 2011 Mid-Winter CPD – Aboriginal Law Primer

June 22, 2011 Executive Meeting

Administrative Law

November 5, 2010 The Concurrent Jurisdiction of Administrative Tribunals

April 15, 2011 A Tribunal's view of the *Charter*: What has changed since *R. v. Conway*?

Alternative Dispute Resolution

April 19, 2011 The Business of Being an Arbitrator

May 20, 2011 An Update on Family Arbitration Practice: Promise and Peril

Bankruptcy & Insolvency Law

April 28, 2011 Joint Meeting with Manitoba Association of Insolvency & Restructuring Professionals

Business Law

December 8, 2010 Letters of Intent

January 21, 2011 Mid-Winter CPD – *Franchise Act*

May 31, 2011 Employment versus Independent Contractor Relationships

Civil Litigation

October 19, 2010 Recent Changes to Practices, Procedures and Rules of the Federal Court of Canada (joint meeting with Technology & Intellectual Property Section)

January 21, 2011 Mid-Winter CPD – Recent Developments in Cause-in-Fact

April 18, 2011 A Primer on Records Management and e-Discovery (joint meeting with Technology & Intellectual Property Section)

April 29, 2011 The Art of Direct and Cross-Examination: A Perspective from the Bench and the Bar

Constitutional/Human Rights Law

October 18, 2010 The *Charter*, Police Powers and Protest in the Streets: Reflections on the G20 Protests and their Aftermath

January 21, 2011 Mid-Winter CPD – Impaired Driving Primer (joint session with Criminal Justice Section)

Construction Law

March 2, 2011 Annual Planning Meeting & Year in Review

Corporate (In-House) Counsel

November 5, 2010 Contract Drafting Issues for Corporate Counsel: Boilerplate, Common Elements, Layout

December 17, 2010 Workplace Harassment Update - Navigating the New Regulations

January 6, 2011

January 21, 2011

February 7, 2011

March 16, 2011

April 28, 2011

May 12, 2011

May 25, 2011

June 10, 2011

Criminal Justice

October 18, 2010

January 21, 2011

April 6, 2011

June 22, 2011

June 27, 2011

Elder Law

December 13, 2010

April 4, 2011

June 6, 2011

Environmental Law

October 28, 2010

March 3, 2011

June 14, 2011

Equality Issues

September 22, 2010

January 6, 2011

June 22, 2011

Family Law

November 2, 2010

Current topics in outsourcing information technology and risk management

Mid-Winter CPD – The Impact of IFRS on the Joint Policy Statement

Self-Preservation for Lawyers: Dealing with the Demands of Practice

Clients of a Lesser God? Solicitor-Client Privilege Issues for In-House Counsel

Corporate Immigration and Cross-Border Issues ... or How to Avoid the Immigration Blacklist?

The role of Canadian corporate counsel is changing – Learn How

Cloud Computing – Puffy, white or stormy – what kind of cloud is your company entering? (joint meeting with Technology & Intellectual Property Law Section)

General Meeting and Overview of Canadian Bar Insurance Association (CBIA) programs

Electronic Etiquette: Do's, Don'ts, Maybe's, and BB's (aka "It's for work, I swear!")

Mid-Winter CPD – Impaired Driving Primer (joint session with Constitutional/Human Rights Section)

Standards of Review on Criminal Appeals: Your Sword or Your Shield

Welcome to the Practice of Criminal Law

Top S.C.C. Criminal Cases for 2010-2011/Annual Wrap Up

Seniors and Drugs

Falling Through the Cracks - Gaps in Legislation Regarding Health Care Decisions for the Elderly

End of Life Decisions (joint meeting with General Practitioners and Health Law Section)

The Anatomy of a Major Contaminated Site: The 429 Archibald Story

East Side Road Project - Environment Impact Assessment Issues

Environmental Issues Resulting from a Major Flood

EI maternity and parental benefits for the self-employed

CBA Standing Committee on Equity (SCE) RARE Finds Project

SCC Case of *Withler v. Canada (Attorney General)*

Recent Changes to Legislation



2010/2011 SECTION ACTIVITY

December 3, 2010	A Deal is a Deal	SOGIC Manitoba	
December 9, 2010	Annual Holiday Party	October 20, 2010	General Business Meeting
January 21, 2011	Mid-Winter CPD – Family Law: The Year in Review	December 1, 2010	Holiday Potluck
April 1, 2011	Improving your Practice – Tips from both sides of the Bench	January 25, 2011	Canadian Blood Services Information Session
May 6, 2011	Retroactive Child and Spousal Support	June 1, 2011	Pride Week Reception
June 7, 2011	Annual BBQ	Taxation Law	
General Practitioners		October 14, 2010	CRA Forum
June 6, 2011	End of Life Decisions (Joint meeting with Elder Law and Health Law Sections)	June 27, 2011	Election of Executive and Recent Case Update
Health Law		Technology & Intellectual Property Law	
February 9, 2011	Critical Incidents	October 19, 2010	Recent Changes to Practices, Procedures and Rules of the Federal Court of Canada (joint meeting with Technology & Intellectual Property Section)
June 6, 2011	End of Life Decisions (Joint meeting with General Practitioners and Elder Law Sections)	November 16, 2010	IP Due Diligence: Reviewing Intellectual Property Assets and Businesses?
Immigration Law		February 8, 2011	Locked Down: Bill C-32 and the New Copyright Law Regime
October 5, 2010	Agenda for the coming year, recent changes to immigration law and WRAPA related issues	April 18, 2011	A Primer on Records Management and e-Discovery (joint meeting with Civil Litigation Section)
December 13, 2010	Current Issues at the Port of Entries	May 25, 2011	Cloud Computing – Puffy, white or stormy – what kind of cloud is your company entering? (joint meeting with Technology & Intellectual Property Law Section)
February 11, 2011	Manitoba Provincial Nominee Program	June 14, 2011	Developments in Trademark, Privacy, Copyright and IT Law: A Year in Review
May 24, 2011	Recent Developments at Port of Entries	Wills & Estates	
International Law		October 1, 2010	The Wonders of Testamentary Trusts
October 19, 2010	Careers in International Law – Law Student Presentation	January 21, 2011	Mid-Winter CPD – Removing Personal Representatives
June 1, 2011	Assorted International Issues for Wills and Estates (joint meeting with Wills & Estates Section)	March 25, 2011	Children's Trusts and the Role of The Public Trustee
Law Practice Management		June 1, 2011	Assorted International Issues for Wills and Estates (joint meeting with Wills & Estates Section)
November 4, 2010	PowerPointers for Powerful and Persuasive Presentations with PowerPoint Webcast	June 16, 2011	Executive Committee Meeting & Election
April 20, 2011	60 Practice Management Tips Blitz for Solo and Small Firm Lawyers	Women Lawyers' Forum	
Legal Research		October 6, 2010	So you Want to be a Judge
June 21, 2011	Legal Research Roundtable	October 27, 2010	Wine, Women & Song III
Municipal Law		December 6, 2010	Appointments to Administrative Tribunals
April 13, 2011	Manitoba Public Utilities Board – Who are we and what do we do	April 27, 2011	A Fine Balance – A Speed Mentoring Event for Working Women
Public Sector Lawyers' Forum		June 16, 2011	Celebrating Success - Wine and Cheese Reception for Women Lawyers and Judges
November 1, 2010	Hermetic Code Tour of the Manitoba Legislature	Young Lawyers'	
Real Property Law		October 19, 2010	Annual Wine & Cheese
September 30, 2010	Property Insurance Requirements	December 1, 2010	Ethical Pitfalls
October 27, 2010	Commonly encountered matters and problems under the <i>Manitoba Builders Liens Act</i>	January 21, 2011	Mid-Winter CPD – Overview of Cost Awards
November 24, 2010	Ascertainment of "Environmental" Problems/Hazards and Remediation of Same	February 11, 2011	Moose Mixer at MTS Centre
February 23, 2011	How title insurance can work for you and your clients	April 12, 2011	Limitation Periods and Drafting of Pleadings
March 24, 2011	Rights and obligations of riparian owners		
April 7, 2011	Real Estate and Technology: How to save time and money and lessen the stress in your life!		



THE MANITOBA BAR ASSOCIATION

L'ASSOCIATION DU BARREAU DU MANITOBA

A Branch of the Canadian Bar Association
Une division de l'Association du Barreau canadien

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