



THE MANITOBA BAR ASSOCIATION
A Branch of the Canadian Bar Association

L'ASSOCIATION DU BARREAU DU MANITOBA
Une Division de L'Association du Barreau canadien

MBA 2021 Mid-Winter Conference Online Via Zoom Webinar

Thursday, January 21, 2021 to Friday, January 22, 2021

Watch our website (<http://cba-mb.ca/>) for updated Mid-Winter information

Registration for this Conference must be done online at www.cbapd.org/MB_MW2021 for CBA members. Members will need their email and CBA password to login. Non-members and members who are GST exempt will need to contact the MBA office at 204-927-1210 or admin@cba-mb.ca to register.

Full attendance at the 2021 Mid-Winter Conference can be applied towards your entire 12 hour yearly mandatory Law Society of Manitoba's continuing professional development requirement.

2021 MBA Mid-Winter Conference Charity

In lieu of providing speaker gifts to presenters and moderators, a donation will be made to:



Snowflake Place for Children and Youth is a child advocacy centre which focuses on the needs of children and youth who have experienced abuse. More information about this organization can be found at: <https://snowflakeplace.ca/>.

THURSDAY

January 21, 2021

Online via Zoom Webinar

AM

9:00am – 11:30am

Morning Continuing Legal Professional Development Sessions

Family Law Year in Review

The MBA is pleased to have Toronto based lawyer, Martha McCarthy and Winnipeg's own Dean Kropp host a review of the most important family law cases from coast to coast. This session will cover emerging areas and issues in family law from the past year, including the impact of the pandemic on family law decisions. This session is a must for everyone who practices family law.

The session is being held by the MBA Family Law Section.

Speakers:

- Martha McCarthy, *Martha McCarthy & Company LLP (Toronto, ON)*
- Dean Kropp, *Tapper Cuddy LLP*

Moderator: - Jurgen Feldschmid, *Duboff Edwards Schachter Law Corporation*

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Crown Priorities in Insolvency

Crown priorities in insolvency raise various practical issues, impacting non-priority creditors and the administration of insolvent estates. This panel will discuss a variety of circumstances when Crown priorities arise in the bankruptcy and/or receivership process. Specifically, major topics which will be addressed include:

- The Office of the Superintendent of Bankruptcy's interest in levy under BIA section 147 - when and how levy arises and applies
- The Crown's deemed trust priority for source deductions and GST
- Recent decisions re: mortgages, builder's liens, and unremitted deductions
- The Crown's deemed security interest power
- The deemed trust interest and trustee's fees
- The potential for director indemnification in corporate proposals

The session is being held by the MBA Insolvency Law Section.

Speakers:

- Tim Doyle, *Department of Justice Canada*
- Collin Legall, *Lazer Grant LLP*
- Scott Armstrong, *Office of the Superintendent of Bankruptcy, Winnipeg*

Moderator: - Dr. Virginia Torrie, *University of Manitoba*

Aboriginal or Indigenous Law – What's the Difference?

As lawyers and legal professionals, we are taught to understand the importance and power of language. We are also taught to recognize the evolution of social norms and more, which interact with the evolution of language. Within the law practiced in this land now called Canada, language such as "the Indian Act", "Aboriginal", "Indigenous", "Aboriginal Law" and "Indigenous Law" is used.

Within this context we ask the questions: Are Aboriginal Law and Indigenous Law the same thing? If not, what's the difference? And, what's the difference if we use the wrong language?

In this panel discussion the esteemed panelists will seek to answer these questions and more, and to provide lawyers in various practice areas an understanding of why the differences matter.

This session will provide you with 2.5 hours of ethics, professional responsibility or practice management that can be applied towards your Law Society of Manitoba mandatory yearly continuing professional development requirement.

This session is being held by the MBA Aboriginal Law Section.

Speakers:

- The Honourable Senator Murray Sinclair, *Cochrane Saxberg LLP*
- The Honourable Mr. Justice Jeffrey Harris, *Court of Queen's Bench of Manitoba*
- Elder Florence Paynter, *Sandy Bay First Nation*
- Aaron Mills, *Faculty of Law, McGill University (Montreal, QC)*

Moderator: - Jared Wheeler, *Jerch Law*

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Manitoba Law Reform Commission: Current Areas of Law Reform

Representatives from the Manitoba Law Reform Commission (MLRC) will discuss current law reform projects. In particular, this session will cover: (1) the culmination of the MLRC's project on electronic witnessing of affidavits evidence and (2) a run-through of MLRC's current projects on law reform topics, including a review of vacant and unclaimed property legislation, the law on elder abuse of long-term care, partition and sale, and the law of guardianship and *The Public Schools Act*.

Presenters will provide an overview of the MLRC's mandate and describe both the current law in Manitoba and possible recommendations to improve and modernize the law in the areas listed above.

This session is being held by the MBA Legal Research Section.

Speakers:

- Cameron Harvey, Q.C., *President, Manitoba Law Reform Commission*
- Jacqueline Collins, *Legal Counsel, Manitoba Law Reform Commission*
- Stefanie Goldberg, *Legal Counsel, Manitoba Law Reform Commission*

Moderator: - Elizabeth McCandless, *Legal Counsel, Manitoba Law Reform Commission*

Sponsored by The logo for Stewart Title, featuring the word 'stewart' in a bold, lowercase font with a stylized red and white graphic to the left, and the word 'TITLE' in a smaller font below.

THURSDAY

January 21, 2021

Online via Zoom Webinar

11:45am – 1:45pm – EPPM Session (available to everyone who registers)

The Business Case for Equity: Why Inclusive Workplaces are Successful

While inequities within the profession have always existed, more law students and lawyers are speaking up about barriers to advancement in the profession than ever before. This panel discussion will explore hidden barriers to placement and advancement within law firms for Indigenous and racialized people and explore the ways in which inclusive workplaces are good for business and can enhance your firm's bottom line.

This session will provide you with two hours of ethics, professional responsibility or practice management that can be applied towards

your Law Society of Manitoba mandatory yearly continuing professional development requirement.

This session is being held by the MBA Equality Issues Section.

Speakers:

- Bradley D. Regehr, *President, Canadian Bar Association*
- Vivene Salmon, *Past-President, Canadian Bar Association (Toronto, ON)*
- Natasha Brown, *Director of Professional Programs and Externships, Robson Hall*
- Alissa Schacter, *Equity Officer and Policy Counsel, Law Society of Manitoba*

Moderator: - Laurelle A. Harris, *Harris Law Solutions*

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PM

2:00pm – 4:30pm

Afternoon Continuing Legal Professional Development Sessions

Workplace Investigations

Workplace investigations are becoming increasingly common, giving rise to a need for labour and employment law practitioners to be in a position to inform clients who are involved in such investigations, whether they are employers, unions, or employees.

This session, which will include insights from a dedicated workplace investigator, will address issues including statutory requirements, the retention and role of external investigators, fair process principles, privacy considerations, unions' role or lack thereof, investigation reports and underlying documents, and unique considerations that should be borne in mind depending on the nature of the issue(s) being investigated.

The speakers will also comment on challenges confronting the conduct of workplace investigations in the context of the COVID-19 pandemic.

The session is being held by the MBA Labour & Employment Law Section.

Speakers:

- Elissa Neville, *Rachlis Neville LLP*
- Jason Gisser, *University of Manitoba Faculty Association*
- Krista Klassen, *Shared Health Inc.*

Moderators:

- Kristen Worbanski, *Myers LLP*
- Darcie Yale, *D'Arcy & Deacon LLP*

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Family Law in the Pandemic Era

Martha McCarthy brings her unique perspective to this session where she will share her experience practicing family law during COVID-19. Topics include: virtual advocacy, mediation, and arbitration; screening for domestic violence; health and wellness for lawyers; and best practice tips.

This session is being held by the MBA Family Law Section.

Speaker:

- Martha McCarthy, *Martha McCarthy & Company LLP (Toronto, ON)*

Moderator: - Nunziata Masi, *Levene Tadman Golub Law Corporation*

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Corporate Insights and Taxation of Partnerships

This session will feature a panel discussion addressing the formation, maintenance, agreements, transactions and taxation opportunities and challenges faced by partnerships. Join our panel to learn about crucial partnership tax planning strategies, compliance know-how and how to work with your clients to ensure they understand the nuances of these taxation issues.

This session is being held by the MBA Taxation Law and Business Law Sections.

Speakers:

- Johanna Caithness, *Fillmore Riley LLP*
- Bradley Madison, *Pitblado LLP*
- Kristen Wittman, *Taylor McCaffrey LLP*

Moderator: - Celia Valel, *MLT Aikins LLP*

The Rapid Development and Effect of AI in The Practice of Law and Legal Research

Artificial intelligence is being deployed in many areas of legal practice. Around the world, AI tools are increasingly being used by lawyers for tasks such as e-discovery, due diligence, contract drafting, assistance with legal research, and for predicting legal outcomes. This session will explore how these tools are changing the ways lawyers work, as well as as well as explore the risks, challenges, and limitations of using AI in legal practice.

This session will provide you with 2.5 hours of ethics, professional responsibility or practice management that can be applied towards your Law Society of Manitoba mandatory yearly continuing professional development requirement.

This session is being held by the MBA Legal Research Section.

Speakers:

- Melissa Love Koenig, *Associate Professor, Marquette University Law School (Milwaukee, WI)*
- Anthony Niblett, *Professor, University of Toronto (Toronto, ON)*
- Julie Oseid, *Professor of Law, University of St. Thomas School of Law (Minneapolis, MN)*
- Amy Vorenberg, *Clinical Professor, Franklin Pierce School of Law, University of New Hampshire (Concord, NH)*

Moderator: - David H. Davis, *Davis Immigration Law Office*

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FRIDAY

January 22, 2021

Online via Zoom Webinar

AM

9:00am – 11:30am

Morning Continuing Legal Professional Development Sessions

Spoiler Alert! What's Happening in Administrative Law?

It's been a year since *Vavilov*. While courts across the country have been working out its implications for standard of review, there have been other developments in administrative law. Get an insightful survey of everything you need to know from a panel of experts drawn from across Canada.

This session is being held by the MBA Administrative Law Section.

Speaker:

- The Honourable Mr. Justice David W. Stratas, *Federal Court of Appeal (Ottawa, ON)*
- David Jones, Q.C., *de Villars Jones (Edmonton, AB)*
- Prof. Paul Daly, *Faculty of Law, University of Ottawa (Ottawa, ON)*
- David Gisser, Q.C., *Legal Services Branch, Manitoba Justice*

Moderator: - Jennifer Sokal, *MLT Aikins LLP*

Resilience in 2021: Mentorship, Perseverance and Growth

In the current context, training and leading lawyers to achieve growth, overcome challenges, and improve practice management requires strong mentorship and innovative approaches. This session will allow you to hear from accomplished lawyers who have mastered working with others. With increased remote work, creative and thoughtful methods of delivering effective mentorship and obtaining feedback are most important during this pandemic. Hear from the experts about their experience this past year and plans for mentorship relationships.

This session will provide you with 2.5 hours of ethics, professional responsibility or practice management that can be applied towards your Law Society of Manitoba mandatory yearly continuing professional development requirement.

This session is being held by the MBA Women Lawyers' Forum Section.

Speakers:

- Silvia de Sousa, *Thompson Dorfman Sweatman LLP*
- Lisa Manaique, *Sternat Manaique Law Corporation*
- Anita Southall, *Fillmore Riley LLP*
- Hilary Taylor, *Mitousis Lemieux Howard Law Corporation*

Moderator: - TBC

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A Few Shades of Grey ... Attorney's Compensation and the Court's Dispensation Power

This session will delve into certain grey areas of estates practice as we discuss compensation for attorneys acting under power of attorney, and Section 23 of *The Wills Act* and the court's ability to dispense with formalities in order to give effect to a deceased's testamentary intentions.

As lawyers practicing in this area, our advice is often sought on whether a party acting under power of attorney is entitled to compensation and what factors are considered in granting compensation, including whether all tasks are compensable and whether the donor's intentions are relevant.

Our discussion will then turn to Section 23 of *The Wills Act*. In what circumstances should you consider making an application under this provision, what evidence would you need in support of that application, and what are the procedural requirements?

This session is being held by the MBA Wills, Estates and Trust and Elder Law Sections.

Speakers:

- Master Robert Patterson, *Court of Queen's Bench of Manitoba (Brandon, MB)*
- Ian Scarth, *MLT Aikins LLP*
- Sharon Tod, *St. Mary's Law LLP*

Moderator: - Charlotte M. McCurdy, *Taylor McCaffrey LLP*

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Self-Represented Litigants: A Primer on Ethics, Procedure and Professionalism

Matters involving self-represented litigants engage unique considerations for members of both the bench and the bar. This session will explore the duties and obligations placed upon judges and lawyers to ensure that balance and due process are achieved in litigation matters involving parties who elect to not retain legal counsel.

This session will provide you with 2.5 hours of ethics, professional responsibility or practice management that can be applied towards your Law Society of Manitoba mandatory yearly continuing professional development requirement.

This session is being held by the MBA Civil Litigation Section.

Speakers:

- The Honourable Madam Justice Shawn Greenberg, *Court of Queen's Bench of Manitoba*
- William (Bill) Gange, *Gange Collins*
- Vivian Li, *City of Winnipeg Legal Services*

Moderator: - Kalya Bombach, *City of Winnipeg Legal Services*

11:45am – 1:45pm – Awards Ceremony

Featuring presentations of the 2021 MBA Distinguished Service Award to Donna Miller, Q.C., the 2021 Pro Bono Award to Christian Monnin, MLT Aikins LLP and the 2020 MBA Recognition Awards.

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FRIDAY

January 22, 2021

Online via Zoom Webinar

PM

2:00pm – 4:30pm

Afternoon Continuing Legal Professional Development Sessions

Current Issues in Tax Law

This panel discussion, which is geared towards non-tax specialists interested in gaining a deeper understanding of tax issues affecting their clients and their practices, will cover a variety of tax hot topics, tips and traps, and other items of note. The discussion will focus on applying the material covered in practice and will generally not be technical in nature. This session will be of particular interest for general practitioners, commercial lawyers, and estate planners.

This session is being held by the MBA Taxation Law Section.

Speakers: - Johanna Caithness, *Fillmore Riley LLP*
- Paul Grower, *Fillmore Riley LLP*

Moderator: - David Silver, *Department of Justice Canada*

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Trauma-Informed Legal Practice

This session will explore what trauma is, the principles of trauma informed care, and how to integrate a trauma-informed perspective into your everyday legal practice. This session will help you identify trauma and related symptoms, and apply a “do no harm” approach to your practice.

This session will provide you with 2.5 hours of ethics, professional responsibility or practice management that can be applied towards your Law Society of Manitoba mandatory yearly continuing professional development requirement.

This session is being held by the MBA Young Lawyers' Section.

Speakers: - Myrna McCallum, *Miyo Pimatisiwin Legal Services (North Vancouver, BC)*

Moderator: - Maria Mitousis, *Mitousis Lemieux Howard Law Corporation*

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New Builds and Construction: Condominiums and Development Agreements

Exploring some of the considerations and risks when dealing with Development Agreements with no right or wrong approach and a discussion on new approaches, practices, and recent issues surrounding condominiums.

This session is being held by the MBA Real Property Law Section.

Speakers: - Doug Forbes, *Thompson Dorfman Sweatman LLP*
- Maria Grande, *Thompson Dorfman Sweatman LLP*

Moderator: - Jason Bryk, *Pitblado LLP*

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Thank you to the 2021 Mid-Winter Sponsors



REGISTRATION

MBA 2021 Mid-Winter Conference

Registration Costs

Please read carefully as registration information has changed; the more CPD sessions you attend, the greater the cost saving.

Consider purchasing an add on CBA membership package to reduce your cost to attend the MBA Mid-Winter. The Portfolio add on package will give you a \$250.00 credit that can be used when you register for the MBA Mid-Winter and other CBA/MBA programs and services for only \$200.00. The Portfolio plus add on package will give you a \$500.00 credit that can be used when you register for the MBA Mid-Winter and other CBA/MBA programs and services for only \$400.00. More information about these add on membership packages can be found online at <http://www.cbamembership.org/>.

Early Bird <i>(to Dec. 31, 2020)</i> <i>This discounted rate is only available to CBA members.</i>	CBA Member <i>(After January 1, 2021)</i>	Non-Member <i>(not eligible for early bird pricing)</i>	Student/Young Lawyer*
One CPD Session Rate (includes Thurs EPPM Session)			
\$120.00	\$150.00	\$250.00	\$100.00
Two CPD Sessions Rate (includes Thurs EPPM Session)			
\$220.00	\$280.00	\$500.00	\$180.00
Three CPD Sessions Rate (includes Thurs EPPM Session)			
\$335.00	\$430.00	\$750.00	\$275.00
Four CPD Sessions Rate (includes Thurs EPPM Session)			
\$420.00	\$500.00	\$1000.00	\$350.00

If you attend four CPD sessions, you will receive all 12 hours of LSM Mandatory yearly CPD requirement (including 2 hours of Ethics, Professionalism and Practice Management).

No discount provided to the session rate if you are not able to attend the Thursday EPPM session.

All sessions will be recorded and will be made available to registered participants of that session after the conference.

Prices do not include GST #R126095728

* Young Lawyer rate is available to CBA members practising 5 years or less

Registration deadline - Thursday, January 14, 2021

Refunds: Cancellations will be accepted by email (admin@cba-mb.ca) until 4:00pm on January 14, 2021, subject to a 15% administrative charge.

NO REFUNDS will be made if notification is received after 4:00pm on January 14, 2021.

Your 2021 Mid-Winter Organizing Committee

Co-Chairpersons:

Jennifer Litchfield, *The Winnipeg Foundation*
David Silver, *Department of Justice Canada*

Committee Members:

Ariel Agplaza, *Pitblado LLP*
Danielle Barchyn, *MLT Aikins LLP*
Krista Clendenning, *Tradition Law LLP*
Anthony Foderaro, *Fillmore Riley LLP*
Sarah McEachern, *Tapper Cuddy LLP*
Scott Muir, *Taylor McCaffrey LLP*

Jaime Rosin
Meghan Ross, *Thompson Dorfman Sweatman LLP*
Ian Scarth, *MLT Aikins LLP*
Abram Silver, *Myers LLP*
Megan Spencer, *Sternat Managire Law Corporation*
Heather Wadsworth, *Mitousis Lemieux Howard Law Corporation*