



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 2024 MID-WINTER CONFERENCE

Fairmont Winnipeg – 2 Lombard Place

Thursday, January 18 to Friday, January 19, 2024

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

CBA members must register online at www.cbapd.org/MB_MW2024. Members will need their email and CBA password to login. Non-members and members who are GST exempt must contact the MBA office at 204-927-1210 to register.

Full attendance at the 2024 Mid-Winter Conference may be applied toward your entire 12 hour yearly mandatory Law Society of Manitoba's continuing professional development requirement.

2024 MBA Mid-Winter Conference Charity



Candace House

Candace House is a first-of-its-kind charity providing refuge, safety, and comfort to victims, survivors, and families impacted by homicide and violence as they navigate the justice system. Working collaboratively with community partners, Candace House provides a place of healing, understanding, and empowerment for those who experienced trauma due to crime. Learn more at www.candacehouse.ca

THURSDAY

January 18, 2024

AM

9:00am – 11:30am

Morning Continuing Legal Professional Development Sessions

8:00am – 2:00pm – Registration – East Ballroom

8:00am – 9:00am – Continental Breakfast – East Ballroom

8:00am – 3:30pm – Exhibitor Trade Show – East Ballroom

Exhibitors Include: CBIA/Lawyers' Financial, Lawyer Done Deal, RecordXpress, Red River Group, Royal Manitoba Theatre Centre, SAI Systems Auditing Inc., Stewart Title, TitlePLUS

9:00am – 11:30am – Morning Continuing Legal Professional Development Sessions

Significant Family Law Cases in 2023

This session will review the most significant family law decisions from 2023.

The session is being presented by the MBA Family Law Section

Speakers: - Fareen Jamal, Jamal Family Law Professional Corporation (Toronto, ON)
- Jessica Schofield, Taylor McCaffrey LLP

Sponsored by Stewart Title



Notable Cases for Civil Litigators 2022-2023

This session will provide an overview of noteworthy cases for civil litigators over the course of the last year. The panelists will provide summaries and discussion of noteworthy cases, and also comment on their impact on the law and civil litigation practice generally. This session is intended for all civil litigators, and is intended to serve as a practical update on recent key developments in this area of the law.

The session is being presented by the MBA Civil Litigation Section

Speakers: - Deborah (Debbie) Yeboah, Thompson Dorfman Sweatman LLP
- Curtis Parker, MLT Aikins LLP

Moderator: - Andrew Sain, Thompson Dorfman Sweatman LLP

Trade Secrets: The Bid Protest Mechanism under Domestic Trade Agreements

Manitoba became a signatory to the Canadian Free Trade Agreement (CFTA) in 2014 and the New West Partnership Trade Agreement in 2017. In 2019, government-owned enterprises, municipalities, academic institutions, schools and hospitals also became subject to domestic trade agreement procurement obligations. In 2015, a "bid protest mechanism" was established which provided suppliers with an administrative review process for complaints that a public sector entity did not comply with its trade agreement obligations in conducting a procurement process.

This session will provide a general overview of the bid protest mechanism and arbitral decisions to date, strategies to ensure compliant procurement processes and insights from legal counsel in *Saskatchewan (Highways) v. West-Can Seal Coating Inc.*, 2022 SKQB 43. This session will be of interest to lawyers for both public sector organizations and commercial suppliers of goods and services.

This session is being presented by the MBA CCCA and Public Sector Lawyers' Sections

Speakers: - Robbie McLellan, MLT Aikins LLP (Regina, SK)
- Sean Stephenson, Dentons Canada LLP (Toronto, ON)
- Jim Fraser, Senior Manager, Procurement Services Centre of Excellence, Manitoba Consumer Protection and Government Services

Moderator: - Sandi Phillips, Senior Legal Counsel, Manitoba Hydro

Enforcement of Indigenous Laws

The enforcement of Indigenous Laws in Canada is a complex, ever evolving and sometimes challenging process, with roots in inherent jurisdiction, and coexists within Federal and Provincial regimes. This panel will have specific focus on how Indigenous Laws are currently enforced in Indigenous Nations, Provincially and Federally, where the challenges are, and where these might be addressed.

This session is being presented by the MBA Aboriginal Law Section

Speakers: - Serena Ehrmantraut, Public Prosecution Service of Canada
- Sherry Copenace University of Manitoba
- Geneviève Benoit, MN Trachtenberg Law Corporation

Moderator: - Jessica Barlow, Jerch Law

10:15am – 10:45am – Break

Sponsored by CBIA/Lawyers' Financial



11:45am – 1:45pm – EPPM Lunch (Midway Ballroom)

Sponsored Teranet Manitoba



The Case for Fulfilment: Can the Legal Profession learn from Medicine's Burnout Crisis?

Dr. Jillian Horton is a bestselling and award-winning author ("We Are All Perfectly Fine") and an internationally recognised expert on both medical culture and the drivers of physician burnout. As the spouse of a lawyer, she has also had a bird's eye view of the challenges of a life in law. In this keynote talk, she will share how some of medicine's best evidence-based practices for addressing burnout might translate into a blueprint the legal community can follow too."

This session will provide you with 2 hours of ethics, professional responsibility or practice management that can be applied towards your Law Society of Manitoba mandatory yearly continuing professional development requirement.

The session is being presented by the MBA Wellbeing Committee

Speakers: - Dr. Jillian Horton

THURSDAY

January 18, 2024

PM

2:00pm – 4:30pm

Afternoon Continuing Legal Professional Development Sessions

Delay in Administrative Proceedings

Delay has been a significant issue for many lawyers and their clients in recent years, mainly in the criminal law and civil litigation contexts. This session will focus on delay in administrative law proceedings and the impact of Supreme Court's recent decision of *Law Society of Saskatchewan v. Abrametz*, 2022 SCC 29. This session will be of particular interest for counsel who appear before administrative tribunals or who act for administrative decision-makers.

The session is being presented by the MBA Administrative Law Section

Speakers: - Bill Haight, *Phillips Aiello*
- Ayli Klein, *The Law Society of Manitoba*

Moderator: - Jeremy de Jong, *College of Physicians & Surgeons of Manitoba*

Family Law Dispute Resolution Processes - What Works for your Clients and When?

The speakers will discuss the various family law dispute resolution processes available to family law clients and share their experiences as to what works best when.

This session is being presented by the Family Law Section

Speakers: - Fareen Jamal, *Jamal Family Law Professional Corporation (Toronto, ON)*
- Gregory Evans, K.C., *Evans Family Law Corporation*

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 presented by the MBA Taxation Law Section

Speakers: - Aron Grusko, *Fillmore Riley LLP*
- Ari Hanson, *Fillmore Riley LLP*

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

Tackling Homelessness in Manitoba: Learning from the Nordic Experience

Join the Municipal Law and Public Sector Lawyers' Sections to continue the discussion about tackling the multi-faceted issues of homelessness in Manitoba. During this session, moderated by Allison Fenske (Robson Hall), we will hear from experts from Finland about what has worked in their country and how these solutions could be applied on the front lines here. Teija Ojankoski, CEO, and Juha Kahila, Head of International Affairs, for Y-Säätiö (a Finnish non-profit that is internationally recognized as one of the pioneers in homelessness work) will explain how Y-Säätiö promotes social justice by offering affordable rental housing. They will then be joined by the rest of our panelists to discuss the application of the Finnish model in Manitoba.

The session is being presented by the MBA Municipal Law and Public Sector Lawyers' Sections

Speaker: - Juha Kahila, *Y-Säätiö (Helsinki, Finland)*
- Teija Ojankoski, *Y-Säätiö (Helsinki, Finland)*
- Carolyn Ryan, *CEO, Manitoba Housing*
- Jamil Mahmood, *Executive Director, Main Street Project*

Moderator: - Allison Fenske, *University of Manitoba Robson Hall*

3:00pm – 3:30pm - Break

Bench & Bar Reception - 4:30pm – 6:30pm – Midway Ballroom

The Honourable Chief Justice of Manitoba Marianne Rivoalen will host this year's reception with MBA President, Jason Gisser. The reception will include hors d'oeuvres, an open bar and entertainment. All conference registrants are invited to attend this complimentary event.

FRIDAY

January 19, 2024

AM

9:00am – 11:30am Morning Continuing Legal Professional Development Sessions

8:30am – 2:00pm - Registration – West Foyer

8:30am – 9:00am - Continental Breakfast – West Foyer

9:00am – 11:30am - Morning Continuing Legal Professional Development Sessions

Practical Resources to Support your Career

Join the Young Lawyers Section at the MBA Winter Conference for their session, “Practical Resources to Support your Career”! This session is looking to unlock the power of your memberships with the Law Society, Canadian Bar Association and Manitoba Bar Association, by outlining which resources each membership makes available. Discover the tools, networks, and benefits that will help you not only during your junior years of practice but throughout your legal career.

This session is being presented by the MBA Young Lawyers’ Section

Speakers:

- Rennie Stonyk, *The Law Society of Manitoba*
- Daniel Cheung, *Lawyers’ Financial*
- Karen Sawatzky, *Manitoba Law Library*

Overview of Testamentary Trusts – Understanding the Fundamentals to Draft, Implement and Advise

Whether drafting wills or advising clients on their obligations, most wills and estates practitioners will assist their clients, in some capacity, with testamentary trusts. While many practitioners will include a standardized trust in their wills, do they fully understand the subtleties and nuances that apply to testamentary trusts? This session will focus on providing practical information and valuable insight that practitioners can use when drafting testamentary trusts or advising clients with respect to the administration of such trusts. The panel will review the foundational principles of the law of trusts, summarize key components of testamentary trusts and discuss common types of testamentary trusts such as Qualifying Spousal Trusts and Henson Trusts. The panel will further explore the duties and obligations of trustees when administering testamentary trusts and tax considerations related to drafting and administration.

This session is being presented by the MBA Wills, Estates and Trusts Section

Speakers:

- Krista Clendenning, *Tradition Law LLP*
- Desiree Katz, *MLT Aikins LLP*
- Aaron Maister, *Pitblado LLP*

Moderator: - Solange Buissé, *Taylor McCaffrey LLP*

Sponsored by STEP Winnipeg 

The Supreme Court Considers *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families* in Attorney General of Québec, et al. v. Attorney General of Canada, et al.

In December 2023, the SCC was asked to decide whether *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families* (“the Federal Act”) was *ultra vires* the Constitution after the Quebec Court of Appeal found sections 21 and 22(3) unacceptably altered the fundamental architecture of the Constitution. Several Manitoba-based interveners participated in the appeal at the SCC. The Child and Youth Law Section is excited to be able to have counsel involved share their perspectives on the case, the experience of appearing at the SCC, and the experience applying the legislation within Manitoba. The SCC has not yet released its decision in this case, but it is anticipated that it will be released in advance of the session and that the panel can speak to the ultimate outcome.

Please join Hafeez Khan and Earl Stevenson, counsel for Peguis Child and Family Services, and Joëlle Pastora Sala, from PILC, who appeared as counsel for the First Nations Family Advocate Office, and a representative of the Attorney General of Manitoba.

This session is being presented by the Child & Youth Law Section

Speakers:

- Hafeez Khan, Counsel, *Peguis Child and Family Services*
- Earl Stevenson, *Peguis Child and Family Services*
- Joëlle Pastora Sala, *Public Interest Law Centre*

Creating a Culture of DEI in the Workplace: A discussion on human rights and accessibility laws, obligations and best practices

Come learn about what lawyers, employers and employees need to know about Manitoba’s current Diversity, Equity and Inclusion (“DEI”) laws! Please join us to hear from excellent speakers who will discuss varying perspectives including public interest groups, respectful workplace investigators, and employment / labour legal counsel. Topics include *The Accessibility for Manitobans Act*, human rights laws in the workplace, and creating a culture of DEI —how they are similar, how they are different, and options for application and implementation.

This session is being presented by the Labour & Employment Law Section

Speakers:

- Laurelle Harris, K.C., *Lawyer, Workplace Investigator, Principal Consultant & C.E.O., Equitable Solutions Consulting*
- Cynthia Lazar, *Lawyer, Workplace Investigator, Taylor McCaffrey LLP*
- Emily Walker, *Senior Policy Analyst, Manitoba Accessibility Office*

Moderator: - Dany Théberge, *Lawyer, The North West Company*

10:15am – 10:45am – Break

11:45am – 1:45pm – Awards Luncheon – East/Midway Ballroom

Featuring presentations of the 2024 MBA Distinguished Service Award, the 2024 Pro Bono Award and the 2023 MBA Recognition Awards..

Sponsored by Lawyers’ Financial



CBIA

LAWYERS FINANCIAL

FRIDAY

January 19, 2024

PM

2:00pm – 4:30pm

Afternoon Continuing Legal Professional Development Sessions

Common Conveyancing Pitfalls at Land Titles – Why Your Registrations are Getting Rejected and What You Can Do About It

This presentation will examine the most common reasons for deficiency notices and rejections at the Land Titles Office. A brief overview of the Land Titles examination and acceptance process will be provided in order to frame the discussion and help participants both anticipate and avoid unnecessary registration delays and re-work. Finally, a series of “short snappers” will be provided with a view to examining less common, but notable, traps that many solicitors fall into.

This session is being presented by the MBA Real Property Section

Speaker: - Tyler Watt, Teranet Manitoba LP

Moderator: - Jason Bryk, K.C., Pitblado LLP

Sponsored by Stewart Title



Bill C-40

Sophonow, Milgaard, Marshall. These are just a few of the names synonymous with wrongful convictions in Canada. They and so many others travelled long and difficult paths to be exonerated through a ministerial review process. Bill C-40 currently before the House of Commons judicial committee, hopes to create an independent wrongful conviction review commission and to broaden the scope and terms of reference for this new review body. This session will address the historical legacy of wrongful convictions in Canada and why an independent review commission is long overdue.

This session is being presented by the MBA Criminal Justice Section

Speakers: - Senator Kim Pate, Senate of Canada
- The Honourable Chief Justice Glenn D. Joyal, Court of King's Bench of Manitoba
- Michele Jules, Director of Public Prosecutions, Manitoba Justice
- Brandon Trask, University of Manitoba Faculty of Law

Moderator: - Wendy Martin White, Phillips Aiello

Women, Emerging Technologies, and the Law

What effect does artificial intelligence (AI) have on women and other equity-seeking groups, what tools are in place to recognize and lessen harmful impacts and what might be on the horizon?

This session will provide a brief overview of AI, focusing on its technical capabilities and its potential impacts on and biases against equity-seeking groups. The disproportionate impact of AI's use to cause online harms to women and equity-seeking groups will be reviewed, together with an examination of how existing sources of law apply to and can be used to address these sources of harm. The session will also consider future applications and implications of AI, as well as applicable regulatory measures.

This session is being presented by the MBA Technology & Intellectual Property Law and Women Lawyers' Forum Sections

Speakers: - Dr. Katie Szilagyi, University of Manitoba - Faculty of the Law
- Kevin Toyne, Hill Sokalski Walsh LLP

Research Trends & Best Practices

Join us for an update on legal research trends and best practices, featuring Slaw columnist Hannah Rosborough (Schulich School of Law). In this session Hannah will explore the analogy of vinyl versus Spotify in the context of transitioning from print to digital legal research resources. The ongoing impact of artificial intelligence on legal research will also be discussed.

This session is being presented by the MBA Legal Research Section

Speaker: - Hannah Rosborough, Schulich School of Law (Halifax, NS)

Moderator: - Melanie Bueckert, Legal Research Counsel, Manitoba Court of Appeal

3:00pm – 3:30pm - Break – West Foyer

Thank you to the 2024 Mid-Winter Sponsors



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REGISTRATION

MBA 2024 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 Member (to Dec. 31, 2023)	Member (After Jan. 1, 2024)	Member Student/ Young Lawyer*	Non-Member
One Half Day	\$225.00	\$275.00	\$150.00	\$500.00
One Day	\$315.00	\$365.00	\$200.00	\$650.00
Two Full Days**	\$550.00	\$600.00	\$375.00	\$1,000.00
MBA Awards Luncheon (Individual Ticket)	--	\$65.00	\$45.00	\$90.00

****Two Day Registration Only:** You will receive all 12 hours of LSM Mandatory yearly CPD requirement (including 2 hours of Ethics, Professionalism and Practice Management).

You will receive all 12 hours of LSM mandatory yearly CPD requirement
(including 2 hours of Ethics, Professionalism and Practice Management)

Prices do not include GST #R126095728

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

Registrants are not able to combine a Half-Day Registration on separate days as a full-day registration.

Your Registration includes:		Thursday AM PD Session	Thursday PM PD Session	Friday AM PD Session	Friday PM PD Session	Continental Breakfast (Thursday)	Exhibitor's Trade Show	EPPM Lunch	Continental Breakfast (Friday)	MBA Awards Luncheon	Access to session materials on MBA website
Thursday, January 18	Half Day (AM)	X				X	X	X			X
	Half Day (PM)		X				X	X			X
	Full Day (Thursday)	X	X			X	X	X			X
Friday, January 19	Half Day (AM)			X					X	X	X
	Half Day (PM)				X					X	X
	Full Day (Friday)			X	X				X	X	X
	Two Full Days	X	X	X	X	X	X	X	X	X	X

REGISTRATION

Hotel Accommodations:

A block of rooms has been reserved at the Fairmont Winnipeg, 2 Lombard Place, Winnipeg, MB at a rate of \$156 for single or double occupancy. Call 1-800-441-1414 and indicate that you will be attending the MBA Mid-Winter conference (Block MBA20124_001). The rate is in effect until January 13, 2024.

Registration deadline - Thursday, January 11, 2024

Refunds: Cancellations will be accepted by email (admin@cba-mb.ca) until 4:00pm on January 11, 2024, subject to a 15% administrative charge.
NO REFUNDS will be made if notice is received after 4:00pm on January 11, 2024.

Your 2024 Mid-Winter Organizing Committee:

Co-Chairpersons:

Heather Wadsworth, *Amica Law*

Meghan Ross, *Thompson Dorfman Sweatman LLP*

Committee Members:

Adriel Agpalza, *Pitblado LLP*

Krista Clendenning, *Tradition Law LLP*

Anthony Foderaro, *Fillmore Riley LLP*

Autumn Giles, *Taylor McCaffrey LLP*

Sarah McEachern, *Tapper Cuddy LLP*

Jaime Rosin, *Paquin Entertainment Group*

Katrina Scaramuzzi, *MLT Aikins LLP*

Bonnie Schmidt, *Manitoba Public Insurance*

Jessica Schofield, *Taylor McCaffrey LLP*

Abram Silver, *Myers LLP*

Megan Spencer, *Amica Law*

Thank you to our Tradeshow Exhibitors:

CBIA/Lawyers' Financial

Lawyer Done Deal

RecordXpress

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Royal Manitoba Theatre Centre

SAI Systems Auditing

Stewart Title

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SCHEDULE

at a Glance

Thursday, January 18, 2024

8:00am – 2:00pm	Registration (<i>East Ballroom</i>)
8:00am – 3:30pm	Exhibitor Trade Show (<i>East Ballroom</i>)
8:00am – 9:00am	Continental Breakfast (<i>East Ballroom</i>)
9:00am – 11:30am	Morning Continuing Legal Professional Development Sessions (<i>Break: 10:15am-10:45am</i>) Significant Family Law Cases in 2023 (<i>see page 2</i>) Notable Cases for Civil Litigators 2022-2023 (<i>see page 2</i>) Trade Secrets: The Bid Protest Mechanism under Domestic Trade Agreements (<i>see page 2</i>) Enforcement of Indigenous Laws (<i>see page 2</i>)
11:45am – 1:45pm	EPPM Lunch (<i>Midway Ballroom</i>) Burnout and Perfectionism for Professionals (<i>see page 2</i>)
2:00pm – 4:30pm	Afternoon Continuing Legal Professional Development Sessions (<i>Break: 3:00pm-3:30pm</i>) Delay in Administrative Proceedings (<i>see page 3</i>) Family Law Dispute Resolution Processes - What Works for your Clients and When? (<i>see page 3</i>) Current Issues in Tax Law (<i>see page 3</i>)
4:30pm – 6:30pm	Tackling Homelessness in Manitoba: Learning from the Nordic Experience (<i>see page 3</i>) Bench & Bar Reception (<i>Midway Ballroom</i>)

Friday, January 19, 2024

8:30am – 2:00pm	Registration (<i>West Foyer</i>)
8:30am – 9:00am	Continental Breakfast (<i>West Foyer</i>)
9:00am – 11:30am	Morning Continuing Legal Professional Development Sessions (<i>Break: 10:15am-10:45am</i>) Practical Resources to Support your Career (<i>see page 4</i>) Overview of Testamentary Trusts – Understanding the Fundamentals to Draft, Implement and Advise (<i>see page 4</i>) The Supreme Court Considers <i>An Act Respecting First Nations, Inuit and Métis Children, Youth and Families</i> in <i>Attorney General of Québec, et al. v. Attorney General of Canada, et al.</i> (<i>see page 4</i>) Creating a Culture of DEI in the Workplace: A discussion on human rights and accessibility laws, obligations and best practices (<i>see page 4</i>)
11:45am – 1:45pm	Awards Luncheon (<i>East/Midway Ballroom</i>)
2:00pm – 4:30pm	Afternoon Continuing Legal Professional Development Sessions (<i>Break: 3:00pm-3:30pm</i>) Common Conveyancing Pitfalls at Land Titles – Why Your Registrations are Getting Rejected and What You Can Do About It (<i>see page 5</i>) Bill C-40 (<i>see page 5</i>) Women, Emerging Technologies, and the Law (<i>see page 5</i>) Research Trends & Best Practices (<i>see page 5</i>)