

## **Civil Litigation Section Report 2014-15**

The Civil Litigation Section Executive for 2014 – 2015 consisted of:

- John Martens, Chair (Aikins, MacAulay & Thorvaldson LLP)
- Trevor Brown, Past Chair (MPI – Legal Services)
- Alison McCullough- Butchart, Secretary (Tradition Law)
- Bailey Harris, Member-at-large (Thompson Dorfman Sweatman LLP)

During the 2014 - 2015 term (September 1, 2014 to June 30, 2015) the Civil Litigation Section sponsored four professional development seminars.

On November 24, 2014, a session was held entitled Reconciling Hryniak v. Mauldin, 2014 SCC 7 - Predictability and Case Management. Chief Justice Joyal and Associate Chief Justice Perlmutter presented concerning the Court's view of the implication of the Hryniak case in Manitoba, including potential Queen's Bench Rule changes in Manitoba that will affect summary judgment. Following the presentation there was an opportunity for questions and comments from lawyers.

The second and third seminars took place during the 2015 MBA Mid-Winter Conference held on January 22 and 23, 2015.

The first seminar was entitled The Court of Appeal: A discussion of Appellate Practice for Civil Appeals. Chief Justice Chartier presented on standards of review for civil appeals. Justice Burnett presented on practice directions, Court of Appeal Rules and general comments from the Court of Appeal. Brief presentations were then given from Bernice Bowley of Fillmore Riley LLP on written advocacy at the Court of Appeal, Thor Hansell of Aikins, MacAulay & Thorvaldson LLP on oral advocacy at the Court of Appeal, and Brian Meronek Q.C. of D'Arcy & Deacon LLP on addressing the standard of review for civil appeals.

The second seminar was entitled Construction Disputes – A Toolbox and was co-presented with the Construction Law Sub-section of the MBA. The seminar involved presentations from Kelly Dixon of Green & Dixon on consultant agreements, Betty Johnstone of Aikins, MacAulay & Thorvaldson LLP on features and benefits of CCDC contracts, Jon Woolley of Thompson Dorfman Sweatman LLP on contract changes and delay claims, and Tom Turner of Pitblado LLP on pay when pay clauses and Rule 20A.

The fourth seminar was held on April 28, 2015, and was entitled Proposed Amendments to the Court of Queen's Bench Rules. Chief Justice Joyal and Associate Chief Justice Perlmutter presented to the civil bar about the new Queen's Bench Rules that are expected to be enacted.

As Chair I attended the National Civil Litigation Section meeting in Ottawa which took place on November 1, 2015.

The Civil Litigation Section's Executive is currently planning for CPDs for Fall 2015 and for the 2016 MBA Mid-Winter Meeting.

Respectfully submitted,  
John Martens, Chair