



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

2010 ANNUAL REPORT RAPPORT ANNUEL



Executive Committee 2009-2010

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

Membership/Member Services Karen Wittman
Past President Annette Horst
Executive Director Stacy Nagle

Elected Council 2009-2010

WINNIPEG JUDICIAL DISTRICT

Todd Andres
Kim Antonio
Kristine Barr
Richard Beamish
Melanie Bueckert
Diana Cameron
Robert Dawson
Cynthia Devine
Heather Ann Dixon
Bev Froese
Michelle Gallant
Peter Glowacki
Gary Goodwin
Sarah Inness
Robynne Kazina
Corryne 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

Kyle Lamothe

CPLED Student Representative

Brendan Friesen

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 – Nicole Hohner/Sarah Crabbe
Section Coordinator - Melissa Tannahill/Jadah Nerman
Law Student – Jocelyn Turnbull

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 - Corrine Kulyk & 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

Corrine Kulyk, *Co-Chair*

Karlee Blatz, *Co-Chair*

Melissa Beaumont

Johanna Caithness

Paulette Desaulniers

Courtney Dyson

Aimée Fortier

Joel Guénette

Tanya Johannesson

Madeline Low

John Martens

Krista Piché

Mary Troszko

Mark Wallace

Kelly Wilson

Lawyers Professional Assistance (Lawyers Helping Lawyers)

Myfanwy Bowman

Legal Aid Advisory Committee Representatives

Leandre Buissé

Gerri Wiebe

Legislation & Law Reform Committee

Melanie Bueckert, *Chair (until March 2010)*

Diana Cameron, *Chair (as of April 2010)*

Michelle Gallant

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 – The Producers

Victor Bargaen.....Bryan/Jason Green
Kathrine Basarab.....Hold Me-Touch Me/Showgirl
Melissa Burkett.....O’Houlihan/Big Lady
Paul Cooper.....Franz Liebkind
Adrian Frost.....Gunter/O’Riley
Roxanne Gagné.....Showgirl/Old Lady
Bonnie Gembey.....Pigeon/Stenographer
Danny Gunn.....Leo Bloom
Reannah Hocken.....Usherette/Old Lady
Jamie Jurczak.....Usherette/Old Lady
Michael Kay.....Judge/Cop in Sunglasses
Catherine Kelly.....Hold Me-Touch Me/Pigeon
Hayley Main.....Ulla
Rachel Margolis.....Usherette/Old Lady
Jim McLandress.....Roger Debris
Marika Nerbas.....Usherette/Kiss Me-Feel Me
Mark O’Neill.....Stormtrooper
Ashleigh Parker.....Ticket Taker/Old Lady
Myron Pawlowsky.....Firstnighter/Sergeant
Krista Piché.....Street Cleaner/Shirley
Bradley Regehr.....Carmen Ghia/Mr. Marks
Dean Richert.....Jack Lepidus/Chief
Evan Roitenberg.....Max Bialystock
Steve Scarfone.....Scott/Donald Dinsmore
Priti Shah.....Pigeon/Old Lady
Garth Smorang.....Kevin/Bailiff
Lisa Stiver.....Showgirl/Old Lady
Sarah Thurmeier.....Pigeon/Old Lady
Mark Toews.....Sabu/Rolf
Maria Versace.....Pigeon/Old Lady

MTC/MBA Joint Production Play Committee Members

Joan Holmstrom

Josh Weinstein

2010 Mid-Winter Conference Committee

Melanie Bueckert, *Co-Chair*

Sofia Mirza, *Co-Chair*

Jeremy Akerstream

Todd Andres

Karlee Blatz

Jason Harvey

Tony Kavanagh

Lisa LaBossière

Cynthia Lau

Madeline Low

Kathleen McCandless

Paul McDonald

Lindsay Mulholland

Lisa Sumka

Mark Toews

Pitblado Lectures – 2010

Ken Mandzuik, *Topic Selection Committee Member*

Patricia Lane, *Organizing Committee Member*

Right to Know Committee Representatives

Melanie Bueckert

Court of Queen’s Bench & Bar Liaison Committee

The Honourable Mr. Justice Robert Carr, *Chairperson*

Provincial Court Informal Concerns Committee

The Honourable Judge Ron Meyers, *Chairperson*

PRESIDENT'S REPORT

I am proud to report that the MBA has had another phenomenal year. With increased and active membership, the organization is doing extremely well. We continue to meet our mission and to increase services to our members. We have an enviable and dedicated team of active volunteers, including a veritable cornucopia of leadership talent from over the last decades that remain active in ensuring that we remain the voice of the legal profession. Manitoba also continues to be very active at the National level in terms of abundant, enthusiastic volunteerism and leadership: service in the CBA continues to be very high and Manitoba continues to punch well above its weight class. The qualitative and quantitative measures are all positive.

Whilst things are indeed very positive, we nonetheless have to be vigilant to ensure that the independence of the judiciary and of our profession remain prime going concerns. This year, as an organization, we spoke out strongly in defense of the rule of law, an independent judiciary, and the need for provincial senior (or supernumerary) judges. We reiterated a strong public support for an independent compensation committee process for provincial judges and again engaged the media. We spoke out strongly in support of access to Legal Aid funding, and to respectful, accurate factual media reporting.

We also remained active in enhancing several professional relationships: with the Law Society of Manitoba, The Law Faculty, and the Judiciary; we met regularly with the Attorney General and Minister of Justice for Manitoba to discuss concerns of our members, and with the Opposition Critic. We embarked on a relationship with the Global College concerning the development of the Downtown Legal Help Centre initiative, and we brought

greetings at many swearing-in ceremonies held during the year, at all levels of court. The MBA participated in the selection process for a new Provincial Court Judge, and for a new Master, affirming the efficacy and role of an independent panel application and interview process.

I was fortunate to attend and speak at several events affirming the vitality and diversity of our profession. A personal highlight was speaking at the Call to the Bar Ceremony and speaking at a Citizenship Ceremony at Law Day, both reflective of the optimism and growth of our future society and tradition of democracy and service. Member services included a successful Mid-Winter, a wonderful collaboration with the MTC, and many other initiatives as you can read about from the other officers in this report including the vibrant Section activity.

This is my sixth year on the Executive and I continue to be extremely proud to work alongside such talented people: it makes me proud to be a lawyer. I also want to thank my employer, Manitoba Justice, who has been supportive of my role as the first public sector President of the MBA. I thank the Executive for their support, kindness, collegial and effective consensus-driven work. I give tremendous kudos to Stacy Nagle, our gifted Executive Director, who runs a very efficient ship and very adroitly contributes to not only the MBA, but also to our wider CBA family: she is recognized as a leader at the National level too, and whenever I did a good job it was largely due to her!



*Anthony (Tony)
J. Kavanagh*

VICE-PRESIDENT'S REPORT



Ken G. Mandzuik

My year as Vice President was a busy one, and it was an honour and privilege to serve your organization over the last year. In addition to supporting the president, the two primary functions of the Vice President are to look after Section activity and to be the Executive liaison for the Mid-Winter Organizing Committee.

In September 2009, I attended and presented at two Section Leader Orientation meetings. Sections were busy over the year and continue to be the lifeblood of the MBA. April and May 2010 were designated as "Bring a Buddy Months". Members were encouraged to bring a non-member to a Section meeting. By the end of the year, we hosted 74 Section meetings, with around 1,900 people attending. As the Law Society of Manitoba moves to requiring mandatory professional development, we can continue to expect strong participation in Sections and increased Section activity.

Our 2010 Mid-Winter meeting was another outstanding success. This was due to the strength of our Organizing Committee and our Co-Chairs, Melanie Bueckert and Sofia Mirza. Having been a Co-Chair for this Organizing Committee, I know how much work goes into planning the conference, and I know how much more organized Melanie and Sofia were than I was. My thanks go to both of them.

In August, I attended the Canadian Legal Conference in Niagara Falls, where I attended meetings of the CBA Council and the Board

of Directors. If you've never attended a CLC, you really should consider it and you might just get hooked.

During my year, I was also pleased to be involved in outreach to students and young lawyers. I addressed the CPLED students about the benefits of MBA membership, and did a recruitment drive at Robson Hall. I also had the opportunity to participate in judicial nominating committees in Dauphin and The Pas and attended several swearing-in ceremonies. Last year we also took a look at implementing a Code of Conduct for Respectful Working Relationships for the MBA, and a great committee of Council members worked on putting together a draft that was ultimately passed by Council. I also attended meetings with the Attorney General and the Opposition Critic. I was also pleased to be involved as the MBA representative on the planning committee of the Legal Help Centre.

I will finish this report with thanks to Tony Kavanagh, who served us well as President and will be a tough act to follow. Thanks too to the rest of the Executive and Council for the countless volunteer hours you were willing to contribute to this organization. The support of our members and volunteers makes the MBA strong, and is truly appreciated. Finally, the staff of the MBA, headed by the ceaselessly fabulous Stacy Nagle, is simply the best, better than all the rest. I am looking forward to my year as President of your MBA and I wish the best to Josh Weinstein as he takes over the duties of Vice President. I'm confident he will enjoy it as much as I did.

HONOURS 2009-2010



2010 MBA Distinguished Service Award Recipient:

The Hon. Madam Justice Sylvia Guertin-Riley

The 2010 Pro Bono Award Recipient:

David Wright

2009 MBA Community Involvement Award:

Nicole Merrick

2009 MBA Headnotes & Footnotes Award:

The Wealth and Estate Law Group of Inkster Christie Hughes LLP

2009 MBA Section Activity Award:

Women Lawyers' Forum

MEMBERSHIP/MEMBER SERVICES REPORT

I am happy to report that this year has been another year of growth for the Manitoba Bar Association. As of the end of August 2010, we had a total of 1,301 paid members, which is an increase of 1.4% from the same time last year. Although not a drastic increase, it is significant nonetheless given that nationally, numbers have declined by 0.22% over the past year.

Although the drop in membership at the National level was less than forecasted, it nevertheless has spurred a renewed focus on membership and ensuring that the services provided both nationally and at the various branch levels remain valuable and relevant. To this end, the National level has developed a targeted and aggressive recruitment drive which has involved a continued development of its branding strategy, the development of a series of print advertisements, the development of a campaign targeted specifically at universal firm membership, the development of a brochure on the benefits of CBA membership, improving its on-line registration process, and the development of an array of professional development programs for members across the country, including a new initiative called the "Skilled Lawyer Series" which offers an interactive, on-line educational series emphasizing technical and functional skills as well as the knowledge and expertise required to excel in the courtroom and boardroom. The series is a unique approach to skill development not currently offered by law schools or articling programs and which, it is hoped, will attract a significant number of participants across the country.

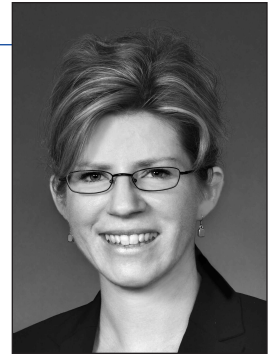
At the branch level, membership retention and recruitment efforts have been focussed on individual contact with lapsing or lapsed members and an outreach program to non-members. The MBA has also developed a one-page brochure highlighting the many ways in which membership has benefits. In addition, Stacy Nagle, on behalf of the MBA, did an in-person presentation with Gord Brennan from the CBIA to one of the larger firms to encourage membership, an

effort which was very well received and upon which the MBA will continue to build over the coming year.

The MBA is pleased to report that, for the first time ever, we now have universal membership in the Provincial Court. As far as student membership is concerned, representatives of the MBA attended orientation week at the law school. The MBA has also continued with its mentorship program, which is a program designed to pair students from the Faculty of Law with lawyers practising in the community and has the side benefit of permitting us an opportunity to introduce students to the many benefits of membership with the MBA and to recruit new members. Also this year, the Province continued to contribute 50% of membership fees for lawyers employed by Manitoba Justice.

As Director of Membership and Chair of CBA's National Standing Committee on Professional Development, I attended a number of meetings throughout the year, including meetings in Ottawa and Montreal, the CBA Mid-Winter Meeting and the CBA Annual Meeting in Niagara Falls. Along with other members of the Executive, I also attended various meetings and functions locally, including the MBA Mid-Winter meeting.

I wish to thank you for allowing me to represent you as Director of Membership over the past year. I also wish to thank and commend the MBA staff and, in particular, the Executive Director, Stacy Nagle, who provide excellent support and assistance and who make volunteering for the MBA so enjoyable. It is only through their dedicated efforts that so much of the work done by the MBA each year is successfully accomplished.



Karen R. Wittman

PAST PRESIDENT'S REPORT

As Past-President of the MBA, it was my privilege to represent the MBA on the CBA Board of Directors. The CBA Board is the operating mind of the CBA. During the 2009-2010 year, the CBA continued to struggle to maintain services in the face of tough economic times. The CBA required all areas of the Association to further reduce budgets from the approved level by 2%. In August 2010, the CBA Board approved a Membership Fee Review Task Force to undertake a review of our fee structure in response to concerns from all groups within the organization. The CBA introduced the very successful Professional Development Website in September 2009. This site has proven a valuable tool for members to track their professional development in the face of mandatory professional development introduction across the country. The CBA continues to advocate for improved funding for legal aid across the country and is undertaking a litigation strategy to pursue the right to civil legal aid for low income Canadians. The CBA continues to lead the way in the development of online professional development, meeting the demands of our members to access professional development in their offices.

During the last year, I was also privileged to participate on the Law Society's Paralegal Committee which struggled with the issue of whether or not a regulated paralegal profession should be created

in Manitoba. Ultimately, the Committee recommended to Benchers that they direct the Law Society to work with the profession, judiciary, community colleges and other relevant parties to examine the scope and feasibility of a paralegal training program that could be accredited by the Law Society of Manitoba. Paralegals would only be able to provide services under the supervision of practicing lawyers.

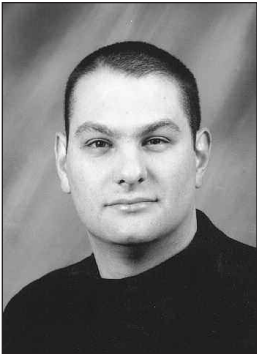
The MBA has a strong voice at the CBA Board table and has representation on many of the CBA Sections, Conferences and Standing Committees. The excellent work of the CBA is made possible by the commitment of our members to the work that we do for the improvement of the law and protection of the rule of law. I have been privileged to represent the MBA and to be part of that voice. I look forward to continuing my commitment to the MBA and the CBA as I take on the new role of Treasurer of the CBA.

I would like to thank the MBA staff and in particular Stacy Nagle, Executive Director, for the continuous support I received while serving on the MBA Council and Executive.



Annette J.R. Horst

ADVOCACY AND PUBLIC RELATIONS REPORT



Josh Weinstein

It is my pleasure to provide you with the annual report of the Director of Advocacy and Public relations for 2009-2010.

In the past year, I had an opportunity to attend the CBA Mid-Winter in Ottawa as well as the Annual CBA Canadian Legal Conference in Niagara Falls. At both conferences, I was a designated voting member of Council and attended all

meetings. In addition to the MBA Council meetings, I attended the MBA's annual Mid-Winter which was a huge success.

The MBA Legislation & Law Reform Committee continues to review various legislation that is introduced in the House. In 2009/2010, the Committee continued to encourage each MBA Section to appoint a representative that would deal with legislative issues. Many Sections have designated members. On October 2, 2009, the Committee hosted an information session on the legislative process in Manitoba. In 2009/2010 the MBA, along with other groups, successfully lobbied the City of Winnipeg to defer enacting a Zoning Memorandum By-Law. The MBA also consulted its members on the Law Society's Access to Justice Paralegal initiative.

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

In May 2010, we saw the talented efforts of our members put to good use in the joint MTC/MBA production of *The Producers*. This

was one of our most successful productions to date and feedback was extremely positive. The MBA did some website advertising for the production on the Winnipeg Free Press and on CTV's websites. The MBA also donated \$5,000 to the fundraising effort. The joint production has raised over \$780,000 to date.

The MBA newsletter, *Headnotes & Footnotes*, was published and distributed 10 times this year. A readership survey was sent out to the membership in 2009. MBA Council recommended various changes to the publication based on the results of the survey. These recommended have been implemented.

The 2010 Legal Directory and Dayplanner continued to be a hit and was another sell out. This publication continues to be relied on daily by our members.

The MBA intervened at the 2010 MPI PUB Rate Application Hearing. Robert Dawson was the Association's Counsel for these hearings.

In an effort to ensure that the proper information is getting to our members, the Executive monitors hits to our website and top referring sites. On average, the MBA website receives approximately 4,000 hits each month.

Lastly, as I move on to my role as Vice President, I want to take this opportunity to thank Stacy Nagle and all the staff at the MBA for their support while being Director of Advocacy and Public Relations. The role was a challenging but fulfilling one and I hope that I can build on my experiences as I move onto the next challenge.

EXECUTIVE DIRECTOR'S REPORT

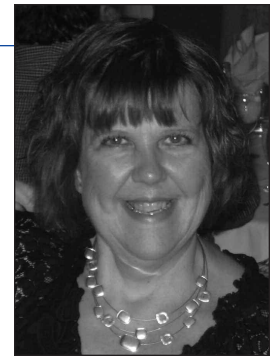
The Manitoba Bar Association (MBA) is a branch of the Canadian Bar Association. As a non-profit professional organization, the MBA advocates on behalf of its members and provides educational and networking opportunities for its members in Manitoba, including lawyers, articling students, law students, and law professors.

During 2009/2010, the MBA Council worked on developing a new strategic plan for the Association. I am confident that they all had a fabulous time working on this project. On June 16, 2010, Council approved the 2010-2012 MBA Strategic Plan. Although much of the work of Council was focused on the strategic plan, many accomplishments were made. Highlights of these accomplishments, not already mentioned in the other reports, for 2009/2010 include:

- The MBA welcomed its 2009/2010 President, Tony Kavanagh, at a reception on September 23, 2009 at the Fort Garry Hotel.
- The MBA with the Manitoba Ombudsman, Canadian Taxpayers Federation (Manitoba), Canadian Association of Journalists (Manitoba), Provincial Council of Women of Manitoba, Consumers Association of Canada (Manitoba), Manitoba Association for Rights and Liberties, Manitoba Public Insurance and the Winnipeg Regional Health Authority sponsored four events on September 28 – 30, 2009 for Right to Know Week in Manitoba.
- Members of the MBA Executive met with the Chiefs and the Associate Chief Justices and Judges on October 15, 2009 to discuss various matters of interest between the MBA and the judiciary.
- Representatives of the MBA met with The Hon. Dave Chomiak, Minister of Justice and Attorney General of Manitoba on October 21, 2009 and met with The Hon. Andrew Swan, Minister of Justice and Attorney General for Manitoba on March 3, 2010.
- The Ad Hoc Committee of MBA Past-Presidents met on October 13, 2009 to discuss various issues and make a recommendation regarding the Distinguished Service Award recipient.
- On November 13 and 14, 2009, the MBA, the University of Manitoba Faculty of Law and The Law Society of Manitoba featured the 2009 Isaac Pitblado Lectures.
- The 2010 MBA Mid-Winter which was held on January 21 – 23, 2010, featured eight professional development sessions: Compensation for Impacts on Aboriginal & Treaty Rights; Damages; Trends in Technology Contracting; French Language Advocacy in Manitoba; Detention and Section 24(2) of the *Charter*; Raising Capital for Small Business Clients; Statutory Interpretation; Tax Law Refresher. At the Mid-Winter Awards lunch, the 2010 MBA Distinguished Service Award was presented to The Honourable Madam Justice Sylvia Guertin-Riley, the 2010 Pro Bono Award was presented to Dave Wright of Aikins, MacAulay & Thorvaldson LLP and the MBA Recognition Awards presented to Nicole Merrick (Community Involvement Award), Wealth and Estate Law Group of Inkster Christie Hughes LLP (*Headnotes & Footnotes* Award) and the Women Lawyers' Forum – Co-Chairs Karen Dyck and The Hon. Madam Justice Freda Steel (Section Activity Award). Chief Judge Ken Champagne and Karen Kost co-hosted the Bench & Bar

reception with Tony Kavanagh and Dorothea Osborne. CBA President, Kevin Carroll and Saskatchewan branch President, Terry Kimpinski both attended our branch Mid-Winter meeting.

- My desk was featured in the February 2010 edition of *Marketplace Magazine*. It was a good promotional piece for the MBA.
- Sixteen teams participated in the MBA Bar Bonspiel that was held on March 5, 2010.
- Representatives from the MBA met with the Associate Deans of the Faculty of Law and the CEO and President of the Law Society of Manitoba on March 11, 2010 to discuss various matters of interest to the three organizations.
- On March 18, 2010 representatives of the MBA met with Kelvin Goertzen, Justice Critic.
- An open house, celebrating Law Day, was held at the Winnipeg Law Courts Building on Sunday, April 18, 2010. The open house included: guided tours of the law courts; 26 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 panel discussions including a presentation and promotion of Will Week – Estate Planning for Your Future. Over 1,000 people attended the open house and over 350 participated in the Courthouse tours. Two Winnipeg high schools presented mock trials at the Winnipeg Courthouse on Tuesday, April 20, 2010. An open house was also held at the Dauphin Law Courts on Sunday, April 18, 2010 which included mock trials, guided tours of the law courts, distribution of the *Charter* and general legal information discussions. Approximately 100 attended.
- The MBA, the Office of the Public Trustee and The Winnipeg Foundation presented "Estate Planning for Your Future" from April 21 – 25, 2008. The initiative provides the general public with information on topics such as Health Care Directives, Enduring Powers of Attorney and Wills. Seminars are free and were held at 11 locations in Winnipeg and various locations outside of Winnipeg.
- The MBA, the Office of the Public Trustee and The Winnipeg Foundation presented "Will Week" from April 26 – 30, 2010. The initiative is intended to provide the general public with information on topics such as Health Care Directives, Enduring Powers of Attorney and Wills. Seminars were free and were held at 13 locations in Winnipeg and various locations outside of Winnipeg.
- The Honourable Associate Chief Justice A. Lori Douglas from the Court of Queen's Bench Family Division was the keynote speaker for the Young Lawyers' Judges lunch, sponsored by CBIA/CBAF, which was held on April 22, 2010. Approximately 100 members attended.



Stacy Nagle

EXECUTIVE DIRECTOR'S REPORT *cont'd*

- Approximately 66 golfers participated in the 2010 MBA Charity Golf Classic. The tournament was originally scheduled for Monday, May 31, 2010 but because of inclement weather it was rescheduled to June 28, 2010 at Glendale Golf & Country Club. The Winnipeg Children's Access Agency was the charity for the tournament.
- Weekly court decisions were distributed to subscribing firms.
- The MBA was selected to be audited by Canada Revenue Agency for the period of September 1, 2006 to February 28, 2009. No significant errors were found.

In 2009/2010, I had the opportunity to work with some excellent staff that believe in the values and mission of the MBA and strive to do the best they can for our members. Jadah Nerman continued to

replace Melissa Tannahill, Section Coordinator, during her maternity leave. Melissa returned to work on August 3, 2010. Nicole Hohner, Executive Assistant went on maternity leave on December 11, 2009. Sarah Crabbe was hired to fill Nicole's maternity leave. Sarah was accepted into law school at the University of Manitoba and left the MBA at the end of August 2010. Jocelyn Turnbull, who has just completed her first year at the Faculty of Law at the University of Manitoba, worked on the 2011 Legal Directory & Day Planner over the summer.

The best part of my job continues to be working with the fantastic volunteers that give so much of their time to the MBA. Thank you ... without your dedication and commitment to the Association, we just could not fulfill our mandate.



Dean I. Scaletta

Attached are the audited financial statements for the MBA for the fiscal year ended August 31, 2010 prepared by Dean R. Jenkyns Chartered Accountant Ltd.

Several items are worthy of note:

- Several years ago, Council determined that it would appropriate to reduce the MBA surplus. For 2009-2010, the Association budgeted for a deficit of \$53,000. 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 a rather modest \$661. Because the actual deficit was not nearly as large as originally anticipated, the aggregate Retained Earnings at year-end fell minimally, from \$239,794 to \$239,133.

SECRETARY / TREASURER'S REPORT

- The aggregate of Current Assets and Investments at year-end grew from \$344,676 to \$362,514, although Investments – as a distinct asset category – fell from \$310,380 to \$256,515. A more detailed description of the Investments portfolio as at August 31, 2010 can be found at Notes 2 and 4 to the Financial Statement. Investment income grew from \$6,773 last year to \$10,393 this year.
- Aggregate revenue was down somewhat from \$477,023 last year to \$475,118 this year.
- Aggregate expenses were down significantly, from \$541,669 last year to \$470,803 this year.

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 statement of financial position of MANITOBA BAR ASSOCIATION as at August 31, 2010 and the statements of revenues and expenditures, changes in net assets and cash flow for the year then ended. These financial statements are the responsibility of the company's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the company as at August 31, 2010 and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

Winnipeg, Manitoba
October 25, 2010

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 2010

	<u>2010</u>	<u>2009</u>
ASSETS		
CURRENT ASSETS		
Cash	\$ 66,389	\$ 9,224
Accounts receivable	30,393	14,844
Prepaid expenses	9,217	10,228
	105,999	34,296
INVESTMENTS (Notes 2, 4)	256,515	310,380
CAPITAL ASSETS (Notes 2, 3)	2,592	7,568
	\$365,106	\$352,244
LIABILITIES		
CURRENT		
Accounts payable	30,242	59,424
Deferred revenue (Note 2)	95,731	53,026
	125,973	112,450
NET ASSETS		
Restricted Capital Fund	2,593	7,569
Unrestricted General Fund	236,540	232,225
	239,133	239,794
	365,106	352,244

**Statement of Revenues and Expenditures
31 August 2010**

	<u>2010</u>	<u>2009</u>
MEMBERSHIP REVENUE		
CBA Membership rebates	\$179,633	\$178,196
CBA middle province rebates	43,545	44,145
CBIA rebates	7,019	6,421
MBA levies	38,976	38,946
	269,173	267,708
FEES AND OTHER INCOME		
Council Activity	47,998	49,424
Membership services	127,072	131,729
Sections	17,579	18,857
Investment Income	10,393	6,773
Sundry income	2,903	2,532
	205,945	209,315
REVENUE TOTAL	475,118	477,023
EXPENDITURES		
Council Activity	109,623	109,767
Member services	111,507	122,776
Membership and public relations	11,024	42,256
Sections	30,083	34,939
Administration	208,566	231,931
	470,803	541,669
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES FROM OPERATIONS	4,315	(64,646)
CAPITAL FUND Amoritization	(4,976)	(4,976)
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES FOR THE YEAR	\$ (661)	\$ (69,622)

**Statement of Changes in Net Assets
31 August 2010**

	<u>GENERAL FUND</u>	<u>CAPITAL FUND</u>	<u>2010</u>	<u>2009</u>
NET ASSETS - BEGINNING OF YEAR	\$232,225	\$7,569	\$239,794	\$309,416
Excess (Deficiency) of revenue over expenses for the year	4,315	(4,976)	(661)	(69,622)
NET ASSETS - END OF YEAR	\$236,540	\$2,593	\$239,133	\$239,794

**Statement of Cash Flows
31 August 2010**

	<u>2010</u>	<u>2009</u>
OPERATING ACTIVITIES		
Cash receipts from customers	\$491,881	\$466,770
Cash paid to suppliers and employees	(498,974)	(524,021)
Investment Income	10,393	6,773
Cash flow from (used by) operating activities	3,300	(50,478)
INVESTING ACTIVITIES		
Purchase of equipment	-	(2,035)
(Increase) decrease in investments	53,865	57,840
Cash flow from (used by) investing activities	53,865	55,805
INCREASE IN CASH FLOW	57,165	5,327
CASH (DEFICIENCY) - BEGINNING OF YEAR	9,224	3,897
CASH - END OF YEAR	\$66,389	\$ 9,224

NOTES TO FINANCIAL STATEMENTS

Year Ended August 31, 2010

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>2010</u>		<u>2009</u>	
	<u>Cost</u>	<u>Accumulated Amortization</u>	<u>Cost</u>	<u>Accumulated Amortization</u>
Computer equipment & furniture	\$43,145	\$42,467	\$43,145	\$38,920
Furniture & Fixtures	\$ 7,147	\$ 5,233	\$ 7,147	\$ 3,804
Net Book Value		<u>\$2,592</u>		<u>\$7,568</u>

4. INVESTMENTS

	<u>2010</u>	<u>2009</u>
Various series, at cost, of		
Cash	\$ 10,038	\$ 10,000
Guaranteed Investment certificates	11,888	11,806
Provincial government bonds	93,702	92,599
Money market funds	56,952	116,829
Equity funds	<u>83,935</u>	<u>79,146</u>
Market Value	<u>\$256,515</u>	<u>\$310,380</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 2009-2010

Within brackets, the first figure indicates the number of members enrolled, and the second figure indicates the number of meetings, events or continuing legal education programs held in 2009/2010.

Aboriginal Law (107; 5)

Aimée Craft, Co-Chair
Allison Fenske, Co-Chair

Administrative Law (172; 2)

Paul McDonald, Co-Chair

Alternative Dispute Resolution (124; 2)

George Derwin, Chair

Bankruptcy & Insolvency Law (73; 2)

David Kroft, Chair

Business Law (249; 2)

Charlotte McCurdy, Co-Chair
Michael Jason, Co-Chair

Civil Litigation (263; 2)

Bernice Bowley, Chair

Constitutional/Human Rights (127; 3)

Cynthia Devine, Co-Chair
Mark Toews, Co-Chair

Construction Law (101; 1)

Nicole Hamilton, Chair

Corporate (In-House) Counsel (212; 6)

Jon Sigurdson, Chair

Criminal Justice (112; 4)

Sarah Inness, Co-Chair
Kusham Sharma, Co-Chair

Elder Law (60; 0)

Heather Dixon, Chair

Environmental Law (74; 4)

Stewart Pierce, Chair

Equality Issues (74; 3)

Bev Froese, Co-Chair
Myfanwy Bowman, Co-Chair

Family Law (168; 6)

Sharon Kravetsky, Chair

General Practitioners (106; 0)

Sidney Laviolette, Chair

Health Law (73; 1)

Corrine Deegan, Chair

Immigration Law (54; 4)

Hafeez Khan, Chair

International Law (73; 3)

Philip Watts, Chair

Labour Law (126; 1)

Susan Polz, Co-Chair
Adrian Frost, Co-Chair

Law Practice Management & Technology (76; 0)

Victoria Lehman, Chair

Legal Research (80; 3)

Melanie Bueckert, Co-Chair
Darla Rettie, Co-Chair

Media & Communications Law (63; 0)

Robert Sokalski, Chair

Municipal Law (72; 1)

Harold Dick, Chair

Public Sector Lawyers' Forum (79; 1)

Mary Ann Thompson, Co-Chair
Tracey Sterling, Co-Chair

Real Property (205; 4)

Ned Brown, Co-Chair
Howard Nerman, Co-Chair

Securities Law (80; 0)

Norman Snyder, Chair

SOGIC Manitoba (25; 4)

Krista Piché, Co-Chair
Paul Hesse, Co-Chair

Taxation Law (95; 1)

Paul Grower, Chair

Technology & Intellectual Property Law (95; 4)

Silvia de Sousa, Chair

Transportation Law (37; 0)

Joseph Barnsley, Chair

Wills & Estate Law (205; 2)

Sharon Tod, Chair

Women Lawyers' Forum (174; 3)

Karen Dyck, Co-Chair
The Hon. Madam Justice Freda Steel, Co-Chair

Young Lawyers' (474; 3)

Candray Mehkary, Chair

MBA Branch Statistics

<i>Members</i>	<i>Sections</i>
1,301	33
<i>Section Membership</i>	
4,109	



2009/2010 SECTION ACTIVITY

Aboriginal Law

November 24, 2009	Business with First Nations 101: Legal and Political Realities
January 22, 2010	Mid-Winter PD – Compensation for Impacts on Aboriginal and Treaty Rights
May 27, 2010	Research Tips Relating to Aboriginal Law Matters (joint meeting with the Legal Research Section)
June 4, 2010	Aboriginal Income Tax Presentation – Section 87 of the <i>Indian Act</i> (joint meeting with the Taxation Law Section)
June 14, 2010	Section AGM & Executive Election

Administrative Law

December 10, 2009	Challenges Facing Administrative Bodies in Manitoba
February 19, 2010	Tell Me Why: Reasons for Decisions by Administrative Tribunals

Alternative Dispute Resolution

November 5, 2009	Workplace ADR
December 9, 2009	Workplace Conflicts (joint meeting with the Labour Law Section)

Bankruptcy & Insolvency Law

November 19, 2009	Review and Discussion of a Standard Form CCAA Order for Manitoba
November 26, 2009	Practical Pre-Filing Considerations in a CCAA

Business Law

January 22, 2010	Mid-Winter PD – Raising Capital for Small Business Clients
June 21, 2010	General Business Meeting

Civil Litigation

January 22, 2010	Mid-Winter PD – Damages
June 14, 2010	Review of Lesser Known but Valuable Sections of the <i>Queen's Bench Act</i> and Rules

Constitutional/Human Rights Law

November 9, 2009	Transgender Rights: Fireside Chat with Prof. Karen Busby (joint meeting with SOGIC Section)
January 22, 2010	Mid-Winter PD – Detention and Section 24(2) of the <i>Charter</i> : Where do we go from here? (joint meeting with Criminal Justice Section)
June 9, 2010	25 Years of Section 15 (joint meeting with the Equality Issues Section)

Construction Law

March 17, 2010	Overview on Bonds
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Corporate (In-House) Counsel

September 4, 2009	Trustees as Parties to Commercial Transactions
October 28, 2009	Lunch and Tour of the Hydro Building
December 10, 2009	Market Insights & Perspectives
February 17, 2010	The Do's and Don'ts of Companies as Litigation Parties – Can a big corporation win a case against the little guy – and what can a corporation do to win (or certainly lose?)
March 17, 2010	New Rules for a New Decade
May 25, 2010	The Power and the Pain of Social Media – how blogging and social media tools like Facebook, Twitter and MySpace can work for, or against, you

Criminal Justice

November 6, 2009	How to Avoid Rejection in the Court of Appeal: Current and Upcoming Rules and Practice Directions
January 22, 2010	Mid-Winter PD – Detention and Section 24(2) of the <i>Charter</i> : Where do we go from here? (joint PD with Constitutional/Human Rights Section)
May 20, 2010	Top Supreme Court of Canada Criminal Cases for 2009-2010/Annual Wrap Up & Elections
June 10, 2010	Getting Your Feet Wet: Jumping into the Practice of Criminal Law

Environmental Law

September 15, 2009	Environmental Site Tour
December 11, 2010	Miscellaneous Environmental Law Updates
March 16, 2010	Implications of the SCC Decision in <i>MiningWatch Canada v. Canada</i>
June 11, 2010	General Business Meeting

Equality Issues

October 21, 2009	Planning for the Year
November 3, 2009	Information Session on the Lawyers' Daycare
June 9, 2010	25 Years of Section 15 (joint meeting with the Constitutional/Human Rights Section)

Family Law

November 30, 2009	"An Honourable Profession"
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2009/2010 SECTION ACTIVITY



December 15, 2009	Annual Holiday Party	February 10, 2010	Review and Discussion of Zoning Memorandum Proposal for Residential Property Purchasers
February 25, 2010	Contempt Orders in Family Law	April 8, 2010	What Manitoba Surveyors do and how they can help you
March 26, 2010	A Judge's Verdict on Separation, Custody Battles and the Bitter Realities of Family Court	April 27, 2010	Condominium Law and Practice Update
April 28, 2010	Inter-Jurisdictional and International Child Custody Enforcement and Judicial Communication	SOGIC Manitoba	
June 10, 2010	Annual BBQ	October 2, 2009	General Business Meeting
Health Law		November 9, 2009	Transgender Rights: Fireside Chat with Prof. Karen Busby (joint meeting with Constitutional/Human Rights Section)
April 19, 2010	Manitoba eHealth: An Overview	April 14, 2010	General Business Meeting
Immigration Law		June 1, 2010	Pride Week Reception
September 30, 2009	Recent Developments in Immigration Case-Law	Taxation Law	
December 7, 2009	Provincial Nominee Program	June 4, 2010	Aboriginal Income Tax Presentation – Section 87 of the <i>Indian Act</i> (joint meeting with the Aboriginal Law Section)
February 24, 2010	Judicial Review before the Federal Court with a Focus on Work Permit Refusals	Technology & Intellectual Property Law	
June 30, 2010	Service Canada Update – Foreign Worker Program	October 6, 2009	Brainstorming for the Year
International Law		November 30, 2009	Security & Technology
November 13, 2009	Engaging Counsel Abroad	January 22, 2010	Mid-Winter PD – Trends in Technology Contracting
February 12, 2010	CentrePort: A Foreign Trade Zone	June 9, 2010	Annual Update on IP and Technology Law
June 25, 2010	General Business Meeting	Wills & Estates	
Labour Law		June 2, 2010	Executor's Fees and Legal Fees on Estates
December 9, 2009	Workplace Conflicts (joint meeting with the Alternative Dispute Resolution Section)	June 24, 2010	General Business Meeting
Legal Research		Women Lawyers' Forum	
December 7, 2009	Holiday Party	October 29, 2009	Wine, Women & Song Event
January 22, 2010	Mid-Winter PD – Making Sense of Statutory Interpretation	March 4, 2010	When it Comes Time to Tango Make Sure You are in Step with Your Partners: Partnership Structures in Winnipeg Law Firms
May 27, 2010	Research Tips Relating to Aboriginal Law Matters (joint meeting with the Aboriginal Law Section)	June 8, 2010	Come Together – Spring Networking Event
Municipal Law		Young Lawyers'	
December 2, 2009	<i>The Municipal Conflict of Interest and Campaign Financing Act</i>	September 16, 2009	Annual Wine & Cheese
Public Sector Lawyers' Forum		November 4, 2009	An Overview of Appearing in Small Claims Court
May 26, 2010	The Accidental Owner: Crown Perspectives on Property Forfeiture	January 22, 2010	Mid-Winter PD – Tax Law Refresher
Real Property Law			
November 18, 2009	Manitoba Titles Office Conveyancing Practice Tips		



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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