

Reports to Council
Halifax, NS
13-14 August 2011

Reports to Council August 2011

Report of the President	6
Branch Presidents' Reports	8
ALBERTA BRANCH REPORT	9
BRITISH COLUMBIA BRANCH REPORT.....	10
MANITOBA BRANCH REPORT	11
NEW BRUNSWICK BRANCH REPORT	13
NEWFOUNDLAND & LABRADOR BRANCH REPORT	14
NORTHWEST TERRITORIES BRANCH REPORT	16
NOVA SCOTIA BRANCH REPORT.....	18
NUNAVUT BRANCH REPORT.....	19
ONTARIO BRANCH REPORT.....	20
PRINCE EDWARD ISLAND BRANCH	25
QUÉBEC BRANCH REPORT	26
SASKATCHEWAN BRANCH REPORT	27
YUKON BRANCH REPORT	29
CANADIAN CORPORATE COUNSEL ASSOCIATION	30
Standing Committee Reports	33
AWARDS COMMITTEE	34
COMMUNICATIONS COMMITTEE.....	35
PROFESSIONAL DEVELOPMENT COMMITTEE.....	37
EQUALITY	38
ETHICS AND PROFESSIONAL ISSUES	40
INTERNATIONAL DEVELOPMENT COMMITTEE.....	41
JUDICIAL COMPENSATION AND BENEFITS COMMITTEE	43
LAW DAY COMMITTEE.....	44
LEGAL AID LIAISON COMMITTEE.....	46
LEGISLATION AND LAW REFORM COMMITTEE	47
MEMBERSHIP COMMITTEE.....	50
PRO BONO STANDING COMMITTEE	51
RESOLUTIONS, CONSTITUTIONS & BY-LAWS	52
SUPREME COURT OF CANADA BENCH AND BAR LIAISON COMMITTEE.....	53
Special Committees & Task Forces	54
CBA NATIONAL TASK FORCE ON CLASS ACTIONS.....	55
TASK FORCE ON CONFLICTS OF INTEREST.....	56
FEDERAL COURT BENCH AND BAR LIAISON COMMITTEE.....	57
TAX COURT BENCH AND BAR COMMITTEE.....	58
WORKING GROUP ON NO-FAULT COMPENSATION.....	59

Editorial Boards	60
CANADIAN BAR REVIEW	61
National Sections	62
NATIONAL SECTIONS COUNCIL	63
ABORIGINAL LAW SECTION.....	65
ADMINISTRATIVE LAW	66
AIR & SPACE LAW SECTION	67
ALTERNATIVE DISPUTE RESOLUTION SECTION (ADR)	68
BANKRUPTCY & INSOLVENCY SECTION.....	71
BUSINESS LAW SECTION.....	72
CHARITIES AND NOT-FOR-PROFIT LAW SECTION.....	74
CITIZENSHIP & IMMIGRATION LAW SECTION	76
COMMODITY TAX, CUSTOMS & TRADE SECTION	79
COMPETITION LAW SECTION	80
CONSTITUTIONAL AND HUMAN RIGHTS LAW SECTION.....	82
CONSTRUCTION LAW SECTION.....	83
CRIMINAL JUSTICE SECTION	84
ELDER LAW SECTION.....	86
FAMILY LAW SECTION	88
HEALTH LAW SECTION.....	90
INSURANCE LAW SECTION.....	92
INTELLECTUAL PROPERTY LAW SECTION	93
INTERNATIONAL LAW SECTION	95
LABOUR AND EMPLOYMENT LAW SECTION.....	96
LAW PRACTICE MANAGEMENT & TECHNOLOGY SECTION.....	98
MARTIME LAW SECTION.....	99
MEDIA & COMMUNICATIONS SECTION	100
MILITARY LAW SECTION	101
MUNICIPAL LAW SECTION	103
NATURAL ENVIRONMENT, ENERGY AND RESOURCES LAW	104
PENSIONS AND BENEFITS LAW SECTION	106
PRIVACY LAW SECTION.....	107
REAL PROPERTY SECTION.....	108
TAXATION SECTION	110
WILLS, ESTATES & TRUSTS SECTION	112
Conferences	113
CONFERENCE CHAIRS.....	114
CANADIAN JUDGES' FORUM.....	115
CONFERENCE OF FRENCH SPEAKING COMMON LAW MEMBERS	116
GENERAL PRACTICE SOLO & SMALL FIRM CONFERENCE	117
LEGAL PROFESSION ASSISTANCE CONFERENCE	118
PUBLIC SECTOR LAWYERS' FORUM	120
SEXUAL ORIENTATION AND GENDER IDENTITY CONFERENCE.....	121
WOMEN LAWYERS FORUM	122

YOUNG LAWYERS..... 124

Report of the President

REPORT OF THE PRESIDENT

ROD SNOW

To be presented at Council.

Branch Presidents' Reports

ALBERTA BRANCH REPORT

ANALEA WAYNE, PRESIDENT

1. We are pleased to report that **Steven Mandziuk, QC** of *Finning (Canada)* has now been acclaimed CBA-Alberta Branch Secretary for the upcoming 2011 - 2012 term. We look forward to his contributions in the years to come.
2. The hard work and success of our Sections continues with ongoing CLE opportunities for our members in meetings and online with our webcasts.
3. We continue to participate in many initiatives that support our members, from articling students to senior members of the judiciary. We have continued to bring greetings on behalf of the CBA at the swearing-in ceremonies of new Provincial Court Judges, Queen's Bench Justices, and Court of Appeal Justices. Notably, we are pleased to announce that Past President **Don Higa, Q.C.** has been appointed to the Provincial Court of Alberta. His swearing-in ceremony took place June 8, 2011.
4. **Law Day 2011** was an amazing success across our province. Various activities included: demonstration trials covering civil, criminal, family and custody areas; courthouse tours; "Ask a Lawyer" booths and mini-lectures; Citizenship Court ceremonies; public speaking contests for students from both junior and senior high schools; poster contests for elementary students; and mock trial competitions for high school teams. Branch Secretary **Marian De Souza** and I were also very fortunate to have participated in the Citizenship Ceremonies where approximately 200 individuals in Calgary and Edmonton were sworn in as new Canadians.
5. CBA-Alberta continues to partner with stakeholders in our communities, including the Alberta Lawyers' Assistance Society (ASSIST) and Pro Bono Law Alberta (whose Executive Directors happen to be **Marian de Souza** and **Gillian Marriott, Q.C.**, respectively) by participating in other legal initiatives such as the "Pro Bono – Raising The Bar" events taking place across our province.
6. The devastating wildfires in Slave Lake and region have also called everyone to action. Lawyers in the region have suffered huge personal and professional losses, having had homes and business burn to the ground in these fires. We are currently beginning discussions of ways to assist the lawyers in Slave Lake in dealing with these losses, and are also looking into ways of helping citizens get access to legal assistance with any potential claims arising from the fire losses.
7. Lastly, our most recent provincial Meeting of Council was held on May 12, 2011. This meeting, largely the brainchild of our Vice President, **Jeff Wise**, called upon our Council members to develop a strategic plan of revamping our Council Meetings as well as ways to better carry out our mission and strategic plan; in essence, ways to invigorate our Branch. This meeting, with the assistance of ibis communications, was a great success and has given us some direction that we hope will not only allow us to better carry out our mandate, but to increase membership and member satisfaction.

BRITISH COLUMBIA BRANCH REPORT

STEPHEN MCPHEE, PRESIDENT

Membership

The BC Branch maintains a healthy membership and our committee continues to employ the lapsing member protocol. This year we put added focus on the large firms and I met with the managing partners, both universal and not, for very fruitful discussions about what the Branch was offering and could provide. All the managing partners were appreciative of the effort that went into meeting with them to get their feedback, and noted that the meeting itself was an indication of the responsiveness of our Branch to their issues.

Successes

The Public Commission on Legal Aid report was released March 8, 2011 and generated a great deal of press and interest in BC and Canada. We have met with the new Attorney General and the Commissioner Len Doust QC to begin the dialogue needed to follow up on the recommendations. In addition we are actively engaging communities in post-report activity using the Law for the Future Funds that we were successful in securing for the legal aid initiative.

We now have 78 Sections and Fora and our Professional Development offerings are growing exponentially. A focus on rural delivery of PD is creating more partnerships with local and county bars and we have set policy on partnership pricing which makes us an attractive option.

Our student loan lobby continues and has moved forward and we think we have had success in identifying of a champion within the current government caucus. Our Government Relations Committee has designed a strategy with which we are moving steadily ahead.

The Rural Education and Access to Lawyers (REAL) program is again placed 21 students this summer and held a much lauded reception for rural lawyers and students in conjunction with our March 2011 Provincial Council meeting.

We continue involvement in monitoring and participating in the recent law reform issues including the new Civil and Family Court Rules, the new Family Relations Act and the Limitations Act. Shortages and delays within the Provincial Court system are being addressed by our Court Services

Retiring members of the bar are asking us to help with succession planning and assistance with getting better benefit plans for older lawyers. We will be addressing these issues over the next year.

The 6th annual Branch Conference will be in Las Vegas Nevada, November 18- 20th and, will be a sought after professional development event.

MANITOBA BRANCH REPORT

ANTHONY J. KAVANAGH, PAST PRESIDENT

Membership: Manitoba has just under 1,300 members, a small increase over 2010 and about a 2/3 penetration rate. Our lawyer/student mentorship program, matching law students with practicing lawyers, continues to be a successful recruitment campaign. Both the student and the lawyer must be CBA members to participate. The arrangement whereby Manitoba Crown Attorneys receive employer financial support for CBA membership has been extended and we have seen growth in this sector. All of Manitoba's Provincial Court judges are members. To encourage participation and recruitment of rural members, the MBA offers travel rebates for members who practice outside of Winnipeg to attend Section PD meetings, web-cast Section PD meetings and the ability to participate in MBA Section PD meetings via teleconference. We have also been hosting meetings with various firms to remind them of CBA membership benefits.

Fundraising and Community Profile: The MBA continues to work support the Manitoba Theatre Centre in its annual joint theatre production. All cast members must be CBA members. This year's play was "Gypsy". To date the event has raised close to \$1,000,000 in support of the Manitoba Theatre Centre. A \$10,000 cheque was presented in January, 2011 to a local food bank, Winnipeg Harvest. The MBA embarked on a series of Town Hall Meetings in Brandon, Steinbach, Thompson and Winnipeg this year. Once the sessions are concluded, the MBA will produce a report of issues for consideration.

Communications CLE and Member Services: Ten issues of the branch member newsletter *Headnotes & Footnotes*, were published. The MBA web page and the addition of some social media links for specific events has increased outreach. Law Day was another great success in Winnipeg, Brandon, Dauphin with some smaller events taking place in smaller centres. The 2011 MBA Mid-Winter Meeting was held at the end of January at which time, the annual MBA Distinguished Service Award was presented to Roland Penner, CD, Q.C., a former A.G. and Dean of Manitoba's Law School. Attendance at this year's Mid-Winter meeting was strong. The MBA hosted its annual member curling bonspiel and a charity golf tournament. Mid-Winter and regular Section meeting PDs continue to be amongst the most popular member services.

Government Affairs: The MBA continues to meet with the Minister of Justice and Attorney General for Manitoba, and also has regular meetings with the Justice Critic. The meetings are effective as a regular venue for the exchange of ideas, and in keeping the lines of communication open to the Minister and his staff. Sections frequently communicate with government representatives on law reform and in relation to new legislation. For example, we have raised issues about needed funding changes to Legal Aid services and the shortage of counsel outside Winnipeg, and other access to justice issues.

The Judiciary: Our relationship with our Chief Justices and Chief Judge and their courts is very positive. At our annual dinner with the Associate and Chief Justices and Judges and in other, less structured settings, we have an opportunity to speak candidly about issues of common interest and concern. The MBA Young Lawyers' Section organizes the annual Young Lawyers' Judges Luncheon. There are also informal Committees in place with the Court of Queen's Bench and Provincial Courts to deal with

issues that sometimes arise between the legal profession and the courts. The MBA is invited to bring greetings at all Swearing-In-Ceremonies and participates in the formal selection process of Provincial Court Judges and Masters.

Closing: Thank you to Stacy Nagle, MBA Executive Director, the CBA national staff, the Branch Executive and Council, the Board of Directors and the many, many volunteers who promote the objectives of the CBA.

NEW BRUNSWICK BRANCH REPORT

Not submitted.

NEWFOUNDLAND & LABRADOR BRANCH REPORT

JANIE BUSSEY, PRESIDENT

The CBA-NL Branch has been very busy this year with a number of social events and new initiatives, some of which are highlighted below. A very big thank you goes to the Executive Committee and to all the volunteers who make the work of the Branch possible.

Sections: There have been a number of Section activities take place this year, one highlight being the launch event for the Woman's Lawyers Forum in Newfoundland & Labrador. The inaugural event brought together female members of the Branch and was a wonderful evening where senior female members shared their wisdom of experience with our junior members.

Courtesy Calls: Vice President Susan Gover and I were very busy in the fall meeting with members of the local Judiciary, including Chief Justice Green, Supreme Court of Newfoundland and Labrador, Appellate Division, Chief Justice Orsborn, Supreme Court of Newfoundland and Labrador, Trial Division, Chief Judge Pike, Provincial Court and the Honourable Felix Collins, Minister of Justice, Newfoundland and Labrador, to discuss the opportunities and issues identified by our members.

Membership: This year the Branch was invited to give a presentation on CBA membership to the Provincial Court Judges and the Supreme Court and Court of Appeal Judges. The Branch was thrilled to have this opportunity to speak to the Judges regarding the many benefits of being a CBA member.

Pro Bono: The Branch Pro Bono Committee is commencing a pilot project for pro bono services which is anticipated to begin in September 2011. The pilot project will involve pro bono lawyers providing legal advice to self-represented litigants who have already appeared in court and have been referred to the CBA-NL pro bono service for legal advice by the presiding justice. Thank you to the CBA-NL Pro Bono Committee for bringing this initiative forward.

Bar Admission Course: In November the Branch completed its annual presentation to the students at this year's Bar Admission Course. We were happy to have the opportunity to meet with our newest lawyers to tell them about the work of the CBA and why CBA membership is an asset for any young lawyer. Following the students bar admission course exam, the Branch was pleased to host a reception the students, their principals, Judges, Law Society Representatives and course instructors.

Socials: In December the Branch hosted two very successful social events. The first was the President's Reception, enjoyed by our members every holiday season. The second was the Young Lawyers Holiday Social on December 20th. Approximately 40 Young Lawyer Members and law school students were in attendance, including students from Newfoundland and Labrador attending Dalhousie and the University of New Brunswick.

2011 Mid-Winter Meeting: The 2011 Mid-Winter Meeting was held in St. John's in March. Highlights included a PD session entitled ADR & Experts - Views from the Bench and Bar, a luncheon with the Honourable Felix Collins, Minister of Justice and Attorney General and a Dinner and Presentation of the Excellence in Journalism Award.

During the Mid-Winter Meeting the Branch also welcomed CBA President Rod Snow to St. John's. During Rod's visit he and I had the opportunity to have a courtesy call with Chief Judge Pike and Associate Chief Judge Hyslop to discuss the opportunities and issues that our members have identified.

Easter Egg Hunt and Brunch: The Branch Easter Egg Hunt and Brunch took place on Sunday, April 17th. The now annual event once again saw a great turnout of members and their families. CBIA once again generously sponsored the Easter Egg Hunt and Brunch and was thoroughly enjoyed by all.

Annual General Meeting: The Branch Annual General Meeting will be taking place from July 14-16th in St. John's. Events will include a Professional Development session, luncheon with guest speakers from the hit CBC series, Republic of Doyle, an afternoon of golf and the presentation of the Distinguished Public Service Award..

NORTHWEST TERRITORIES BRANCH REPORT

ELAINE KEENAN BENGTS, PRESIDENT

We are pleased to report some of the highlights for the Northwest Territories Branch of the CBA in the six months since we reported to Council at the Mid-Winter Meeting in Charlevoix.

1. Our Winter General Meeting was held in Yellowknife on February 11th, at which we received reports on section activities and heard a presentation by invited guest, Anita Kapoor, CBIA Coordinator with the Silverberg Group about the change to the Personal Insurance Company and the other products available
2. We responded to criticism aimed at the bench with respect to sentencing practices in criminal court proceedings
3. As president of the Branch, I was invited to and was pleased to attend the Alberta Law Conference in Edmonton and very much enjoyed the hospitality of the Alberta Branch. Many thanks to Analea and the rest of the Alberta Branch.
4. We've hosted a number of professional development sessions including:
 - Legal and Constitutional History of the NWT- Part II
 - Expert Evidence
 - Guardianship Applications
 - Workshop on Vicarious Trauma (in conjunction with the Law Society, in partnership with the PPSC NWT Regional Office)
 - Climate Change: The International Perspective
 - The Lawful Execution of Duty
5. A Call for Nominations for the Secretary Treasurer Position as well as Branch Council has gone out to the members. In September Malinda Kellett will assume the Presidency and Jeannette Savoie will move up the ladder to Vice-President.
6. Thanks to the efforts of our Executive Director, Linda Whitford, and our past President, Janice Walsh, who laid the groundwork, we have increased our membership by 11 members. That makes for a 34% increase in membership over the last two years!! Much of our success in this regard lays in convincing public service lawyers that the CPD that the CBA has to offer is well worth the membership fee. The increased numbers are almost all from the PPSC. We are working on a program to entice GNWT lawyers into membership and hope to report another 15% increase in numbers in the next few months.
7. Law Day celebrations in the Northwest Territories was focused on activities in Yellowknife. In addition to school visits to talk to high school students about the practice of law, several members set up a bake sale at a local downtown mall,

and handed out legal information to the public, while raising approximately \$350.00 to donate to the local Women's Shelter.

8. Obituary: The legal community of the Northwest Territories said goodbye to one of its longest standing members, Donald M. Cooper, who passed away on March 28th, 2011 after a long battle with cancer. Justice Cooper arrived in Yellowknife as a young lawyer in 1975 and helped to grow one of the most enduring and well known law firms in the Northwest Territories and contributed in so many ways to the fabric that is the Northwest Territories. He will be missed.
9. Within the next month, the legal community will also be saying goodbye to Justice John Z. Vertes, who will be retiring from the bench after 21 years. A farewell get together will be held at the end of June to wish Justice Vertes well in his new endeavors.
10. Upcoming CBA events:
 - NWT Branch Summer General Meeting - June 28, 2011
 - Annual Branch Barbeque - June 28, 2011
 - CLC in Halifax, August 2011
 - NWT Branch and Law Society President's Dinner September 2011
 - Advocacy Program - September, 2011

THANK YOU: A special "thanks" to our staff and those that take the time to volunteer on CBA sections, conferences, Executive, Council and CPD events. Without this teamwork and dedication none of this would be possible!

NOVA SCOTIA BRANCH REPORT

Not submitted.

NUNAVUT BRANCH REPORT

Not submitted.

ONTARIO BRANCH REPORT

LEE AKAZAKI, PRESIDENT

PRIORITIES FOR THE OBA IN 2010-11

The OBA membership saw us working on three key areas: (1) making the OBA a more truly provincial organization; (2) encouraging universal Sections enrolment; and (3) promotion of women in the law. In between, the OBA is more vibrant, inclusive and influential in core areas than at any time in its great history.

PUBLIC AFFAIRS (COMMUNICATIONS AND MARKETING, GOVERNMENT AND STAKEHOLDER RELATIONS AND DEVELOPMENT)

Government and Stakeholder Relations

OBA working groups have delivered influential submissions and commentary, with numerous others in the pipeline as of time of writing:

1. Bill 179, Building Families and Supporting Youth to Be Successful Act, 2011
2. Response to the Final Report of the Catastrophic Impairment Expert Panel
3. Bill 151, The Ontario Forest Tenure Modernization Act
4. Bill 160, Occupational Health and Safety Statute Law Amendment Act, 2011
5. Draft Regulations Regarding Pension Asset Division on Marriage Breakdown
6. OBA Submission on Administrator's Management of Inquiries and Complaints from Plan Beneficiaries
7. Justice for Small Business and Ontario Families – OBA Submission to the Pre-Budget Consultations of the Standing Committee on Finance and Economic Affairs
8. Ontario Bar Association Submission to the "Unbundling Working Group of the Professional Regulation Committee", Law Society of Upper Canada, Regarding Limited-Scope Legal Services/Representation
9. Submission to the Honourable R. Roy McMurtry's Review of the Public Works Protection Act
10. Bill 120, Securing Pension Benefits Now and for the Future Act, 2010
11. Bill 122, Broader Public Sector Accountability Act
12. Ontario Bar Association Submission on Provincial Policy Statement Review
13. Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009
14. Bill 65, the Not-for-Profit Corporations Act, 2010

The Real Property section and President Akazaki met with the Ministry of Finance to discuss the next steps with the Electronic Land Registration Services Act.

The OBA attended the 20-year celebration for Premier McGuinty in Ottawa, the reception for PC Justice Critic Ted Chudleigh in Toronto and the LEAF Persons Day Breakfast in October.

Lawyers 1, Accountants 0. The OBA successfully persuaded the Law Commission of Ontario to recommend against providing special status to auditors and financial advisors under the Ontario joint and several liability regime.

On the 7th of October, Kenning Marchant, Steve Pengelly and other members of the Association for Sustainable Legal Aid (ASLA), attended a meeting with the Legal Aid Ontario Board of Directors. They agreed they wanted to use this opportunity to re-build the relationship which had existed between ASLA and LAO.

Publications

The OBA's *Briefly Speaking* is published 6 times a year. It has received many positive comments from members and provides a tremendous resource. The OBA also publishes dozens of section newsletters going out to the OBA's 36 practice sections.

A new central photo gallery page has been added to our website. This page acts as a location to find all images hosted on our website whether they are section, PD, advocacy or association-wide events.

The new Conference Centre website was launched in July and can be viewed at www.obaconferencecentre.org. The new website features narrated slideshows of each room, interactive 3D floor plans and updated images of all rooms in the Conference Centre.

Law Day

OBA was out in force again, providing volunteer judges and classroom resources to schools across Ontario. Promotion for Law Day began in November with brochures going to all Ontario secondary and elementary schools promoting the OBA's programs. A new www.lawdayontario.ca and www.lajourneedudroit.ca website was launched in early November. The new website allows for information sharing and dissemination, program registration and link through to our social media pages.

French Without Tears

This autumn's start date for French Without Tears Toronto was delayed by one week due to our professor's delayed return to Toronto from Europe. Participants in the beginner and intermediate 1 classes were pleased to receive a free accompanying course CD to facilitate comprehension and pronunciation. The CDs were produced in-house at a nominal cost that after this pilot will be incorporated into the price of the course. Ottawa's French Without Tears 10-week courses took place at St. Paul University.

Official Languages Committee (OLC)

Over the summer, the OLC has seen a shift in membership which includes the addition of further members as well as the departure of more senior members after a long history on the committee. New members include senior members of the Bar as well as newer calls and representatives of the Francophone student associations.

Social Media

After the successful launch of ALERT's Justice Youtube channel and several event pages for section programs and a joint program with the LSUC, the next step for OBA social media plan was to prepare an OBA group on Facebook and LinkedIn. The group provides a platform to update members on important legal issues, OBA programs, advocacy and special offers.

PROFESSIONAL DEVELOPMENT (CLE, SECTIONS, AND REGIONAL)

The Citizenship and Immigration Section was the first one to kick-off our fall programming with 80 members in attendance. The Award for Excellence in Civil Litigation award dinner honouring Bonnie Tough took place on September 29th with about 450 on hand for a great evening. OBA has had a full CPD line-up of 21 programmes exclusive of section programmes. Registrations have been strong with a number of programs reaching a registration count of over the 100. The YLD Committee delivered a "Your First Judicial Review" which featured a live sitting of the Federal Court here at the OBA hearing a judicial review of an immigration case. Live regional programming is also starting to make good inroads. We have offered programmes in trusts and estates in Kitchener (43 registrants) as well as in Ottawa (58); labour and employment in Ottawa (46); civil litigation in Windsor (30); as well as public sector law in Ottawa (18). We have 4 more programs scheduled until June and we hope to continue this trend in the fall.

The **36th Annual OBA Institute** was co-chaired by Andrew Pinto (Toronto) and Janice Vauthier (Thunder Bay). 'Institute 2011 was a roaring success, with over 2,000 registrations, held at the Fairmont Royal York. The OBA Institute is the largest annual gathering of lawyers in Canada. Steve Paikin, from TVO's The Agenda, was the keynote speaker. With 24 CPD programmes and 250 great speakers, the OBA Institute provided a great opportunity for Ontario lawyers to obtain their mandatory hours in one event.

The OBA has invested significant resources into its webinar capability, including the installation of remote control cameras and the launch of a new platform under ePresence. This will permit tremendous user-flexibility in terms of watching and listening to webcast PD offerings, as well as desktop access to educational materials. *The OBA would like to express its special thanks to the CBA for prioritizing work on the e-commerce capacity of the CBA server for the OBA, to permit the full launch of the new OBA PD web offerings. We are now up and running!*

As of April 29h, OBA sections delivered 112 programs, and many more to be counted in the last month.

May and June have been busy with year-end dinners and awards. As of April 29th we received 20,895 section enrolments from 9, 381 members.

The Mentorship Program is up and rolling across the province. About 100 mentoring matches were made. There is a suggestion to create an ongoing mentoring registry. Chair of Mentorship, Kathryn Gamble-Lerchner has been working with Cathy Robinson and mentorship volunteers to develop this idea.

MEMBERSHIP

Membership has modestly increased despite the loss of some universal firms. One of the three Toronto-based large universal firms that decided last year to end its universality, has re-considered and has purchased memberships for 131 of its 134 lawyers. This is an indication that we are having some success in our joint efforts (CBA and OBA) to better inform large universal firms of the benefits of CBA/OBA membership and outline the return they receive on their membership investment. It is also reflective of our efforts to sell membership value directly to lawyers, rather than to law firms.

Membership Committee members are providing phone follow-up to local area members to prompt them to renew their membership. The Committee is keen to continue this initiative because it supports member retention, in that, more than half of those members who receive personal phone calls from a lawyer volunteer, ultimately choose to renew their annual membership.

All 2,500 Student members (Law School and Articling) are now enrolled in YLD. This change was recommended by the Student Division and supported by Council. In addition to YLD, students can now choose 2 practice Sections as well. As a result of this improved offering, we have seen a surge in Student enrollments over the past week.

The good news is that the OBA has doubled the number of members who have stayed on as paying members after first joining for free while attending law school.

Regarding the OBA's proposed 5-year extension, because the work of the Fee Review Committee is about to start, it was felt that the Student fee structure will become part of this Committee's undertaking as well. Therefore, Ontario will continue to offer Free membership to Law School students until the recommendations of the Fee Review Committee are brought before CBA Council.

CBA 2ND VICE-PRESIDENTS' ALL-CANDIDATES MEETING

Two candidates from Québec ran for the position of 2nd Vice-President of the CBA: Fred Headon and Lucasz Granosik. At the December 3, 2010 Council meeting, OBA held an "all-candidates" meeting.

OBA FALL COUNCIL MEETING, GRAVENHURST

The October, 2010, OBA Council Meeting, held in Gravenhurst, was a sold-out success in terms of overall attendance and participation by Board members and Council members. This gathering dealt entirely with the development of initiatives to bridge the regional disparities within the OBA. We have certainly captured the imagination of our younger members.

ADMINISTRATION/OPERATIONS

OBA was proud to be the host branch for the CBA's Canadian Legal Conference in Niagara Falls. As members are aware, the Ontario Organizing Committee, chaired by Shelley Timms and Dan Pinnington, ably assisted by Paul Sweeny, Jamie Trimble and many others, did a marvelous job of ensuring that the 2010 event was a tremendous

success. While numbers were down slightly, they were in the range anticipated by CBA. Numerous positive comments were offered about the improved quality of the CLE offerings, the especial events – including the winery tour which replaced the law firm receptions – and the spectacular scenery. CBA was most grateful for the generous financial support for the CLC provided by the OBA and that support was recognized in many ways throughout the event.

WOMEN IN THE LAW

OBA has been developing a Women's Network Series to provide career-advancement events to complement the substantive legal work performed by our Feminist Legal Analysis Committee (FLAC). The OBA has also fostered a partnership with the Women's Law Association and Young Women in Law on a number of events. OBA has approached such organizations, not as competitors but as equity-seeking entities to be supported by the greater bar. As noted below, the OBA President's Award was conferred on the Women's Legal Education and Action Fund (LEAF).

AWARDS

The following are the winners of the OBA Awards, held at a gala at Toronto's Park Hyatt, on April 28:

OBA President's Award – **Women's Legal Education and Action Fund (LEAF)**
Linda Adlam Manning Award for Volunteerism – **Alayna Miller**
OBA Awards for Distinguished Service: **the late John Hodgson; the Hon. Heather McGee; and Eugene Meehan**
Attorney General's Mundell Medal for Legal Writing – **Prof. Constance Backhouse**

In addition to these, the OBA awards and sponsors numerous section awards which attract hundreds of attendees.

“OBeA” – BENCHER ELECTIONS

In order to support OBA benchers candidates, the OBA Public Affairs department delivered a full-court press in promoting OBA members nominated to stand in the Bencher elections, including a “get the vote out” on behalf of OBA candidates. Unlike some associations, OBA has been assisting every OBA member candidate accepting the help, and has been actively offering the help.

It was our goal to ensure as many Benchers as possible are also OBA members. OBA is very pleased to report that 75% of Toronto-based elected benchers are OBA members, and virtually all of those elected from outside of Toronto are OBA members.

PRINCE EDWARD ISLAND BRANCH

Not submitted.

QUÉBEC BRANCH REPORT

GERRY APOSTOLATOS, PRESIDENT

Among this year's achievements, mention should first be made of the modernization of our administrative structure, further to the adoption of new bylaws that are better suited to the realities of our Association. One major renovation was a reorganization of management. A new general management structure now oversees the CBA-Québec Branch (the "Branch"), a communications position has been created and a review of task definitions was carried out for the entire team. Essentially, a new and more dynamic administration has been created, ready to meet the stimulating challenges that 2011-2012 is sure to bring.

Several of this year's activities were unqualified successes. Among these was the President's Dinner, held in Montreal, of which the Honourable Louise Mailhot, a pioneering lawyer and the first woman to be appointed to the Québec Court of Appeal, was honorary chair. Rod Snow, National President of the CBA, and R. Lee Akazaki, President of the Ontario Branch, attended this sold-out event. Dr. Samantha Nutt, Founder and Executive Director of War Child Canada, spoke at the dinner about the ravages of war, famine and poverty, and the role of the legal community in advancing human rights globally. The Jules-Deschênes Prize was awarded to M^{re} Michèle Gamache in recognition of her invaluable contributions as a Branch member and volunteer, and her infectious team spirit. The Equality Committee underscored the 25th anniversary of Section 15 of the Canadian Charter of Rights and Freedoms by organizing a conference entitled LE DROIT À L'ÉGALITÉ, LES DÉFIS DU XXIE SIÈCLE : RÉFLEXIONS ET DISCUSSION [Equality rights and the challenges of the 21st century: reflections and discussion] presided by the Chief Justice of Québec, the Honourable Michel Robert, and the former Chief Justice of Ontario, the Honourable Roy McMurtry.

This year the Executive Committee formally adopted a communications plan. The plan calls for a series of strategic initiatives that, in particular, will allow the Branch to make a major step forward in terms of technology. Thus, the Branch's website will become the go-to tool for information and for heightening the Branch's profile among our members. In addition, an e-bulletin will be published online that will serve as an editorial platform featuring topics of interest and as a source of information on Branch activities and Branch-sponsored CLE events. Marketing and institutional communications efforts will also be deployed to publicize the Branch's mission, positions and products, and to highlight its image. The communications plan also furthers our intent that the Branch take on a more conspicuous public role. To that end, we have instituted a Legislation and Law Reform Committee. This committee will coordinate the public positions taken by the Branch on legislative and legal issues of significance for Québec and will be the CBA's public face in the province. In this regard, the Branch has submitted several public position papers this year with a view to improving the law and the legal system. Finally, with a view to enhancing both our public profile and the benefits available to our members, the Branch intends to enter into partnership arrangements with various associations of interest.

On the continuing legal education front, the Branch is proud of the extraordinary success of its online CLE centre, and particularly its video-conference recording rental service, which has allowed a large number of lawyers to meet their CLE obligations. The product of an extraordinary effort on the part of our various sections, this feature gives our members access to high-quality instruction of which they are most appreciative.

SASKATCHEWAN BRANCH REPORT

PERRY D. ERHARDT, Q.C., PRESIDENT

The Saskatchewan Branch has held a number of events at the University of Saskatchewan, College of Law since September 1, 2010. These include the following:

September 30 – CBA Wine and Cheese reception for law students. We signed up 72 new student members at this event.

October 14 - Meet your Mentor Event - Mentorship Program – 96 law students signed up to be matched with lawyers who volunteered to be mentors for this year. (Unfortunately, I was unable to attend this event, but am serving as a mentor to a student.)

November 8 – Law Firm Showcase – more than 25 law firms participated in a trade show format where students had an opportunity to meet and speak with lawyers and learn more about practicing law in different size firms and in various parts of the province.

January 2011 – Mock Interviews – students signed up for mock interviews conducted by volunteer lawyers from among the CBA membership. This assisted students preparing to interview for articling positions.

Our Branch has a strong and cooperative working relationship with the University of Saskatchewan, College of Law. In addition to events throughout the year, we also sponsor scholarship opportunities.

We held our first Executive and Council meetings of the 2010-11 season on September 23, 2010 and welcomed presentations from Stephen Hanson of our national office and Judge David Arnot, Chief Commissioner of the Saskatchewan Human Rights Commission.

On November 3, I hosted the annual Saskatchewan CBA President's Dinner for Past President's and presented the President's pin to Terry Kimpinski, Q.C. for his service as President last year.

In January, I attended both the Manitoba Bar Association's Council meeting (provided a brief report Council and brought greetings on behalf of the Saskatchewan Branch) and supper in Winnipeg, as well as the Alberta CBA's President's Dinner (attendance) in Edmonton. Both Ken and Analea were wonderful hosts at their respective events, and I thank them for the opportunity to have joined them and their local membership.

Also in January, my participation was required to consider important matters and the CCCA. We very much appreciate the leadership demonstrated on this issue by the Mediation team, National Executive and Staff, as well as the entire Board. We also thank Robert Patzelt, Q.C., and the new CCCA executive and board for their assistance.

On February 3, 2011, I chaired the third Saskatchewan Council meeting of my term, which received reports on recent activities of executive members and ongoing branch activities from

sections chairs. Barry Rossman, Q.C., Board member from CBIA, also presented to us on the recent change of service provider for insurance products.

Our Branch's Mid-Winter Meeting was held in Saskatoon on February 3 and 4, 2011, and I was pleased to host Analea Wayne, President of the Alberta CBA Branch, as our guest at both the Mid-Winter and Council Meetings. We were very pleased with the attendance (about 225 registrants) and all the presentations. Some highlights included the following:

- Phil Fontaine (former Chief of the Assembly of First Nations) – on Civic Responsibility and Ethics (although he spoke primarily about the residential school experience and settlement process);
- Professor Ed Berry – on persuasive legal writing;
- Rob Vanderhooft, CEO, Greystone Managed Investments – on economic trends and changes in regulation of the financial services sector; and
- Distinguished Service Award and Luncheon – recipient: Beth Bilson, Q.C.

Our Executive met on April 8, 2011, for a day set aside to develop a plan and budget for 2011-2012. While much of our budget stays the current course, we continue to allocate funds for special projects with the University of Saskatchewan, College of Law. Notably, we also set aside a significant allocation for an image campaign in Saskatchewan to promote the legal profession.

On April 14, 2011, I chaired our fourth Saskatchewan Council meeting of this year, which received reports on recent activities of executive members and ongoing branch activities from sections chairs. Council approved our proposed budget for the upcoming year, including the significant allocation for our proposed public image campaign (which campaign is yet to be developed). Our Executive and Council believe it is an important time to again especially promote the positive image of the profession.

In April, Our Law Day activities were well-received, particularly the McKercher Cup competition, a high school moot competition. Eight teams from across the province participated and performed very diligently and professionally. Our Law Day luncheon speaker, Lieutenant General Andrew Leslie, was postponed from April to May 17 (Saskatoon) and 18 (Regina), as a result of the federal election call. As a federal public servant, he was not permitted to publicly speak during the campaign. We thoroughly appreciated Lt-Gen Leslie's words on *The Canadian Forces in Afghanistan and Beyond*. His entire talk was informative, thought-provoking and entertaining. He highlighted the importance of an independent judiciary and the rule of law, which was especially compelling given his experiences in many countries where such institutions remain only a dream.

Members of our executive and I have attended a number of events representing and bringing greetings on behalf of the CBA and our branch, including introductions of new barristers to the court, swearing-in of new judges, and a reception for Chief Justice Beverley McLachlin on her visit to the College of Law and Women Lawyers' Forum in Saskatoon (Fall 2010).

The work continues with our Annual General Meeting on June 23, 2011 through to the end of my term on August 31, 2011.

Thanks to all who have made this a tremendous year, including all of our exceptional volunteers, my executive, national board members and national office staff, and especially Brenda Hesje, our Executive Director..

YUKON BRANCH REPORT

NORAH MOONEY, PRESIDENT

I am pleased to say that although we are a small branch, we have had many enthusiastic and active members in the past year. My year began with Council passing the resolution put forward from our branch regarding Access to Justice Issues for people with Fetal Alcohol Spectrum Disorder.

On September 3rd, Rod Snow and I met with the Yukon Deputy Minister of Justice to discuss the resolution. I attended the FASD symposium that was held in Whitehorse in September. Two of the members of our committee who brought the resolution forward are participating on the Advisory Committee on FASD. David Christie is the representative for the Health Law Section. David gave a presentation at the Health Law Conference in June. His presentation included a major focus on FASD. Our Criminal Law and Health Law Section are hoping to hold a professional development program in the fall to provide training to people in the justice community on FASD.

At the end of October we held a reception for Rod Snow. Our members were very excited to see Rod become the national president.

Sections: Our sections have been busy. The family law section has provided input into drafting new financial statements and Statements of Claim. In addition, the spring business meeting of the National Family Law Section was held in Whitehorse. The participants had a great time in Yukon and our local bar benefited by attending a full day of professional development training put on by the visiting lawyers. Debbie Hoffman, our Family Law Section chair, was instrumental in organizing the meeting. The business law section made submissions on amendments to the Business Corporations Act, the Societies Act and the Securities Act. The Women Lawyer's Forum organized a successful lunch, which included a panel of two senior women lawyers and one judge speaking to the members about their experiences practicing in Yukon. We had a committee make recommendations for revisions to the Landlord and Tenant Act. The Environmental, Energy and Resources Section was formed. The Young Lawyers held a clinic and mini tournament to introduce the sport of curling to the young lawyers. A lunch and learn with the Chief Judges from the Supreme Court and Territorial Court is coming up. The co-chairs are doing a great job providing young lawyers with the opportunity to get to know other members of the community.

Under the direction of Carrie Burbidge we held our first law day fair at the court house on law day. Students from the high schools as well as the public were invited and we had fifteen community groups set up displays. We also had a jeopardy game for the students on the topic of human rights and a presentation from the RCMP. In addition we held our 21st annual law day fun run and walk. The funds raised will go to our local charity FASSY. FASSY provides programs and services for individuals with FASD and provides education for their families, communities and service providers. We raised approximately \$6000 for FASSY.

On behalf of our branch I wish to thank everyone at the National office who give us such great support. I also wish to thank my executive for their support and a special thanks to our Executive Director, Laura Davidson, who makes are branch run smoothly.



CANADIAN CORPORATE COUNSEL ASSOCIATION

ROBERT PATZELT, Q.C., CHAIR

GOVERNANCE

- As of the end of this council meeting the Interim Executive Committee will have transitioned to the first new full Executive Committee of the CCCA which has full regional representation and a structure that will provide stability for the future.
- The CCCA Executive Committee and staff are working in conjunction with the CBA Staff to the in-house bar to integrate in-house counsel on sections, conferences and committees that have relevance.

CCCA MEMBERSHIP

- As of May 27, 2006, enrollment in the CCCA stands at 4,482 'Regular' members and 6,135 'Associate' members for a total of 10,617. CCCA will continue to work closely with CBA to promote membership over the next year. There has been modest growth in both the regular (3.704%) and associate (6.47%) categories over last year.

MEMBERS SERVICES

CCCA Publications

- The CCCA Magazine continues to be a very visible member service and is valued by members.
- An inaugural editorial board will be added to guide CCCA Magazine similar to the editorial board for National Magazine. This will be commencing in September and there will be 5 members from the in-house community on this advisory council.

Mentoring Program

- The CCCA Mentoring program is robust and 18 pairs have now been initiated for this year. Although small in number of participants, this is a powerful member program and is valued by our membership.

CCCA Surveys

- The Member survey has been completed and the findings will be shared directly.

Advocacy

- CCCA staff and CBA staff are making efforts to integrate in-house counsel into sections, conferences and committees that are relevant where there has been low or no representation before.

Continuing Legal Education

- The CCCA Annual Conference has 189 attendees registered which is a good turnout for the first year back in the CLC after a two year absence.
- The following programs will be offered in the balance of the summer and into the fall:
 - The course on Fundamental Tools for Finance and Accounting for Corporate Counsel will be offered in conjunction with McGill University:
 - 20-21 October, 2011 (Toronto)
 - 19-20 April, 2012 (Montreal)
 - 18-19 October, 2012 (Toronto)
- The Fall Training Camp for new to in house counsel is going forward in Calgary on November 7th and we will be promoting it at the CCCA Annual Conference. The program is almost complete and Lex Mundi is sponsoring it once again.
- 3 seminars are being held in conjunction with CCH:
 - Nathans Company meetings – December 8th, 2011
 - Ethical Considerations for In-House Counsel, (scheduled to take place from 12:00pm – 1:30pm on October 26th, 2011) and
 - Professionalism and Practice Management Best Practices for In-House Counsel (scheduled to take place from 12:00pm – 1:30pm on November 10th, 2011)
- CCCA is developing our own suite of seminars to be offered over the next 12 months

CCCA ASSOCIATION PARTNERSHIPS

- Geoffrey Creighton and Cathy Cummings are both presenting at the Canadian Society of Corporate Secretaries Conference in Quebec City later this summer.
- CCCA has met with the Ontario CGAs to brainstorm possible program synergies

CCCA INTERNATIONAL RELATIONSHIPS

- Meetings are held monthly with representatives from Australia, New Zealand, South Africa, Singapore, and Malaysia
- CCCA will be meeting with 3 more international bodies in the summer of 2011 to expand the affiliate agreement
- CCCA representatives will meet with all international affiliates in October 2011 to plan for the next phase of the affiliate agreement.

CCCA HUMAN RESOURCES

- CCCA now has a Director of Professional Development, Marlene Cashin, and a Marketing Communications Coordinator, Karen Sadler. An administrator is being hired and she will commence employment following the CLC.

This year has been one of transition and the Executive Committee is committed to bringing stability to the organization by linking the regional representation to the national body through a balanced governance structure. We have new staff in place, a new governance structure, and a strong and growing membership. We have a renewed understanding of member need through the member survey and we intend to deliver member value and to be the voice of in-house counsel in Canada.

Thanks to everyone for their commitment to our shared goals!

Standing Committee Reports

AWARDS COMMITTEE

KATHRYN BERGE, Q.C., CHAIR

Merci, membres du Conseil. Il me fait plaisir de vous présenter mon rapport à titre de présidente du Comité des prix et récompenses.

The Awards Committee is responsible for three prestigious awards: the Louis St-Laurent Award of Excellence which “recognizes distinguished or exceptional service to the objectives and goals of the CBA”; the Ramon John Hnatyshyn Award for Law which “recognizes outstanding contribution to the law or legal scholarship in Canada” and the Viscount Bennett Fellowship which promotes post-graduate education in law.

Les candidatures pour le Prix d'excellence St-Laurent et le Prix pour le droit Hnatyshyn sont examinées en juin et les prix sont remis lors d'un déjeuner à la Conférence juridique canadienne. This year's winners will be announced at the Awards Luncheon during the CLC. Each of the persons nominated are truly deserving of recognition and the fact of their nomination is itself a reflection of the high esteem in which they are individually held in the legal profession.

The Committee is pleased to announce that the Viscount Bennett Fellow for 2011 is is **Sherif Foda** of Gatineau, Quebec. This year's recipient, chosen from a field of 50, received his J.D. and LL.L. from the University of Ottawa. This fall he will pursue a Masters in Law and Finance at Oxford University.

This year the Committee updated the candidate application to require CBA membership as a prerequisite, revised the selection process, and recommended a funding drive to increase the fellowship endowment. As well, a unanimous recommendation was made to the nomination committee to ensure that gender balance is included with linguistic and regional considerations in the appointment of members to the committee.

The members of the Committee are Ronald Caza (Ontario);,René Basque (New Brunswick) . The Honourable Judge Don Higa, Provincial Court of Alberta and Stephen Hanson (CBA). I thank each of them for the excellence of their contributions to the work of the Committee. On behalf of the Committee, I express our collective appreciation to Christine Sopora (Project Officer) of CBA National Communications for her efficient and effective support of the work of the Committee.

Merci a tous!

COMMUNICATIONS COMMITTEE

MICHÈLE GAMACHE, CHAIR

The 2011 focus for CBA Communications has been the development of a Social Media policy for the volunteer leaders and staff of the Association both nationally and in the Branches. The committee suggested that a policy was necessary if the Association was to continue to speak as one voice. The new policy would provide guidelines for the use of social media channels by CBA members to comment on matters related to the law, justice and the undertakings of the CBA. The guidelines are intended to enhance the reputation of the individual and the CBA itself.

As this report is written, a final round of consultations with social media users in the Association is underway. In preparing the policy, CBA Communications heard of the first hand experience of the Canadian Medical Association in developing a social media site for doctors, studied social media policies of Associations in Canada and the United States, and engaged a consultant, Delta Media, to assist with the development of a made-in-Canada policy.

After sessions with our Communications professionals, interviews were held with Branch and National social media users, and, in June, a draft policy was tested at a meeting of Branch Executive Directors and National Directors in Ottawa. After a final round of interviews, a policy will be proposed and put before the Senior Management Team before our Committee's final recommendation to Council.

We are convinced that our strategy and policy will allow the CBA to achieve its Communications goals using social media channels.

Throughout the year, Communications continued to be on the forefront in messaging with members. CCCA was a key focus, as our Communications professionals stepped in to assist with both member and media communications. Among the key projects – the CCCA Spring Meeting in Toronto and the full program at the CLC in Halifax. Our professional staff ensure that the legal media covering these events have access to key presenters, and are able to connect with CCCA leaders both for background direction and explanation of complex legal issues.

Our Director of Web Development has been particularly busy in launching, in July, the re-designed CCCA website. This will provide information for members, and is designed to become the “go to” spot for in-house counsel in Canada. Communications was also instrumental in providing support for the development and dissemination of the CCCA's monthly President's Message to all members.

While CCCA support took the fore, our Communications staff ensured the smooth operations of ongoing CBA initiatives:

- **CBA News Releases** – Communications issued releases to media outlining the CBA's major initiatives.
- **CBA PracticeLink**, the source for law office management knowhow, with ever-increasing content and number of practical tools;

- **CBA eNews**, a regular e-message to all members with a synopsis of activity including valuable links to the website;
- **Section and Conference e-newsletters** – more than 41 issues this past year in both English and French;
- the **National and CCCA Magazine** – in all 12 issues this past year. The **National** won one gold and two honourable mentions at the KRW Awards ceremony in Toronto in June.
- The most quoted learned journal in the Supreme Court, the **Canadian Bar Review-online**;
- As well, CBA Communications offered National and Branch Media Training for Bar Leaders and assisted with the preparation of some 38 **speeches** this past year.

All CBA releases must be issued simultaneously in both official languages. This is possible, thanks to the dedicated work of the three members of our Translation staff. Their work is reflected not only in releases and speeches, but in our government submissions and reports that are an essential part of our advocacy work.

In May, the Senior Director of Communications was invited by the CBA International Development Committee to assist the two-year-old Vietnam Bar Federation with the development of a Communications strategy. A two day interactive session with Vietnam Bar Leaders in Hanoi produced the consensus necessary to build a Communications strategy that would raise the profile of the Bar. The CBA assistance sparked media interest and stories ran on the wire and in the Hanoi newspapers.

This is my last report as Chair of the Committee. I would like to thank the members of the Communications Committee, the Editorial Boards of *National* magazine and the *Canadian Bar Review* and our dedicated national Communications staff for their on-going work. This has been a memorable experience. Together we at CBA make an exceptional team. Thank you for the opportunity to serve.

**PROFESSIONAL DEVELOPMENT
COMMITTEE**

Not submitted.

EQUALITY

ALEEM BHARMAL, CHAIR

The SCE formalized its mandate and changed its name to the “**Committee on Equality**” (formerly “Standing Committee on Equity”) by means of a Resolution made at Midwinter Council 2011. The Resolution was adopted unanimously. The SCE updated its website and is working to establish better ongoing electronic and other communications with CBA members. Please email rebeccab@cba.org if you are interested in being added to our e-mail list for monthly blast updates.

A new issue of the SCE’s **Touchstones newsletter** was set for publication in June 2011. This revamped newsletter incorporates social media innovation by allowing a space for member comments to be posted. Photographs and articles from CBA members as well as other writers from equality-seeking legal groups are featured. It is hoped that this revised newsletter format will provide interactivity and permit members to use the articles as a jumping off point to engage in online discussions of equality issues.

Two major projects have been in the works. Both are set to be completed in the 2010 - 2011 budget year. These projects will be featured in an article by *National* Magazine editor Beverley Spencer in its next issue:

- A **Measuring Diversity Guide** is in development. This will be an online guide to assist law firm leadership in conducting self-identification and workplace diversity climate surveying. Financial support for the project was provided in the 2010/2011 budget as well as from the Law for the Future Fund. A human resources and diversity consultant, Lorraine Dyke from the Sprott School of Business at Carleton University, was retained to assist with researching and drafting the Guide with the support of an expert subcommittee from across the country. The first draft of the Guide was received in May and the subcommittee is working on finalizing a consultation draft for distribution to membership at the time of the CLC.
- The **RARE Finds online resource centre** has been prepared to be launched and released at the CLC. It is geared to assist firms, lawyers from marginalized groups and people seeking to re-enter the profession after a period of absence, address issues about retention, advancement and career re-entry. A RARE Finds working group comprised of SCE members, and most particularly Mark Berlin, consultant Vicki Schmolka and staff from the CBA Marketing, Communications and the Legislation and Law Reform departments have put this project together in a collaboration spearheaded by CBA staff lawyer Rebecca Bromwich. A “drip” style marketing campaign together with communications blasts and coverage in the *National* magazine are features of this initiative.

A disability publication that gives succinct, practical guidance on providing the best service to clients with disabilities was published in the September 2010 issue of *National* thanks to collaboration with Elder Law and the Law for the Future Foundation’s grant. It is posted online on the CBA’s equality website.

YouTube videos offering tips about how to best effect inclusion of lawyers from marginalized groups were launched at the August 2010 CLC. Captioned versions of the videos were launched in October 2010. These videos were featured in the December 2010 issue of CBA's National magazine. The videos are on the CBA's website as well as on YouTube. The videos are linked to supporting web content on the CBA site and feature leading CBA members Esi Codjoe (Ontario's Equal Opportunity Committee Chair), Aimee Craft (Aboriginal Law Section Executive member) and Mike Law (former SOGIC Chair, SCE member and this year's SOGIC Hero award winner).

The SCE most recently assisted the CBA in putting the final touches on self-identification questions on the annual membership renewal forms which should be in use this summer prior to the CLC. These forms will afford a much better understanding of the demographic make-up of our membership. Knowing the composition of our current membership will help ensure we remain relevant and fulfill the needs of our members. Over time, the data will also allow us to measure the success at our efforts at diversity and inclusion.

In accordance with the Path Forward for Equality strategic plan presented to the Board at the Niagara CLC, an Equality Trailblazers meeting took place at the 2010 CLC in Niagara. This Trailblazers group is intended to break down silos in CBA functioning and ensure maximum efficiency and streamlining of efforts as well as collaboration and coordination. This group will meet again at the 2011 CLC in Halifax and will continue to bring together chairs of CBA Sections, Conferences, and Committees whose mandates include equality and diversity issues so that we can all better plan and coordinate equality initiatives.

CBA's Law Reform and Equality Staff Lawyer team continues to devote time to Equality and diversity issues. Staff lawyers will continue to engage in ongoing consultations with member firms, connect with other organizations in the equality community in the US and Canada, as well as conducting ongoing environmental scanning to ensure that CBA is on the cutting edge of equality, diversity and inclusion issues. Please take a moment to meet with myself, other SCE Members and CBA Equality Staff Lawyers at our Equality booth at the Expo Open at the CLC. Availability times are set out on inserts received in your delegate packages.

ETHICS AND PROFESSIONAL ISSUES

Not submitted.

INTERNATIONAL DEVELOPMENT COMMITTEE

TOM MARSHALL Q.C., CHAIR

In 2010/2011 the IDC's international programs included some of the following activities :

Bangladesh: The CBA continued to provide technical assistance and financial support to the National Legal Aid Organization to develop effective legal aid delivery models in Bangladesh under the *Bangladesh Legal Reform Project*. As a result of the project's work the Bangladesh government has made a political commitment and financial allocation to roll out the models developed through the project to all 63 provinces in the country. A remarkable achievement! The project has been extended to March 31, 2012.

Eastern Africa and South East Asia: Phase I of the CBA's *Strengthening Access to Justice through Legal Sector Development*, has also recently been extended to March 31, 2012. Activities with Bar Associations under this project included ongoing implementation of the Continuing Legal Education and law reform programs of partner associations in Eastern Africa; a planning workshop with the Ethiopian Lawyers Association (ELA); a Training of Trainers workshop with the Lawyers Training Center (LTC) and support for two courses at the LTC in Cambodia; a seminar on Criminal Procedure Law Reform in Vietnam; and training sessions on International Arbitration Law in Vietnam and Lao PDR. Regional Bar Workshops were organized in Eastern Africa with a focus on globalization and regional integration issues for the legal profession and on CLE in SE Asia. Collaborative law reform initiatives included Youth Justice activities in Kenya, legal aid delivery in Uganda and HIV-Aids programs in Tanzania.

Nepal : Notwithstanding the deadlock and lack of 'formal' movement in the constitution making process during the period the *CBA-NBA DDN II Project* influenced the resolution of the contentious issues related to judicial system; exposed senior Nepali lawmakers, including the CA Chair and other CA members, to forty-seven Canadian provincial and federal politicians, senior bureaucrats and technical experts on 21 separate topics; engaged 3574 Nepali organizations including the NBA and its members, law schools, DDN Partner and other civil society organizations representing women, indigenous and ethnic groups, disabled persons and Dalits, and members of the public from 61 of Nepal's 75 Districts on critical constitutional issues.

Vietnam: Under the *Support to the Vietnam Bar Federation(VBF)* project, the CBA supported a membership needs assessment, the creation of an electronic membership data base, the development of the VBF website, the establishment of the VBF project office, a Strategic Planning Exercise, the finalization of the 5 year strategic plan for the VBF; and the implementation of law reform and CLE activities.

Young Lawyers International Program: The CBA placed 20 young lawyers with human rights advocacy groups and bar associations in developing countries.

Over the last two years obtaining secure program funding has been an ongoing challenge for the Committee. With the exception of Vietnam all our current projects end

in 2011/12. 5 major funding submissions were developed and submitted over the period totaling \$38,897,991. On June 10/11 we received confirmation of funding for the China legal Aid project. We expect to have the remaining responses in 2011-2012.

JUDICIAL COMPENSATION AND BENEFITS COMMITTEE

Not submitted.

LAW DAY COMMITTEE

SHIRLEY WALSH, CHAIR

Law Day 2011 took place on Thursday, April 14th. Activities in some Branches were put on over several days in April, during Law Week. A wide range of existing and new projects were rolled out. Here are a few highlights from across the country:

- In **Newfoundland**, Law Day activities in St. John's included a legal information fair, poster and photography contests, and a law firm food drive. A Mock Trial Competition was held in conjunction with the Supreme and Provincial Courts of Newfoundland.
- In **Ontario**, Ottawa's Fun Run raised \$19,780 for Harmony House, a women's shelter. Activities in Toronto included elementary and high school mock trials, Grade 5 poster challenge, high school law symposium, and phone a lawyer. Law Day events took place in many centres throughout the province.
- In **Manitoba**, Law Day was held on Sunday, April 17th at the Winnipeg Law Courts Building. Events included a special sitting of Citizenship Court, tours of the old and new courthouses, numerous exhibits, and legal question and answer sessions on family law and criminal law. Events also took place in Brandon and Dauphin.
- **Alberta's** Law Day activities took place in Edmonton, Calgary, Grand Prairie, Fort McMurray, Medicine Hat, Lethbridge, and Drumheller, between April 15 and June 17. Mock trials, court tours, a CSI demo were covered by media.
- The theme for Law Week in **British Columbia** was *Access to Justice: The Changing Face of Law*. Activities included the popular Dial-A-Lawyer program, mock trials, a public speaking contest for students, citizenship ceremonies, courthouse tours and a fun run and free public forum in Vancouver.
- In the **Northwest Territories**, Law Day activities in Yellowknife included high school visits and a bake sale which raised \$350.00 for the local women's shelter.

Additionally, Judge Malakoe of the Territorial Court and local lawyers met with a Scouts troop.

- In **New Brunswick**, Law Day activities took place in Shippagan, Bertrand, Saint John, Bathurst, Hartland, Atholville, Moncton and Fredericton, between April 12 and 16.
- **Yukon** celebrated Law Day in Whitehorse with a Law Fair on April 14. 148 runners and walkers took part in the Law Day Fun Run/Walk on April 29.
- As part of **P.E.I.'s** Law Day activities, some 200 Grade 11 students toured the courthouse in Charlottetown. Students heard from a judge, law librarian, sheriff's

office, prothonotary, and practising lawyers and clerks. Teachers would like to see the program repeated next year.

- *Citizenship – Here for Good* was the theme for Law Week in **Nova Scotia**. The committee partnered with Cub Scouts and Girl Guides. Activities included a Citizenship Court, mock trials, courthouse tours, and exhibits.

2012 will mark the 30th anniversary of the Canadian Charter of Rights and Freedoms. Law Day will be held on the anniversary, on April 17, 2012.

On behalf of the National Law Day Committee, I would like to take this opportunity to encourage all CBA members to participate and support the Law Day activities in your Branch. It's an essential part of the CBA's public image initiative and it puts a positive face on the legal profession and justice system. Thank you.

LEGAL AID LIAISON COMMITTEE

Not submitted.

LEGISLATION AND LAW REFORM COMMITTEE

TOM ACHTYMICHUK, Q.C., CHAIR

Professional interest and public interest advocacy are key objectives for the CBA. CBA's advocacy work is important to members — whether as a way to get involved personally in law reform, or to know that a professional organization is speaking on their behalf. CBA brings a “rule of law” perspective to the public debate, in keeping with our mission to promote the interests of the profession, to improve the law and the administration of justice, and to promote equality and access to justice.

The Legislation and Law Reform Committee oversees this work.

CBA Advocacy Policy

In November 2010, the Board of Directors approved the Advocacy Policy developed by the L&LR Committee. The Advocacy Policy sets priorities for CBA's advocacy initiatives and outlines the process for developing and approving submissions. Priority is given to:

- Issues of importance to the legal profession generally
- Issues of direct relevance to lawyers in their practice area
- Issues addressing the core principles of the legal profession.

The Policy can be found at: www.cba.org/CBA/Advocacy/LLRcommittee/reference.aspx

Submissions to Government

In 2010, 85 written submissions were presented to Ministers, Parliamentary Committees, government agencies and officials. January to May 2011 saw another 30 completed. The range of subjects is a testimony to the breadth of CBA interest and expertise. Our profession can be proud to make a difference in improving access to justice, upholding the Charter of Rights, seeking equality in the legal profession, keeping Canada competitive, promoting fairness and efficiencies in the administration of justice and defending the rule of law in Canada and the world.

Public Policy Interventions

The L&LR Committee monitors cases on appeal to the Supreme Court of Canada, reviews proposals from CBA members and constituent bodies, recommends cases for CBA intervention, and reviews CBA pleadings. CBA intervened in two appeals this year: *Canadian Human Rights Commission v. A.G. Canada* (cost in human rights proceedings); and *Saskatchewan Human Rights Commission v. Whatcott* (hate speech provisions in human rights proceedings).

Emerging Professional Issues

The Emerging Professional Issues Initiative (EPII) emphasizes the protection and promotion of lawyers' interests. The committees tasked with each EPII project have reported in greater detail in this volume. Key issues this year include solicitor-client privilege, conflicts of interest, legal aid, and the joint CBA/CICA policy statement on audit inquiries.

Keeping Members Informed

- *Canadian Bar Association Advocacy* is published yearly to market our advocacy work as a value-added CBA service. It features CBA's law reform work on professional and public interest issues.
- The *CBA Advocacy* pages on www.cba.org consolidate information on submissions, Supreme Court interventions, resolutions and other legislative and policy initiatives.
- The *CBA Issues Book* is distributed twice a year to Bar leaders to update all initiatives by the Legal and Governmental Affairs Department.
- CBA *e-news*, www.cba.org, *Addendum*, Section and Conference newsletters, and the *National* all highlight CBA law reform activities.

Mille Mercis

The CBA's advocacy work would not be possible without the members of Sections, Conferences and Committees who devote hundreds of volunteer hours. Our interventions happen only with the dedication of counsel who act on a pro bono basis. The commitment and professionalism of the L&LR staff at the National office make us all look good. These CBA heroes are listed below (with apologies to anyone we have inadvertently missed).

L&LR staff at the National office: Joan Bercovitch, Tamra Thomson, Rebecca Bromwich, Kerri Froc, Judy Hunter, Gaylene Schellenberg, Louise Brunet-Hermus, Lorraine Prezeau and Kim Lutes.

CBA Intervention Counsel: Melina Buckley, Reidar Mogerman and David Matas.

Law Reform Advocates: Aaron Franks, Adam Herstein, Aimée Craft, Alain Prefontaine, Alanna Robinson, Aleem Bharmal, Alex Cameron, Alex Stojicevic, Alexandra Steele, Alexis Kerr, Amelie Lavictoire, Amy Fong, Amy Sakalauskas, Analea Wayne, Andrew Bernstein, Andrew Freedman, Andrew Nunes, Angela Furlanetto, Ann Soden, Anna Loparco, Anne Côté, Annette Horst, Anthony Baldanza, Baerbel Langner, Barbara Hendrickson, Barbara Austin, Barbara Caruso, Barbara Hendrickson, Barbara Buchanan, Birch Miller, Blair Pritchett, Brandon Potter, Brian Facey, Brian Bowman, Brian Yuen, Brianna Wartman, Bruce Green, Bruce Hallsor, Bruce King, Catherine Skinner, Catherine Meade, Catherine Watson, Cecily Strickland, Chantal Arsenault, Chantal Perreault, Christian Monnin, Christian Michaud, Christopher Devlin, Christopher Wilson, Christopher Veeman, Christopher Besant, Corey La Berge, Cynthia Hiebert-Simkin, Daneila Bassan, Daniel MacRury, Daniel Boivin, Darcy Moch, David Dundee, David Christian, David Christie, David MacDonald, David Jones, David Matas, David Jackson, David Fraser, Deanna Okun-Nachoff, Deborah Hutchings, Deborah Dresen, Denis Gascon, Denise LeBlanc, Derek Chiasson, Diane Soroka, Donald Houston, Donna Gee, Donna Turko, Dorinda Stahl, Douglas Cannon, Douglas Schmitt, Edgar-André Montigny, Elaine Marchand, Elaine Keenan Bengts, Elizabeth Chow Bryson, Eric Gottardi, Erin Best, Erin Keisinger, Esmail Bharwani, Fia Jampolsky, Fred Headon, Gabriela Ramo, Gavin Magrath, Geoffrey Creighton, Geoffrey White, Georgina Carson, Gerry Apostolatos, Gordon Maynard, Grant Gold, Greg DelBigio, Haidah Amirzadeh, Heather Dixon, Heather Ferris, Heather Hobart, Helen Rosemary Ward, Henry Chang, Howard Knopf, Hugh Wright, Indra Thind, Isabelle Dongier, Jacob Glick, James Rossiter, James Cruickshank, James Welkoff, Jane Purdie, Janet Lo, Janet Thompson-Price, Janice Jong, Janie Bussey, Janina Kon, Jasmine Sweatman, Jay Holsten, Jean Nelson, Jean-Francois Bilodeau, Jeanne Desveaux, Jeffrey Morton, Jennifer Ross, Jill Scott, Johane Tremblay, John Beardwood, John Higgins, John Underhill, John Conroy, John Whelan, Jonathan Rudin, Joshua Sohn, Joy Braun, Judith Wahl, Julia Shin Doi,

Julie Vandal-Lemoyne, Karen Pierpoint, Karen Sinclair-Santos, Kelly Jordan, Ken Mandzuik, Kenneth Clark, Kenneth Zaifman, Kevin Carroll, Kevin Hill, Kevin Zemp, Kimberley Walsh, Kimberly Ann Whaley, Kristen Barr, Kyle Hyndman, Laura Watts, Lawrence Swartz, Lee Akazaki, Level Yau Yan Chan, Lisa Hynes, Loic Berdnikoff, Lorna Pawluk, Lorne Waldman, Louise Aucoin, Lynda Cassels, Lyne Duhaime, Mahmud Jamal, Mala Joshi, Mandy Woodland, Marc Isaacs, Marc Belliveau, Marc Legault, Margaret Mereigh, Margaret Mason, Mario Bellissimo, Marjolaine Gagnon, Mark Power, Mark Berlin, Mark Newton, Martin Masse, Mary-Alice Thompson, Mathieu Bouchard, Matthew Letson, Max Weder, Melanie Del Rizzo, Melissa Burkett, Mervyn Abramowitz, Michael Green, Michael Jackson, Michael Blatchford, Michael Law, Michael Mazzuca, Michele Hurteau, Michelle Lally, Mitch Frazer, Mitchell Goldberg, Mitchell Sherman, Monica Johnson, Murray Murphy, Nancy Birt, Neil Turcotte, Norah Mooney, Oliver Borgers, Patricia Hebert, Patrick Shea, Paul Calarco, Paul Collins, Paul Dunn, Paul Harquail, Paul Kei Tamaki, Paul Smith, Paul Hesse, Paul Spurgeon, Perry Erhardt, Peter Broder, Peter Glowacki, Peter Sandiford, Peter Swanson, Philippe Capelle, Pierre Desrochers, Plamen Pantev Petkov, Priscilla Healy, Randy Hahn, Raoul Boulakia, Rénaud L. Rémillard, Richard Desgagnés, Rickcola Slawter, Robert Brun, Robert Patzelt, Robert Peterson, Robin Anthony Squires, Roch Fournier, Rodney Snow, Roger Lepage, Ronald Durand, Ross Swanson, Roxanne Israel, Saara Chetner, Sangeetha Punniyamoorthy, Seth Dalfen, Sharon Tod, Sharon Shore, Sheldon Toner, Shirley Levitan, Shuli Rodal, Silvia de Sousa, Simon Archer, Simon Barker, Simon Ruel, Simon Trela, Siobhan Goguen, Siobhan Monaghan, Stephanie Chong, Stephanie Yang, Stephen McPhee, Stephen Grant, Stephen Green, Steven Seiferling, Susan Beaubien, Susan Manwaring, Suzanne Costom, Suzanne Morin, Suzanne Smith, Terrance Carter, Thomas Dart, Trevor Scott, Thomas Achtymichuk, Thomson Irvine, Trinda Ernst, Vance Langford, Vivian Rachlis, Warren Creates, Wayne Dale, Wendy Templeton, William Cahill = 270

MEMBERSHIP COMMITTEE

JUDITH JANZEN, CHAIR

Not submitted.

PRO BONO STANDING COMMITTEE

VIRGINIA MACLEAN, CHAIR

The Pro Bono Committee was established by the CBA Council at the 2003 Mid-Winter Meeting. The Committee is composed of members from every province and territory in Canada and also has advisory members representing specific areas of interest. The mandate of the Committee is to support, promote, and facilitate pro bono service in the legal profession on an ongoing basis. The Committee continues to exist with a revamped role including increased liaison with other CBA constituent groups after the inception of the Access to Justice Committee at the CBA's Midwinter meeting in 2011.

Highlights of the Committee's Work Include:

1. Collaboration with Supreme Court Liaison Committee

The Pro Bono Committee has been in discussions with the Supreme Court Liaison Committee as a result of concerns raised by the Court respecting high numbers of self-represented litigants making leave to appeal applications to the Court. The Pro Bono Committee has launched an initiative to connect with Provincial and Territorial Pro Bono organizations as well as Pro Bono Law Students Canada to encourage and facilitate development by those organizations of rosters and/or programs to link self-represented litigants in the Supreme Court with some assistance from pro bono counsel.

2. Young Lawyer Pro Bono Week Initiative Partnership

The Pro Bono Committee partnered with the Young Lawyers to launch a pro bono initiative during Pro Bono Week 2009. Young Lawyers from across Canada participated in a number of events designed to build awareness and engage lawyers in pro bono legal services.

3. Young Lawyer Podcast Partnership

The Pro Bono Committee Partnered with the Young Lawyers to create and distribute the podcast *Passionate About Pro Bono*. The podcast was a great success, and has been downloaded from the CBA website hundreds of times since it was posted in the fall of 2009.

4. Website & Communication

The Committee website continues to be a hub for all things pro bono. Our most recent addition is a support centre for pro bono organizations across Canada to share resources and support for organized pro bono efforts. The *Passionate About Pro Bono* podcast is also available on the website.

RESOLUTIONS, CONSTITUTIONS & BY-LAWS

JEAN-FRANÇOIS LÉPINE, CHAIR

Please refer to the Resolutions Book or on the CBA web site at
<http://www.cba.org/CBA/resolutions/main/>.

SUPREME COURT OF CANADA BENCH AND BAR LIAISON COMMITTEE

YVES TOURANGEAU, CHAIR

Our Committee had a very full year. After receiving confirmation last fall of the changes to the costs to be granted for appeals and applications for leave to appeal further to the Committee's past representations, as well as confirmation of the Court's acceptance of the representations made regarding rules of practice for interventions by Attorneys General, the Supreme Court's new rules of practice became effective in April 2011. We will see what the members of the profession will have to say about the application of these new rules.

We met with the Court last May 9th and, as usual, received a very cordial welcome from the Supreme Court judges. A number of topics were discussed, the majority of which had been suggested to us in the specific proposals made by various members of the profession. The Court and Registrar's Office were quite open to most of the subjects discussed. It was also agreed that some points would require further communication with the Registrar in the coming months in order to arrive at more concrete proposals.

It was also suggested that the Committee issue a short publication on the Court's requirements to be taken into account by counsel in connection with the criteria for applications for leave to appeal to the Supreme Court.

The staff of the Registrar's Office actively participated in the meeting and we would like to take this opportunity to thank Registrar Roger Bilodeau and the Court staff for their cooperation.

Messrs. Justices Binnie and Crownwell and Madam Justice Louise Charron work with the Liaison Committee and they attended the meeting.

As regards procedure, we reviewed the guidelines for the preparation of documents to be filed with the Supreme Court of Canada, which were published in April 2011. We encourage the members of the profession to visit the Supreme Court's Web site and familiarize themselves with these guidelines. The document is easy to consult and it responds to the concerns of both the Court and the members of the Bar, providing a clear and concise guide for practitioners.

Finally, this is my last year as Committee Chair, and I wish to thank everyone who has participated over the years, making this Committee a special link between the members of the profession and the Supreme Court of Canada, in particular the current members of the Committee, Vice-Chair Gregory James Fitch, Inez J. Cardinal, Robert J. Frater and Jacqueline L. King, without forgetting our liaison officer, Rebecca J. Bromwich.

Special Committees & Task Forces

CBA NATIONAL TASK FORCE ON CLASS ACTIONS

SYLVIE RODRIGUE, CHAIR

The CBA National Task Force on Class Actions was launched at the CBA Council at the 2010 Mid-Winter Meeting. The Committee is composed of class action counsel of the defence and plaintiff bars, in-house counsel and members of the judiciary representing all of the regions in Canada. The mandate of the Task Force is to develop a judicial protocol that would, among other things, allow for communication among judges in overlapping class actions proceedings, and coordinate and harmonize activities in proposed overlapping class proceedings in order to maximize efficiency, reduce costs and avoid the duplication of effort. It will also consider proposals for amendments to legislation to facilitate the administration of national and multijurisdictional class actions.

Before commencing work on the first phase of its mandate (the Judicial Protocol), the Task Force considered a legislative reform proposal involving the possible involvement of the Federal Court playing a “tie breaking” role in overlapping and competing class actions. The Task Force obtained an opinion from Professor Patrick Monahan on the constitutional difficulties of this type of legislative reform. As a result of the opinion, the Task Force confirmed its decision to give priority to finding less constitutionally contentious ways to address the problem that would not require legislative amendment in all provincial jurisdictions.

This spring, the Task Force completed a draft Judicial Protocol. In June, 2011, it was released publicly on our website (www.classactionstaskforce.ca), and the Task Force began its consultation with class action counsel and the judiciary regarding its terms. Feedback received during the consultation period will be considered in finalizing the draft Judicial Protocol, and the Task Force has placed a resolution before CBA Council at the 2011 CLC that the Judicial Protocol be adopted.

The Task Force also liaised with the American Bar Association this spring regarding two protocols it developed for cross-border multijurisdictional class actions. The Task Force recommended that the CBA also endorse the ABA protocols and included these protocols in its resolution.

Should the Judicial Protocol be adopted by CBA, the Task Force's efforts in the upcoming year will be focussed upon promoting its use by the courts and monitoring its effectiveness. The Task Force will then consider options for legislative reform, including the model legislation developed by the Uniform Law Conference of Canada.

TASK FORCE ON CONFLICTS OF INTEREST

R. SCOTT JOLLIFFE, CHAIR

The CBA Task Force on Conflicts of Interest was established in 2007 with a mandate to develop consensus within the Canadian legal profession on reform of the legal and professional rules of conduct regarding conflicts of interest, and to prepare practical guidelines for the profession in applying the duties of loyalty and confidentiality. After significant consultation within the profession, in August 2008 the Task Force published its Report and Recommendations, along with a Toolkit of resources and precedents. CCA Council adopted all 21 of the Task Force recommendations that same month. In February 2009, Council adopted amendments to the *CBA Code of Professional Conduct* to reflect the policy articulated in the Task Force recommendations.

Over the last two years, the Task Force has focused on implementation of what is now CBA policy on conflicts. This has required ongoing discussion and collaboration with the Federation of Law Societies of Canada in the context of that group's efforts to develop a model harmonized conflicts rule for all law societies across Canada. The Task Force participated in a number of meetings with study committees of the Federation and in August 2010 and again in March 2011, prepared substantive responses to their proposed draft conflicts rules. This feedback to the Federation is ongoing.

The Task Force communicates with CBA members to advise them of developments within the Federation and individual law societies as the latter will eventually be called upon to consider the Federation's model rule. This communication also informs the Task Force of the experience and concerns of the CBA membership in their conflicts practice.

In 2011, the Task Force pursued a further line of its work by presenting an online professional development session focused on the use of retainer/engagement letters. A further session is planned, with an emphasis on the use of engagement letters for smaller firms. In addition, a document for clients of smaller firms explaining the uses and benefits of engagement letters will be produced.

The Task Force is chaired by Scott Jolliffe of Gowlings. Its members include Malcolm Mercer (McCarthy Tetrault), Simon Chester (Heenan Blaikie), and Susan McGrath (Susan McGrath, Barrister and Solicitor), who have served with Mr. Jolliffe as the Task Force implementation committee. Other Task Force members are Kip Cobbett (Stikeman Elliott) and Gordon Currie (George Weston, Ltd) who spearheaded the professional development initiative, and Dan Pinnington (LawPro) who, with Susan McGrath, is pursuing the small firm resource initiative. Other Task Force members are Gerald Teggart (Saskatchewan Justice), Isabel Schurman (Schurman, Longo & Grenier), Robert Patzelt (Scotia Investments), Alan Stern (McInnes Cooper) and Sean Weir (BLG). Former members are (now Mr. Justice) Robert Stack, W. Iain Scott (now Dean of Law at University of Western Ontario) and Robert Brun (CBA Second Vice President). Allan Fineblit (CEO Manitoba Law Society) has served as liaison to the Task Force from the Federation of the Law Societies. Joan Bercovitch and the legal team at CBA National have provided staff support to the Task Force.

**FEDERAL COURT BENCH AND BAR
LIAISON COMMITTEE**

Not submitted.

TAX COURT BENCH AND BAR COMMITTEE

Not submitted.

WORKING GROUP ON NO-FAULT COMPENSATION

Not submitted.

Editorial Boards

CANADIAN BAR REVIEW

R. ELIZABETH BILSON, EDITOR

Recent Editions

The *Canadian Bar Review* continues to seek high-quality articles from both academic and professional experts for peer review and publication. Recent editions include articles on the new *Canada Not-for-Profit Corporations Act*, *Charter* protection against arbitrary detention, workers' compensation benefits for chronic pain, the role of attorneys general in Canadian charity proceedings, disclosure in complex criminal trials, the law relating to polygamy, and materiality in insurance law.

Our editorial approach is to try to identify sophisticated analytical articles which will serve a broad audience of academic and professional readers. We continue to be pleased with the range and quality of submissions.

Support to the Journal

I would like to express my thanks to the national staff of the CBA, in particular Steve Hanson and Christine Sopora, for their support of the journal, as well as to the Associate Editor, Professor Patrice Deslauriers of the University of Montreal. The advice of the Editorial Board chaired by Hon. Mr. Justice Thomas Cromwell is always appreciated. The *Canadian Bar Review* remains unique as a national bilingual and bijural law review of generalist scope, and producing such a journal continues to be a challenge requiring the efforts of many people.

National Sections

NATIONAL SECTIONS COUNCIL

LEILA J. GOSSELIN, CHAIR

The National Sections Council (NSC) Executive receives exceptionally positive feedback from Section members and others with regard to Sections' professional development, advocacy, and communication initiatives. *For details of the broad range of activities and specialized services delivered by 32 Sections, please review the individual Section reports.*

National Sections Council Award of Excellence

This year, the National Tax Section will receive the National Sections Council Award of Excellence, which celebrates and recognizes the outstanding contribution of a National Section in providing service to members and furthering CBA objectives. The award will be presented at our NSC meeting and the Section will be profiled during my NSC report to CBA Council in Halifax.

Halifax – CBA Canadian Legal Conference August 2011

Thirteen Sections are involved in organizing PD programs for the August 2011 Canadian Legal Conference in Halifax. Approximately eighteen Sections will hold business meetings, offering an opportunity for interested delegates to meet executive members and learn more about the Section's activities. The Municipal Law and Environmental Law Section meetings feature practice-focused panel presentations of interest to delegates who practise in that area of law.

Legislation and Law Reform

Even in an election year, Sections have been extremely busy, particularly the Citizenship & Immigration, Criminal Justice, Pensions and Benefits, Taxation, and Charities and Not-for-Profit Law Sections. *Please see the Legislation and Law Reform Committee report for detail.*

Sections submitted what may be a record number of policy resolutions for consideration by Council this year. Amongst those moving 12 policy resolutions were: Aboriginal Law, Administrative Law, ADR, Charities, Commodity Tax, Criminal Justice, Elder, Environmental, Family, International, Labour & Employment, Pensions & Benefits, and Tax Law.

Liaison with Federal Courts

In addition to two productive meetings this year, the Federal Court Bench & Bar and Tax Court Bench and Bar Committees both submitted policy resolutions for Halifax, concerning prothonotaries' compensation and expansion of the Tax Court of Canada's exclusive jurisdiction respectively.

Professional Development

Sections contributed to an extremely success 2010-2011 PD year, with registration for in-person conferences tracking very well, and several new Sections involved in well attended online PD programs. Registration is well underway for fall 2011 programs.

NSC Plans for Fall 2011

Planning is underway for the October 2011 National Sections Council volunteer training and business meeting and individual Section meetings with their Department of Justice.

In closing...I would like to thank the NSC Executive and hundreds of committed Section volunteers for their outstanding contributions this year. Special thanks go to the Sections team and many other dedicated national office staff for their ongoing stellar performance.

Sections greatly appreciate the ongoing recognition and support of the Executive Officers, Board of Directors and Finance Committee. It has been a great pleasure to serve as Chair of National Sections Council and I am sad to be ending my two year term.

ABORIGINAL LAW SECTION

BRAD REGEHR, CHAIR

The National Aboriginal Law Section had another very successful year. In November 2010, the Section had a very good meeting with representatives from Justice Canada. The meetings with Justice Canada focused on 4 key topics in order to have more intensive discussions. The Section intends to follow the same format for the October 2011 meeting with Justice Canada.

The Section participated in three meetings (September and October 2010 and April 2011) and contributes on an ongoing basis to work of the Federal Court – Indigenous Bar – Aboriginal Law Bar Liaison Committee (development of practice guidelines for aboriginal law matters, discussion and consideration of other practice issues).

Aboriginal Law's representative attended two meetings of the Federal Court Bench and Bar Liaison Committee in November 2010 and May 2011. Input from Section members is solicited and regular reports are provided through the listserv and at Section meetings.

In April 2011, the Section held a very successful PD session in Winnipeg entitled *Perspectives on Treaties between Aboriginal People and the Crown*. Attendance and sponsorships were good and a Section business meeting followed with approximately 18 members in attendance. The Section has submitted a proposal to host a PD session in Saskatoon for in spring 2012 on legal issues involving aboriginal peoples and natural resource projects. Planning is underway by an organizing committee co-chaired by Jeff Howe of Saskatoon, Saskatchewan and Allison Fenske from Winnipeg, Manitoba.

The Section has been active in legislative and law reform this year. In addition to providing a written submission regarding the *Draft Rules of Practice and Procedure* for the Specific Claims Tribunal, the Section also participated in a one-day session with the Tribunal and other groups regarding the *Draft Rules* in October 2010. The Section also participated in a one-day session with the Tribunal regarding the processes to be developed for mediation services provided by the Tribunal. In addition, the Section prepared a submission on Bill C-32, the *Safe Drinking Water for First Nations Act* and appeared before the Standing Committee on Aboriginal Peoples.

Section members are kept informed through our electronic newsletter, *Aboriginal Writes/La voix des autochtones*, which was published in February 2011. The Section also launched an opt-in listserv for all Section members this year. Over 80 members currently participate and we have received very positive feedback to the listserv as an effective tool for communicating with and actively involving Section members.

Our next Section meeting will be a teleconference tentatively scheduled for September 2011. The current Chair Brad Regehr, will most into the immediate Past Chair position, and the new Chair, Aimee Craft, will assume her office in September 2011.

ADMINISTRATIVE LAW

MATHIEU BOUCHARD, CHAIR

The National Administrative Law Section organized or participated in the following activities during the 2010-2011 year:

- *Behind the Eight Ball or Ahead of the Curve? Trends and emerging issues in administrative, labour/employment and privacy/access law*, 11th national administrative law, labour and employment law PD, dealing with the right to privacy and access to information; Nov. 26-27, 2010, in Ottawa. Collaboration between the three sections. 189 participants. The Hon. Louise Charron as guest of honour. Followed by our fall biannual meeting to plan the coming year.
- Nov. 2011 PD. Committee underway since Nov. 2010. Majority of conference speakers already confirmed, including Chief Justice Beverley McLachlin.
- "Application of the Canadian Charter of Human Rights and Freedoms by Administrative Tribunals", a resolution presented at the Mid-Winter Meeting, adopted by the Council unanimously. Followed by: letters, signed by the Section Chair and the Chairs of the local sections addressed to the federal, provincial and territorial Justice Ministers and concerned bodies to inform them of the resolution. Receipt of numerous replies, conference call follow-ups, upcoming meetings.
- Follow-up on Section communications. Secretary and a member of the executive appointed to take care of this. Electronic newsletter sent to the members in March; looking for a name for the newsletter. Twitter account opened on April 1st.
- Consultation on the reform of the rules of the Canadian Human Rights Tribunal (CHRT). Two Section members, including the Treasurer, took part in drafting the CBA's position paper, together with the labour and employment law, constitutional law, human rights law and ADR sections. The Chair attended a meeting organized by the CHRT in Montreal in May.
- Spring biannual meeting, May 27, 2011, in Quebec City. Agenda: PD of Nov. 2011; regional PD in the Maritimes in spring 2012, reform of the CHRT rules; draft resolution on the remuneration of Federal Court Prothonotaries, prepared by the Court Liaison Committee for the August conference. Organized in conjunction with a CBA-Quebec PD event (May 26): "The duty of public authorities to consult and the legal framework for participation". 50 participants, 4 speakers, including the Hon. Marie Deschamps.
- "Bargaining Pensions: Resolving Disputes for Underfunded Pension Plans and the Rights of Plan Members in Insolvency Proceedings", workshop organized with the Pensions and Benefits Law and Labour and Employment Law Sections for the August 2011 Canadian Legal Conference.

AIR & SPACE LAW SECTION

Not submitted.

ALTERNATIVE DISPUTE RESOLUTION SECTION (ADR)

ANNE GOTTLIEB, CHAIR

The CBA ADR Executive is committed to being a resource to our members and to the profession. We have developed into a very active section and very busy and enthusiastic Executive. The mandate and focus of the activities of the CBA ADR Executive in the past year have been concentrated in 3 areas – advocacy, legal education and membership outreach.

Advocacy

Since the beginning of 2011, members of the CBA ADR Executive, Laura Bruneau, Pat Paradis and David Merner have been involved in the CBA working group in consultations with the Canadian Human Rights Tribunal. In addition – the CBA ADR Executive has made concerted efforts to ensure that ADR representatives provide consistent messaging in all the provincial interactions with the CHRT. The CBA ADR representatives have consulted with Ontario, Alberta and Quebec and other provinces, to share their expertise and provide background and information so that the consultation process at the provincial level can reflect the national ADR perspective.

The CBA ADR Section has also been supportive of provincial initiatives and has discussed and advocated on behalf of programs and initiatives taking part in different regions of Canada – at the request of the Branch representatives.

Liaison Activities

In 2011, the ADR DOJ Director joined the CBA ADR Executive, in Montreal, for a one hour discussion on ADR pilot projects and statistical analysis of the early resolution of cases at the DOJ – through ADR.

The CBA ADR Executive maintains an informal and collegial relationship with the ADR Institute of Canada and attempts to conduct joint programming at both the national and provincial levels – where appropriate.

CPD

In April 2011, the CBA ADR Section under the leadership of Ellen Desmond and Andre Gosselin featured an on-line PD with speakers George Derwin and Jean Peter Weldon. The topic was *The Impact of Dispute Resolution of Effective Apology, With or Without Legislation*. The program combined a historic perspective of Apology legislation in Canada and elsewhere, and then deconstructed an actual apology – in order to educate participants in the elements of an effective apology. The program surpassed the registration numbers for the previous year's CBA ADR on-line PD. Of note, one of the speakers was in Quebec and the other, in Manitoba.

In August 2011, the CBA ADR Section will be conducting a 3 hour session at the Halifax CLC. The ADR session will feature speakers and panelists from Ontario and from the Atlantic provinces. The program entitled: *Proportionality and the Effective Use of ADR* will also feature interactive elements including power point presentations, questionnaires and interactive polling.

The program will comprise 4 separate units:

- the first panel with Anne Gottlieb, Jean McKenna and Ray Wagner will focus on insurance mediation;
- the second panel with Michael Schafler, J, Brian Casey and Jennifer Ross-Carrière will focus on arbitration;
- the third panel with Laura Bruneau, Elaine Newman and Pamela Large Moran will deal with ethical issues in dispute resolution.
- the last panel – will feature topics of interest across Canada including a discussion lead by Jacinta Gallant on collaborative law initiatives, on overview of judicial dispute resolution by Michael Schafler, a discussion of small claims court mediation by Elaine Newman and a case study of mandatory mediation in 3 different Ontario cities, by Anne Gottlieb.

The CBA ADR Halifax Subcommittee comprised of Laura Bruneau and Jacinta Gallant with input from David Merner and Pat Paradis, under the Chairmanship of Anne Gottlieb and Michael Schafler and the marketing initiative of James Musgrove all deserve to be commended.

Membership Outreach

In August 2011, following the CBA ADR session at the Halifax CLC, the ADR Section will be hosting a lunch buffet - for members of the ADR Section and prospective members of the ADR Section. We hope that this event will increase the Section's profile and attract even more Section activity. This will be an opportunity to meet with 4 of the current ADR Executive members. We hope to generate dialogue with our members by including the panelists from the ADR CPD program.

Meetings

In October 2010 – the CBA ADR Executive held its in-person meeting in Montreal – in an effort to raise its profile within Quebec. A few select members of the local Montreal Dispute Resolution Executive were asked to join the CBA ADR Executive, at the invitation of Olivier Despres, to discuss some of the unique features of Quebec dispute resolution processes. In addition, a dinner invitation was extended to the Executives of 3 of the Quebec local dispute resolution organizations, to join the CBA ADR Executive members, in an informal setting, for dinner and conversation. The Montreal meeting was a huge success.

The CBA ADR Executive will be holding its in-person meeting in Vancouver in October 2011. The CBA approved funding for this initiative, to enable the CBA ADR Executive to achieve 2 of its stated outreach objectives – namely – to actively involve and engage provincial ADR members at the local level and to actively liaise with like minded dispute resolution organizations.

By holding the CBA ADR Executive in-person meeting in Vancouver – the Section's Executive will have the opportunity to attend the ADR Institute of Canada's conference and will be able to have a joint session or meeting and meal with the ADRI's Executive members. There will also be an invitation extended to a few select Vancouver ADR practitioners, to join a part of the CBA ADR Executive meeting, to discuss the unique

ADR experiences developments in B.C. Colleen Selby has graciously agreed to coordinate our Vancouver meeting, with the local ADR membership.

Communications

An important aspect of our outreach and education has been the CBA ADR Newsletter – *Possibilities*. The Section's Executive has been very fortunate to have 2 very capable and dedicated Newsletter Co-editors; Moira Goodfellow and Rebecca Morse, who have produced 4 very excellent editions of the CBA ADR Newsletter, over the past 2 years. Of particular interest is the Cross Canada Comparison Chart – that was published in the December 2010 edition of the Newsletter. Also of note, is the CBA ADR's first ever French language article, which will be published in the Spring 2011 CBA ADR Newsletter.

Conference Calls

Each month between September and June we hold one hour conference calls for the CBA ADR Executive Members. We discuss programming topics, specific provincial initiatives or issues, newsletter articles, recent case law and governance matters. Our Executive members have indicated that they look forward to the monthly conference calls.

In addition the CPD subcommittees have had numerous telephone conference calls to organize the on-line CLE and the Halifax CLC program, respectively.

BANKRUPTCY & INSOLVENCY SECTION

Not submitted.

BUSINESS LAW SECTION

ROSS SWANSON, CHAIR

Highlights - Current Year Achievements

- Throughout 2010 and 2011, regular delivery of CBA Online PD, both through the Business Law Boot Camps and the Skilled Lawyer Series – Corporate Stream.
- November 27, 2010 - Section Executive Meeting held in Ottawa. The attendees included:
 - ~ representatives of the Executive and Branches including excellent representation from across Canada.
 - ~ representatives of the CBA to discuss law reform initiatives.
- A representative of the Section attended the 2010 ULCC Conference in Halifax and filed a report with CBA and the Section Executive. A representative will attend the 2011 ULCC meeting in Winnipeg.
- The Section participated in discussions and submissions concerning proposed amendments to the *Bank Act*.
- The Section (in conjunction with the Section's Securities Committee) collaborated to support the submission authored by the OBA Business Law Section with respect to the private right of action consultation from the SEC.
- Ongoing input to the CBA Committee dealing with the Joint Policy Statement on audit inquiries.
- Chantal Perreault, the Section's Treasurer, attended the Mid-Winter Meeting of Council held in Charlevoix from Feb 18 – 20, 2011.

Goals – 2011-2012

- Improve communication among Section Branches with a view to facilitating access to materials/ideas for PD, especially among Branches with smaller member participation.
- Serve as a recognized resource for Section members to access PD in a cost-effective manner.
- Remain active in online PD programming development.
- Continue to engage in joint initiatives with other Sections.

Annual Planning Session

- The Annual Planning Session was held in conjunction with the in-person Executive Meeting on November 27, 2010 in Ottawa. The Executive will hold occasional conference calls to further initiatives discussed at this meeting.

Communications (Webpage content enhanced)

- Webpage
The Section has suggested several additional links to the Section's webpage and intends to better utilize the existing CBA online infrastructure and other online tools to improve communication among the Section Branches.

Specialized Member Services

- The Business Law Section recognizes that many of its members are sole practitioners or in small offices. The Section has initiated Business Law Boot Camp online programs with a view to servicing the professional development needs of these members. These Boot Camp programs have been extremely well attended and have served as a model for other Sections seeking to engage in webinars.

CHARITIES AND NOT-FOR-PROFIT LAW SECTION

TERRANCE S. CARTER, CHAIR

The members of the Executive have met on a monthly basis by telephone conference call. Some of the topics undertaken by the Executive and activities of the Section are as follows:

1. The 2011 National Charity Law Symposium was held in Toronto on May 6, 2011. Terry Carter, Linda Godel and their committee organized a successful conference. Plans are underway for the CLE at the annual meeting in 2012 and for the 2012 CLE Symposium.
2. We continue to be active in advocating in the area of legislation and law reform.
3. In particular, we made submissions to the following:
 - Annual T3010 Information Return and T4033 Guide for Registered Charities – March 2011
 - Community Economic Development and Charitable Registration – March 2011
 - Letter to Finance regarding Disbursement Quota Reform – pending
 - Guidance CPS-028 — Fundraising by Registered Charities – October 2010
 - Proposed Regulations for Canada Not-for-profit Corporations Act (CNCA) – September 2010
 - Bill C-470 — An Act to amend the Income Tax Act – September 2010
 - The 2011 Federal Budget provision affecting charities - pending
4. Our members are involved actively in advising Canada Revenue Agency in respect of matters relating to income tax administration.
5. Our members are active in liaising with Finance in connection with income tax policy as it relates to the Sector.
6. We continue to publish our Section newsletter (Charity Talk co-edited by Kate Lazier and Elena Hoffstein) and improve the website for use by members (editor – Cliff Goldfarb).
7. We have organized various working committees to focus on the following topics:
 - Disbursement Quota Reform
 - Fundraising Guidance Review
 - GST/HST Reform
 - Foreign Activity Guidance Review
 - Bill C4 – New *Canada Not-for-Profit Corporations Act* (CNCA)
 - Related Business Review

- T3010 Review
 - Not-for-Profit Law Issues (NPO)
 - Review of Bill 470 (limiting compensation of charity executives)
 - Provincial Initiatives
 - Submission re Federal Tax Court
 - Review and Comment on CRA Draft Community Economic and Charitable Registration Guidance
 - Federal Budget 2011
8. The Section continues to participate on an informal basis in the government relations coordinating group, a loose affiliation of voluntary sector organizations including the Association of Fundraising Professionals, the Canadian Association of Gift Planners and Imagine Canada. Section representatives sit on the CRA technical issues working group and advised the Department of Finance in pre-budget consultations.
9. As in previous years, the Section wishes to express its gratitude for the assistance of CBA staff, including Catherine Bisson, Rebecca Bromwich, and Leslie Huard.

CITIZENSHIP & IMMIGRATION LAW SECTION

CHANTAL ARSENAULT, CHAIR

HIGHLIGHTS - CURRENT YEAR ACHIEVEMENTS

- Meetings with various government ministries, including CIC, CBSA, and HRSDC
- Numerous policy and law reform submissions on various aspects of immigration law
- National PD in Gatineau, Quebec, co-chaired by the Department of Justice, attended by close to 300 attendees, including twelve Federal Court and Federal Court of Appeal judges and with keynote address by Quebec Immigration Minister, Kathleen Weil;
- Two appearances before the Standing Committee on Immigration;
- Meetings with Jason Kenney, the Minister of Citizenship, Immigration and Multiculturalism's senior policy advisors;
- Maintained a well-used National Immigration Listserv for members;
- Meetings with immigration critics of all parties;

ANNUAL PLANNING SESSIONS

The Section Executive holds two annual meetings, as well as numerous conference calls and email dialogue among the Executive Committee as required. One meeting is held in Fall in conjunction with meetings with various government departments in Ottawa and the second meeting is in Spring in conjunction with our National PD Program.

COMMUNICATIONS

Our Section maintains communication with members through our National Citizenship and Immigration Law Section Listserv where Section members exchange ideas, questions, and opinions on practice related issues. This tool is extremely valued by our members and exemplifies the collegiality of our Section. We also publish an electronic newsletter, "*Inside Immigration*" and use the CBA website to archive submissions, valuable information and post upcoming events.

PROFESSIONAL DEVELOPMENT

The Section hosted its annual Professional Development Conference in Lac Leamy, QC May 13-15. The PD Conference was a great success with almost 300 attendees, attracting Section members from across Canada, and key personnel from various government departments and Federal Court Judges, including the Quebec Immigration Minister. Planning is already underway for our Spring 2012 PD Conference in Kelowna, BC. A joint professional development program with the CIC for Federal Court Judges was also held on May 12, 2011, which grew out of discussions with the Chief Justice at last year's PD Conference in Halifax.

LEGISLATION & LAW REFORM

Since September 2010 our Section made or assisted with the following 12 submissions/appearances:

May 2011

- Notice requesting Comments on Proposal - Conditional Permanent Residence: Letter to Citizenship and Immigration Canada

- IRPR (5-Year Sponsorship Ban Residence for Spousal Sponsors) — Proposed Amendments: Letter to Citizenship and Immigration Canada
- Immigration and Refugee Protection Regulations Amendments (Designated Country of Origin)
April 2011
- Immigration and Refugee Protection Regulations Amendments (Source Country Class)
March 2011
- Immigration Application Process Wait Times for Investor Class and Family Class
January 2011
- Immigration and Refugee Protection Regulations (Live-in Caregiver Program) Amendments
- Immigration and Refugee Protection Regulations (Mandatory Language Testing) Amendments
December 2010
- Refugee Protection Division (RPD) and Refugee Appeal Division (RAD) Rules
November 2010
- Bill C-49 — *Preventing Human Smugglers from Abusing Canada's Immigration System Act*
- Immigration and Refugee Protection Regulations s.133 Amendments
October 2010
- Bill C-35 — *Cracking Down on Crooked Consultants Act*
September 2010
- IRB Rules of Practice

LIAISON ACTIVITIES

Through our National Executive and Section members we participated in the following:

- National Sections' Council Meetings;
- Bi-annual meetings with officials from Citizenship and Immigration entitled "The Citizenship and Immigration Canada Immigration Practitioners Working Group" in November 2010 and June 2011
- Immigration and Refugee Board of Canada's Consultative Committee on Practices and Procedures (CCPP), as well as the Federal Court Rules, and the Federal Court Bench and Bar Committees.
- Various meetings with DOJ, CBSA, HRSDC and H&C committee.
- Witness at Standing Committee on Citizenship and Immigration (CIMM) hearings regarding various matters.
- Various Ad Hoc consultations initiated by Citizenship and Immigration Canada.

MEMBERSHIP OUTREACH

Our membership Listserv continues to be a huge success, and the National Conference continues to provide further opportunity to receive feedback from our members. Member comments regarding the inclusiveness of our Section name has lead to a review of a potential name change, including an email survey to obtain feedback directly from members on this issue, and to poll potential names for the Section.

SPECIAL PROJECTS

A survey is being prepared to assess priorities for member benefit options and will be circulated to Section members for their feedback soon. We are also working to create a toolkit to help Section members keep a competitive edge in the practice of citizenship and immigration law.

CIVIL LITIGATION SECTION

DAVID G. O'BRIEN, Q.C., CHAIR

MEMBERSHIP

The Civil Litigation Section has 5,006 members, with an active Executive representative of the profession's diversity with respect to areas of practice, gender, geographical location and ethnicity.

ANNUAL EVENTS

The Section held its in-person Executive committee meeting and Annual Planning Session on October 23rd, 2010 in Ottawa. The Section was represented by the Chair at the National Sections Council meetings of November 7th, 2010 in Ottawa, and in February 2011 in LaMalbaie, Quebec. The Section Chair also attended the Mid-Winter meeting of Council at LaMalbaie. The Section will have representatives at both the National Sections Council and Council meetings in conjunction with the 2011 Canadian Legal Conference in Halifax.

ABA LIAISON

As of the date of preparation of this Report the Chair has been invited to bring greetings to the Executive of the Litigation Section of the American Bar Association, at their Business Meeting in Toronto on August 5th, 2011, in conjunction with the ABA convention. This is probably the first time a member of our Executive has had the opportunity to address our Sister Section in the ABA. We hope the opportunity will foster future involvement and cooperation between the U.S. and Canadian Sections.

ADVOCACY FOR SECTION MEMBERS

At the request of a New Brunswick member, the Chair advocated for CBA intervention in the case of *Sparkes v. Dube* (New Brunswick Facebook disclosure decision), as interfering with the right to counsel and solicitor/client privilege. We had commenced preparation of a formal application for National CBA intervention, when we were advised that the case had been resolved, without proceeding to Appeal.

NEWSLETTER

The Section published an issue of its newsletter "Civil Writes", in September 2010.

PROFESSIONAL

DEVELOPMENT

The Section is hosting a PD Program during the 2011 CLC in Halifax, dealing with the Progress of the Task Force on Harmonization of Class Actions in Canada.

The Section is proud to announce that it has submitted a proposal for which (former Mr. Justice) Michel Bastarache, C.C., Eugene Meehan, Q.C., and Bernard Amyot, Ad.E., have agreed to participate for the 2012 CLC in Vancouver, entitled "*Effective Advocacy At the Top: Appearing in the S.C.C.*" We expect this program would draw broadly across Sections, and be a highlight of Vancouver 2012.

The Section has also submitted a second program proposal for Vancouver 2012: "*Useful Expert Evidence – The Evolution of Rule and Practice*".

COMMODITY TAX, CUSTOMS & TRADE SECTION

CRAIG MCDUGALL, CHAIR

Highlights - Current Year Achievements

- Continuous and effective liaison with the Canada Revenue Agency and Canada Border Services Agency, Department of Finance (re HST/GST legislative changes), Tax Court of Canada and the Canadian International Trade Tribunal to change law or procedure and obtain information on Policies and Procedures for Section Members (which are then posted on the CBA website).
- Section Newsletter articles completed, and published in April 2011.
- Meetings with Canada Revenue Agency, GST/HST Rulings Directorate, and the Department of Finance held in February 2011.
- Met with Department of Justice in November 2010.
- Presented substantive session on HST at the August 2010 CBA Annual Meeting.

Policy and Developments

- Tax Court Bench and Bar Committee of the Commodity Tax, Customs and Trade Section and the Taxation Section are reviewing rule changes and determining other possible topics for a possible meeting.
- The Annual Meeting with the Canada Revenue Agency, GST/HST Rulings Directorate was held in Ottawa on February 24, 2011. The Questions and CRA responses from the 2010 meeting are posted on the Section website. The Questions and CRA responses from the 2011 meeting will be posted when available.
- The Section met with the Department of Finance, Sales Tax Division on March 3, 2010 to discuss proposed amendments to the *Excise Tax Act*. These were warmly received but the Legislative Amendments discussed will be delayed due to implementation of HST. We also discussed retroactive implementation of certain financial services fees. These were not warmly received. A follow-up meeting was held with the Department of Finance on February 23, 2011.
- The Section provided input into the draft Resolution to expand the Tax Court of Canada's exclusive jurisdiction.
- Preparing submission to Department of Finance, Canada concerning double taxation (HST and provincial sales tax) of legal fees.

Special Projects/Activities

- Discussions under way with Canadian Institute of Chartered Accountants to work together with its Commodity Tax Section on commodity tax issues.

COMPETITION LAW SECTION

MICHELLE LALLY, CHAIR

- Acquisition of the Canadian Competition Record from Fraser Milner Casgrain LLP and establishment of Canadian Competition Record Committee
- Establishment of Corporate Counsel Committee
- Held Annual Competition Law Fall Conference (Gatineau) September 30 – October 1, 2010
- Awarded 2010 James H. Bocking Award for student paper on Canadian Competition Law and Policy
- Meeting between the Section Executive and the Commissioner of Competition and her Senior Management Team September 30, 2010
- Publication of 2nd Edition, *Fundamentals of Competition Law*
- Roundtables with Mergers Branch on MEGs Consultation (national locations) on various dates between November and December, 2010
- Foreign Investment Review Committee Roundtable with Investment Review Division and Department of Canadian Heritage (Vancouver) December 6, 2010
- Marketing Practices Committee Roundtable with the Fair Practices Division was held on May 4, 2011, with approximately 40 participants
- Our Section's Committees have organized and held 6 brown bags teleseminars on a range of topics, reaching close to 500 participants
- Reinvigorating and assisting the University of Toronto in re-launching Competition Law Symposium, this year's being "Competition Policy Institutions: Design and Decision-Making Process" April 8, 2011
- Meeting between Chair and Vice-Chair of the Section with the Chair of the ABA Antitrust Law Section March 30, 2011
- Held Annual Spring Forum "Focus on Civil" (Toronto) May 3, 2011
- Mergers Roundtable with the Deputy Commissioner of Competition, Mergers and the Mergers Branch (Toronto) June 20, 2011
- Foreign Investment Review Committee Mini-conference with Department of Canadian Heritage and Investment Review Division along with Chinese merger expert from Beijing (Toronto) June 24, 2011

- Planning for Annual Fall Competition Law Conference (Gatineau) October 6 – 7, 2011
- Made the following submissions on legislation and government policy:
 - Bill C-452: *Competition Act Amendments* (inquiry into industry sector): **Letter to Standing Committee on Industry, Science and Technology, and appearance before the Committee**
 - Foreign Invention Policy in Book Publishing and Distribution: **Submission to Canadian Heritage and participation in public consultations**
 - Commentary on Merger Enforcement Guidelines: **Submission to Competition Bureau**
 - Investment Canada Act Review: **appearance before Standing Committee on Industry, Science and Technology**
 - **Meeting between Section Executive and Commissioner of Competition and Senior Competition Bureau Staff**

CONSTITUTIONAL AND HUMAN RIGHTS LAW SECTION

GRAEME G. MITCHELL, Q.C., CHAIR

In 2010 - 2011, the Constitutional and Human Rights Law Section engaged in both advocacy and continuing professional development activities. Representatives from the Section collaborated with members of the National Labour and Employment Law Section, the Administrative Law Section and the Alternative Dispute Resolution Section to prepare a document entitled *The Canadian Human Rights Tribunal Stakeholder Consultation*. Completed in June 2011, this document responds to a request from the Chair of the Canadian Human Rights Tribunal for input from interested stake-holders about how to improve the Tribunal's processes and make them more accessible to both complainants and respondents.

The Section is also monitoring changes to the appointment and tenure of Senators proposed by the new federal government. In April 2008, the Section presented a submission entitled *Bill C-20 – Senate Appointment Consultations Act* addressing changes to the Senate by the then recently elected Conservative government. A number of those proposals are being re-introduced and the Section will follow their progress and, if warranted, prepare a further submission to respond to them.

The Section produced an issue of its newsletter "Focus" in September 2010.

On June 10, 2011, the Section delivered a one-day PD Program in Ottawa entitled "The Unwritten Constitution". A highlight of this conference was the key-note address by the Right Honourable Joe Clark. The Section's Executive held its annual face-to-face meeting in Ottawa on June 11, 2011, the day following this program, to discuss the Section's operations and future programming. The Section also submitted a CLC Program proposal tentatively entitled "Discussing Canada and its Status as a Secular State" for delivery at the 2012 CLC in Vancouver. At the time of writing approval for this program has not yet been received.

The Section's Executive held a number of telephone conference meetings throughout the year. As well, representatives of the Executive attended the National Sections Council Meeting in Ottawa on November 7, 2010, and met with officials from the Department of Justice (Canada) the next day. The Vice-Chair will represent the Section at the 2011 Annual Meeting in Halifax in August.

CONSTRUCTION LAW SECTION

PATRICIA L. MORRISON, CHAIR

MEMBERSHIP

The Construction Law Section currently has 1644 members, with an active and large Executive with 10 Executive Members, representative of the profession's diversity with respect to gender and geographical location.

ANNUAL EVENTS

The Section held an in-person Executive Committee meeting and Annual Planning Session on October 10, 2010 prior to the Construction CLE in Quebec City. The Section was represented at the National Sections Council meeting in Ottawa in November 2010 and the Mid-Winter Meeting of both NSC and National Council in Charlevoix on February, 2011. It is anticipated that the Section will be represented at the NSC and National Council meetings at the Halifax CLC.

LIAISON ACTIVITIES

The Section continues its tradition of liaison with the American Bar Association (ABA) Construction Law Section by subsidizing the attendance of a Section representative at the annual ABA Construction Law Section annual convention.

PROFESSIONAL DEVELOPMENT

The Section held its bi-annual Construction Law PD Conference in Quebec City in October 2010, which was a huge success. Plans are underway for our next PD Conference which is anticipated to be held in either Halifax or St. John's, Newfoundland in 2012.

CRIMINAL JUSTICE SECTION

MARGARET GALLAGHER, CHAIR

HIGHLIGHTS AND ACHIEVEMENTS OF CURRENT YEAR

- The Section's major focus continues to be extensive advocacy work on behalf of the CBA, primarily in the area of legislation and law reform. The Section is confident that the legislation and law reform work, which is undertaken by the Executive and by many volunteers, is a service to the Section members, and has a large impact on the development of Criminal Justice policy in Canada.
- Other achievements include the Section Executive Committee meetings - Branch Section Chairs and Executive Members across the country attend. The first meeting was at the end of November and included a meeting with the Department of Justice. The second meeting took place in Montreal in May 2011.
- Also, we have reinstated the Committee on Imprisonment and Release.
- We continue to offer on-line CLE's, the most recent being in May 2011 on FASD, with another one planned for the spring of 2012.
- The Section Executive continues to solicit new membership and wants to increase member participation in Legislation and Law Reform work. In the last year, more Section members became more involved in Law Reform work through the Law Reform Committee.
- All Section activities are carried out with sensitivity to equity issues.

ANNUAL PLANNING SESSION

- The Executive Committee meets twice per year to review priorities and assign responsibilities.

COMMUNICATIONS

- Section newsletter
- Section webpage

LEGISLATION & LAW REFORM

- Section will represent the CBA at the criminal law sessions at the August 2011 Uniform Law Conference of Canada in Winnipeg. The Section is submitting 2 resolutions.

SUBMISSIONS TO GOVERNMENT

The section has made a number of submissions to Government in the past year, including:

March 2010

Justice Efficiencies and Access to Justice System report on Jury Reform

Letter to Justice Canada

March 2010

Wells Report on Death of Mentally Ill Inmate in Custody

Letter to Newfoundland and Labrador Department of Justice

May 2010

Impaired Driving – Modernizing Transportation Provisions of the Criminal Code

Submission to Justice Canada

Bill C-391 – Long-Gun Registry Repeal Act

Letter to Standing Committee on Justice and Human Rights

June 2010

Bill C-4 Youth Criminal Justice Act amendments

Submission to Standing Committee on Justice and Human Rights

November 2010

Bill C-5 – International Transfer of Offenders Act Amendments

Submission to Committee on Public Safety and National Security

December 2010

Bill C-48 – Criminal Code Amendments (Protecting Canadians by Ending Sentence Discounts for Multiple Murders Act)

Letter to Standing Committee on Justice and Human Rights

December 2010

Bill C-17 – Criminal Code Amendments (Investigative hearing and recognizance with conditions)

Letter to Standing Committee on Public Safety and National Security

LIAISON ACTIVITIES

- Department of Justice
- Uniform Law Conference of Canada
- International Criminal Bar - the National Criminal Justice Section represents the CBA
- National Associations Active in Criminal Justice

MEETINGS

- Executive meeting, May 2011 (Montreal).
- Executive meeting, November 2010 (Ottawa)
 - Meeting with the Department of Justice
 - Branch Section Chairs and Executive Members from all jurisdictions participate. We rely heavily upon them as a conduit for information to and from individual Section members, and also to increase exposure to the CBA.

ELDER LAW SECTION

JANE A. G. PURDIE, Q.C., CHAIR

Highlights – Current Year Achievements

- Members representing the Section actively participated in all scheduled Council and Section meetings in Niagara Falls, Ottawa, and Charlevoix, and several members are committed to attending the CLC at Halifax where there will be a Section meeting;
- The Section did not participate in the orientation meeting in November 2010, but the date for 2011 is set and it is anticipated that we will have an executive member available for that meeting;
- Had very successful profile-raising sponsorship at the 2010 CLC with chocolate bars and red-button badges “Ask me about Elder Law”;
- Provided input and follow-up input to the Advance Care Planning in Canada: National Framework Project Task Force; to the revised report on Advance Care Planning which was produced after the various submissions, but which did not completely capture the essence of the CBA input;
- Coordinating with the Criminal Law Section to draft a resolution opposing suggestions to government to create one or more offences dealing specifically with elder abuse;
- Planned a series of Webinars collectively “Sex, Drugs and Rock n’ Roll” scheduled to be held from Fall 2011 to Spring 2012 onward;
- Received ongoing input from Provincial Branches – and representatives from 8 Branch or provincial sections met in Ottawa at the in-person meeting which was very energizing, especially due to new enthusiastic provincial members;
- Nominated a member to the Uniform Law Commission on licensing of fiduciaries;
- Provided input to CBA Legislation and Law reform re: New Horizons funding, easing application and continuation of payment of Guaranteed Income supplements, and privacy/banking concerns regarding exposing or alerting to abuse.

Goals – 2011-2012

- Hold a professional development program jointly with the American organization NAELA- National Association of Elder Law Attorneys at their meeting in Seattle for April 2012, notably dealing with cross-border issues;
- Present a professional development program with the Criminal Law Section at the 2012 CLC;
- To follow-up the long term planning priorities raised at the in-person meeting;
- Consolidate networking with provincial sections and attempt to increase the participation by provincial and territorial section; Liaise with other legal organizations providing services to elders, respond and provide input to federal, provincial and territorial initiatives on Seniors issues; and provide background and input for the use of members in their provincial sections;

- To revive or create more effective communication amongst section members and enhance the membership; and increase cross-cultural contact.

FAMILY LAW SECTION

ANU OSBORNE, CHAIR

A] Highlights – Current Year Achievements

Our spring 2011 meeting was held on May 28, 2011 in Skagway Alaska.

The meeting was preceded by two educational events that members of the executive participated in.

On May 26, 2011, we offered a free Public Education Session. Executive members were available to offer information about the main areas of Family Law, including mobility, family violence, parenting after separation, matrimonial property on reserves, access to family justice, services and information, social issues such as: FASD. On Friday, May 27, 2011, members of the executive offered a continuing legal education program for the members of the bar and judiciary in Yukon. The topics covered included: contempt of court, domestic violence, tort claims and family law, capacity to provide instructions to solicitors, supporting children and parents after separation, and best practices and strategies.

The continuing legal education session was well attended and received.

The executive meeting was a very productive daylong meeting. Many activities have been planned for the upcoming year which will include: participating in the assessment of the spousal support advisory guidelines requested by the Department of Justice, two online CLE's on constructive trust and child support for adult children [if approved], proposal to present a program for the 2012 CLC on Collaborative Law [if approved]. We also established a number of committees. We expect these committees to be active in the following areas in the upcoming year: Collaborative Law, Legislation Law Reform, Child Participation/Traditional Interviews of Children, Best Interests of Children and Status of the Child. We intend to work collaboratively with the ADR section on Collaborative Law.

One Family Law Newsletter was sent out this past year and another one is planned for release in October 2011.

Our fall 2011 meeting will take place in Ottawa in conjunction with the Department of Justice meeting. We continue to develop our relationship with the Department of Justice and have determined to take a proactive approach in our dialogue with the Department of Justice. We are currently working on an Agenda of items that we hope to discuss with the Department of Justice that are areas of concern and interest to our members and the public.

B] Goals [2011 – 2012]

Our goals include focusing on the areas outlined above.

We plan to continue to use the spring meeting as a forum to reach out to smaller legal communities. We began in 2007 in Yellowknife, followed by 2008 in Charlottetown, 2009

in St. John's, Newfoundland, 2010 in Saint John, New Brunswick and 2011 in Whitehorse, Yukon. The PLE and CLE sessions that we have conducted raise the profile of our Section in the community and encourage member participation in each venue. We have tentatively discussed having our spring 2012 in Kamloops, British Columbia.

HEALTH LAW SECTION

ANNETTE LEFEBVRE, CHAIR

Highlights - Current Year Achievements

- The third biennial National health Law Summit was held in Montreal on May 26, and 27, 2011.
 - The Section PD Committee worked extremely hard throughout the last year and the result was a very successful conference attended by 130 participants from across the country.
 - The Section Committee succeeded in raising \$30,500.00, more than a third higher than in previous years, a new benchmark record for the Health law Section. This funding permitted the PD Committee to attract and fund high profile speakers from every region. It also allowed the PD Committee to cover the entire costs of the Thursday evening networking cocktail and dinner which were subsumed in the cost of the registration.
 - The PD Conference delivered an excellent program comprised of six sessions over one and a half days with an impressive caliber of presenters on topics of high interest to health law members and several other related sections:

Thursday May 26th the opening session entitled *Disruptive Behavior in Health Care – Legal and Practical Strategies* presented six medical and legal panelists with very informative talks on this thorny subject. Justice Chantal Corriveau presided over the second session entitled *Damages, New trends and Directions*.

Friday morning five speakers addressed various topics in the Mental Health Advocacy session. The concurrent sessions *Patient Safety* and *The Evolving Role of Experts in Legal Actions* made for a difficult choice for attendees. These sessions addressed some of the latest hotly contested subjects for jurists.

After a networking lunch conference members were informed about the latest developments in the *Critical health Law Update: Coast to Coast* session presided by Maître Simon Potter who kept things rolling in an entertaining manner.

- A highlight of the Conference was the networking cocktail held at the recently restored Court of Appeal, designed by the renowned architect Cormier, which also houses an impressive art collection. Mr. Justice Allan Hilton and his law clerks gave small groups an entertaining and informative tour of the court while attendees sipped cocktails and enjoyed hors d'oeuvres.

Later attendees walked to the Hotel Sainte Sulpice, also in old Montreal, for a memorable dinner with colleagues and speakers.

Communication Initiatives

- The Pulse Newsletter had two publications with articles from across Canada on diverse issues related to health law.
- The CBA Health Law website is up and running.

Meetings

- The Executive Committee Meeting was held following the PD Conference on Saturday, May 28th.
- Regular Executive meetings have been held by conference calls at minimum every two month
- The PD Section committee held monthly telephone meetings in the Fall of 2010, followed by various session calls with panelists. The full Pd Committee had calls leading up to the conference. In addition, the Montreal committee met in person at least three times and were in regular contact in the months prior to the Summit.
- The Section was represented at the Orientation Workshop/National Sections Council meeting in November.
- Unfortunately, there was no attendance at the mid-winter meeting in Charlevoix.

Advocacy

- The Health Law Section has received regular updates regarding the *National Framework for Advance Care Planning*. An effort was made to partake in the national day set aside for discussion of health care planning with the hope that this will become a regular organized event for this Section.

Professional Development (in-person /online CLE, CBA CLC program, other PD activities)

- The Health Law Section will begin to plan the next biennial National Health Law Summit for 2013. At the Executive meeting on May 28th there was lively discussion about the locale. While the next region would be the east, there was concern as to whether the attendance could be sustained.
- In the Fall of 2011 the section plans to review the possibility of hosting an on-line webinar.
- There were no submissions regarding Legislation and Law Reform
- The Advanced Care Planning project has been completed
- CPSI – Michael Waite, (Section designate) will attend the next meeting of the Canadian Patient Safety Institute. (Section Chair or designate is a voting member).

INSURANCE LAW SECTION

JOHN A. VAMPLEW, CHAIR

The National Insurance Law Section executive had its annual in-person meeting on April 2, 2011 to identify new initiatives and plan future events for the section. As always, this meeting included updates from the provincial Insurance Law Sections. The round-table discussion that evolves from these updates provide a valuable opportunity for provincial section representatives to exchange ideas with their colleagues that can then be implemented within the activities being offered in the provincial Insurance Law Sections. One of the initiatives emerging from our recent meeting was a renewed commitment to providing professional development opportunities to members of the Insurance Law Section. To this end, the following steps have been taken:

- A webinar is scheduled for November 10, 2011 and will address the Supreme Court of Canada's most recent insurance law case, *Progressive Homes*.
- A further webinar is being planned for 2011-12 and will provide an overview of the Commercial General Liability insurance policy.
- The Insurance Law section has submitted to the CBA a proposal to organize one of the seminar components at the 2012 CLC in Vancouver.
- We are exploring with CBA staff the possibility of organizing a future webinar to address basic insurance law principles which would be part of the CBA's Skilled Lawyer series.

The next edition of the Insurance Law Section's newsletter, *Underwritings*, is expected to be published in time for the 2011 Canadian Legal Conference in Halifax. Two editions of *Underwritings* are planned for the coming year.

The Insurance Law Section is in the process of launching an e-mail listserv that all section members can join. This will facilitate the exchange of ideas and provide added benefit to section members. The Insurance Law Section Executive also maintains its own e-mail listserv and this is used throughout the year for the Executive to discuss developments.

The Insurance Law section has been approached by the International Association for Insurance Law (AIDA) to become its Canadian Chapter. Our section is in the process of gathering information on what benefits this affiliation would have to our section members, and the matter will be considered further at the Section's Executive meeting planned for the Fall of 2011.

INTELLECTUAL PROPERTY LAW SECTION

STEPHANIE CHONG, CHAIR

The IP Section has had another very productive year in 2010-2011. The Section's most notable achievement was the production of a submission on copyright reform in the face of stiff debate and opposition. Other submissions were also filed by the Trade-marks Committee. The Section continues to produce widely-read case summaries and successful PD programs, including the well-received annual program on Federal Court advocacy held in conjunction with the popular Federal Courts Judges' Dinner. Provincial branches actively participate in Section activities. The Executive met approximately once per month and is in the process of wrapping up outstanding matters for the year, including revitalizing the committee structure and imposing term limits on chairs to ensure appropriate turnover. The Section was represented at this year's NSC meetings in Ottawa, and will be represented at the Annual Meeting in Halifax.

Highlights of the past year include the following:

- Successful completion of submission on Bill C-32 (*Copyright Modernization Act*) through Herculean efforts of Working Group and Executive, despite seemingly insurmountable obstacles. Although Bill C-32 died on the order paper when the most recent federal election was called, copyright reform continues to be a "hot topic" and the CBA's submissions will likely still be relevant once the issue is revived by Parliament.
- The Section's Trade-marks Committee made two submissions to the Federal Government regarding trade-marks practice.
- The Section is in the process of revamping its committee structure to revitalize dormant committees and institute term limitations for chairs to ensure appropriate turnover. The changes will be implemented in time for the new 2011-2012 term.
- The Section held the 22nd edition of the Annual Federal Courts Judges' Dinner in Ottawa on May 5, 2011 honouring the contributions of senior practitioners and judges of the Federal Court and Federal Court of Appeal.
- A Spring PD Program was offered in conjunction with the Federal Courts Judges' Dinner. The topic was "Advocacy Before the Federal Court in IP Matters – The Art of Cross-Examination".
- Also in conjunction with the Federal Courts Judges' Dinner, the Section hosted the 5th annual Town Hall Meeting in Ottawa on May 5, 2011. This meeting provides a forum for members of the Bar and representatives of the Federal Courts to engage in a dialogue regarding intellectual property practice before the Courts.
- A Summer PD program will be held on August 16, 2011 on the topic of "The Art of Settling a Dispute" (held in conjunction with CBA CLC).

- Members of the Executive continue to participate actively in the Federal Court IP Users Group, comprised of Federal Court representatives and members of the Section, which provides a further opportunity to communicate with the Federal Courts regarding intellectual property litigation management issues.
- The Section sponsored the 2011 Harold J. Fox Moot and presented the Don Sim Advocacy Award at the event held on February 18-19, 2011. The Section has renewed its commitment to sponsor the 2012 Moot (date to be determined).

INTERNATIONAL LAW SECTION

Not submitted.

LABOUR AND EMPLOYMENT LAW SECTION

AMY GOUGH FARNWORTH, CHAIR

CURRENT YEAR ACHIEVEMENTS:

- **SUCCESSFUL NOVEMBER 2010 JOINT PD PROGRAM WITH ADMINISTRATIVE LAW & PRIVACY LAW SECTION**
- November Executive Committee held in conjunction with the 2010 PD program
- November Meeting with Department of Justice and Canadian Industrial Relation's Board Chair in conjunction with 2010 PD and Executive Meeting

Section Committees & Working Groups:

- Section activities have been broken into working groups to assist in timely and specialized responses to our Section mandate. The current Working Groups as a follows:
 - **Section Newsletter** – *Perspectives* – 1 senior editor and 2 junior editors (3 issues produced: Fall 2010, Winter 2010, Spring / Summer 2011).
 - **Website Content Committee**– monitors and updates Section website
 - **Working Group on Pandemic Issues** – examining the labour and employment impacts of the workplace in planning for, experiencing and in the aftermath of a pandemic (once issues are canvassed, the intended outcome is to prepare materials of assistance for members in their practice). WG is made up of L & E Section members from several provinces (in addition to Executive).
 - **National PD Steering Committee** – participates and contributes on behalf of the Section in the development of the program for the National Administrative and Labour & Employment Law PD in Ottawa in November each year [upcoming November 25 & 26, 2011].
 - **DOJ Liaison** – On behalf of the Section, collaborates with DOJ contacts to establish the agenda / program for the in-person DOJ meeting with the L & E Section Executive each year [upcoming November 24, 2011].
 - **ABA Liaison** - On behalf of the Section, makes linkages with the ABA Labour & Employment Law Section [separate report available upon request].
 - **Submissions Committee** - assists in coordinating L & E Section contributions for CBA responses to Government and other entities.
 - **Working Group to Develop L & E Section Law Student Writing Prize**

Liaison Activities:

- Enhanced liaison with ABA Labour Section (formal Section Liaison attended L & E Meeting of the ABA Labour Section in USA)
- The Working Group noted above examining the management of pandemic issues will liaise with the Health Law and Privacy Law Sections.
- L & E Section nominated the National Administrative Law Section for the 2011 NSC Prize.

Section Executive Meetings:

- Conference Calls approximately every 6-8 weeks for full Executive
- Conference Calls for specific Committees & Working Groups
- Section Executive Committee in-person planning meeting each November (in Ottawa, in conjunction with National PD // also open to all Section members)
- Section meeting at CLC - open to all Section members

Goals – 2011-2012:

- With National Administrative Law Section – Annual Joint PD – final themes to be verified based on all speakers secured - November 25-26, 2011 (Ottawa). Note: SCC Chief Justice McLachlin is confirmed as a key note speaker.
- 2 - 3 Section newsletters
- Enhanced involvement of members
- Fall 2011 meeting with Department of Justice (DOJ)
- Inclusion of CIRB again in conjunction with DOJ meeting
- Increased liaison with all Provincial/Territorial Branch Chairs
- Continued liaison with ABA Labour Section
- Development of an L & E Section student writing prize
- In-person Executive Meetings (at least one and funding request made for second meeting in 2011 / 2012 budget).

LAW PRACTICE MANAGEMENT & TECHNOLOGY SECTION

JEAN-FRANÇOIS DE RICO, CHAIR

The Section's activity level in the last year has been low. During the fall, the Executive Committee shared ideas on how to improve its visibility and make better use of its content.

The Section's Executive decided not to hold an in-person meeting in 2010-2011, and to meet via phone conferences and communicate via electronic means.

The section prepared and submitted a PD program joint proposal which was retained for the 2011 CBA Canadian Legal conference that will be held in Halifax in August 2011. The PD program will be presented in collaboration with 3 other groups (Women Lawyers Forum; Small, Solo and General Practice Forum and LPAC). Two members of the Section's Executive will participate as speakers. This joint presentation is a very good example of the benefits of collaboration among the CBA sections and has been a great opportunity to meet representatives from other Sections.

The opportunity to publish a "National" Law Practice newsletter integrating content from provincial Branch Sections has been identified, but has yet to unfold. The Section is also looking to create more traffic on the Section's webpage.

The Section's LinkedIn group has increased its membership and the forum is regularly animated by its members who exchange on different topics pertaining to Law Practice Management and Technology.

MARTIME LAW SECTION

PETER SWANSON, CHAIR

2010/2011 was a fairly active for the National Maritime Law Section even though there were no significant legislative initiatives from Parliament on the maritime law front.

As shipping is an international enterprise, much of Canada's shipping laws are derived from international treaty efforts. Canada is quite active internationally in the treaty making process. As such it is fairly common for Transport Canada to seek input from the private bar on international treaty initiatives, including input on whether Canada should initially sign and/or ratify a given treaty, and if so how Parliament should go about implementing that treaty through domestic legislation. 2010/2011 saw two such efforts that resulted in our section generating submissions for Transport Canada. More specifically, we did the following:

- 1) In the fall of 2010 we made submission to Transport Canada on the *Nairobi International Convention on the Removal of Wrecks, 2007 (Nairobi Convention)*. The *Nairobi Convention* addresses the issue of shipwrecks located outside territorial waters. Ultimately we thought it would be best if Canada did accede to the *Nairobi Convention* and when implementing the Convention create domestic legislation that would not only apply to wrecks outside of Canada's territorial sea but also to wrecks within Canada's internal waters and territorial sea.
- 2) In January 2011 we made submission to Transport Canada on the *International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010 (HNS Convention)* in response to their Discussion Paper, dated October 2010. The discussion paper made a number of recommendations, including that the *Marine Liability Act* be amended to implement the *HNS Convention* in Canada. We were generally supportive of Canada's effort on this front and were in general agreement that implementation of the *HNS Convention* should be done through the *Marine Liability Act*, rather than by regulation.

In addition to these efforts, in November 2010 the Section met with representatives of the Department of Justice at the 22st Annual CBA/Justice Canada National Sections meeting in Ottawa, Ontario. Once again, the meeting was well attended and the agenda was a full one. One of the more important aspects of our meeting with the Department of Justice was the creation of a working group comprised of Department of Justice Lawyers and members of our executive. The purpose of the working group is to determine whether it is possible to agree on standard wording for the provision of security to the Government of Canada when claims arise against ships either under Federal legislation or the common law. The working group has began the process and it is hoped they will complete their work by the fall of 2011 in time for the 23rd Annual CBA/Justice Canada National Sections meeting.

Finally, a meeting of the Executive and the Annual General Meeting of the Section, open to all Section members, was held in Quebec City on June 4, 2011 and, once again, both meetings were well attended.

MEDIA & COMMUNICATIONS SECTION

Not submitted.

MILITARY LAW SECTION

GILLES LEVASSEUR, CHAIR

- Highlights -

- This year's Spring CLE, 14 June 2011 in Ottawa will deal with practical training regarding the court practices and will include a session on Royal Prerogative in Canada. The CLE will have guest speakers to discuss the various interpretation of the Royal Prerogative in Canada and in the military and respective court practices in military trials.
- The Second Annual Sword & Scale Essay Competition received several submissions and is now closed to applicants. Posters and circulars explaining the competition were sent to Deans of Canadian Law Schools requesting their assistance to promulgate notice of the competition amongst law students. The prize consists of \$250 plus a complimentary registration at this year's Spring PD conference and publication of the winning essay in an upcoming issue of the SWORD & SCALE.
- In the fall of 2010, LCol Randy Callan (NMLS Executive Member) was able to coordinate with the Public Sector Lawyers in BC to put on a joint presentation entitled Legal Aspects of Support to the 2010 Olympics. We look forward to further collaboration with CBA's many Sections.

- Goals -

- Continue our meetings with JAG and its deputies for better coordination of professional development events;
- Continue the annual military law essay competition for students;
- Continue to monitor legislation and law reform initiatives;
- Prepare regional events to celebrate the 100th anniversary of the creation of JAG;
- Continue initiatives with the SWORD & SCALE in which original articles on military law are published, and previously published articles with a relevant military law nexus are also published;
- Publish the winning article from the 2010-2011 Sword & Scale Essay Competition in an upcoming edition of the SWORD & SCALE; and
- Continue to provide useful information to members on the Section webpage.

- Annual Planning Session -

- The Executive met on June 14th, 2011 in conjunction with their Section's PD program. Typically, the Section meets every Spring in Ottawa to discuss goals and objectives.

- Communications -

- Newsletter - *Sword & Scale/Salut militaire*
- Section webpage
- E-mail updates to members
- Professional Development (National Programs and CLC)

- Liaison Activities -

- Office of the Judge Advocate General
- Court Martial Appeal Court
- Canadian Forces Grievance Board
- Military Police Complaints Commission
- Canadian Forces Ombudsman

MUNICIPAL LAW SECTION

DENISE JAKAL, CHAIR

Since August 2010, the National Municipal Section has organized an online Webinar on Procurement (June 9, 2011), published 2 editions of our newsletter, *Town Hall*, and have organized a substantive meeting for Halifax featuring a panel of speakers who will cover various manifestations of Urban Blight and potential municipal responses – marijuana grow-ops, billboard regulation, student ghettos and challenges presented by declining populations. Our Vice Chair, Mary Ellen Donavon, Q.C., the City Solicitor of the Halifax Regional Municipality has also organized a Rail Issues Forum to take place immediately following the 2011 Canadian Legal Conference.

Our section executive keeps in close contact with each other through frequent scheduled conference calls and have gotten to know each other very well despite the size of our home and native land.

We have had a very exciting year because of the efforts of our very active and enthusiastic members and Executive – thanks to them all.

NATURAL ENVIRONMENT, ENERGY AND RESOURCES LAW

ANDRÉ TURMEL, CHAIR

HIGHLIGHTS

NEERLS has had an enormously successful past year, with significant achievements beyond the standard level of activity.

Three key highlights are:

1. NEERLS organized and executed a delegation to the United Nations climate change negotiations in Cancun, December 2010. This builds on the work of the delegation that the UNFCCC conference in Copenhagen, 2009.
2. NEERLS amended its bylaws to allow for further engagement with the ABA by appointing a senior Section on Environment, Energy and Resources (SEER) representative as an *ex officio* non-voting member of the NEERLS Executive Committee. A reciprocal arrangement was established and approved with the ABA.
3. NEERLS held its annual 1.5 DOJ/CBA events with registration of more than 65.

PROGRAM ACTIVITIES

NEERLS was able to continue with the program activities as per earlier years.

- In April 2011 a very successful PD Conference was held in conjunction with the Annual Section Meeting in Banff. This had a high level of participation and generated significant positive feedback. More than 35 attended the meeting, including several ABA SEER members.
- NEERLS held another very successful meeting with the Department of Justice in Fall 2010. This involved participation by representatives of CBA NEERLS members, ABA, the Federal Departments of Environment and Natural Resources plus Justice representatives from other government departments. These sessions incorporate a valuable PD component. Work is already underway for the November 2011 program.
- NEERLS will hold a practice-focussed session “*Approaches to Off-Shore Oil Development in Canada*” at the CBA CLC in Halifax.

LEGISLATION AND LAW REFORM

Aided by CBA Staff, NEERLS will submit a resolution on Climate Change at the 2011 CLC & Expo, Halifax, NS.

COMMUNICATIONS

There has been a regular series of meetings of Officers and the full Executive Committee via conference call. NEERLS also published two specialist on-line journals (Eco-Bulletin), and ran the 6th successful essay contest for Canadian law schools as part of our outreach program.

PENSIONS AND BENEFITS LAW SECTION

JULIE VANDAL-LEMOYNE, CHAIR R

MEETINGS AND ANNUAL PLANNING SESSIONS

- Section Executive in person meeting on November 19, 2010 in Toronto.
- Conference calls among the whole Section Executive approximately every two months throughout the year. Planning sessions were combined with the Executive Meetings.
- A Section Business Meeting is scheduled for August 15, 2011 at the CLC in Halifax.
- An Online PD on the subject of pension reforms is planned for October, 2011.

PROFESSIONAL DEVELOPMENT

- An online PD session entitled "Pension & Benefits Issues in Insolvencies and Restructurings: The New Frontier" was held on October 27, 2010. There were three speakers. Approximately 70 persons attended.
- Meeting of the Section with the Investment Funds Institute of Canada (IFIC) during our November 2010 in-person meeting.
- A joint PD session is being held at the August 2011 CLC in Halifax with Labour and Employment Law and Administrative Law Sections.

SUBMISSIONS AND OTHER ACTIVITIES

The following submissions were provided:

- Submission to Canadian Association of Pension Supervisory Authorities (CAPSA) on draft Pension Plan Prudent Investment Practices Guideline, the Self-Assessment Questionnaire on Prudent Investment Practices, and the draft Pension Plan Funding Policy Guideline.
- Submission to federal Minister of Finance on Pooled Registered Pension Plans.
- Submission to federal Minister of Finance on self-employed Canadians and retirement planning vehicles on behalf of Retirement Income Improvement Coalition (RIIC).
- Submission with respect to Bill 30 - PEI Pension Benefits Act.
- Joint submission with Bankruptcy and Insolvency Section on private members' Bills (C-501) on pension protection in insolvency.

Other activities:

- Communication with Quebec pension lawyers (approximately 15) on the subject of creating a CBA Quebec Branch Pensions and Benefits Section.
- Contact initiated with corresponding Section of the American Bar Association to explore opportunities for collaboration and joint activity.
- Resolution proposed at the CBA Mid-Winter meeting with respect to protection from creditors for RRSPs and RRIFs. This resolution was not adopted and it was decided to table the resolution due to certain concerns raised.

COMMUNICATIONS

- Published 2 issues of its Newsletter *For Your Benefit* in December 2010 and June 2011.
- Maintained current website for the Section through an active Website Committee.

PRIVACY LAW SECTION

JEAN NELSON, CHAIR

OVERVIEW

The National Privacy and Access Law Section ("NPALS") is now in its ninth year. The Executive meets on a monthly basis by teleconference as well as at ad hoc committee meetings and consists of members from across Canada.

Over the past year, professional development and legislation and law reform activities continue to dominate our meeting agendas and planning activities.

PROFESSIONAL DEVELOPMENT

- In September 2010, NPALS inaugurated its first Privacy and Access to Information Symposium. The event held in Ottawa was sold out and included panel representations from federal and provincial privacy and access to information commissioners. The coordinating committee included representatives from privacy and access to information regulators. Planning is underway for the second symposium to be held October 3-5, 2011 in Ottawa in conjunction with the International Conference of Access to Information Commissioners.
- A NPALS CLE working group finalized the accreditation, formatting and content of our "Privacy in Practice" professional development program to be presented in Halifax at the 2011 CLC on August 16, 2011. A highlight of the event includes the launch of the Privacy Commissioner of Canada's handbook entitled, "PIPEDA and Your Practice: A Privacy Handbook for Lawyers".

LEGISLATION AND LAW REFORM

- NPALS worked to fine tune draft submissions on PIPEDA and lawful access and will revisit the drafts when these legislative proposals are re-introduced.
- NPALS also provided comments to Industry Canada in response to consultations on the 30th anniversary of the OECD Privacy Guidelines.

COMMUNICATIONS

- NPALS published a "Privacy Pages" electronic newsletter this year and has contributions waiting in the wings for the next edition, anticipated in fall 2011. This year's December 2010 edition had particular content on Quebec tribunal decisions as well as numerous case briefs.

REAL PROPERTY SECTION

RAYMOND G. LECLAIR, CHAIR

Ongoing activities:

- monthly telephone calls for the Executive and all Branch Chairs to exchange ideas and pursue matters;
- compilation of a national real estate law & practice comparison chart to educate members, assist inter-cooperation and unite a section which is based on provincial based laws, rules and practices;
- monitoring of various issues, including:
 - o Québec Chambre & Barreau unauthorised practice of law action;
 - o Federal Government Real Estate National Relocation Services contract which restricts real estate lawyers' fees and services without any input from the Bar;
 - o Lenders steering of mortgage business away from lawyers;
 - o Third party service providers and software "support" providers;
 - o CREA / Competition Bureau agreement / action re: REALTOR.ca;
 - o Canada Payment System Review and Fraudulent Cheque risks and practices;
 - o Considering Practice Guidelines / Fee Schedules;
 - o Activities of provincial Branch Sections and issues of concern to them;
 - o New feature – monthly email message to all members of the Section to update them on on-going issues and to seek their feedback and input.

Meetings:

- Fall 2010 Real Property Section Executive and Branch Chairs annual planning meeting was held in Ottawa November 20 & 21
- Section was represented at both the 2010 Charlevoix midwinter and 2011 Niagara Falls annual meeting of the CBA
- CBA CLC – Halifax, NS – August 15, 2011 Real Property Section meeting to meet all members and interested parties at the CLC and discuss issues of concern
- Fall 2011 Real Property Section Executive and Branch Chairs annual planning meeting in Ottawa

Professional Development:

- Planning fall program CBA online program on "Terms of Art in Real Estate Transactions" (working title for now). The program will take place on December 7/11 at noon-1:30pm. The speakers are to Jeffery Lem and Tim Kennedy.

Newsletter:

- next issue to be released shortly;

TAXATION SECTION

ELAINE MARCHAND, CHAIR

The main activity of the National Taxation Law Section (“Section”) is its participation in the Joint Committee on Taxation of the CBA and the Canadian Institute of Chartered Accountants (“Joint Committee”). The Chair and Vice Chair of the Section are Co-Chair and Co Vice-Chair of the Joint Committee respectively.

Legislation and Law Reform

The Joint Committee makes submissions to the Department of Finance and the Canada Revenue Agency regarding income tax matters and meets with officials of those two bodies.

The main activities of the Joint Committee since the date of our May 27, 2010 activity report to Council are the following:

1. An in-person meeting (November 2010) and conference calls with officials of the Department of Finance concerning the status of outstanding submissions and various technical issues;
2. Seven submissions to the federal Minister of Finance on various topics, including the August 27, 2010 release on 2010 Budget proposals and other previously announced initiatives, the July 16, 2010 Technical Amendments, the Budget 2010 measures relating to Information Reporting of Avoidance Transactions, the December 16, 2010 Draft Legislation on Real Estate Investment Trusts.

Communication and Outreach

The Joint Committee held two in-person meetings and periodic conference calls to inform members of ongoing matters. These calls and meetings include members of the Tax Section that are also members of the Joint Committee. Such calls or meetings were held in June, October and November 2010, and in March and May 2011.

Updates on Joint Committee projects and initiatives were provided by Section Officers at activities organised by the Tax Section of certain branches (Ontario, September 2010, and Québec, March 2011). The Chair’s update on Section activities was sent to all members in April 2011.

The Section co-hosted a cocktail reception in Montreal on April 28, 2011 with the Tax Court of Canada and the Canadian Tax Foundation on the occasion of the joint meeting of the Tax Court of Canada Rules Committee and the Tax Court

Bench and Bar Committee. The reception was attended by over 100 members of the Tax Bar.

Professional Development

The Section sponsors “Tax Law for Lawyers”, a very successful 1-week PD program at Niagara on the Lake. This year’s program takes place from May 29 to June 3, 2011.

WILLS, ESTATES & TRUSTS SECTION

KAREN A. PLATTEN, CHAIR

Current Year's Highlights and Achievements

- Section held a meeting in Ottawa on April 2, 2011 at which the activities for the year were discussed along with future initiatives.
- Section produced two newsletters in 2010-2011 and two more newsletters are planned for the current year. The newsletter contains articles of interest, case reviews and highlights of changes to the area of practice as well as possible future changes.
- The National Concordance Chart of Succession Law continues to be a major focus of the Section. Updates are provided for annually and the Section is in the process of expanding the availability of the Concordance.
- Section sponsored an on-line PD: "*Everything Old is New Again: Troubleshooting in Wills and Estates Practices.*"
- Currently working on the next on-line PD and a PD proposal for the Vancouver CBA Annual Meeting in 2012.
- Continuing to work on a submission to the Department of Finance respecting the tax deductibility of remainder gifts to charities.
- Participating as required on a special committee of the Hague Convention for study of the Status of Children in Surrogacy Situations.

Goals

- Complete expansion of the National Concordance Chart of Succession Law and provide for on-going updates and complete negotiations of new contact with Carswell and possibly CCH.
- Continue with law reform projects and look to new projects including a project to review standards for non-regulated fiduciaries.
- Continue to produce a Section newsletter 2 to 4 times per year.
- Produce one webinar in each year of national interest.

Conferences

CONFERENCE CHAIRS

PATRICK I. CASSIDY, Q.C., CHAIR

Conferences are involved in many activities including law reform, professional development and special member service projects. *For details of the broad range of activities and specialized services delivered by Conferences, please review the individual Conference reports.*

Conference Chairs

Conferences continue to meet three times per year to discuss items of shared interest. Twice a year, at the CBA Mid-Winter and Annual Meetings, these meetings include a 'joint update' with National Sections Council which provides Sections and Conferences with valuable CBA information while avoiding duplication for presenters. This is an excellent opportunity for Conferences and Sections to learn about the many initiatives each is undertaking.

Conference Chairs will once again participate with Section Chairs in an officers training session and in-person meeting in Ottawa this coming October. As part of the training session an orientation handbook will be developed and circulated to all Conference Executive Committee members.

Professional Development

Conferences continue to provide Profession Development to members at the Canadian Legal Conference. This year the Canadian Judges' Forum, the Small, Solo and General Practice Forum, the Women Lawyers Forum and LPAC are presenting PD programs as part of the main program and the French Speaking Common Law Members Conference will offer a smaller program at its business meetings for members.

Outreach//Member Service

Many Conferences reach out to members through outreach events and recognition award receptions. SOGIC held a reception in Calgary in May which was a huge success. Over 40 people were in attendance and like others years the Conference is optimistic this will lead to the creation of a new SOGIC Section there. Here at the CLC, the Women Lawyers Forum, SOGIC and the Public Sector Lawyers Forum will host award receptions to recognize and celebrate excellence in their field.

Final Thoughts

This is my last meeting as Chair of Conference Chairs. In September Lucille Birkett, Chair of the Small, Solo and General Practice Forum will take over September 1.

I would like to take this opportunity to thank Conferences for the high quality products and services they continue to produce for members. There is an amazing amount of volunteer energy found within Conferences. I would also like to thank the CBA Executive, Board of Directors, Council and Finance Committee for the support Conferences receive. It has been a pleasure working with the CBA staff during my term and a particular pleasure in working with Jennifer Lalonde.

CANADIAN JUDGES' FORUM

THE HONOURABLE MICHELLE FUERST, 1ST CO-CHAIR

Canadian Legal Conference Events

This year once again the Canadian Judges' Forum is participating in the Canadian Bar Association Meetings held in Halifax, NS in August 2011. On Sunday afternoon, we will be hosting a reception for judges and their guests.

Monday morning, the Judges' Forum will host a continuing legal education presentation entitled: *Contempt of Court: A View from the Bench*. It promises to be a very interesting presentation. At the end of the session we will recognize the Honourable Justice Jamie Saunders and present him with the Forum's *Colleague in the Spotlight*. Following the continuing legal education, the Forum will hold its annual business meeting.

Finally, the Forum will once again partner with the Canadian Superior Court Judges Association on the Tuesday to present the Judges' Day Conference which will be held at Pier 21.

Vox Judicia

The Forum continues to produce an excellent publication for members of the judiciary. The newsletter is distributed electronically in June to the majority of judges across Canada. It is through this that we are able to stay in touch with judges from across Canada and to continue to encourage judges to join the Canadian Bar Association and become active in the community and the Judges' Forum.

Membership

In keeping with our Bylaws, the Judges' Forum works to maintain participation of judges from all courts of record. We have been fortunate to count among our more active members, judges of the highest calibre who have distinguished themselves in many areas.

The Canadian Judges' Forum continues to work to ensure participation in membership from the judiciary at all levels of court from all regions of Canada. We attempt to balance membership by nominating a member of a superior court every second year and nominating a member of the provincial or territorial court in the alternating years to the executive. To date this has been a successful way to ensure the Forum maintains a balanced view for all judges.

The Judges' Forum is an important vehicle and networking place for judges. The Canadian Bar Association continues to be supportive of judges' concerns and has been one of the primary advocates on behalf of judicial rights and of concerns affecting judiciary. The challenge for the Judges' Forum is to continue to keep a high profile for Judges' within the Canadian Bar Association.

CONFERENCE OF FRENCH SPEAKING COMMON LAW MEMBERS

DANIEL BOIVIN, PRESIDENT

The major objectives of the Conference of French-Speaking Common Law Members (“CJEF”) are to ensure that the CBA’s activities are conducted in French as well as in English, to strengthen ties between the CBA and the French-speaking legal community in common law jurisdictions, and to help the CBA in its efforts to promote access to justice in both official languages and ensure the respect of French as an official language within the justice administration system.

Both before and during the Canadian Legal Conference in Niagara Falls, the CJEF was heavily involved in the debate about bilingualism in the Supreme Court of Canada and Bill C-232. In the past year, the CJEF’s executive has had to properly explain the compromise reached at the CBA’s last General Meeting to the francophone community.

Bill C-232 died on the Order Paper when the federal election was called, but the issues raised by the debate live on. The question of a bilingual Supreme Court is still a concern for francophone communities from sea to sea. In that regard, the alternative solution to Bill C-232 put forth by the CBA in last year’s resolution, namely, an amendment to section 16 of the *Official Languages Act*, is an interesting solution which the CBA has proposed to Prime Minister Harper. That question remains, and will remain, a priority for the CJEF as the Harper government begins its first term as a majority.

The CJEF also works on promoting the measures adopted by the CBA, which has amended its *Code of Professional Conduct* to add obligations concerning the language rights of clients. These provisions are an interesting model for those provinces that have adopted a different code from the CBA’s. The CJEF is working closely with the *Fédération des associations de juristes d’expression française* (“FAJEF”) and its members to promote that model, and to remind everyone of how important it is for lawyers to make sure that their clients are duly advised of their language rights.

The CJEF is continuing to foster closer ties between the CBA and francophone communities outside Quebec. The FAJEF has a representative who is a special advisor on the Conference executive, and once again this year the CJEF will hold a joint meeting with the FAJEF and the provincial associations of French-speaking members at the Canadian Legal Conference in Halifax. This type of cooperation is conducive to productive discussions and a joint approach to mutual concerns about access to justice in both official languages.

Finally, the CJEF wants to promote greater use of French in the CBA’s activities. The CJEF is working with the CBA staff and other committees to identify strategies that will make it possible for the CBA’s French-speaking members to achieve better linguistic recognition within their association.

GENERAL PRACTICE SOLO & SMALL FIRM CONFERENCE

LUCILLE R. BIRKETT, Q.C., CHAIR

The Small, Solo and General Practice Forum (SSGPF) is for CBA members who practice in small firms or solo, or who have a general practice of law. Our objectives are to recognize the role, promote the participation, and act as the national voice of the small firm, solo and general practitioner within the Association; and to organize professional programs of interest, including the economics and efficiencies of practice, quality of life, and the public perception of the capacity and worth of small, solo and general practitioners.

Activities:

Annual Planning Meeting held in Ottawa, October 16, 2010 with 13 members in attendance, including 5 Branch Chairs, each of whom took away new ideas and renewed enthusiasm for SSGPF activities in their respective provinces. Long term goals and priorities for the upcoming year were set. Topics and contributors for programs, projects, and our newsletter, General Knowledge, were identified.

Conference Call with the CBA Task Force on Conflicts of Interest, November 5, 2010, to discuss concerns with the conflict rules for small and solo practitioners.

Chair attended and reported to the Meeting of Conference Chairs, in Ottawa, November 7, 2010 and the Mid-Winter Meeting of Council in Charlevoix, Quebec, February 18-20, 2011. Resolution 11-10-M was carried to amend the SSGPF By-Laws to allow for nominations by mail, election by e-ballot, and shorter terms for members at large, to encourage wider participation.

Conference Calls with the Executive and Branch Chairs were held throughout the year to organize activities and discuss topics of interest including the status of paralegals in our respective jurisdictions and their impact on our particular practices and the need for locums or a roster of contract lawyers to handle the practice of a small or solo practitioner while he or she is away for illness, parental leave, sabbatical, etc.

Accomplishments:

Webinar on "Effective Document Management for the Small Firm", February 15, 2011.

Co-organized with the Woman Lawyers Forum, LPAC and the Law Practice Management and Technology Section a 3 hour accredited program in Halifax, August 16, 2011 on "Creating and Managing an Individualized Legal Practice".

Established SSGPF Branches in both Northern and Southern Alberta to start up in September, 2011.

Approved for our first Stand-Alone Conference, "Business Basics in Changing Times" to be held in conjunction with our 2011 Annual Planning Meeting, in Toronto, November, 2011, working with the Sole, Small Firm and General Practice Section of the OBA.

LEGAL PROFESSION ASSISTANCE CONFERENCE

GEORGE HENDY, AD. E., CHAIR

Through compassionate assistance by lawyers, for lawyers, LPAC continues to support our provincial Lawyer Assistance Programs in an effort to achieve a shift in culture that creates an improvement in the health and well-being of all members of the legal profession.

Some highlights of 2010/11:

7th Annual LAP/LPAC Workshop, *"Tips & Tactics for Effective LAPs"* held in Montréal from November 5 to 7, 2010. Twenty-one LAP representatives from across Canada attended.

Presentation to 81 law students at McGill University, with attending students from Université du Montréal. Our presentation panel consisted of Guy Quesnel from PAMBA, Fred Headon of Air Canada, Bernard Amyot of Heenan Blaikie, George Hendy of Osler, Hoskin & Harcourt, and the Honourable Pierre Pinard, retired Justice of the Quebec Superior Court.

LPAC contributes regular articles to the SLAW web blog, and to date we have submitted 6 articles, including 3 this year.

We have published the LPAC Newsletter, distributed twice yearly, to CBA Branch Presidents and Executive Directors, GPSS members, and 450 CBA members who have expressed an interest in receiving LPAC information.

LPAC presented two webinars, in partnership with Canadian Lawyers Insurance Association and Canadian Bar Insurance Association, respectively, generating a total registration of over 425.

Joint presentation with GPSSC, Young Lawyers, Women Lawyers Forum and LPM & Technology Section at the 2011 CLC, titled *"Creating and Managing and Individualized Legal Practice"*.

Still to come:

Presentations to law schools (McGill, University of Montréal, Thompson Rivers University).

LPAC has established a Task Force to determine health/wellness program options for members of the legal community located in remote and sparsely populated areas.

8th annual LPAC Workshop, *"Understanding & Promoting a Healthy Legal Society in the 21st Century"*, in Kamloops, British Columbia, September 30 to October 2, 2011.

LPAC, with the continued partnership of the provincial Lawyer Assistance Programs, wishes to extend our most sincere appreciation to our funding partners – CBIA, CLIA, and CBA. Without their financial support, we certainly could not have achieved the success we have enjoyed!

PUBLIC SECTOR LAWYERS' FORUM

MICHAEL WINSTANLEY, CHAIR

Highlights:

- A Fall Officers and Branch Chairs meeting was held, with good representation from across the country.
- Made Professional Development and CLE materials available to all of our members through our web page.
- Continued our attempts to recruit new members, and encourage our existing membership base to become more involved in PSLF activities.
- We presented the 2010 John Tait Award of Excellence to Daniel A. MacRury, Q.C., Chief Crown Attorney for the Cape Breton Region of the Nova Scotia Public Prosecution Service.
- An August 2010 and a February 2011 issue of our newsletter, the Digest, were produced.
- Updated our web page to provide shared information on professional development/CLE topics specifically geared to public sector lawyers.

Goals:

- Continue to host the Happy Hour and John Tait Award of Excellence reception. All of which raise our profile and provide an opportunity to recruit new members.
- Establish conduit with other sections i.e. Constitutional, Municipal, Criminal, Aboriginal, etc. as these groups may be comprised of public lawyers and we may share similar issues and concerns.
- Establish a leadership role for young public sector lawyers.
- Develop a presentation for CBA on how to increase relevance to public sector lawyers.
- Develop a mission statement for PLSF to explain why public sector lawyers should become involved.

SEXUAL ORIENTATION AND GENDER IDENTITY CONFERENCE

Not submitted.

WOMEN LAWYERS FORUM

PATRICIA LANE, CHAIR

The 2010/2011 year has been a very busy one. We continue to have the retention of women in the legal profession and the promotion of women into management positions as our central focus. Given the importance of a strong client base for promotion of women to partnership and management positions, we have sought to connect with other women professionals. We are extremely pleased with our first stand alone conference "Leadership Conference for Professional Women: Skills for Success". The registration was extremely successful with a sellout at 160 registrants. The majority of those who attended were women who had attained a law degree more than five years ago, and in addition to practicing lawyers, both in-house and those in private practice, many of the attendees held senior management positions in financial institutions, government, and in large corporations. A significant number of chartered accountants attended. We found that the ability to network while obtaining valuable skills was an efficient and enjoyable way to multi-task and we recommend the model for other CBA conferences. Not only do we share many of the same challenges with women in other professional groups, but we know that the relationships developed with women in other fields broadens the pool of available knowledge, and provides the client base that is critical for moving women into management positions in private practice. We have been warmly welcomed by the American Bar Association Commission of Women in the Profession. Our involvement is very significant as we are the only non-American entity to have liaison status with the ABA Commission of Women in the Profession. As Chair of the WLF I have participated in numerous teleconference calls with the Commission of Women in the Profession, attended in-person business meetings in Arlington and Chicago, and attended the WILL Academy (Women in Law Leadership) two day event that took place in Philadelphia in April 2010. With the ABA holding its annual August meeting in Toronto this year there are some great opportunities for Canadian and American women lawyers to mingle at our co-sponsored events. The wealth of information and shared issues makes this connection one that we are committed to developing.

The WLF held its in-person meeting of the Executive Committee on Thursday, January 27, 2011 in Toronto, the day before our stand alone conference. We had broad national representation. We were very pleased to welcome Melissa Atkinson as the representative of our newest jurisdiction, the Yukon. We shared the initiatives from the Branches and discussed our priorities for the coming year.

At the CBA's 2010 CLC in Niagara Falls we held a successful CLE session on the Women's Court. Our esteemed panel of Mary Eberts, Denise Reaume, Fay Faraday and Sarah Lugtig focused on how to use the judgments that are produced by the Women's Court both as an educational tool for equality work, and as a developed alternative analysis for litigation purposes. The comments were very well received.

For our CLC in Halifax the WLF is collaborating with the Legal Profession Assistance Conference, the Small, Solo and General Practice Forum, and the Law Practice Management and Technology Section to present a program called: "*Creating and Managing an Individualized Legal Practice*". Our vice-chair Pascale Pageau is on the organizing committee and will be one of the panelists.

The WLF has submitted a proposal for the 2012 CLC in Vancouver on "How to Have Difficult Conversations and Set Boundaries in Legal Practice". All lawyers, at various stages in their career, encounter difficult clients and situations where the stakes are high and they need to set limits or say "no". Sometimes this can involve ethical issues which can make this even more challenging. Whether you are a young associate speaking with a senior partner, or a partner working with your colleagues on tough issues, or dealing with a client who is making unreasonable demands or dealing with your executive or board as in-house counsel, we all encounter difficult situations where we need to address the issue but wish to retain good working relationships. Managing the many stresses of a legal practice also requires setting healthy boundaries. The ability to say no, to deal with offensive or disrespectful behavior, to have difficult conversations and to ask for what you want and need are all elements of a successful practice.

We publish our electronic newsletter three times annually. In our view it is a major resource to increase our membership base. We have had extremely positive reviews on its quality from our members. With the quality of this portal for communicating with our members firmly established, our Communications Committee has expanded its scope to developing our website.

We have a number of other initiatives. Recognizing that we have both privilege and power, we have set up a social action committee to consider what effective action we can implement within the context of our very busy and demanding lives. As the WLF executive believes that it is important to the majority of women lawyers to contribute to improving the lives of others in the world, we are seeking to .develop a model to allow us to improve the lives of women, while at the same time making sure the initiative is manageable. We are collaborating with the Canadian Chapter of the International Association of Women Judges in this endeavour.

We intend to continue the work we started for recommendations for gender neutral language. This is a joint initiative with the Equity Committee. This work has lagged somewhat with our other initiatives competing for our attention. However, it remains an important issue for our Executive and we will be moving forward with it now that our management conference has been completed.

Finally, on behalf of the full Executive Committee, and the panel members for our CLE sessions, I would like to thank the very able and welcome support that the CBA has provided from our section staff contact person Jennifer Lalonde, and from the CLE and CLC coordinators. Everyone has been extremely helpful.

YOUNG LAWYERS

LORELEY BERRA, CHAIR

Work/Life Balance Resource Centre
YL-CBA is proud to launch its updated Work/Life Balance (WLB) Resource Centre. The [Work/Life Balance Resource Centre](#) on [CBA Practicelink](#) has been revamped to give it a new look as well as an updated compilation of the latest in WLB content from around the web. Conveniently located in one centralized place, the Resource Centre contains a wealth of information intended to help lawyers maintain a balance between their professional and personal commitments. Of particular interest to young lawyers is the [podcast section](#), where podcasts on networking, pro bono work, and the financial and insurance obligations of young lawyers can be found.

Pro Bono Call-In Initiative

The YL Pro Bono Call-In Initiative, originally scheduled for May 2011, will now take place in Fall 2011. Members of the YL National Directorate were encouraged to participate in the initiative on their call of May 24, and were sent a program guide developed for the 2009 Pro Bono Call-In Day. So far, YL sections in British Columbia, the Yukon, Saskatchewan, Ontario, and Nova Scotia have expressed interest in participating. The success of the initiative is dependent upon the participation of local pro bono organizations in each province/territory.

CBA Partnership Toolkit

The YL Executive is continuing to promote the Partnership Toolkit launched a year ago. The Toolkit includes articles, fact sheets, a self-assessment, and podcast conversations with managing partners, coaches, new partners, associates, and lawyers who have chosen a different career path. There is also useful information on things to consider before signing a partnership agreement.

YL Newsletter

The latest edition of the YL newsletter was issued on June 30. Content included CBA items on Work/Life Balance Resource Centre, Pro bono award and the CLC as well as articles on **How a Well-Developed Articling Plan Contributes to Your Firm's Success** and **The Seasons of Your Career: Spring, When Careers Take Root. The next YL newsletter is scheduled for next fall.**

CLC 2011 – Winning Advocacy Skills Program & Late Night Bash

The 2011 YL Winning Advocacy Skills Program is titled “Tips and Techniques for Appearing Before an Administrative Tribunal”. It features a 90-minute advocacy session involving an administrative tribunal for the Canadian Environmental Agency, followed by a 90-minute educational overview and panel discussion of the issues inherent in practice before administrative tribunals. Speakers include Don Carey of Stantec Consulting Ltd.; Duff Harper of Blake, Cassels & Graydon LLP; Tony Crossman of Miller Thomson LLP; Lesley Griffiths of Griffiths Muecke; Sarah D. Hansen of Miller Thomson LLP; and James L. Thistle, Q.C., of McInnes Cooper. An Aboriginal expert will also be on the panel of speakers.

The Young Lawyers' annual Late Night Bash will be held at the Lower Deck Pub in Halifax on Monday, August 15. YL-CBA hosts the closing luncheon on Aug. 16 where the YL Pro Bono award is presented and features keynote speaker Simon Sinek.

YL Pro Bono Award

Ten nominations were received for the YL 2011 Pro Bono Award. The award will be presented at the CLC Halifax Closing Luncheon, hosted by Chair Loreley Berra, on August 16.