

# BRANCH ANNUAL REPORTS



**Saskatoon, Saskatchewan  
June 21, 2012**

<b><u>ANNUAL MEETING AGENDA</u></b> .....	4
<b><u>ANNUAL MEETING MINUTES</u></b> (June 23, 2011) .....	5
<b><u>ADMINISTRATIVE REPORTS</u></b>	
PRESIDENT .....	13
VICE-PRESIDENT .....	15
TREASURER .....	17
PAST-PRESIDENT .....	19
<b><u>REPORTS OF BRANCH STANDING &amp; SPECIAL COMMITTEES</u></b>	
AWARDS .....	20
COMMUNICATIONS .....	21
EQUITY .....	*
INTERNATIONAL DEVELOPMENT (non active) .....	*
JUDICIAL COMPENSATION & BENEFITS .....	22
LAW DAY .....	31
LEGISLATION AND LAW REFORM .....	33
MEMBERSHIP .....	34
MID-WINTER MEETING .....	35
NOMINATING .....	36
PRO BONO .....	40
PROFESSIONAL DEVELOPMENT .....	*
PROFESSIONAL IMAGE .....	41
QUEEN'S COUNSEL .....	43
RESOLUTIONS, CONSTITUTION & BYLAWS .....	44
<b><u>REPORTS OF BRANCH SECTION CHAIRS</u></b>	
ABORIGINAL LAW NORTH .....	45
ABORIGINAL LAW SOUTH .....	*
ADMINISTRATIVE & LABOUR LAW NORTH .....	*
ADMINISTRATIVE & LABOUR LAW SOUTH .....	46
ALTERNATE DISPUTE RESOLUTION .....	48
ARTICLING STUDENTS NORTH .....	*
ARTICLING STUDENTS SOUTH .....	49
BANKRUPTCY & INSOLVENCY .....	50
BUSINESS LAW NORTH .....	51
BUSINESS LAW SOUTH .....	52
CANADIAN CORPORATE COUNSEL NORTH .....	*
CANADIAN CORPORATE COUNSEL SOUTH .....	53
CIVIL LITIGATION NORTH .....	54
CIVIL LITIGATION SOUTH .....	55
CRIMINAL JUSTICE SOUTH .....	56
ENVIRONMENTAL & RESOURCES LAW .....	57
FAMILY LAW NORTH .....	59
FAMILY LAW SOUTH .....	*
IMMIGRATION LAW NORTH .....	*
IMMIGRATION LAW SOUTH .....	*
INTELLECTUAL PROPERTY & TECHNOLOGY LAW NORTH .....	*
PRIVACY & ACCESS LAW NORTH .....	60
PRIVACY & ACCESS LAW SOUTH .....	61
PUBLIC SECTOR & MUNICIPAL LAW NORTH .....	62

PUBLIC SECTOR & MUNICIPAL LAW SOUTH .....	63
REAL PROPERTY & WILLS SOUTH. ....	64
SECURITIES LAW NORTH .....	66
SECURITIES LAW SOUTH .....	*
TAXATION SOUTH.....	67
WILLS ESTATES & ELDER LAW NORTH .....	68
WOMEN LAWYERS FORUM NORTH.....	69
WOMEN LAWYERS FORUM SOUTH.....	70
YOUNG LAWYERS NORTH .....	*
YOUNG LAWYERS SOUTH .....	71

**REPORTS OF BRANCH REPRESENTATIVES ON JOINT COMMITTEES OR EXTERNAL BODIES**

ABORIGINAL LIASON .....	*
BAR JUDICIAL COUNCILS:	
COURT OF APPEAL.....	*
COURT OF QUEEN'S BENCH .....	72
PROVINCIAL COURT.....	*
CANADIAN BAR INSURANCE ASSOCIATION.....	*
JUDICIARY REPRESENTATIVES:	
COURT OF APPEAL.....	*
COURT OF QUEEN'S BENCH .....	*
PROVINCIAL COURT.....	*
ISC LEGAL ADVISORY COMMITTEE.....	73
PRO BONO LAW SASKATCHEWAN .....	*
PUBLIC LEGAL EDUCATION ASSOCIATION .....	*
ROUNDTABLE ON THE CRIMINAL JUSTICE SYSTEM .....	*
RULES OF COURT.....	*
SASKATCHEWAN COURT OF APPEAL CRIMINAL RULES COMMITTEE.....	*

NOTE: \* No Report Submitted

**Canadian Bar Association, Saskatchewan  
Annual Meeting**

**4:00 pm, Thursday, June 21, 2012  
Saskatoon Club, Saskatoon  
(417 – 21<sup>st</sup> Street East)**

**AGENDA**

1. Call Meeting to Order – David Thera, QC
2. Approval of Agenda
3. Approval of Minutes from June 23, 2011
4. Greetings from the Law Society of Saskatchewan – Greg Walen, QC
5. President's Report – David Thera, QC
6. Vice President's Report – Heather MacMillan-Brown
7. Past President's Report – Perry Erhardt, QC
8. Nominating Committee Report – Perry Erhardt, QC
9. Treasurer's Report – Kylie Head
10. Communications Report – Kaylea Dunn
11. Legislation and Law Reform Report – Lora Bansley
12. Membership Report – Gail Wartman
13. Professional Development Report – Curtis Onishenko
14. Professional Image Report – Jenn Pereira
15. Membership Fee Review
16. Other Business

Immediately following the business meeting the Saskatchewan Courts will report  
on matters of interest to the legal profession  
Court of Appeal – to be confirmed  
Court of Queen's Bench – Mr. Justice M. D. Popescul  
Provincial Court – Chief Judge C. A. Snell

**The CBA 2012 Community Service**  
will be presented at the Law Society of Saskatchewan  
Annual Meeting Dinner\* (Business Attire)  
Battleford Ballroom, Delta Bessborough Hotel  
Cocktails 6:30 pm; Dinner 7:00 pm

**\*RSVP for the Law Society Annual Meeting Dinner by June 14<sup>th</sup> with Liz (306-569-6234 or  
[llynchuk@lawsociety.sk.ca](mailto:llynchuk@lawsociety.sk.ca)) only if you plan to attend –  
the cost is \$45 payable at the door (Cash Bar)  
Canadian Bar Association, Saskatchewan**

## Annual Meeting Minutes

**Date:** Thursday, June 23, 2011  
**Time:** 4:00 p.m.  
**Location:** Oak Room, Hotel Saskatchewan, Regina

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### 1. Call to Order

The Annual Meeting was called to order by President Perry Erhardt, QC. Perry welcomed everyone and thanked them for coming.

### 2. Agenda

Motion by Ian Wagner, seconded by Greg Fingas, that the Agenda be approved as circulated. Carried.

### 3. Minutes

Motion by Kylie Head, seconded by Gail Wartman, that the minutes of the Annual Meeting on June 17, 2010 in Saskatoon be approved as circulated. Carried.

### 4. Greetings from the Law Society of Saskatchewan

President Paul Korpan, QC brought greetings on behalf of the Law Society. Paul reported that the CBA and the Law Society Executives had met earlier over lunch to discuss issues of mutual concern. He noted that while each organization has a distinct mandate, we have a great relationship and work together in a number of areas.

### 5. Report of the National President

President Rod Snow brought greetings to the membership, and provided insight on recent activities of the CBA, and the importance of keeping the CBA a strong and vibrant organization.

### 6. President's Report

Perry provided a few highlights from his written report, available online in the Branch Annual Report.

Written report: 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 sponsored 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.

Also in January, my participation was required to consider important matters and the CCCA. Changes were made to the Executive and Board of CCCA, all of which are now running smoothly. The CCCA Spring Conference was well attended, and well-received.

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 Rossmann, 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).

I have also participated in numerous committee meetings either in person or by conference call, and submitted submissions, as your President, in each issue of *BarNotes* this year.

The work will continue through to the end of my term on August 31, 2011.

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

## **7. Vice President's Report**

David Thera directed members to his written report available online in the Branch Annual Report.

*Written report:* I have been honoured to serve as Branch Vice President since September 1, 2010.

One of the early highlights of the year was a media training session put on by Stephen Hanson, Senior Director of Communications from the CBA National Office on September 22, 2011. That was followed soon after by our annual wine and cheese reception at the University of Saskatchewan Law School on September 30, 2011.

I served as the Branch's representative on the organizing committee for the Gown to Gown Lawyers' Charity Gala, benefitting CLASSIC and Pro Bono Law Saskatchewan. The Committee met over the fall and winter, and the Gala, which took place in Regina on January 28, 2011, was a tremendous success.

I performed a few official functions at the Branch Mid-Winter Meeting in Saskatoon, including grace at the Distinguished Service Award Luncheon.

I represented the Branch at the Gertler Family Lectureship in Law, Honouring the Robert McKercher Family, on February 9, 2011 at the University of Saskatchewan. The guest speaker was Mr. Justice Thomas Cromwell of the Supreme Court of Canada.

Later in February I attended the National Mid-Winter Meeting in Charlevoix Quebec, along with other members of the executive.

Our annual Branch Planning meeting was held at Craik on April 8, 2011. Thanks to Perry Erhardt for chairing the bulk of the meeting when I was delayed due to a family emergency. Later in April I chaired Section Planning Meetings in Saskatoon and Regina for incoming Branch Section Chairs.

On June 3, 2011 I attended an orientation session at the CBA National Office in Ottawa. This was a great opportunity to meet with the senior management and staff at the National Office and learn about the valuable contributions they make to the organization and our profession. It was also a chance to meet the incoming Branch Presidents from across the country and compare notes. I then attended the Board of Directors meeting on June 4 and 5 as an observer.

Our 2012 Mid-Winter Planning Committee has begun its work. I serve as the Executive Liaison on that Committee.

It was a productive, educational and enjoyable year and I look forward to continuing to serve on the Branch Executive Committee next year.

## **8. Past President**

Terry Kimpinski directed members to his written report available online in the Branch Annual Report.

*Written report:* September 24 – Awards Ceremony – College of Law; September 30 – Wine & Cheese – College of Law; October 14 – Mentorship Reception – Saskatoon Club – Agreed to take 2 students; October 19 – Executive Committee Meeting; October 21 – 2011 MWM Planning Committee Meeting; October 27 – 2013 CLC Planning Committee Meeting; October 28 – Articling Students' Dinner in Saskatoon; November 3 – Presidents' Dinner in Regina; November 5 – Internal CBA QC Nomination Committee Meeting; November 8 – Law Firm Showcase – College of Law; November 9 – QC Nomination Meeting with Minister of Justice, Chief Justice of Court of Appeal and Law Society Past President – Regina; December 14 – Distinguished Service Award Committee Meeting; January 13 – Executive Committee Meeting; January 30 – QC Ceremony – Government House – Regina; February 2 – Executive Committee Meeting; February 2 – MWM Planning Committee Packing Meeting and Exhibitor Reception; February 3 – Mid-Winter Meeting – Saskatoon; February 3 – Wine-Tasting Evening – Sheraton Cavalier Hotel; February 4 – Mid-Winter Meeting – Saskatoon; February 7 and 10 – Met with both students assigned to me under the Mentorship Program; March 23 – Annual Meetings with the Law Students' Association and the Aboriginal Law Students' Association at the University of Saskatchewan College of

Law; March 24 – Chaired Nominating Committee Meeting and followed up with various phone calls and emails over several weeks to fill out the slate of nominees; March 28 – Presented at the Articling Students' Section Lunch on Solicitor's Practice; April 8 – Annual Executive Planning Meeting – Craik; April 14 – Executive/Council Meetings and Council Dinner – Regina; May 5 – 2013 CLC Planning Committee Meeting; May 9 – 11 – Discussions re: Class Action Section with Merchant Law and Brenda Hesje; May 12 – Executive Committee Meeting; May 17 – Attended the Law Day Luncheon – Guest Speaker – Lt. Gen. Leslie – Sheraton – Saskatoon and drove Gen. Leslie to the airport; June 23 – Executive/Annual Meetings – Regina; June 23 – Law Society Annual Dinner – Regina.

### **9. Nominating Committee Report**

Terry presented (circulated and also available online) a slate of candidates for positions beginning September 1, 2011. He thanked the many volunteers for putting their names forward and giving their time to the CBA. Terry invited members to contact either him or Brenda Hesje if they are interested in filling some of the vacant positions.

Motion by Terry, seconded by David, that the report of the Nominating Committee be adopted as presented, and also that the Executive Committee be authorized to fill any vacancies. Carried.

### **10. Treasurer's Report**

Treasurer Heather MacMillan-Brown was unable to attend but her report was available online in the Annual Report. Financial statements for the period ending April 2011 were posted online. Dave noted that we are ahead of budget and anticipate ending the year that way. Dave reported that the budget for 2011-2012 was passed at the April 2011 Council meeting – Council approved proposed expenditures for specific projects in an attempt to use some of the building surplus. The Special Projects for 2011-2012 include: contribution to Pro Bono Law Saskatchewan's CBA Disbursement Fund; a women in the law conference; a study on Women in the Legal Profession in Saskatchewan; and a professional image campaign.

Written report: I am pleased to report that the CBA Saskatchewan Branch continues to be in sound financial shape.

Our annual review engagement of our accounting activities was carried out for the fiscal period ending August 31, 2010. While we had once again budgeted for a deficit, our year-end excess of revenue over expenses was \$86,558. In large part, the surplus arose as a result of the success of the Mid-Winter Meeting. Our net assets in excess of liabilities as at August 31, 2010 were \$515,904, up from \$429,426 as at August 31, 2009.

The approved budget for the fiscal year beginning September 1, 2010 and ending August 31, 2011 also contains a projected deficit with both revenues and expenses at \$440,500, balanced by \$61,500 to be drawn from reserves if necessary. Special projects undertaken this year were: funding for the Pro Bono Law Saskatchewan's CBA Disbursement Fund; and the establishment of an Aboriginal Law Student Scholarship at the College of Law, University of Saskatchewan.

Although a budget for the current fiscal year projected a deficit of \$61,500 it is anticipated that a smaller deficit will be realized resulting in a lesser amount being drawn from reserves.

Our Branch reserves continue to exceed the guidelines recommended by our National CBA Office, and our Bylaw requirements (being 4 months). Together with our bank balance, our available net assets currently exceed 12 months of our estimated operating expenses. Given our strong reserves, the 2011 / 2012 Budget, approved at Council in April, includes \$75,000 for special projects as follows:

1. \$5,000 to maintain our sponsorship of the Pro Bono Law Saskatchewan CBA Disbursement Fund;
2. \$7,000 to sponsor the Kawaskimhom Aboriginal Moot;
3. \$5,000 to sponsor the Women in the Legal Profession in Saskatchewan study;
4. \$8,000 to provide a Women Lawyers Conference;

5. \$50,000 for the purposes of an advertising campaign, promoting the professional image of lawyers in Saskatchewan.

### **11. Communications Report**

Kaylea Dunn was unable to attend but her report was available online in the Annual Report.

*Written report:* I assumed the position of Editor of *BarNotes* commencing with the 2010 Fall Issue. Since that time, we have produced three issues Fall, Winter and Spring, and we are close to completion of the Summer Issue.

Other members of the Editorial Board include: Brenda Hesje, Robert Kasian, John Knox, Heather Sherdahl, Ashley Smith and Anita Wandzura. We have identified some individuals who might like to come onto the Board, and I will be approaching them in the near future. The hope is to have a nice mixture of litigators and solicitors on the Board, and representation that goes beyond lawyers practicing with large firms, so that we continue to successfully brainstorm about content that will appeal to all facets of the legal community.

Visually, *BarNotes* has seen some changes over the past six months, with the introduction of colour to the publication, and with a new format that includes a cover page with a different collage of photographs for each issue. We have invited submissions from Saskatchewan CBA members of any photographs they have taken of Saskatchewan scenes, and while we have received submissions, we hope that the upcoming summer issue (which will feature only scenic photographs), will inspire the amateur photographers out there to pick up their cameras over the summer.

The Board is currently planning content and seeking contributions for our Fall issue, which has a submission deadline of approximately August 1st.

I will be on a short maternity leave commencing in approximately mid-September but during my leave, I will endeavour to keep a mindful eye on the progress towards completion of the Winter issue (and the Spring issue after that). While I will keep one toe in the *BarNotes* waters, I will undoubtedly be relying upon the rest of the Editorial Board even more than usual to “crack the whip” with contributors, and I thank them in advance for their efforts to maintain the quality of the publication, while I am immersed in diapers and contending with midnight (and 2 a.m. and 4 a.m. and 6 am...) feeding sessions!

### **12. Legislation and Law Reform Report**

Bev Klatt was unable to attend but her report was available online in the Annual Report.

*Written report:* A number of legislative initiatives have been proposed by the provincial government this past year. The following are the consultations that the CBA Saskatchewan Branch has participated in: Provincial Water Management Strategy Consultations (First Round); Community Planning Branch of the Ministry of Municipal Affairs (Statements of Provincial Interest); Re-draft of Affidavit of Execution of Wills.

There were some amendments to provincial legislation which were introduced in the Legislature that the CBA was not asked to provide prior comments on. We continue to have a good relationship with the Ministry of Justice and Attorney General which is responsible for introducing legislation. We have excellent representation from all the sections on law reform issues and hope we can continue to assist in providing feedback to all proposed amendments.

### **13. Membership Report**

Gail Wartman provided a few highlights from her written report, available online in the Annual Report.

*Written report:* **NATIONAL ISSUES** - On April 27, 2011, national membership was 37,827 active members, including 36,600 paid and 943 unpaid/suspended members. This is a 0.84% year-over-year increase (309) in paid membership. Renewals are reported to be strong and stable.

Membership Fee Review: Work has been ongoing on the Membership Fee Review through the majority of the 2010/2011 membership year. A survey was released to over 16,000 members in April that asked members and non-members to consider different value segments in the CBA and pricing options. The Fee

Review working group is expected to present its final report to Council for consideration in February 2012. The CBA Membership Committee and the CBA Board of Directors will see highlights of the preliminary results in August and full presentations will be made during the fall timeframe, in advance of the February 2010 Council meeting.

**PROVINCIAL ISSUES** - Membership in Saskatchewan as at April 27, 2011 is at 1077 paid members. This is an increase of 28 members since this time last year, or a 2.67% increase.

We have seen positive results in our membership numbers and in attendance at educational events following the implementation on January 1, 2010 of the Law Society of Saskatchewan's Continuing Professional Development Policy whereby a minimum of professional development is required for each member of the Law Society.

Membership committee activities over the past year included the following: Participation at the Wine and Cheese reception at the College of Law, on September 30; I attended three meetings of the National Canadian Bar Association Membership Committee (at the Annual Meeting of the Canadian Bar Association held in Niagara Falls, Ontario from Aug. 12-17, 2010; October 23, 2010, in Ottawa, and at the National Mid-Winter Meeting, February 17-19, 2010, held in Charlevoix, Quebec).

I am vice-chair of the National Membership Committee, and will become chair this fall. That position will last for two years, and will necessitate my attending national Finance Committee meetings. Being vice-chair has automatically put me on the National Sections Committee of the CBA, which is responsible for oversight of the various sections of practice areas covered by the CBA. I attended a two-day meeting of that committee in Ottawa on November 6 & 7, as well as attending its meetings at the Annual Meeting of the CBA and at the Mid-Winter meeting.

#### **14. Professional Image Report**

Kylie Head provided a few highlight from her written report, available online in the Annual Report.

Written report: In addition to participating in Executive and Council meetings and general CBA business, I pursued the following activities this year in my role as Chair of Professional Image.

**1. In cooperation with the College of Law, organized the Seventh Annual CBA Law Firm Showcase** - I organized the Seventh Annual CBA Law Firm Showcase held at the University of Saskatchewan College of Law on Monday, November 8, 2010. Approximately 27 law firms and other legal employers participated. Saskatchewan was well represented with participants coming from Humboldt, North Battleford, Moose Jaw, Weyburn, Melfort and Swift Current. This was the fifth time that the Roundtable Discussions or Small Group Discussions portion of the day was included in the event. There were five rooms of lawyers, grouped according to themes (Rural Saskatchewan, Public Practice, Corporate Counsel, Large Urban and Small Urban). The sessions were lengthened to 40 minutes this year. Students could visit any two of the rooms of their choice immediately prior to the Showcase (40 minutes each room). The following volunteers served as facilitators in each room: Room 211, Rural Practice – Bill Holliday (Holliday & Company, Weyburn) and William Selnes (Kapor, Selnes & Klimm, Melfort); Room 120, Public Practice – Courtenay Phillips (Saskatchewan Justice and Attorney General), Byron Wright (Public Prosecution Service of Canada) and Byron Werry (City of Regina); Room 254, In House Corporate Counsel – Liam Mooney (Cameco Corporation) and Clint Weiland (Potash Corporation of Saskatchewan); Room 74, Large Urban Practice – Scott Wickenden (McDougall Gauley) and Michelle Ouellette (McKercher); and Room 135, Small/Medium Urban Practice – Adam Ailsby and Amy Anderson (Kanuka Thuringer).

The goal was to familiarize firms and law students with each other, with a particular focus on making students aware of future opportunities in rural Saskatchewan. The students asked that lawyers come prepared to discuss a variety of topics, including: opportunities in Saskatchewan; rural Saskatchewan practice; the nature of the environment in a large vs. a small firm; various practice areas; what students should look for in distinguishing one firm from another; the hiring criteria used by firms; and suggestions for students in preparing for the recruitment process and articling. The students could also follow up with these lawyers during the Showcase that immediately followed the small group discussions. All of the

rooms had strong attendance and students reported that they liked the format. The event was followed by a reception this year for the second time, hosted by the LSA and the College of Law. This new format (which replaced refreshments being available during the Showcase) worked well. The biggest challenge for this event going forward is venue. The College has bolted down the library tables now and as a result some participants were moved into hallways this year. We cannot move off campus because the College does not cancel classes for our event so students are attending between classes and would not be able to travel to a hotel, participate and return to campus in time for class. I have reviewed floor plans with Terri Karpish at the College and we believe that we can fit the firms back into the library next year by moving the tables that are not bolted down.

**2. Co-ordinated the Aboriginal Summer Student Hiring Program** - We continued the Aboriginal Law Student Summer Job Program for its seventh year. The purposes of the program are: (i) to allow law firms and the legal profession to gain greater insight into Aboriginal culture and issues; (ii) to provide an opportunity for Aboriginal law students early in their legal career to obtain work experience in a law firm; and (iii) to foster opportunities for ongoing relationships to develop between the Aboriginal students and practicing lawyers.

Eight employers agreed to participate this year – CLASSIC, Legal Aid, McDougall Gauley, McKercher, Balfour Moss, Sask Justice, Law Society and MLT. Applications were due by January 14, 2011 (about one week earlier than last year). This year five firms found a student through the program (as opposed to four last year, two the previous year and seven the year before that). The students continue to rate this program highly and believe that the program is vital. They appreciate the experience gained through these summer positions. We heard stories from students who were thinking about completing their degree and never practicing law, but had their career path changed by a terrific, confidence-boosting summer job experience. As mentioned in my report last year, the number of Aboriginal law students at the College seems to be decreasing. Three years ago there were 22 Aboriginal grads but in the past three years it has only been about 7 Aboriginal graduates per year. The students I met with indicated that other professional colleges like dentistry and medicine are recruiting Aboriginal students much more heavily now. Years ago, the Native Law Centre at the U of S College of Law was unique and a great draw to the profession, but its effect is now diluted by what is happening in other professions.

**3. Arranged school presentations for students in the province** - On April 15, 2011, Crown Prosecutor Dana Brule and defence counsel Tim Brown visited Miller High School in Regina to speak to students about the issues lawyers deal with and processes they use in the criminal courts in this province. The presentations included a discussion of the roles of the prosecutor, defence counsel and the judge, while touching on some of the ethical issues that arise in the practice of criminal law. This is the seventh year that this program has been run in Regina. Arrangements were still underway for the Regina public school system at the time of writing this report but it is unclear at this time whether anything will proceed this year. Similarly, activities traditionally planned in past years in Moose Jaw and Prince Albert (see annual reports from previous years) may not go ahead this year due to the teachers' job action / strike.

**4. Organized and attended meetings with the Law Students Association and the Aboriginal Law Students Association** - Throughout the year I continued to work closely with Student Services Coordinator Terri Karpish on initiatives that would benefit both law students and the Saskatchewan legal community. Brenda, Terry and I also met with Acting Dean Beth Bilson, Professor Norman Zlotkin, Terri Karpish, the Law Students Association (LSA) and the Aboriginal Law Students Association (ALSA) on March 23 at the College of Law. The CBA will continue to offer all of its current programming at the College of Law. There were also some new budget initiatives arising out of these meetings this year (update 20 year old survey on women and the profession, sponsor Aboriginal Moot next year).

**5. Regina and Saskatoon held Law Day Luncheons** - I arranged the guest speaker for both locations and organized the event in Regina. Lieutenant General Andrew Leslie spoke on the topic "The Canadian Forces in Afghanistan and Beyond". Due to the federal election, the event was rescheduled to March 17, 2011 in Saskatoon (Sheraton Cavalier) and March 18, 2011 in Regina (Delta Regina). We had a very successful year with about 140 to 150 attendees in both venues.

**The Professional Image agenda for next year currently includes the following initiatives:** Eighth Annual CBA Law Firm Showcase and Small Group Discussions – early November; Aboriginal Summer Student Program – job posting may be moved up from January to November this year, in consultation with participating employers; Possible coordination of general summer law student jobs in Saskatchewan (more similar to the articling hiring process), in consultation with participating employers; promote mentor match program “job shadowing”; meeting with LSA and ALSA at the College – likely March; Law Day Luncheons – April; Law Day School presentations.

If anyone would like to discuss other initiatives or volunteer for Professional Image activities, please feel free to contact me. Thank you to all the volunteers and staff who assisted with the Professional Image activities during the past year.

**Women and Legal Practice Seminar** - Outside of my Professional Image responsibilities, I have been organizing a seminar on women and the profession / practice of law for the coming year. I am working toward a one day event in each of Regina and Saskatoon. I have assembled an organizing committee – Alma Wiebe, Karen Prisciak, Jayne Krueger, Justice Lian Schwann and Acting Dean Beth Bilson. Invitations to participate were also extended to the Chairs of the Women’s Lawyer Forum South (Jody Martin) and North (Michelle Ouellette). I have already made contact with the LSUC Justicia Project and with the “Legal Divas” in an attempt to secure some higher profile out of province speakers. Please contact me if you might like to be a committee member or have suggestions for specific speakers or topics that you would like to see included.

#### **15. Saskatchewan Courts Report**

Mr. Justice R. Richards (Court of Appeal), Mr. Justice D. E. W. McIntyre (Court of Queen’s Bench) and Judge Lavoie (Provincial Court) reported on the activities of their respective courts. Perry thanked the judges for their reports and continuing support for the CBA.

The meeting adjourned.

## **PRESIDENT'S REPORT**

David Thera, Q.C.

Following is a summary of what I have been doing in my capacity as President of the Saskatchewan Branch to date:

- Attended the National Board of Directors Meeting, Council Meeting and Canadian Legal Conference in Halifax from August 12 to 16, 2011. We co-sponsored the Branch Party on the Sunday evening.
- Attended at the Law School on Sept. 20, along with several other members of our executive for our annual Wine and Cheese with the law students. This was very well attended. The students were very receptive to the CBA message and we came away with many new members.
- Trinda Ernst, our National President, was in Regina on September 19 meeting with the Canadian Association of Provincial Court Judges. Perry and I introduced her to some local members of the bar. We also took her to dinner, along with Kylie Head our treasurer.
- I attended the opening reception of the Canadian Association of Provincial Court Judges on September 21 and brought greetings on behalf of the National President as well as our local branch. We were recognized and thanked for our support of the judiciary and judicial independence.
- Attended the CAPCJ dinner on Sept 23.
- Past president Perry Erhardt Q.C. and I completed our written submission to the Provincial Court Judges Commission. A copy is included with the Branch annual reports. We presented oral submissions on November 23, 2011. The commission issued a report on Dec 31, 2011. Our submission was recognized. Our emphasis was on the general principles which should guide the commission, including:
  - Protecting and promoting judicial independence by means of appropriate financial safeguards for judges
  - The desirability of adequate compensation levels to attract the best and most qualified candidates to the bench;
  - We provided some comments on process, emphasizing the government's duty to respect the recommendations of the Commission, and to provide complete and legitimate reasons before departing from them;
- Brought greetings at Regina and Prince Albert introductions of newly admitted Barristers
- Brought greetings at swearing in of Mr. Justice Danyliuk
- Attended the annual President's dinner in Saskatoon on November 17, 2011. We presented Past President Perry Erhardt Q.C. with a pin to recognize his past and continuing contribution.
- Attended National Board of Directors meeting in Ottawa on November 26 and 27. The fee review project was a big part of the agenda.
- Attended the Manitoba Mid-Winter meeting in Winnipeg on Jan 19 and 20. Brought greetings at their Council meeting on Jan 21.
- Attended the Alberta Legal Conference in Calgary on January 26 and 27, and brought greetings at their Council meeting on January 25.
- Attended the Gown to Gown Gala in Saskatoon.
- Worked with Kevin Jacques to offer Real Property and Wills South section meetings by Skype;
- Attended Council meeting on Feb 2, 2012 and Branch Mid-Winter meeting from Feb 2 to 4, 2012. Sat on planning committee, organized President's Forum on Access to Justice and presented Distinguished Service Award.
- Attended National Board of Directors meeting and Mid-Winter meeting of Council in Mexico – Feb 10 to 12, 2012.
- Represented the Branch at Gertler Family Lecture in Law and pre-lecture dinner in Saskatoon on Feb 15, 2012 – speaker was Shawn Atleo, National Chief to the Assembly of First Nations.

- Attended the Retaining Women in Law Conference on March 6, 2012 and brought greetings at the luncheon on behalf of the branch.
- Represented the branch at the College of Law Career Fair on March 16 and 17.
- April 20, 2012 – attended SOGIC reception, along with other Exec members.
- April 21 – brought greetings at SOGIC national meeting and discussed possibilities for a local section.
- April 21 – attended at McKercher Cup and brought greetings.
- May 4 – submitted our feedback on national strategic plan.
- May 9 – attended at Wills and Real Property section meeting to introduce reps from Telus Assyst Real Estate, a national preferred supplier.
- Attended CBIA dinner and meeting May 25/26 and brought greetings and news from our Branch
- June 5 – attended at Battlefords Bar Association meeting in Meadow Lake.
- June 9/10 - attended national Board Meeting in Ottawa, including dinner at the Supreme Court of Canada on June 8. Major agenda items at the Board meeting included the Fee review project and new National Strategic plan.
- Prepared regular contributions to Bar Notes.

Respectfully submitted,  
David Thera, Q.C.

## **VICE PRESIDENT'S REPORT**

**Heather MacMillan-Brown**

It has been an exciting year since I stepped into the role of Branch Vice-President on September 1, 2011.

One of the early highlights of the year was the annual wine and cheese reception at the University of Saskatchewan Law School in September of 2011. It is important to promote the values of becoming a CBA member to students at the College of Law in hopes that the benefits of CBA membership will be an incentive for the students to not only maintain their CBA membership but also to become actively involved in CBA in their future careers.

I served as the Branch's representative on the organizing committee for the Gown to Gown Lawyers' Charity Gala benefitting CLASSIC. The Committee met over the fall and winter, and the Gala took place in Saskatoon on January 27, 2012. It was a tremendous success and I look forward to attending the Gala as Branch President in Regina in January of 2013.

In February of 2012, I attended the National Mid-Winter Meeting in the Mayan Riviera, along with other members of the Branch Executive. This included attending the National Board of Directors meeting as an observer (to prepare me for future meetings once I step into my role as Branch President) and attending the meeting of the full National Council.

In early March of 2012, I acted as MC for the Retention of Women in Law Conference put on by the Branch and planned and implemented by Kylie Head, current Branch Treasurer. This was an enlightening event, with inspiring speakers, both for the women in the audience and for the men (who needless to say were far outnumbered by the women!).

Our annual Branch planning meeting was held in Saskatoon in April of 2012. At the meeting our budget for 2012 was drafted and approved by the Executive to be put before Council at the next Council meeting on April 19, 2012. The Executive approved the allocation of funds to a new administrative position focusing on communications and technology. We also increased our budget for Law Day and continued the allocation of funds to a professional image campaign, which we hope to implement with the assistance of the person hired to fill the new administrative position. The budget was approved by Council at the Council meeting on April 19<sup>th</sup>.

In late April and early May, I chaired Section Orientation Meetings in Saskatoon and Regina for incoming Branch section chairs.

On June 8, 2012, I will be attending an orientation session at the CBA National Office in Ottawa for incoming members of the Board of Directors. I anticipate that this will be a great opportunity to meet with the senior management and staff at the National Office and learn about the workings of the CBA at the national level. It will also be an exciting opportunity to meet incoming Presidents from other provinces and territories.

On my trip to Ottawa, I will also be attending the Board of Directors meeting in Ottawa, again as an observer.

As incoming Branch President, I am the Executive Liaison to the Mid-Winter Planning Committee. I am also acting as Co-Chair of the Committee with Amanda Dodge of CLASSIC. We have an enthusiastic group of individuals on the Committee and the 2013 Mid-Winter Meeting is sure to be a fantastic event, both for its high quality CPD and exciting social events that will allow lawyers from across the province to congregate in Saskatoon over the two day conference.

In August of 2013, I will be Branch President when Saskatoon plays host to CBA members from across the country at the Annual National CLC. I am a member of the CLC Planning Committee, chaired by Michelle Ouellette, who continues to demonstrate her longstanding dedication to the CBA.

It goes without saying that the Branch would not function without the invaluable assistance provided by Executive Director, Brenda Hesje. Thank you to Brenda for continuing to lend her experience to the members of the Executive and CBA members from across the province.

In sum, my year as Branch Vice-President and my role on the Branch Executive served to remind me of the value of becoming involved with the CBA, both at a Branch and at a national level. The Branch, and particularly the Executive of CBA Saskatchewan, is made up of some exceptional and dedicated individuals who contribute their time and energy to this organization. I am honoured to be a part of the Branch Executive and I look forward to stepping into my role as Branch President.

Respectfully submitted,  
Heather MacMillan-Brown

## TREASURER'S REPORT

Kylie Head

I am pleased to report that the CBA Saskatchewan Branch continues to be in sound financial shape. Our annual review engagement of our accounting activities was carried out for the fiscal period ending August 31, 2011. While we had once again budgeted for a deficit, our year-end excess of revenue over expenses was \$17,444.65. In large part, the surplus arose as a result of the success of the Mid-Winter Meeting.

Our net assets in excess of liabilities as at August 31, 2011 were \$538,037, up from \$515,904 at August 31, 2010.

The approved budget for the fiscal year beginning September 1, 2011 and ending August 31, 2012 also contains a projected deficit with both revenues and expenses at \$501,200, balanced by \$114,200 to be drawn from reserves if necessary. Special projects undertaken this year were: funding for the Pro Bono Law Saskatchewan's CBA Disbursement Fund (\$5,000), Kawaskimhon Aboriginal Moot (\$7,000), and Retaining Women in the Profession Seminars (\$8,000).

Although the budget for the current fiscal year projected a deficit of \$114,200, a smaller deficit (if any) will be realized, resulting in a lesser amount being drawn from reserves. In particular, the \$50,000 budgeted for the public image campaign is being deferred to next year.

Our Branch reserves continue to exceed the guidelines recommended by our National CBA Office, and our Bylaw requirements (being 6 months). Together with our bank balance, our available net assets equal approximately 12 months of our estimated operating expenses. Given our strong reserves, the 2012 / 2013 Budget, approved at Council in April 2012, includes \$65,000 for special projects as follows:

1. \$5,000 to maintain our sponsorship of the Pro Bono Law Saskatchewan CBA Disbursement Fund;
2. up to \$10,000 to sponsor the College of Law Centennial celebrations; and
3. \$50,000 for the purposes of an advertising campaign promoting the professional image of lawyers in Saskatchewan.

The Proposed 2012/2013 Budget also includes \$50,000 to recruit and hire a new full time position with some communication, technology and marketing emphasis. The position could assist with increasing demands for social media, an improved web presence overall, and other initiatives, such as working on the professional image campaign and expanding rural participation in section meetings through the use of technology. It is expected this will be a mid-year hire.

In addition to this traditional Treasurer's role, I worked on the following CBA Saskatchewan initiatives:

- Organized the "Retaining Women in the Legal Profession: A Sound Business Strategy" seminar on March 5 in Saskatoon and March 6, 2012, in Regina. I also served as MC for the Regina location. This seminar was designed to appeal to not only women who want to be successful in the legal profession, but also male partners and firm leaders who want to understand what firms can do to make the practice of law more attractive to women on a long term basis. Approximately 70 lawyers attended in each location, including a few lawyers from Alberta. Highlights included:
  - "Women and the Practice of Law: How to Have It All" - Alana K. Bassin's (Partner and "Legal Diva", Bowman and Brooke LLP) trial practice has taken her to at least 25 different states defending high exposure personal injury and wrongful death cases. She was featured in the May 2005 New York Times' article, "The Pacifier Isn't for the Client" and in addition to being a published author also runs an enlightening blog at [www.courtroomdivas.com](http://www.courtroomdivas.com).
  - "Law Society of Upper Canada's Justicia Project" - Laurie Pawlitza is only the third woman to be elected Treasurer of the Law Society of Upper Canada (their highest elected office). She spoke about the extensive efforts of the Law Society of Upper Canada to retain women in private practice and their focus on helping law firms create policies and working environments that better support women in private practice.

- Betty-Ann Heggie, a former Senior Vice-President at Potash Corp, spoke about the elements of effective mentorship and how to limit the downside and maximize the upside of the mentoring relationship.
  - Mary Eberts, known around the world for her groundbreaking work on behalf of women's equality, Aboriginal rights, and the Charter, shared her personal wisdom and experiences.
  - “Women and the Legal Profession in Saskatchewan: Twenty Years Later” - In 1989 the Committee on Gender Discrimination (CBA, Law Society, College of Law) examined the relationship between gender and the legal profession in Saskatchewan. The original researchers are replicating this work 20 years later to determine how the profession has changed in Saskatchewan.
  - **“Climbing the Ladder to Partnership in Heels” and “If I Knew Then What I Know Now”** - Prominent female lawyers discussed the skills needed and shared their own experiences.
  - **“Perspectives from the Bench”** featuring speakers from the Court of Appeal, the Court of Queen's Bench and the Provincial Court.
- Served as the CBA's representative on the annual charity Gown to Gown Gala planning committee. The Gown to Gown Gala will be raising money for Pro Bono Law Saskatchewan this year. The Gala will held on January 25, 2013, at the Hotel Saskatchewan.
  - Helped coordinate and served as MC for the CBA Law Day Luncheon on April 16, 2012 in Regina. Mr. Elijah Harper was our keynote speaker, speaking on "The Charter of Rights and Freedoms 30 Year Later: The Impact on Aboriginal/Crown Relations". Approximately 120 people attended in Regina.

Respectfully submitted,  
Kylie Head

## **PAST PRESIDENT'S REPORT**

Perry Erhardt, Q.C.

During my final year on the Executive of the Saskatchewan Branch, I have enjoyed the opportunity to represent our members at events and programs held in conjunction with the University of Saskatchewan, College of Law, including the following:

September – CBA Wine and Cheese reception for law students

October – Participating as a mentor in the CBA Mentorship Program

November – Law Firm Showcase

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 continue to sponsor scholarship opportunities.

I have attended all of our Executive and Council meetings through the fall, winter and spring seasons of this year.

On November 16, 2011, I was pleased to attend the annual Saskatchewan CBA President's Dinner for Past Presidents and was presented with the President's pin by David Thera, Q.C. My profound thanks to Dave and the Branch for this honour.

In February 2012, I participated in our Branch's Mid-Winter Meeting in Regina, although was only able to partake in one day due to other personal obligations. Once again, the Mid-Winter Meeting was a resounding success.

I attended the National Mid-Winter Meeting of Council in Cancun in February 2012, and will also be attending the National Council Meeting and Canadian Legal Conference in August 2012.

Our Executive met in Saskatoon on March 22, 2012, for a day set aside to develop a plan and budget for 2012-2013. We have charted the course for another very positive year for the Branch.

Members of our Executive and I have attended numerous events representing and bringing greetings on behalf of the CBA and our Branch, including introductions of new barristers to the court and the swearing-in of new judges at a number of locations in Saskatchewan.

I have also participated as Chair of the Nominating Committee this year, and continue as a member of the Provincial Court Directives Committee as the CBA representative.

The work will continue through to the end of my term on August 31, 2012. Thanks to all who have made my four year run such a fabulous experience, including all of our members, exceptional volunteers, my fellow executive members, and especially our staff, Brenda Hesje and Lorraine Coulman.

Respectfully submitted,  
Perry D. Erhardt, Q.C.

## **AWARDS COMMITTEE**

John-Paul Ellson, Chair

The Awards Committee oversees the administration and awarding of both the Distinguished Service Award and the Community Service Award. It also handles some nominations for CBA National Awards. The 2011-2012 Committee members were J.P. Ellson (Chair), CBA Branch Past President: Perry Erhardt, QC, CBA Branch President: David Thera, QC and the President of the Law Society of Saskatchewan which during the respective period were Paul Korpan, QC and Greg Walen, QC.

### **Distinguished Service Award**

The Distinguished Service Award was created to recognize significant and exceptional contributions and/or achievements by members of CBA Saskatchewan to the legal profession in Saskatchewan; or jurisprudence in Saskatchewan or Canada; or the law or the development of law in Saskatchewan; or involving a significant law-related achievement for the benefit of residents of Saskatchewan.

The Award is given annually at the Distinguished Service Award Dinner held in conjunction with the Branch Mid-Winter Meeting. This year the Committee selected Randy Baker, QC, formerly of Kanuka Thuringer LLP (Regina).

### **Community Service Award**

The Community Service Award was established to recognize the valuable contribution of our members serving the various communities within our province.

The Community Service Award is for CBA members who have demonstrated outstanding dedication, public service and commitment to their respective community.

This Award is presented annually at the Branch Annual General Meeting. This year the Awards Committee selected Neil Robertson, Q.C. of the Regina Police Service as the recipient.

## **COMMUNICATIONS COMMITTEE**

Kaylea Dunn, Chair

Since my last annual report, four issues of *BarNotes* were published – one for each intervening season. We have continued with the practice of making each issue a “grab bag” of topics, with no specific theme. We have also continued with full colour issues and have received a positive response to the new colour format, and in particular to the photographs of Saskatchewan scenes that now comprise the front cover of the publication (thanks to Brenda Hesje's artistic abilities).

In 2011, Robert Kasian left the Editorial Board, and we welcomed a new member: Brad Mitchell of McDougall Gauley's Saskatoon office. Brad joins continuing Editorial Board members: Brenda Hesje, John Knox, Anita Wandzura, and Ashley Smith – all of Saskatoon, and Heather Sherdahl of Prince Albert. I am presently working to see at least one Regina lawyer added to the Board, and my goal remains of having one or more solicitors added to the Board, to assist with the development of article ideas that will be of specific interest to that portion of the Bar. A rural member would also be a welcome addition to the Board; as always, I extend an invitation to any interested CBA members to contact me or Brenda Hesje.

In August of 2011, I joined the National CBA Communications Committee. To date, I have attended one meeting in Ottawa last November (toting along an 8 week old baby), and I am finding that committee to be both interesting and rewarding.

It has been a pleasure to serve on the Saskatchewan Executive Committee this past year, and I look forward to continuing to do so over the coming year.

Respectfully submitted,  
Kaylea Dunn

**JUDICIAL COMPENSATION & BENEFITS COMMITTEE**  
David Thera, Q.C., Chair

**CANADIAN BAR ASSOCIATION  
SASKATCHEWAN BRANCH**

**SUBMISSION TO PROVINCIAL COURT COMMISSION  
CONCERNING THE SALARIES, BENEFITS AND PENSIONS  
FOR PROVINCIAL COURT JUDGES**

Canadian Bar Association  
Saskatchewan Branch  
306 Canada Building  
105 – 21<sup>st</sup> Street East  
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Approved by:  
CBA Saskatchewan Branch Executive  
November 9, 2011

## **PREFACE**

The CBA is a professional, voluntary organization which was formed in 1896, and incorporated by a Special Act of Parliament on April 15, 1921. Today, the Association represents 38,000 lawyers, judges, notaries, law teachers and students across Canada. The Saskatchewan Branch consists of approximately 1,100 members.

The CBA is the essential ally and advocate of all members of the legal profession; it is the voice of all members of the profession; it is the premiere provider of personal and professional development and support to all members of the legal profession; it promotes fair justice systems, facilitates effective law reform, promotes equality in the legal profession and is devoted to the elimination of discrimination; the CBA is a leading edge organization committed to enhancing the professional and commercial interests of a diverse membership and to protecting the independence of the judiciary and the Bar.

The mandate of the Canadian Bar Association is to:

- Improve the law;
- Improve the administration of justice;
- Improve and promote access to justice
- Promote equality in the legal profession and in the justice system
- Improve and promote the knowledge, skills, ethical standards and well-being of members of the legal profession;
- Represent the legal profession nationally and internationally; and
- Promote the interests of the members of The Canadian Bar Association.

Through the work of its sections, committees and task forces at both the national and branch levels, the CBA is seen as an important and objective voice on issues of significance to both the legal profession and the public. The Canadian Bar Association has branches in each of the provinces and territories.

The Canadian Bar Association is also affiliated with international associations, including the Commonwealth Law Association, International Bar Association and the Union internationale des avocate(e)s. Membership in these groups provides the Association with input on recent developments in the legal profession on a broad scale.

## **INTRODUCTION**

The Canadian Bar Association Saskatchewan Branch welcomes the opportunity to make submissions to assist the 2011 Saskatchewan Provincial Court Commission in performing its legal duty to determine fair and just judicial compensation and benefits.

As part of our continuing commitment to the fundamental principle of independence of the judiciary, which is a prerequisite for the proper functioning of the administration of justice within the Province of Saskatchewan, we make this submission as we have made other submissions to similar commissions dealing with similar issues in the past.

The CBA has long tradition of speaking out on behalf of the judiciary, especially regarding unfair criticism made of the judges' decisions by the public. In addition the CBA actively works against potential political interference regarding the appointment of, and compensation for, judges in Canada.

The CBA's core interest is to ensure that judicial compensation and benefits are structured and maintained to fulfil a dual purpose:

- Protecting and promoting the independence of the judiciary through the institution and maintenance of appropriate financial safeguards for its members; and

- Strengthening and advancing the judiciary through sufficient financial independence of its members and adequate compensation to attract the best and most qualified candidates for appointment.

The CBA is an independent voice in relation to the work of judicial compensation commissions. Our sole concern is reflected in the two broad principles set out above. The CBA does not represent the interests of either of the two “parties” from whom the Commission is likely to receive submissions, namely the government or the judiciary, nor those of any external group interested in this matter. Our submission is intended to guide the Commission as it approaches its work, so that the process of determining judicial compensation and benefits and the substantive outcome maintain the constitutional imperative of judicial independence.

## JUDICIAL INDEPENDENCE

Among the primary objectives of the CBA Saskatchewan Branch are the promotion of improvements in the administration of justice and maintenance of the highest quality justice system in the Province of Saskatchewan. A judiciary independent from the executive and legislative branches of government is critical and, in our view, the very cornerstone of our system of justice and our democracy itself.

It has been recognized by the Supreme Court of Canada, in *Reference Re: Remuneration of Judges in the Provincial Court of Prince Edward Island* [1997] 3 S.C.R. 3 (the “*PEI Reference*”) that judicial independence is a safeguard which protects the public against the abuse of power and is fundamental in protecting the jurisdiction of one level of government from being encroached upon by another.

Since the *PEI Reference*, the Supreme Court of Canada has reaffirmed the Supreme Court’s constitutional principles set out in the *PEI Reference*. In 2005, the Supreme Court of Canada released its decision, *Provincial Court Judges’ Assn. of New Brunswick v. New Brunswick (Minister of Justice); Ontario Judges’ Assn. v. Ontario (Management Board); Bodner v. Alberta; Conférence des juges du Québec v. Québec (Attorney General); Minc v. Québec (Attorney General)*, 2005 SCC 44, [2005] 2 S.C.R. 286. Commonly cited as the *Bodner* decision, the Supreme Court of Canada held that the principles stated in the *PEI Reference* remain valid (para. 13). In *Bodner*, the Supreme Court of Canada reiterated principles articulated in the *PEI Reference* that:

- Judicial independence is “the lifeblood of constitutionalism in democratic societies” (para. 4);
- Judicial independence is “necessary because of the judiciary’s role as protector of the Constitution and the fundamental values embodied in it, including the rule of law, fundamental justice, equality and preservation of the democratic process” (para. 4 citing *Beauregard, supra* at p. 70);
- Judicial independence has two dimensions: first, the individual dimension, which relates to the independence of a particular judge and the second, the institutional dimension, which relates to the independence of the court the judge sits on; Both dimensions depend upon objective standards that protect the judiciary’s role” (para. 5);
- The “judiciary must both be and be seen to be independent” (para. 6);
- “Judicial independence serves not as an end in itself, but as a means to safeguard our constitutional order and to maintain public confidence in the administration of justice” (para. 6); and
- Key components of judicial independence are: security of tenure, administrative independence and financial security (para. 7).

The citizens of Saskatchewan must have certainty that judges are seen to be making decisions free of economic and political influences. They must have comfort in the knowledge that a judge has no outside influences in doing what is right and what is just, and nothing to gain by political interference. The public confidence in the administration of justice demands that Provincial Court Judges remain independent and

providing compensation (salaries and benefits at appropriate levels) is an integral part of ensuring that independence.

The independence of the judiciary is a fundamental principle for the benefit of our citizens, not a perk for our judges. Chief Justice Lamer, former Chief Justice of Canada, in August 1999, in his address to the National CBA meeting in Edmonton, in referring to the “Ethical Principles for Judges”, stated, in part:

“An independent judiciary is the right of every Canadian. A judge must be seen to be free to decide honestly and impartially on the basis of the law and the evidence, without external pressure or influence from anyone.”

To attract the best candidates to seek appointment to the Provincial Court, and to ensure the highest levels of competence (and to keep the best Judges from leaving the Bench), the salaries and benefits of judges must be at a sufficiently high level to entice experienced, knowledgeable and senior lawyers to become Judges.

To attract and keep these types of candidates a Judge’s salary and benefits must be commensurate with the position which Judges enjoy in our society and must be a reflection of the respect to which they are entitled.

Professor Martin Friedland recognized the parallel between financial security and judicial independence in his study for the Canadian Judicial Council titled “A Place Apart: Judicial Independence and Accountability in Canada”:

“The greater the financial security, the more independent the judge will be, and so, in my view, it is a wise investment for society to err on the more generous side. Even if economic conditions were such that a very large portion of the bar was willing to accept an appointment at a much lower salary, we would still want to pay judges well to ensure their financial independence – for our sake, not for theirs.”

## **PROCESS**

Regarding the nature of compensation commissions and their recommendations as established by the *PEI Reference*, the Supreme Court of Canada stated in *Bodner* that a commission must focus on identifying the appropriate level of remuneration for the judicial office in question and address all relevant issues in a flexible manner (para. 14). Regarding a government’s response to the commission’s recommendations, the *Bodner* decision requires a government to give weight to the commission’s recommendations, and provide a complete response to them (para. 23). A government may depart from a commission’s recommendations, if the government provides complete and legitimate reasons and that deal with a commission’s recommendations in a meaningful way that will meet the standard of rationality (para. 25).

The CBA believes the *Bodner* decision operates to clarify the foundational principles set out in the *PEI Reference*. The CBA does not believe the Supreme Court of Canada’s decision in *Bodner* permits a government to reject a commission’s recommendations and merely replace it with a government’s own recommendations or give a government the final word in determining judicial compensation. Instead, the Supreme Court of Canada has dictated in *Bodner* that a government must respect the commission process and achieve the purposes of the commission: to preserve judicial independence and depoliticize judicial remuneration (para. 31).

## ATTRACTING THE BEST CANDIDATES AND KEEPING THE BEST JUDGES

It is clear that the Provincial Court, and the level of competence exhibited by the Judges of that Court, is essential in shaping both the administration of justice and perception of the administration of justice in Saskatchewan. In our view it is essential therefore that this Court be able to attract the best of the legal profession to sit as judges of this Court.

Judges don't volunteer. Unless there is an appropriate level of remuneration and benefits, economic realities dictate that quality lawyers will neither apply for nor accept appointments.

The Provincial Court is the front line of public perception of our system and in our view the level of pay must be adequate to ensure the best judges are in place to ensure the stature and prominence of the Provincial Court are properly reflected and preserved. A similar view was expressed by Chief Justice Bayda of The Saskatchewan Court of Appeal in his submission to the 1993 Provincial Court Commission Chief Justice Bayda stated that:

"It is axiomatic that not every lawyer who satisfies the law's requirements for becoming a judge also satisfies society's requirements for the lawyer's becoming a judge. Society is demanding not merely judges but judges about whom its members should never need to complain. Society is demanding the 'best'.

Unfortunately, the 'best' are usually (but not always) found to be the most expensive. Although I recognize that some of our better judges were not particularly high income earners as lawyers, nevertheless, the shibboleth, 'you only get what you pay for' applies with equal force to judges as to shoes.

It is idle to contend, as some have in the past...that because the list of applicants for appointment to the Provincial bench is long the positions are obviously eagerly sought after and that it must follow that the pay is right. The answer to that bit of sophistry is this. The list may be long, but if the applicants on it are mediocre a judge appointed from that list, too, will be mediocre – albeit at a salary that is 'right' for him or her. (That reinforces the notion that the only group in our society that are always at their best are the mediocre.) But what we want and need and what society is apparently demanding, is not a mediocre judiciary who are getting paid what they should be getting paid but the 'best' judiciary even if we have to pay them what they should be getting paid.

Therefore, as you engage yourself in the task of determining what is the appropriate salary for the judges of the Provincial bench during the next short while, *I strongly urge you to do so not on the footing of what it takes to attract a long list of judicial candidates but rather on the footing of what it takes to attract a short list of the 'best' candidates.* (We will then all have to trust the Executive branch of Government to make the appointments from that short list.)"

(emphasis added)

That rationale is equally applicable today. We want our Provincial Court to attract the best candidates and we want those chosen to be judges to represent the best of the legal profession. It is well recognized that there are many sacrifices which a lawyer must make in order to accept an appointment to the Bench. In agreeing to become a Provincial Court Judge, a practitioner must sever all ties with his/her practice, withdraw from political life and exercise care and discretion in his or her community, charitable and personal affairs. The very nature of becoming a judge removes an individual from his or her

business, friends and acquaintances. In addition, there are financial sacrifices which are inherent in the acceptance of a judicial appointment.

Most judges are appointed as they approach their peak earning years as lawyers. When appointed to the Court, a lawyer gives up the opportunity for further advancement in his or her career. It is also important to keep in mind that once appointed judges must refrain from other forms of compensable activity. On top of all this, many judges appointed from private practice will lose the financial and tax planning benefits of practising through a professional corporation.

The fact that there is no longer any opportunity for “growth in their salary or benefits” by the standard means by which a lawyer in private practice would have their salary increase, including through factors such as being more productive and efficient, by working longer hours, by taking advantage of technology and gaining more experience, is an important consideration in setting salaries and benefits at a sufficiently high level to encourage the best applicants and to keep the best sitting judges.

A Judge must receive a sufficient “after tax” salary to maintain a standard of living reflective of their position and stature in the community and not simply adhere to the foundational concept of judicial independence, but be in fact independent and financially independent.

## **OTHER FACTORS TO BE CONSIDERED IN SETTING REMUNERATION AND BENEFITS FOR SASKATCHEWAN PROVINCIAL COURT JUDGES**

In addition to the argument that salary is an important factor in ensuring judicial independence and ensuring the ‘best’ persons are sitting as judges, there are a number of other considerations to be taken into account when setting the salaries and benefits.

### **A. THE WORKLOAD OF THE COURT**

~~Redacted~~

~~Redacted~~ This trial role of the Provincial Court has dramatically increased in the last few years, and will continue to do so as a result of new offences being added to the Criminal Code and new and ever expanding federal and provincial laws dealing with security issues, Young Offenders and other matters.

The number of Summons issued in the Civil Division of Provincial Court has steadily increased in recent years. Increased use of Case Management offers a tremendous benefit to litigants, but at the same time imposes additional workload on the Court. In 2010 there were 2143 Summons issued, 1044 civil case management conferences and 316 decisions in the Civil Division of the Provincial Court of Saskatchewan. The monetary jurisdiction in the Civil Division of the Provincial Court has increased incrementally from \$5,000.00 to \$20,000.00. The changes to the monetary jurisdiction have affected the complexity of the cases commenced in the Provincial Court. Should Saskatchewan follow steps taken in other provinces, the monetary jurisdiction will increase further. It has been a positive step that has benefited the people and businesses that our members represent.

The ever increasing number of self-represented litigants presents an additional challenge. Judges need to spend more time explaining the court process to self-represented litigants, who often find the process complex, confusing and frustrating. Providing decisions which are seen to be fair and impartial in these situations imposes additional demands on the time, energy and professionalism of judges.

In addition to keeping up on new developments in a vast amount of legislation and case law, provincial court judges need to be intimately familiar with issues relating to fetal alcohol syndrome, aboriginal perspectives, mental health, addictions, social and economic realities of the inner-cities and remote locations, domestic violence, and a variety of diversionary programs.

In summary, the CBA respectfully submits the ever increasing workload of the Provincial Court is an important factor to be considered when determining the appropriate level of judicial salaries and benefits.

#### **B. THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS**

The Canadian Charter of rights and Freedoms is a pillar for the safeguard of the freedom and liberty of our citizens. The Provincial Court is the forum in which the vast majority of cases where these protections are initially tested, challenged and ensured.

The result is that Provincial Court judges continue to hear lengthier and more complex trials requiring substantial deliberation.

#### **C. CIRCUIT**

Redacted

There are 79 provincial court points in Saskatchewan, to service the public demand for court services. Of these 66 are circuit points. The Provincial Court Judges who live and preside in 13 judicial centres must travel to those points. The travel, which is by road and air, and being away from family, is a factor which must be considered in establishing the adequate remuneration to be paid to expect fulfillment of those obligations.

#### **D. PUBLIC PERCEPTION**

There can be no doubt that the majority of citizens of this province who appear in, or use, our judicial system have their first experience, and their only experience, with the judicial process in the Provincial Court. Not surprisingly, far more citizens form their impression of the judicial system from the Provincial Court than from other levels of court. The decisions of Provincial Court Judges have an enormous impact on the everyday lives of citizens of Saskatchewan.

We suggest the majority of individuals do not differentiate between the levels of Courts and there must never be a "two-tiered" perception with respect to the level of competence or quality of the judiciary within the two Courts. Litigants appearing before the Provincial Court are as deserving as those appearing in other forums. They are entitled to the same quality of justice and must have no reason to doubt that they receive it.

In our view, the general public perception is that a judge is a judge and there is a real danger if there is a disparity in remuneration, over time that a perception of a "two-tier" justice system will become entrenched.

Such a perception would not be acceptable, as the Court with the greatest connection to and responsibility for the liberty of the individual and the safety of the community would be perceived as not having the same stature and respect of their counterparts at the Court of Queen's Bench.

Both levels of the judiciary play important, but different roles in society and fulfilling judicial needs, and in both instances salaries and benefits should be close to being equal.

#### **E. PRIVATE SECTOR**

As mentioned earlier in this submission, the independence and quality of the judiciary is predicated on an assurance of adequate salary and benefits both while in office and the assurance of an equitable provision of retirement security.

These jurists, once appointed, have no ability to increase their salary, whereas private practitioners do, as their salaries are determined by the market (and other factors previously mentioned in this submission) and are increased accordingly.

It is well known that Saskatchewan's economy is expected to continue to grow significantly in the foreseeable future. More economic activity means more work and better paying work for lawyers. This is not confined to urban areas, as many rural parts of the province are seeing unprecedented levels of economic growth. Lawyers in private practice are expecting commensurate growth in income levels in the next few years. At the same time, increased competition for qualified junior lawyers has led to a substantial increase in associate salaries. This phenomenon can be expected to put upward pressure on lawyers' salaries in the public sector as well.

Therefore, challenges may exist to attract the best quality candidates from the private bar in the future and an appropriate level of salary will be critical.

#### **F. PENSIONS AND OTHER BENEFITS**

The CBA submits that following the *PEI Reference*, the same legal principles that apply to salaries for judges apply equally to judicial pensions and other benefits (para. 136). Furthermore, when it comes to attracting the best candidates, pensions and other benefits are just as important as salary.

As a general rule, going to the Bench is a lawyer's last career move. Consequently, because of the other restraints imposed on judges, their future economic circumstances and that of their families will depend almost entirely on their judicial salary, pension and other benefits. Since judicial independence is predicated on financial security, which includes pension and other benefits, there must be some assurance of retirement security for those sitting judges. The compensation level should be sufficient to ensure that judges and their families are perceived by society to be financially secure. As well, the level of compensation and benefits should make appointment to the Bench sufficiently attractive to attract the best qualified lawyers.

#### **G. MARKET CONDITIONS / FINANCIAL CONSTRAINTS**

The CBA submits that province's current and projected financial situation allows for fair and reasonable compensation and benefits for judges.

The CBA accepts that judges are paid from the government purse and that the competing demands on public monies can mitigate the amount that might otherwise be paid for judicial salaries. However, judicial independence is not just a government priority. It is, for the reasons expressed above, a constitutional imperative. Before competing priorities are used as a rationale to reduce what the Commission concludes to be appropriate compensation for judges, the Government must show conclusive evidence of other pressing government fiscal obligations of similar importance to judicial independence.

### **CONCLUSION**

The CBA Saskatchewan Branch respectfully submits that salaries and benefits should reflect the significant role which the Provincial court and its Judges play in shaping both the administration of justice and the public perception of the system of justice in Saskatchewan. They should also reflect the importance of having quality lawyers on the Provincial Court by providing a level of salary and benefits sufficient to attract prominent members of the legal community.

Salaries and benefits must also reflect the personal and professional sacrifices which are undertaken by accepting an appointment including the severing of all ties with their professional practice, withdrawing from political life, exercising a higher standard of care and discretion in the community, and withdrawal from community, charitable and personal organizations and relationships. The reality is that Judges are isolated from their former business colleagues, associates, clients, former partners, associates and from their friends and acquaintances. To the extent it can, the salary level must compensate for that.

The level of compensation must reflect the fact that judges are faced with making difficult and controversial decisions, which are increasingly being scrutinized by the public and the media, against which judges are for the most part, defenceless as a consequence of their office. Provincial Court Judges almost daily face tough decisions, decisions which affect the lives, liberty and security of individuals. The quality of those decisions will be maintained only if the quality of the judges making them is maintained, which, in part, will be ensured by establishing salaries and benefits required to attract and keep the best lawyers and which are mandated by the stature and prominence of the position.

To conclude, the CBA urges the Commission to adopt the following principles:

- The Legislature should be cautioned that its consideration of the Commission's report involves special constitutional considerations, which risk being endangered by a politicized approach and by making any links between judges' remuneration and the decisions they make.
- To ensure that judicial salaries are adequate to attract the most gifted and accomplished candidates for judicial appointment, the Commission should ensure salaries are consistent with prevailing and predicted market conditions. It should continue to use "comparables" of lawyers who are senior private practitioners and senior public servants.
- Appropriate compensation levels should be such that judges and their dependents do not experience significant economic disparity between pre-appointment and post-appointment, and that the best and most capable applicants for judicial appointments are not deterred.
- Before competing priorities are used as a rationale to reduce what the Commission concludes to be appropriate compensation for judges, the Government would need to show conclusive evidence of other pressing government fiscal obligations of similar importance to judicial independence.

We trust that these remarks will assist the Commission in its deliberations.

Submitted this 9th day of November, 2011

**CBA Saskatchewan Branch**

David Thera, President

Perry Erhardt, Q.C., Past President

## LAW DAY COMMITTEE

Charmaine Panko, Chair

**Law Day Committee:** Charmaine Panko (Chair), Kirsten Hnatuk, Kate Joa, Jennifer McPherson, Jenn Pereira, Adam Touet, Anita Wandzura.

**CBA Advisor:** Brenda Hesje, Executive Director

The Canadian Bar Association sponsored Canada's first Law Day on April 18, 1983 to mark the anniversary of the proclamation of the Canadian Charter of Rights and Freedoms. Subsequent Law Days have been celebrated in April across the country. Law Day was celebrated Thursday, April 17<sup>th</sup> this year – the 30<sup>th</sup> Anniversary to the day! The purpose of Law Day is to promote an increased awareness of legal rights and obligations among all Canadians. The Canadian Bar Association is dedicated to helping the public learn about the law, the legal system, the legal profession and some of the cornerstone institutions of our Canadian democracy. We encourage schools to teach law because what students learn about legal rights and responsibilities will empower them to succeed and to make important contributions as adults.

There were a number of events in conjunction with Law Day this year. These events, along with general information about Law Day and the legal profession, were highlighted in a 2-page feature that ran on Thursday, April 17<sup>th</sup> (Law Day) in both the Regina LeaderPost and the Saskatoon StarPhoenix.

The 13<sup>th</sup> Annual provincial mock trial competition for Saskatchewan high school students, the **McKercher Cup**, took place on Saturday, April 21<sup>st</sup>, at the Saskatoon Queen's Bench Court House. The Branch is indebted to the Court House staff for their continued support, as they volunteer time each year for this important CBA initiative.

This year five teams participated in the competition. There were teams from Aden Bowman in Saskatoon, North Battleford Comprehensive High School, St. Mary High School in Prince Albert, and two teams from Yorkton Regional High School. Judges for the competitions included Mr. Justice Neil Gabrielson, Mr. Justice R. Shawn Smith, Judge MaryLynne Beaton, Judge Lorna Dyck, Judge Earl Kalineth, and Judge Daniel O'Hanlon. Volunteers serving as Court Clerks for the day were: Tyler Dahl, Adrienne Bedrich-Panchuk, Marinko Jelovic and Meghan Seidle. Arrangements were made to have interested organizations set up information tables for the day at the Court House; PLEA, CLASSIC and Pro Bono Law Saskatchewan participated. The competition was followed by an awards presentation banquet at the Delta Bessborough Hotel, where we were privileged to have The Honourable Don R. Morgan, QC, Minister of Justice and Attorney General for Saskatchewan, as the guest speaker. His remarks centred on Charter issues and were well received.

All participants received a participation medal again this year. In addition to the McKercher Cup, a number of individual awards were handed out: Emily Jackson from North Battleford - Best Witness; Kiara Hudy from Yorkton Team A - Best Prosecutor (sponsored by Saskatchewan Justice); Tato Crisanto from Yorkton Regional Team B - Best Defence Lawyer; and David Aranyi from Aden Bowman - Best Overall Performance. Joel Hesje, QC, on behalf of McKercher LLP, presented the McKercher Cup Provincial Championship Award to the winning team, St. Mary High School from Prince Albert.

The Committee was a little disappointed with the participation in the McKercher Cup this year; earlier contact with the schools and distribution of the materials is planned for next year.

No entries were received for the Law Day **Poster Contest** this year. The contest is open to grade five students. Each year the students are encouraged to create a poster focusing on the mock trial case used in the McKercher Cup. They are invited to express themselves using any type of medium (poster paper, Bristol board, crayon, paints, collage, etc.). The Law Day Poster Contest is a great opportunity for the students to learn, and demonstrate an understanding of the rights of Canadians. The invitation to participate in the Poster Contest also includes the offer of a lawyer coming out to visit in the classroom.

Contest winners are invited to attend the McKercher Cup Awards banquet to receive their prizes. The Poster Contest was sponsored by Woloshyn & Company (now The W Law Group).

This year the CBA hosted its fifth annual Law Day **Fun Run/Walk** in Saskatoon - titled Run for the Law. The event, organized by Jennifer McPherson, was held Saturday, April 21<sup>st</sup> (in conjunction with the McKercher Cup). Registration, at the Saskatoon Queen's Bench Court House, began at 10:00 am. The run/walk took place on the riverbank trails. Approximately thirty people participated this year, raising close to \$700 for Pro Bono Law Saskatchewan and Community Legal Assistance Services for Saskatoon Inner City (CLASSIC). All runners/walkers received a CBA water bottle and were invited to lunch in the Court House afterwards, sponsored by MacPherson Leslie & Tyerman LLP.

The annual **Law Day Luncheons** were held on Monday, April 16<sup>th</sup> in Regina and Tuesday, April 17<sup>th</sup> in Saskatoon this year. The guest speaker (for both events) was Elijah Harper speaking on "The Charter of Rights and Freedoms 30 Years Later: The Impact on Aboriginal and Crown Relations". Both events were open to the public and well attended.

Respectfully submitted,  
Brenda Hesje

## LEGISLATION AND LAW REFORM COMMITTEE

Lora Bansley, Chair

I was pleased to be asked to assume the role of Legislation and Law Reform Chair and have had the pleasure of holding this position since February of 2012.

In the past four months the CBA, Saskatchewan Branch has been asked to comment on a number of legislative/ policy proposals and changes. The documents outlining the proposals are forwarded to the relevant section chairs for comment. The following are legislative proposals and changes that the CBA, Saskatchewan Branch has been asked to comment on:

- Renewal of Labour Legislation in Saskatchewan by the Ministry of Labour Relations and Workplace Safety
- Consultation Paper on Access to Justice: Needy Person Certificates and Waiver of fees by the Law Reform Commission of Saskatchewan
- Bill C-377, an Act to amend the *Income Tax Act* (requirements for labour organizations)
- Potential amendments to *The Dependants' Relief Act*

There has also been some discussion on changes to *The Small Claims Act* that is currently being reviewed by the Executive at this time. A letter may be forthcoming from the Executive to the Minister of Justice.

Respectfully submitted,  
Lora Bansley

## **MEMBERSHIP COMMITTEE**

Gail Wartman, Chair

### **NATIONAL ISSUES**

On April 27, 2012, national membership was 37,912 active members, including 37,162 paid and 750 unpaid/suspended members. This is a 0.69% year-over-year increase (253) in paid membership.

Membership Fee Review: Important decisions will be made in the next few months surrounding the recommendations of the Membership Fee Review Committee, which has been working now for a couple of years. Dramatic changes to the structure of membership fees are expected, and will begin to be rolled out as of September 2012. Additional meetings of both the National Finance Committee, of which I am now a member, and the National Membership Committee, which I chair, have been necessary this spring in preparation for these major changes.

### **PROVINCIAL ISSUES**

Membership in Saskatchewan as at April 27, 2012 is at 1086 paid members. This is an increase of 9 members since this time last year, or a 0.84% increase.

Registration at the Mid-Winter Meeting was strong again this year, and it is believed that the compulsory Continuing Professional Development is of assistance in keeping our membership numbers strong.

A long-awaited CBA visit to the Battlefords Bar Association has been arranged, for June 5, 2012, at Meadow Lake. This meeting will be attended by the President, David Thera, Q.C.

Membership committee activities over the past year included the following:

- Participation at the Wine and Cheese reception at the College of Law in September 2011.
- I attended three meetings of the National Membership Committee - at the Annual Meeting held in Halifax, Nova Scotia in August, 2011; the annual face-to-face Membership Committee Meeting in Ottawa in November, 2011, and at the National Mid-Winter Meeting, held in February in Cancun, Mexico.
- As Chair of the National Membership Committee Meeting, I have attended two additional meetings in Ottawa this spring relating to the Membership Review Committee recommendations, in early May, for the National Finance Committee, and in late May, to Chair the National Membership Committee Meeting.
- I have participated in the development of the new Canadian Bar Association's strategic plan and have been interviewed and offered input into that process as a Committee Chair.

Respectfully submitted  
Gail Wartman

## **MID-WINTER MEETING COMMITTEE**

Neil Robertson, Q.C., Chair

The 2012 Mid-Winter Meeting was a resounding success on a number of levels. Most importantly, it provided members of the Saskatchewan Bar with the opportunity to learn from the 55 speakers and socialize with colleagues from around the province. Attendance was high, with 267 registered, compared with 231 last year. The meeting also generated income of over \$75,000 for the Saskatchewan Branch, which will be used to fund other CBA functions.

The educational program got off to a great start on Thursday, February 2<sup>nd</sup> with a Plenary Session on Civility in Litigation, featuring Eugene Meehan, Q.C. of Supreme Advocacy LLP and Mr. Justice Maurice Herauf of the Court of Appeal for Saskatchewan, who provided a thoughtful and entertaining discussion on the value of civility.

Four streams of concurrent sessions followed for the next two days. Favourable comments were received about the variety of topics and quality of speakers.

Several exhibitors were on hand showing their wares and services. And a number of lucky people took home gifts from the exhibitors' draws. Many attended the "Double Jeopardy" festivities at Crave Kitchen and Wine Bar on Thursday evening, enjoying fun and games with their friends and colleagues.

The Friday, February 3<sup>rd</sup> sessions began with the traditional address by Don Morgan, Q.C., Minister of Justice and Attorney General for Saskatchewan, followed by an update on the College of Law from Dean Sanjeev Anand, Q.C.

Dr. Trevor Farrow of Osgoode Hall Law School spoke about Access to Justice at The President's Forum on Friday morning, with commentary from Chief Judge Carol Snell of the Provincial Court, Alan Snell, Q.C., CEO of Legal Aid Saskatchewan, and Mr. Justice Sandomirsky of the Court of Queen's Bench.

The CBA Distinguished Service Award, awarded to an individual who exemplifies the service orientation of our profession and the dedicated service of its members, was presented to Randy Baker, Q.C. by CBA Saskatchewan President David Thera, Q.C., after an introduction by Mr. Baker's former partner, Paul Korpan, Q.C. The remarks by Mr. Korpan and Mr. Baker reminded everyone present of both what a great privilege it is to practice law and of the models of professionalism we have in the Saskatchewan Bar and Bench.

Thanks are due to the CBA Saskatchewan Branch staff, Brenda Hesje and Lorraine Coulman, and the volunteer Committee members: Nicholas Cann, Will Egan, Lynsey Gaudin, Jordan Hardy, Brittnee Holliday, Bill Johnson, Q.C., Jana Linner, Maria Markatos, Curtis Onishenko, Greg Sykes, David Thera, Q.C., Jerome Tholl, and Lindsay Wacholtz.

Respectfully submitted,  
Neil Robertson, Q.C.

## NOMINATING COMMITTEE REPORT

### Perry Erhardt, Q.C., Chair

Pursuant to Canadian Bar Association, Saskatchewan Branch Bylaw 13(2), the Nominating Committee has submitted the following slate of candidates to the Executive Director. Bylaw 13(2) states "The Nominating Committee shall submit to the Executive Director not less than forty-five (45) day before the day fixed for the Annual Meeting of the Branch, a report setting out the names of those nominated by the Committee for election to the positions outlined in Bylaw 13(1)(c) and (d), which shall be submitted to the Annual Meeting for approval, and if members at the Annual Meeting so desire, they may nominate other candidates, and if other candidates are nominated, an election shall be held according to the procedure established at the Annual Meeting." The Nominating Committee is pleased to present the names of the following persons for offices of the Branch for the next annual period, September 1, 2012 to August 31, 2013:

#### **Branch Committees**

Awards:	JP Ellson
Communications:	Kaylea Dunn
Equity:	Beth Bilson, QC
International Development:	Karen Prisciak, QC
Judicial Compensation & Benefits:	Heather MacMillan-Brown
Law Day:	Charmaine Panko
Legislation and Law Reform Review:	Lora Bansley
Membership:	Loreley Berra
Mid-Winter Meeting:	Amanda Dodge / Heather MacMillan-Brown
Nominating:	David Thera, QC
Pro Bono:	Nicole Saraurer
Professional Development:	Curtis Onishenko
Professional Image:	Jenn Pereira
Queen's Counsel:	David Thera, QC
Resolutions, Constitution & Bylaws:	Robert Thornton, QC

#### **Judiciary Representatives**

Court of Appeal for Saskatchewan:	Mr. Justice Maurice Herauf
Court of Queen's Bench for Saskatchewan:	Mr. Justice Ron Mills
Provincial Court of Saskatchewan:	Judge Karl Bazin

For your information Appendix "A" outlines the Branch Executive Committee, Elected Members of Council as well as nominations and appointments to National Standing Committees, Branch Sections and representatives on external bodies required to be nominated or appointed at this time by either the Nominating Committee, the Executive Committee, or Council according to the powers vested in each of these bodies by the Branch By-Laws.

Respectfully submitted,

#### The Nominating Committee

Perry Erhardt, QC (Chair)  
Lora Bansley

Terry Kimpinski, QC  
David Thera, QC

Christine Glazer, QC

**APPENDIX "A"**

**2012-2013 BRANCH EXECUTIVE COMMITTEE**

President:	Heather MacMillan-Brown
Vice-President:	Kylie Head
Treasurer:	Gail Wartman
Immediate Past President:	David Thera, QC
Communications Chair:	Kaylea Dunn
Legislation and Law Reform Chair:	Lora Bansley
Membership Chair:	Loreley Berra
Professional Development Chair:	Curtis Onishenko
Professional Image Chair:	Jenn Pereira

**ELECTED MEMBERS OF NATIONAL COUNCIL**

**Northeast Electoral District:**

1. Vacant
2. Vacant

**Northwest Electoral District:**

1. Miguel Martinez
2. Vacant

**Regina Electoral District:**

- |                 |                    |                       |
|-----------------|--------------------|-----------------------|
| 1. Lora Bansley | 3. Alison Mitchell | 5. Betty Ann Pottruff |
| 2. Max Bilson   | 4. Erin Kleisinger | 6. Alex Shalashniy    |

**Saskatoon Electoral District:**

- |                   |                        |               |
|-------------------|------------------------|---------------|
| 1. Patrick Ennis  | 3. Tiffany Paulsen, QC | 5. Ian Wagner |
| 2. Bonnie Missens | 4. Adrienne Perrot     | 6. Vacant     |

**Southeast Electoral District:**

1. Vacant
2. Vacant

**Southwest Electoral District:**

1. Lindsay Gates
2. Ronni Nordal

**BRANCH REPRESENTATIVES ON NATIONAL STANDING COMMITTEES**

The following candidates have been proposed to the National Nominating Committee. From the list of candidates submitted from each of the Branches, the Nominating Committee will put forward recommendations to National Council for approval at the National Annual Meeting of Council to be held in Halifax, August 14-16, 2011.

Awards:	JP Ellson
Board of Directors:	Heather MacMillan-Brown
Communications:	Kaylea Dunn
Equity:	Kylie Head
Ethics and Professional Issues:	Bonnie Missens
International Development:	Anne Wallace, QC
Judicial Compensation & Benefits:	Neil Turcotte
Law Day:	Charmaine Panko
Legal Aid Liaison:	No nominee
Legislation & Law Reform:	Tom Irvine
Membership:	Loreley Berra
Pro Bono:	Nicole Saraurer
Professional Development:	Joel Hesje, QC
Resolutions, Constitution & Bylaws:	Bryan Salte, QC / Peter Bergbusch
Supreme Court of Canada Liaison:	Graeme Mitchell, QC

**BRANCH SECTION CHAIRS**

Aboriginal Law North:	Leah Bitternose
Aboriginal Law South:	Josh Morrison
Administrative & Labour Law North:	Keir Vallance
Administrative & Labour Law South:	Juliana Saxberg
Alternate Dispute Resolution:	Connie den Hollander
Articling Students North:	Tim Froese / Troy Baril
Articling Students South:	Rani Grewall
Bankruptcy & Insolvency:	David Gerecke
Business Law North:	Jason Jacobson
Business Law South:	Ryan Malley
Civil Litigation North:	Michael Krawchuk
Civil Litigation South:	Christine Clifford
Corporate Counsel North:	Terri Uhrich
Corporate Counsel South:	Terry Jordan
Criminal Justice South:	Loreley Berra
Environmental and Resource Law:	Jonathan Kalmakoff / Angela Stolz
Family Law North:	Gwen Goebel
Family Law South:	Kendra Jacobs
French Speaking Common Law Members:	Neil Turcotte
Immigration Law North:	Haidah Amirzadeh
Immigration Law South:	Stephanie Yang
Privacy & Access to Information North:	Shannon Whyley
Privacy & Access to Information South:	Greg Fingas
Public Sector & Municipal Law North:	Steve McLachlin / Barry Rossmann, QC
Public Sector & Municipal Law South:	Jayne Krueger
Real Property & Wills South:	Kevin Jaques
Securities Law North:	Derek Hoffman
Securities Law South:	Stathy Markatos
Taxation South:	Graham Purse
Wills, Estates & Elder Law North:	Hannah Zip

Women Lawyers Forum North:	Michelle Ouellette, QC
Women Lawyers Forum South:	Jody Martin
Young Lawyers North:	Anita Wandzura
Young Lawyers South:	Jyoti Haeusler

**BRANCH REPRESENTATIVES ON JOINT COMMITTEES / EXTERNAL BODIES**

Advisory Committee on Judicial Appointments:	Randy Sandbeck
Aboriginal Liaison:	Kathy Hodgson-Smith
Bar Judicial Councils:	
Court of Appeal:	Michelle Ouellette, QC Tiffany Paulsen, QC
Queen's Bench:	Michelle Ouellette, QC Jenn Pereira
Provincial Court:	George Green John Knox
Canadian Bar Insurance Association:	Ronald L. Miller, QC Barry Rossmann, QC
Pro Bono Law Saskatchewan:	Michelle Ouellette, QC
Public Legal Education Association:	Margot Hurlbert
Round Table on the Criminal Justice System:	Aaron Fox, QC
Rules of Court Committee:	Michelle Ouellette, QC

## **PRO BONO COMMITTEE**

Kara Dawn Jordan, Chair

The CBA SK Pro Bono Committee continued to work to facilitate and promote pro bono work in a variety of ways over the past year. A brief summary of these activities follows:

### **Bar Notes Articles**

A Pro Bono Spotlight piece is regularly submitted for publication in *Bar Notes*. The idea behind this column is to promote pro bono work within the province and also to provide information and resources to lawyers engaged in providing pro bono services.

### **4<sup>th</sup> National Pro Bono Conference**

The Committee Chair is currently involved in the planning for the 4<sup>th</sup> National Pro Bono Conference which will be held in Montreal in the fall. The conference provides a forum for the exchange of knowledge and ideas concerning pro bono legal service provision.

### **National Pro Bono Committee**

The Committee Chair continues to be involved with the National Pro Bono Committee. Currently the committee is involved in initiatives to reduce barriers to pro bono delivery nationwide such as the lack of insurance for some lawyers in certain jurisdictions. The Committee Chair is also part of the National Pro Bono Committee website subcommittee which is working to recreate the CBA Pro Bono Committee website such that it provides easily accessible information and resources to lawyers currently involved or wanting to become involved in pro bono service and to those wishing to develop or improve pro bono programs in their jurisdictions.

### **Presentations**

The Committee Chair presented to the Corporate Counsel North and South Sections providing ideas on how corporate counsel can get involved in pro bono service.

As Chair of the CBA SK Pro Bono Committee I am pleased to see that the awareness surrounding the need for pro bono services in the province is on the rise and that support of the various pro bono programs in the province continues to increase. Over the last year Pro Bono Law Saskatchewan, a charitable organization mandated to improve access to justice in Saskatchewan by creating, facilitating and promoting opportunities for lawyers to provide pro bono services to people of limited means, has seen an increase in volunteerism from Saskatchewan Lawyers which has translated into an ability to expand its programs throughout the province. Thanks to all of the lawyers who volunteer their time as well as to the CBA Saskatchewan for the financial assistance it provides in order to cover out of pocket expenses for lawyers taking on pro bono files.

Respectfully submitted,  
Kara-Dawn Jordan

## **PROFESSIONAL IMAGE COMMITTEE**

Jennifer Pereira, Chair

### **INTRODUCTION**

There were large shoes to fill in taking over the role of Professional Image Committee Chair from the very capable Kylie Head who held this position for seven years. Despite being a rookie, I have been an active participant in Executive meetings and general CBA business. In addition I assisted with the following activities:

#### **1. Eighth Annual CBA Law Firm Showcase**

The Eight Annual CBA Law Firm Showcase held at the University of Saskatchewan, College of Law on November 7, 2012. Seventeen law firms and other legal employers participated in a trade-show type event in the college's library. Unfortunately the showcase fell on the same day as the Provincial election, preventing participation from the Saskatchewan Department of Justice. Our committee will be more sensitive to such issues in the future.

The Showcase included small group discussions where students could hear from practitioners on various topics such as rural practice, public practice, in-house corporate counsel, large urban practice and small urban practice. Thank you to counsel who volunteered their time to share their experience with students. In particular: Bill Holliday (Holliday & Company, Weyburn), William Selnes (Kapoor Selnes & Klimm, Melfort ), Byron Wright (Federal Prosecutions), Robert Goodman (Department of Justice), Candice Augustyn (Cameco Corporation), Clint Weiland (Potash Corporation of Saskatchewan), Scott Wickenden (McDougall Gauley), Michelle Ouellette (McKercher), Adam Ailsby (Kanuka Thuringer) and Lindsay Gates (Kanuka Thuringer).

The event was followed by a reception hosted by the LSA and the College of Law.

#### **2. Mentorship Program**

The CBA offers a mentorship program matching lawyers with students at the College of Law. This year 73 students were matched with lawyers from across the province. On November 20, 2012 a reception was held at Winston's Pub (a less formal atmosphere than the Saskatoon Club where this event has been held in the past) where students were able to meet their "match."

#### **3. Aboriginal Summer Student Hiring Program**

The CBA continued to co-ordinate the Aboriginal Law Student Summer Job Program now in its eighth year. The purposes of the program are:

- to allow law firms and the legal profession to gain greater insight into Aboriginal culture and issues;
- to provide an opportunity for Aboriginal law students early in their legal career to obtain work experience in a law firm; and
- to foster opportunities for ongoing relationships to develop between the Aboriginal students and practicing lawyers.

Nine employers participated this year – CLASSIC, Legal Aid, McDougall Gauley LLP, McKercher LLP, Miller Thompson LLP, Saskatchewan Justice, Law Society of Saskatchewan, McPherson Leslie Tyerman LLP and Robertson Stromberg LLP. This year one firm found a student through the program (as opposed to five in 2011).

#### **4. Law Day**

The CBA celebrated the 30<sup>th</sup> anniversary of the implementation of the Charter of Rights and Freedoms by hosting its annual Law Day Luncheons in Saskatoon and Regina on April 16 and 17, 2012. Elijah Harper was the guest speaker who spoke about the impact of the Charter of Rights and Freedoms on Aboriginal and Crown Relations. Approximately 120 people attended the luncheons in both cities.

The speaker for Law Day 2013 has been confirmed – Dr. Samantha Nutt, an award-winning humanitarian, acclaimed public speaker and a leading authority on the impact of war on civilians. A medical doctor and a founder of War Child, an international humanitarian organization, Dr. Nutt has worked with children and their families at the frontline of many of the world's major crises zones. Her humanitarian work has benefited many thousands of war-affected children globally.

I have now joined the Law Day committee with a view to assist in the organization of other Law Day activities such as the McKercher Cup, the poster contest and annual fun run under the capable chairmanship of Charmaine Panko.

#### **NEXT STEPS and CONCLUSION**

The CBA Saskatchewan Branch may be looking for a communications officer to assist our staff in better communicating with our members. I will be working with the executive to develop a job description and hire a candidate. In addition I intend on reviving the school outreach program for the coming year where lawyers offer presentations to high school students about the practice of law. Lastly, CBA National will likely be implementing a new professional image campaign. I am looking forward to providing input on behalf of our Saskatchewan members.

There is always room for improvement. If you have any feedback free to contact me at 306-652-7575 or by [j.pereira@rslaw.com](mailto:j.pereira@rslaw.com)

Respectfully submitted,  
Jennifer Pereira

## **QUEEN'S COUNSEL COMMITTEE**

Perry Erhardt, Q.C., Chair

The designation of Queen's Counsel is made by the Minister of Justice through a selection process that includes consultation with the Canadian Bar Association, the Law Society of Saskatchewan and the Courts. The CBA Queen's Counsel Nominating Committee was chaired by me and comprised of Branch President David Thera, and Past President, Terry Kimpinski, QC.

The selection of nominees for the designation of Queen's Counsel is based upon the following criteria:

- Demonstrated superior legal ability;
- Proof of good character and integrity; and
- No person shall be appointed who has not been entitled during ten years to practise in the superior courts of the United Kingdom of Great Britain and Ireland or of any province or Territory of Canada or for a portion of such period in one and for the remaining portion of such period in another or others of the said courts.

The selection of the CBA's nominees has further qualifications. The CBA also considers the following criteria, each of equal weight:

- Must be a member of the Canadian Bar Association;
- Contributions as a legal professional to the community;
- Contributions to the community generally; and
- Contributions to the legal profession, with an emphasis on contribution to the Canadian Bar Association.

The CBA will also, in its recommendations, take into account considerations of gender, diversity and geography.

This year the CBA prepared a Queen's Council Application/ Nomination form which is available on the CBA website ([http://www.cba.org/saskatchewan/main/resources/awards\\_qc.aspx](http://www.cba.org/saskatchewan/main/resources/awards_qc.aspx)). The CBA QC Committee met in early November to determine its nominees prior to the meeting with the Minister of Justice, the Law Society and the Courts on December 1<sup>st</sup>.

The recipients of the QC designation were announced in mid December.

Respectfully submitted,  
Perry Erhardt, Q.C.

## **RESOLUTIONS, CONSTITUTION & BYLAWS COMMITTEE**

Robert F. Thornton, Q.C., Chair

Since the last Annual General Meeting of the Branch the following resolutions, other than customary motions, have been passed by Branch Council:

- (a) The Reimbursement Policy for Attendance at National Meetings by Branch members, as presented to the Branch Council on September 22, 2011, was adopted. This Reimbursement Policy is annexed to the Branch Council Meeting Minutes of September 22, 2011;
- (b) The Branch No-Fault Insurance Committee was dissolved by motion at the November 17, 2012 Branch Council Meeting.

There have been no other resolutions passed by Branch Council during the Branch year of 2011-2012 other than customary motions approving Council meeting agendas and minutes, accepting reports, and passing the Branch budget.

There are presently no proposed amendments to the Branch Bylaws. The last amendments to the Bylaws were made at the Annual Meeting of the Branch held on June 17, 2010.

Respectfully submitted,  
Robert Thornton, Q.C.

**ABORIGINAL LAW NORTH**  
Leah Bitternose, Chair  
Kathy Hodgson-Smith, Vice-Chair

We are pleased to report that the section activities for 2011/2012 were successful with good learning and networking opportunities for our section members. Our section is still quite small and any joint session's were very well attended. We would like to encourage more Aboriginal Law practitioners to join our section and continue to promote membership in the CBA.

**PAST YEARS MEETING TOPICS**

**September 26, 2011 – Joint Session with ADR, \*Monday, 4:00 p.m. Reception – Topic:** *“The Duty to Consult – An Opportunity to Negotiate, Using Interest Based Negotiations to Address First Nations, Crown and Industry Issues”*. **Speaker:** Jerome N. Slavik, Lawyer and Negotiator, Acroyd Piasta Roth and Day, Edmonton, AB.

**November 4, 2011 – “Infringement of Treaty Rights: Justification? Consultation?”**. **Speaker:** Prof. Norman Zlotkin, Professor of Law, College of Law, University of Saskatchewan.

**December 2, 2011 - “Aboriginal Law Update”**. **Speaker:** Mr. Mitch McAdam, Director Aboriginal Law Branch, Ministry of Justice and Attorney General, Government of Saskatchewan.

**January 25, 2012 (\*Wednesday) - Joint Session with Business Law North, “The Legal Perspective of Economic Development Structures for First Nations”**. **Speaker:** Mr. Stephen Pillipow, Woloshyn & Company, Saskatoon, SK.

**February 3, 2012 – “Impact Benefit Agreements”**. **Speaker:** Mr. Ron Maurice, Maurice Law, Calgary, AB.

**March 2, 2012 – Topic: “Tribunal Advocacy for First Nations Practitioners”**. **Speaker:** Mr. Donald Worme, Semaganis Worme Law.

Please feel free to contact us at (306) 260-7966, if you have any questions or concerns.

Respectfully submitted,  
Leah Bitternose

## ADMINISTRATIVE AND LABOUR LAW SOUTH

Juliana Saxberg, Chair  
Betty-Ann Cox, Vice-Chair  
Neil Karkut, LLR Rep

The Administrative and Labour Law Section South holds meetings in Regina with guest speakers who address current issues. Minutes of the meetings and speaker's notes are circulated to members of the section through the CBA Saskatoon office.

The year commenced with this section's annual Wine and Cheese reception on September 22, 2011. This event provided both members and non-members an opportunity to meet and socialize in a relaxed environment with a view to encouraging non-members to join the section and take part in further networking with colleagues.

On Tuesday, October 18, 2011 the Section welcomed Ken Love, Chair of the Labour Relations Board, accompanied by Vice-Chair Steven Schiefner and Registrar Fred Bayer, who provided us with a presentation respecting "LRB Update: What's New at the Saskatchewan Labour Relations Board". The Board provided us with a very interesting and useful discussion of notable new decisions, a discussion of proposed amendments to Regulations under the *Trade Union Act*, and an update respecting changes in practices and procedures at the LRB.

In a well-attended session on Tuesday, November 15, 2011 section member Curtis Talbot, Crown Counsel, Ministry of Justice and Attorney General, Civil Law Division presented on the topic of "Appeals to the Public Service Commission", providing valuable insight into this often misunderstood process.

On Tuesday, January 17, 2012 former section Chair Wayne Dale, Counsel, Saskatchewan Workers' Compensation Board delivered a well-received and informative presentation on "How to Appeal a Workers' Compensation Decision", which answered a lot of attendee questions about procedures and practices at the Board.

On Tuesday, February 21, 2012 Mike Phillips, Partner at McDougall Gauley treated attendees to a timely and well-informed case comment on the Court of Queen's Bench's historic *Saskatchewan Federation of Labour v. Saskatchewan*, 2012 SKQB 62, which recognised a Constitutional right to strike and struck down controversial essential services legislation.

In a very well-attended session held on Tuesday, March 27, 2012, Don Morgan, Minister of Labour Relations and Workplace Safety and the Attorney General (as he then was) provided attendees with a candid talk respecting the upcoming Consultation Paper on the Renewal of Labour Legislation in Saskatchewan. The Minister answered a number of attendees' questions respecting changes expected to be made in the future, with respect to the Province's legal regulation of Saskatchewan workplaces.

Finally on Tuesday, April 17, 2012 – which was the 30th Anniversary of the enactment of the *Canadian Charter of Rights and Freedoms* – we were honoured to host Mary Eberts, Professor, Ariel F. Sallows Chair in Human Rights for 2011- 2 University of Saskatchewan. Drawing on her direct experience in litigating some of the most significant *Charter* equality cases at the Supreme Court of Canada, Professor Eberts provided us with an inspiring and thoughtful discussion of the future role of the *Charter* in administrative and labour law.

During the course of the year members also had the opportunity to participate in three consultation projects: we provided feedback to the Labour Relations Board on behalf of section members with respect to proposed amendments to Regulations under the *Trade Union Act*; we met with the Labour Relations Board to discuss proposed changes to the Board's scheduling procedure; and we are currently in the process of planning a Section response to the Provincial Government's Consultation Paper on the Renewal of Labour Legislation in Saskatchewan.

To conclude, our section had a very productive year, which included not only excellent, educational, well-attended meetings; but also the opportunity to get involved and contribute to a couple of different processes that will affect the way our members practice labour and administrative law. It has been a pleasure and an honour to work with such an amazing group of talented lawyers. Special thanks to past Chair Wayne Dale for continuing to support the new executive through 2011-12, and we are looking forward to another amazing programme for next year!

Respectfully submitted,  
Juliana Saxberg

## ALTERNATE DISPUTE RESOLUTION

Connie den Hollander, Chair  
Cara Haaf, Vice-Chair  
Kirsten Greenough, Secretary  
Charmaine Panko, LLR Rep

I. The following section activities were held:

- Sept. 26, 2011** Joint With Aboriginal Law, Cocktail / Hors d'oeuvres Reception "The Duty to Consult – An Opportunity to Negotiate",, Using Interest Based Negotiations to Address First Nations, Crown and Industry Issues"  
Speaker: Jerome Slavik,
- Oct. 20, 2011** A Client's Perspective on Resolution of Labour Issues  
Speaker: Laura Somervill, Director, Human Resources, University of Saskatchewan
- Nov. 17, 2011** "Practice Standards for counsel advising clients in negotiations: A Case Review of *Webb v Birkett*, 2011 ABCA 13  
Speaker: Connie den Hollander
- Jan 18, 2012** Joint with Elder, Wills and Trusts, Representing Clients in the Mediation of Estate Disputes  
Speaker: Murray Walker, Dispute Resolution Office, Ministry of Justice
- Feb 16, 2012** Joint with Family Law, Pre-Trial Negotiations Part I "Counsel Preparation and Conduct"  
Speaker: Madam Justice Ryan-Froslic, Court of Queen's Bench
- Mar 29, 2012** Joint with Family Law, Pre-Trial Negotiations, Part II: "Working with your Client to Prepare for Negotiations"  
Speaker: Glen Gardner, Dispute Resolution Office
- April 19, 2012** Year End Planning Luncheon

II. For the purpose of providing feedback as requested by the National Section, a discussion was held at the Year End Planning Luncheon and it was the unanimous conclusion of the members present that the title for our section should be changed from "Alternate Dispute Resolution" to Dispute Resolution"

Respectfully submitted,  
Connie den Hollander

## **ARTICLING STUDENTS' SOUTH**

Sandra Bobyk, Chair

Spring 2012 marked the end of another successful year for the Articling Students South section.

This year the section had six meetings, with solid student attendance. Speakers included practicing and non-practicing members of the bar and the judiciary.

Topics included:

- Getting Organized: Managing and Maintaining Your Practise (Perry Erhardt, Q.C.);
- Staying on Track: Maintaining Emotional Health and Stability (Alan McIntyre);
- This Isn't Law & Order: Court Do's and Don't's (Judge Hinds from the Provincial Court and Madam Justice McMurtry from the Court of Queen's Bench);
- Good Practice: How to Recognize and Avoid Problems Leading to Discipline (Jody Martin of The Law Society);
- Being Your Own Boss: Is Solo (Semi-Solo) Practice for You? (Cindy Haynes and Rani Grewall);
- Branching Out: Alternatives to Private Practice (Margot Hurlbert of the U. of R. , Kevin Barbarro of Viterra and Megan Dolo of Farm Credit Canada)

Our speakers were energetic, informative and engaging. The students were encouraged to use the meetings and the milling-about times afterward as opportunities to ask candid questions of senior members of the bar, learn more about the CBA and the profession, and forge new connections.

Sincere thanks to all those who participated in the section meetings this year.

Rani Grewall of Elliot Grewall has graciously agreed to succeed me as section head for 2012-2013.

Respectfully submitted,  
Sandra Bobyk

## **BANKRUPTCY & INSOLVENCY**

David Gerecke, Chair  
Clayton Barry, Vice-Chair

Our meetings were reasonably well-attended last year, although there was some variation, with a couple of meetings seeing disappointing attendance. Attendance at meetings ranged from as low as six to as high as 13, so attendance appears to have been somewhat reduced from prior years. The lower attendance is somewhat curious. Until a couple of years ago, the Section's approach was not to have the year's meetings pre-planned but rather to plan them all to be Legal Updates, and then perhaps add one or two specific topics during the year as matters of interest would arise. This approach was workable because there are regular developments in caselaw and legislation in the insolvency field. A couple of years ago, at the request of the Section's members, we started having speakers and topics planned in advance. Unfortunately, this has not had the desired effect on attendance. Nonetheless, we do plan to continue the current approach.

Clayton Barry is the Vice-Chair of the Section.

The Section enjoys good participation from senior members of the Saskatoon insolvency bar, as well as several more junior lawyers with an interest in insolvency.

Several Section members are insolvency professionals who are non-lawyers. The mixture of lawyers and bankruptcy trustees lends itself to lively, informed and practical discussions at luncheon meetings.

In addition to regular meetings, the Section has continued to be active in improving practice in the insolvency area and ensuring that its members are up to date on significant developments. In particular, in the past year the Section met with both Darcy McGovern of Saskatchewan Justice, Gordon Laing from the Sheriff's Office and Jennifer Fabian of the Court of Queen's Bench (over two meetings), where we learned more about the planned implementation of *The Enforcement of Money Judgments Act* and provided guidance on the proposed Regulations, certain aspects of the Act and certain implementation details.

During the past year, the luncheon meeting topics were as follows:

- Joel Hesje, Q.C. gave a presentation on Crown Priorities in Insolvency
- David Gerecke of Miller Thomson LLP gave a legal update
- The Honourable Mr. Justice Gabrielson of the Court of Queen's Bench gave a presentation on Practice and Procedure in Insolvency Matters – A View from the Bench
- Darcy McGovern of Saskatchewan Justice gave a presentation and received feedback from the Section concerning the proposed Regulations to *The Enforcement of Money Judgments Act*.
- Our Section held a joint meeting with Articling Students North, where Nolan Dooley of McDougall Gauley LLP gave a presentation on Current Developments in Foreclosure
- Gordon Laing from the Sheriff's Office and Jennifer Fabian of the Court of Queen's Bench gave a presentation on the implementation by the Sheriff's Office of *The Enforcement of Money Judgments Act* (this was an extra meeting added at the request of the Section's members)

As well, I attended the annual meeting of the national Section in Toronto in early fall 2011, along with the Pan-Canadian Insolvency & Restructuring Conference (which is organized by the national Section) held in Toronto the same week.

Respectfully submitted,  
David Gerecke

**BUSINESS LAW NORTH**

Jason Jacobson, Chair  
 Derek Hoffman, Vice-Chair  
 Adrienne Perrot, Secretary

1. Business Law North Executive for 2011-2012

**Chair:** Jason Jacobson, McKercher LLP  
**Vice-Chair:** Derek Hoffman, McDougall Gauley LLP  
**Secretary:** Adrienne Perrot, Cameco Corporation  
**LLR Rep:** Jason Jacobson, McKercher LLP

2. Business Law North Meetings for 2011-2012

Date	Speaker	Contact Information	Topic
October 26, 2011	Tyler Kachur, C.A., Hergott Duval Stack LLP	<a href="mailto:tkacher@hergottduvall.com">tkacher@hergottduvall.com</a>	Tax Issues Regarding Estates
November 9, 2011 (Joint meeting with Securities Law North)	Bill Nickel, McDougall Gauley LLP	<a href="mailto:bnickel@mcdougallgauley.com">bnickel@mcdougallgauley.com</a>	AGMs
January 25, 2012 (Joint meeting with Aboriginal Law North)	Stephen Pillipow, The W Law Group	<a href="mailto:spillipow@wlawgroup.com">spillipow@wlawgroup.com</a>	The Legal Perspective of Economic Development Structures for First Nations
February 22, 2012	Colin Hirschfeld, McKercher LLP	<a href="mailto:c.hirschfeld@mckercher.ca">c.hirschfeld@mckercher.ca</a>	Builders' Liens
March 28, 2012 (Joint meeting with IP & Technology Law North)	Steve Seiferling, McKercher LLP	<a href="mailto:s.seiferling@mckercher.ca">s.seiferling@mckercher.ca</a>	IP Primer
April 18, 2012	Dan Anderson, MacPherson Leslie Tyerman LLP	<a href="mailto:danderson@mlt.com">danderson@mlt.com</a>	Getting the Deal Done in the Context of a Frenetic Business World

3. Business Law North Finances for 2011-2012

The net income of this section for the period of September through April 2012 was \$2,508.19.

4. Legislative Consultations for 2011-2012

None since last report.

Respectfully submitted,  
 Jason Jacobson

## **BUSINESS LAW SOUTH**

Mark Yemen, Chair  
Ryan Malley, Vice-Chair  
Ryan Klassen, Secretary  
Daniel Morris, Treasurer  
Megan Dolo, LLR Rep

The Business Law South Section held the following meetings during the 2011 – 2012 year:

**October 5, 2011 – Topic:** The Duty to Consult and Accommodate from an Industry Perspective **Speaker:** Mr. Eric Cline, Vice President of Corporate Affairs, Shore Gold Inc. **(Joint Meeting with Corporate Counsel South)**

**October 25, 2011 – Topic:** Discussing Development Projects in the City of Regina **Speaker:** Jason Carlston, General Manager of Planning and Development, City of Regina. **(Joint Meeting with Public Sector and Municipal Law South)**

**November 2, 2011 – Topic:** Non-Residency Tax Withholdings and Clearance Certificates **Speaker:** A representative from Canada Revenue Agency, Regina Office. **(Joint Meeting with Tax Law South)**

**February 1, 2012 – Topic:** What's New at the Saskatchewan Corporate Registry. **Speaker:** Doug Jameson, Information Services Corporation of Saskatchewan, Director, Corporate Registry.

**March 7, 2012 – Topic:** Department of Justice Legislation Update. **Speaker:** Darcy McGovern, Saskatchewan Ministry of Justice, Legislative Services Branch.

**April 4, 2012 – Topic:** Water Rights Licenses and the Transfer of Water Rights Licenses. **Speaker:** Marjorie Simington, Saskatchewan Watershed Authority.

Respectfully submitted,  
Mark Yemen

## CANADIAN CORPORATE COUNSEL SOUTH

Terry Jordan, Chair

Valerie MacDonald, Vice-Chair

Azure-Dee Farago, Secretary & LLR Rep

The Section had another successful year with 6 section meetings held over the course of 2011-2012. The Section hosted five "Lunch and Learn" sessions at the Hotel Saskatchewan. The sessions were generally well-attended with approximately 20 participants on average.

The following is a list of topics and presenters:

**September 15, 2011 – Topic:** Kick Off Reception

**October 5, 2011 (Wednesday) – Topic:** The Duty to Consult and Accommodate From an Industry Perspective. **Speaker:** Eric H. Cline, Q.C., Vice President Corporate Affairs, Shore Gold Inc. (Joint Session with Business Law South).

**November 17, 2011 – Topic:** Crisis Management and Managing Media. **Speaker:** Lindsay A. Wacholtz, McDougall Gauley LLP.

**January 26, 2012 – Topic:** "Drafting Commercial Agreements- Fundamentals and Pitfalls". **Speaker:** Guy David, Partner, Gowlings, Ottawa.

**February 16, 2012 – Topic:** The Implementation of the Enforcement of Money Judgments Act and Regulations. **Speaker:** Darcy J.R. McGovern, Ministry of Justice and Attorney General.

**March 15, 2012 – Topic:** Corporate governance beyond the board room: counsel's value-added role in the development of corporate policies and operational committees. **Speaker:** Gregory W. Willner, Farm Credit Canada

The Section Executive for 2012-2013 is:

**Section Chair** – Terry Jordan, Senior Legal Counsel, SaskEnergy Inc

**Section Vice-Chair** – Valerie MacDonald, Assistant General Counsel, Farm Credit Canada

**Section Secretary and Legislative and Law Reform Committee Representative**– Azure-Dee Farago, Legal Counsel, SaskPower Corporation

Terri Uhrich, Legal Counsel, K & S Potash Canada Group, Saskatoon is expected to continue as the Saskatchewan Director on the CCCA National Board, once appointments are confirmed.

Respectfully submitted,  
Terry Jordan

**CIVIL LITIGATION NORTH**  
Michael Krawchuk, Chair  
Amanda Neudorf, Vice-Chair

1.     **October 2011**            Topic: Dismissal for Want of Prosecution Update  
                                  Speaker: Judge Devin Dubois, WMCZ Lawyers & Mediators
  
2.     **November 2011**        Topic: Construction Law  
                                  Speaker: Chris Boychuk, Q.C. McDougal Gauley LLP
  
3.     **December 2011**        Topic: Use of Electronic Documents in the Courtroom  
                                  Speaker: Colin Clackson WMCZ Lawyers & Mediators
  
4.     **February 2012**        Topic: Trial Tips for Young lawyers  
                                  Speaker: Robert Kennedy, Q.C. Hnatyshyn Gough
  
5.     **March 2012**            Topic: Federal Court Practice  
                                  Speaker: Scott MacDonald, Federal Justice
  
6.     **April 2012**            Topic: Annual "Grab Bag" of Topics from the Bench  
                                  Speaker: Justice R. Danyliuk

Respectfully submitted,  
Michael Krawchuk

## **CIVIL LITIGATION SOUTH**

Christine Clifford, Chair  
Heather Nord, Vice-Chair

The **2011-2012** year for Civil Litigation South saw no policy developments or significant accomplishments.

The section chair attended the national Civil Litigation Section meeting in Ottawa on October 1, 2012. The meeting included reports from each province on section activities over the past year, an update on national section activities and discussion on what the national branch can do to be more visible to provincial section members.

The **October** meeting was a joint meeting with Young Lawyers South. Reg Watson, Q.C. spoke on the topic of Expert Witnesses and the New Queen's Bench Rules.

Justice Peter Whitmore spoke at our **November** meeting primarily on the topic of Court Facilities. Jennifer Fabian, Registrar/Executive Legal Officer of the Court of Queen's Bench also attended.

The **December** meeting was a joint meeting with the Environmental & Resources Law Section. Len Andrychuk, Q.C. spoke on the topic of Liability Issues under the New EMPA.

The **February** meeting was a joint meeting with Criminal Justice South. Neil Robertson, Q.C. spoke on the topic of Civil Applications for Seizure of Instruments or Proceeds of Crime.

John Epp spoke on practice in the Cayman Islands at the **March** meeting.

The **April** meeting was to be a planning meeting but was cancelled when only two section members RSVP'd to attend.

For 2012-2013, Christine Clifford will continue as chair of the section, John Epp of Miller Thomson will assume the role of vice-chair and Jamie Fisher of SGI will assume the role of secretary.

Respectfully submitted,  
Christine Clifford

**CRIMINAL JUSTICE SOUTH**  
Loreley Berra, Chair  
Neil Robertson, Q.C., Vice-Chair

The CBA Saskatchewan Criminal Justice South Section enjoyed another successful year with a full slate of luncheon meetings featuring a variety of speakers and topics in fields related to criminal justice.

- October 11, 2011**      Annette Fellingner, Ministry of Social Services, & S/Sgt. Scott Layman, Regina Police Service
- The Work of the Regina Children’s Justice Centre
  - **(Joint meeting with Family Law South)**
- November 8, 2011**      Graeme Mitchell, Q.C., Director of Constitutional Law, Saskatchewan Justice
- Constitutional Case Law Update
- December 13, 2011**      Bev Klatt, Saskatchewan Justice
- Legislative Changes
- February 8, 2012**      Neil Robertson, Q.C., Regina Police Service
- Civil Applications for Seizure of Instruments and Proceeds of Crime
  - **(Joint meeting with Civil Litigation South)**
- March 13, 2012**      Mitch Crumley, Saskatchewan Justice, and Pat Reis, Q.C., Saskatchewan Legal Aid
- The Art of the Deal: the value and practice of plea-bargaining
- April 10, 2012**      Chief Judge Carol Snell, Provincial Court of Saskatchewan
- Provincial Court Update

Loreley Berra also represented the Section in National Meetings of the Criminal Law Justice Section.

Respectfully submitted,  
Neil Robertson, Q.C.

## ENVIRONMENTAL & RESOURCES LAW SOUTH

Jonathan Kalmakoff, Co-Chair

Jan Cowie, Co-Chair

### Section Activity

The Saskatchewan Environmental & Resources Law Section scheduled five luncheon meetings in the 2011-2012 year:

- **The Environment in Saskatchewan Today** (September 15, 2011)  
Guest Speaker: Honourable Dustin Duncan, Minister of Environment  
A broad-based discussion on the state of the environment in the Province of Saskatchewan; current issues and developments in policy, legislation and regulation; and expected trends and developments for the future.
- **Environmental Insurance** (October 6, 2011)  
Guest Speaker: George Boire, Environmental Practice Leader, Marsh Canada Limited  
Once considered a special "niche" market, environmental insurance is now widely viewed as a critical strategic tool for managing pollution risk. It can: back up or substitutes for indemnity; neutralize the effect of "unknown" environmental conditions; bring cost certainty to the cleanup of known conditions; address regulatory re-openers/changes in regulations; reduce toxic tort risks; transfer project delay risks; and facilitate financing. An overview of environmental insurance tools available to provide pollution coverage.
- **Liability Issues under the New EMPA** (December 14, 2011)  
Guest Speaker: Leonard D. Andrychuk, Q.C., MacPherson Leslie & Tyerman LLP  
A liability-based discussion of the new *Environmental Management and Protection Act* (EMPA) including: 1. The effect of the Notice of Site condition, including whether it impacts civil liability regarding the site; 2. The removal of the statutory cause of action; and 3. Limitation periods, including discovery. \* **Joint session with Civil Litigation (South)**
- **Environmental Prosecution in Saskatchewan: The Year in Review** (March 1, 2012)  
Guest Speaker: Inez Cardinal, Q.C., Senior Crown Prosecutor, Saskatchewan Justice  
A retrospective of provincial environmental prosecutions in 2011-2012; compliance trends and forecasts; and Q&A with Saskatchewan's new environmental prosecutor.
- **Section Wind-Up** (TBD)  
Section windup to review the past year; discuss the NEERLS 2012 CLE in Vancouver, BC; announce section executive structure; and brainstorm on prospective topics and speakers for the 2012/2013 section

### Section Membership

The Saskatchewan Environmental and Resources Law Section has 17 full members and 2 notice-only members, for a total of 19 members, in the 2011-2012 year.

### Legislative & Regulatory Developments

The following legislative and regulatory developments occurred in the 2011 year:

- **The Oil and Gas Conservation Amendment Act, 2011**  
This Act will come into force on proclamation. This Bill amends *The Oil and Gas Conservation Act* to:
  - (a) enable the ministry to electronically receive, disseminate and approve industry forms, reports, plans, surveys, maps, applications, records, statistics and other information;
  - (b) expand authority to licence, approve and permit drilling and operation of wells and other facilities;

- (c) streamline the requirements for issuance of licences, approvals and permits;
  - (d) expand the scope of the Orphan Well and Facility Liability Management Program to include initiatives such as mid-stream, non-producer and oil field waste management facilities;
  - (e) update the compliance assurance and enforcement provisions, including authorizing the minister to impose administrative penalties;
  - (f) modernize the offence provisions and increase the maximum fine to \$500,000 for each day that the offence continues;
  - (g) clarify the powers to regulate wells for non-renewable resource management purposes and the management of wastes such as carbon dioxide;
  - (h) expand and update the regulation-making powers; and
  - (i) establish the Petroleum Registry.
- The Litter Control Amendment Act, 2011  
This Act came into force on assent but is retroactive in effect to April 1, 1998. This Act: (a) updates the definition of “purchaser” to clarify that the purchaser of beverage containers, rather than the consumer of the contents of the containers, is responsible for paying associated environmental handling charges; and (b) establishes specific environmental handling charges for various container types.
  - The Natural Resources Amendment Act, 2011  
This Act came into force on May 18, 2011. This Act amends *The Natural Resources Act* to recast the Fish and Wildlife Development Fund steering committee as the Fish and Wildlife Development Advisory Council. The Council will advise the minister on the allocations and expenditures of the funds for fish and wildlife programming.
  - The Renewable Diesel Act  
This Act will come into force on proclamation. This Act establishes a renewable diesel program and requires diesel fuel sold in Saskatchewan to contain a 2% blend of renewable diesel starting on a date to be prescribed in the regulations. The Act requires that distributors comply with the requirements respecting blending, handling and storage of blended diesel fuel, and that distributors maintain records and submit reports to the minister.

### **Case Law Developments**

There have been no significant environmental or energy-related case law developments during the 2011 – 2012 year.

Respectfully submitted,  
Jonathan Kalmakoff

**FAMILY LAW NORTH**  
Gwen Goebel, Chair  
Leslie Tallis, Vice-Chair/Secretary  
Sean Sinclair, LLR

**Section Activities Saskatoon:**

In the past year we hosted six luncheon meetings between September, 2011 and May, 2012. We held two joint meetings with the Wills, Estates and Elder Law Section entitled "Til Death Do Us Part... Or Not" during which we covered the substantive and practical issues that arise when advising clients on family matters in the context of estates planning or a death of a spouse. Our very experienced family law speakers were Greg Walen QC and Neil Turcotte.

We also hosted two joint meetings with the ADR Section on preparation for settlement. Justice Ryan Froslic spoke to the sections about preparation of lawyers and clients for successful pre-trial conferences while Glenn Gardner addressed the sections on tips and perspectives when preparing to negotiate.

Our Chair, Gwen Goebel, spoke to the Section on initiatives of the National Section both from both a practical update point of view as well as canvassing the section members on law reform initiatives being taken by the CBA Family Law Section at the national level.

For our last meeting we hosted Justice Laing who spoke to us about the impact of the new Rules of Court on Family Law Practice. As the initiator and proponent of the amendments to the Rules, Chief Justice Laing (as he then was) provided us with meaningful context for the changes and how they will impact family practice in Saskatchewan.

Plans are underway for the next session. We plan to host six luncheon meetings between September, 2012 and April, 2013. The Chief Complaints Officer of the Law Society of Saskatchewan, Donna Sigmeth QC, will be starting us off with a lecture on "complaints against Family Law Lawyers" in September. We will follow with a joint session with the Bankruptcy Section focusing on when bankruptcy and family law intersect. We will also be hosting a joint meeting with the ADR Section with a view to practically assisting practitioners to meet the new legislated obligation to inform clients about collaborative law as a resolution option before a Petition is issued seeking relief under provincial legislation (amendment to the legislation expected to be in force this summer). We will also be addressing substantive family law issues followed by a season end meeting with a Justice of the Family Law Division providing us with an update on the new rules of court.

Given this is Gwen's last year serving as Chair, the executive wanted to introduce a formal succession plan that encourages participation. Members were invited to tender their application or nomination for a Vice Chair position by Thursday, May 31, 2012 with an email ballot to follow. Tammi Hackl applied for the position and was acclaimed as Vice Chair on June 1, 2012. She will serve as Vice Chair for the 2012 – 2013 year after which she will act as Chair from 2013 – 2015. At our first meeting this fall we will table a resolution for an ongoing succession plan such that commencing in April, 2013, we will take nominations for Vice- Chair every 2 years.

The new Executive for 2012-2013 is as follows:

Chair – Gwen Goebel  
Vice Chair – Tammi Hackl  
Secretary – Leslie Tallis  
LLR Rep – Sean Sinclair

Respectfully submitted,  
Gwen Goebel

## **PRIVACY & ACCESS LAW NORTH**

Steven Seiferling, Chair  
Shannon Whyley, Vice-Chair

### **Executive**

The Executive for 2011 – 2012 was as follows:

Chair: Steve Seiferling  
Vice Chair: Shannon Whyley

The new Executive for 2012 – 2013 has now been appointed and is as follows:

Chair: Shannon Whyley  
Vice Chair: Kaylea Dunn  
Secretary: Dawn Bell

### **Description of Section Activities in 2011 -2012**

The Privacy and Access Law North Section organized a presentation by the Privacy Commissioner of Saskatchewan, Gary Dickson, Q.C. in Saskatoon as part of Right to Know Week (September 26-30, 2011). Mr. Dickson spoke at the College of Law on September 27, 2011 on the topic of "Open Government in Saskatchewan – What that Might Look Like and How to Achieve It."

The section was relatively inactive for the rest of the 2011 – 2012 year and was unable to arrange any other presentations. However, the new Executive is looking forward to a more active year in 2012 – 2013 and is currently putting together a list of speakers and topics for the upcoming year.

Respectfully submitted,  
Shannon Whyley

**PRIVACY & ACCESS LAW SOUTH**

Greg Fingas, Chair  
 Ken Ring, Q.C., Vice-Chair  
 Brianna Demofsky, Secretary  
 David Meldrum, LLR Rep

Privacy & Access Law South was again an active and well-attended section in 2011-2012, with total attendance of 132 at our five lunches. A substantial number of our participants and presenters continued to come from outside the legal community, including privacy officers from private- and public-sector organizations as well as employees of the Office of the Information and Privacy Commissioner.

Our topics and speakers for the year were as follows:

<b>Year</b>	<b>Month</b>	<b>Topic</b>	<b>Speaker</b>
<b>2011</b>	<b>November</b>	PIPEDA Update	Patricia Kosseim Office of the Privacy Commissioner of Canada
<b>2011</b>	<b>December</b>	Prosecution for Privacy Breaches	Greg Fingas Gerrand Rath Johnson
<b>2012</b>	<b>February</b>	Retention & Destruction of Records	David Meldrum SaskCentral
<b>2012</b>	<b>March</b>	Privacy and Social Media	Alyssa Daku & Philippe Leclerc City of Regina
<b>2012</b>	<b>May</b>	Privacy and Access Case Law Update	Gary Dickson, Q.C. Information and Privacy Commissioner

We are pleased to once again have a full complement of executive members, as Rupert Baudais will join this year's executive (Greg Fingas, David Meldrum and Brianna Demofsky) in the position of Legislative Liaison.

Respectfully submitted,  
 Greg Fingas

## **PUBLIC SECTOR & MUNICIPAL LAW NORTH**

Stephen McLachlin, Co-Chair  
Barry Rossmann, Q.C., Co-Chair

The Public Sector and Municipal Law – North Section is a combination of two groupings:

- (a) Firstly, the “Municipal Law – North” grouping which address issues in the area of municipal law and;
- (b) Secondly, the Public Sector grouping which addresses issues faced by lawyers working in the public sector, generally).

The Section thus attempts to address the needs of two components. The municipal law grouping includes a number of employees of the City of Saskatoon’s City Solicitor’s Office. The public sector grouping includes practitioners working for the Federal Department of Justice (which has a substantial regional office in Saskatoon) as well as lawyers employed in other public sector organizations, (such as crown corporations, health districts, quasi-judicial tribunals and the like). The section is open to any practicing lawyer who works for a public sector organization. 2011 – 12 was the first year of active operation of this section. (An initial organizational meeting had been held in January of 2011.)

The section is still in a fledgling state. Attendance at section meetings typically runs in the area of 10 – 12 participants. That said, those who have attended have found the meetings to be beneficial. The speakers have addressed a number of challenges faced by lawyers who work full time for government organizations.

### **Meetings:**

During the 2011 – 12 season, the section held four (4) luncheon meetings with guest speakers. The guests were:

1. **Neil Robertson, Q.C.**, Counsel for the Regina Police Service. He spoke on the subject “Lessons Learned: Inquiries into Municipal Misadventures”. In his address, which was accompanied by a paper he spoke of several judicial inquires into instances of alleged wrongdoings by municipal officials the role played by lawyers during the events which gave rise to the controversies.
2. **Theresa Dust, Q.C.**, City Solicitor for Saskatoon spoke about the creation of Indian reserves either within city boundaries or immediately adjacent to cities. She discussed the legal challenges associated with conversion of municipal land to reserve status and the strategies for winning acceptance of the presence of reserve lands in urban areas.
3. **Paul Shenher**, Regional Director General of the Federal Department of Justice, (Justice Canada) spoke about the changes in the way governments are handling the delivery of services in many areas and how lawyers deliver services within the federal government. His presentation focused on how lawyers are particularly well suited to a changing environment.
4. **Doug Moen, Q.C.**, who is Deputy Minister to the Premier of Saskatchewan, and who formerly Deputy Minister of Justice spoke about how lawyers can serve in government positions outside the traditional role of advocate for governments in courts or in negotiations. His remarks included an assessment of the present provincial government’s role in tackling the economic and social challenges facing Canadian provinces.

It had been hoped that we could schedule a session in which Mme Justice Georgina Jackson would speak on the importance of statutory interpretation in judicial review applications. This has been deferred until next season.

Respectfully submitted,  
Stephen McLachlin & Barry Rossmann, Q.C.

## PUBLIC SECTOR & MUNICIPAL LAW SOUTH

Jayne Krueger, Chair  
Tom Irvine, Vice-Chair

The Public Sector and Municipal Law South Section holds six luncheon meetings per year in Regina. Guest speakers address topics of interest to members of the Section. The Section combines the areas of public sector and municipal law, so the Executive attempts to choose topics of interest to lawyers in both of these areas of practice. Minutes of each meeting, along with any papers presented, are circulated to all members of the Section through the CBA Saskatoon office. The Executive of the Section for 2011 / 2012 consisted of Jayne Krueger, chairperson, and Tom Irvine, Vice-Chairperson.

### 2011 / 2012 PROGRAM

DATE	SPEAKER	TOPIC
<b>October 25, 2011 (Joint meeting with Business Law South)</b>	Diana Hawryluk, Director of Planning and Sustainability, City of Regina	Development Projects in Regina
<b>November 22, 2011</b>	Dale Beck, Director, Office of the Residential Tenancies	Adjudicating in a LEAN and Electronic World
<b>February 7, 2012</b>	The Honourable Judge David M. Arnot, Chief Commissioner of the Saskatchewan Human Rights Commission	Changes to the Human Rights Processes, including Increased Emphasis on Mediation and the Abolition of the Human Rights Tribunal
<b>February 14, 2012</b>	The Honourable Minister of Justice and Attorney General of Saskatchewan, Donald R. Morgan, Q.C.	Update from the Ministry of Justice and Attorney General
<b>March 27, 2012</b>	Geral Tegart, Q.C., Deputy Minister of Justice and Deputy Attorney General of Saskatchewan	Saskatchewan Ministry of Justice Update
<b>April 24, 2012</b>	Kevin Roche, Director, Saskatchewan Provincial Disaster Assistance Program, Ministry of Corrections, Public Safety and Policing	The Provincial Disaster Assistance Program (PDAP)

Respectfully submitted,  
Jayne Krueger

## REAL PROPERTY & WILLS SOUTH

Kevin Jaques, Chair  
Robert Millar, Q.C., Secretary

We continue to maintain an email mailing list and web site ([cbareginarealty@yahoogroups.ca](mailto:cbareginarealty@yahoogroups.ca)) founded in 2005, so frank questions and opinions can be expressed and rapidly answered or disseminated without needing the involvement of human supervision.

Our Section participates in the National CBA Wills & Estates Section. We assist the National Section to maintain an interprovincial concordance which is available to CBA members at [http://www.cba.org/CBA/sections\\_wills/main/tables\\_2010.aspx](http://www.cba.org/CBA/sections_wills/main/tables_2010.aspx).

In addition, our Section participates in the National CBA Real Estate Section. This year, I was elected as the Secretary. By tradition, the person occupying that post will advance through the ranks of the executive each year, to Treasurer, then Vice Chair, then Chair, then Past Chair. I attended the In-Person meeting in Ottawa. That Section has been very active in defending traditional areas of legal practice from realtors, accountants and title insurers. I still sit on the National Real Estate Section Communications Committee. The National Real Estate Section is working on their own interprovincial concordance, and our volunteers are making their contributions.

Our Chairman attended certain Saskatchewan CBA Council meetings. We have responded to requests for consultation and action from law reform, Department of Justice, lawyers, and other groups. In particular, we responded to the Department of Justice concerning proposals to charge probate fees on all joint property even where it has survivorship rights.

In 2011, I had occasion to use an iPad so a speaker could attend by video chat. I was very impressed with the ease and cost. Our group resolved to purchase one. The Saskatchewan CBA bought one instead, so we could experiment with video chat attendance at meetings. Our group seeks members from rural practitioners and from other urban centres.

We held regular lunch meetings featuring Continuing Legal Education:

- **September 19, 2011** - Janette Seibel from SK Finance re Mortgage Brokering & the new Act which pertains to it.
- **October 17, 2011** - Myron Neufeld & Scot Dalton from Erassure re Liability Insurance for Executors.
- **November 21, 2011** - Tim Kennedy, Chair of Realty Section National Level, with iPad & Skype @ Hotel SK.
- **January 16, 2012** - Dale Beck, CEO Residential Tenancies Office, re new Web Interface to their services (and 2005 mortgage fraud claim against Land Titles Office Assurance Fund)
- **March 19, 2012** - Ian Johnston, Past President Regina Realtor & current Director of Sask Realtors, re new policy on electronic signatures.
- **May 9, 2012** - Our section was the guest of a presentation by Assyst, introduced by SK President, David Thera.
- **June 18, 2012** - J.D. Roberts, Deputy Registrar and Business Policy Counsel, about news at ISC.

Challenges to the group include how Saskatchewan has been very active with real estate for the last several years, so the Wills and Estates aspect of this Section has been somewhat overshadowed. Also, in Regina, there is a multi-profession group called the Estate Planning Council, which splits attention from us. And, in the CBA, Elder Law is emerging as a big area, also splitting attention.

Our chair continues to press the CBA National Administration for years for a system to record and share guest speakers and topics, suggesting a simple web form and a simple database. In 2010, the CBA rolled out a vast web site change which did not address that objective. We continue to seek this service.

Respectfully submitted,  
Kevin Jaques

**SECURITIES LAW NORTH**

Nikki Redachyk, Chair  
 Derek Hoffman, Vice-Chair  
 Jason Jacobson, Secretary

1. Securities Law North Executive for 2012-2013, 2013-2014

**Chair:** Derek Hoffman, McDougall Gauley LLP  
**Vice Chair:** Jason Jacobson, McKercher LLP  
**Secretary:** Nikki Rudachyk, McKercher LLP

2. Securities Law North Meetings for 2011-2012

The meetings held were:

Date	Speaker	Contact Information	Topic
October 12, 2011	Jeret Bode, Director of Investment Banking, MGI Securities	<a href="mailto:jbode@mgisecurities.com">jbode@mgisecurities.com</a>	Agents – An Agent's Role and Issues Faced by Agents During an Offering
November 9, 2011 (Joint meeting with Business Law North)	Bill Nickel, McDougall Gauley LLP	<a href="mailto:bnickel@mcDougallGauley.com">bnickel@mcDougallGauley.com</a>	AGMs
December 14, 2011	Kathryn Bankowski, Chartered Accountant, Hergott Duval Stack LLP	<a href="mailto:kbankowski@hergott.com">kbankowski@hergott.com</a>	International Financial Reporting Standards
February 8, 2012	Joanne Butz (by telephone), Team Manager, Compliance and Disclosure, TSX Venture Exchange	<a href="mailto:joanne.butz@tsxventure.com">joanne.butz@tsxventure.com</a>	TSX Venture Exchange – Compliance and Disclosure Department – Top 10 Mistakes Made by TSXV Issuers and How to Avoid Them
March 14, 2012	Lynn Hnatick, MacPherson Leslie Tyerman LLP	<a href="mailto:lhnatick@mlt.com">lhnatick@mlt.com</a>	Securities Opinions
April 11, 2012	Sonne Udemgba, Saskatchewan Financial Services Commission and Ed Rondonots, Deputy Director of the Enforcement Branch	<a href="mailto:Sonne.Udemgba@gov.sk.ca">Sonne.Udemgba@gov.sk.ca</a>	Common Problems and Pitfalls Encountered by the SFSC on Using Exemptions in NI 45-106 Prospectus and Registration Exemptions

3. Securities Law North Finances for 2011-2012

The section had net income of \$1,100.86 for the period of September, 2011 through April 2012.

4. Legislative Consultations for 2011-2012

There is nothing to report for 2011-2012.

Respectfully submitted,  
 Derek Hoffman

**TAXATION LAW SOUTH**  
Yens Pedersen, Chair

The Taxation (South) section had a number of education meetings this past year including:

Heather Weber of Meyers Norris Penny discussed the “Implementation of HST.”

Canada Revenue Agency presented regarding “Non-resident Withholding Tax and obtaining S.116 Certificates of Compliance.”

Laurie Hudema from Virtus Group gave a presentation of “s.55 Safe Income.”

Chris Falk, McCarthy Tetrault presented “Three Strategies for Post-mortem Tax Planning: Capital Loss Planning, Pipeline Planning, Bump Planning.”

Graham Purse, Miller Thomson discussed “Recent Jurisprudence on s.160 of the *Income Tax Act*.”

Yens Pedersen presented on “Estate Planning With Family Cottages.”

Respectfully submitted,  
Yens Pederson

## WILLS ESTATES & ELDER LAW NORTH

Hannah Zip, Chair  
Angela Giroux, Vice-Chair

Over the course of the previous year, the Wills Estates and Elder Law North section held the following luncheon meetings:

1. **September 22, 2011.** Joint meeting with Family Law North. Topic: Til Death do us Part... Or Not? - Part I – An Ounce of Prevention: Estate Planning for Couples in Spousal Relationships. Speakers: Greg Walen, Q.C. Scharfstein Gibbings Walen & Fisher LLP and Neil Turcotte, MacPherson Leslie Tyerman.
2. **October 27, 2011.** Joint meeting with Family Law North. Topic: Til Death do us Part... Or Not? - Part II – A Pound of Cure: Family Law Litigation After the Death of a Spouse. Speakers: Neil Turcotte, MacPherson Leslie Tyerman, and Greg Walen, Q.C., Scharfstein Gibbings Walen & Fisher LLP.
3. **November 16, 2011.** Topic: Recognizing and Understanding the Neurology Behind Diminished Capacity. Speaker: Dr. Andrew Kirk, Professor and Head of Neurology, University of Saskatchewan.
4. **January 18, 2012.** Joint meeting with Alternative Dispute Resolution North. Topic: Representing Clients in Mediation of Estate Disputes. Speaker: Murray Walker, Dispute Resolution Office, Saskatchewan Ministry of Justice.
5. **February 15, 2012.** Topic: Advocacy for the Elderly in Institutional Settings. Speaker: Lenora Andres, President, FACE Saskatoon Inc.

The 6<sup>th</sup> meeting to be held on March 21, 2012 was cancelled due to conflicts with the speaker's schedule and two unsuccessful attempts to rescheduled were subsequently made; this meeting will now be held in the fall of 2012. Topic: Issues Surrounding Guardianship and Co-decision Maker Applications and Advising Clients on Powers of Attorney. Speaker: Ronald Kruzeniski, QC, Saskatchewan Ministry of Justice, Public Guardian and Trustee.

The Chair attended the National CBA Wills and Estates section meeting in Ottawa, Ontario, on September 30, 2011 and the National CBA Elder Law section meeting in Toronto, Ontario, on May 4, 2012.

Respectfully submitted,  
Hannah Zip

## **WOMEN LAWYERS FORUM NORTH**

Michelle Ouellette, Q.C., Chair

Andrea Rohrke, Vice-Chair

Tammi Hackl, Secretary

The Women Lawyers Forum - North held four lunch meetings this year, with a focus on women helping other women. Our four speakers were as follows:

1. MLA Danielle Chartier introduced the group to a non-partisan organization working to advance opportunities for women in politics. Her presentation, "Equal Voice: Changing the Face of Politics", pointed out a great many things that women in the legal profession and women in politics have in common.
2. "Women Lawyers Joining Hands" is a newly established non-profit organization that grew out of the CBA's international development program. It's founder, Sheri Meyerhoffer, explained the genesis of the organization and its goal of bridging the gender gap in the legal profession in east Asian countries, in particular Nepal.
3. Cathy Mills, a long-time educator, is a co-founder of "Dress for Success – Saskatoon" and spoke to the group about another unique and creative way for women to give women a hand, while getting a handle on their overflowing closets! Dress for Success is a non-profit organization whose aim is to provide suitable work clothing to women who are transitioning into the workforce for the first time, or after a long absence.
4. Mary Eberts, the current Ariel Sallows Chair in Human Rights at the University of Saskatchewan, College of Law, was the 4<sup>th</sup> speaker of the season. Mary is a noted educator, litigator on behalf of women and their issues and the co-founder of LEAF. Her topic was selected, in part, in honour of the 30<sup>th</sup> Anniversary of the Charter of Rights and Freedoms, and was titled: "Unequal(led) Opportunity: Reflections on Women in Law".

In addition, many members of the WLF attended or participated in the CBA's "Retaining Women in Law" conference in early March.

If anyone is interested in being involved in the planning for the WLF's 2012-2013 season, please contact a member of the Executive.

Next year's program for WLF-North has not been finalized, but will continue to offer lunch meetings with speakers and discussions on thought-provoking topics geared toward women in the legal profession. Topics will hopefully include "Hot Mentorship Tips", "Fitting Fitness In", "Alternative Careers for Women Lawyers: Getting off the Beaten Path", "Nutrition for Lawyers - Brain Food for Brainy People" and "What the Heck are They Talking About?? (Four Generations in the Workplace)".

We will also have at least one Social event this year!

Respectfully submitted,  
Michelle Ouellette, Q.C.

## **WOMEN LAWYERS FORUM SOUTH**

Jody Martin, Chair

Melanie Hodges Neufeld, Vice Chair

We had four great lunch meetings this past year and tried to incorporate topics of interest outside of the practice of law as well as some more practical information provided by speakers from the local Bar as well as from the Court of Queen's Bench. Attendance at our meetings has continued to grow, which is a trend we hope to carry into the 2012-2013 season.

We started off the season with a discussion on maternity leaves and return to work options. This was followed by presentation and discussion lead by Law Society Policy Counsel, touching on equity issues facing today's female practitioners. This discussion incorporated consideration of national initiatives such as the Justicia Project as well as other current Law Society initiatives. Our relationship with the women Justices of the Court of Queen's Bench continued with Madame Justice McMurtry's discussion about surviving and thriving in the legal profession, of which she is an excellent example!

We finished off the season with a presentation by Sheri Meyerhoffer who joined us from Ottawa. Ms. Meyerhoffer has been actively involved with the CBA and spoke to us about the Women Lawyer's Joining Hands Project. The mission of the Women Lawyers Joining Hands (WLJH) is focused on supporting women lawyers in South Asian countries to create a critical mass of female leaders with the strength to influence law reform in both the private and public sectors and provide a pool of highly qualified professionals for appointment to the bodies and institutions that write, interpret and implement the law. WLJH is a collaborative initiative intended to bridge gaps between genders within developing nations, between developed and developing nations and between developing nations within their own geopolitical regions.

On the administrative side, we were without a Vice-Chair this year as Ms. Hodges Neufeld was on maternity leave. In the year to come I hope to expand the executive to include at least another Vice Chair to ensure a smooth transition once my term expires. My expectation is that a larger executive may allow the Forum to expand to more innovative topics and result in a larger membership base so that this forum group may continue to grow.

Respectfully submitted,  
Jody Martin

## **YOUNG LAWYERS SOUTH**

Jana Linner, Chair  
Holli Kuski, Vice-Chair  
Barbra Bailey, Secretary

### **I. Executive**

The 2011 – 2012 CBA Young Lawyers South Section Executive was made up of: Jana M. Linner (Chair), Holli Kuski (Vice Chair) and Barbra Bailey (Secretary).

### **II. Section Meetings**

Our section meetings this year were:

1. **Topic: Expert Witnesses and the New Queen’s Bench Rules. Work**
  - Meeting Date: October 12, 2011
  - Speaker: Reginald Watson, Q.C., Miller Thomson LLP
  - Joint Session with Civil Litigation South
2. **Topic: Managing Your Practice and Life – Making the Most of Your Time at Work**
  - Meeting Date: November 10, 2011
  - Speaker: Jodi Wildeman, MacPherson Leslie and Tyerman LLP
3. **Topic: Things I Wish I Knew When I Was a Young Lawyer**
  - Meeting Date: December 8, 2011
  - Speaker: Alan McIntyre, McKercher LLP
4. **Topic: Views and Insight from the Bench – Practical Tips for Young Lawyers Attending the Court of Queen’s Bench Counsel**
  - Meeting Date: February 9, 2012
  - Speaker: The Honourable Justice C.L. Dawson, Court of Queen’s Bench of Saskatchewan
5. **Topic: Alternative Careers – Stories from Lawyers Who Have Recently Made the Jump from Private Practice to In-house Counsel**
  - Meeting Date: March 8, 2012
  - Speakers: Mark Yemen, City of Regina Solicitor’s Office; Azure-Dee Farago, Saskatchewan Power Corporation; and Ryan Klassen, Viterra Inc.
6. **Topic: Canadian Bar Insurance Association and CBA Financial – What is Available to Lawyers and their Families?**
  - Meeting Date: April 12, 2012
  - Speaker: Murray Alberts, Canadian Bar Insurance Association

Respectfully submitted,  
Jana Linner

**QUEEN'S BENCH BAR JUDICIAL COMMITTEE**  
Jennifer Pereira and Michelle Ouellette, Q.C.  
CBA Saskatchewan Representatives

The Queen's Bench Bar Judicial Committee provides an opportunity for legal practitioners to provide feedback to the judiciary on a myriad of topics. The committee is chaired by Chief Justice Popescuel and is made up of representatives from legal organizations such as the Saskatchewan Branch of the CBA.

The committee met on December 20, 2011 and May 29, 2012 and, most notably, discussed the following:

- The Court approved an amendment to its practice to permit affidavits of execution of wills to be sworn at any time after a will is signed. Rule amendments will follow.
- A Criminal Pre-Trial Scheduling protocol has been implemented whereby the Crown in all judicial centres is to prepare a summary of evidence in advance of the pre-trial where there is no preliminary inquiry. Criminal pre-trials in Prince Albert and Melfort are likely to be following the models used in Regina and Saskatoon. If this change is implemented a Notice to the Profession will be issued.
- Committee members raised the concern that Lawyers speaking to matters in chambers are often put to the end of the list. The Court reminded Local Registrars to respect the order of the Chambers list.
- There is a reasonable possibility that the new Q.B. Rules will be delayed in implementation until July 1, 2013. The Court will provide the Bar with an update after its June 10, 2012 *en banc* meeting.
- The Court reminded members that lawyers should be doing a better job in introducing themselves to the Court in Chambers. The Bar must also renew our efforts to avoid last minute adjournments whenever possible.

If you have any feedback for the Bench, I would be pleased to bring it forward as your CBA representative. Feel free to contact me at 306-652-7575 or by [j.pereira@rslaw.com](mailto:j.pereira@rslaw.com).

Respectfully submitted,  
Jennifer Pereira

## **ISC LEGAL ADVISORY COMMITTEE**

James Camplin, Bernard Duchin  
Cindy Haynes and David Leland  
CBA Saskatchewan Representatives

### **Committee Background**

In 2008 the Law Society of Saskatchewan, Canadian Bar Association (Saskatchewan Branch) and ISC mutually agreed to change the mandate of the Legal Profession committee that was previously formed in 2003 and form a new group, called the Legal Advisory Committee. The previous Committee was focused on the Land Registry, while the new Committee provides input on ISC's multiple registries.

This group provides the legal profession with a forum to give input on ways ISC can continuously improve existing products and provide new and innovative products. It provides an opportunity for the participants to advance the needs of the profession and the public they serve and influence the policy, legislative and future direction of ISC.

The purpose of this Committee is to ensure consultation and input from the legal profession. In performing their duties, the Committee provides the legal profession's feedback and recommendations on the following items:

1. Policy development or changes on matters of significance to the operation and public purpose of the registries (such as fee changes, expanding the assurance provisions)
2. Significant Act and Regulation amendments (*The Land Titles Act, 2000, The Condominium Property Act, The Vital Statistics Act, 2009, The Business Corporations Act*)
3. Product enhancements, new services, new registries

### **Committee Members**

The Committee consists of a minimum of eight members and maximum of twelve members. Four members are appointed by The Law Society of Saskatchewan, four by the CBA- Saskatchewan Branch, and up to four by ISC.

ISC is interested in ensuring it has the broadest possible perspective and that its customer base is fairly represented on advisory committees by giving consideration to factors such as geographic representation; experienced and new professionals to the industry; large, medium and small law firms; and commercial and private practice. Thus ISC will select members as needed.

#### **Representing the Law Society of Saskatchewan:**

Randy Sandbeck, Olive Waller Zinkhan Waller LLP (Regina) – member since 2003  
Ken Koshgarian, Sole practitioner (Saskatoon) – member since 2008  
Marianne Kramchynsky, Sanderson Balicki Parchomchuk (Rosthern) – member since 2008  
William Nickel, McDougall Gauley LLP (Saskatoon) – member since 2011

#### **Representing the Canadian Bar Association, Saskatchewan Branch:**

Dave Leland, Leland Kimpinski LLP (Saskatoon) – member since 2010  
James Camplin, Harvard Development Inc. (Regina) – member since 2008  
Bernard Duchin, Duchin Bayda & Kroczyński (Regina) - member since 2008  
Cindy Haynes, Sole practitioner (Regina) – member since 2008

#### **Selected by ISC**

Andrea Argue, Kanuka Thuringer LLP (Swift Current) – member since 2011  
Robert Kasian, MLT LLP (Regina) – member since 2011  
Michael Derbowka, Cuelenaere Kendall Katzman & Watson – member since 2011

## Meetings

The Committee meets quarterly for half a day. In 2011 the Committee met on March 15, June 3, September 27, and November 22.

## Year in Review

### ***Act and Regulations Reviewed***

- Amendments to *The Land Titles Regulations, 2001* to facilitate the use of standard form mortgages and leases;
- Amendments to *The Land Titles Regulations, 2001* to limit the amount of fractional ownership of mineral titles;
- Amendments to *The Land Titles Regulations, 2001* to expand the types of claims available under the Assurance Fund; and
- Amendments to *The Business Corporations Act*, to comply with the New West Partnership Trade Agreement between Saskatchewan, Alberta, and British Columbia.

### ***Policy Changes and Development Input from the Committee***

- Reviewed active issues of concern from legal sector and prioritized them as high, medium or low;
- Voiced concerns on the *The Vital Statistics Act, 2009* as the new Act now requires identification and written authorization in order to request documents on behalf of clients;
- Provided feedback on ISC's service standards and turnaround times;
- Continued our discussion to ensure transactions are processed in the order that they are received;
- Discussed various ways to promote the advantages of and encourage the use of submitting transactions electronically; and
- Debated the merits of various methods to allow for the extension of time for registering court orders to prevent lapsing of registered interests.

### ***Product Enhancements, New Services, New Registries Discussed***

- Discussed implementation of ISC's Business Registration Saskatchewan, a new portal for business owners to register their business with the Corporate Registry, for PST with Ministry of Finance and as an employer with Workers Compensation Board;
- Considered how to modernize and enhance the Corporate Registry now that it is a part of ISC; and
- Offered suggestions for the process to utilize standard mortgage terms and leases, and what lawyers would like to appear on the resulting title.

### ***Issues resolved in 2011***

The Legal Advisory Committee maintains a list of outstanding issues (within its mandate) that the Committee has brought to the attention of ISC or other members of the legal community have raised and validated through this group.

**Issue:** Wrongful rejections by ISC should be resubmitted and should go to the front of the queue.

**Resolution:** Completed January 19, 2011, any packet that was wrongfully rejected will now get bumped to the front of the queue for 'next-in-line' processing. If ISC finds that a packet was rejected in error, it will immediately re-submit the packet on the customer's behalf. ISC will advise the customer of this and provide them with a new packet number. The customer's newly accepted packet will then be moved to the front of the queue to be processed first by the next available service representative.

## **Conclusion**

The Committee members are proud of their work and service, which is given on a voluntary basis to further the interests of the legal profession and its clients. The Committee also wishes to recognize the ISC staff, whose willingness to seek out and entertain the Committee's input is invaluable.

If any members of the Law Society or Canadian Bar Association have questions or comments at any time about the Committee's work, or any issues that they feel ought to be raised with ISC, pertaining to any of the registries, the Committee would be happy to receive them.

Respectfully submitted,  
The Legal Advisory Committee