

**Canadian Bar Association - Newfoundland and Labrador Branch  
ANNUAL MEETING OF COUNCIL**

**August 13, 2020**

**12:30pm-2:00pm**

**Via Zoom Video Conference (login instructions will be sent to registered attendees)**

**AGENDA**

- 1. Welcome**
- 2. Approval of the Meeting Agenda (D)**
- 3. Approval of the August 2019 Council Meeting Minutes (D)**
- 4. Financial Report**
  - Approval of 2018-2019 Financial Statements (D)
  - Current Year 2019-2020 (I)
  - Approval of the 2020-21 Branch Budget (D)
  - Appointment of Accountant for the 2019-20 Financial Review (D)
- 5. Proposal for a Faculty of Law at Memorial University (D)**
- 6. Update from Lawyers Financial (I)**
- 7. Approval of 2020-21 Branch Nominations (D)**
- 8. Other Business?**
- 9. Closing Remarks and Presentations**

***Additional agenda items may be added***

*Legend:*

(I) Information Item (D) Decision (A) Advice

**Canadian Bar Association - Newfoundland and Labrador Branch**  
**ANNUAL MEETING OF COUNCIL**  
**August 13, 2020**  
**12:30pm-2:00pm**  
**Via Zoom Video Conference**

**MOTIONS**

**Motions are required to approve the following:**

- 1. Approval of the Meeting Agenda**
- 2. Approval of the August 21, 2019 Council Meeting Minutes**
- 3. Approval of the 2020-21 Branch Nominations**
- 4. Approval of 2018-2019 Financial Statements**
- 5. Approval of the 2020-21 Branch Budget**
- 6. Appointment of Accountant Diane Rendell, CA, to conduct the 2019-20 CBA-NL Financial Review**

*Legend:*

(I) Information Item (D) Decision (A) Advice

## Report of the Executive Committee 2019-20 Year in Review

While the COVID-19 pandemic suspended many plans and scheduled events, much was accomplished by CBA-NL in 2019-20. Since the start of the COVID-19 pandemic, CBA-NL has focused on advocacy, providing resources to members and maintaining connection. CBA-NL had a full schedule of spring/summer in person activities that were cancelled due to the COVID-19 pandemic, but we hope to reschedule some of these events when public health orders allow.

The Branch ended the year with 356 active members, in line with recent years (2017: 355, 2018: 359, 2019: 355).

### **Professional Development**

- The Branch continues to focus on delivering PD through the Section Lunch and Learn program. CBA-NL Section Lunch and Learns are one-hour seminars, open to members only, at no additional cost to the member. Lunch and Learns are accessible in person at the CBA-NL Branch office (as public health guidance allows), by Zoom webinar and phone.
- On September 17, NL CCCA Section members participated in an instalment of the CCCA Atlantic Chapters 2019 Law Firm Series, hosted by McInnes Cooper.
- On November 5, CBA-NL partnered with Dalhousie University Schulich School of Law for a Professional Development seminar, "A Restorative Approach to Justice: Opportunities and Implications for Justice in Newfoundland and Labrador," with speaker Professor Jennifer Llewellyn. Following the session there was a reception for alumni of Dalhousie University and attendees of the session. Over 60 people attended the seminar and reception. Dalhousie was very pleased with the turnout of the event and looks forward to continuing to partner with CBA-NL on the occasion of their alumni outreach visits to St. John's.
- On February 6, the NL Labour and Employment Section partnered with the Law Society of NL to deliver a CLE program, "2019 Year in Review", a discussion of employment cases, labour cases, and judicial reviews from 2019 within the province and nationally.
- Due to the COVID-19 pandemic, several PD sessions were unfortunately cancelled, including a full day CLE program on March 20 at the Glynmill Inn, Corner Brook.
- The pandemic also put on hold a young lawyers shadowing program with the Supreme Court – General Division. The program would see young lawyer members shadow a justice of the Court during applications. The shadowing would be followed by a debrief with the Justice and attendees. We hope to offer the program in the future when public health guidance and the courts schedule allows.
- A young lawyers half day CLE was also cancelled, scheduled for April 27. Speakers would have included Craig Garson, Q.C., Garson MacDonald (Halifax), on The Art of Settlement, First Trial Preparation with Judge Mark Pike, Provincial Court and David Hearn, McInnes Cooper, along with a session on Practice Management.
- The Branch continues to promote National and Branch CLE programs, in particular the timely COVID related programming. We have also shared and promoted guides and resources including [Returning to the Workplace: Considerations for Law Firms](#) and [Best Practices for Remote Hearings](#), a guide developed by the Ontario E-Hearings Task Force.

## **Advocacy**

- On advancing access to justice in Newfoundland and Labrador, the provincial Access to Justice Steering Committee continues to be very active. The committee, which CBA-NL was a founding member, is a valuable asset to the Branch as it provides the opportunity for stakeholders including the Department of Justice, Law Society, Legal Aid, all levels of court, Public Legal Information Association, CBA-NL, and others, to come together on a monthly basis to share information, find opportunities for collaboration, and discuss issues of mutual interest and concern.
- An initiative of the NL Access to Justice Steering Committee is the organization of local pro bono legal clinics. Since 2016, a number of pro bono clinics have been established which CBA-NL is proud to support. Combined to date these clinics have assisted over 500 participants, totaling over 400 hours of pro bono legal service to the community. In person clinics were suspended in March due to the COVID-19 pandemic, but plans are underway to make the clinics virtual starting in July.
- COVID-19 related Branch advocacy included a [submission](#) to government on amendments to the *Public Health Protection and Promotion Act*, the submission was circulated on May 16, and a [press release](#) was issued May 19 clarifying its contentions and intention, following misleading media attention. The Branch also [wrote to the Supreme Court NL](#) on expansion of operations and use of technology during the COVID pandemic.
- In April the OBA and the Ontario Superior Court of Justice established regular calls with invited representatives from each provincial Superior/Supreme Court (including NL), to share information on the Ontario experience in remote operations during the COVID pandemic. This is notable as the OBA assisted the OSJ with technological capacity and training, including use of the videoconference service Zoom for court operations. Given that Ontario had some success on this front, this meeting was organized to share the courts experiences in adapting to new remote ways of operating.
- The Branch has written Service NL, the Superintendent of Insurance and the Department of Justice and Public Safety to seek clarification on amendment to the *Automobile Insurance Act*, section 25.1, notice and disclosure before action and are awaiting a response.
- This year the Branch also issued a request for feedback to the membership on the proposal for a Faculty of Law, Memorial University. Since the concept of establishing a Faculty of Law at Memorial University was re-introduced in 2012, CBA-NL has engaged in significant discussion to his matter, including at our Executive and Council levels, with the wider CBA-NL membership, and the Faculty of Law Committee. With consideration given to what we heard, and in line with the [mission of the CBA](#), the CBA-NL Executive Committee will bring forward a draft statement on the proposal to the August 13 annual meeting of CBA-NL Council.

## **Community**

- The Young Lawyers Committee and Branch Section Chairs met regularly throughout the year.
- Since the start of the pandemic, the Branch has hosted several Section meetings, via Zoom, to discuss COVID issues relevant to that practice area and provide a forum to keep in touch with colleagues.
- The following networking events were held in 2019-20:
  - Bar Admission Course Reception, November 15
  - President's Reception, December 4

- Young Lawyers and Law School Students Holiday Social, December 19
- CBA-NL was pleased to be represented by Vice President Greg French at the opening of the fall session of court and introduction of Justice Glen Noel in Gander on October 24.
- The Branch gave its annual presentation to the Bar Admission Course on November 15 on the benefits of CBA membership.
- Social and networking events that were cancelled due to the COVID-19 pandemic included:
  - A visit by the Honourable Justice Russell Brown, Supreme Court of Canada. Justice Brown was scheduled to address members of the bar at an event in St. John 's on June 19. This event will be rescheduled when conditions permit for travel and in person events.
  - The CBA-NL/Lawyers Financial Easter Egg Hunt and Brunch was cancelled in April. We hope to offer a family event for our members when conditions permit.
  - The End of Summer Social and BBQ, held in conjunction with the August meeting of council, was also cancelled.
  - Plans for a reception co-sponsored by CBA-NL and CPA-NL for the young professionals networking group LYNK also did not proceed.
- In April, the CBA-NL "Virtual Boardroom," was created as a benefit to members, providing virtual meeting capacity for firm meetings, mediations, arbitrations, closings or client meetings. The Virtual Boardroom is hosted on the Zoom videoconference platform and is available to all CBA-NL members, subject to availability, within regular business hours, 8am-5pm, Monday to Friday.
- A NL COVID resource page was also created and can be found here: [www.nl-cba.org/News-Media/News/CBA-NL-COVID-19-Legal-and-Justice-System-Updates-a](http://www.nl-cba.org/News-Media/News/CBA-NL-COVID-19-Legal-and-Justice-System-Updates-a)
- Finally, CBA-NL is on twitter, follow us @CBA\_NL

**Canadian Bar Association - Newfoundland and Labrador Branch**

**MEETING OF COUNCIL MINUTES**

**Wednesday, August 21, 2019 4:00pm – 5:15pm**

**In person (Bungalow, Bowring Park) and by Phone**

**Attending:**

Members of Council: Christian Hurley, Joe Thorne, Greg French, Mark Mills, Caitlin Urquhart, Chris Pike, Susan Gover, Sheri Wicks, Dana Martin, David Constantine, Bob Pittman

Non- Voting Member of Council: Twila Reid (Board Member)

Guests: Ray Adlington (2018-19 CBA National President), Vivene Salmon (2019-20 CBA National President)

Staff: Ashley Woodford

**1. Welcome Approval of the Meeting Agenda**

Vice President Christian Hurley welcomed attendees to the meeting, followed by a roundtable of introductions.

The meeting agenda was approved, moved by Joe Thorne, seconded by Chris Pike.

**2. Greetings from CBA National President**

Ray Adlington and Vivene Salmon brought greetings on behalf of CBA National. Ray highlighted recent CBA Advocacy initiatives including the CBA's federal election campaign #LegalAidMatters, as well as solicitor client privilege, access to justice and equality/diversity. Vivene indicated that her priorities for the coming year will include intergenerational issues, wellness and innovation.

**3. Approval of the August 2018 Council Meeting Minutes**

The August 23, 2018 meeting of Council minutes were approved, moved by Caitlin Urquhart, seconded by Joe Thorne.

**4. Report on the Current Year**

Ashley Woodford provided a brief overview of the year with the full report contained in the meeting materials. Highlights of the current year included the provincial election engagement campaign, the Section Lunch and Learn program, re-establishment of a young lawyers committee and new young lawyers social and networking events and the Women Lawyers Forum event to mark International Women's Day. Thanks were extended to McInnes Cooper who hosted the St. John's hub for the February CBA AGM.

**5. Approval of the 2019-20 Branch Nominations**

The 2019-20 nominations report was approved, moved by Caitlin Urquhart, seconded by David Constantine.

**6. Report of the Treasurer**

Treasurer Greg French referred to the meeting materials and presented the motions as noted below.

The 2017-2018 Financial Statements were approved, moved by Christian Hurley, seconded by Chris Pike.

The 2019-20 Branch budget was approved, moved by Christian Hurley, seconded by Caitlin Urquhart

Diane Rendell, CPA, was appointed to conduct the 2018-19 CBA-NL Financial Review, moved by Christian Hurley, seconded by Greg French

It was noted that the financial report on the current year 2018-2019 is contained in the meeting materials.

## **7. By-Law Revisions**

As indicated in the meeting materials, the following By-Law revisions were proposed:

1. Elimination of the winter meeting of CBA-NL Council, reducing meetings of Council to one per year. This change is being proposed as it has become difficult to obtain quorum at the winter meeting in recent years. Items generally contained on the winter meeting agenda (most notably the approval of the previous years financial statements) will move to the summer meeting of Council. See page 5 of the Branch By-laws.
2. Addition of the definition of young lawyer (CBA National By-law definition), see page 6.
3. Revision of minor grammatical errors, pages 1, 5, 6.

By-Law revisions were approved, moved by Christian Hurley, seconded by Dana Martin.

## **8. Other Business**

There was a discussion of issues that the Branch could engage, including the Update of the Rules of Court and delays at the Supreme Court General Division in Central and in St. John's.

## **9. Closing Remarks and Presentations**

Thanks were extended to the outgoing Branch President Kellie Cullihall, as well as to Ray Adlington and Vivene Salmon for coming to St. John's to meet with members of the Branch.

The meeting adjourned at 5:15pm, moved by Christian Hurley, seconded by Joe Thorne.

**THE CANADIAN BAR ASSOCIATION-  
NEWFOUNDLAND & LABRADOR BRANCH**  
**Financial Statements**  
**For The Year Ended August 31, 2019**  
**Unaudited**



**David Webb**  
Chartered Professional Accountant

Audit & Accounting ▪ Business Strategy & Analysis ▪ Forecasting & Finance

April 3, 2020

**Independent Practitioner's Review Engagement Report**

To the Members of The Canadian Bar Association – Newfoundland & Labrador Branch

I have reviewed the statement of financial position of The Canadian Bar Association – Newfoundland & Labrador Branch as at August 31, 2019 and the statement of changes in net assets, statement of operations, and statement of cash flows for the year then ended.

**Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

**Practitioner's Responsibility**

My responsibility is to express a conclusion on the accompanying financial statements based upon my review. I conducted my review in accordance with Canadian generally accepted standards for review engagements, which require me to comply with relevant ethical standards.

A review of financial statements in accordance with Canadian generally accepted standards is a limited assurance engagement. I perform procedures, primarily consisting of making enquiries of management, and others in the entity as appropriate, and applying analytical procedures and evaluating the evidence obtained.

The procedures performed in a review are substantially less in extent than, and vary in nature from, those performed in an audit conducted in accordance with Canadian generally accepted auditing standards. Accordingly, I do not express an audit opinion on these financial statements.

**Conclusion**

Based on my review, nothing has come to my attention that causes me to believe that these financial statements are not, in all material respects, in accordance with Canadian generally accepted accounting standards for not-for-profit organizations.



**David Webb, CPA CA**

Chartered Professional Accountant  
Portugal Cove-St. Philip's

**THE CANADIAN BAR ASSOCIATION - NEWFOUNDLAND & LABRADOR BRANCH**  
**Statement of Financial Position**  
**As at August 31, 2019**  
**Unaudited**

	<b>2019</b>	<b>2018</b>
<b>ASSETS</b>		
<b>CURRENT ASSETS</b>		
Cash and cash equivalents (note 4)	\$107,360	\$118,126
Accounts receivable	-	58
HST recoverable	<u>6,955</u>	<u>356</u>
	114,315	118,540
<b>Capital assets</b> (note 5)	499	969
<b>Investments</b> (note 6)	<u>62,032</u>	<u>61,099</u>
	<u><u>\$176,846</u></u>	<u><u>\$180,608</u></u>
 <b>CURRENT LIABILITIES</b>		
Accounts payable	<u>\$ 4,841</u>	<u>\$ 6,272</u>
 <b>NET ASSETS</b>		
Net assets invested in capital assets	499	969
Special reserve fund (note 7)	45,000	45,000
Unrestricted net assets	<u>126,506</u>	<u>128,367</u>
	<u>172,005</u>	<u>174,336</u>
	<u><u>\$176,846</u></u>	<u><u>\$180,608</u></u>

Approved by the executive:

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See accompanying notes.

**THE CANADIAN BAR ASSOCIATION - NEWFOUNDLAND & LABRADOR BRANCH**  
**Statement of Changes in Net Assets**  
**For The Year Ended August 31, 2019**  
**Unaudited**

<b>NET ASSETS</b>	<b>Invested in Capital assets</b>	<b>Special Reserve Fund</b>	<b>Unrestricted</b>	<b>2019 Total</b>	<b>2018 Total</b>
Balance, beginning of year	\$ 969	\$45,000	\$128,367	\$174,336	\$163,194
Excess of revenues over expenditures (expenditures over revenues)	<u>(470)</u>	<u>-</u>	<u>(1,861)</u>	<u>(2,331)</u>	<u>11,142</u>
Balance, end of year	<u>\$ 499</u>	<u>\$45,000</u>	<u>\$126,506</u>	<u>\$172,005</u>	<u>\$174,336</u>

See accompanying notes.

**THE CANADIAN BAR ASSOCIATION - NEWFOUNDLAND & LABRADOR BRANCH**

**Statement of Operations**

**For The Year Ended August 31, 2019**

**Unaudited**

	<b>2019</b>	<b>2018</b>
<b>REVENUES</b>		
Canadian Bar Association membership rebate (notes 3 & 9)	\$111,500	\$ 86,047
Canadian Bar Insurance Association		
Rebate	7,586	49,537
Donation	1,000	1,000
Member services protocol	191	540
Investment income	1,184	1,004
National online PD revenue	5,174	6,771
Visa rebate	<u>481</u>	<u>551</u>
	<u>127,116</u>	<u>145,450</u>
 <b>EXPENDITURES</b>		
Access to justice	977	700
CCCA Contribution	-	858
Depreciation	470	439
Executive meetings	542	725
Gifts and tributes	457	720
Information technology	1,275	1,939
Legislation and law reform	-	221
Membership recruitment	4,518	2,577
Office	6,514	5,516
President's discretionary fund	824	-
Professional development - net (note 8)	-	2,116
Professional fees	2,000	1,900
Rent	21,143	20,600
Salaries and benefits	70,342	71,769
Sections	9,190	7,838
Socials	2,966	4,234
Special projects (National)	-	3,030
Travel	<u>8,229</u>	<u>9,126</u>
	<u>129,447</u>	<u>134,308</u>
 <b>EXCESS OF REVENUES OVER EXPENDITURES</b>		
<b>(EXPENDITURES OVER REVENUES)</b>	<u>\$ ( 2,331)</u>	<u>\$ 11,142</u>

See accompanying notes.

**THE CANADIAN BAR ASSOCIATION - NEWFOUNDLAND & LABRADOR BRANCH**

**Statement of Cash Flows**

**For The Year Ended August 31, 2019**

**Unaudited**

	<b>2019</b>	<b>2018</b>
<b>Cash from operating activities:</b>		
Excess of revenues over expenditures (expenditures over revenues)	\$ (2,331)	\$ 11,142
Items not affecting cash:		
Depreciation of capital assets	470	439
Net change in non-cash working capital balances	<u>(7,972)</u>	<u>2,242</u>
<b>Net cash generated through operating activities</b>	<u>(9,833)</u>	<u>13,823</u>
<b>Financing and investing activities</b>		
Purchase of capital assets	-	( 998)
Increase in investments	<u>( 933)</u>	<u>( 846)</u>
<b>Net cash used in financing and investing activities</b>	<u>( 933)</u>	<u>( 1,844)</u>
<b>Net increase (decrease) in cash</b>	(10,766)	11,979
<b>Cash and cash equivalents, beginning of year</b>	<u>118,126</u>	<u>106,147</u>
<b>Cash and cash equivalents, end of year</b>	<u><u>\$107,360</u></u>	<u><u>\$118,126</u></u>

The cash balance at August 31, 2019 was made up of \$75,160 (2018: \$86,178) of cash in the operating bank account and \$32,200 in a savings account (2018: \$31,948) invested in a liquid money market fund).

See accompanying notes.

# THE CANADIAN BAR ASSOCIATION - NEWFOUNDLAND & LABRADOR BRANCH

## Notes to the Financial Statements

August 31, 2019

Unaudited

### 1. General

The purpose of The Canadian Bar Association - Newfoundland & Labrador Branch is to advance the science of jurisprudence, promote improvements in the administration of justice, promote law reform, uphold the honour of the profession of law, foster harmonious relations among law societies and members, to encourage a high standard of legal education and ethics among members and to promote public understanding of the law.

As a not-for-profit organization under the Income Tax Act, The Canadian Bar Association - Newfoundland & Labrador Branch, is not subject to either federal or provincial income taxes.

### 2. Basis of Presentation

The Association has reported the financial statements under Canadian accounting standards for not-for-profit organizations in Part III of the CPA Canada handbook.

### 3. Accounting Policies

Capital assets are recorded at cost and depreciated on a straight line basis. Computers and furniture are depreciated at rates of 33% and 20% respectively. In the year of acquisition, one half of the above rate is applied.

Contributions are accounted for using the restricted fund method. Unrestricted contributions are recognized as revenue of the general fund in the year received. Other revenues are invoiced when services are rendered and are recorded on an accrual basis in the period to which they relate.

### 4. Cash and Cash Equivalents

Cash and cash equivalents consist of cash and highly liquid investments with maturities of three months or less at the acquisition date.

### 5. Capital Assets

	<u>2019</u>			<u>2018</u>
	<u>Cost</u>	<u>Accumulated Depreciation</u>	<u>Net</u>	<u>Net</u>
Computers	\$ 1,818	\$ 1,319	\$ 499	\$ 969
Furniture	<u>10,191</u>	<u>10,191</u>	<u>-</u>	<u>-</u>
	<u>\$12,009</u>	<u>\$11,510</u>	<u>\$ 499</u>	<u>\$ 969</u>

**THE CANADIAN BAR ASSOCIATION - NEWFOUNDLAND & LABRADOR BRANCH**  
**Notes to the Financial Statements**  
**August 31, 2019**  
**Unaudited**

**6. Investments**

Investments include guaranteed investment certificates with an effective interest rates of 1.52 to 1.58% and maturing in 2021.

**7. Special Reserve Fund**

It was agreed at the Annual Meeting on May 29, 1998 that the Branch establish a special reserve fund of six months operating expenses by setting aside \$25,000 with the provision for interest earned to be reinvested until the fund reaches \$30,000 and same to be accessed only after a 2/3 majority vote of the Executive Committee.

It was agreed at the Executive Meeting on March 4, 2009 to increase the Special Reserve Fund to \$45,000.

**8. Net Revenue/Expenses**

	<u>2019</u>			<u>2018</u>		
	<u>Expenses</u>	<u>Revenues</u>	<u>Net</u>	<u>Expenses</u>	<u>Revenues</u>	<u>Net</u>
Professional development	\$ -	-	-	\$11,256	9,140	2,116

**9. Related Party Transactions**

The Canadian Bar Association has significant influence over The Canadian Bar Association - Newfoundland & Labrador Branch. The Newfoundland & Labrador Branch has an appointed representative on the Board of Directors of the Canadian Bar Association and the Branch elects four representatives to the National Council, the governing body of The Canadian Bar Association. The President and Vice-President of the Branch also serve as voting members of Council by virtue of the positions held. Membership fees are paid to the National office and agreed portions (2019 - \$111,500, 2018 - \$86,047) are returned to the Newfoundland & Labrador Branch. These transactions are measured at the exchange amount. There were no amounts owing at the end of the year.

**THE CANADIAN BAR ASSOCIATION - NEWFOUNDLAND & LABRADOR BRANCH**  
**Notes to the Financial Statements**  
**August 31, 2019**  
**Unaudited**

## **10. Financial Instruments**

### **Fair value**

Financial instruments consist of cash and cash equivalents, accounts receivable, HST recoverable, investments, and accounts payable. The fair value of cash and cash equivalents, accounts receivable, HST recoverable, and accounts payable approximates their carrying values due to their short-term maturity. The fair value of the investments approximates their carrying value due to interest being earned at market rates.

### **Liquidity risk**

Liquidity rate risk is the risk that the Association will not be able to meet its obligations as they fall due. The executive manages liquidity risk by ensuring that the existing surplus, together with projected future revenues is sufficient to meet future commitments.

### **Other risks**

The Association is not susceptible to other risks related to financial instruments due to the nature of its activities.

## **11. Lease Obligations**

The Canadian Bar Association - Newfoundland & Labrador Branch has entered into long-term leases expiring in 2021 and 2024. Under these leases, the Association has the following obligations for the years ending August 31. The amount listed for 2021 includes 8 months of the office lease, which expires on April 30, 2021.

2020	21,555
2021	14,593
2022	689
2023	689
2024	287



**Canadian Bar Association - Newfoundland and Labrador Branch**  
**ANNUAL MEETING OF COUNCIL**  
**August 13, 2020**  
**12:30pm-2:00pm**  
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**2018-19 Financial Review Highlights**

- As in outlined under the Statement of Financial position and in the accompanying notes, the Branch's current assets include cash and cash equivalents (investments with maturities of three months or less) of \$107,360.
- It was noted that the HST receivable for 2019 is higher than past years due to the change in the formula for which the Branch receives revenue from Lawyers Financial (CBIA).
- As outlined under the Statement of Financial Position, current liabilities total \$4841 in accounts payable, consisting of the invoice for the 2018-19 financial review and expenses incurred in September 2019 related to the 2018-19 fiscal year.
- Investments are held with Scotiabank (GIC's), rate of 1.5%.
- Additional savings are in a Scotiabank Business Savings Account, with a balance of \$32,309 as of January 31, 2020, separate from our operational account.
- The Branch continues to have a special reserve fund (six-month operating reserve) of \$45,000. Accountant Diane Rendell recommended that since this has not been revisited in sometime, that the amount required for the special reserve fund be reviewed.
- Net assets total \$172,005.
- The main sources of Branch funding is the membership rebate. 2018-19 was the first year with the reduced membership fee and the first year of the new revenue sharing agreement. NL, as a small Branch, receives approximately 60% of the revenue from NL member fees, 40% is retained by National. We also receive an additional amount in small Branch funding, \$35,000 in 2018-19, to help support our operations (amount is set by the Board, approved on a yearly basis). In 2018-19, \$85,286 was budgeted for the NL share of member revenue, based on the projections/financial modeling provided at the time. Actual at year end was \$76,501. Due to lower than expected revenue, a deficit was realized.
- Under expenses, most line items came in as budgeted.
- The member recruitment category includes receptions open to both members and non-members, including the Bar Ad Reception (where invitees include students, principals, instructors, judges. This line item came in over budget due to the increased cost of some of these events.
- The office line item was over budget due to increased cost of office insurance.
- The lease at 49-55 Elizabeth Avenue expires April 30. 2021.

- Salaries and Benefits - related salary expenses include Employment Insurance, Canada Pension Plan, Work Place Health, Safety and Compensation Commission fees, employee group benefits and an employee RRSP donation.
- The line item Sections includes expenses associated with Lunch and Learns (CLE) and Section Chair travel to National Section meetings.

As is reflected in the financial statements, the Branch ended 2018-19 with a deficit of \$2331.

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ANNUAL MEETING OF COUNCIL  
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## ***2020-21 CBA-NL BUDGET***

## **Memo – 2020-21 CBA-NL Budget**

The CBA-NL budget for 2020-21 is attached. The new CBA fiscal year begins September 1, through to August 31, 2021.

The draft budget assume/notes the following:

- **A 30% decline in revenue from membership fees in 2020-21** due to the economic impact of the COVID-19 pandemic.
  - o CBA-NL receives approximately 60% of the revenue from membership fees collected from NL members. Members are invoiced in June/July for the membership year 2020-21. The Branch begins to receive its share of the members revenue in mid-October, with the member recruitment period running from July to the end of November. As such, we will be in a better position to determine what our member numbers and revenue from this source will be for the coming fiscal year in October/November.
- **Presently, the 2019-20-year end (Aug. 31.2020), surplus is anticipated to be \$20,000-\$23,000, due to unexecuted activities/events as a result of COVID-19.**
- The draft budget assumes that **in person** activities, meetings, PD, travel, etc., will resume in 2021. Travel is not expected in fall 2020, thus the travel and sections national meeting (travel) budget is lower than previous years.
- Funds for **PD and socials are not attributed to any specific events and could be utilized as conditions allow** (for example the President's Reception, End of Summer Social, full or half day PD programs).
- **The lease at the Branch office is up on April 30, 2021.** Presently, the rent is \$15.50 PSF Net + \$11 Operating Expense PSF. The current (June 2020) advertised rates to lease at 55 Elizabeth Avenue is \$16 PSF Net + \$11 Operating Expense PSF. The budget assumes renewal of the lease at the current advertised rate. Determinations will have to be made by the end of December how the Branch will move forward with the lease renewal and renewal term.
- As the Branch will be running more meetings, lunch and learns, etc., via video conference, Zoom Videoconference expenses will increase, as is noted in the budget.
- **Given the unknowns for the coming year, it will be essential that the budget is reviewed on a regular basis, and in particular in November/December, when there is a clearer picture of the revenue, as well as if/how in person activities will resume.**

	A	B	C	D	E	F
1		<b>ACTUAL</b>	<b>ACTUAL</b>	<b>BUDGET</b>	<b>YTD*</b>	<b>BUDGET**</b>
2		<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2019-20</b>	<b>2020-21</b>
3					<b>July 7 2020</b>	
4	<b>REVENUE</b>					
5	CBA Membership Rebate	86,047	76,500	72,103	81,373	62,595
6	Small Branch Allocation		35,000	45,000	45,000	45,000
7	Lawyers Financial Rebate	49,537	7,586	7,881	7,881	7,881
8	Preferred Supplier Rebate	540	191	587	587	587
9	Lawyers Financial Donation	1,000	1,000	1,000	1,000	1,000
10	Investment Income	1,004	1,184	500		500
11	Visa Rebate	551	481	200	472	200
12	Online PD Revenue Sharing	6,771	5,174	4,000	2,570	1,000
13	<b>TOTAL REVENUE</b>	<b>145,450</b>	<b>127,116</b>	<b>131,271</b>	<b>138,883</b>	<b>118,763</b>
14	<b>EXPENDITURES</b>					
15	Access to Justice	700	977	500	264	500
16	CCCA Contribution	858	0	0	0	0
17	Depreciation	439	470	200		400
18	Governance (Executive and Council)	725	542	500	557	500
19	Gifts & Donations	720	457	600	110	600
20	Information Technology	1,939	1,275	4,008	1467	4,008
21	Legislation and Law Reform Committee	221	0	500		500
22	Membership Recruitment	2,577	4,518	0		0
23	Office	5,516	6,514	4,639	4314	4,639
24	President's Discretionary Fund	0	824	1,000	323	1,000
25	Professional Development (net)*	2,116	0	2,500	2720	2,500
26	Professional Fees	1,900	2,000	2,000	2000	2,000
27	Rent	20,600	21,143	21,647	19117	21,647
28	Salaries & Benefits	71,769	70,342	70,796	58034	70,796
29	Sections	7,838	9,190	8,210	541	8,210
30	Socials (net)	4,234	2,966	6,500	6436	6,500
31	Special Projects (National)	3,030	0	0	0	0
32	Travel	9,126	8,229	4,675	4013	4,675
33	<b>TOTAL EXPENDITURES</b>	<b>134,308</b>	<b>129,448</b>	<b>128,275</b>	<b>99,896</b>	<b>128,475</b>
34	<b>EXCESS OF REV. OVER EXP.</b>	<b><u>11,142</u></b>	<b><u>-2,332</u></b>	<b><u>2,996</u></b>	<b><u>38,987</u></b>	<b><u>-9,712</u></b>

	A	B	C	D	E	F
35	<i>Updated on:</i>					
36	2020-07-17 10:33					
37	<b><i>*2019-20 Year End (Aug. 31.2020), surplus anticipated to be \$20,000-\$23,000, due to unexecuted activities/events as a result of COVID-19</i></b>					
38	<b><i>**Assmes inperson activities (PD, socials, in person meetings, etc.) and travel return in 2021</i></b>					

	A	B	C
1	<b>REVENUE</b>		
2			
3	CBA Membership Rebate	62,595	Rebate reflects 60% of the membership fees paid by CBA-NL members, at the membership rates as approved by the CBA Board for 2020-21 Assumes a 30% decline over 2019-20
4	NL Small Branch Allocation	45,000	Additional NL small branch allocation, amount as approved by the CBA Board of Directors
5	Lawyers Financial Rebate (aka CBIA)	7,881	Reflects the new formula (implemented in 2018-19) to share Lawyers Financial revenue from NL clients of Lawyers Financial/CBIA
6	Preferred Supplier Revenue	587	Share of revenue from CBA preferred suppliers
7	Lawyers Financial Donation	1,000	Additional yearly donation from Lawyers Financial
8	Investment Income	500	
9	Visa Rebate	200	Cash back rebate on Visa. Estimated lower due to less spending, unexecuted activities due to COVID.
10	Online PD Revenue Sharing	1,000	Revenue from CBA and Branch Online PD, as a percentage of the revenue from NL members who purchase the programs. Anticipate less revenue due to COVID, online PD registration fees were lowered, producing less revenue
11	<b>TOTAL REVENUE</b>	<b>118,763</b>	
12			
13	<b>EXPENSES</b>		
14			
15	<b>Access to Justice</b>		
16	Access to Justice Steering Committee Meetings (5 meetings @ \$100/meeting)	500	

	A	B	C
17		<u>500</u>	
18			
19	<b>Governance (Executive Committee and Council)</b>		
20	Executive Committee Meetings (5 inperson meetings x \$100/meeting)	500	
21	Council Meetings (1 meeting with the summer social, or online)	0	
22		<u>500</u>	
23			
24	<b>Gifts, Donations and Tributes</b>		
25	Presidents Gift and Plaque	400	
26	PD Speaker Gifts, In Memoriam Donations	200	
27		<u>600</u>	
28			
29	<b>Information Technology</b>		
30	Adobe Subscription	288	
31	Antivirus Software Renewal	200	
32	Sage Simply Accounting Software Renewal	520	
33	New camera/mic for webcasting	1,500	
34	Tele/Video Conferencing Zoom Subscription Fees	1,500	
35		<u>4,008</u>	
36			
37	<b>Legislation and Law Reform Committee</b>		
38	Committee Meetings (5 inperson meetings x \$100/meeting)	<u>500</u>	
39			
40	<b>Membership Recruitment*</b>		
41	<i>*member invoicing, processing, strategy and marketing done by CBA National</i>	<u>0</u>	
42			
43			
44	<b>Office</b>		
45	Lease on Photocopier (\$57/month)	684	



	A	B	C
46	Office and Miscl. Supplies	500	
47	Rogers - Phone & Internet (approx \$150/month)	1,800	
48	Courier and Postage	200	
49	Shredding	200	
50	Office Insurance	1,255	
51		<b><u>4,639</u></b>	
52			
53	<b>President's Discretionary Fund</b>		
54	Special Meetings (ie: dinner with the National President, Law Society, etc.)	<b>1,000</b>	
55			
56			
57	<b>Professional Development</b>		
58	PD Miscellaneous (to offset costs for speaker travel, expenses, fees, etc. for PD such as: annual conference, PD with Dal. Law School other PD event opportunities that may present during the year)	<b><u>2,500</u></b>	
59			
60	<b>Professional Fees</b>		
61	Financial Review	<b><u>2,000</u></b>	
62			
63	<b>Rent</b>		
64	Landmark Property Management (\$1737.96/month)	20,987	NOTE: lease expires April 30, 2021. See note in budget memo
65	Recoverable Expenses	660	
66		<b><u>21,647</u></b>	
67			
68	<b>Salaries</b>		
69	Employee Salary	61,329	

	A	B	C
70	Employer CPP Expense (\$108.94 bi-weekly, to a maximum of \$2593.80)	2,594	
71	Employer EI Expense (\$54.23 bi-weekly, to a maximum of \$1201.51)	1,202	
72	Employer RRSP Contribution (at 5%)	3,066	
73	Workers Compensation (WHSCC) Yearly mandatory payment	470	
74	Employer Portion of Group Insurance Benefits (\$178.01/month)	2,136	
75		<b><u>70,796</u></b>	
76			
77	<b>Sections</b>		
78	Request for Funding for National Section Meetings (5 Requests x \$450)	2,250	Assumes inperson National Section meetings return in spring 2021
79	Lunch for Section PD Luncheons (8 PD Luncheons x \$120/lunch)	960	Assumes in person lunch and learns return at the Branch office in 2021. Will continue to take place by zoom webinar
80	Young Lawyers Section (for meetings, networking events, sponsorship, etc.)	3,000	Assumes in person networking events return in 2021
81	Women Lawyers Forum (for meetings networking events, International Women's Day, etc.)	2,000	Assumes in person networking events return in 2021
82		<b><u>8,210</u></b>	
83			
84	<b>Socials</b>		
85	2021 Branch Networking Receptions (such as President's Reception, End of Summer Social, Bar Ad Reception, CBA- NL/Lawyers Financial Easter Event). YL and WLF social events are included under Sections	6,500	Assumes in person networking events return in 2021
86		<b><u>6,500</u></b>	
87			
88	<b>Travel</b>		

	A	B	C
89	Travel to Management Team Meetings, Ottawa or Toronto - ED (2 meetings/year, February 2021 and May 2021, National pays airtravel for 1 -Feb 2021)		Assuming in person meeting in February and May 2021
90	Air Travel (\$800/trip x 1 meetings)	800	
91	Hotel (\$265/night x 2 nights x 2 meetings)	1,060	
92	Transportation (\$150/meeting x 2 meetings)	300	
93	Per Diem (\$45/day x 3 days x 2 meetings)	270	
94		<b>2,430</b>	
95			
96	Travel to Leadership Forum, AGM, SCC Dinner (February 2021) Ottawa - Branch President		Assuming in person meeting in February 2021
97	Air Travel - CBA National pays	0	
98	Hotel (\$265/night x 3 nights)	795	
99	Transportation (\$150/meeting)	150	
100	Per Diem (\$45/day x 3 days)	100	
101		<b>1,045</b>	
102			
103	President (or designate) Provincial Travel	<b>1,200</b>	
104			
105	<b>TOTAL TRAVEL</b>	<b><u>4,675</u></b>	

## **Proposal for a Faculty of Law at Memorial University – Background, What We Heard and Draft Statement**

Since the concept of establishing a Faculty of Law at Memorial University was re-introduced in 2012, CBA-NL has engaged in significant discussion to this matter, including at our Executive and Council levels, with the wider CBA-NL membership, and the Faculty of Law Committee.

With consideration given to [what we heard](#), and in line with the [mission of the CBA](#), the CBA-NL Executive Committee plans to bring forward a draft statement on the proposal for a Faculty of Law at Memorial University to the August 13 annual meeting of CBA-NL Council.

### **Background: Proposal for a Faculty of Law at Memorial University and CBA-NL Engagement**

In 2012, CBA-NL was invited to participate in a working group interested in revisiting a review into the feasibility of a Faculty of Law at Memorial University. The goal of the group was to bring the idea of reviewing the feasibility of a Faculty of Law to Memorial University and to gain support from the legal community and stakeholders prior to the approach.

In July 2012, the CBA-NL Executive Committee received a presentation from the working group, outlining a proposal to conduct a review into establishing a Faculty of Law at Memorial. Following the presentation and discussion, the CBA-NL Executive Committee passed a resolution supporting, in principle, *a review of the concept of a Faculty of Law at Memorial University of Newfoundland as proposed by the Committee that would include an assessment of how such an academic institution would further advocacy and improve access to justice in the province of Newfoundland and Labrador.*

In February 2013, a press release was issued by Memorial announcing that a committee had been struck to explore the feasibility of a Faculty of Law (CBA-NL did not have membership on this committee).

Following the release, CBA-NL was contacted by several media outlets for comment and the following statement was provided:

*Last year (2012) the Canadian Bar Association Newfoundland and Labrador Branch examined and debated the concept of a faculty of law at Memorial University. We supported, in principle, a review that would include an assessment of how such an academic institution would impact advocacy and improve access to justice in the province of Newfoundland and Labrador.*

*The Canadian Bar Association – Newfoundland and Labrador Branch welcomes the establishment of a committee by Memorial University to explore the feasibility of a law school, and we look forward to reviewing the committee's report later this year.*

As further follow up, CBA-NL sent a letter to the committee, providing feedback and suggestions for consideration moving forward, including: that the committee consider current and future needs for more lawyers in the province; that the committee consider how a law school could enhance access to justice, access to legal education for residents of Newfoundland and Labrador and academic scrutiny of the provincial statutory framework and case law; and noted the importance of consulting with the provincial legal community.

In November 2018, the Memorial University Senate passed a [motion](#) endorsing the Memorial University Faculty of Law [Proposal](#) with the addition of an amendment that the Faculty of Law be cost neutral, including infrastructure to the University

In December 2018, CBA-NL sent a letter to the University encouraging, as part of further assessment, to consider the future needs of the legal profession and to further engage the provincial legal community for their feedback on establishing a Faculty of Law at Memorial.

In September 2019, members of the Faculty of Law Committee provided an update on the progress of establishing a Faculty of Law at Memorial to the CBA-NL Executive. A copy of the presentation can be [found here](#).

Following the presentation, the Executive Committee discussed next steps and whether CBA-NL will take a position, at this time, on the proposal for a Faculty of Law at Memorial University. Given the CBA's responsibility to the membership to be fully informed before taking a position on this, or any, matter, in November 2019, additional information on the proposal was requested, and responses were received, as below.

**Market Feasibility Study:** *has a market feasibility study been completed and, if so, is a copy available? If such a study has not yet been completed, are there plans to complete such a study, as part of, or in addition to, the proposal that will go before the Memorial University Board of Regents?*

**Response:** *In the development of the Law School Proposal, the university has relied on two main sources to satisfy itself that there is demand for legal education in Canada.*

*The first has been the experience of two law schools recently established in Canada, the first at Thompson Rivers University in Kamloops, and the second at Lakehead University in Thunder Bay. Both schools reported an immediate demand for admission from qualified students residing in all parts of the country. It has been accepted that Memorial University's experience will not be dissimilar.*

*The second has been information from the Federation of Law Societies that confirmed the significant number of Canadians studying law abroad, and subsequently seeking to practice in Canada through assessment by the National Committee on Accreditation. This has led to a conclusion that graduates from a law school at Memorial would not increase the number of lawyers coming into practice in Canada, but only increase the number educated in Canada.*

*Based on these two factors the University has concluded that market issues would not be an obstacle to commencing a legal education program.*

**Updated Proposal:** *the Memorial University webpage, [www.mun.ca/law](http://www.mun.ca/law) , indicates that the proposal for a faculty of law at Memorial is being further refined since receiving Senate endorsement, and now focuses on program and curriculum development, operations, enrolment, tuition and complement planning. It further explains that capital costs for space and infrastructure are being considered separately from the operating budget for the law school and will be excluded from calculation in determining the tuition fee.*

*When will the updated proposal will be available and will it be made public prior to going before the Board of Regents? Will this proposal include additional details on how the proposed faculty of law and its capital investments will be financed?*

**Response (summarized):** *The financial aspects of the proposal have been refined, to ensure no crossover between capital and operating accounts. The numbers [contained in the presentation](#), represent the latest available. As this matter proceeds, there is likely to be continued refinement of the proposal which would mean that the elements in the presentation will change leading to a decision by the Board of Regents.*

In March and July of 2020, CBA-NL sought input from the membership on the proposal for a Faculty of Law at Memorial University.

### **What we Heard: Summary of Member Feedback on the Proposal for a Faculty of Law, Memorial University**

Two common themes of support were voice by the membership, access to legal education and the societal benefits a law school would bring to the province.

On increasing access to legal education for residents of Newfoundland and Labrador, comments included:

- *In having to leave the province, that simple action effectively doubles the cost of legal education. It is not uncommon for people to come back to NL with a \$100,000 plus in student debt, impacting their work and their personal lives, can take a decade or more to repay, and the rate of debt increase is not comparable to the increase in salaries. Other law schools are increasing tuition and cost of living is rising as well. For those with wealth they have a completely different experience and a marked advantage over their peers, and the cost of attending law school is becoming a question that may discourage good candidates in the future as there is not a level playing field.*
- *A large part of the concentration of residents on the Avalon Peninsula might have access to education, with debt only for their tuition cost if they can bypass the large accommodations and living costs. A student from a farther distance out would still face higher costs but the housing market in St. John's is at a different cost point than Nova Scotia and would not involve the flight costs to New Brunswick. It might still be cheaper for some NL residents to attend the mainland, but the goal here would be make it reasonable as possible for a majority to choose to remain in NL. Doing so would result in a situation similar to the Faculty of Business, where there is a flow of qualified entrants to the business community every year graduating with a debt load that while high, still allows them to stay and work in the local market after graduation.*

Other comments of support highlighted the potential to bring in new revenue and spin off businesses, improved quality of legal discourse, and additional social and policy enhancements to the provincial education and political systems, such as:

- the availability of a faculty to critique and assess judgments and legislative initiatives by government;
- ability to study the effects of lack of access to justice on our socio-economic system;
- opportunities to provide various pro bono clinics as a part of the hands-on training that is often part of the law school experience.

The common themes we have heard against supporting the establishment of a law school in Newfoundland and Labrador included market feasibility, the financial ability of the University to establish and support a law school, and the overall business case for a law school in this province.

As related to market feasibility and uncertainty of market demand, one member noted:

- *...market feasibility has not been addressed specifically in relation to Newfoundland and Labrador.....there is a concern that the local (within NL) legal market does not need/cannot handle an influx of students. Of the 100 students per year that MUN Law intends to accept, how many of those can the local legal market handle? I would be particularly interested in knowing if there are a set number of seats reserved for NL students and, if so, how many? This would shed more light on the need for a market feasibility student as one could assume that a large proportion of NL students would want to stay in NL to practice.*

Members have also voiced concerns about the financial requirements and ability of the University and province to establish and maintain a law school and if this should be a priority of the University given their decreasing budget and the provinces limited fiscal resources.

There were also points raised on the actual savings to potential students, and if a law school is needed to see increased access to justice, when alternatives would be to increase legal aid funding and existing public information resources. Similarly, a new Law Reform Commission could be formed to address antiquated legislation, draft new legislation and revise the land titles system in this province.

**Canadian Bar Association – Newfoundland and Labrador Branch (CBA-NL)**  
**Statement on the Proposal for a Faculty of Law, Memorial University**

Since 2012, CBA-NL has engaged in significant discussion regarding the possible establishment of a Faculty of Law at Memorial University. CBA-NL membership is comprised of lawyers at all stages of their careers, all with varying views on the establishment of a law school in Newfoundland and Labrador.

CBA-NL recognizes the many positive contributions a law school would bring to the Province. It would attract legal academics and law students who could provide significant expertise to the review of legislation and case law in the Province. It would serve as an important resource informing the debate, critique, and development of government initiatives, including law reform, and also has the potential to improve access to justice and enhance access to legal education for residents of the Province.

CBA-NL also recognizes the challenging financial position facing the Province and the University. We note that the Memorial University Senate motion endorsing the [Faculty of Law Proposal](#) contains an amendment *that the Faculty of Law be cost neutral, including infrastructure to the University*.<sup>[1]</sup> We believe the success of the establishment of a Faculty of Law at Memorial University will ultimately hinge on the University's ability to deliver on this objective. As such, we encourage the University to take all the steps necessary to ensure the reliability of the fiscal analysis and market feasibility of this project.

CBA-NL and its membership look forward to future engagement with the Faculty of Law Committee and Memorial University as they move forward with this initiative.

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<sup>[1]</sup><https://www.mun.ca/senate/meetings/2011-2020/2018-11-13-senate-minutes.pdf>, pages 52-55



**Canadian Bar Association - Newfoundland and Labrador Branch**  
**ANNUAL MEETING OF COUNCIL**  
**August 13, 2020**  
**12:30pm-2:00pm**  
**Via Zoom Video Conference**

***NOMINATIONS REPORT TO FOLLOW***