# Canadian Bar Association - Newfoundland and Labrador Branch MEETING OF COUNCIL August 23, 2018 4:00pm - 5:00pm

#### **AGENDA**

- 1. Welcome, Introductions
- 2. Greetings from CBA President Kerry Simmons, Q.C.
- 3. Approval of the Meeting Agenda and the August 2017 Council Meeting Minutes
- 4. Approval of 2016-2017 Financial Statements
- 5. Update on the Current Year 2017-2018
- 6. Approval of 2018-19 Branch Budget (D)
- 7. Approval of 2018-19 Branch Nominations
- 8. Other Business



## 2017 ANNUAL GENERAL MEETING OF COUNCIL Meeting Minutes Wednesday, August 23, 2017, 4pm-5pm Quidi Vidi Brewery

Attending: Michael Ladha, Adam Baker, Kellie Cullihall, Brittany Keating, Joe Thorne, Chris Pike, Sheilagh Murphy, Q.C., Robert Pittman, Q.C.

#### 1. Call to Order, Welcome and Introductions

CBA-NL President Michael Ladha called the meeting to order, members in attendance introduced themselves.

#### 2. Approval of Minutes from the 2017 Mid-Winter Meeting of Council

The March 9, 2017 Council minutes were approved with amendments to the Treasurers report noting that the report was presented by Kellie Cullihall, not Adam Baker. Moved by Chris Pike, seconded by Kellie Cullihall.

#### 3. Executive Committee Report

On behalf of the Executive Committee, Michael Ladha noted a few highlights from the year, including

- Since January 2017 eight Lunch and Learn have been held with, 120 members participating.
- This year the Branch met with the Minister of Justice and Public Safety on two occasions, on November 15, when items discussed included condition of court facilities, security and appropriate meeting space for client and counsel at Her Majesty's Penitentiary, backlogs in family court and other legislative matters. On April 11 a stand-alone meeting was held with the Minister, Branch ED and Family Section Chair, to discuss issues of specific interest to the Family Law Section. On February 20 in Corner Brook a very well attended PD session was held and was followed by a luncheon with guest speaker Minister Parsons.
- To mark International Women's Day 2017, the Women Lawyers Forum teamed up with the Transition House Association of Newfoundland and Labrador for a charitable campaign. The charitable campaign culminated with "Not Just a Bystander", an evening of distinguished guest speakers. There was a very positive response to the event, with registration capacity being met three days in advance of the program.



- On April 6 the Branch had the pleasure of hosting a special dinner with guest speaker the Honourable Justice Malcolm Rowe, Supreme Court of Canada.
- The Branch Legislation and Law Reform Committee was re-established in 2017. The committee met twice since establishing in May. Going forward the committee will meet quarterly with Branch Section Chairs to encourage their participation in provincial legislation and law reform initiatives.
- At the June meeting of the Executive Committee, the Committee approved a new name and eligibility criteria for the Branch award previously known as the Distinguished Public Service Award. The award will now be known as the CBA-NL Community Service Award. The award recognizes the valuable contributions of our members serving the communities in our province, who have demonstrated outstanding dedication, service and commitment to the community. The 2017 CBA-NL Community Service Award will be presented at the annual President's Reception on December 14 at the Sheraton Hotel.

#### 4. Nominations Report

The nominations report was circulated by Ashley Woodford. Nominations for Branch positions for 2017-18 were approved, moved by Sheilagh Murphy, seconded by Chris Pike.

#### 5. Treasurer's Report

The 2017-18 Branch budget was presented by Kellie Cullihall, Treasurer. Notable items include the following:

- In 2016-17 the Branch received \$2335 in revenue from CBA National under the revenue sharing agreement for online programming. An estimate of \$2000 has been budgeted for this item in 2017-18.
- The five year commitment from Lawyers Financial (CBIA) that saw the NL rebate at \$55,029 in funding expired in 2015-16. In 2016-17 we received \$51,215 in total funding. This included our regular, budgeted payment of \$46,715 in license fees and a one-time payment of \$4500. In 2017-18 we will only be receiving our license fees from Lawyers Financial, which have been budgeted to be the same as 2016-17, \$46,715. The actual amount received in 2017-18 will likely be slightly higher, but it is unknown by how much at this time.



- In 2010-11 the CBA committed to increase funding for the CCCA (Canadian Corporate Counsel Association) so that the CCCA may remain competitive in the very competitive in house counsel market. In 2017-18 the Branch will be asked to contribute \$858 towards CCCA funding.
- \$2500 has been budgeted under special projects to assist with the implementation of the CBA Re-think.
- \$1550 in information technology, including the licencing fee for the platform to live broadcast lunch and learns and the purchase of a second office laptop for lunch and learn presentations.
- Funding allocated under socials includes expenses associated with the President's reception, Easter family event and the end of summer social.
- \$1500 has been budgeted to offset the cost of delivering Professional Development and to cover any speaker travel expenses, should the Branch invitee an out of province speaker to participate in a Branch Professional Development Seminar.
- The Sections budget includes a contribution to Branch Section Chair expenses to attend their Sections National meeting, along with funding for Section Lunch and Learns.

A notable change in the 2017-18 budget is related to travel and includes:

- Board meetings: travel to the CBA Board of Directors meetings for the NL representative is the responsibility of National office.
- Travel to National meetings for the President will include: travel to the annual Leadership Forum, Association Annual General Meeting, President's Dinner and Supreme Court Dinner in Ottawa, February 2018.
- Provincial travel for the Branch President.

The year to date column reflects expenses incurred up to May 12, 2017. Items to note in the current fiscal year include the following:



- Due to the start of Mandatory CLE in NL in 2016, revenue from National online PD is up with \$2335 received in 2016-17. Revenue sharing from Branch online PD is also up. In addition to receiving revenue from National office online PD, based on the number of NL registrants, a similar agreement exists between Branch's. In recent years, the OBA has become a large supplier of online PD and as a result the Branch will receive \$2,095 from OBA online PD revenue sharing for 2016-17. Prior to the start of mandatory CLE, revenue from this source was nominal.
- Travel savings are anticipated in 2016-17 due to the cancellation of the Canadian Legal Conference.
- The budget for Socials will be over budget in 2016-17 due expenses associated with the April 6 Dinner with Justice Rowe and the end of summer social.

At the end of the current year (August 31) we anticipate a surplus.

The Branch budget was approved, moved by Adam Baker, seconded by Brittany Keating.

A motion to appoint Diane Rendell to conduct the 2016-17 Branch Financial review was moved by Kellie Cullihall, seconded by Chris Pike.

#### 6. Branch By-laws

In 2016-17 the Branch undertook the process to do a complete review of the Branch Bylaws. There had not been a full review of the By-laws in a number of years and that, coupled with the new CBA Governance model, spurred a comprehensive review.

The new draft By-laws were posted on the Branch website in June and were circulated along with a report highlighting the changes in the meeting materials.

Members in attendance were pleased to see that a complete review of the By-laws had been undertaken.

Motion to approve the new Bylaws was moved by Joe Thorne, seconded by Adam Baker. Motion passed.

#### 7. Report from Lawyers Financial

Sheilagh Murphy provided a written report and verbal update on Lawyers Financial.

Effective December 1, 2016, CBA Financial Services Corporation and The Canadian Bar



Insurance Association amalgamated. The new company is The Canadian Bar Insurance Association (CBIA). Bringing these two organizations together allows more efficiency in operations, benefitting current and future clients.

This year, Lawyers Financial launched a number of new product solutions, including: an enhanced employee benefit program for law firms that will be among the best in Canada for firms of up to 20. This is a much larger soft cap than our current 9 life cap; a new, comprehensive Travel Policy, with a 10% discount off already very competitive rates.

Launching soon is a office insurance plan for law firms that will be among the best in Canada (will include for example cyber liability coverage) and an enhanced investment program

#### 8. Other Business/Closing Remarks

Michael Ladha congratulated Sheilagh Murphy on here upcoming elevation as Chair of Lawyers Financial.

Ashley Woodford extended thanks on behalf of the Executive Committee and Branch to Steve Scruton, outgoing Past President and to Michael Ladha, outgoing President, for their service to the CBA.

Motion to end the meeting was made at 5:10pm, moved by Brittany Keating, seconded by Kellie Cullihall.



#### **Report to CBA-NL Council**

Submitted By: Adam Baker, President September 2017 – August 2018

#### **Deliver Distinct and Relevant Professional Development**

The Branch continues to work on growing the Section **Lunch and Learn** program. CBA-NL Section Lunch and Learns are one hour seminars, open to members only, at no cost to the member. Lunch and Learns are accessible in person, by webinar, or phone. The following Lunch and Learn have been held since September: Up-stream Oil and Gas Contracts, Financial Planning for Young Lawyers, Workplace Stress and Work-life Balance, Advanced Health Care Directives, Coaching for Family Law in High Conflict Situations, Federal Mandate and Ontario *Construction Lien Act* Experience, Update on the new Family Law Rules, Update on Medical Assistance in Dying and an Overview of Substitute Decision Making in Newfoundland and Labrador.

Many thanks are extended to the speakers who have participated in the Lunch and Learn program so far this year: Todd Newhook, John Dinn, Hughie Shea, Krista Mennie, Janie Bussey, Q.C., Laura Brazil, Lisa Cheeseman, Brenda Kelleher-Flight, James Little, Sharon Vogel, Justice Deborah Fry, Dr. Kim Babb, Kyle Rees, Melissa Saunders.

In the 2017-18, the Branch is pleased to report that there were 187 registrations (in person, phone and online) in the Lunch and Learn program.

We are also pleased to report that the Branch offered 13.5 hours of PD in 2017-18 to CBA-NL members, at no additional cost to the member.

The Branch was pleased to promote the **CBA National Insolvency and Restructuring Conference**, which took place in St. John's on September 14-15. The conference was co-chaired by three local members and featured a number of local speakers and sponsors.

On November 30 the Branch partnered with **Dalhousie University Schulich School of Law** for a Professional Development seminar on legal ethics, with Professor Richard Devlin. The session was offered at no cost and was very well attended. The seminar was followed by a reception hosted by Dalhousie University Schulich School of Law. The Branch hopes that a PD session with faculty from the Schulich School of Law will be an annual event to coincide with the school's annual fall visit to St. John's.

The **2018 Mid-Winter Conference** took place on **March 2-3, 2018 at Marble Mountain Resort**, the first time such a program has been held on the west coast since the 2009 CBA-NL Mid-Winter. The conference consisted of professional development (9 CLE credit hours), a luncheon with guest speaker and networking reception. The conference was very well received, particularly by members of the local (west coast) bar. Attendees were particularly impressed with the PD lineup and speakers.

Many thanks are extended to Professional Development Chair Joe Thorne and organizing committee members Christian Hurley and Mark Mills.

Thanks are also extended to the Mid-Winter Conference speakers:

Hon. Andrew Parsons, Minister of Justice and Public Safety, Attorney General Chief Justice Raymond Whalen, Supreme Court of Newfoundland and Labrador – Trial Division Justice Rosalie McGrath, Supreme Court of Newfoundland and Labrador – Trial Division Justice George Murphy, Supreme Court of Newfoundland and Labrador – Trial Division (Family) Paul Bradley, Deloitte LLP Alex Bursey, Deloitte LLP

Corey Button, Grant Thornton

Ernest Gittens, Gittens & Associates
Christopher Lewis, Stewart McKelvey
Beth McGrath, McInnes Cooper
Donovan Molloy, QC, Office of the Information
and Privacy Commissioner
Darren O'Keefe, Cox & Palmer
Neil Pittman, McInnes Cooper
Joe Thorne, Stewart McKelvey
Dr. Jacqui Walsh, Memorial University,
Grenfell Campus

Given the success of the March 2-3 Conference, the Branch is pleased to announce that we will be establishing an **annual CBA-NL professional development conference** to take place in rotating years between the west coast (winter) and in central (spring). The 2019 "CBA-NL Annual Professional Development Symposium," is being planned for May 10-11, 2019 at the Fishers Loft and Conference Centre, Port Rexton. In the coming weeks the Branch will be looking for members to join the planning committee to assist with planning the continuing legal education program (topics and speakers) for the 2019 symposium.

On May 17, the Branch hosted a seminar titled "Is There a Lawyer in the House?: Why lawyers aren't running for office and the implications for the legislative branch." The guest speaker was Graham Steele, professor, lawyer and former member of the Nova Scotia legislature. The presentation by Mr. Steele was followed by a panel discussion, with panelists the Honourable Andrew Parsons, Q.C., NL Minister of Justice and Public Safety, former NL MHA and MP Jack Harris, Q.C., former NL Minister of Justice and Public Safety Judy Manning and moderated by CBA-NL member Kyle Rees. Thanks are extended to Twila Reid for organizing the seminar, which was extremely well received by those in attendance.

#### Advocate on Behalf of the Profession

The **Newfoundland and Labrador Access to Justice Steering Committee** continues to be very active. The committee meets every second month and in October and May had the opportunity to meet with the Minister of Justice and Public Safety.

The committee held two **Access Law Clinics**, this year, one in November, with a focus on wills and estates and in May with a focus on family law. A third clinic was held in Gander in June, the first pro bono clinic held outside of St. John's.

CBA-NL and the Public Legal Information Association of NL continue to operate the monthly Small Claims Legal Assistance Clinic in cooperation with the Provincial Court of Newfoundland and Labrador. Each month one volunteer lawyer or articling student staffs the clinic and assists a maximum of six clients. Since its start in July 2016, the clinic has assisted over 115 participants.

In addition, other pro bono legal assistance clinics include the monthly Court of Appeal Legal Assistance Clinic, the Gathering Place Legal Assistance Clinic, Choices for Youth Legal Assistance Clinic and this summers "pop-up," assistance clinics, which were held at the Iris Kirby House and at Memorial University.

The Access to Justice Steering Committee celebrated volunteerism in the legal community and marked the success of the pro bono legal assistance clinics during **Volunteer Week 2018** (April 15-21) by sending out a press release and notice to the profession noting the uptake in the legal clinics and volunteer hours served. Combined to April 2018, the five clinics (Small Claims Legal Assistance Clinic, Court of Appeal Legal Assistance Clinic, Access Law Clinic, Gathering Place Legal Assistance Clinic, and the Choices for Youth Legal Assistance Clinic) assisted **267 participants**, supported by **61 volunteer lawyers**, **articling students and law students**, totaling **212 hours of pro bono legal service to the community**.

We were also pleased to see the Minister of Justice and Public Safety recognize the achievement in a Ministerial Statement to the House of Assembly on May 29.

CBA-NL extends thanks to all of those who have volunteered their time to these initiatives.

The **Branch Legislation and Law Reform Committee** was re-established in 2017 and meets regularly to discuss Branch Legislation and Law Reform initiatives. As of mid-March the committee has sent out requests for feedback on the Municipal Legislation Review and the Automobile Insurance Review. A submission is currently being prepared on the *Corporations Act*.

Thanks are extended to committee members Michael Collins, Greg French, Matthew Moulton, Kyle Rees, Steve Scruton and Joe Thorne, for successfully reviving this committee.

In early September the Branch welcomed the opportunity to provide feedback on a proposal to **expand Family Court** across the province and we were very pleased to see that funding for the expansion was included in the 2018 federal budget.

The Branch hosted a meeting on October 25 for members interested in discussing possible changes to the *Human Rights Act*, led by the Executive Director of the Human Rights Commission.

#### **Cultivate an Inclusive, Engaged Professional Community**

The Branch participated in a number of **swearing in ceremonies** since last August. On August 31, Western Regional Chair Mark Mills represented and brought greetings on behalf of the Branch at the swearing in ceremony for the Honourable Kari-Ann Pike. Vice President Kellie Cullihall attended and brought greetings on behalf of the Branch at swearing in ceremony on September 11 for the Honourable Robin Fowler. In November, the Branch brought greetings at two swearing in ceremonies, for the Honourable Vikas Khaladkar, Supreme Court of Newfoundland and Labrador – Trial Division, attended by Kellie Cullihall, and the Honourable Alexander MacDonald, Supreme Court of Newfoundland and Labrador – Family Division, attended by Joe Thorne.

CBA-NL presented at the **Bar Admission Course** on October 19 on the benefits of CBA membership.

The annual **CBA-NL Bar Admission Course Reception** took place on November 17, marking the end of the 2017 course. All Bar Admission Course students, their principals, instructors, members of the judiciary were invited to attend.

In 2017 the Branch Executive Committee approved a new name and eligibility criteria for the **CBA-NL Community Service Award** (formerly the Distinguished Public Service Award). The award recognizes the valuable contributions of a member who has demonstrated outstanding dedication, service and commitment to the community. CBA-NL was pleased to present the 2017 Community Service Award to Gobhina Nagarajah, of the law firm O'Brien White, at the annual President's Reception, held on December 14.

In December two annual social events were held, the annual **Presidents Reception**, and the **Young Lawyers and Law School Students Holiday Social** on December 21.

The Women Lawyer's Forum held an event to mark International Women's Day, Thursday, March 8. The event consisted of a networking reception and panel discussion and was very well attended. The event was titled Women in the Legal Profession: Past, Present and Future: Challenges and Opportunities, and was inspired by the 25<sup>th</sup> Anniversary of the Honourable Bertha Wilson Report "Touchstones for Change: The Report on Gender Equality in the Legal Profession." Many thanks are extended to the 2018 event speakers Judge Jacqueline Brazil, Amanda Nash, Lori Savory and to Susan Gover for her assistance in organizing and Chair Caitlin Urquhart. The WLF hopes to continue to mark International Women's Day as an annual event.

On July 12 the Women Lawyer's Forum hosted a networking and mentorship event, "Creating Connection." The networking social was held at Alt Hotel and was organized in a "speed

mentoring" format. All attendees were given a color coordinated card corresponding to their year of call. Attendees were encouraged to circulate, particularly with those with a different color card, using the questions provided to generate discussion and get to know other members of the bar.

The Branch hosted with Lawyers Financial, the annual **CBA-NL/Lawyers Financial Easter Egg Hunt and Brunch** on Sunday, March 25.

The Branch third annual **End of Summer Social and BBQ** will take place at Bally Haley Golf Club on August 23, from 5-7pm following the Annual Meeting of Council from 4-5pm. The Branch looks forward to hosting CBA President Kerry Simmons for the meeting of Council and Social and August 23.

THE CANADIAN BAR ASSOCIATION-NEWFOUNDLAND & LABRADOR BRANCH Financial Statements For The Year Ended August 31, 2017 Unaudited

## David Webb Chartered Professional Accountant

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

February 23, 2018

#### **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, 2017 and the statement of changes in net assets, statement of operations, and statement of cash flows for the year then ended. My review was made in accordance with Canadian generally accepted standards for review engagements and accordingly consisted primarily of enquiry, analytical procedures and discussion related to information supplied to me by the Association.

A review does not constitute an audit and consequently I do not express an audit opinion on these financial statements.

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 Accounting Standards for Not-For-Profit Organizations.

David Webb, CPA CA

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Chartered Professional Accountant

Portugal Cove-St. Philip's

## THE CANADIAN BAR ASSOCIATION - NEWFOUNDLAND & LABRADOR BRANCH Statement of Financial Position As at August 31, 2017 Unaudited

	* * * * * * * * * * * * * * * * * * *	2017	2016
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents (note 4) Accounts receivable		\$106,147	\$ 96,543
HST recoverable		546 425	203 1,253
	ja	107,118	97,999
Capital assets (note 5)		410	683
Capital assets (note 5)		410	003
Investments (note 6)		60,253	<u>59,451</u>
		<u>\$167,781</u>	<u>\$158,133</u>
CURRENT LIABILITIES			
Accounts payable		\$ 4,587	<u>\$ 8,715</u>
NET ASSETS			
Net assets invested in capital assets		410	683
Special reserve fund (note 7)		45,000	45,000
Unrestricted net assets		<u>117,784</u>	103,735
		<u>163,194</u>	149,418
		<u>\$167,781</u>	<u>\$158,133</u>
Approved by the executive:	N B		

# THE CANADIAN BAR ASSOCIATION - NEWFOUNDLAND & LABRADOR BRANCH Statement of Changes in Net Assets For The Year Ended August 31, 2017 Unaudited

NET ASSETS	Inve Capital	ested in Il assets	Special Reserve Fund	Unrestricted	2017 Total	2016 Total
Balance, beginning of year	↔	683	\$45,000	\$103,735	\$149,418	\$142,142
Excess of revenues over expenditures over expenditures		(273)		2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	6.00	1
(5)55		(2/2)		040,4	13,770	1,2/6
Balance, end of year	↔	410	\$45,000	\$117,784	\$163,194	\$149,418

## THE CANADIAN BAR ASSOCIATION - NEWFOUNDLAND & LABRADOR BRANCH Statement of Operations For The Year Ended August 31, 2017 Unaudited

DEVENUE	2017	2016
REVENUES	# 04 0C0	¢ 00 01E
Canadian Bar Association membership rebate (notes 3 & 9) Canadian Bar Insurance Association	\$ 84,268	\$ 82,615
Rebate	E1 216	EE 020
Donation	51,216	55,029
	1,000	1,000 711
Member services protocol Investment income	615	663
National online PD revenue	597	
Visa rebate	4,189	1,069
visa repate	344	249
	142 220	141 226
	142,229	<u>141,336</u>
EXPENDITURES		
	1 702	1 225
Access to justice Advertising	1,793	1,235 221
Branch newsletter	-	882
CCCA Contribution	050	858
Depreciation	858 273	137
Donations	2/3	92
	840	1,415
Executive meetings Gifts and tributes	699	363
	1,192	
Information technology	102	2,048
Legislation and law reform		2 596
Membership recruitment	3,540	3,586 700
Mid-winter meeting - net (note 8) Office	6.052	6,346
	6,953 459	345
President's discretionary fund	1,186	880
Professional development - net (note 8) Professional fees	2,200	1,900
Rent		19,462
Salaries and benefits	20,729	
Sections	66,670	65,511
	3,323	6,094
Socials - net (note 8)	6,175	6,868
Special projects (National) Travel	1,775	1,498
ITAVEI	9,686	<u>13,619</u>
	128,453	134,060
EVOCAS OF DEVENUES OVER TYPE TOPS	29	
EXCESS OF REVENUES OVER EXPENDITURES	<u>\$ 13,776</u>	\$ 7,27 <u>6</u>

## THE CANADIAN BAR ASSOCIATION - NEWFOUNDLAND & LABRADOR BRANCH Statement of Cash Flows For The Year Ended August 31, 2017 Unaudited

	2017	2016
Cash from (used in) operating activities:		
Excess of revenues over expenditures Item not affecting cash:	\$ 13,776	\$ 7,276
Depreciation of capital assets	273	137
Net change in non-cash working capital balances	(3,643)	1,589
Net cash generated through operating activities	10,406	9,002
Financing and investing activities		
Purchase of capital assets	-	( 820)
Increase in investments	(802)	( 882)
Net cash used in financing and investing activities	( 802)	(1,702)
Net increase in cash	9,604	7,300
Cash and cash equivalents, beginning of year	96,543	89,243
Cash and cash equivalents, end of year	<u>\$106,147</u>	<u>\$96,543</u>

The cash balance at August 31, 2017 was made up of \$74,356 (2016: \$64,547) of cash in the operating bank account and \$31,789 (2016: \$31,996) invested in a liquid money market fund.

## THE CANADIAN BAR ASSOCIATION - NEWFOUNDLAND & LABRADOR BRANCH Notes to the Financial Statements August 31, 2017 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

		2017		2016
		Accumulated		
	Cost	<u>Depreciation</u>	<u>Net</u>	<u>Net</u>
Computer	\$ 820	\$ 410	\$ 410	\$ 683
Furniture	10,191	<u>10,191</u>		
	<u>\$11,011</u>	<u>\$10,601</u>	<u>\$ 410</u>	<u>\$ 683</u>

## THE CANADIAN BAR ASSOCIATION - NEWFOUNDLAND & LABRADOR BRANCH Notes to the Financial Statements August 31, 2017 Unaudited

#### 6. Investments

Investments include guaranteed investment certificates with an effective interest rates of 1.2 to 1.4% and maturing in 2020.

#### 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

			201	17					201	6		
	Ехр	<u>enses</u>	Rev	enue!	<u>s</u>	Net	Exp	enses	Rev	venue	<u>s</u>	<u>Net</u>
Mid-winter meeting	\$	_	\$	-	\$	_	\$	700	\$		\$	700
Professional developmen	nt 3	,536	2	,350	1	,186		3,593	2	713		880
Socials	10	,637	4	,462	6	,175		6,868		-		6,868

#### 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 (2017 - \$84,268, 2016 - \$82,615) 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, 2017 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 2019 and 2021. 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.

2018	\$ 21,251
2019	21,306
2020	20,885
2021	13,904



### Canadian Bar Association - Newfoundland and Labrador Branch Summary Notes to Accompany 2016-17 Financial Statements

#### **2016-17 FISCAL YEAR**

#### INVESTMENT ACCOUNTS

In 2016-17 the Branch held investments with CIBC Wood Gundy and Scotiabank. In September 2017 the CBIC Wood Gundy investments were moved into a Scotiabank savings account.

#### **SPECIAL RESERVE FUND**

As was determined in 2009, the Branch continues to have a special reserve fund of \$45,000.

#### **ASSETS**

As in outlined under the Statement of Financial position and in the accompanying notes, the Branch's current assets consist of cash and cash equivalents (investments with maturities of three months or less) total \$167,781.

The accounts receivable include moneys uncollected at August 31, 2017 including the 2017 HST rebate from Revenue Canada.

#### **LIABILITIES**

As outlined under the Statement of Financial Position, the current liabilities include \$4587 in accounts payable, consisting of the invoice for the 2016-17 financial review and expenses incurred on the Branch Visa in August-September 2017 related to the 2016-17 fiscal year.

#### **REVENUE**

The main sources of Branch funding include the CBA small Branch rebate, along with the rebates provided to the Branch from Lawyers Financial (CBIA). The small branch rebate is received in two installments, one in October and one in February. The Lawyers Financial rebate is received in early February.

The small Branch rebate (ie: CBA membership rebate) in 2016-17 totaled \$84,268.

The Lawyers Financial rebate was \$51,216. This rebate was more than budgeted, by \$5058. The Lawyers Financial rebate was conservatively budgeted and based on estimates provided to CBA by Lawyers Financial in 2016. This was to the five year commitment from Lawyers Financial that saw the NL rebate at \$55,029 in funding expired in 2015-16. The projected funding was \$46,158. \$51,215 in total funding was received. This included our regular, payment of \$46,715 in license fees and a one-time payment of \$4500.

The Lawyers Financial donation reflects a separate contribution from Lawyers Financial to the Branch and was \$1000 in 2016-17.

The member services protocol reflects the sharing of sponsorship revenue received by CBA National to the Branches from preferred supplies, such as MBNA, ERAssure, etc. This amount remains similar year over year.

In 2016-17 the Branch received \$4189 in revenue from CBA National under the revenue sharing agreement for online programming. Under this agreement Branch's will receive a share of the revenues from other Branch (most notably Ontario) and CBA National Online programming, based on the number of program registrants from the province. This item was more than the budgeted estimate of \$1500.

#### **EXPENDITURES – NOTABLE ITEMS**

#### Access to Justice

This item relates to expenses associated with CBA-NL Access to Justice Initiatives and the NL Access to Justice Steering Committee. The NL Access to Justice Steering Committee was established in 2014 and consists of 17 members from justice stakeholder groups. In additional to sitting on the committee, CBA-NL supports the committee by providing space and lunch for committee meetings. In 2016-17 CBA-NL also provided support for the CBA-NL representative on the committee (and then committee chair), to attend the National Access to Justice Committee meetings. As this was an unbudgeted item, this line item was over budget.

#### **Membership Recruitment**

The member recruitment category includes two annual receptions open to both members and non-members, the Bar Ad Reception (where invitees include students, principals, instructors, judges) and the Young Lawyers and Law School Students Social (open to CBA-NL young lawyer members and all students). This item was on budget in 2016-17.

#### **Information Technology**

IT was over budget as the antivirus renewal software on the three Branch computers had been unbudgeted. This line item also includes the license for Adobe Connect, the platform that we deliver Branch PD live online.

#### Office

This item includes the following regular monthly and annual expenses:

- Monthly lease payments on the photocopier/printer;
- Phone, fax, internet;
- Teleconference account;
- Videoconference account;
- General office liability insurance;
- The final lease payments on the office postage machine (discontinued in June 2017);
- All other miscellaneous office expenses, courier, postage, shredding, office and kitchen supplies.

#### **President's Discretionary Fund**

This line item generally covers an Executive Committee dinner on the occasion of the visit of the CBA National President or other guests. In 2016-17 the CBA CEO, visited the Branch for the winter Meeting of Council in March 2017.

#### **Professional Development**

This line item came in under (net) budget in 2016-17. This line item covers all expenses associated with Branch professional development events, not including Section Lunch and Learns and in 2016-17 included: October 2016 Criminal Justice half day PD session (held at a loss due to low attendance and additional equipment being required to offer the via web at the Delta), June 2016 young lawyers civil litigation PD session (held at break-even), January 2017 PD session held in Corner Brook (revenue generating).

#### Rent

The lease at 49-55 Elizabeth Avenue was renegotiated in 2016 for another five years, to expire May 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.

#### Sections

Sections expenses in 2015-16 totaled \$3323, under budget. Included in this item are expenses associated with Lunch and Learns and Section Chair travel to National Section/Forum meetings. The Branch continues to contribute a maximum of \$400 toward the cost of Section Chairs attendance at National Section/Forum Meetings. Seven Section Chairs submitted a expense claim for travel to their Section meeting in 2016-17.

#### **Special Projects**

This line item includes a contribution to CBA National for funding to implement the CBA "Re-Think" and was over the budgeted amount of \$668.

#### Socials

This item includes things such as the Presidents Reception and the Easter Egg Hunt and Brunch. Socials were over budget in 2016-17 due expenses associated with the April 6 Dinner with Justice Rowe and the end of summer social, both of which were opportunities unbudgeted in 2016-17.

#### **Travel Allowance**

Travel expenditures were significantly under budget in 2016-17 and totaled \$9686. \$18,924 was budgeted for travel in 2016-17 as at the time of the Branch budget preparation it was unclear the number of National meetings the Branch President and Executive Director were required to attend. Savings were also realized as the Branch ED did not travel to the August Board meeting and Council and the Branch Vice President was not required to attend the August meetings, as had been practice and budgeted for.

#### Summary

In all, as is reflected in the financial statements, the Branch had a good year in 2016-17. We were able to execute services to members and manage expenses while reporting a surplus of \$13,776.

	А	В	С	D	E	F
1						
2		ACTUAL	ACTUAL	BUDGET	YTD	Budget
3		2015-16	2016-17	2017-18	2017-18	2018-19
4					As of May 22/18	
5	REVENUE					
6	CBA Membership Rebate	82,615	84,268	84,268	86,047	85,286
7	Small Branch Allocation					35,000
8	Lawyers Financial Rebate	55,029	51,216	46,715	49,537	6,922
9	Preferred Supplier Rebate	711	615	615	540	708
10	Lawyers Financial Donation	1,000	1,000	1,000	1,000	1,000
11	Investment Income	663	597	600		600
12	Visa Rebate	249	344	300	551	300
13	Online PD Revenue Sharing	1,069	4,189	2,000	4,527	4,000
14	TOTAL REVENUE	141,336	142,229	135,498	142,203	133,816
15	EXPENDITURES					
16	Access to Justice	1,235	1,793	720	456	1,800
17	Branch Magazine	882				
18	CCCA Contribution	858	858	858		
19	Depreciation	137	273	140		100
20	Governance (Executive and Council)	1,636	840	1,185	615	1,000
21	Gifts & Donations	455	699	450	447	800
22	Information Technology	2,048	1,192	1,550	2,185	1,750
23	Legislation and Law Reform Committee		102	600	140	600
24	Membership Recruitment	3,586	3,540	4,800	2,577	3,100
25	Office	6,346	6,953	5,752	4,538	5,666
26	President's Discretionary Fund	345	459	1,000		1,200
27	Professional Development (net)*	1,580	1,186	1,500	-1,111	2,200
28	Professional Fees	1,900	2,200	1,900	1,900	1,900
29	Rent	19,462	20,729	21,122	15,583	21,253
30	Salaries & Benefits	65,511	66,670	69,596	51,590	70,255
31	Sections	6,094	3,323	7,680	5,294	9,450
32	Socials (net)	6,868	6,175	4,200	3,814	4,200
33	Special Projects (National)	1,498	1,775	2,500	2,500	

	A	В	С	D	E	F
34	Travel	13,619	9,686	9,179	6,422	8,480
35	TOTAL EXPENDITURES	134,060	128,453	134,732	96,951	133,754
36	EXCESS OF REV. OVER EXP.	<u>7,276</u>	13,776	<u>766</u>	<u>45,252</u>	<u>62</u>
37	Updated on:					
38	15/06/2018 12:08					
39						
40	*net of all PD programming including 2018 Mi	d-Winter Confe	rnece. November 2017	Dalhouse PD, May	2018 Lawver in the	House seminar

#### 2018-19 BUDGET BREAKDOWN AND NOTES

#### **REVENUE BREAKDOWN**

As a result of the adopted recommendations from the CBA Funding Formula Task Force, which looked at how sources of CBA revenue are shared, as well as the reduction to the membership fees (first reduction effective September 1, 2018), CBA-NL revenue for 2018-19 will be as outlined below.

CBA Membership Rebate Rebate reflects 60% of the membership fees (at the new reduced rates) paid by the	
355 CBA-NL members (total members as of May 2018, assumes status quo, 0% growth in membership)	85,286
NL Small Branch Allocation Allocation as approved by the Board to support small Branch's	35,000
Lawyers Financial Rebate (aka CBIA) Reflects the new forumula to share Lawyers Financial revenue	6,922
Preferred Supplier Revenue Share of revenue from CBA preferred suppliers	708
Lawyers Financial Donation additional sponsorship from Lawyers Financial	1,000
Investment Income Estimate, from CBA-NL investments Visa Rebate	600 300
Online PD Revenue Sharing Estimate, revenue from CBA and Branch Online PD, as a percentage of the revenue from NL members who purchase the programs	4,000

#### **2018-19 EXPENSE BREAKDOWN**

Access to Justice and Pro Bono	
Access to Justice Steering Committee Meetings (6 meetings @ \$100/meeting)	\$600
Volunteer Week advertising and promotion to celebrate the success of the Pro Bono Clinics and participation from members of the bar	\$1,200
-	<u>\$1,800</u>
-	-
Governance (Executive Committee and Council)	
Executive Committee Meetings	
(8 meetings x \$100/meeting)	\$800
Council Meetings	\$200

-	<u>\$1,000</u>
Gifts, Donations and Tributes	
Presidents Gift and Plaque	\$400
Speaker gifts	\$200
Community Service Award	\$200
	\$800
Information Technology	
Adobe Connect Pro License (for web casting lunch and learns)	\$750
Antivirus Software Renewal (3 computers)	\$200
Sage Simply Accounting Software Renewal	\$400
Miscl	\$400
-	<u>\$1,750</u>
	-
Legislation and Law Reform Committee	-
Committee Meetings	
(6 meetings x \$100/meeting)	\$600
	<u>\$600</u>
Membership Recruitment	44.000
Bar Ad Reception	\$1,800
Christmas Social for Law Students and Young Lawyers	\$1,300 \$3,100
	<u>\$3,100</u>
Office	
Lease on Photocopier	
(\$78/month)	\$936
Office and Miscl. Supplies	\$800
Rogers - Phone & Internet	,
(approx \$180/month)	\$2,160
Courier and Postage	\$200
Shredding	\$150
Office Insurance	\$820
Conference Calls/Video Conferencing	\$600
	<b>\$5,666</b>
	<u>,                                    </u>
President's Discretionary Fund	
Special Meetings	
(ie: dinner with the National President, Law Society, etc.)	\$1,200
	<u>\$1,200</u>
	-
Professional Development	

	Í
PD Miscellaneous	
(speaker travel, expenses, fees, etc. for PD such as: annual confernece, PD with Dal.	
Law School other PD event opportunties that may present during the year)	\$2,200
	<u>\$2,200</u>
Professional Fees	44.000
2017-18 Financial Review	\$1,900
	<u>\$1,900</u>
Dont	
Rent	
Landmark Property Management	
(\$1705.17/month, Sept. 1/18- April 30/19,	¢20 E02
\$1737.96/month, May 1/19- Aug. 31.19)	\$20,593
Recoverable Expenses	\$660
	<u>\$21,253</u>
Salarias	
<u>Salaries</u>	
Salary	
Employee salary including a 1.5% CPI increase in line with the yearly rate as posted by the NL Statistics Agency	\$60,721
	300,721
Employer CPP Expense (\$108.94 bi-weekly, to a maximum of \$2593.80)	\$2,594
	J2,J34
Employer El Expense (\$54.23 bi-weekly, to a maximum of \$1201.51)	\$1,202
	71,202
Employer RRSP Contribution (at 5%)	\$3,036
Workers Compensation (WHSCC)	75,050
Yearly mandatory payment	\$470
Employer Portion of Group Insurance Benefits (\$186/month)	\$2,232
Total Salaries & Benefits	\$70,25 <b>5</b>
Total Salaries & Belletits	<del>\$70,233</del>
Sections	
Dequest for Funding for National Section Meetings (O Dequests v \$450) Notes	
Request for Funding for National Section Meetings (9 Requests x \$450)Note: increased level of funding from \$400 to \$450. The Sections Branch travel	
reimbursement has not been increased in some time.Increase is to address	
increased cost of attending meetings, particularly hotel costs.	\$4,050
Lunch for Section PD Luncheons (15 PD Luncheons x\$160/lunch)	\$2,400
Young Lawyers Section	<sub>7</sub> =, 100
(for networking events, etc. in addition to the young lawyers and law students	
holiday social)	\$1,200
Women Lawyers Forum	+ =, <b>=</b> 00
(for networking events, International Women's Day, etc.)	\$1,800
<u> </u>	, ,===

	<u>\$9,450</u>
Socials	
President's Reception	\$1,600
Easter Family Event	\$1,300
End of Summer Social	\$1,300
	\$4,200
	-
Travel	
Travel to Management Team Meetings, Ottawa or Toronto - Branch ED (3 meetings/year)	
Air Travel (\$600/trip x 3 meetings)	\$1,800
Hotel (\$250/night x 2 nights x 3 meetings)	\$1,500
Transportation (\$100/meeting x 3 meetings)	\$300
Per Diem (\$45/day x 3 days x 3 meetings)	\$405
	\$4,005
Travel to CBA Orientation (August 2019), Ottawa - Branch VP	-
Air Travel	\$600
Hotel (\$250/night x 2 nights)	\$500
Transportation	\$100
Per Diem (\$45/day x 2 days)	\$90
	\$1,290
Travel to Leadership Forum, AGM, SCC Dinner (February 2019),	-
Ottawa - Branch President	
Air Travel	\$600
Hotel (\$250/night x 3 nights)	\$750
Transportation	\$200
Per Diem (\$45/day x 3 days)	\$135
	\$1,685
President (or designate) Provincial Travel	\$1,500
TOTAL TRAVEL	<u>\$8,480</u>

#### **TO FOLLOW**