



Minutes
Meeting of the Council of the Canadian Bar Association – New Brunswick Branch
February 6, 2014
10:00-3:00 pm
Republic Room
Ramada Crystal Palace Convention Centre
Dieppe, NB

Present: Ann Whiteway Brown, Q.C. c.r., Ann Hébert, Bernice Duguay, Blair Fraser, Christian Whalen, David O'Brien, Q.C. c.r., Deloras O'Neill, Elizabeth Strange, J. André Daigle, J. Danie Roy, Joanne Thériault, John Logan, Justin Robichaud, Kelsey Bingham, Kevin Haché, Kimberly Poffenroth, Lauren Cicin, M. Debbie Hackett, Mauryah McLaughlin, Melissa Sullivan, Monique Veillette, René Basque, c.r., Q.C., Scott Brittain, Sheila Cameron, Q.C. c.r., Steven Christie, Thomas Raffy, Tina Lagacé Rivard, Tracy Peters, Véronique Long, John Hoyles (CBA), Daniel MacRuray, Q.C. c.r., Denise Cameron Scott CBA NB) and Ginette Arseneault (CBA NB)

Welcome

Kevin Haché welcomed everyone to the meeting and to Midwinter Meetings of 2014. He noted that meeting materials had been circulated in advance of the meeting. He expressed a warm welcome to the new UNB Law School representative, Maurayah McLaughlin. He suggested that we add two items to our agenda. Added one item under Business Arising from Minutes and one item under Other. Also, we added an Update on the Bench and Bar Committee. Members of Council were reminded that Section Chairs only need to make one annual report per year to Council

Adoption of the Agenda

Motion to adopt the agenda as revised

Moved by J. André Daigle

Seconded by Johanne Thériault

Motion Carried

CONSENT AGENDA – *to be adopted en bloc with one motion and no discussion. Any items that a board member wishes to discuss may be removed from the consent agenda and added below. The rest of the items will be adopted together with one motion.*

Adoption of the minutes of October 24, 2013

Reports

- Executive Director's Report
- Section Reports
- Professional Development Committee 2013-2014

Two changes are to be made to the Minutes of October 24, 2013. We will correct the spelling of the acronym for The Personal Information Protection and Electronic Documents Act (PIPEDA) and we will add the presence of Melissa Sullivan at the October 24th meeting in Caraquet.

Motion to adopt the Consent Item Agenda with the two changes.



Moved by Scott Britain
Seconded by Danie Roy

Motion Carried

Business arising

At the Council meeting in October a discussion took place about the distribution of email addresses of Section Members with the Section Chair. Chris Marr, Chair of the Privacy and Technology Section agreed to research the issue. He reported back to Council via an email which was circulated to members of Council. The email contained Chris's interpretation of the regulations and that we are permitted to share the addresses of Section members with the respective Section Chair.

Also, it was reported that we do have the capacity to send emails to all members of 5 years or less called to the bar.

Address by Janet Fuhrer 2nd Vice President CBA (text attached)

Janet expressed her pleasure of being in New Brunswick for our Council meeting and the Mid-winter meetings. She congratulated Deloras O'Neill, chair of the 2014 Midwinter Committee, and the committee for putting together an impressive program for members. She reported on two National initiatives being Equal Justice and the Futures. She added that Université de Moncton students have participated in the initiatives and the final report is being drafted while new content is posted to the National website and there was also a twitter chat. The subject matter was compelling and focused on the future practice of law.

The upcoming National Midwinter meetings are coming up later this month. She encouraged members to get involved in all levels of CBA and noted that the contributions by members make CBA stronger.

Midwinter 2014 Report

Deloras O'Neill, Chair of the Midwinter 2014 Committee, welcomed all to the Midwinter. She shared that she has heard that this will be the best Midwinter in history. She reported that the committee has tried to cover as many areas of law as possible and due to the hard work of the committee there is a balanced program for members. She noted that Kelsey Bingham, Danie Roy, Thomas Raffy and Monique Veillette (all members present at Council) were very active on the Committee and thanked them for their efforts. She highlighted the public forum was spearheaded by Christian Michaud and Thomas Raffy. She acknowledged it was an ambitious undertaking and all are looking forward to it. The panelists represent all sides of the issue. It was also noted that Thomas Raffy was on Reveille this am about the Public Forum and that the forum was receiving some media attention.

The social events alone warrant the trip to Moncton and this year we have left the speeches for the daytime program and evenings would be more for fun and games.

Deloras reported that registrations have gone very well and that there are in excess of 400. Deloras finished by expressing her gratitude to the office for their hard work.

President Kevin Haché thanked Deloras and her Committee for all their hard work.



Professional Development Committee Report

Johanne Thériault serves as co-chair of the committee with Kelsey Bingham and provided the report. Johanne reported that in June 2012 a meeting was held to discuss the future of the PD committee and that it began to lay the ground work for renewing the Committee and setting the ground work for professional development programming that meets the needs of our members. The Committee are identifying the current needs of members and how to involve more members in developing programming. This past year there have been 17 sessions. (10 English and 7 French). There was also an online session offered. They are developing a core program with an emphasis on the September to December window for sessions as this time frame appears to be the most popular amongst members.

Kevin Haché reminded everyone of the free online session available to NB members. He noted that we are trying to determine how many members have taken advantage of the free session.

New Business

- a) Resolutions for the CBA Midwinter - Kimberly Poffenroth serves as a member of the National Resolutions and By-laws committee provided a report. Kim advised that the resolutions are now available online. She highlighted several resolutions dealing with bilingualism specifically the capacity of Supreme Court of Canada; the Appointment of Judges from Quebec to Supreme Court of Canada (will likely have the liveliest debate). Also there is a resolution addressing nondiscrimination on legal education and a permanent committee of Olympic Human rights. The committee meets 2 times per year. David O'Brien reviewed the resolutions and suggested that we might be expected to provide comment on the bilingualism capacity of judges. He felt that other jurisdiction may expect to hear something from NB given our circumstance. He suggested we may want to consider preparing a representation on how we make it work in NB. The Commissioner of Official Languages reported at the CLC in Saskatoon that there was a problem with the appointment of judges who are primarily Anglophones but identify themselves as French speaking and then later determine that they are not able to hear cases in French. We may want to consider some kind of testing mechanism. Discussions took place on whether we should we as a Council makes a representation. Monique Veillette believes that NB has done a good job at addressing the language issue and she offered the example of Judge Baird and the progress she has made in improving her French. Danie Roy felt we should be taking an official position. There was consensus that other provinces might be looking to NB on this issue. The advancement of bilingual capacity of the bench in Canada is important and Council requested that David O'Brien prepare a representation to be made at the Midwinter in Ottawa and circulate it to Council members in advance for approval. The five pages and representation will be circulated among Council if we can get consensus or simple majority we can speak on behalf of Council. Justin Robichaud sent the resolution to Council additionally we will circulate it to those who will be attending the meeting in Ottawa. René Basque, Q.C. spoke to the resolution and as



a perceived leader on the issue it is important that NB take a position and inform the rest of the Country.

- b) 2014 Bursary Nominations for the Université de Moncton Council was advised the recipients of the bursaries as recommended by the Université de Moncton Awards Committee.
1re année-Mélissa MacMullin
2e année-Samuel LeBlanc

Motion to adopt the recommendations of the Université de Moncton's Awards Committee and that Mélissa MacMullin and Samuel LeBlanc be awarded the 1st and 2nd year bursaries respectively.

Moved by Monique Veillette
Seconded by Thomas Raffy

Motion carried

- c) Call for Nominations for National Standing Committees (April 15, 2014) <http://www.cba.org/CBA/groups/committees/committees.aspx>
Council was encouraged to share the Call for Nominations to the National Standing Committees.

Presentation by Sheila Cameron, Q.C. on "Access to Justice"

Candidates National 2nd Vice President

The meeting was reconvened following lunch and the two Candidates for 2nd Vice President National, René Basque, Q.C. and Daniel MacRury, Q.C. addressed Council for 10 minutes each.

Reports

- Treasurer's Reports
 - Audited Financial Statements for 2012-2013 were distributed in advance of the meeting and Deloras O'Neill provided an overview with a power point presentation.

Motion to approve Audited Financial Statements as circulated

Moved by Monique Veillette
Seconded by Danie Roy

Motion carried

- Financial Statements for 2013-14 Treasurer Ann Whiteway Brown, Q.C. provided an overview and power point presentation. All members received the materials in advance of the meeting

Motion to approve the financial statements for 2013-2014 as presented

Moved by Ann Whiteway Brown



Seconded by Steven Christie

Motion Carried

- President's Report was given by Kevin Haché
- Kevin reported that the last meeting was held in November so not much has taken place. He did attend the swearing in of Justice Arseneault. He is looking forward to the meeting later this month in Ottawa for Board and Council meetings. He serves on the finance committee nationally. There was a teleconference each month of the executive. The last National meeting was held by teleconference due to budgetary constraints and he noted that he will be speaking in opposing of any such future meetings as it lacked productivity and was more on an update than meeting or exchange.
- Vice-President's Report was given by Deloras O'Neill
Deloras opened saying that she had little add since most of her last few months have been focused on the Midwinter and that her report early in the day covered that off.
- Past President's Report – David O'Brien, Q.C. reported that he was happy to fill in for the president when Kevin was not able to do so but otherwise that there has not been a lot for his duties as Past President.

Other Business

Bench and Bar update was provided by Danie Roy. Danie reported that there was a meeting held Jan 14th of the Committee comprised of Judge Smith, Judge Cyr, Maria Henheffer and Marc Richard. Danie reported that she brought forward the concerns expressed by Council last year regarding the variance in practices from Court to Court around the province. She shared CBA NB's interest in provided any assistance that might be offered. The judges brought up that the attire of some members of the bar is not presenting themselves appropriately. There will likely be a memo from the LSNB about the attire when appearing in Courts. She has not had any feedback on our comment/concern to date. Otherwise the meeting was a good one. There were informal discussions that were helpful. Chief Justice Smith provided comment with respect to unified court as well as the court administration.

She invited any comments or concerns that we might have.

Deloras O'Neill indicated that our concern was fairly direct and it is surprising that we might not get any direct response.

Kevin Haché suggested we might suggest send an email to our member soliciting input from members.

Trinity Western University application to the Federation of Law Societies– Kevin Haché encouraged everyone to review the resolution pertaining to nondiscrimination on legal education.

Justin Robichaud suggested that we add access to justice on our next agenda for June. We will attempt to develop a session for discussions for the June meeting.

The next council meeting will be June 27, 2014, in St. Andrew's.



THE CANADIAN BAR ASSOCIATION

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