Continuing Professional Development Committee Report
Ian Rennie, Chair

This year’s Committee consisted of Cherie Jarock, Paul Parker, William Rouse, Candace Seddon, and Matt Young.

The Continuing Professional Development (CPD) Committee for 2013 was composed of five members and was supported by Nancy Zimmerman and Ben Russo. It met about four times over the year.

Its official mandate is three-fold:

1. To educate the Society’s membership by sponsoring or funding seminars on various legal topics of current interest or importance

2. To provide resources to the Society’s membership, such as video and reading materials, relating to topics of current interest and importance; and

3. To educate the public regarding legal issues when fiscally possible.

To achieve the first objective, the Committee engages in planning of CPD courses with the assistance of various members, the CBA-NT Branch and its sections and other national bodies including the CBA-National Branch and other Law Societies. There are numerous CPD opportunities for members. The Committee recognizes that the CPD programming provided by the CBA is significant and members who need CPD time should seriously exploit the opportunities provided by the CBA in the North.

The Committee continued to ensure the members of the Society have access to 12 hours of CPD material provided free of charge during the year. Approximately 14.5 hours were provided this year (from AGM to AGM). These CPDs ranged from a CBA-NT session with Justice Marc Rosenberg of the Ontario Court of Appeal and Professor Hamish Stewart to presentations by individual members on everything from the Society’s discipline process to the risks of computer metadata. An inventory of these CPD events is in the Appendix to this report.

To achieve the second objective, typically most CPD events are video recorded and the materials are retained and provided to members on request. Teleconference facilities are also available for members who do not reside in Yellowknife and who wish to participate in scheduled CPD events. Webinars are commonly used especially with CBA events.

The Committee has not engaged in the third objective. It does however note that the Law Society has made resources available to the public on its website (lawsociety.nt.ca/public), during Law Week activities and through its Lawyer Referral Service.

The Committee has achieved its goals. The Committee expresses its appreciation for
those members of the Bar who presented CLEs on their own. Such presentations are of minimal cost to the Society and allow members to teach (and learn from) their colleagues. While there is at present no special credit for such presentations, some jurisdictions recognize 3 hours of CPD for every 1 hour of teaching – in order to account for preparation and teaching time. Giving CPD credits encourages individuals to present. Possibly establishing a similar incentive in the Rules of the Society might be worth considering.

The Committee also notes that in other Law Societies nationally CPD courses and credits are assessed. While the Law Society of the Northwest Territories has made deliberate efforts not to accredit, the assessments by other Law Societies may have an impact on Northwest Territories CPD credits claimed by members of other Law Societies in their annual CPD reporting for those other Law Societies (and many of those other members are also members of the Law Society of the Northwest Territories). To this end the Committee will be paying special attention to the course descriptions of local CPD events that are published and proposes that the following criteria, as they apply, are identified in the descriptions of CPD events:

- substantive law;
- procedural law;
- professional ethics;
- practice management (including client care and relations);
- lawyering skills.

These five criteria may be used by other Law Societies in determining if a CPD event should be approved or not. The criteria are based on the criteria used by the Law Society of British Columbia – considered to be representative of all other Law Societies.

The Committee can always use more volunteers to assist in its work. This is a good Committee for members to join and observe how the Society’s committees function. Please consider volunteering for the Committee.

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**Inventory of CPD Events Run in Yellowknife through the Law Society of the Northwest Territories, CBA-NT Branch and Others from 1 December 2012 to 7 December 2013**

**Introduction: Association in Defence of the Wrongly Convicted (AIDWYC)**

**AIDWYC | MAY 1, 2013 | IN-PERSON | 1.0 HOURS | CRIMINAL**

The Association in Defence of the Wrongly Convicted (AIDWYC) is a national non-profit organization with a dual mandate: preventing wrongful convictions through education and legislative reform, and correcting cases of wrongful convictions through legal proceedings. Currently, 68 volunteer lawyers from across the country are reviewing upwards of 80 cases. Historically, AIDWYC has received very few applications from the Territories. The organization suspects there will soon be an influx of applications by virtue of its recent Public Legal Education Campaign, and will require new case reviewers with experience specific to the realities of legal procedure in the Territories.

**Time is Money: Effective Time Management for Lawyers**

**CBA (SLS.C) | NOV 27, 2013 | LIVE WEBINAR | 1.0 HOURS | PRACTICE MANAGEMENT**

As time is inextricably linked to income for most lawyers, it is important for every lawyer to learn how to "OWN their time". Whether you feel overwhelmed with tight deadlines and competing priorities or are simply looking for a more effective way to manage your time, you must clear your schedule for this program.
Drafting Effective Retainer Agreements
CBA (SLS.C) | NOV 19, 2013 | LIVE WEBINAR | 1.0 HOURS | PRACTICE MANAGEMENT
Retainer agreements are one of the most powerful risk management tools for lawyers. This informative session will show you how to take advantage of this unique opportunity to clearly define the terms of your engagement. Our knowledgeable speakers will share practical tips on how to draft effective retainer agreements and how to avoid the most common traps.

Setting up Your Practice
CBA (SLS.C) | NOV 6, 2013 | LIVE WEBINAR | 1.0 HOURS | PRACTICE MANAGEMENT
Thinking about starting your own firm? Not sure where to start? Well you’ve come to the right place! Our experienced speakers will answer all your questions about setting up your practice in this interactive session. Gain a better understanding of professional and governmental compliance, the pros and cons of various practice arrangements, resources available for solo and small firm practitioners and more!

Risk Management for Business Lawyers
CBA | JUN 18, 2013 | IN-PERSON | 1.5 HOURS | PRACTICE MANAGEMENT

Federal Conservation Statutes
CBA | JUN 11, 2013 | IN-PERSON | 1.5 HOURS | ENVIRONMENTAL

Employment-Related Class Action Litigation
CBA | MAY 21, 2013 | LIVE WEBINAR | 1.5 HOURS | ADMINISTRATIVE
This webinar will explore the current class action regime in Canada and how we have seen it used in the employment law context. We will look at some of the challenges faced in launching this type of litigation, and where plaintiffs have been successful in bringing forward these claims. Our panel is comprised of experienced class action counsel, including counsel from the United States, who will help to shed light on some of the strategies used in employment-related class action litigation by our neighbours to the south.

Witten Advocacy Drafting the Winning Factum
CBA | MAY 7, 2013 | IN-PERSON | 1.5 HOURS | SKILLS DEVELOPMENT

Share Capital Design
CBA | APR 29, 2013 | IN-PERSON | 1.5 HOURS | COMMERCIAL

Assessing Your Case for Appeal
CBA | APR 16, 2013 | IN-PERSON | 1.5 HOURS | SKILLS DEVELOPMENT

Environmental Issues in Corporate Transactions
CBA | APR 4, 2013 | IN-PERSON | 1.5 HOURS | ENVIRONMENTAL

Labour and Employment Due Diligence
CBA | FEB 28, 2013 | IN-PERSON | 1.5 HOURS | LABOUR

Recent Issues in Oil and Gas Law
CBA | FEB 28, 2013 | IN-PERSON | 1.5 HOURS | ENVIRONMENTAL
National Environment, Energy and Resources Law Section

Ethics for Litigators (Replay)
CBA | FEB 25, 2013 | IN-PERSON | 1.5 HOURS | SKILLS DEVELOPMENT

Key Federal Energy Statutes
CBA | FEB 21, 2013 | IN-PERSON | 1.5 HOURS | ENVIRONMENTAL
National Environment, Energy and Resources Law Section

Preparing for Arbitration
CBA | FEB 12, 2013 | IN-PERSON | 1.5 HOURS | SKILLS DEVELOPMENT
Tricks and Traps of Financial Statements: A Lawyer’s Guide
CBA | JAN 31, 2013 | IN-PERSON | 1.5 HOURS | SKILLS DEVELOPMENT
This informative session will provide a practical overview of financial statements as they relate to a corporate lawyer’s practice. Our experienced speakers will review important notions through the use of concrete and real-life examples. Learn how to identify potential red flags and understand the various ways in which “creative accounting” can be used to mask a company’s true financial condition.

Canadian Environmental Protection Act - Toxics Regulation
CBA | JAN 22, 2013 | IN-PERSON | 1.5 HOURS | ENVIRONMENTAL
National Environment, Energy and Resources Law Section

Mediation Advocacy
CBA | JAN 15, 2013 | IN-PERSON | 1.5 HOURS | SKILLS DEVELOPMENT

Section 276 Applications
CBA-NT | NOV 15, 2013 | IN-PERSON | 1.5 HOURS | CRIMINAL
Learn the basics and the strategy behind making and responding to Section 276 Applications from Honourable Madam Justice Louise Charbonneau, Assistant Chief Prosecutor Susanne Boucher, and Criminal Defence Counsel Caroline Wawzonek.

A Walkthrough on the Ignition Interlock Program
CBA-NT | FEB 15, 2013 | IN-PERSON | 1.0 HOURS | MOTOR VEHICLES
Representatives from the GNWT’s Dept. of Transportation, Road Licensing and Safety Division, provided a detailed overview of the newly developed Ignition Interlock Program. The program, as well as its companion High Risk Drivers Program (HRDP), is modeled on best practices in Alberta and Manitoba and is scheduled to be launched in Spring 2013.

Turning Policy Into Law - From Policy Formulation to Legal Drafting & Enactment
IPAC | NOV 22, 2013 | TELECONFERENCE | 1.5 HOURS | ADMINISTRATIVE
Transforming a broad government policy objective into enforceable legislation is a process with many stages, involving teams of specialist officials with a variety of responsibilities and skills working together. While the law and policy development are often separate fields of academic study, in government practice, close collaboration and mutual understanding is essential. In this panel presentation, three practitioners with a breadth of professional experience and responsibility in this domain will describe the key stages of formulating policy and then transforming it into law, including public consultation, departmental analysis and Ministerial recommendation, cabinet decision-making, and legislative drafting and enactment.

Equity in Employment: Is it Just about Sex
IPAC | MAY 1, 2013 | TELECONFERENCE | 1.0 HOURS | ADMINISTRATIVE
In the Northwest Territories, the concept of equal pay applies only to sex and only to the public sector. Equity in employment is about more than rights to equal pay. This event will examine the principles of equity in employment in a broader context. One might ask what an equitable workplace might look like in terms of both pay and representation if examined from different perspectives. Should sex be the only relevant characteristic? Should we assess equity in employment by examining other relevant factors? What does equitable representation mean if characteristics like gender or culture influence what work we want to do? These questions and concepts will be explored by human rights scholar and advocate Nitya Iyer.

The Role of the European Union in Arctic Matters
LSNU | FEB 1, 2013 | TELECONFERENCE | 2.0 HOURS | ADMINISTRATIVE
Two renowned International Law professors, Mar Campins and Yves Lebouthillier, discuss the role for the European Union in Arctic Governance, including legal and policy issues, and look at the Seal Product Case currently before the WTO.

The Discipline Process Explained
LSNT | OCT 25, 2013 | IN-PERSON | 1.5 HOURS | PROFESSIONAL RESPONSIBILITY AND ETHICS
The chair of the Discipline Committee will explain how the disciplinary process under the Legal Profession Act works. As a self-governing profession, the discussion will begin from the commencement of an investigation, the possibility of a mediated resolution process, and conclude with a discussion of proceedings before a Sole Inquirer or Committee of Inquiry. There will be a discussion of what constitutes "professional misconduct" and "conduct unbecoming a barrister and solicitor," the two components of unprofessional conduct.

Surveying and Enjoying the Practice of Law
LSNT | APR 29, 2013 | IN-PERSON | 1.0 HOURS | PROFESSIONAL RESPONSIBILITY AND ETHICS
The Legal Professional Assistance Conference (LPAC) of the Canadian Bar Association will be presenting a Lunch & Learn session that will look at the
challenges facing lawyers at various stages of their practice and will provide tools on how to survive the challenges in your practice and increase your enjoyment of the practice of law. Lunch will be provided.

**Avoiding Common Errors at Corporate Registries Filings**

*LSNT | APR 25, 2013 | IN-PERSON | 1.0 HOURS | PRACTICE MANAGEMENT*

Donn MacDougall (Manager, Securities & Corporate, Legal Registries, GNWT Justice) returns to provide insight into documentary hearsay, common errors to avoid with all documents, specific errors by document type, and a brief discussion regarding Commissioners for Oaths. Following this, Mr. MacDougall will guide attendees on a preview of the long-awaited Legal Registries web interface, the "Corporate Registries Online System (CROS)".

**The Exclusion of Evidence: Developments on Section 24(2) of the Charter**

*LSNT | MAR 15, 2013 | IN-PERSON | 2.0 HOURS | CRIMINAL*

Join us Friday, March 15, 2013 for an extended Lunch & Learn featuring the Hon. Justice Marc Rosenberg, Ontario Court of Appeal, and Professor Hamish Stewart, University of Toronto, as they discuss recent developments in the law dealing with Section 24(2) of the Charter of Rights and Freedoms.

**The Daniels Case: Defining "Indian"**

*LSNT | MAR 13, 2013 | IN-PERSON | 1.0 HOURS | ADMINISTRATIVE*

After 13 years of litigation, the Federal Court of Canada in Daniels v. Canada made a historic declaration that Métis and non-status Aboriginal people are "Indians" under s.91(24) of the Constitution Act, 1867. While the case is now under appeal, it nonetheless raises profound questions about the relationship between indigenous people and Canada generally and the continuing conundrum of indigenous identity.

**How to be a Board Member**

*LSNT | MAR 8, 2013 | IN-PERSON | 1.0 HOURS | CORPORATE*

Participating on a board is very rewarding. Volunteer points accumulate quickly, and the community runs that much smoother. But the task can appear daunting and even scary, especially for a legal professional. Long-time board veterans Rebecca Alty and Glenn Tait take on the do's and don'ts with being a board member. If you've ever thought twice about joining a board, this session is for you.

**Succession and Disaster Planning**

*LSNT | FEB 26, 2013 | IN-PERSON | 1.0 HOURS | PRACTICE MANAGEMENT*

One day, you may suddenly stop showing up for work. The concept is frightening and often ignored by lawyers and other professionals, but the consequences are dire for the lawyer, their family and colleagues, their clients and the legal profession as a whole. Join Practice Advisors Ross McLeod, QC, and Jocelyn Frazer as they explore the reasons behind succession planning and best practices for creating a plan. They will also discuss this vital part of any lawyer's practice as it relates to the FLSC's Model Code. All members are strongly encouraged to attend this noon-hour seminar.

**Metadata: What you Don't Know may Harm You**

*LSNT | FEB 1, 2013 | IN-PERSON | 1.0 HOURS | PROFESSIONAL RESPONSIBILITY AND ETHICS*

Ian Rennie, Legislative Division (GNWT Justice), reveals and deciphers the invisible information found in all digital documents known as metadata. Find out what it contains, why it's there and how it's used, and learn how to protect yourself, your clients and your practice when sharing documents and emails.

**Recent Legislative Changes to Criminal Law**

*LSNT | JAN 11, 2013 | IN-PERSON | 1.0 HOURS | CRIMINAL*

The Hon. Justice L. Charbonneau, Supreme Court of the NWT, Susanne Boucher (PPSC) and Caroline Wawzonek (Criminal Law Section) identify recent key changes in legislation that may affect criminal lawyers and their clients in this interactive discussion. (Criminal Code, CDSA, and Youth Criminal Justice)

**Resarching Historical Statutes**

*LSNT | JUL 12, 2012 | IN-PERSON | 1.0 HOURS | ADMINISTRATIVE*

Mark Aitken (Director, Legislation Division, Dept. of Justice, GNWT) provides an encore special hands-on seminar at the Yellowknife Courthouse. Using provided texts, you will learn how to source historical statutes and reference legislation based on points in time.