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THE 2010 ANNUAL *Church & Charity Law*™ Seminar

Thursday, November 18th, 2010

“RECENT DEVELOPMENTS IN THE LAW”

WELCOME

Welcome to the 2010 Annual *Church & Charity Law*™ Seminar, which is designed to assist churches and charities in understanding developing trends in the law in order to reduce unnecessary exposure to legal liability. Although the topics presented are directed at churches and charities, many aspects of the presentations will also be of interest to not-for-profit organizations.

The Annual *Church & Charity Law*™ Seminar, held every year since 1994, is presented by **Carters Professional Corporation (Carters)**, a law firm experienced in advising churches, charities and not-for-profit organizations across Canada, as well as internationally. The firm is assisted by four expert guest speakers this year.

CHECK-IN

If you have REGISTERED AND PAID the registration fee, please obtain your name tag and handout package at the “Welcome Centre” on the main level and then help yourself to complimentary coffee and muffins in the Gym.

If you NEED TO PAY the registration fee, please proceed to the “UNPAID AND NEW REGISTRATION” desk as you enter the building. The registration fee can be paid by cash or cheque payable to *Carters Professional Corporation*. Please obtain a handout package from one of our greeters for more information.

LUNCH

While complimentary coffee is provided throughout the day and muffins in the morning, lunch is not included unless shown on your name tag. Our caterer will have assorted sandwiches, vegetables and dip, assorted cookies, fruit, coffee, tea and juice for those that have purchased tickets. The Church has requested that **food and beverages** be consumed only in the Gym and Foyer areas, **not** in the Auditorium.

RESOURCE MATERIALS

Included in this handout package are copies of today's presentation materials. These materials, along with numerous other articles, seminar materials, and newsletters of interest to churches and religious charities, including back issues of *Charity Law Bulletins*, *Church Law Bulletins*, and *Charity Law Updates* are available free of charge at our websites of www.charitylaw.ca, www.churchlaw.ca, www.antiterrorismlaw.ca and www.carters.ca. A few select *Church Law* and *Charity Law Bulletins* are on display at the Carters booth in the entrance Foyer. A list of all *Bulletins* to date is available in this package for ease of reference.

CHARITY LAW UPDATE

If you did not include your email address with your registration form and would like to be added to our free e-mail distribution list of the monthly newsletter “Charity Law Update”, please add you're your name and e-mail address to our Sign-Up List at our booth in the entrance Foyer.

QUESTION PERIOD

Questions are encouraged and will be answered at the end of the day for those who would like to remain. A question sheet is provided at the back of this handout and should be left at the front podium in the Auditorium at any time before 3 p.m.

ACKNOWLEDGEMENTS

We gratefully acknowledge and thank the pastors, leadership, and congregation of the **Portico Community Church** for the use of their facilities. We would like to also acknowledge and thank Cathy Hawara, Ken Goodman, Ken Hall, and Teresa Douma for their contributions as guest speakers at this year's seminar. All speakers have freely volunteered their time for this event.

We would also like to recognize the sponsors and resource materials provided for the 2010 Annual *Church & Charity Law* Seminar: Canada Revenue Agency, Canadian Council of Christian Charities, Dickinson+Hicks Architects Inc., Imagine Canada, LexisNexis Canada Inc., RBC Royal Bank, and Robertson Hall Insurance.

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THE 2010 ANNUAL
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Thursday, November 18th, 2010

AGENDA

7:45 a.m.	Check-In (Coffee, Tea, Juice and Muffins provided)	
8:30 a.m.	Opening Remarks and National Anthem	
8:40 a.m.	Essential Charity Law Update	Karen J. Cooper
9:10 a.m.	What the Federal Budget Disbursement Quota Reform Will Mean for your Charity	Theresa L.M. Man
9:40 a.m.	Directors and Officers Liability: Real World Examples of Insurance Claims Against Charities in Canada	Kenneth A. Hall
10:10 a.m.	Morning Break (Coffee and tea provided)	
10:35 a.m.	Recent Corporate Law Reform: Overview and Practical Tips	Terrance S. Carter
11:05 a.m.	From Hiring to Firing: Practical Tips to Avoid Employer Liability	Barry W. Kwasniewski
11:30 a.m.	Fiduciary Considerations Involving Charitable Property	Kenneth Goodman
12:00 p.m.	Lunch Break	
12:55 p.m.	An Overview of Human Rights Issues for Charities and Not-for-Profits	Mervyn F. White
1:25 p.m.	Perspectives on the Christian Horizons Decision: Maintaining Religious Identity	Jennifer M. Leddy
1:50 p.m.	Maintaining Proper Books and Records: What You Need to Know	Teresa Douma
2:15 p.m.	What's New at the Charities Directorate	Cathy Hawara
3:00 p.m.	Question Period	
3:30 p.m.	Program Ends	

Please see **Speaker Biographies** on the following pages.

Please take a moment to complete the **Evaluation Form** included at the back of this handout to help us make the next Annual *Church & Charity Law™* Seminar even better.

SEMINAR HOSTS

Carters Professional Corporation is a law firm with expertise in the area of church, charity and not-for-profit law and is committed to assisting clients in avoiding legal problems before they occur through effective legal risk management advice, including assistance with:

- Anti-terrorism Policy Statements
- Charity Legal Audits
- Charitable Organizations & Foundations
- Charitable Registrations
- Charitable Trusts
- Church Discipline Procedures
- Church Incorporation
- Corporate Record Maintenance
- Director and Officer Liability
- Dissolution and Wind-Up of Charities
- Domain Name Management
- Ecological Gifts
- Employment Issues
- Endowment Agreements
- Foreign Charities Commencing Operations in Canada
- Fundraising and Gift Planning
- Gift Acceptance Policies
- Human Rights Litigation
- Insurance Issues
- Interim Sanctions
- International Trade-mark Licensing
- Investment Policies
- Legal Risk Management Assessments
- Litigation and Mediation Counsel
- National and International Structures
- Privacy Policies and Audits
- Religious Denominational Structures
- Sexual Abuse Policies
- Special Incorporating Legislation
- Tax Compliance
- Tax Opinions and Appeals
- Trade-mark and Copyright Protection

PROTECTION FROM REGULATORY OFFENCES FOR CHURCHES AND CHARITIES

Churches and charities often face significant liability and financial challenges due to increasing enforcement of federal and provincial regulatory legislation dealing with such matters as water, working conditions and environmental issues. Carters is able to provide advice and assistance at all stages from an initial investigation through to a full defence at a trial. For more information, contact Bruce Long at Carters (1-877-942-0001 x404).

SEMINAR SPONSORS

Carters would like to thank the following companies for their sponsorship of the Annual *Church & Charity Law*[™] Seminar that helps to keep the registration fee to a minimum:

- **LexisNexis Canada Inc.**, Tel: 1-800-668-6481, www.lexisnexis.ca
- **RBC Royal Bank, Commercial Financial Services, Not for Profit Markets**, Tel: 416-974-3471, www.rbcroyalbank.com/commercial/not-for-profit
- **Dickinson+Hicks Architects Inc.** Tel: 519-941-0912, www.dickinson-hicks.com

SEMINAR RESOURCE EXHIBITORS

We are pleased to make resource materials from the following organizations available in the Foyer.

- **Canada Revenue Agency**, www.cra.gc.ca/charities
- **Canadian Council of Christian Charities**, www.cccc.org
- **ChristianWeek**, www.christianweek.com
- **Dickinson+Hicks Architects Inc.**, www.dickinson-hicks.com
- **Imagine Canada**, <http://charitytax.imaginecanada.ca>
- **LexisNexis Canada Inc.**, www.lexisnexis.ca
- **Robertson Hall Insurance**, www.robertsonhall.com
- **RBC Royal Bank, Commercial Financial Services, Not for Profit Markets**, www.rbcroyalbank.com/commercial/not-for-profit

GENERAL DISCLAIMER

At the end of each presentation, please note the Disclaimer that applies: This handout is provided as an information service by Carters Professional Corporation. It is current only as of the date of the handout and does not reflect subsequent changes in the law. This handout is distributed with the understanding that it does not constitute legal advice or establish a solicitor/client relationship by way of any information contained herein. The contents are intended for general information purposes only and under no circumstances can be relied upon for legal decision-making. Readers are advised to consult with a qualified lawyer and obtain a written opinion concerning the specifics of their particular situation. © 2010 Carters Professional Corporation

SPEAKER BIOGRAPHIES



Terrance S. Carter – Managing Partner of Carters, Mr. Carter practices in the area of charity and not-for-profit law, is counsel to Fasken Martineau DuMoulin LLP on charitable matters, is a member of the Technical Issues Group of Canada Revenue Agency's (CRA) Charities Directorate representing the Canadian Bar Association (CBA), a past member of CRA's Charity Advisory Committee, Chair of the National Charities and Not-for-Profit Section of the CBA, and has been recognized as a leading expert by Lexpert and The Best Lawyers in Canada. Mr. Carter is also editor of www.charitylaw.ca, www.churchlaw.ca and www.antiterrorism.ca, and a consulting editor of *Charities Legislation and Commentary*, 2010 Edition (LexisNexis Butterworths, 2010).



Karen J. Cooper – A partner with the firm, Ms. Cooper practices charity and not-for-profit law with an emphasis on tax issues at Carters' Ottawa office, having formerly been a Senior Rulings Officer with the Income Tax Rulings Directorate of Canada Revenue Agency, as well as former counsel for the Department of Justice in tax litigation. Ms. Cooper also has considerable teaching experience, including as part-time professor at the University of Ottawa, Faculty of Common Law, and is a contributing author to *The Management of Charitable and Not-for-Profit Organizations in Canada* (LexisNexis Butterworths).



Teresa Douma – Ms Douma is Senior Director, Legal Affairs at the Canadian Council of Christian Charities (CCCC). The CCCC is a Christian charity that works to integrate spiritual concerns of ministry with practical aspects of management, stewardship and accountability. She graduated with a law degree from the University of Western Ontario, and was called to the Bar in September 2002. Her B.A (Hon.) is from the University of Waterloo. Prior to joining CCCC, Teresa was a lawyer with Miller Thomson LLP in the Waterloo Region focusing on corporate and charity law.



Kenneth R. Goodman - Deputy Public Guardian and Trustee - Director Legal Services, he received his B.A. from York University (Toronto, Ontario) and his LL.B. from the University of Windsor Law School. He was called to the Ontario Bar in 1982. He was in private practice before joining the Ministry in 1990 and joined the Office of the Public Guardian and Trustee in 1998. While in private practice Mr. Goodman was actively involved as a director and officer of several charities. He is a member of the OBA (Ontario Bar Association) Charity and Not-For-Profit Law Section Executive. In 2007, he received the AMS John Hodgson Award, from the OBA, for contribution and development of law in the charitable sector. He has written and lectured on family law, charity and trust law matters.



Kenneth A. Hall –President of Robertson Hall Insurance, Mr. Hall specializes in insurance protection and risk management advice for over 5,500 churches and Christian charities across Canada. He is a frequent presenter at national denominational conferences, para-church leadership gatherings and various regional seminars. His "Facing The Risk" series of articles highlights the current issues facing Christian charities and their leaders, including abuse prevention, board governance, counselling services and injury prevention. Mr. Hall's most recent publication is entitled "Liability 101 for Christian Charities" and is part of Robertson Hall's continuing commitment in educating board members and ministry staff to better understand insurance and as a result be able to make more informed decisions in purchasing the right kinds of coverage for effective protection in an ever-changing world and legal climate.



Cathy Hawara – The Commissioner of the Legislative Policy & Regulatory Affairs Branch – Canada Revenue Agency (CRA) recently announced that effective October 5, 2010, Cathy Hawara has been appointed as Director General of the Charities Directorate of (CRA). Ms. Hawara has been the Acting Director General of the Charities Directorate since September 2009, and is responsible for the overall management of the federal regulation of registered charities under the *Income Tax Act*. Prior to joining CRA, Ms. Hawara served as the Director of Appointments with the Senior Personnel Secretariat at the Privy Council Office from 2007 to 2009. From 2004 to 2006, Cathy was Executive Assistant to the Deputy Minister of Social Development. Cathy also worked as an officer in the Machinery of Government Secretariat at the Privy Council Office.



Barry Kwasniewski - Mr. Kwasniewski joined Carters' Ottawa office in October 2008 to practice in the areas of employment law, charity related litigation, and risk management. Called to the Ontario Bar in 1990, Barry has a wide range of litigation experience, including in commercial disputes, personal injury, long-term disability, employment, insurance defence, and professional liability. Barry is a volunteer lawyer at Reach Canada, an organization that assists people with disabilities with their legal problems, is on the Board of directors of the Vista Centre, an Ottawa based not-for-profit organization that provides support to persons living with the effects of acquired brain injury, and has assisted in several United Way campaigns.



Jennifer Leddy – Ms. Leddy joined Carters' Ottawa office in March 2009 to practice charity and not-for-profit law following a career in both private practice and public policy. Ms. Leddy practiced with the Toronto office of Lang Michener prior to joining the staff of the Canadian Conference of Catholic Bishops (CCCB). In 2005, she returned to private practice until she went to the Charities Directorate of the Canada Revenue Agency in 2008 as part of a one year Interchange program, to work on the proposed "Guidelines on the Meaning of Advancement of Religion as a Charitable Purpose."



Theresa L.M. Man – A partner with Carters, Ms. Man practices in the area of charity and not-for-profit law, with particular emphasis on tax issues. She is an Executive Member of both the Charity and Not-for-Profit Sections of the Ontario Bar Association (OBA) and the Canadian Bar Association (CBA). In addition to being a regular speaker at the annual *Church & Charity Law*[™] Seminar, as well as various seminars and conferences including those held by the CBA and OBA, the Canadian Association of Gift Planners, Imagine Canada (Charity Tax Tools) and the Ontario Tax Foundation, Ms. Man has also written articles for *The Lawyers Weekly*, *Briefly Speaking* (of the Ontario Bar Association), *The Philanthropist*, *The Bottom Line*, *Canadian Fundraiser eNews*, and *Charity Law Bulletin*.



Mervyn F. White –A partner with Carters, Mr. White practices litigation and dispute resolution in areas of the law including charity and not-for-profit law, human rights complaints, and risk management assessments relating to insurance law and human rights. Mr. White is a contributing author to *The Lawyers Weekly*, *Charity Law Bulletin* and *Church Law Bulletin*, and a regular speaker at the annual *Church & Charity Law*[™] Seminar and guest speaker for organizations such as Canadian Fundraiser, the Association of Fundraising Professionals, and the Christian Legal Intervention Academy.