

Chair's newsletter

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NEWS FROM THE CANADIAN INSOLVENCY FOUNDATION

The Canadian Insolvency Foundation (CIF) is back. The CIF Board has approved a series of activities designed to reinforce the mission of the CIF by bringing people together from across the broad insolvency community.

» In November, the CIF launched a new series of Lunch 'n' Learn seminars across the country. **Dr. Janis Sarra** spoke to large groups in Montreal, Toronto, Vancouver, and Halifax about her recent paper, *"Examining the Insolvency Toolkit,"* which she wrote as winner of the 2011 Lloyd Houlden Research Fellowship. She was introduced at each venue by a prominent member of the insolvency community, underlining the ability of the CIF to share research and promote dialogue at the highest level.



CAIRP's President and COO Mark Yakabuski with Allan Nackan from Farber Financial Group at the latest Lunch & Learn Seminar in Toronto

» The CIF has commissioned a biography of the **Honourable Lloyd W. Houlden**, distinguished lawyer and judge who contributed enormously to the insolvency community, and who passed away this summer. The biography will be available for distribution at the upcoming Annual Review of Insolvency Law Conference in Montreal on February 8, 2013. This biography will also be published as an insert in the February edition of Rebuilding Success. In this way, CIF will reach nearly 5,000 members of the insolvency community with this tribute recognizing Mr. Justice Houlden's enduring achievements.

» In addition to the Lloyd Houlden Memorial Research Fellowship, CIF's annual main prize for significant research on insolvency issues, the CIF is initiating a series of smaller awards to encourage research on other aspects of the insolvency system. It is hoped that this new vehicle will promote research on some of the priority issues identified by CAIRP in advance of the 2014 legislative review of the BIA and CCAA. Applications for the new "CIF Research Awards" will be distributed in February.

Through these activities, CIF hopes to significantly improve its public profile and create an important forum to bring the broader insolvency community together.

STRATEGIC PLAN UPDATE

The Strategic Plan (the “Plan”) approved by CAIRP’s Board of Directors in May 2012 and delivered to the membership at our Annual General Meeting in Banff in August represents the culmination of a full year of consultations, face-to-face meetings, conference calls and document revisions. The Plan, if effectively implemented, will guide many of CAIRP’s activities over the coming years and will help to secure our role as the “Go-To Association” for all matters relating to insolvency and restructuring.

The Strategic Plan Committee felt that if the ambitious goals set out in the Plan were to be achieved, it was critical that our President and Chief Operating Officer be responsible for overseeing the Plan’s timely implementation and for regularly updating the Executive and the Board on progress made. To that end, an Implementation Committee was struck comprised of past Strategic Plan Committee members **Ian Penney**, **Craig Munro** and **Mark Yakabuski**, Chair **Guylaine Houle**, and members **Perry Krieger** and **Randy Kobbert**.

The Implementation Committee prepared Terms of Reference for each task force laying out key expectations and time frames. It then immediately went to work

finding volunteers. It was decided that five members were required to ensure a diverse, yet functional task force. Careful consideration was given to include at least one new member on each task force, ensure the various geographies were represented and to balance corporate and consumer representatives (where appropriate).

The newly struck task forces include:

- » Media Task Force
- » Website Task Force
- » Name Review Task Force
- » Corporate Advocacy Task Force
- » Consumer Advocacy Task Force

With virtually all the positions filled before the end of October, the Implementation Committee successfully worked together with task force chairs to ensure inaugural meetings were held in November. To ensure the knowledge gained over the past year is properly transferred on a timely basis to the various task forces, the members of the original Strategic Plan Committee have agreed to make themselves available to support CAIRP’s President and Chief Operating Officer **Mark Yakabuski** and the task force chairs as they begin their work. ■

CHAIR'S MESSAGE

Public Perception and the 2012 Strategic Plan

The CAIRP's new Strategic Plan was unveiled in Banff at the 2012 Annual Conference. Taking into consideration the greatest concerns of the CAIRP's membership, the Plan embraces the three pillars of the 2007 Strategic Plan: Advocacy, Education and Professional Recognition.

The difference, however, is the increased emphasis on Public Perception, and the difficulties in creating a positive public perception of trustees and our constructive role in the world of finance. This may in fact be the biggest challenge faced by CAIRP members.

Positive public perception is the number one priority

Following the 2007 Strategic Plan, the priority was Education, and countless hours devoted by our motivated volunteers have helped us bridge the gap and progress as an association.

The Chartered Insolvency and Restructuring Professional's expertise is unequalled in the Canadian insolvency community as a result of our excellent qualification program. Our professional reputation was critical to the successful review of the Trustee Licensing Regulatory Framework, based on the submission prepared by the CAIRP.

How do we get from here to there?

Today, the challenge of raising awareness of the positive impact CAIRP members can have in the financial world will require creative thinking, innovation, commitment and hard work from members.

The keys to the success of this campaign will be a creative strategy, and strong, effective, sustained deployment to help position CAIRP members in a more positive public light. Of the five task forces in the plan, three are dedicated to branding elements of the 2012 plan. These are: Media, Website and Name.

In addition, the 2012 Strategic Plan provides for two advocacy task forces: one for consumer advocacy and

another for commercial advocacy. These task forces will be responsible for identifying and understanding the issues considered most important by both consumer and commercial practitioners. The CAIRP wants to better understand these issues and identify possible solutions. Ultimately, the goal is to enhance the quality and relevance of the services which all CIRPs can provide.



Guylaine Houle

A few good men (and women!); what you can do to help

Members of the Strategic Plan Committee added a new pillar to the plan: volunteers. The CAIRP's growth, accomplishments and reputation for integrity and excellence have been made possible by countless hours of work by the exceptional people who decided to get involved and make change happen. Though it may sometimes seem like a thankless endeavor, every member owes a debt to our CAIRP volunteers. These exceptional people are the reason behind all of the CAIRP's accomplishments.

Now, there comes a time for each of us when we must decide to no longer stay "on the sidelines". Now is the time for you to be a part of the team and to have an influence on the outcome. Your creativity and commitment can make a difference.

Great things have been achieved in recent years, and as an organization, the CAIRP has never been in a better position. Ask any committee member "what can I do to help?", and become an agent of positive change. **Get involved.**

"Prosperity is a great teacher; adversity is a greater one."

- William Hazlitt

Guylaine Houle, BCL, FCIRP

What's New With The New Member's Committee

The New Members' Committee (the "NMC") has remained focused and very active in achieving the initiatives established in January 2012 (the "NMC Action Plan"). Some of the key initiatives of the NMC Action Plan included:

- » Meeting with the Office of the Superintendent of Bankruptcy and participating in CAIRP's advocacy efforts;
- » Providing support to the CQP committee to improve the process for the 2013 exams;
- » Promoting brand awareness and recognition through improved website content, increased use of discussion forums, promotion of the profession in universities and schools;
- » Increasing participation of new members through representation on each of CAIRP's committees and increased attendance at the Annual Conference.

The NMC would like to express its sincere gratitude to **Guyline Houle, Kevin Brennan** and **Mark Yakabuski** for their efforts in establishing the NMC as an important and successful CAIRP initiative.

OSB Meeting

The NMC has had the opportunity to meet twice with the OSB's Executive Committee to discuss various topics of interests to trustees and the OSB. Both meetings were successful, insightful and extremely valuable as it enabled participants to share their perspectives, ideas and opinions on topics of importance for the profession in general. The following topics were discussed:

- » Update on the NMC Action Plan and its upcoming initiatives



NMC Chair, Julie Mortreux

as well as the OSB's recent challenges and opportunities;

- » Consumer insolvency issues such as the counseling directive and the Trustee's discretion in calculating surplus income;
- » Commercial insolvency issues such as the restructuring of eligible financial contracts
- » Discussion relating to the trustee's oral board process, its challenges and opportunities.

CQP Efforts

The NMC attended the CQP Tutorial on September 9, 2012 and presented the NMC Action Plan.

As an independent committee, and in order to improve the process for the 2013 CNIE and Core Knowledge Exam ("CKE"), the NMC has prepared a survey to obtain the opinion of CQP students on the CQP process and in particular, the CAPTUS website platform, CAIRP texts, the Body of Knowledge, the various assignments and case studies, as well as sponsors and exams. The survey was sent to candidates for each exam on November 5, 2012 and was open to candidates from November 5 to November 23, 2012. The NMC thanks all candidates for their valuable participation. Data from this survey is being compiled and analyzed.

Brand Awareness

The NMC, through its efforts was also active in the promotion of the profession at the university level. Representatives of the NMC as well as CAIRP's Vice-Chair, **Paul Casey**, will be introducing CAIRP and the profession to Ontario University level students in January 2013. The NMC would like to specifically thank member **Jodat Hussain** for his efforts with respect to this great recruiting and branding opportunity. The NMC will continue to identify similar opportunities to promote brand awareness and recognition.

NM Involvement

The NMC is proud to announce that participation of new members increased through representation on each of CAIRP's committees and task forces. In particular, we are pleased to recognize the appointment of **Crystal Buhler** (MNP Ltd.) to CAIRP's Board of Directors in the role of NMC liaison.

The NMC is also proud to announce an increase of new members' attendance at the 2012 Annual Conference. The NMC hopes that this trend will continue and that attendance will continue to increase in future years.

In order for the NMC to keep achieving its objectives, assistance from new members (members that have joined the Association during the past five years) would be greatly appreciated. If you are a new member and you are interested in getting involved with the NMC or CAIRP's various projects, please contact NMC's Chair, **Julie Mortreux** at jmortreux@deloitte.ca

Banff, Alberta

The 2012 Annual Conference In Banff

With near record attendance and a cooperative weatherman, the 2012 CAIRP Annual Conference held in Banff this August was a great success. The program included an update from the OSB by **Patricia Alf  rez**, our Chair's report, technical updates from **Susan Burns** and **Dan Jukes** (consumer), and **Howard Gorman** and **Kevin Barr** (commercial), and also break-out sessions on matrimonial law, the paperless office, WEPPA, Mid-market CCAAs, bankrupt's discharges, an economic update, a Registrars' panel and a session on the Winalta decision.

Many thanks to our speakers: **Janis Sarra**, Registrar **Michael Bray**, **Doug Childerhose**, **Mark Huttram**, **John Arcuri**, **Narayanan Iyer**, **J.D. Breton**, **Kelly Bourassa**, **Alexis Teasdale**, **Mica Arlette**, **Jeff Keeble**, **Frank Bennett**, **Todd Hirsch**, Registrar **Kathy Sainty**, Registrar

Lorne Smart, Master **May Jean**, **Rick Reeson**, and **Darren Bieganek**.

My personal thanks also to the 2012 organizing committee, **Leanne Salyzyn**, **Jim Moses**, **Sean Fleming**, **Vanessa Grant**, and **Derrick Hutchens** who all worked tirelessly with CAIRP staff to make this year's conference an overwhelming success.

Our Annual Conference once again provided a golden opportunity to learn a little, relax a little, renew cross Canada relationships face to face and get out of the office. For many trustees it is the professional highlight of the year. It could not happen without our volunteers, our speakers and our sponsors. Thank you to everyone for making the 2012 annual conference **The Event of the year**.

-Bruce Alger

CAIRP 2012 Annual Conference Meeting and Mingling....



Alan Spergel, photographed here with **Mark Yakabuski** and **Bruce Alger**, surprised everyone by winning the coveted Past Chair Golf tournament trophy, which will finally be moved from **Larry Prentice's** home, where it sat for many years.



Many members at the Conference, including **Nathalie Brault** and **Adam Hutchens**, photographed here with **Bruce Alger**, also enjoyed golf and many left with prizes. Congratulations to all winners.

CAIRP wishes to thank **Guy Odhams** for organizing two wonderful golf tournaments.

If you would like for your event to be promoted in the next Chair's Newsletter, please send all the details to: natalie.richard@cairp.ca

MEMBER NEWS

Honours & Awards



George Lomas, Chair of the Honour and Award Committee, was proud to present a fellowship to two deserving CAIRP members, namely **Kevin Brennan** and **Jean-Daniel Breton**. As Kevin was unable to attend, his award was accepted by **Larry Prentice**.



Larry Prentice had the pleasure of presenting an Outstanding Volunteer Awards (OVA) to **David Wood** on September 25th 2012, at the Vancouver Insolvency Monthly Discussion group.



Congratulations to **Arthur Blumer** who received the 2011 Ernst & Young Jack Biddell Gold Medal for having achieved the highest mark on the National Insolvency Examination. The Medal was presented by **John Page** in Banff during the Annual General Meeting.





Allan Nackan has recently attained the Status of **INSOL Fellow**, along with 16 other lawyers and accountants from around the world. Alan is one of only six **INSOL Fellows** in Canada.

The criteria and the applications for all the Awards, including the Fellowship, the Keith K. Collins and the Outstanding Volunteer Award can be found online at www.cairp.ca. Please note that the nominations are open from January 1st to April 30th, except for the OVA, which is open for nominations throughout the year.

On the Move

Adrian Isaac has joined Farber Financial Group in Toronto to lead their Small Business Financing Solutions Group.

Mathew M. Harris has joined Halifax's Deloitte & Touche office to lead the firm's Corporate Restructuring Practice in Atlantic Canada. **Neil B. Jones** has returned home to Halifax from Deloitte's Toronto office to work with Mathew. **James S. Foran** has joined Deloitte in Halifax from senior finance roles in the health software and hedge fund industries. **Josh Beaver** has rejoined Deloitte in Halifax after obtaining industry experience with a national grocery retailer.

Victor Kroeger moved to MNP in Calgary.

Karen Miller joined MNP, in Barrie, Ontario.

Abakhan & Associates Inc, is pleased to announce that the following Senior Business Associates are now Partners/Owners of the firm: **Philip McCourt, CGA, CIRP**, as Trustee and Senior Vice-President, **Richard Robinson, CA, CIRP**,

as Trustee and Senior Vice-President, **Richard Hamilton, CMA**, as Vice-President and **Brett Luckin, BA**, as Vice-President.

CAIRP wishes to thank all the members that have retired this year and decided to remain with the Association as Life members. **CAIRP** values your membership and welcomes your continued volunteering.

In Memoriam

Our heartfelt condolences go to the family and friends of **Mr. Jean Robillard**, President and CEO of Raymond Chabot Grant Thornton, who passed away on July 9th 2012.

CAIRP believes in the recognition of members who distinguish themselves from others. If such a deserving individual comes to mind, please let your nomination be known to us!

In each issue, **Rebuilding Success Magazine** profiles CAIRP members from across Canada who have made a significant contribution to their communities as volunteers. If you know anyone who qualifies, please send the details to: natalie.richard@cairp.ca



CQP UPDATE

At the end of October, CAIRP held the first Chartered Insolvency and Restructuring Professional (CIRP) National Insolvency Exam (CNIE), the successor to the NIE, which was the final exam of the National Insolvency Qualification Program (NIQP). The CNIE is a competency-based assessment, patterned on the CQP Competency Profile. This profile, identifying competencies and skills expected of a newly qualified CIRP, was developed by a diverse group of seasoned practitioners and endorsed by the CAIRP membership in 2011. Nineteen French-speaking and 128 English-speaking articling members wrote the two-day exam.

You may have questions about competency-based assessment and how it differs from the type of marks-based assessment that had been in place historically. Previous exams were heavily focused on having candidates demonstrate the depth of knowledge they had acquired and, to some extent, on their being able to recognize when to use that knowledge. Competency-based assessment focuses on the ability to perform tasks with an adequate level of proficiency. Competency presupposes the existence of knowledge and goes further by recognizing the necessity to strike a balance between knowledge and the ability to apply this knowledge, before one can be considered competent. To be considered competent, candidates must have extensive background

knowledge, although simply demonstrating knowledge does not provide sufficient grounds to demonstrate competence. As a result, 'dumping' will not improve a candidate's chance of passing and may, in fact, reduce the likelihood of success, since it may clearly indicate a lack of ability to apply the knowledge if the answers provided are irrelevant, trivial or impractical.

When developing the assessment guidelines for the exam questions, the Exam Board developed a profile of what a competent individual should be able to demonstrate in response to the various scenarios presented (either long or short). This was a very challenging task. Great effort by the exam board, supported by extensive reviews from the Exam Oversight Committee and comments from test writers and members of the CIRP Qualification Program (CQP) Committee resulted in a detailed assessment guide.

This document provides guidance not only on what should be reasonably expected from a competent candidate, but also on what differentiates highly competent individuals, individuals reaching competence, individuals demonstrating marginal competence, or those individuals who have not successfully demonstrated any level of competence in a particular situation and in terms of a specific competency. These differences focus frequently on the depth,

breadth and relevance of coverage that the individual provides in his or her response. What this means is that providing extraneous information, although interesting, will not improve the quality of an answer. It also highlights the importance to the candidate of carefully reading what is required in any question and responding directly to that 'ask'.

The last step in the process was the development of criteria to measure what constitutes a competent profile for a successful candidate looking at performance on the entire exam. Three different elements were identified, namely the need to demonstrate competence in insolvency law and practice; the need to demonstrate competency in 4 of the remaining 7 competencies being assessed; and finally, the need to demonstrate competency consistently (by not demonstrating complete lack of competency in the remaining areas). Thus, although meeting the requirement for any one of these elements on its own might not be difficult; satisfying all three requirements presents a larger challenge.

The CAIRP Board wishes all candidates success with the 2012 CNIE. We are confident that this program will arm you with the educational and professional credentials for a long and successful career in insolvency and restructuring.