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### 1. Expedited Appeal of Discretionary Order a "High Hurdle": MBCA

In [Shore-Kalo v. Kalo](#), 2009 MBCA 24 the court granted the husband's motion to transfer material (including the transcript) from an earlier appeal, but denied his motion for an expedited appeal concerning interim access terms. The court held: "...the law is clear that an appellate court should not overturn such a discretionary order unless the judge has misdirected herself or if her decision is so clearly wrong as to amount to an injustice." Judicial economy and resources were also considerations, since the access issues would be fully resolved at a hearing set for the following month.

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### 2. Lump Sum Support Secured Against Pension Entitlement: Ont. S.C.J.

[Sim v. Sim](#), 2009 CanLII 6835 presents a scenario that may become more common in today's economy: the intersection of family, pensions and bankruptcy law. In this case the Ontario Superior Court of Justice considered whether the applicant wife could claim an interest in the respondent's pension to satisfy an order for an equalization payment following the respondent's discharge from bankruptcy. The court found that the bankruptcy proceedings had extinguished all of the husband's debt, including the equalization payment. However, the fact that the wife in the 24-year marriage was left without the benefit of the equalization payment while her husband was fully entitled to his pension was "...a material change in circumstances entitling the applicant to lump sum support which should be secured against the pension entitlement." The following article comments on the decision:

- [Sim v. Sim 2009 Ont. S.C.J. - The Interconnection of Pensions, Bankruptcy and Family Law Obligations](#)

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### 3. Judges' Book of Authorities

As announced in a [Notice](#) dated March 30, 2009, all Court of Appeal judges now have a Judges' Book of Authorities containing copies of authorities frequently relied upon in appeals. A current list, which will be amended from time to time, is appended to the notice. Counsel need no longer include these cases in their case books, but extracts should be included where appropriate.

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### 4. Spousal Support Schedules

Lazer Grant LLP has recently published their annual Spousal Support Schedules used to calculate the after-tax cash available to a supporting spouse after deducting spousal support payments. The schedules are based on the current *Income Tax Act* and Manitoba rates. To purchase the schedules contact Suzanne Brasko at 977-3496 or [sbrasko@lazergrant.ca](mailto:sbrasko@lazergrant.ca).

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## **5. Proposals Invited: FLS**

May 30, 2009 is the deadline for submissions for papers or presentations for the 2010 Federation of Law Societies' National Family Law Program, to be held July 2010 in Victoria, B.C. The [Federation website](#) has further details about the program and guidelines for submissions.

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## **6. Family Law Program**

For those making summer plans, Halifax will host the [5th World Congress on Family Law and Children's Rights](#) from August 23-26, 2009. This year is the 20th Anniversary of the inauguration of the United Nations Convention on the Rights on the Child (UNCROC), and the theme of the congress is Children Caught in Conflict. Register [online](#) or by [registration form](#).

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