



LCO / CDO

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NEW BOARD CHAIR

July 1 marks Day 1 on the job for new LCO Board Chair Larry Banack. A Partner with Koskie Minsky LLP, a senior Benchler with the Law Society of Upper Canada and former Chair of the Law Foundation of Ontario Board of Trustees, Banack takes the reins from Osgoode Dean Patrick Monahan who led the organization through its inaugural two years and who will begin this summer a five-year term as York's Vice-President Academic and Provost.

BILL BECOMES LAW

Attorney General Chris Bentley's proposed family law legislation, which includes some of the recommendations from LCO's pension division report, has been passed by Ontario's Legislative Assembly. Bill 133 became law on May 14.

Message from the Executive Director

As I write this, we are having our first early summer days, with clear skies and warm temperatures. At the LCO, we are ready for our spring and summer push as we prepare several consultation papers for your feedback. Look elsewhere in this newsletter and check our website for more information.

On May 12th, Michael Tilbury, Commissioner of the New South Wales Law Reform Commission in Australia, delivered our first Public Lecture, revealing some home-truths about law commissions and governments working together. We were still talking about Michael's comments at the Symposium the next day when panelists began the dialogue on the meaning and practice of law reform and then handed it over to the audience — representatives from community clinics, advocacy groups, academics, government and practice.

The last free-wheeling conversation, with threads from the rest of the day, focused on the challenges facing law reform: Does real law reform require social change? How do we evaluate law reform commissions or community clinics that don't always engage in easily measurable activities? How do law schools develop an understanding of the impact of law? As lawyers, how do we make sure that we aren't speaking as if we always know what members of the community want or need?

If you weren't able to join us, watch the Symposium web-cast at www.lco-cdo.org (and visit again soon for our newly posted papers). These wide-ranging conversations will leave you thinking — and even acting!

I wish everyone a great summer!

Patricia Hughes

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- Building a framework for elder law
- A passionate LCO team member



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Trio of new projects underway

Government lawyer and two scholars take up residence at the LCO

Mark Schofield is knee-deep in research with one eye on what the LCO and its stakeholders hope will be the end result: a more modern *Provincial Offences Act* (POA). The LCO's newest Counsel-in-Residence is leading a review of the 30-year-old statute in one of three projects launched this spring.



Mark Schofield

Provincial Offences Act Project

Schofield, a lawyer in the Ontario Ministry of Agriculture, Food and Rural Affairs, is spending the first months of his year-long secondment pinpointing the scope of the project in consultation with stakeholders. His findings will take the form of a consultation paper to be released this fall.

"The LCO review is a great opportunity to explore and recommend new procedures that could simplify access, reduce costs and save time for both individuals and government," says Barry Randell, president of the Municipal Court Managers Association of Ontario.

Says Schofield: "The LCO's goals are to make recommendations that might lead to changes to the POA and to contribute to the dialogue on law reform in the area."



Pina D'Agostino

Electronic Medical Records Project

Scholar-in-Residence Pina D'Agostino has the same high-hopes for her analysis of the legal, health and ethical issues around electronic health records. The Osgoode law professor is partnering with the Motherisk Program at Toronto's Hospital for Sick Children to identify a governance model for collecting and sharing confidential information.

"Managing the largest prospect database in the world presents many challenges," says Motherisk Director Gideon Koren. "Pina and her team will help us develop new practices to help keep mothers and their babies healthy."



Poonam Puri

Joint and Several Liability Project

Osgoode Professor Poonam Puri is spending her six-month term as Scholar-in-Residence tackling the question of whether the Ontario Business Corporations Act should be amended with respect to its treatment of the liability of professional advisors.

"The liability regime imposed on professionals who advise business corporations has important public policy implications for encouraging good governance, inducing law-abiding behaviour and managing risks," says Puri.

The LCO, together with Osgoode and the Hennick Centre for Business and Law, plans to host a symposium this fall to bring together stakeholders and help develop recommendations.

Helping Ontarians in family crises

On the heels of a wildly successful family law roundtable in the fall, LCO announced in April a new project to identify best practices at the early stage of family law dispute resolutions processes.

"We hope to provide recommendations for more responsive justice services for Ontarians facing family crises," says LCO research lawyer Julie Lassonde.

Lassonde is spending the summer drafting consultation questions for release this fall. Those questions will lead, in turn, to a second phase of consultation and research and, ultimately, to a final report for release in 2010.

"The same practices don't work everywhere," she says, "but we should be able to deliver outcomes that are practical, timely and relatively straightforward to enforce."

Researchers probing laws affecting older adults

Public consultation phase to begin in fall

Judith Wahl is over the moon about the LCO's older adults project and not just because it is set to develop a brand new framework to guide the development of laws affecting older adults. The executive director of Toronto's Advocacy Centre for the Elderly (ACE) is pumped about the change in attitude she's hoping will result as well.

"The LCO has stripped the issues down to basic principles that can be used by policymakers in whatever project they're tackling relative to older adults."

These principles, identified during Phase I of the province-wide study last fall, are the focus of three projects now underway in collaboration with contract researchers. Wahl's ACE is exploring access to law for adults living in institutional settings. The LCO is also funding a study of age discrimination in the areas of housing law and health law and a review of Canada's laws on elder abuse, along with a staff-led analysis of issues, including age-based criteria in Ontario legislation.

"The issue of elder law has all but slipped under the radar in Canada," says LCO staff lawyer Lauren Bates. "Our challenge is to look at the vast scope of issues and distill those into a workable framework."

The Phase II research findings will be the subject of a report released this fall and to be followed by an intensive public consultation phase.

"We live in an aging society," says Toronto lawyer Jan Goddard. "We've only just begun to see the significance of the Commission's work in this area."



LCO's heart and soul

Ask Janice Williams about her role as LCO's inaugural executive assistant and she beams like a mother with a newborn child.

Since joining the LCO in September 2007, Williams has contributed in important ways such as getting the LCO office up and running quickly, making connections to community stakeholders, even helping to develop the organization's website. "This was an incredible opportunity to breathe life into a new venture and to make a real difference," she says.

Today, Williams' efforts are recognized by staff and stakeholders alike. "She's passionate, driven, approachable and professional," says executive director Patricia Hughes. "We wouldn't be a success without her."

Williams says she's only just begun. "I'm helping to build a solid foundation on which law reform can thrive!"

The Law Commission of Ontario is funded by:



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