

LIAISON

LAW COMMISSION OF ONTARIO

Message from the Executive Director



At last! The LCO Board has approved five new projects, to begin when resources permit. It was tough to pare down the excellent proposals we received, but a great deal of vigorous discussion culminated in five projects, which offer the

LCO an opportunity to tackle tough, relevant issues: improving last stages of life; redefining parentage; defamation and the internet; community safety; and regulation of public space.

Although we always try to integrate aboriginal experience into our projects, we were disappointed not to have received any proposals relating to the intersection of aboriginality and law. We'll continue to search out appropriate projects in this area.

The defamation and defining parentage projects, in particular, will allow us to explore the impact of technology on law, both procedurally and substantively. As we explore improving last stages of life, we'll ensure that we do not stray into the realm of assisted suicide. We're considering the development of a multifaceted framework to provide guidance on regulating public space. We'll play with ideas of multidisciplinary in the community safety project.

As always, we'll be looking to you to help inform our work throughout. Expect to see the first of these new projects begin next spring. And let us know if you want to hear about developments in any or all of them.

Patricia Hughes

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IN BRIEF

Bill 146 reintroduced as Bill 18

First introduced in December 2013 as Bill 146, the *Stronger Workplaces for a Stronger Economy Act* was recently reintroduced by Ontario's new government as Bill 18. Former Labour Minister Yasir Naqvi credited the LCO's report on vulnerable workers with helping to inform the legislation, which was carried after first reading this summer.

Former no more

Newly retired Ontario Court of Appeal justice Stephen Goudge has returned to the LCO Board as the appointee of the Law Foundation of Ontario. Now a Toronto litigator with Paliare Roland, Goudge stepped down from his role as the LCO's judiciary representative in April. He is succeeded by Justice Harry LaForme, also of the Ontario Court of Appeal. Also new to the Board are Camille Cameron, Dean of Windsor Law and, as of October 15, Raj Anand, representing the Law Society of Upper Canada after more than six years of dedicated service by Chris Bredt.



Camille Cameron



Justice Harry LaForme



Raj Anand

New faces

Welcome to Jason Balgopal, the 2014 Ministry of the Attorney General Counsel-in-Residence and recently appointed LCO executive assistant Laura Caruso. Best wishes in retirement to Janice Williams.

Hands-on learning

Four Ontario law students have begun the fall and winter terms of hands-on learning at the LCO: Manoj Dias-Abey, Queen's doctoral candidate, and JD students Dan Adler (Osgoode), Amber Neumann (U of T) and Alicia Mossington, our first student researcher from Lakehead Law.



See this?
Read more at www.lco-cdo.org

Largest consultation in the LCO's history

Legal capacity project involving upwards of 600 Ontarians



The LCO's discussion paper on the laws around legal capacity, decision-making and guardianship has attracted a "very strong response" since its

release on June 26, says Lauren Bates, the LCO research lawyer who is heading the comprehensive review.

In addition to a *Toronto Star* feature story, the paper has prompted a surge in individuals keen to share their stories and experiences. The number of planned focus groups has jumped from 20 to 32 and hundreds more Ontarians — from family members to front-line service workers — will have the opportunity to participate by interview and questionnaire. By the end of November, Bates hopes to have heard from more than 600 Ontarians, making this the largest public consultation in the LCO's history.

"It's partly the nature of the issue," Bates explains. "Issues of autonomy and choice touch people in the most profound ways."

Frank Wagner, a bioethicist with the Toronto Central Community Care Access Centre and the University of Toronto Joint Centre for Bioethics, and a member of the LCO's project advisory group, sees hundreds of cases a year that raise questions about the effectiveness of current laws. "The laws are there, but few know how they work. I'm always asking why, how and is there a better way? I think there might be."

The project's consultation phase will be followed by an interim report with recommendations to be released in 2015.

LCO role "empowering": MAG Counsel-in-Residence

Jason Balgopal likes being a part of change you can see. Which is why the Assistant Crown Attorney is also an active community volunteer and the newest LCO Ministry of the Attorney General Counsel-in-Residence.

"Sometimes it's difficult to feel like I'm having a positive impact on society," he says of his Ministry role. Balgopal first tried balancing his professional commitments with volunteer work seven years ago. He's now a member of two local boards and president of his neighbourhood riding association. "Community work puts me in touch with real people, who are there simply because they need help. It's nice to assist."

As the new lead on the LCO's class action project, he's already seeing how he can have an impact professionally as well. "Playing a role in potential changes to the law is very empowering." 🏠



Jason Balgopal

LCO projects gaining momentum

- The LCO's report on RDSP reform will be presented to Ontario Attorney General Madeleine Meilleur this fall. The report, which recommends a simplified process for adults who may lack legal capacity to open a Registered Disability Savings Plan on their own, was the LCO's first government-proposed project.
- Should Ontario have a simplified process for small estates? That's the question asked in the LCO's consultation paper on small estates, released September 18. Feedback is invited before December 11.
- The LCO is creating Ontario's first-ever database of class action suits as part of a comprehensive review of the 1992 *Class Proceedings Act*. Counsel-in-Residence Jason Balgopal is compiling quantitative data, ranging from which law firms and lawyers won awards, to the value of the settlement. "The findings should be of interest to lawyers, service providers and consumers," he says.

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