



# LIASON

LAW COMMISSION OF ONTARIO

## Message from the Executive Director



I became executive director of the LCO about five months ago. In that time, I have been very impressed with the extraordinary skill and commitment of LCO staff, board members, advisory groups, friends and partners.

Why are so many people committed to the LCO? The answer is complicated, but I think it comes

down to four, related factors:

- **Independence:** The Commission takes an impartial, clear-eyed, long-term view of complex and controversial issues.
- **Engagement:** The LCO is a leader in participatory, transparent and inclusive consultations and policy-development.
- **Rigour and Fairness:** The LCO's reports are authoritative, multidisciplinary, evidence-based and balanced.
- **Impact:** The LCO develops practical and principled solutions to issues that often affect hundreds of thousands of Ontarians.

These attributes give the Commission a strong foundation. Still, there are many issues and challenges on the LCO horizon, including:

- Funding renewal and a new strategic plan;
- Completing our current projects and starting new ones;
- Broadening the impact of our work;
- Improving our outreach to Ontario's vulnerable and diverse communities;
- Improving our partnerships with law schools, justice and law reform organizations; and
- Improving our digital strategy.

With your support and advice, I am confident the Commission will tackle these issues, and others, as we move ahead.

Nye Thomas

## *in this issue . . .*

- **Prepping for renewal**
- **Defamation project defined**
- **Open debate on Open Data**

## IN BRIEF

### In the news

A January 11 Toronto Star editorial commended the LCO's "excellent recommendations for making elder-care rules more rational and relevant." Follow the link at [lco-cdo.org](http://lco-cdo.org).

### Project updates

Calling it "a practical solution," Deputy Attorney General and LCO Board member Patrick Monahan accepted the LCO's final report on Simplified Procedures for Small Estates on November 19. Also available at [lco-cdo.org](http://lco-cdo.org) is the interim report on Legal Capacity, Decision-making and Guardianship. Watch soon for the discussion paper on Improving the Last Stages of Life.

### MAG secondments end

This spring and summer mark the conclusions of Ken Lung's and Fran Carnerie's terms as the LCO Ministry of the Attorney General Counsel-in-Residence. Thank you both.

### Hands-on learning

We are grateful for the efforts of students Erin Epp, Patrick Fallon, Adam Giancola and Daniel Wai Hon Yip over the fall/winter terms. Congratulations and welcome to summer students Devra Charney (Queen's), Erin Estok (Lakehead), and Lora Hamilton and Meghan Hum (Ottawa).

### Who's on Board?

Dean of Windsor Law Christopher Waters joined the LCO Board of Governors in January as the representative for the Law Deans of Ontario. Congratulations to Patrick Monahan, Lorne Sossin and Sonia Ouellet, all of whom have been renewed for another three-year term. Watch the next issue of *Liaison* for an in-depth profile on one of our dedicated leadership volunteers.



## LCO preparing “case for renewal” for funders



Bruce Elman, LCO Board Chair

### Second five-year mandate concludes in December

LCO Board Chair Bruce Elman intends to “stay the course” in the final year of the Law Commission of Ontario’s five-year mandate, which concludes in December. “We’ve had two very successful terms and we’re committed to continuing the independent, evidence-based research and analysis that’s so important in the law reform process.”

Since 2012, the LCO has produced 20 publications, recruited 176 Advisory Group members, consulted with a growing number of Ontarians and emerged as a respected model for legal change, policy development and law reform.

The LCO’s solid track record will be a focus of the organization’s “case for renewal” now in development by executive director Nye Thomas for presentation to the LCO’s funding partners later this year. The Law Foundation of Ontario, Law Society of Upper Canada, Ministry of the Attorney General and Osgoode Hall Law School each pledged a five-year commitment to the LCO beginning in 2012.

“The Board is very pleased with the LCO’s accomplishments and with Nye’s leadership,” says Elman. “I’m hoping that our partners to the agreement will see it that way, too.”

## Open Data conference contributes to provincial mandate



Nye Thomas, LCO executive director, at the Open Data event.

How open should open data be? This was one of the questions explored by 50 lawyers, academics and provincial government representatives at an April 15 workshop hosted by the LCO, Legal Aid Ontario and the Canadian Forum on Civil Justice. “Open Data in the Justice System: Opportunities, Challenges and Lessons Learned”

featured panel discussions exploring issues of open data, privacy, and strategies for collecting, releasing and using data.

The event was a response to Ontario Premier Kathleen Wynne’s Open Government initiative.

“Open data has the potential to significantly improve our understanding of the justice system,” says LCO executive director Nye Thomas. “But we also learned there are risks. The discussion helped everyone focus on how to make the open data initiative successful.”

### PROJECT SPOTLIGHT

## Defamation project involves wide-ranging stakeholders

A diverse group of experts from the bench, legal practice, academia and the media are among those advising the LCO on its newest project, Defamation Law in the Age of the Internet.

“This is a multidisciplinary endeavour,” explains LCO research lawyer Sue Gratton. “It’s not enough to involve legal experts. We must also take into account the opinions of the media, academics, the internet industry and complainants in Canada and around the world.” Since November, she has held more than 30 stakeholder interviews to help define the project. The result is a scoping document released by the LCO this spring, to be followed later this year by a consultation paper.

“We plan on revisiting classic issues in defamation law like presumption of harm and asking whether or not the unique features of the law are still appropriate today,” says Gratton. The project will also tackle anonymity and explore questions of jurisdiction when potentially defamatory comments are posted online and accessible anywhere in the world. The project will include focus groups, an online webinar and creative ways of engaging the project’s youngest stakeholders—Internet-savvy youth.

“It’s clear we have a need for a defamation law that is responsive to technological advancements and changing social mores.”



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