

LIAISON

LAW COMMISSION OF ONTARIO

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Message from the Executive Director



There's a lot going on at the LCO! This issue of *Liaison* highlights some of our new projects, people, events and approaches.

I'm especially pleased to announce the launch of the LCO's updated Class Actions project. We've put

together a great team and innovative approach to address one of the most far-reaching and contentious issues in Ontario's justice system. LCO stakeholders can expect to hear more about this project over the next couple of months.

You should already have received your invitation to the November 6 consultation launch and public lecture for the LCO's Defamation Law in the Internet Age project (visit lco-cdo.org for details). We will follow this up in the new year with reports on our Improving the Last Stages of Life project and the LCO's newest project, Law and Technology. Read inside for more information.

Sign up to receive the latest news and updates on our website.

Nye Thomas

LCO Launches Major Class Actions Project

October marked the launch of the LCO's latest major project and the first independent, evidence-based review of class proceedings in Ontario in more than 25 years. The Class Actions project will evaluate Ontario's experience with class actions since the introduction of the *Class Proceedings Act* in 1993 and consider if reforms are appropriate.

The project is being led with support from two of Canada's leading legal scholars in the field — one of the first times the LCO has involved academics as principal researchers. The University of Windsor's Jasminka Kalajdzic and Catherine Piché of l'Université de Montréal will oversee the 18-month project with help from the LCO team. "In hiring experts, we hope to kickstart the project and shorten the timespan to completion," explains executive director Nye Thomas.

Kalajdzic, Piché and the LCO plan to consult widely to identify the most pressing issues for research. Their work will be supported by a reference group of highly respected members of Ontario's legal community, including former Ontario Court of Appeal judge Stephen Goudge.

"We need to delve deeply into practice, asking what problems we face and, if a solution is warranted, what it might involve," explains Kalajdzic. While the recommendations they offer will be specific to Ontario, Piché hopes their work will have widespread benefits. "Ideally, we want to draw conclusions that will apply provincially and federally."



Jasminka Kalajdzic



Catherine Piché



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STUDENT SPOTLIGHT

Law and Technology Project in Development

Michael Dockstator wants to help bridge the gap between emerging technologies and the law. The 2017 University of Toronto law school graduate and Master's of Information Studies candidate is part of the LCO team researching potential topics for the Commission's next project in technology.



"There's a problematic delay between new technology and the ability of regulators and policymakers to get ahead of it," Dockstator says, citing the sharing economy led by Uber and Airbnb. "People are driving cars like taxis and renting their homes like hotels and there's no real legal or policy framework for addressing the problems that might arise."

Dockstator, his student colleagues and research lawyer Ryan Fritsch are assessing the viability of several technology-related projects, including the sharing economy, AI, consumer protection and big data. They plan to present their findings at a Board meeting this winter to be followed by a formal staff recommendation and the launch of the LCO's newest project in 2018.



Hundreds Weigh in on Last Stages of Life

The May release of the LCO's Improving the Last Stages of Life discussion paper has sparked one of the most comprehensive and innovative province-wide consultations in the LCO's history.

"This project involves broad policy questions and intense personal views, values and beliefs," says research lawyer Ryan Fritsch. "One of the ways we're trying to balance that is by talking to a wide cross-section of Ontarians, from academics and lawyers to healthcare providers, faith leaders and family caregivers."

More than 320 Ontarians have participated in 30 consultation sessions to date, and Fritsch hopes to reach several hundred more. In addition to traditional focus groups, the LCO hosted a multi-faith roundtable with Ryerson University's Diversity Institute, a bioethics session and meetings with doctors during hospital grand rounds. Fritsch has also introduced a consultation webpage and he plans to introduce a survey tailored for iPhones and iPads — an LCO first.

The wide-ranging feedback will be compiled in an interim report expected for release in Spring 2018.



Ryan Fritsch

IN BRIEF

Board members wanted

The LCO is seeking applications to fill two at-large seats on its Board of Governors. Visit our website for details.

New research lawyers

Welcome to the LCO's two new research lawyers, Ryan Fritsch and Amita Vulimiri. A former policy counsel at Legal Aid Ontario, Fritsch joined the LCO on contract in December 2016 before accepting the Commission's offer of full-time employment earlier this year. Vulimiri joined the LCO this fall from the Community Legal Assistance Society, British Columbia's largest legal clinic.

MAG Counsel continues

The Ministry of the Attorney General LCO Counsel-in-Residence since 2015, Fran Carnerie's secondment has been extended for a second time. Carnerie will remain staff lead on the Class Actions project.

Student terms extended

Summer 2017 research students Michael Dockstator, JD'17 (U of T), Jesse Chisholm-Beatson (Osgoode), Allison Nesbitt (Ottawa) and Cameron McMaster (Osgoode) are continuing their LCO work terms through the 2017/18 academic year. See "Law and Technology project" for more on their important contributions.

A fond farewell

Farewell and thank you to research lawyer Sarah Mason-Case, who resigned from the LCO to pursue her PhD.

The Law Commission of Ontario is funded by:



and supported by the Faculties of Law at:

Lakehead University, Queen's University, University of Ottawa (Common & Civil Law Sections), University of Toronto, University of Windsor, and Western University.

It receives additional support from York University.

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