

UNIFORM LAW CONFERENCE OF CANADA
CONFÉRENCE POUR L'HARMONISATION DES LOIS AU CANADA**COMMUNIQUÉ**

Fall 2024

Report of ULCC Past President**Matthew Hinshaw, Alberta**

Blink and you'll miss it. Somehow, 12 months have passed, and we are back where we started last fall, basking in the glow of a successful annual meeting and making plans for the year to come. As an organization, we are collectively one year older, one year wiser and one step further along in a journey that now spans 106 years and counting. I choose to believe that when the attendees travelled to Montreal in 1918 for the first meeting of what we now know as the Uniform Law Conference of Canada, they did so knowing that they were creating something special. I also choose to believe that if the founding members could see how the organization has evolved over the years, they would be proud of what the ULCC has become and of all that it has accomplished. (As an aside, based on the historical photos on display at this year's annual meeting, I suspect that the founding members would disapprove of the noticeable absence of top hats among this past year's delegates. Maybe something for the Executive Committee to work on for next year's meeting?)

2024 was a textbook example of what a successful annual meeting looks like. Our federal hosts welcomed delegates to Ottawa in August with open arms and treated us to a week of exceptional hospitality in our nation's capital. As part of the activities of the week, the host committee arranged the attendance of a number of outstanding speakers, both to welcome delegates and to challenge them in their work in the law reform sphere. At the opening plenary session, delegates received virtual greetings from Arif Virani, Minister of Justice and Attorney

General of Canada. Chancellor Claudette Commanda of the University of Ottawa was also scheduled to speak at the opening plenary but had to send her regrets due to unforeseen personal circumstances. During the Earl Fruchtmann Memorial Seminar, delegates had the opportunity to participate in an interactive discussion with Professor Shauna Van Praagh, President of the Law Commission of Canada.

As you will see from the reports from Christine Badcock and Craig Savage, a considerable amount of meaningful work was accomplished throughout the week by both the Civil and Criminal Sections. As always, the hands-on work that delegates accomplished was complemented by the various social events organized by the host committee. Participation in these social events facilitates the formation of connections between delegates and fosters the collegiality that the ULCC is famous for. This collegiality, in turn, enhances the final work products of the Sections.

At the Clark W. Dalton, K.C. Reception, held at the stunning National Arts Centre, delegates were addressed by Michael Sousa, Senior Assistant Deputy Minister with the Federal Department of Justice, Justice Catherine Kane from the Federal Court, and John D. Stefaniuk K.C., then President of the Canadian Bar Association. Delegates also raised a glass in memory of Clark Dalton, K.C., former ULCC Project Coordinator, longstanding colleague and friend who passed away unexpectedly in 2023.

The traditional East versus West softball game was held at Titans Stadium on the Wednesday evening, with fan turnout falling only roughly 10,300 attendees short of a capacity crowd. Although the East came out victorious after a hard-fought game, the West did not go home

empty-handed, with team captain Darcy McGovern, K.C., receiving the MVP trophy.

The closing banquet was held on Thursday evening at the Canadian Museum of Nature, where delegates enjoyed a wonderful meal and had the privilege to hear from keynote speaker the Honourable Andromache Karakatsanis of the Supreme Court of Canada, who spoke on the topic of the importance of access to justice. The closing banquet also provided the opportunity for the ULCC to pay tribute to Peter Lown, K.C., and to recognize his many contributions to the work of law reform over the years. Following up on his MVP performance at the softball game, Darcy McGovern, K.C., delivered a wonderful retrospective of Peter's career and eloquently put into words how much the ULCC will miss him. It was a true privilege for me as President to preside over Peter's last ULCC annual meeting and, to quote Darcy, we at the ULCC are lucky to have had him as a leader, mentor and friend. To Peter - thank you for setting such a stellar example for those of us who aspire to follow in your footsteps. You leave behind a legacy that is unmatched.

With Peter's departure as Chair of the Advisory Committee on Program Development and Management (ACPDM), the ULCC Roles Review Committee was tasked with setting out a framework for division of duties going forward, and for identifying a new ACPDM Chair. As announced at the closing plenary session, I am pleased to note that Greg Blue, K.C., from the British Columbia Law Institute, has agreed to take on the role. Although Greg has big shoes to fill, I am confident that the ULCC is in good hands with Greg at the helm of ACPDM.

One other significant change at the staffing level also occurred over the past year, with Pierre Daigneault coming on board as the ULCC's new Executive Director and Administrator in January 2024. Pierre came to the ULCC with a wealth of experience and knowledge and his contributions in managing the day-to-day operations of the organization and in preparing for the annual meeting were invaluable. With Michelle Lemieux Wilkinson returning as our Executive Director as of October 1, 2024,

I would like to take this opportunity to thank Pierre for his hard work and professionalism throughout the nine months of his tenure.

It was a true honour to be the President of the ULCC for the past year. It was an eventful and challenging 12 months that included the hiring of a new Executive Director and Administrator, planning and executing the first-ever in-person annual meeting with a virtual attendance option, moving forward work related to improving diversity and inclusion, developing an objective framework to support the review of annual contribution amounts, and supporting the work of the Roles Review Committee in shepherding a generational change in the structure and leadership of the ACPDM. Obviously, none of these things would have been possible without the dedication and hard work of the members of the Executive Committee, the Budget and Finance Committee, the Diversity and Inclusion Committee, and the Roles Review Committee. I would like to extend a heartfelt thank you to everybody who contributed their time and energy to the work of these committees over the last year. It was a privilege to have the opportunity to work alongside you to ensure the long-term health and sustainability of the ULCC.

In addition, I would like to extend a sincere thank you to everybody involved in the work of the ULCC during the past 12 months. Whether you were a Jurisdictional Representative, a delegate, or a member of a working group or committee, your ongoing support and involvement were very much appreciated. Nothing that the ULCC accomplished in the past year, or will no doubt accomplish in the future, would be possible without you.

In closing, it is a true pleasure for me to hand the Presidential baton to Maria Markatos. I have had the privilege of working closely with Maria in her role as Vice-President over the past year, and from that experience, I know that the ULCC is in excellent hands going forward. Just one word of advice, Maria – 12 months goes by really, really fast. Blink and you'll miss it.



2024 Clark W. Dalton, K.C. Reception, National Arts Centre

2024 annual meeting materials

Visit our [2024 annual meeting web page](#) for reports, uniform acts, resolutions, minutes, and other documents stemming from the meeting in Ottawa this past August.

The ULCC 2025 annual meeting in Halifax, Nova Scotia

Plan to join us for the ULCC 2025 annual meeting, which will be held in beautiful downtown Halifax, from Sunday to Thursday, August 10 to 14.

Mark your calendars! More information to come in the spring 2025 *Communiqué*.



Note: Only those invited can attend ULCC annual meetings.



**2023-2024
Criminal Section
Chair**

**Craig Savage,
Manitoba**

It was a real pleasure to chair the Criminal Section meeting this past summer in Ottawa. The Criminal Section had a very rewarding week of meetings and an excellent turnout of 37 delegates participating in the deliberations, coming from 12 provincial, territorial, and federal delegations.

The Criminal Section considered 28 resolutions on a wide range of criminal justice topics, including one recommending the criminalization of non-consensual distribution of deepfake sexual images. Following a very engaging discussion, 23 resolutions were adopted, covering a number of areas, including possible amendments to limit the availability of preliminary inquiries for sexual offences against children and expanding the ability of law enforcement to investigate crime involving cryptocurrency and other digital assets.

During the week, a new working group was established to study restrictions on publication of names of accused. The Criminal Section also received the final report of the working group on s. 490 of the *Criminal Code* (detention of things seized). Progress reports were received by four other working groups on the following:

- Section 672.26 and related sections of the *Criminal Code*;
- The treatment of animals in the *Criminal Code*;
- Sections 278.1 – 278.94 of the *Criminal Code* (“records regime” provisions); and
- The statutory exemption to mandatory minimum penalties of imprisonment.

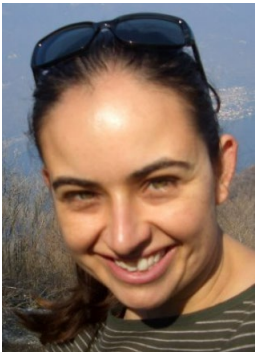
This year, the Earl Fruchtmann Memorial Seminar featured a presentation to the Criminal and Civil Sections by Shauna Van Praagh. Shauna is President of the Law Commission of Canada which, after a 17-year hiatus, has rejoined independent law reform agencies throughout Canada.

After a very engaging week, I ended my term as Chair of the Criminal Section by welcoming incoming Chair Andrew Davis. Andrew has done an incredible job as Jurisdictional

Representative from Saskatchewan and will do the same as the Chair for the 2025 annual meeting in Halifax.

I thank Aleksander Godlewski, who provided valuable assistance to me as Criminal Section Secretary and worked tirelessly to ensure that the many moving pieces came together for the meeting. I also want to thank 2023-2024

President Matthew Hinshaw and the members of the Criminal Section Steering Committee. It was a remarkable team effort and I look forward to seeing everyone again next year!



2023-2024 Civil Section Chair

Christine Badcock, Yukon

The 106th annual meeting of the Civil Section was held in Ottawa and welcomed delegates from provincial, territorial and federal justice departments, academia and law reform bodies. We were also pleased to be joined by Lisa Jacobs, Chair of the Executive Committee of the Uniform Law Commission (ULC) from the United States.

At the annual meeting, the Civil Section adopted a new *Guide for Preparing Uniform Acts and Regulations*. The new guide accompanies the Drafting Conventions that were adopted by the Section last year. We thank Professor John Mark Keyes and his team, made up of representatives from legislative drafting offices across the country, for preparing the guide. The Civil Section also approved amendments to the *Principles for Drafting Uniform Legislation Giving Force of Law to an International Convention* to ensure coherence with the Drafting Conventions and the new guide.

As well as these adoptions, the Section received progress reports on ongoing projects, including non-disclosure agreements, joint ventures, and charitable organizations. The Section provided direction to the groups working on these projects and looks forward to receiving further updates at the next annual meeting in August 2025.

Additionally, the Section received initial reports from working groups on the topics of class proceedings, payments in cash, enforcement of foreign judgements, and the treatment of animals (a joint project with the ULCC's Criminal Law Section).

The Section also adopted a new policy prepared by the Steering Committee's Sub-Committee on Rules of Procedure and Policies. The *Policy on Reports Presented to the Civil Section Annual Meeting* is designed to provide

guidance to working groups preparing reports to the Section. It is hoped that greater consistency in reporting and clear articulation of decision points will assist delegates to the annual meeting to more effectively review issues and recommendations in the reports. We thank the Sub-Committee for all its work preparing policies in recent years.

The Section received a report from the ACPDM that sets out the work cycle of the ACPDM and identifies ongoing and possible future projects. We are incredibly grateful to Peter Lown, K.C., for his work over many years as Chair of the ACPDM and will miss him as he steps down from chairing the committee. The ACPDM has appointed Greg Blue, K.C., as the new chair of the ACPDM and the Section welcomes Greg, a longtime contributor to the ULCC, to his new role.



Peter Lown, K.C.

It was my pleasure to serve as Chair of the Civil Section these past two years. I thank the members of the Executive Committee, the Jurisdictional Representatives, and working group members for their continued commitment to the ULCC. I also thank Mr. Peter Lown, K.C.; Ms. Christina Croteau, Legal Project and Research Coordinator; and Valérie Simard, Immediate Past Chair of the Civil Section, for their help throughout the past year. Finally, I am delighted to welcome Tyler Nyvall, Jurisdictional Representative for British Columbia, as the new Chair of the Civil Section.



President's Report

**Maria Markatos,
Saskatchewan**

Following in the footsteps of Matthew Hinshaw and all the other great ULCC Presidents will be no small feat, but I am up to the challenge and it is my honour to take on the role of President of the ULCC for 2024-2025.

As I navigate the upcoming year, I am fortunate to have an Executive Committee made up of representatives from across the country and both Sections. The time volunteered by these individuals and their collective expertise is critical to the ongoing success of an organization like this one. The members of the Executive Committee are: Chloé Rouselle (Canada, Vice-President), Matthew Hinshaw (Alberta, Immediate Past President), Andrew Davis (Saskatchewan, Criminal Section Chair), Tyler Nyvall (BC, Civil Section Chair), Greg Blue, K.C. (BC, Chair of ACPDM), Christine Badcock (Yukon), Sarah Dafoe (Alberta), Manon Dostie (Canada), Aleksander Godlewski (Canada), Laura Pitcairn (Canada), and Elizabeth Strange (New Brunswick).

This year, members of the Executive Committee will continue to review guide documents, explore a record retention policy, and consider the digitization of old ULCC records. The Executive Committee has also committed to annually reviewing the model for the annual meeting. At this year's annual meeting, we attempted something new with the introduction of a limited hybrid feature for the joint sessions and Civil Section meetings. This format permitted delegates and observers from across the country to log in and follow the proceedings. As we review the successes and challenges of the hybrid model, consideration will be given to the number of participants, any technical issues experienced, the ability for participants to meaningfully contribute and, of course, the cost. If you have any comments or questions about the hybrid model, please contact me.

We will also renew our efforts to strengthen our relationship with our colleagues in the United States. ULC Executive Committee Chair Lisa Jacobs was in attendance at our annual meeting and, like me, she is keen on rekindling our working relationship.

As I mentioned at the closing plenary, the principal work of the ULCC is to promote uniformity amongst Canadian jurisdictions, to create consistency and predictability in the law for Canadians, and to resolve legal issues of national concern that impact all Canadians. Law reform initiatives are more important now than ever with the ever-increasing mobility of Canadians and constant technological advancements, both in the work sphere and everyday life. Both the Criminal and Civil sections are working on timely projects that will surely be a benefit to all Canadians.

For more years than I can count, the ULCC has benefited from the guidance of Peter Lown, K.C., as Chair of both the ACPDM and International Committee. Peter has kindly agreed to stay on the International Committee, and Greg Blue, K.C., from the British Columbia Law Institute is welcomed as the new Chair of ACPDM. Greg is a long-time friend of, and contributor to, the ULCC and I have no doubt he will make the position his own.

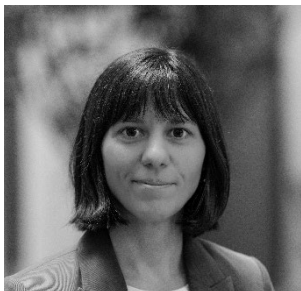
I would like to thank our outgoing Executive Director and Administrator Pierre Daigneault for his efficiency and practicality during his time with the ULCC, and welcome back Michelle Lemieux Wilkinson who resumed the role of Executive Director and Administrator effective October 1, 2024. The Executive Committee is fortunate to have the support of Michelle as well as Legal Project and Research Coordinator Christina Croteau.

I would also like to acknowledge all Jurisdictional Representatives, delegates and working group members for their continued efforts towards improving Canada's legislative landscape. I look forward to the upcoming months and to seeing everyone in person again in Halifax.



East Team – winners of the 2024 annual East vs. West softball game

The ULCC introduces 2024-2025 Executive members



Chloé Rousselle, Vice-President

Chloé Rousselle was a prosecutor with the Director of Criminal and Penal Prosecutions of Québec for several years before joining Justice Canada, first in the Criminal Law Policy Section and then in the Legislation Section.

In addition to being a delegate since 2017, Chloé has held various roles within ULCC. In particular, in the Criminal Section, she served as Jurisdictional Representative for the Québec delegation in 2019 and as Chair in 2021. She also chaired the working group tasked with reviewing the scope of the Criminal Section's mandate, whose recommendations were fully implemented in 2022.



Andrew Davis, Criminal Section Chair

Andrew Davis was born in southern Missouri and raised in the United States, Canada and Papua New Guinea. He attended the University of Regina and Université Laval, graduating from the University of Regina with a Bachelor of Arts majoring in French and economics in 2006. He obtained his LLB from Dalhousie University in 2010. Andrew has spent his career working for Saskatchewan Public Prosecutions where he has held the roles of trial prosecutor, appellate counsel, and Director of Appeals.

In addition to litigation and management duties, Andrew has been involved in promoting continuing legal education for prosecutors and in policy work. He has represented Saskatchewan at the Criminal Section of the ULCC since 2017 and has been Saskatchewan's Jurisdictional Representative to the Criminal Section since 2019. He serves on the executive of the Saskatchewan Crown Attorneys Association and volunteers with various community organizations. He lives in Regina with his wife and three children.

Tyler Nyvall, Civil Section Chair

Tyler Nyvall has served as British Columbia's Civil Section Jurisdictional Representative at the ULCC since 2021. Tyler previously led the Communications Committee and has been on several working groups. He is currently a member of the Executive Committee, Budget and Finance Committee, and ACPDM.

Tyler has been Legal Counsel with the Civil and Criminal Policy Division, Justice Services Branch, in the British Columbia Ministry of Attorney General since 2005.



Michelle Lemieux Wilkinson, Executive Director and Administrator

The Executive Committee is pleased to welcome back Michelle Lemieux Wilkinson to the role of Executive Director and Administrator as of October 1, 2024. Michelle previously occupied the role from August 2022 to December 2023. She holds a Master of Business Administration from the University of Ottawa and comes to the ULCC with over two decades of leadership, management, and administrative experience, most of which has been in the non-profit sector working with lawyer and physician organizations.

Michelle is fully bilingual and prides herself on being organized, efficient, responsive, and a strong communicator. A proud mother, stepmother, and grandmother, she lives in the Ottawa area with her husband, Pat, and goldendoodle puppy, Murphy.