

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

COMMUNIQUÉ
Spring 2014



Report from
 Lynn Romeo,
 President

I am pleased to update you on the work of the Executive Committee of the Uniform Law Conference of Canada (ULCC) in preparation for the Annual Meeting which will take place in

Toronto from August 9 to 14, 2014.

Since the publication of our fall Communiqué, the Executive has met by conference call and another call will be arranged in April to review our ongoing work and preparations for our Toronto conference. The Executive also communicates regularly on various issues and members provide helpful input on an ongoing basis.

The annual requests for financial contributions for the new fiscal year have been sent to the jurisdictions. In these times of fiscal restraint, it is especially important that we acknowledge the important role played by all jurisdictions in funding the ongoing operations of ULCC and supporting its work. It is also important to note that jurisdictions receive significant benefits in return for their investment in ULCC. As evidenced in the reports from our Civil and Criminal sections, we continue to address a broad range of issues that are vitally important to governments and we do so efficiently and effectively and thus provide real value for the support we receive. I thank each of the jurisdictions for their ongoing support and encourage them to continue their investment in the work of ULCC into the future, both by way of financial contributions and by ensuring that their Civil and Criminal section representatives are able to attend our annual Conference in Toronto. The work of ULCC is at its best when all jurisdictions participate in the research projects and working groups and attend the annual meeting.

ULCC is most fortunate to have the support of a dedicated group of jurisdictional representatives and I thank each and every one of you for your continued contributions to the Conference – there is a lot of heavy lifting done each year and it is much appreciated.

I am pleased to report that Catherine Cooper and Manon Dostie have done an excellent job of organizing the work of their sections. As you will see from their reports, we can expect an interesting and fulsome agenda in Toronto. I also wish to acknowledge the valuable work of the Advisory Committee on Program Development and Management and the International Committee both under the leadership of Peter Lown, Q.C. Peter's report provides more detail on this ongoing work, however I wish to note that both he and our Project Co-ordinator, Clark Dalton, Q.C. have invested an extraordinary amount of time and energy on several projects and proposals this year. I thank them for their dedication and commitment. Peter has also continued to strengthen our relationship and joint work with our colleagues in the Uniform Law Commission of the United States. Thanks to Peter's ingenuity and hospitality, Clark, Peter and I were able to join our ULC colleagues at their January meeting in Phoenix.

As noted earlier, the members of the Executive have been very engaged and I wish to thank each of them as well as our Executive Director, Marie Bordeleau and our Project Co-ordinator Clark Dalton, Q.C. for their contributions and support. I believe that we are working very well together and serving the interests of the Conference as a team.

Finally, Annual Meeting Co-Chairs John Lee and Earl Fruchtmann, with the support of Abi Lewis and Cathy Cooper, report that preparations for this summer's Conference in Toronto are on track. I recall the 2001 Toronto Conference was great and I have every confidence that the 2014 Conference will live up to that lofty standard.

I look forward to seeing you in Toronto.





Report from
Cathy Cooper
Chair,
Criminal Section

Seeing as this is the Criminal Chair's Report for the Spring Communiqué, I certainly hope that writing this will serve as some kind of signal for spring to make its arrival soon. With the winter we have been having in most of the country, it is difficult to imagine spring, let alone summer, when our next annual meeting will take place.

For a good part of that meeting, delegates from prosecution services, government, the defence bar, and the bench will debate resolutions put forward by the participating delegations that seek to improve and strengthen Canada's criminal justice legislation. These resolutions often arise out of problems that come to light in a particular case or series of cases in a jurisdiction. The high level of debate is always lively and enriching and ensures that the issues identified receive full and insightful deliberation.

The working group on Extra-Provincial Search Warrants, which reported to the Criminal Section last August, has become a joint working group with the Civil Section. It is still chaired by Nadine Smillie of Nova Scotia and at least four members of the Civil Section will be bringing their expertise in inter-jurisdictional enforcement to this group's work. We can expect a progress report from this joint group at the August meeting.

The one Criminal Section working group, on the Modernization of Notice Provisions, is continuing the work it started last year looking at the evidentiary notice provisions in the *Criminal Code* and the applicable provisions in the *Canada Evidence Act* with a view to modernization in light of current common law disclosure obligations. Susan Kennedy of Alberta is no longer chairing that group due to a change in duties, but Alberta will continue to shepherd it and a status report will be presented at the August meeting.

Continuing the tradition started in Winnipeg in 2011, the meeting will also include the "Open Forum" feature where a topic of broad interest to delegates will be presented and discussed.

In my Fall Report, I noted that the Criminal Section was temporarily without a Secretary. I am happy to report that the Steering Committee has now appointed Dorette Pollard, Counsel with the Criminal Law Policy Section of the Department of Justice as our new Secretary. Dorette has already proven to be an excellent partner and I am excited to be working with her in preparation for this year's meeting.

Dorette is the person to whom Jurisdictional Representatives should be submitting their resolutions for this year's meeting, at dorette.pollard@justice.gc.ca. Let me remind Jurisdictional Representatives that **the closing date for submitting resolutions to the Criminal Section is Wednesday, April 30, 2014**. This closing date must be observed to allow for translation of the resolutions where a delegation has not been able to submit them in both official languages, and the timely distribution of the resolution package to all delegates. This will enable all of you to consult as necessary on the resolutions in advance of the meeting and will ensure the highest quality of debate.

I am very much looking forward to seeing you all this August in Toronto.



Report from
Manon Dostie
Chair,
Civil Section

I am pleased to report on the work of the Civil Section for 2013-2014. With a long list of projects underway, it promises to be a very busy annual meeting.

Congratulations go to two Chairs and working groups that have finalized their work this year: A special thank you to Greg Steele, QC who agreed to step in as Chair and take over the work on the Interprovincial Subpoena Act Amendments which was adopted in November 2013. Special recognition also goes to Gerry Ghikas, QC and Angus M. Gunn, QC who helped their working group navigate through a long list of arbitration issues and draft a modern Uniform International Commercial Arbitration Act which was adopted in March 2014. I am pleased to announce that Gerry and Angus will be continuing their work with the ULCC by examining the domestic arbitration legislation across the country.

Participants will be asked to provide both policy and legal input on a number of important projects including the Uniform Commercial Tenancies Act; Uniform Interpretation Act renewal; uniform rules to implement the *Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters*; and principles for drafting uniform legislation for the implementation of international conventions.

It is also expected that a uniform act on missing persons, undertaken at the request of Ministers and Attorneys General, will be considered in August. This Act will enable police agencies to obtain personal information about a

missing person when they are conducting a missing person investigation. This project along with one examining the enforcement of extra-provincial search warrants is conducted jointly with the Criminal Section.

An interim report is also expected from the Vital Statistics Act Renewal working group. This work was undertaken further to a request from the Vital Statistics Council for Canada in 2012, which noted the many societal changes that have taken place since 1987 when the *Vital Statistics Act* was drafted. As well, we expect to receive a report dealing with some aspects of elder financial abuse. A project with the Uniform Law Commission of the United States on the recognition of life planning documents is well underway.

Thank you to Clark and Marie as well as working group chairs and members for their dedication and hard work. I look forward to seeing you in Toronto in August.



Report from
Peter Lown, QC
Chair,
International
Committee and
Chair, Advisory
Committee on
Program

Development & Management

It is my pleasure to report on behalf of the Advisory Committee. This committee looks after both project selection and project management on behalf of the conference. I would like to thank the members of this committee who, through their monthly teleconference meetings and other work on subcommittees, provide an essential service to the conference.

Last fall, at our conference in Victoria, we completed a major project on: updating the international commercial arbitration uniform legislation; creating a uniform mechanism for the operation of inter jurisdictional subpoenas; and modernizing provisions relating to voter residency.

This year, at our meeting in Toronto, we expect to complete projects on: a new uniform wills act; a drafting convention for the implementation of international conventions; provisions modernizing the protocol for dealing with missing persons, a joint project between the civil and criminal law sections. This year we will also be taking on new projects in several

challenging areas: fiduciary access to digital assets is a new challenge, and requires the balancing of executors and administrators responsibility with the electronic age in which many persons have valuable assets and information which can only be accessed electronically; having completed our work on International Commercial Arbitration, it is now time to address updating the Uniform domestic Arbitration Act which we completed in 1992. We should also see a report proposing a project on a new Charities Act, which would be a counterpart to the Uniform Trustee Act which we completed two years ago. Finally, another joint project between the civil and criminal sections will look at the processes involved in extra provincial search warrants.

This year will also see ongoing work on the important topics of commercial tenancies and a new Interpretation Act. We will begin important work on the emerging topic of protection against financial abuse, particularly dealing with the mechanism of powers of attorney.

As you can see, the work of the advisory committee is full, in overseeing all of these projects. At the same time the committee has been examining aspects of its process under the headings of communication, ever greening and implementation. So far subcommittees have developed a template for the description and proposal of new projects, a sample project schedule to be used to manage and anticipate events, and finally sample materials for the description of a completed project once the implementation stage is reached. These are valuable parts of the overall process, and it is important that they be as transparent as possible, not only to members of the conference but to the legal community at large.

Our relations with the uniform Law commission in the United States have never been better. We have two current joint projects both of which should come to completion this year. Our joint project on the recognition of substitute decision-making documents will ensure that plans for financial and healthcare management will not be upset if the principal moves to another jurisdiction. Our work on recognition of protection orders has been shared with and will be influential in the ULC project on the same topic.

In January of this year we held a joint planning meeting of the two conferences which reviewed both current and future agendas, as well as the planning processes. There was significant preparation for the two day meeting. While specific decisions were made, the degree of cooperation and sharing of knowledge was a highlight of the exercise.

This is an important quarter as we try to finalize work in time for translation and distribution of materials for the August conference. My thanks are extended to all the working groups who are working towards that deadline.



Report from
Earl Fruchtman & John Lee,
Co-Chairs of the 2014 Annual
Meeting Organizing Committee



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Planning for the 96th Annual Meeting of the Uniform Law Conference of Canada in Toronto, Ontario, is well underway. As noted in our last report, the Annual Meeting will be held at the Eaton Chelsea Hotel (formerly known as the Delta Chelsea), located in the heart of downtown Toronto from Sunday, August 10 to Thursday, August 14, 2014. A block of deluxe rooms has been set aside for delegates at the Eaton Chelsea Hotel at the special group rate of \$139.00. Please use the Booking Code: **GAGULCC14** to obtain this rate. We strongly encourage all delegates to stay at the conference hotel. Reservations may be made online at: <http://chelsea.eatonhotels.com/> or you may contact the hotel by phone at: 1-800-CHELSEA (243-5732). The hotel is located at: 33 Gerrard Street West, Toronto, Ontario, M5G 1Z4.

The opening reception will be hosted by the Ontario Bar Association on Sunday, August 10th. After much debate, the Organizing Committee has decided to leave Monday, August 11th completely open for delegates to explore the city on their own. The conference hotel is literally steps away from shops, food and entertainment. The traditional ball game and barbeque will be on Tuesday, August 12th. This ball game will take place in Kew Gardens, in the delightful Toronto neighbourhood known as "The Beach", and will be a brief respite from the commotion of the city. The closing banquet will be held on Wednesday, August 13th.

Last year was a record-breaking year for tourism in Toronto so we would encourage you to book your room and make your plans as soon as possible. The week of the meeting is sandwiched between two very popular events – the *Taste of the Danforth* festival, which ends August 10th, and the *Canadian National Exhibition* which starts August 15th. More information about what is happening in and around Toronto may be found at www.ontariotravel.net and www.seetorontonow.com.

We look forward to welcoming you to Toronto this summer. If you have any questions, please don't hesitate to contact:

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And in the news...

Lynn Romeo Named Commissioner of the Manitoba Civil Service Commission



Lynn Romeo was appointed Civil Service Commissioner effective January 4, 2014.

Ms Romeo has enjoyed an extensive legal career in both the public and private sectors. She joined Manitoba Justice in 1987 as Crown counsel in Civil Legal Services, following a 10 year career in the private practice of law. In 1996, she was appointed General Counsel and in 2007

became the Director of Civil Legal Services, Manitoba Justice, one of Manitoba's first Special Operating Agencies.

Ms Romeo has practiced law at a senior level in a broad range of areas with particular emphasis on corporate and commercial law. She has had significant experience advising government departments, agencies and Crown corporations on many complex matters. Ms Romeo has extensive management and operational experience leading diverse teams.

As an active member of the community and legal profession, Ms Romeo has held many volunteer positions, including serving as a member of the boards of Balmoral Hall School for Girls, Villa Cabrini Inc. and Villa Nova Inc. (seniors residences) and was a founding member of W.I.S.H. (Women in Second Stage Housing) Inc.

She is a member of the Civil Service Superannuation Board and is currently serving as the President of the Uniform Law Conference Canada. She holds a B.A. and an LL.B. from the University of Manitoba.



Lane Wiegiers named to the Bench in Estevan

The Government of Saskatchewan is pleased to announce the appointment of Lane Wiegiers as a judge to the Provincial Court in Estevan.

“Judge Wiegiers exemplifies the attributes we look for in the judiciary,” Justice Minister and

Attorney General Gordon Wyant said. “His criminal law experience over the past 22 years as a public servant and his dedication to the community make him an exceptional appointment to the bench.” Judge Wiegiers graduated from the College of Law at the University of Saskatchewan and was called to the Bar in 1992.

Since then, he has spent most of his career with the Ministry of Justice in Regina, first as a Crown Prosecutor, then as a Senior Crown Prosecutor. In 2011, he was appointed as Director of Prosecutors for the province. During his career, he has appeared at all levels of court.

Judge Wiegiers has been involved in many professional associations and community activities. He has a particular interest in refugee and immigration matters, which is evident through his involvement in Pro Bono Law and the Regina Open Door Society.

Judge Wiegiers replaces Judge Karl Bazin, who is transferring to the Provincial Court in Swift Current.



Dorette Pollard Named Criminal Section Secretary

Dorette Pollard graduated from Osgoode Hall Law School in 2006 and has been a member of the Law Society of Upper Canada since 2007.

After clerking at the Federal Court in two consecutive years, Dorette joined the Criminal Law Policy Section as a member of

the Security, Terrorism and Governance Team in January 2009.

She was appointed Secretary of the ULCC’s Criminal Section in February 2014.

Uniform Law Conference of Canada

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