

# COMMUNIQUÉ

Spring 2023

## In memoriam

It is with great sadness that we have learned that **Clark Dalton, K.C.**, passed away in late February. Clark had been a delegate and friend to the Uniform Law Conference of Canada since the mid-1980s and for over a decade served as Project Coordinator. More about Clark and his contribution on page 2.

## President's Report Sarah Dafoe, Alberta



Spring has sprung upon us all, and it's time to provide an update on the ongoing work of the ULCC.

In my last report, I described two key areas of focus for my year as President: considering the format of future annual

meetings and continuing the roles review work. Good progress has been made on both fronts.

As noted in the fall *Communiqué*, the 2022 annual meeting in Edmonton was a success. While we were also very pleased with the outcomes of the ULCC's virtual meetings in 2020 and 2021, it is clear that they were not a perfect substitute for in-person meetings. To assist with determining a path forward in relation to annual meeting format, the Executive Committee met with the ULCC's Jurisdictional Representatives (JRs) this past January. After carefully considering the input received from JRs and in keeping with their overall feedback, the Executive Committee has decided to pursue holding an in-person annual meeting in 2024. As part of planning for that meeting, the ULCC will explore the incorporation of some virtual meeting features, if it is technically and financially viable to do so. Details will follow as plans are developed.

The decision to hold an in-person annual meeting applies only to the 2024 annual meeting, as the ULCC believes that the question of format needs to be carefully considered each year. Technological improvements may provide easier and more affordable virtual options in the future; the expectations of our delegates and respective governments may change; and the long-term viability of the ULCC, and the effectiveness of its work, must always be kept top of mind.

As for the Roles Review Committee, its work has accelerated since the unexpected loss of our Project Coordinator, Clark Dalton, K.C. The Committee's objective is to ensure that the ULCC is supported by appropriate structures, including up-to-date role descriptions for the Project Coordinator and the Chair of the ACPDM. That said, the primary focus right now is to clarify the role of the ULCC Project Coordinator, so that the ULCC can fill that position as soon as possible.

I've learned more about the ULCC over the past several months than I could ever have expected. The quality and quantity of its work is impressive, but even more so is the ongoing dedication of committee and working group members as they focus on ULCC matters throughout the year. Additionally, I'm grateful to the ULCC's Executive Director, Michelle Lemieux, for keeping me on track and organized, and for providing sage and practical advice.

Michelle is a true pleasure to work with and the ULCC is lucky to have her.

As you will see in the report of the 2023 host committee, planning for our annual meeting in Charlottetown, PEI, is well underway. I'm really looking forward to revisiting Charlottetown, which coincidentally was the host location

for my very first ULCC meeting back in 2006. I was very lucky to have stumbled into the world of the ULCC those many years ago, and I look forward to continuing our good work together in Charlottetown this August. See you soon!



**Clark Dalton, K.C.**

### **IN MEMORIAM: Clark Dalton, K.C.**

**Clark's contribution to the ULCC has been immense and unique, and we will miss him in every aspect of ULCC activities.**

My own introduction to Clark occurred in 2001, when he hired me to join his legal team within the Government of Alberta. At the time, he was the Director of Legal Research and Analysis for Alberta Justice and also a Board member of the Alberta Law Reform Institute. Clark was a patient and generous teacher, and he led me through one of my very first forays into legislative reform, which involved implementing one of the ULCC's uniform Acts in Alberta. I couldn't have asked for a better introduction to the ULCC.

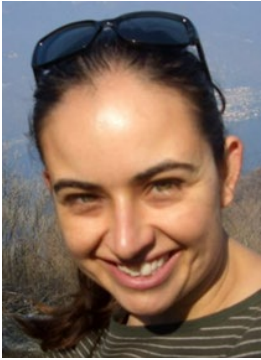
Clark was a member of the Alberta delegation to the ULCC from 1984 to 2004, and for 13 of those years he was the Civil Section Jurisdictional Representative. When he retired from the Government of Alberta in 2006, Clark became the National Coordinator for the ULCC Commercial Law Strategy and, upon the conclusion of the Commercial Law Strategy, he became the ULCC's Project Coordinator.

Every one of us who has taken on any kind of leadership role for the ULCC knows the incredible value that Clark provided. So much of his work was behind the scenes, but in many ways, Clark was the heart and soul of our organization. He helped ensure that the ULCC stayed current, organized, and professional. He was a true ambassador for the ULCC, and we all have benefitted from his efforts in ensuring that the ULCC has ongoing relevance to governments and to the legal profession.

When I look back over old minutes and *Communiqués*, every President and Civil Section Chair was effusive in their thanks to Clark. There is a reason for that. He was always gracious, helpful, and supportive. He probably knew more about the ULCC than anyone else, yet he was always gentle with his suggestions and modest about his accomplishments. In his email communications, he would provide historical context along with practical advice, and would usually end emails with "let me know how I can help".

Discussions are underway to find a way to properly recognize Clark's contributions to the ULCC in a more permanent manner. Please reach out to me directly if you have suggestions.

*Sarah Dafoe*  
*ULCC President*



**Civil Section  
Chair  
Christine Badcock,  
Yukon**

It is a privilege to have started my term as Chair of the Civil Section in August 2022. I must thank former Chair Valérie Simard who so ably led the Section through the pandemic years and who has been a very generous mentor as I settled into the role. I would also like to thank our Jurisdictional Representatives (JRs) for their contributions to ULCC projects and to the implementation of our uniform acts in their jurisdictions.

I am pleased to report that the ULCC's latest uniform act, the *Uniform Gratuitous Crowdfunding Act*, was adopted late last year. The *Uniform Gratuitous Crowdfunding Act* is the civil law version of the ULCC's *Uniform Benevolent and Community Crowdfunding Act*, which was adopted in 2020. I would like to thank the working group members, particularly Professor Michelle Cumyn, for all their hard work on the project.

The Civil Section Steering Committee, made up of our Civil Section JRs, continues to meet monthly ahead of our upcoming annual meeting to be held in August. At the annual meeting, we are anticipating receiving the final report of the working group on Drafting Conventions. This working group, led by Professor John Mark Keyes, has prepared new Drafting Conventions to replace our current Conventions, which were adopted back in 1989 and are long overdue for modernization. We also anticipate receiving the final report of the working group on Enforcement of Canadian Judgments and Decrees and a draft *Uniform Enforcement of Canadian Judgments and Decrees Act*. This project is being led by Professor Stephen Pitel.

As well as these final reports, we also anticipate receiving numerous progress reports at the annual meeting, on ongoing projects including charities, joint ventures, and the Convention on the Recognition and Enforcement of Foreign Judgements in Civil and Commercial Matters.

As well as continuing to work on projects that are underway, we have recently considered potential new projects that the ULCC may wish to undertake. At last year's annual meeting, feedback from Civil Section JRs led us to commence a project on non-disclosure agreements. Then, in early February, the Civil Section JRs were canvassed to assess jurisdictional interest in potential projects concerning the remote execution of documents and unclaimed intangible property. Based on the feedback received from the JRs, at this time the Advisory Committee on Program Development and Management (ACPDM) is proceeding with preliminary work in the area of remote execution. We anticipate receiving progress reports on both non-disclosure agreements and the remote execution of documents at our annual meeting.

Peter Lown, K.C., continues to chair our ACPDM and we thank him for his continued dedication to the ULCC and his tireless efforts in developing new projects and helping to manage ongoing projects.

Finally, I am deeply saddened that very recently the ULCC suffered a tremendous loss with the passing of Clark Dalton, K.C., our Project Coordinator. Clark has been a stalwart supporter of the ULCC and has generously served the ULCC for decades. His encyclopedic knowledge of the ULCC's procedures and history will be sorely missed. Clark was most generous and supportive to me and, I'm sure, to others who have served as Chair of the Civil Section. I'm hopeful that we will be able to appropriately commemorate Clark's contribution to the ULCC at our upcoming annual meeting and continue the work to which he was so dedicated.

I look forward to seeing delegates in Charlottetown in August.



## Criminal Section Chair Anny Bernier, Quebec

I am pleased to report that the 2022-2023 Criminal Section Steering Committee has been very active since last December to ensure that preparations are well underway for our next annual meeting to be held in beautiful Charlottetown, Prince Edward Island, from August 21 to 25, 2023.

Last December, our dedicated colleague and friend Dorette Pollard retired from professional life for a well-deserved retirement. I would like to take this opportunity to thank her for her commitment and her great contribution to the ULCC, particularly as Secretary of the Criminal Section for many years. In February 2023, Aleksander Godlewski, a lawyer with the Department of Justice Canada, joined the team as the new Secretary of the Criminal Section. I would like to warmly thank him for his assistance and great cooperation since his arrival.

As tradition dictates, at the next annual meeting we will have the opportunity to analyze and debate the merits of various resolutions proposed by the delegations. Jurisdictional Representatives have until April 28, 2023, to submit their resolutions to Aleksander. I would like to point out that, having seen some of the resolutions already received for the next meeting, this promises to be another very exciting and rewarding exercise for all delegates!

In addition to the debates on the resolutions, we expect to receive two working groups' final reports, one on section 672.26 of the *Criminal Code* (*Cr. C.*) dealing with the fitness of an accused who elects to be tried by a judge and jury, and the other on the search warrant regime under section 487 *Cr. C.* We look forward to hearing the results of their work at the next annual meeting!

Work is also progressing with the other two working groups: the Working Group on the Detention of Seized Property under section 490 *Cr. C.*, chaired by Nicholas Reithmeier of British Columbia, and the Working Group on the Legal Treatment of Animals under the *Criminal Code*, chaired by Nadine Nesbitt of Alberta. Progress reports will be presented at the meeting.

I also want to remind you of the importance of participating in the ULCC. As you know, the objective of this remarkable forum that has united us for so many years is none other than to offer our best arguments and reflections in a collegial manner so that all participants in the judicial process can contribute together to the advancement of our criminal justice system.

Finally, I am thrilled with the work of the Criminal Section this year and I am sure you won't be disappointed! I look forward to seeing you in Charlottetown.



## The 105<sup>th</sup> ULCC annual meeting

**The Host Committee for the Government of Prince Edward Island is excited to welcome ULCC delegates to our Island for the 105<sup>th</sup> ULCC annual meeting, to take place August 21-25, 2023.**

Named by Travel & Leisure as one of the best places to travel in 2023, Prince Edward Island (PEI) contains spectacular coastal drives, pristine shores, more than 90 beaches, 25 golf courses, and many scenic hiking and cycling trails that usually lead to something delicious. Affectionately nicknamed "Canada's Food Island", PEI is internationally known for its freshly shucked oysters, mussels, lobster rolls, and award-winning ice cream.

PEI is also the setting of the novel "Anne of Green Gables". Every summer, visitors flock here to step into the peaceful, storybook world that inspired Lucy Maud Montgomery's fictional town of Avonlea. Thanks to red sandstone cliffs, quaint towns and pastoral rolling hills, its views don't disappoint. A 15-minute drive will get you out of the city and many rural



attractions are less than an hour outside of Charlottetown. It's almost impossible to take a wrong turn on this 140-mile-long island and, even if you do, you'll likely be met with a friendly Islander who will point you in the right direction.

The meetings will be held at the Rodd Charlottetown in downtown Charlottetown, the birthplace of Canada. Built in 1931 by CN Railways, the Rodd Charlottetown features elegance and attention to detail synonymous with the historic Canadian National Railway hotels. The hotel is located close to Victoria Park and its scenic boardwalk, Charlottetown's historic downtown, and the waterfront. You can take in a performance at the Confederation Centre of the Arts, The Guild, the Mack or the Trailside Music Hall. Victoria Row is a pedestrian-only walkway that is a cultural hub and features live entertainment from local artists, excellent farm-to-table restaurants, gourmet coffee shops, pubs and artisan boutiques. Peake's Quay, the historic waterfront where the Fathers of Confederation landed in Charlottetown in 1864 for the Charlottetown Conference, is a great spot for live music, artisan shops, and seafood restaurants. Countless other restaurants, cafes, pubs, and bars offering live music are also all within walking distance of the hotel.



Islanders are passionate about protecting their fragile ecosystems and heritage formed by Acadian, Celtic and Mi'kmaq cultures, just to name a few, leading to a wealth of unique and sustainable experiences. Specific information about opportunities for you to explore our Island can be found at [www.tourismpei.com](http://www.tourismpei.com).

Annual meeting attendance is by invitation only. Specific booking details, including information about accessing the special ULCC discounted rate, will be sent to the ULCC's jurisdictional representatives shortly. We encourage approved delegates to confirm their travel plans at the earliest opportunity as August is a particularly busy time in PEI and accommodations fill up quite quickly.