

CLOSING PLENARY SESSION

MINUTES

Opening of Meeting

The Chair, Earl Fruchtmann, welcomed everyone to the closing plenary. He stated that this had been a successful and productive week. He thanked all of the delegates for their participation and contribution to this year's annual conference.

Report from the Criminal Section

The Chair, Glen Abbott, reported that the Section had a very large volume of work. There were 62 original Resolutions, 65 including the sub-parts. Four Resolutions were submitted from the floor, for a total of 69 Resolutions. Of those, 36 were carried, 9 were defeated and 24 were withdrawn.

Two joint sessions were held, one on *Bijuralism* and a session that dealt with the *Extra Territorial Police Powers of Investigation*. A review was done on *Voyeurism*, a paper by Karen Markham, which produced a good discussion. Delegates were encouraged to submit further commentaries on the paper to Justice Canada for consideration. A paper was received on *In-Custody Informants* and the use that might be made of their evidence resulting out of various wrongful convictions that have been notable in recent history. The paper was tabled with the Section, but unfortunately there was no time to deal with it by way of discussion. Again, delegates were invited to submit comments on the paper to Justice Canada. The paper will be put on the ULCC Website as soon as possible.

A report which reviewed the legislative history of past Resolutions dealt with by the Criminal Section was received from the Senior Delegate from Justice Canada. A report was also received from a Committee dealing with the rule pertaining to the *Corbett Applications*. The Committee was unable to reach any firm resolutions during the course of the year. The Committee has been extended for one year under the Chairmanship of Marvin Bloos. The Section also passed a Resolution to amend the Operating By-Laws for the Section.

The Chair commented that the discussions were very interesting and that that he is always amazed to find the ability of the delegates to come up with issues that affect the Resolutions. In fact, various new participants to the Criminal Section came up to the him during the course of the week to express their appreciation and respect for the delegates and the experts around the table, for the quality of their interventions.

There was a wide range of participants this year including participants from the Bar, the crown side of the Bar, government lawyers, academic professors and judges. This wide variety of expertise certainly added to the quality of the discussions.

The Chair thanked the participants and the delegates who submitted Resolutions. He commented that Catherine Kane, Secretary to the Section, was unable to attend this year, but the Section was very pleased to have Shannon Davis of Justice Canada act as Secretary for this year's conference. He thanked Shannon Davis for the work that she completed.

Rob Finlayson, from Manitoba, was elected as the new Chair for the Section. The Section is looking forward to his participation and his Chairmanship next year. He thanked Rob Finlayson for accepting the Chairmanship.

[The Criminal Section Minutes appear on pages 96 to 119 of these Proceedings.]

Report from the Civil Section

The Chair of the Civil Section, Susan Amrud, reported that five Uniform Acts were approved in principle: *The Uniform Enforcement of Judgments Act*, *The Uniform Unclaimed Intangible Property Act*, and Acts for the implementation of *the Hague Convention on the Protection of Adults*, *the Hague Convention on the Protection of Children*, and the *UNIDROIT Convention on International Interests in Mobile Equipment*. These Acts will be revised to reflect the discussions and will be circulated to the Jurisdictional Representatives for adoption during the course of the next year.

As a result of reports received, the Section agreed to continue work in the following areas: *Personal Property Security Law*, *Enforcing our Laws on the Internet*, *Federal Security Interests*, *Civil Enforcement of Judgments*, *Electronic Wills* and *Transfer of Investment Security*. A progress report was received on the *Commercial Law Strategy*, a report on the activities of the NCCUSL, and a report from Justice Canada on *Private International Law*.

The Section had a very successful week and made a lot of progress in advancing its work. The Chair thanked all of the participants of the Civil Section, including the presenters and the people who worked on the working groups as well as those who participated in the discussions.

She reported that Chris Curran from Newfoundland will be succeeding her as Chair of the Civil Section in August 2002. In the meantime, Chris has agreed to act as Vice-Chair this year to assist in the transition process.

She then referred to the Resolutions that had been distributed to the delegates arising out of the joint sessions on *Bijuralism* and *Extraterritorial Police Powers of Investigation*. **MOVED** by Susan Amrud, seconded by Glen Abbott, **THAT** the Resolutions be adopted. The motion was carried.

[The Civil Section Minutes appear on pages 51 to 71 of these Proceedings.]

Term of Office of the Chair of the Civil Section

Arthur Close stated that the current rule, set out in Section 5, Sub-section 2 in the Conference By-Laws reads as follows "The Chairperson of the Civil Section and the Criminal Section shall be elected for terms of two years and one year respectively, and shall be eligible to be elected for one additional year."

The Resolution of the Executive Committee earlier this week was that the words “terms of two years and one year respectively” be deleted and substituted for those would be “for a term of one year.” The By-Laws of the Conference provide that the way these amendments are made is a Resolution of the Executive Committee, which was passed, but which has to be ratified by the Conference as a whole.

MOVED by Arthur Close, seconded by Susan Amrud **THAT** the Conference ratify the Resolution of the Executive Committee. Unanimously carried.

Report from the Nominating Committee

Jeff Schnoor, Chair of the Nominating Committee, thanked the members of the Nominating Committee who in addition to the Chair, included Peter Lown, Doug Moen, Earl Fruchtmann and Daniel Grégoire.

Since this was going to be his last official act as a member of the Executive Committee, Jeff wanted to take a moment to say what an honour and a privilege it has been to be a member of the Executive Committee. He was happy to say that the individuals whom he will be nominating on behalf of the Nominating Committee for the positions of President and Vice-President, expressed similar comments when they were offered this opportunity. They were both honoured and privileged. He then commented that it was his pleasure to nominate as President for the coming year, Arthur Close, Q.C. of British Columbia, and as Vice-President, Glen Abbott, Q.C. of New Brunswick.

MOVED by Earl Fruchtmann, seconded by Jeffrey Schnoor **THAT** the nominations as presented be endorsed. Motion Carried.

Acknowledgement

The Chair expressed the Conference’s gratitude to the following:

First of all, to the people in Ontario who assisted in the preparation of this conference, Claudette Charles, Bryna Weis, Ann Giantsopoulou, Joan Stalker and Damien Williams.

To the Conference Secretariat, for providing the necessary support throughout this conference and for ensuring that it runs smoothly. Those individuals include some already mentioned, Bryna Weis, Ann Giantsopoulou, Lorraine Ayers, who in addition to being there for the Secretariat, was able to provide the services in French.

Peter Walke for the technical assistance he provided for the joint sessions and for the presentation of the Website.

Everyone who contributed to the substantive work of the Conference, that is those who were involved in the preparation of papers and in the presentation of papers for the Civil Section. Those who were involved in the preparation of Resolutions and discussion papers for the Criminal Section.

Special thanks to the interpreters and to the technical assistance provided to the interpreters, for the crucial role that they play in ensuring that this national conference continues to conduct its proceedings in both official languages.

The Ontario Bar Association for hosting the opening reception.

The Law Society of Upper Canada for hosting the closing banquet.

Before passing the reins of power to the new President, Earl Fruchtmann expressed the following words of thanks as President

“First of all, I would like to thank the Conference for providing me with the opportunity to serve as President. I am extremely grateful for this privilege. Secondly, I would like to thank those who provided assistance to me over the last year. In particular, a few Past Presidents, Peter Lown from Alberta, and Doug Moen from Saskatchewan, with special thanks to Doug Moen for his continuing involvement in the development of the Commercial Law Strategy.

I would like to thank the Executive this year. They were there when they were needed, but even more so, the fact that they carried out their own responsibilities in an exemplary fashion meant that my level of worrying was significantly lowered.

Again, in particular I would like to say something to our Immediate Past President, Jeff Schnoor. This is a sad moment for Jeff, I know, his three year involvement on the Executive is now coming to an end. Jeff has served this Conference extremely well in every capacity. As a delegate, as Chair of the Civil Section, as Vice President, President and Immediate Past President. For me, Jeff, you have always been a role model, and that in itself provided great assistance to me in carrying out my duties. You also provided particular assistance and advice to me whenever I asked. So I would like to take this moment on behalf of both myself and the Conference to express our appreciation for your services over the years.

And last, but by no means least, I would like to thank Claudette Racette. It is hard for me to find the words to express my appreciation for Claudette and the value that she brings to this Conference. In a sense, Claudette is the Conference. Not in terms of the substantive work that we do, but in the running of the Conference on a day to day basis and in the running of the annual meeting. The success of this Conference owes a lot to Claudette.

As you know, because we have already mentioned this at the Opening Plenary, much of the work of the Conference involves volunteer services by part-time people, including the work of the Executive, and in particular, the President. We could not function however, without the assistance of Claudette. Things happen, and they happen because Claudette makes them happen or she is on your back making sure that you make them happen. It is because of this that Conference runs as well as it does. So once again, I would like to take this opportunity on behalf of both myself and on behalf of the Conference as a whole, to express our extreme appreciation to Claudette Racette for all the work that she does during the year and for this conference.”

Words from the New President

The new Chair then took over the meeting and made the following statements.

“There is an enormous thank you that remains to be said and that is to our outgoing President, Earl Fruchtmann, who has provided just terrific leadership to the Conference in the past year. It is hard to put into words the contribution that Earl has made. He has given us dynamic leadership, particularly at this critical time with the Commercial Law Strategy going forward. It was a personal pleasure working with Earl, and it is a matter of great satisfaction to know that you will continue on the Executive as Immediate Past President. On behalf of all participants I want to say the big thank you for what you have given us over the past year.

Just to continue the thank yous, I do want to repeat what Earl has said about Jeff Schnoor’s contribution. Certainly since he leaves the Executive now, Jeff’s counsel in a formal way will no longer be with us, but knowing Jeff, he is always available to provide advice whenever he is asked and frequently when he isn’t asked. I expect that to continue since Jeff’s participation in our work will continue.

I should also perhaps extend our thanks to H  l  ne Yaremko-Jarvis, who has been working so hard on our behalf with the Commercial Law Strategy. She has done a terrific job in raising the profile of the Conference generally, not just the Commercial Law Strategy, but the Conference as a whole. We owe H  l  ne a large debt of gratitude for the way she has carried that out.

Succeeding Earl, I think that it is a bit of a time for reflection. My first attendance at the Uniform Law Conference was in 1978, approximately 23 years ago. When I started with the Conference, it was very much a kind of sleepy backwater, and it remained that way for a number of years, up to about 1990. Any person who had been attached to the work of the Conference, say in 1958, could have dropped into a meeting in 1988 and felt quite at home. Things had not changed that much. But around 1990, the work of the Conference underwent a sea change. On the civil side, the projects have increased in number and relevance and we have recently seen a quantum leap in that with the coming of the Commercial Law Strategy. As I understand it, the same has occurred on the criminal side. Increases in workload and relevance have left the Criminal Law Section working harder than any time in its history.

The process of change is continuing to accelerate for the Conference and we are now facing challenges of a magnitude and a kind that are unprecedented in the history of the Conference. It is a very exciting time to become President. Despite the things that are changing, there are some things that remain constant. There have been references on a number of occasions to the fact that we are still essentially a volunteer organization. The volunteer aspect remains very important. If I can give one example of what has happened.

Numerous references have been made to the problems of filling John Gregory’s shoes for all of the many things that he did for the Conference. One of those things was to oversee the publication of the Conference Proceedings and the Updates of the Consolidated Uniform Acts. We are extremely fortunate that Tim Rattenbury of New Brunswick has agreed to take over this function for at least one year and the element of voluntarism remains strong there.

Just to close off, I would like to thank everyone associated with the Conference for the confidence that they have reposed in me. I look forward to an exciting and challenging year with a super Executive. Thank you very much.

Report from the Host Jurisdiction for the 2002 Conference

Margo Nightingale stated that next year's conference is scheduled for Sunday, August 18th to Thursday, the 22nd, in Yellowknife, Northwest Territories.

Members of the Organizing Committee have enjoyed meeting to make the plans for next year's conference. They are going to do their best to capitalize on the beauty and uniqueness of the Northwest Territories when they make plans for next year. The Committee would like to emphasize this through what delegates will see, what they do, what they taste and what they hear during the week they are in their wonderful city. They are planning to create a social agenda, not just for the delegates, but for family members who come along and are hoping that people will be encouraged to bring their family with them and if possible, stay a little longer. It is a great jump off point for all kinds of other adventures in and around Yellowknife. You can take planes to fishing lodges that are near by. You can rent a boat for a week and go on the lakes and rivers and fish or camp in complete solitude, or involve yourself in community activities.

The Organizing Committee will be asking for feedback from delegates and Jurisdictional Representatives with respect to the kinds of activities that they or their families might be interested in. They will try to do that partly through the COMMUNIQUE and perhaps through some independent outreach that they may send around.

The Organizing Committee is looking forward to seeing as many delegates and guests as possible next year.

Location of the Annual Conference in 2003

Glen Abbott stated that New Brunswick is looking forward to hosting the 2003 Conference. Glen, Tim Rattenbury and Elizabeth Strange are on a Committee to organize the event. No final decision has been reached with respect to location. It is a choice between Fredericton and Saint John. It may very well be in Fredericton. The beautiful St. John river flows by and the people are very friendly. New Brunswick is looking forward to all of the Conference delegates showing up.