

## **CLOSING PLENARY SESSION**

### **MINUTES**

#### **Opening of Meeting**

The Chair, Gregory Steele, called the meeting to order.

#### **Report from the Criminal Section**

The Chair, Catherine Kane reported that: This year 33 delegates from 10 out of 13 jurisdictions participated in the meetings of the Criminal Section. They included crown counsels, policy counsels, academics, members of the defence Bar, representatives of the Canadian Bar Association, Canadian Council of Defence Lawyers and the Criminal Lawyers Association, as well as members of the judiciary. This diversity of expertise as usual provided for a very interesting discussion.

The Criminal Section's work is primarily focussed on specific resolutions that call for amendments to the *Criminal Code* or other Federal criminal laws. Resolutions may also call for further analysis of specific issues to consider the need for amendments. This year's resolutions covered many areas of criminal law, primarily procedure, but also amendments to focus on the needs to keep pace with technology, to address certain implementation issues with the *Youth Criminal Justice Act*, to expand *D.N.A.* provisions and to examine post-conviction issues.

The Section considered 54 Resolutions, some in two parts. Forty-two Resolutions were thoroughly discussed, 36 were carried, either as submitted or as amended following the discussion. Six were withdrawn after discussion and 6 were withdrawn due to the passage of other similar Resolutions. No Resolutions were defeated. Four Resolutions were withdrawn due to lack of time. The numbers do not add up perfectly because some resolutions were dealt with in two parts.

The Section also considered two discussion papers. The first, on the *Right to Counsel* which generated a great deal of discussion. It was agreed that the paper would be provided to the Criminal Working Group on Legal Aid and to other appropriate F.P.T forums.

The second, on *Disclosure in Criminal Cases*. A preliminary issues paper prepared by the Department of Justice Canada was provided to guide the discussion. It was noted that this was a preliminary paper that had been used for the Department of Justice consultation with stakeholders in the Spring, and it is anticipated that the final discussion paper will be published by the Department of Justice this Fall seeking the views of all stakeholders. This discussion was very informative.

She was pleased to announce that the Chair for 2004-2005 will be Bart Rosborough and that Dean Sinclair has accepted the nomination to be the Chair in 2005-2006.

On behalf of the Section, she thanked Saskatchewan for being such a wonderful host.

### **Report from the Civil Section**

The Chair, Frédérique Sabourin, reported that: The Section had a very fruitful meeting. This has been a very busy year for the Civil Section. A number of important projects were finalized this year. The Resolutions were generally easily adopted. The Civil Section has adopted 4 Uniform Acts: *Public Inquiries, Illegal Contracts, Mandatory Testing and Disclosure* and the *Transfer of Securities*. It has also adopted an amendment on *Restitution Orders* to existing Uniform Acts on *Enforcement of Canadian Judgments and Decrees*.

The Section has made great progress towards the adoption of a Uniform Act on the *Civil Enforcement of Judgments* and of a *Uniform Act on Franchises*. The first should be adopted this Fall, and the second next year with regulations as a complete package for the provinces and territories to enact. Several reports were received on projects that will be pursued during the coming year, for example: *Limitations, Charitable Fundraising* and *Personal Property Security*. Reports on projects that will not be pursued during the next coming year but are still of great assistance for the governments in Canada when dealing with the reform of law, like *Personal Exemptions*, were also received.

The Chair of the Civil Section for the coming year is John Twohig from Ontario. The nominated Chair for 2005-2006 is Russell Getz from British Columbia.

### **Report on the Discussions with NCCUSL and the Mexican Uniform Law Centre**

The Chair reported that Glen Abbott, he, and Chris Curran met with Fred Miller, King Burnett and Jorge Sanchez Cordero. They discussed areas where the three Conferences might work together in terms of identifying projects of common interest for domestic projects, the potential for projects on international issues and the extent to which the three Conferences could benefit from the work of the others. They agreed to make contact throughout the year as opposed to simply attending each other's annual conferences. As a result of those discussions the Chair will be recommending to the Executive that they appoint a member of the Executive to maintain contact throughout the year with the Conferences in the United States and Mexico so that each can be aware of what the other groups are doing.

### **Report of the Nominating Committee**

Glen Abbott, Chair of the Nominating Committee stated that pursuant to the provisions of the Constitution and By-Laws he did chair the Nominating Committee this week. Other members of the Committee were Greg Steele, Arthur Close, Peter Lown, Earl Fruchtman and Darcy McGovern. The Nominating Committee proposes the following Commissioners. For the position of President, Chris Curran, Commissioner from Newfoundland and current Vice-President. For the position of Vice-President, Rob Finlayson, Commissioner from Manitoba. The Chair then asked that Brian Greer be confirmed as Chair of the Drafting Section. The Chair sought approval to name Frédérique Sabourin to the Executive Committee as a Member at Large. The nominations were approved.

## **Reconsideration of the Resolution on the Commercial Law Strategy**

The Chair referred to the resolution that was approved in substance during the Opening Plenary. The organizational chart has now been circulated to the Commissioners. He mentioned two points about the resolution. First, in accordance with the resolution, it is something that is capable of being amended from time to time as the Executive deems appropriate, and it will not take effect until after March 31, when the existing contribution agreement expires. The organizational chart is meant to show how the Commercial Law Strategy is brought within the auspices of the general Civil Section activities. The resolution as circulated was carried.

## **Words of Thanks**

On behalf of Clark Dalton, Peter Lown thanked the Conference for its recognition for Clark's services to the Conference over the years. A presentation for his 20 years of service was made to him the previous evening. This was also Clark Dalton's final attendance at a ULCC conference. Unfortunately, Clark had to leave earlier in the morning due to an urgent matter.

## **Comments from the Outgoing President**

The Outgoing President made the following statement.

"Much of what might have been said at this point in terms of thanking those who provided assistance to me in the course of the year, I mentioned in my remarks on Sunday and will not be repeated here. I will simply express my thanks to the Commissioners in both the Criminal and Civil Sections for the excellent job they did throughout the week, and in particular the Chairs, Catherine Kane and Frédérique Sabourin. I would also again, extend thanks to the Members of the Executive both for the work they did throughout the year and during this week, which has been a busy one. As well to Claudette Racette who has been a great support preparing for and conducting this meeting.

I would also like to mention all of the volunteers and researchers and those who participated in the projects and the work of the working groups and the committees, the presenters who attended this year's conference, Max Paré, Erik Spink, Larry Robinson, John Sotos and Frank Zaid, Prof. Dunlop, Prof. Telfer, Prof. Cumyn, Prof. Renke and Prof. Oosterhoff.

Most importantly, I would like to thank members of the Organizing Committee that did such a great job in preparing for and holding this meeting. Susan Amrud, Darcy McGovern, Karen Pflanzner, Dean Sinclair, Merrilee Rasmussen, Doug Moen and Gerald Tegart. Also during the week we had the assistance of Joy Brennan, Shari Parisian and Maria Markatosin in the conference secretariat. Other Justice staff helped at the B.B.Q., Kim Newsham, Erin Hobday and Barry Beauchesne. Tim Epp drove companions to Moose Jaw for the day on Monday and Cindy MacNaughton took the group photo. Ross MacNab and Tom Irvin drove people to the R.C.M.P. Academy on Monday for the graduation ceremony. I also want to thank Andrew Dinsmore, the media contact who undertook to issue a press release on our activities this week. Our special thanks, I would like to extend to Glenna Hamilton who by all accounts I received did an excellent job not just this week, but throughout the year in preparing for the annual conference.

(On behalf of the Conference, he presented her with a bouquet of flowers.) Thanks to our interpreters and the technicians both on the Criminal side and the Civil side.

I would like to express the gratitude of the Conference to the Law Society of Saskatchewan for hosting the reception that everyone enjoyed on Sunday evening, and to the Saskatchewan Branch of the CBA who co-hosted the banquet dinner. The Department of Justice, of course, deserves our gratitude for hosting the annual conference. In particular, I would like the members of the Saskatchewan delegation present here today to please pass on our sincere thanks to Doug Moen for not only his support during this conference, but for his ongoing support of the ULCC throughout the years.

In concluding, I just say that it has been a pleasure and an honour to have served as President. I made some remarks, perhaps in an attempt to be humorous at the opening session that may have indicated that I did not think that it was such an honour, but I do want to say that it has been a great pleasure and I have enjoyed the hard work that has gone with it and I have no regrets at all. I thank you all for giving me that opportunity.”

### **Reconsideration of the Date for the ULCC Annual Conferences**

The Chair reported that during the meeting of the Jurisdictional Representatives earlier in the week, a question was raised about the date for the annual conference and a suggestion was made that if it could be moved to an earlier date in August, that would be preferable. He commented that it may be too late to change the dates for next year's conference given the arrangements that are already in place. Inquiries will be made, but no one should be making changes in their day timers for the time being.

With respect to the 2006 annual conference, he stated that Peter Lown has looked at the possibility of moving the dates up for the Alberta conference. The only available time given the holiday weekend, if it were moved earlier, would be the week in which the Canadian Bar Association is holding its annual meeting. He asked delegates to indicate whether holding our meeting at the same time as the CBA meeting is something that we could explore. It was pointed out that some Commissioners do attend both conferences. Since no final decision was reached, the matter will be given further consideration by the Executive Committee.

### **Comments from the Incoming President**

Chris Curran commented that as the new President, he was very pleased to take on the responsibility of leadership for the Conference next year. He looks forward to receiving the assistance of Past Presidents, Peter Lown, Arthur Close, Earl Fruchman, and Glen Abbott throughout the year, should he have any questions. He thanked Greg Steele for all the work he has done over the past year. It was a real pleasure for him to have worked with Greg over the past year. He and Greg had a very fruitful and enjoyable time in Mexico with Jorge Sanchez Cordero, President of the Mexican Uniform Law Centre and they look forward to working with our Mexican and American friends next year and in the coming years.

He commented that Greg's shoes will be big ones to fill. He is pleased that Greg will be around next year in his capacity as Financial Authority for the CLS and in a general oversight capacity with the CLS. He is looking to his assistance and guidance. Both have a huge task ahead in terms of selling the work of our Commercial Law Strategy across the country. They are looking forward to doing that with the assistance of the Jurisdictional Representatives.

He stated that: He would like to say a few words on what he believes the ULCC needs to focus on next year. Communication on both the Civil and Criminal sides will be something that he will try to work on and improve. In his comments last night, Doug Moen quite clearly indicated that the flow of information from the Civil and Criminal Sections up the line to Deputies and from Deputies to governments is something that we need to work on. He will try to see what can be done in that regard in the coming year. Communication of course works also with our international colleagues and Greg has already adverted to the fact that he has already taken steps with Fred Miller and with Jorge Sanchez Cordero to facilitate information transfer on projects of mutual concern over the coming year. He would like to see if we could have one or two internal COMMUNIQUÉS out in the coming year since they do help in getting information out between the Executive and the Jurisdictional Representative. He commented that one of things that Frédérique Sabourin did very well last year was to have teleconference calls on a very timely basis with the Jurisdictional Representatives, the working groups and the Executive. He looks forward to moving with that initiative as well.

The new President is looking forward to working with members of the new Executive and with the Jurisdictional Representatives throughout the year. He believes that great strides can be made by working as a team. He thanked Claudette Racette for her assistance this week. He is looking forward to working with her over the course of the year. He commented that many delegates know that Claudette is in a lot of ways, the guardian angel of the Conference. She keeps us all in line and makes sure that we do not forget or miss anything.

### **Report from the Host Jurisdiction for the 2005 Conference**

Chris Curran stated that there is an old Newfoundland saying which goes something like this "Stay where you'r to till I comes where you'r at". He told everyone "don't stay were you'r to, come where we're at next year. Newfoundland is looking forward to seeing everyone in St. John's". They have a lot of activities planned. Although the conference agendas are very busy on both sides, they are looking forward to offering a good social program, and a children's program as well, if some Commissioners would like to bring their families along.

Paul Nolan then reported that the preparations for the 2005 Conference are well under way. Arrangements have been made with Delta St. John's Hotel and Convention Centre to serve as the Conference base. The partners' and children's programs are now tentatively arranged. There will be a variety of activities to choose from. They are looking to seeing the Commissioners and their families in St. John's in 2005.

## **Report from the Host Jurisdiction for the 2006 Conference**

Peter Lown stated that they will be delighted to welcome everyone to the “City of Champions” in 2006. The dates are yet to be decided. It will either be the week of August the 13<sup>th</sup> or August the 20<sup>th</sup>. They will seek the guidance of the Executive on which of those two weeks it will be. They are likely to centre it in the downtown area and have the conference facilities and the hotel accommodation in the same location. If the conference does take place during either of these two weeks, delegates will catch either the end of the folk festival, the beginning or the end of the fringe festival and the gift and trade show. Alberta is looking forward to hosting the 2006 conference and to providing an appropriate location and context for a productive conference.

## **Words of Appreciation**

Arthur Close commented that this was Glen Abbott’s last day on the Executive and he feels that the contribution that Glen has made during his term deserves the most enthusiastic recognition that the Conference can give it. It was his pleasure to work with Glen during the three years that their respective terms overlapped on the Executive. When Arthur was President, Glen was a most supportive Vice-President and the personal relationship continued. He extended a personal thanks to Glen for the contribution he made during his term and he hopes that everyone else would join him in that. (A round of applause for Glen Abbott followed.)

The Chair thanked Arthur for his comments and stated that when he was Chair of the Civil Section, he and Glen spent a very fruitful week together at the American Conference. They shared some good times and did a lot of work. He is looking forward to Glen’s continued involvement and advice during his term as President.

## **Adjournment**

There being no further business, the meeting was adjourned.