

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

**Minutes of the Closing Plenary Session of the 104<sup>th</sup> Annual Meeting  
Of the Uniform Law Conference of Canada  
The Westin Edmonton  
In Edmonton, Alberta  
On Friday, August 19, 2022, at 11:15 AM MT**

President Laura Pitcairn called the meeting to order at 11:25 a.m.

## **Opening Remarks**

Ms Pitcairn welcomed everyone to the last meeting of the 2022 annual meeting, indicating what a great pleasure it has been to work with all the delegates in person over the past week. She thanked everyone for their cooperation and support in making the ULCC's first meeting back together in three years such a huge success. The week in Edmonton was characterized by some lively debates, passionate interventions, and thought-provoking presentations. In particular, Ms Pitcairn noted the excellent panel that the host jurisdiction put together for the Earl Fruchtmann Memorial Seminar on the subject of the Alberta Courts Restorative Justice Pilot Project.

Ms Pitcairn acknowledged the western team for winning the annual baseball game on Wednesday and thanked the host committee and gala dinner organizers for a wonderful event the night before at the beautiful and historic Government House. At the banquet, she had the honour of handing out the long-service awards to Manon Dostie and, in absentia, John Lee and Elizabeth Strange, each of whom has been participating in and contributing to the ULCC for 20 or more years. They have made invaluable contributions to the ULCC and all have held the role of President, with Ms Dostie and Mr Lee each having done so for two years.

Ms Pitcairn said how great it was to see Assistant Chief Judge Josh Hawkes again at a ULCC meeting and how happy she was to have him be the guest speaker at the closing banquet. His keynote speech was terrific and so inspiring.

Ms Pitcairn indicated that it was her pleasure to now turn the floor over to Matthew Hinshaw who would deliver the report of the Diversity and Inclusion Committee. This presentation was originally scheduled for the joint session of the Civil and Criminal Sections earlier in the week, however, was rescheduled to the Closing Plenary when the joint session ran over time.

## **Report of the Diversity and Inclusion Committee**

Mr Hinshaw reminded delegates that the ULCC adopted the Statement of Policy on Diversity and Inclusion in 2020. He went on to say that the ULCC is committed to cultivating an inclusive, respectful, and welcoming environment, and that its working groups are encouraged to consider broad consultations in order to solicit a wide range of views and perspectives. This past week has been a great example of what the ULCC is about and what can be accomplished when a diverse group of people is brought together. The ULCC encourages those responsible for the composition of delegations to consider diversity, among other factors, when choosing delegates.

Following the 2021 annual meeting, a ULCC member survey on diversity and inclusion was developed and conducted by the Newfoundland and Labrador Statistics Agency (NLSA), in partnership with the ULCC's Diversity and Inclusion Committee. This survey would not have been possible without the assistance of the NLSA and the work of the Diversity and Inclusion Committee members: Matthew Hinshaw (Chair), Alisia Adams, Lee Kirkpatrick, John Lee, Valérie Simard, Nadia Thomas, and Kevin Westell. Mr Hinshaw indicated that, while some good news

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

came out of the survey results, there are some areas for improvement. He asked that those in the room keep the survey results in mind when considering who should attend next year’s annual meeting.

The 2021 survey was sent to all 147 attendees at last year’s annual meeting, which was held virtually. A total of 67 responses were received. Respondents’ ages were as follows: 25-34 – 11%; 35-44 – 18%; 45-54 – 41%; 55-64 – 19%; and 65-74 – 8%. The breakdown of respondents’ year of call to the Bar were as follows: 1980-89 – 9%; 1990-99 – 27%; 2000-09 – 38%; and 2010-19 – 19%.

Gender identity results were as follows: 38% male and 61% female. Responses relating to sexual orientation were surprising, with 19% of respondents identifying as “gay, bisexual, lesbian, pansexual or queer”, given that the standard representation in the general population would normally be in the range of 4%. Eighty-three percent (83%) of respondents identified as anglophone, with 16% francophone, and 34% of respondents indicated being bilingual. While the respondent group lagged behind Statistics Canada in terms of francophone representation (16% compared to Stats Canada’s 20%), they were ahead of the curve in terms of bilingualism (34% compared to Stats Canada’s 18%).

Based on survey results, the ULCC is lagging far behind in terms of minority-identifying communities. Eighty-nine percent (89%) of survey respondents identified as “White (European descent)”, while Stats Canada’s figures are in the range of 70% to 72%. Only 11% of respondents identified as “Indigenous, Black, Asian, Latino or Middle Eastern”. Mr Hinshaw asked that all those present inform their delegations of these results, as the ULCC does not have a standard representation on this front.

Lastly, Mr Hinshaw explained that a 2022 ULCC Member Survey has been developed in English and French and that everyone in attendance will be receiving a link via email. The 2022 survey includes additional questions relating to inclusion, with many being more subjective in nature. The survey takes approximately five minutes to complete, and all recipients of the survey are encouraged to complete it. The more data is collected, the better the results will be. The Diversity and Inclusion Committee intends to have such a survey every year. This will allow the ULCC to look back and see where it’s come and where it needs to go.

Ms Pitcairn echoed Mr Hinshaw’s request for all to do the survey, stressing its importance to the work the Committee is doing.

### Reports from the Section Chairs

#### i. Civil Section

Chair Valérie Simard was pleased to report that the Civil Section had an excellent week of meetings. One of the reports presented this week was for the adoption of the *Uniform Gratuitous Crowdfunding Act*, which was adopted in principle subject to some minor editing and examination of one issue that was raised. Ms Simard explained that this *Act* is now subject to what is known as the “November 30 Rule”; it will be recirculated once it is reviewed and will be adopted unless two or more objections are received before November 30.

The Section also heard a preliminary pre-implementation report for the *Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters*; had a discussion on defamation law in the internet age; and heard reports on the Reform of General Partnership Law/Joint Ventures, the review of the Conventions on Drafting and on the Charitable Organizations projects. Next year, final reports, and/or further interim reports on setting out policy proposals for the section to consider, are expected on several of these topics.

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

Ms Simard indicated having also provided a report on Rules of Procedure and Policies of the Civil Section. She is pleased to report that the section adopted its first internal policy and that the working group plans to present additional policies next year for the Civil Section's consideration. She noted that the Section also received a progress report on the *Uniform Enforcement of Canadian Judgments and Decrees Act* project and that the Section agreed to several policy directions for this project. Finally, the Section heard a report from the Advisory Committee on Program Development and Management (ACPDM), and a good discussion was had on possible future projects by the Civil Section. These included multi-jurisdictional class action, non-disclosure agreements, and fatal accident acts. The ACPDM will examine the possibility of presenting research to the Section to determine if these projects should move forward in the future.

### ii. Criminal Section

Chair Kevin Westell reported that it was an excellent week in the Criminal Section. They debated and voted on 21 of the 24 resolutions from the start of the week, with a wide variety of amendments to those resolutions, and passed all but one of them. The section considered resolutions relating to a wide variety of criminal justice issues, including "sextortion", the theft of service animals, the tertiary ground for bail, as well as the treatment of data seized within the context of a criminal investigation and prosecution. The section also received status reports from several working groups, including the working group on section 672.26 of the *Criminal Code* involving juries and the determination of fitness to stand trial, the working group on search warrant regime under section 487 of the *Criminal Code*, and the working group on technology in the courtroom. Additionally, the working group on the detention of seized property under section 490 of the *Criminal Code* was revitalized and reconstituted, and the section is excited that this important work will continue.

A new working group was struck to explore the treatment of animals in the *Criminal Code of Canada*, with a view to making recommendations for amendments. The section will also be bringing the issue of the treatment of animals in the civil and criminal law context to the Advisory Committee on Program Development and Management (ACPDM) for consideration of the establishment of a joint working group.

The section is also very pleased for the election of a new incoming Chair, Anny Bernier, the Jurisdictional Representative from Quebec, and to announce today the nomination of the 2024 presumptive Chair, Craig Savage, who is the Jurisdictional Representative from Manitoba. Mr Westell ended by saying that, as usual, it has been a wonderful, friendly, productive, and collaborative week, and he thanks everyone who was involved.

### Thank You Resolution

Ms Pitcairn said that she was pleased to propose the following Resolution:

**BE IT RESOLVED THAT** the Uniform Law Conference of Canada express its thanks to:

1. The Government of Alberta, and the Alberta Ministry of Justice and Solicitor General for hosting the 2022 (104<sup>th</sup>) Annual Meeting of the Uniform Law Conference of Canada;
2. Frank Bosscha, Q.C., Deputy Minister of Justice and Deputy Solicitor General of Alberta; Bianca Kratt, Q.C., President, Canadian Bar Association-Alberta Branch; and Bill Hendsbee, Q.C., President Elect, Law Society of Alberta for their thoughtful and insightful remarks at the welcome reception;

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

3. Assistant Chief Judge Josh Hawkes from the Provincial Court of Alberta for his inspiring keynote address at the closing banquet last night. It was really great to see him again and we miss him as a delegate in the criminal section;
4. Our panelists from the Earl Fruchtmann Memorial Seminar: Mr. Justice Leonard (Tony) Mandamin, IPC, of the Federal Court (retired); Madam Justice Anna Loparco of the Alberta Court of Queen's Bench; Deputy Chief Judge Joanne Durant of the Alberta Provincial Court; Judge Michelle Christopher of the Alberta Provincial Court; and Matthew Hinshaw, Deputy Chief Prosecutor, Policy with the Alberta Crown Prosecution Service;
5. Our esteemed colleagues from the US Uniform Law Commission, Past President Carl Lisman and Executive Committee Chair Tim Berg; as well as Prof. Dr. Pascal Pichonnaz, President of the European Law Institute;
6. The Planning Committee that worked so hard to organize our Annual Meeting: From our host jurisdiction, Sue Stushnoff, Sarah Dafoe, Matthew Hinshaw, Peter Lown, Q.C., Chelsea Evans-Rymes, Brittney Harding, Nadine Nesbitt, and Jinky Perez. As well, from the ULCC, Dorette Pollard, Valérie Simard, Kevin Westell, Rose-Marie Guerra, Kathleen Cunningham, and of course myself, Laura Pitcairn; I would like to extend a special thank you to Rose-Marie Guerra for her invaluable assistance in helping to organize this annual meeting and keep track of all of the many details involved;
7. Our outstanding Secretariat staff for their excellent work throughout the past week: Rose-Marie Guerra, Brittney Harding, Jinky Perez, Julie Harvey, Fabiola Forcer, Opeyemi (Yemi) Bello; (Ms Pitcairn presented gifts to these individuals);
8. To the Executive Committee:
  - a. Vice President Sarah Dafoe on whom I had to rely many times for assistance and to lead a few meetings in my absence;
  - b. Immediate Past President John Lee who helped guide me in the role, especially in the early part of my presidency;
  - c. Kevin Westell, Chair of the Criminal Section;
  - d. Valérie Simard, Chair of the Civil Section;
  - e. Members-at-large Christine Badcock, Anny Bernier, Manon Dostie, Matthew Hinshaw, Dorette Pollard, Caroline Quesnel, and Chloé Rousselle;
9. The members of the Budget and Finance Committee, consisting of Sarah Dafoe, John Lee, Valérie Simard, Kevin Westell, Manon Dostie, Matthew Hinshaw, Peter Lown, Q.C., Craig Savage, Elizabeth Strange, Clark Dalton, Q.C., Kathleen Cunningham, and of course myself, Laura Pitcairn;
10. Peter Lown, Q.C., Chair of the Advisory Committee on Program Development and Management and Chair of the International Committee whose deep understanding and knowledge of the ULCC and its policies was of great assistance to me throughout the year;
11. Clark Dalton, Q.C., our Project Coordinator, historian, and all around ULCC "go-to" expert resource person;
12. Our dedicated and tireless Interim Executive Director, Kathleen Cunningham, who was a huge help to me and the ULCC as a whole this year, especially keeping us afloat and on track during some challenging times this past year;

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

13. The interpreters in each Section: on the Criminal section team, Lylian Ndze, Cyndie Célestin, and Émilie Rochon-Gruselle; and on the Civil section team, Cynthia Desnoyers, Laura Garfinkel, and Josée Beaudoin;
14. The audio-visual team from Encore, Severiano (Sev) Martinez, Dave Janssen, and Quintin White;
15. The staff at The Westin Edmonton for their professional assistance both during and leading up to the annual meeting;
16. Jurisdictional representatives, delegates, presenters, chairs, other committee and working group members and presenters, for your work and dedication throughout the year and at this meeting;
17. Last of all, my personal thanks to all of you for bearing with me and for providing assistance and gentle guidance throughout my term as president and in particular throughout these past five days. I very much appreciate all the kindness, consideration, and respect you have shown one another in keeping with the very best traditions of our profession and this conference.

The motion was seconded by Manon Dostie. The resolution was approved unanimously.

**Report from the Nomination Committee**

On behalf of Nomination Committee Chair John Lee who was unable to attend the annual meeting this year, Manon Dostie indicated that she was pleased to announce that the committee had selected Matthew Hinshaw to fill the role of Vice President for the coming year. Mr Hinshaw has been a ULCC delegate since 2014 and an Alberta Criminal Section Jurisdictional Representative since 2017. He was Chair of the Criminal Section in 2018-19 and has been a Section Steering Committee member since 2018. He is Chair of the Diversity and Inclusion Committee and a member of the Working Group on the Review of the Scope of the Criminal Section’s Mandate, and was a member the Budget and Finance Committee in 2018 and again from 2020 to 2022. He has also been a member of the Executive Committee in 2018-19 and again in 2020-22.

It was also Ms Dostie’s great pleasure to present the next President of the ULCC, Sarah Dafoe, who has been an amazing Vice President this past year. Ms Dafoe has been a delegate since 2006, a Jurisdictional Representative from 2014 to 2021, Civil Section Chair in 2017, and a working group member for numerous projects. She has also participated on ULCC internal committees, including the Implementation Working Group, the Roles Review Working Group, the Advisory Committee on Program Development and Management (ACPD), the Strategic Planning Oversight Committee, the Website Committee, the Civil Section Policies Committee, the Executive Committee, and the Budget and Finance Committee. The ULCC will be in great hands.

With that, Ms Dostie presented the following motion on behalf of the committee:

**THAT** Sarah Dafoe, currently Vice President, and Matthew Hinshaw, currently member-at-large of the Executive Committee, be nominated for President and Vice President of the ULCC respectively. Seconded by Kathryn Sabo. Motion carried.

Ms Dostie ended by thanking Ms Dafoe and Mr Hinshaw for accepting the nominations.

With this, Ms Pitcairn stated that it was her pleasure to pass the baton to her successor, Sarah Dafoe, stating that she will be an excellent President and that the ULCC would be in good hands in the year ahead.

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

### **Incoming President's Remarks**

Ms Dafoe started by saying that she is honoured to be the ULCC's incoming President and is pleased to be working this year with the the two incoming Section chairs: Christine Badcock, Yukon (Civil); Anny Bernier, Quebec (Criminal).

Ms Dafoe is also delighted to introduce the Executive Committee for the upcoming year. She has attempted to balance representation from across the country, and between anglophones and francophones, as well as between the Civil and Criminal Sections. In addition to Ms Badcock and Ms Bernier, and to be confirmed at the meeting of the Executive Committee meeting immediately following the Closing Plenary, the other members are: Matthew Hinshaw (Vice President), Laura Pitcairn (Immediate Past President), Peter Lown, Q.C., (Chair of the ACPDM and the International Committee), and Members-at-Large: Maria Markatos (Saskatchewan), Manon Dostie (Canada), Lisa Stead (Newfoundland), Chloé Rousselle (Canada), and Dorette Pollard (Canada). The Committee will be ably supported by the new Executive Director, Michelle Lemieux, and the Project Coordinator, Clark Dalton, Q.C. Ms Dafoe also indicated that she hopes and expects that Kathleen Cunningham will continue to help through a period of transition.

Ms Dafoe explained her two main priorities for the upcoming year. Firstly, she would like to assess the success of the ULCC's first in-person meeting since the onset of the pandemic and identify lessons learned. Plans are well in hand for the 2023 annual meeting in Charlottetown. Ms Dafoe noted that a few JRs are not in attendance this year, as well as some long-standing delegates, and said that she would like to have conversations about what, if anything, can be done to ensure the most participation and inclusion in ULCC annual meetings.

Secondly, the ULCC Roles Review Committee has been hard at work over the last year. With the anticipated retirement of two of the ULCC's key leaders in the foreseeable future, Ms Dafoe's goal is to ensure that the ULCC is set up for ongoing success. While there is a great deal of work to be done in a fairly short period of time, she is confident in the creativity and dedication of the Roles Review Committee members and anticipates presenting good news on this front at the 2023 annual meeting in Charlottetown.

Ms Dafoe thanked everyone for their time and in particular the ULCC's outgoing President, Laura Pitcairn, who has put in a lot of thought and preparation into planning for this annual meeting. This week reflects a tiny portion of her work. Ms Pitcairn has overseen a year of transition, including a number of changes relating to the Executive Director position. She navigated the waters and spearheaded the efforts for the return to an in-person annual meeting. It was no easy task and, without exception, everybody that Ms Dafoe has spoken to has expressed appreciation and gratitude for the opportunity to meet together and have those critical conversations that can only be had in person. She thanked Ms Pitcairn again and indicated that she is looking forward to seeing everyone again in Charlottetown.

### **Report from the Host Jurisdiction for the 2023 Annual Meeting – Charlottetown, PEI**

Mr Blair Barbour confirmed that the next annual meeting will be held in historic Charlottetown, Prince Edward Island, from August 21 to 25, 2023, at the Rodd Charlottetown Hotel. The organizing committee in PEI is looking forward to greeting and welcoming everyone to their island.

For those who plan to extend their trip to PEI, either before or after the annual meeting, Mr Barbour highly recommended that they consider booking their accommodations and rental vehicles well in advance. The annual

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

meeting will be during PEI's high season, and it would be unfortunate to have people be disappointed. There's so much to do on the Island and it is such a beautiful place at that time of year. (A short video was played.)

Ms Pitcairn asked delegates to monitor their inboxes for booking information in the near future.

**Adjournment**

There being no further business, Ms Pitcairn adjourned the meeting at 12:05 PM MT.