



LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO

LCO POLICY ON RETAINING CONSULTANTS

From time to time, the LCO will retain outside consultants to provide expertise on projects. These consultants fall into two categories. The first are academic and experiential consultants who have an expertise in a particular area (such as “elder abuse” or “multidisciplinary family centres”) who will be asked to undertake research and prepare background papers on a specified topic. (Experiential consultants are those whose expertise arises from practice in the area at issue rather than academic study.) The second group are professional experts (such as an actuary) needed to provide advice to the LCO about a technical subject matter under study by the LCO or to provide professional services such as graphic design.

Examples of consultants retained in LCO projects can be found on the LCO website under individual projects: <http://www.lco-cdo.org/en/content/our-projects>.

Academic and Experiential Consultants

When the head of project decides that a project is an appropriate one for retaining academic consultants, he or she will discuss the type of researcher and scope of research with the Executive Director. The Executive Director is responsible for determining whether the LCO will retain a consultant. Potential researchers will be identified through responses to a call posted on the LCO website, explaining the nature of the project and of the research required; communication with the deans of the Ontario law schools and their associate deans research, as appropriate; discussion with the LCO's Community Council and Law School Group; a review of university research institutes; discussion with academics and others in the appropriate area of research; and a review of the literature in the area. The final decision about the choice of researcher will rest with the Executive Director, based on a report prepared by the head of project. The Executive Director will inform the Board of Governors about the retention of academic and experiential consultants as part of the regular reporting on the progress of projects.

The remuneration for an academic research or discussion paper will vary with the length and expectations for the scope of the paper. The approval of the LCO Board of Governors is required when the contract fee will exceed \$20,000.

Professional Experts

When the head of project decides a project would benefit from the expert advice of a professional expert, he or she will discuss the retention of an expert with the Executive Director. The Executive Director is responsible for determining whether the LCO will retain a professional expert. Potential experts will be identified through a call on the LCO website, explaining the nature of the project and of the expertise required; discussion with the project advisory group, the Community Council and Law School Group and a review of the literature in the area. In the usual course, the head of project, with the approval of the Executive Director, will approach at least two experts to discuss retention by the LCO. The discussion will include fees charged by the expert. The Executive Director will determine the expert fee, based on the rate charged by the profession and the LCO's need and capacity. The head of project will seek at least two references before selecting an expert who must be approved by the Executive Director, based

on the written report by the head of project. The Executive Director will inform the Board of Governors about the retention of professional experts as part of the regular reporting on the progress of projects.

The contract fee over \$20,000 for a professional expert who advises the LCO in relation to technical issues in a project will require the approval of the Board of Governors.

The LCO also hires professionals to provide services in relation to projects, such as translation or graphic design. In consultation with the Executive Director, the LCO's Executive Assistant will research possible professionals, including asking the LCO's partners, and others as appropriate, about their own experience with professionals in the relevant area. He or she will obtain information about three possible professionals, including fees, examples of their work and references. The Executive Director, in consultation with the Executive Assistant, will select the professional to provide the relevant service.

It will not be necessary to undertake this process each time a professional is required. If the LCO has created a "pool" of professionals to provide particular services, the Executive Director may select from the pool to provide the service in relation to a particular project, based on past experience, cost and any special features of the service required. (For example, the LCO may call on a "pool" of translators based on their familiarity with the language used in a particular project, among other factors.

Fees over \$20,000 for a professional who provides services such as translation or graphic design will require the approval of the Board of Governors.

Approval of LCO Board of Governors Required in Cases of Possible Conflict

In considering and selecting potential consultants, the Executive Director will seek third party approval of the successful candidate where there is a concern of conflict or possible apprehension of conflict with any member of the LCO staff, the Board of Governors, the Community Council, the Law School Research and Liaison Group ("the Law School Group"), or the LCO's partners. The third party will usually be the Chair of the Board of Governors or judicial member of the Board of Governors, for whom the possible employment of the individual under consideration does not involve a conflict.