



**LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO**

I.

LCO STRATEGIC PLAN

2008 – 2012

HIGHLIGHTS

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The LCO's History

The Law Commission of Ontario ("the LCO") was launched on September 7, 2007. as a partnership among the Ontario Ministry of the Attorney General, the Dean of Osgoode Hall Law School, the law deans of Ontario, the Law Foundation of Ontario and the Law Society of Upper Canada. It is a not-for-profit unincorporated institution that finds its authority in the Foundation Agreement among the founding partners. Officially located at Osgoode Hall Law School, the LCO is temporarily housed elsewhere at York University until Osgoode completes extensive renovations that will include space allocated to the LCO.

The funding partners have committed to five years funding. With cash and in-kind contributions, the LCO's annual budget is \$1.2 million.

Goals to be Achieved by 2012

We intend to complete or substantially complete eight to ten major and eight to ten narrowly focused projects; to hold three conferences; to be recognized for the high quality of our work and consultative process; to be acknowledged as a leader in law reform in Canada; and to achieve widespread acceptance of our value to Ontario.

Our Mandate, Underlying Values and Approach to Law Reform

As set out in section 2(1) of the Foundation Agreement, the LCO's purpose is

to recommend law reform measures to:

- (a) Enhance the legal system's relevance, effectiveness and accessibility;
- (b) Improve the administration of justice through the clarification and simplification of the law; and
- (c) Consider the effectiveness and use of technology as a means to enhance access to justice.

In addition, the Foundation Agreement states that the LCO shall

- (a) Stimulate critical debate about law and promote scholarly legal research; and
- (b) Develop priority areas for study which are underserved by other research, determine ways to disseminate the information to those who need it and foster links with communities, groups and agencies.

We will be guided by the following values in all our work:

1. *independence*: from government, our partners and interest groups;
2. *integrity*: commitment to ethical practice;
3. *excellence*: in our work, our employment and our administrative practices;
4. *innovation*: reshaping the law when appropriate;
5. *relevance*: we will be topical and forward-looking;
6. *open-mindedness*: to the views of different constituencies and to suggestions for improvement in all aspects of our operations;

7. *transparency*: an open process for project proposals and selection and wide dissemination of our recommendations;
8. *diversity*: in all aspects of our work;
9. *inclusiveness*: interaction with interested groups and individuals, legal and non-legal, in all our work;
10. *multidisciplinarity*: in our research and recommendations;
11. *collaboration*: with other law reform commissions and other organizations;
12. *pragmatism*: we will ground our recommendations in reality;
13. *efficiency*: without endangering the excellence of our work and our interaction with employees;
14. *accountability*: the LCO will be accountable to its partners and to the public for the quality of its work and its adherence to its values.

Although we will research narrow, sometimes technical, areas of law, our major projects will involve large social questions requiring multi/interdisciplinary and empirical research and non-legal expertise. We recognize that law must be viewed in the context of other disciplines and knowledge, such as sociology, economics and psychology and the natural sciences, for example. Our research will employ the most modern research tools and both qualitative and quantitative analysis, as appropriate, and our researchers will consult both academic experts and those who have had real life experiences in order to form a picture of the topic at hand from a variety of perspectives. We will consider the role of technology as an element in all our projects.

To be most effective and obtain the trust of the public, law reform commissions must be independent and non-political, prepared to accept challenges and deal with difficult and controversial questions. To achieve legitimacy and maintain it, law reform commissions must take a principled approach to law reform and as a result, commissions that determine their own research agendas may undertake projects that do not necessarily accord with the agenda of the government of the day, knowing that in these instances, at least, their study and recommendations may not have an impact until some time in the future.

Our Projects

We encourage the submission of proposals at any time and will invite proposals, using our website and other communication vehicles to reach as many law-reform minded groups as possible. Our projects will cover many areas of law and will be responsive to a wide range of communities, including those defined by geography, language, economic status, race, gender/sexual orientation and demographic identity (such as age), among others. We are concerned with provincial law, but will consider projects that have overlapping federal implications.

In selecting projects, the LCO takes into account wide-ranging factors, not all of which are applicable or applicable in the same way to all potential projects:

1. Relevance to the LCO's Mandate and Objectives

- a) Is the project consistent with the LCO's mandate to make recommendations to increase the relevance, effectiveness and accessibility of the legal system, clarify and simplify the law, use technology to enhance access to justice and contribute to law reform scholarship?
- b) How well might this project contribute to the LCO's goal to be holistic, innovative, socially conscious and pragmatic in its selection of projects, research and recommendations?
- c) Is the project likely to result in feasible recommendations or to influence in a constructive fashion the dialogue on law reform in the area?

2. Impact on the Law and Communities

- a) Who is likely to benefit from this project?
- b) How many people will this project benefit?
- c) Will this project likely have a significant impact on improving access to the law?

3. Efficient Use of Resources

- a) Is this issue already being addressed by government or another institution or does it more properly falls within another institution's mandate? ;The LCO does not want to duplicate work being done by others or overstep the mandate of another organization.
- b) Would this project provide the opportunity for collaboration with other law reform bodies or other organizations?
- c) Will this project be understood by the public as a good use of the LCO's resources?
- d) Will the LCO be able to complete this project within the relevant timelines and resources available?

4. Other Factors

- a) Is the subject matter of this project being litigated? The LCO will not select as a project an issue that is explicitly the subject of litigation.
- b) How does this project fit into the LCO's on-going mix of narrowly focused and complex projects and areas of law that are already being researched?

The LCO began the following projects in 2008:

- Charging fees for cashing government cheques (a consultation paper has been released on this project);
- The valuation and timing of division of pensions on marriage breakdown; and
- The development of a coherent approach to law as it affects older persons.

- A pre-study for development of a coherent approach to law affecting persons with disabilities will be started later in 2008.

The Research Advisory Board recommends projects to the Board of Governors who, with the advice of the Executive Director, approves projects. A plan for each project will determine timelines, required resources, methods of consultation and a list of interested groups. Where appropriate, the LCO will collaborate with other organizations in completing the research.

Longer, more complex, projects will require consultation to determine their scope and will involve disciplines other than law. The LCO will release discussion papers and draft reports for complex projects, inviting public input and input specifically from groups evidencing an interest and/or (experiential) expertise in the area.

The LCO as a Responsive Organization

The LCO will be accountable to its funding partners without compromising its impartiality in selecting appropriate law reform projects and in making appropriate recommendations for law reform. It will publish an Annual Report and the Executive Director will also meet at least annually with the law deans and students and faculty at the Ontario law schools and with the other partners to the Foundation Agreement.

We are committed to interaction with interested groups and individuals, legal and non-legal, and the public generally throughout the law reform process, from the project proposal to feedback on discussion papers and draft reports, through in-person meetings, our website and our newsletter. The LCO will issue significant documents in English and French and accept submissions in English or French; oral consultations will be in English and where resources permit, in French. The website is bilingual. For the LCO's Language and Translation Policy, see www.lco-cdo.org.

Measuring Success

While it is difficult to measure the performance of a law reform commission, the LCO will be externally evaluated early in 2010, using the following and other criteria:

- Enactment of recommendations into law, with the caveat that responses to law reform recommendations do not always occur in the short-term;
- Judicial references to its reports and discussion papers;
- The quality of the work produced;
- The number of reports and papers produced;
- The contribution of the LCO to the body of scholarship in a particular area;
- The contribution of the LCO to the dialogue around law reform;
- Collaboration with other law reform bodies or groups interested in law reform;
- The number of proposals for law reform made to the LCO; and
- How well we meet our own self-professed values and processes.

Objectives for 2008

- Complete fees for cashing cheques and division of pensions projects;
- Complete the pre-study on the older adults project;
- Select at least two new projects;
- Complete and implement communication plans for our partners;
- Improve our website and launch our newsletter;
- Co-organize a conference on law reform to take place in early 2009;
- Hold a roundtable on family law;
- Provide full and timely updates to our partners; and
- Visit the Ontario law schools and meet with community and professional groups across Ontario.