



LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO

LCO STRATEGIC PLAN

JANUARY 2012 – DECEMBER 2016

Approved by the Board of Governors on January 19, 2012

LCO STRATEGIC PLAN
January 2012 – December 2016

Table of Contents

EXECUTIVE SUMMARY	ii
THE LAW COMMISSION OF ONTARIO: STRATEGIC PLAN	1
JANUARY 2012 – DECEMBER 2016	1
I. BRIEF REVIEW OF FIRST MANDATE: JANUARY 2007 TO DECEMBER 2011	1
II. THE LCO’S MISSION AND VALUES	2
III. THE LCO’S STRENGTHS, CHALLENGES AND OPPORTUNITIES	4
A. STRENGTHS	4
B. CHALLENGES	6
C. OPPORTUNITIES	7
IV. THE LCO’S STRATEGIC OBJECTIVES	8
A. SHORT TERM OBJECTIVES	8
B. MEDIUM TERM OBJECTIVES	9
C. LONG TERM OBJECTIVES.....	10
V. MEANS TO ACHIEVING THE LCO’S OBJECTIVES	10
VI. ASSESSING THE LCO’S PERFORMANCE.....	11

EXECUTIVE SUMMARY

I. Brief Review of First Mandate

The Strategic Plan briefly reviews the LCO's activities during its first mandate, January 2007 to December 2011. It explains that the LCO has been renewed for an additional five years.

II. The LCO's Mission and Values

The Plan sets out the LCO's mission and values. The Founding Agreement identifies the LCO's mandate as recommending law reform measures to enhance the legal system's relevance, effectiveness and accessibility, to clarify and simplify the law, and to use technology to increase access to justice; to stimulate critical debate about the law; and promote scholarly research.

The LCO will be guided by the following values: independence and impartiality; integrity; excellence; transparency; innovation; open-mindedness, diversity and multidisciplinary; collaboration; relevance and pragmatism; and efficiency. These values inform the choice of and approach to projects and other activities.

III. The LCO's Strengths, Challenges and Opportunities

The LCO's strengths are: the relationship with its partners; relationships with community groups; its legal and administrative staff; the executive director; the Board of Governors; its experience over the first five years; and the relationship with government. The LCO can build on these strengths.

The LCO's challenges are: engaging in outreach across the province; community expectations; staffing; relations with government; translation and accommodation costs; the economic situation. The LCO has ways of addressing a number of these challenges; others, however, may relate to circumstances beyond its control.

The LCO's opportunities as it begins its second mandate are: building on the substantive and law reform expertise gained in the first five years; enhancing the dialogue with various government ministries; collaborating with other organizations; and reinforcing its distinctive role as a law reform commission.

IV. The LCO's Strategic Objectives

The LCO's short-term objectives are: preparation of a new project selection document for posting on the LCO's website; timely completion of projects; selection of projects that build on existing expertise and relationships; selection of projects that develop new expertise and relationships; revision of existing policies; and development of new policies and manuals.

Its medium-term objectives are: expand relationships; ensure the new Law School Research and Liaison Group and Community Council are an integral part of the LCO; and refine the process of law reform.

Its long-term objectives are: establish the LCO as an integral part of the Ontario legal landscape; develop new sources of support; and become a source of assistance for other commissions.

V. Means to Achieving the LCO's Objectives

This section sets out a number of factors that will influence the LCO's capacity to achieve the objectives set out in the previous section. These include receiving proposals from various sources; selecting a mix of projects; careful project planning; a manageable number of projects; early calculation of the cost of a project; outreach; undertaking other activities; and adding value to the partners' funding through other sources.

VI. Assessing the LCO's Performance

Assessing the performance of a law commission is difficult, but there are a number of quantitative and qualitative factors that can be used. This section lists some of them. They include how the LCO selects projects; support for recommendations in the analysis; feasibility of recommendations; government acceptance of recommendations and references or use by courts, academics and others to the LCO's work; the LCO's conformity to its mandate and adherence to its values; the LCO's contribution to the dialogue around law reform and the law generally through its projects, organization of conferences and staff members' participation in conferences; contribution to law reform scholarship; collaboration with other organizations; and the willingness of other organizations to participate in the LCO's activities.

The section concludes by briefly illustrating how the LCO has satisfied these criteria during the first five years.

THE LAW COMMISSION OF ONTARIO: STRATEGIC PLAN

January 2012 – December 2016

I. BRIEF REVIEW OF FIRST MANDATE: JANUARY 2007 TO DECEMBER 2011

The Law Commission of Ontario (“the LCO”) was launched on September 7, 2007, joining sister law reform agencies in British Columbia, Alberta, Saskatchewan, Manitoba and Nova Scotia, as well as some 60 law reform bodies worldwide.

The LCO was created by a Foundation Agreement to which the Law Foundation of Ontario (the LFO), the Ontario Ministry of the Attorney General (MAG), the Dean of Osgoode Hall Law School (Osgoode), the Law Deans of Ontario, and the Law Society of Upper Canada (the Law Society) are parties. The LCO is a not-for-profit unincorporated institution that finds its authority in the Foundation Agreement among the founding partners and not in statute. It is funded by the LFO, MAG, Osgoode and the Law Society, and also receives funding and other support from York University. In addition to funding, Osgoode and MAG provide in-kind contributions in the form of space, IT and human resource assistance (Osgoode) and secondment of a counsel (MAG). The LCO is housed at the Ignat Kaneff Building, home of Osgoode Hall Law School at York University.

The LCO’s mandate as articulated by its Foundation Agreement is to recommend law reform measures in relation to Ontario’s legal system, to stimulate debate about law and promote scholarly legal research. In carrying out this mandate during its first five years, the LCO developed innovative yet feasible law reform recommendations and encouraged public participation in its work through outreach, project-related consultation and project advisory groups, among other activities. It has also supported the work of the five scholars in residence selected for the Osgoode Hall Law School LCO Scholar in Residence program supported by Osgoode, and has commissioned research from academics and others for several projects (the resulting papers are posted on the LCO’s website on the project pages at <http://www.lco-cdo.org>).

The LCO has completed four projects: the division of pensions upon marital breakdown; issues around the alternate business sector’s charging of fees to cash government cheques; joint and several liability under the Ontario *Business Corporations Act*; and the modernization of the *Provincial Offences Act*. It is in the process of completing two projects on the development of a framework for law and policy as they affect older adults and persons with disabilities, respectively; family law process; and precarious work and vulnerable workers. The Final Reports in the completed projects and discussion papers and interim reports and other information in all the projects can be found on the LCO’s website at <http://www.lco-cdo.org>.

The LCO has also undertaken an initiative to develop curriculum modules on violence against women for use by law schools, funded by the Ontario Women's Directorate.

In addition to these projects, the LCO has undertaken a number of other activities, including a public lecture and symposium on "conversations about law reform" and a national conference on elder law, co-organized with the Canadian Centre for Elder Law Studies and the Advocacy Centre for the Elderly; roundtables to help select a family law project and as part of the consultation process in the joint and several liability project; and symposia on e-health and on investigative journalism, co-organized with IP Osgoode and with Osgoode Hall Law School, respectively, both in support of scholars in residence. The LCO also hosted the Federation of Law Reform Agencies of Canada meeting and workshop

LCO staff members have published in scholarly journals and participated in conferences on law reform generally and on substantive issues. They have contributed to panel discussions organized by professional and community organizations and published in professional newsletters. They have been invited to participate in consultations by other law reform commissions, or on committees by scholarly and community groups and have made submissions on matters relevant to the expertise gained through projects. The LCO has been asked to write letters of support by organizations seeking funding for projects relevant to the LCO's mandate, work or activities.

The LCO has been renewed for an additional five years. This Strategic Plan addresses the LCO's direction during that period, including its mission and values, the strengths, opportunities and challenges it faces, its short and long-term objectives and how its performance will be measured. The Plan updates the Strategic Plan 2008-2012 and benefits from lessons learned over the first mandate and the evaluation of the LCO completed in February 2009.

II. THE LCO'S MISSION AND VALUES

As set out in section 2(1) of the Agreement creating the LCO which has been renewed, 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 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.

The LCO's mission is to become a leading voice in law reform in Canada. Leadership includes helping to identify the parameters of law reform; encouraging debate about law reform and law reform initiatives; producing in-depth research that explores the issues in a law reform project and providing high level analysis of the areas identified; engaging in multidisciplinary analysis that recognizes the impact of law on the communities it affects; and making feasible recommendations directed at making the law forward-looking, responsive to the needs of affected communities and comprehensive in approach.

In satisfying its mandate or purpose and achieving its mission, the LCO will be guided by the following values:

1. *independence and impartiality*: the LCO is an independent body, the recommendations of which are determined by research, including input by the public, the government and experts in the area;
2. *integrity*: the LCO is committed to ethical practice and selects projects, carries out research and develops recommendations based on merit;
3. *excellence*: the LCO is committed to high quality research and analysis; it pursues excellence in the production of discussion papers and reports and in its employment and administrative practices;
4. *transparency*: the LCO has an open process for project proposals, explains its process for selection and disseminates its work widely;
5. *innovation*: the LCO approaches law reform with a commitment to innovation in law and the reconceptualization of legal frameworks and with a commitment to learn from experience and others;
6. *open-mindedness, diversity and multidisciplinary*: the LCO is open to views from different constituencies at all stages of its projects; is committed to diversity in its selection of projects, its approach to analysis and recommendations and in its interaction with community organizations and groups; and bases its research and recommendations on a multidisciplinary approach;

7. *collaboration*: the LCO collaborates with other law reform commissions and with other organizations involved in (law) reform as appropriate;
8. *relevance and pragmatism*: the LCO selects projects and makes realistic recommendations that are relevant to Ontario society today and in the future, taking into account the needs of Ontario's diverse population and the challenges facing government;
9. *efficiency*: the LCO uses its resources efficiently and creatively without endangering the high quality of its work and its excellence of its treatment of employees.

The values governing the LCO's work reflect and inform a particular approach to law reform appropriate for a contemporary law reform body that measures success by its impact in the future, its relationships with communities and contributions other than those associated with specific law reform projects, as well as in achieving more immediate legal changes.

This approach affects the way the LCO operates, its choice of law reform projects and the way in which it undertakes those projects. It has undertaken and will continue to undertake a mix of projects: "black letter" law projects, focusing on legislation; and broader projects, with law at their core, but exploring the way law affects and is affected by developments in other areas of people's lives ("law in context" projects). The LCO is committed to considering law reform proposals from a variety of sources, including the legal community, government, community groups and the public at large; to consulting with those affected by the areas of law it is researching at various stages of a project; and to engaging with the government about its interest in law reform projects.

III. THE LCO'S STRENGTHS, CHALLENGES AND OPPORTUNITIES

A. STRENGTHS

Relationship with its partners, the parties to the Agreement creating the LCO:

As it begins its second mandate, the LCO's partners have confirmed their strong support for the existence of an independent law reform commission and for the LCO's approach to its activities. The LCO's partners have recognized the importance of a law reform agency's independence, at the same time as they have naturally expected it to be accountable for its funding and other support. Their support and expectations are both strengths. The LCO has been able to undertake activities it might not have undertaken had its funding been linked to particular projects; at the same time external expectations reinforce the LCO's intention to be responsible in how it conducts itself. The relations with the law schools have enabled the LCO to keep abreast of current research and to deliver a law reform message to students.

Relationships with the legal profession and community groups: Over the first five years, the LCO has undertaken considerable outreach in different parts of Ontario and project-related consultations across the province that have established connections with a wide variety of groups, including the legal profession and community-based groups, among others. These relationships have enriched the LCO's projects and have enabled it to establish a foundation on which to build its outreach and consultation in the future.

Legal and administrative staff members: The dedication and commitment to excellence and to the law reform enterprise of the LCO's staff members, and their willingness to raise difficult questions and to take the initiative, have meant that the LCO has been able to establish itself as a credible and innovative law reform commission within only four years of significant operation.

The Executive Director: the person in this position must establish and maintain relationships with a range of diverse sectors; work effectively with the Board of Governors, the new Community Council and the Law School Research and Liaison Group; be aware of emerging law reform issues; ensure excellence in the LCO's work; and maintain a smoothly functioning law reform agency. The current Executive Director has also helped the LCO develop a reputation for quality scholarship on law reform.

The Board of Governors: The Board members are committed to quality and openness to innovation in law reform; they are willing to speak for the LCO. Under the active leadership of its two chairs to date who have been invested in the idea of an independent law reform body, the Board has been crucial to the LCO's success.

The LCO's experience: This is a new source of strength for the second mandate. While the excitement of "newness" contributed to the LCO's willingness to experiment and establish an ambitious agenda, the excitement has been tempered by experience. This does not mean that the LCO will not continue to experiment and to pursue the goal of becoming a leader in law reform through its distinctive approach, only that the LCO can benefit from the lessons of the first mandate to achieve those objectives more effectively.

Relationship with government: This is a major source of strength, even as it will no doubt always be a challenge. The LCO and the Ministry of the Attorney General have developed a relationship based on trust and a common interest in having the LCO succeed. The LCO and other ministries and government officials have also begun to develop relationships through outreach, project consultations and membership on advisory groups.

B. CHALLENGES

The LCO's challenges are both external and internal. They are not all unique to the LCO or even to law commissions generally, but affect many small non-profit organizations.

Outreach: The LCO is committed to involving Ontarians from across the province in its work, attempting to do so through advisory group membership, widespread consultation, general in-person outreach in different communities, the posting of its documents on the LCO website, coupled with dissemination to a data base of more than 3,000 organizations and individuals and the composition of the Board of Governors, the Community Council and the Law School Research and Liaison Group. Nevertheless, Ontario is a vast province marked by pluralism and the LCO needs to increase its efforts to develop its profile and visibility outside southern Ontario.

Community expectations: These are created by the very activities that attract legal and community groups' interest and response to the LCO. For example, some groups which have been part of outreach may subsequently not see their interests reflected in the LCO's project agenda and consultations can lead to expectations that the views expressed will be adopted by the LCO when they may not be. The LCO needs to be cognizant of the possibility of raised expectations and to ensure that it maintains contact with those who have expressed interest in the LCO's work and to address organizations' views in the relevant discussion documents or reports, even if they are not accepted.

Staffing: In this regard, challenges arise from the LCO's status as a small organization, in part reliant on secondments, and from an ambitious and complex agenda. While the secondments from the Ministry of the Attorney General have been very effective, turnover is built into the process and it is almost impossible to complete a project within the term of a secondment. The impact of this may be reduced by assigning only smaller projects to MAG counsel in residence or in building the transition period from one counsel to another into the planning for the project. Given the small staff complement, if a lawyer leaves, it can delay the progress of a project considerably. Preferably, in addition to the project head, a second lawyer who is sufficiently expert in a project would be available to assume responsibility or to continue the project until a replacement is found, but this is not currently feasible without reducing the number of projects. A second issue that arises with a small staff complement is that staff members, particularly administrative staff, must be prepared to juggle a wide variety of tasks. From time to time, it is possible to alleviate the workload by hiring someone to carry out a particular task or to seek assistance from another organization participating in the same event.

Relations with government: The relationship with government is a complex one for any law commission. Law commissions rely on various government ministries for

information relevant for effective recommendations and for support for their recommendations. It is crucial to a law reform agency to hear from government, to consider government experience with a particular issue and to take government realities into account in making recommendations. For the relationship to be effective, each of government and the law reform agency need to develop a relationship based on trust and the recognition of their different, albeit complementary, roles in the law reform process. The LCO and the Ministry of the Attorney General have developed an effective working relationship that neither takes for granted.

Translation and accommodation costs: These costs have the potential to be extensive. The LCO releases all documents in English and French and its website is in both languages. French translation costs can be high. Other forms of translation or interpretation may be required for consultations or for other purposes. These costs must be taken into account in determining the extent of the LCO's work and alternative methods of meeting the goals of translation and interpretation must be considered.

Economic situation: This is a challenge for nearly all organizations today. The LCO has been renewed for a second mandate with increased funding. The LCO must be attuned to how its funders' own economic situation is affected by economic realities. It must also consider ways in which its own funding can be increased in value through partnerships or collaborations with other organizations that do not impair its independence and impartiality, but which promote goals such as an enhanced presence for the LCO in the community and the development of mutually effective relationships with other bodies and organizations.

C. OPPORTUNITIES

The interest in the LCO, the credibility it has achieved and its own sense of identity developed during the first mandate have provided a foundation on which to build over the next five years that will allow the LCO to pursue the following opportunities:

Building on the substantive and law reform process expertise gained during the first mandate: Over the past three and half years by undertaking a range of projects from small legislative projects to larger "law in context" projects, the LCO has developed increasing expertise in shaping projects, preparing documents, working with advisory groups, consultation, collaboration and organizing symposia and other events. The LCO will take the lessons learned into the future to ensure a workable mix of projects that take advantage of the LCO's expertise and distinctive approach without placing too high a burden on legal and administrative staff, reflect the different objectives of law reform, are amenable to innovation in approach and involve consultations designed for the project. The LCO will be pro-active in exploring efficiencies in its operations without sacrificing quality.

Enhancing the dialogue with government: The LCO and MAG have a very good relationship. Through outreach and the projects, relationships have begun with other ministries that can be enhanced in the future.

Collaborating with other organizations: The LCO has co-organized conferences and partnered with organizations such as community legal clinics and community-based organizations to carry out consultations. To the extent feasible, it will increase the extent it does so as a way of reinforcing and establishing relationships, as well as undertaking these activities more efficiently. It is open to different ways this collaboration might occur, within parameters that recognize the importance of the LCO's independence and impartiality.

Reinforcing a distinctive role as a law reform commission: This distinctive role is manifested in the types of projects the LCO undertakes, its extensive consultation methods and the non-project activities in which it engages.

IV. THE LCO'S STRATEGIC OBJECTIVES

The LCO's objectives can be roughly separated into those it plans to realize in the short-term, those it is more likely to achieve at some point during the next five years, and those that will take longer.

A. SHORT TERM OBJECTIVES

Preparation of a new project selection document: This document will explain the process of project selection and will be available on the LCO's website. Once completed, it will also be distributed to the LCO's database.

Timely completion of projects: The projects undertaken in the first mandate have taken longer to complete than anticipated, for a variety of reasons. Some of these reasons are in themselves difficult to change or avoid (such as when the project head leaves in the middle of a project), but given the first mandate experience, it will be possible to plan projects more effectively at the outset of the project work. The LCO will seek to limit the number of projects in progress at any time, or to pace the projects more carefully so that the stages of different projects are complementary.

Selection of projects that build on expertise and relationships: The Board has already approved a project for the LCO's second mandate that will build on its existing expertise and relationships. The project on capacity and guardianship is a "second generation" project that arises from the two framework projects, relating to older adults and to persons with disabilities. Other new projects may be linked to the existing projects or may allow the LCO to reinforce existing relationships with other groups.

Selection of projects that develop new expertise and relationships: It is also important that the LCO undertake projects in new areas of law and to expand its relationships with members of the legal community, Ontario's diverse population and organizations that have not previously participated in the LCO's work or have played a less prominent role in the first mandate. These projects will take longer to complete since they will not be able to rely on existing expertise or relationships, but they should enhance the LCO's positive reputation and in their turn perhaps provide the basis of "second generation" projects in the future.

Revision and development of policies and manuals: The beginning of the second mandate provides the opportunity to review existing policies and to develop formal policies in areas in which the LCO has operated more informally. The LCO will review the operation of the policies to ensure that they are consistent with its mission and values and its objective of being recognized as a leader in law reform in Canada and elsewhere. This is also a good opportunity to prepare written manuals to assist new staff members, as well as students, and to remind existing staff members about the LCO's practices.

B. MEDIUM TERM OBJECTIVES

Expand relationships: As projects develop, the LCO will seek out groups that are relevant to its mandate, but which it has not yet an opportunity to approach. It will also seek to engage groups which share interests with the LCO, but which the LCO has to this point been unsuccessful in engaging. This will be ongoing, but will become more significant after new projects are begun. The creation of the new Community Council, with broad representation from different societal groups, is designed in part to contribute to the achievement of this goal.

Make the Law School Research and Liaison Group and the Community Council an integral part of the LCO: the Law School Group continues the representation and contribution of the law schools that was part of the Research Advisory Group which has been replaced by the Law School Group and the Community Council. The Community Council is a new group, intended to enhance the LCO's commitment to community outreach and participation in its work. It is important that the members of these bodies feel part of the LCO's work through discussions about the LCO's work, having their advice taken seriously and constructively considered and having an opportunity to satisfy the roles envisioned for them.

Refine the process of law reform: As the LCO initiates new projects and undertakes the work required to complete them, it will review and amend its processes as appropriate. It has introduced a new approach to creating project proposals, small expert groups whose members will be able to assist in developing proposals for Board consideration. It will continue to create advisory boards for projects, but will do so at the earliest stage of project development. It will review consultation practices and use

the ones most suitable for a particular project. At the same time, it will continue to experiment with new ways of doing things as relevant to each project.

C. LONG TERM OBJECTIVES

Establish the LCO as an integral part of the Ontario landscape: By the end of its second mandate, the LCO should be an accepted part of the legal landscape in Ontario, so that its renewal is not in doubt and a different type of funding process might be instituted, one that is to the extent possible ongoing rather than for a limited time period. To achieve this goal, the LCO will need to show that it can effectively respond to immediate law reform needs, as well as contribute to thoughtful and creative analyses of and responses to larger questions. It will also need to develop widespread support among different constituencies. The state of the economy will continue to be a major factor in the LCO's achievement of this objective.

Develop new sources of support for the LCO: Support can take different forms: financial, human resources and collaboration for specific initiatives, among others. These are not meant to substitute for core funding, but to supplement and complement it. To accomplish this goal effectively requires someone who can spend the necessary time in identifying sources, approaching them and developing proposals for support. This long-term goal can be accomplished only with additional person power, and the LCO will consider ways in which this can be achieved.

Become a source of assistance to other commissions: Law commissions in Canada try to be of assistance to each other, as well as to commissions elsewhere. By the time the LCO reaches the end of its second mandate, it hopes to have established itself as a law reform body to which others come for input on various issues and which can readily and effectively contribute to a thriving law reform agency community in Canada.

V. MEANS TO ACHIEVING THE LCO'S OBJECTIVES

To achieve its short, medium and long term objectives in a manner consistent with its mission and values, the LCO recognizes that

- It must continue to be open to receiving project proposals from a wide variety of sources including the legal community, community groups, government and the public at large, and where appropriate be prepared to initiate projects itself;
- It must continue to select a mix of projects that will satisfy a number of objectives: short projects that (likely) address specific legislative deficiencies and that can be completed within a year to 15 months; and longer projects

that have law as their core, but explore the relationship of law to other disciplines and the role of law in diverse peoples' lives more generally.

- It must plan projects carefully, including the use of expert groups to develop proposals for Board approval; the creation of project advisory groups early in a project's life; consideration about the nature of consultation required and whether commissioned research papers are required (and if so, in what areas) during an initial planning phase; the development of timelines; and regular review of progress. At the same time, project heads must be able to adapt to changing circumstances and able to take advantage of unexpected opportunities.
- The number of projects must be manageable and to the extent possible, the various stages in a project should complement each other (for example, the initial planning in a project can occur when another project is in the final report stage) in order to provide better pacing for legal and administrative staff members.
- The cost of a project can be calculated at an earlier stage than has been the case in the first mandate, with all anticipated costs, including translation, included.
- The Executive Director must continue to engage in outreach, both to reinforce existing relationships and to develop new ones, but focusing on locations and groups not previously approached. However, planning for outreach should take into account that the LCO is no longer a "new" organization. To the extent possible, Board members and Community Council members can assist in outreach activities.
- The LCO needs to continue to undertake other activities (such as conferences, symposia or presentations), in some cases in partnership with others, or through contributing to the activities initiated by other organizations (including the law schools).
- To the extent possible, the LCO needs to increase the value of its funders' contributions by seeking contributions from other organizations, including in kind contributions.

VI. ASSESSING THE LCO'S PERFORMANCE

As the Strategic Plan 2008-2012 pointed out, assessing the performance of a law reform agency is difficult; for example, the government may implement

recommendations, but not for several years. Nevertheless, it is necessary to be able to determine whether a law commission is contributing to law reform and to dialogue around the law more broadly. It is equally important to recognize the range of criteria relevant to performance. Some factors are applicable to certain kinds of projects or to particular kinds of activities, while others may transcend the activity. The following factors are illustrative of both quantitative and qualitative factors and can be used to assess the LCO's performance as a law reform agency on an on-going basis:

- *Selection of projects:* are they likely to contribute to bettering Ontario law and, in some cases, improving the situation for underrepresented groups? Do they adequately reflect the "mix" of projects to which the LCO is committed?
- *Selection of other activities:* does the choice of conferences, symposia and other events contribute to advancing law reform or dialogue about law?
- *The use of human and other resources:* are they used effectively?
- *Extending resources:* does the LCO take the opportunity to work with others when it will result in more effective use of resources without impairing its independence and impartiality?
- *Relationship with other organizations:* is the LCO invited to collaborate with other organizations in activities such as organizing conferences? Are other organizations willing to participate in or to partner in activities such as consultations?
- *The process of carrying out the project:* is it appropriate for the nature of the project?
- *Coherence of final reports:* are the final reports and recommendations consistent with the analysis undertaken to reach them? Do the analysis and recommendations reflect what the LCO learned through research and consultations and feedback? Are the recommendations supported by the analysis? If the LCO rejects majority views on a particular issue, does it explain why?
- *Feasible recommendations:* are the LCO's recommendations feasible under current circumstances or, if made with the future in mind, would they be practical if circumstances change?
- *Adherence to stated mandate:* has the LCO's work been consistent with the mandate articulated in the Agreement?
- *Adherence to stated values:* have the research, consultations, discussion papers and reports and follow-up reflected the LCO's values as articulated in the Strategic Plan?
- *Impact of discussion papers, final reports and recommendations:* has the government adopted the LCO's recommendations in law or policy? Have the courts referred to the LCO's discussion papers, reports or recommendations?

Have academics used the papers or reports in courses or research? Have others, such as community groups, used the LCO's discussion papers or reports?

- *Contribution to the dialogue around law reform or substantive issues:* have the LCO's discussion papers, reports or recommendations or staff members' presentations or articles been reflected in other articles, blogs or discussions?
- *Participation by staff members in conferences or publications:* have staff members been invited to participate at conferences or to prepare articles?

A brief (non-exhaustive) review of ways in the LCO has satisfied these measures even since it began to undertake projects in February 2008, indicates the capacity for satisfying them in the future: the government's adoption of recommendations in its pension division project; the Ontario Court of Appeal's citation of the LCO's final report in its project on the modernization of the *Provincial Offences Act*; the use by academics of various discussion papers and reports in their lectures and course materials; the use by members of the older adults project advisory group and others of the draft framework in that project; undertaking a mix of projects in different areas of the law; support of scholarly research through the scholar in residence program and commissioned research papers; the invitation to contribute to consultations by other law commissions; participation in a conference on reform of the Hong Kong Law Reform Commission and references in mainstream media, legal media and blogs of issues raised by the LCO; and participation in scholarly and professional conferences and publication in scholarly journals and professional newsletters by LCO staff members; collaborative organizing of conferences; and the ready involvement of a wide range of organizations and individuals in the LCO's work.

The LCO will continue to make efforts to meet these evaluative criteria and to maintain a record of how it is meeting them during the period 2012-2016.