



LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO

Class Actions Research Project

Terms of Reference

September 22, 2017

Overview

The Law Commission of Ontario (LCO), with the support and collaboration of the Faculty of Law, University of Windsor and la Faculté de droit de l'Université de Montréal, is leading an independent study of class actions in Ontario.

The purpose of the project is to research whether class actions are fulfilling their three-part promise to improve access to justice, foster judicial efficiency, and promote behaviour modification.

The project will be based on extensive research and public consultations. The project will conclude with the preparation and distribution of a public report. The report will include analysis and recommendations for reform, where appropriate.

The project will be independent, consultative, balanced, practically oriented, and guided by public interest values.

Project Team

The project is being led by the LCO with the assistance of two principal researchers:

- Professor Jasminka Kalajdzic, Faculty of Law, University of Windsor, and
- Professor Catherine Piché, Faculty of Law, Université de Montréal.

The LCO is the secretariat and administrator for the project. Nye Thomas, Executive Director of the LCO, is the project director.

Reference Group

The project team is organizing an expert Reference Group to assist the project's work. Collectively, the Group will have expertise in the law and practice of class actions, Ontario's justice system, research and consultations, access to justice, and law reform. Group members will be highly-regarded within the legal profession and the community at large.

Project Objectives and Assumptions

The project's objective is to research the experience with class actions in Ontario and to conduct an independent, balanced and practical analysis of class actions from the perspective of their three objectives: access to justice, judicial economy, and deterrence.

The project acknowledges its scope is potentially broad, with many complex and controversial issues. Time and resources for the project will be limited. As a result, the project will prioritize and organize its work to focus on systemic issues that affect class actions generally. The project will consider whether Ontario's existing *Class Proceedings Act* needs to be amended to govern contemporary class action proceedings. The project will also strive to establish an independent, evidence-based record of class actions in Ontario.

Consultations and Public Outreach

Consultations with the bar, legal organizations, governments, public and private organizations and others who have an interest in class actions are a high priority for the project. The project will distribute a consultation paper to seek public comments on class action issues. The project will also organize in-person meetings/consultations with key individuals, organizations, and stakeholders. Important project materials will be distributed in English and French, and a webpage will be developed for public outreach, information and consultations.

Relationship to Other Class Action Research and Initiatives

Many organizations and individuals have undertaken significant work regarding class actions in Ontario and elsewhere. The project does not want to replicate those initiatives. As a result, the project will work cooperatively with researchers, stakeholders and other organizations to build on current research/policy initiatives and to ensure limited resources are used most effectively.

Funding and Support

Funding for this project is being provided by the LCO. The project is also supported by the Faculty of Law, University of Windsor and Faculty of Law at the Université de Montréal. The project will collaborate with other supporters if it is appropriate to do so. Project funds will be administered by the LCO.