

LCO / CDO

## LIAISON

## OUR MANDATE

THE LAW COMMISSION OF ONTARIO RECOMMENDS LAW REFORM MEASURES TO ENHANCE THE LEGAL SYSTEM'S RELEVANCE, EFFECTIVENESS AND ACCESSIBILITY; SIMPLIFY AND CLARIFY THE LAW; USE TECHNOLOGY TO ENHANCE ACCESS TO JUSTICE; AND STIMULATE DEBATE ABOUT LAW REFORM.

## OUR VISION

THE LAW COMMISSION OF ONTARIO WILL BE A DYNAMIC, CREATIVE LEADER IN LEGAL RESEARCH, POLICY ANALYSIS AND LAW REFORM IN CANADA.



### Message from the Executive Director

#### The Law Commission of Ontario is making its mark!

Just six weeks after the LCO released its final recommendations on the division of

pensions on marital breakdown, Attorney General Chris Bentley introduced legislation to amend several aspects of family law, including the division of pensions. In presenting Bill 133 for First Reading on November 21, Minister Bentley commented, "I'd like to make special mention of the great work done by the Law Commission of Ontario in proposing much of what will be found in the reforms."

Recent months also saw the release of the LCO's final report on charging fees for cashing government cheques. This report, available online at [www.lco-cdo.org](http://www.lco-cdo.org), incorporates much of what we heard from stakeholders province-wide, proving the value of our commitment to engage in widespread community consultation as part of LCO's project process.

In fact, the diversity of populations we serve is among the Law Commission's greatest strengths. Our intention in our fees report was to provide low-income recipients of government assistance with better informed choices about whether to receive their support through cheques and, if so, how to cash them. Bill 133 has real potential to help working and middle-class pension plan members and their spouses settle very trying issues with reduced cost and anxiety.

In the coming months, there will be opportunities for you to comment on other projects concerning older adults, persons with disabilities and vulnerable employees. I encourage you to do so!

— Patricia Hughes

*"If the LCO hadn't come out with recommendations on pension reform, the outcome might have been very different. It really was part of the impetus for change."*

— Tom Dart, Chair,  
Ontario Bar Association  
— Family Law Section

*in this issue . . .*

- Have your say on family law projects
- Introducing the Counsel-in-Residence
- What's new with the LCO's projects



# Family law roundtable sparks new project ideas

## LCO invites community comment before March 13

Queen's University law professor Nick Bala is crediting the LCO for taking an important step forward in what he hopes is an ongoing process of family law reform. Bala took part this fall in the Law Commission of Ontario's first ever roundtable, a full-day forum on family law that brought together 33 family law representatives and stakeholders from academia, the private bar, judiciary, government and community organizations province-wide.

"The day was an important part of what is going to be an ongoing debate about the future of family law in Ontario," he says.

Issues pertaining to both substantive law and procedural issues were the order of the day. Drilling down into the chief considerations raised, the LCO team identified two potential projects, which were outlined in a family law options paper released January 29. The

Commission is now leading an extensive consultation phase whereby all those touched by family law in the province are invited to comment.

"We're reaching out to every stakeholder group, from legal clinics to the judiciary," says Julie Lassonde, the LCO's research lawyer.

Feedback is invited on two potential projects — an overarching study of the roles of Ontario's family justice system actors and a substantive law project involving Ontario's legislative framework around matrimonial homes. Details on both project options are available online at [www.lco-cdo.org](http://www.lco-cdo.org).

"If our goal is to improve outcomes for parents and their children, then we should do whatever we can to empower people with as much information as possible about the legal process and about the options for non-adversarial dispute resolution," says Justice Mary Jane Hatton, the senior judge of the Family Court Branch of Ontario's Superior Court of Justice. "We need to ensure that all litigants have access to minimum front-end services to promote early and fair solutions."

The family law consultation phase will continue until mid-March, with periodic updates available online. Based on the feedback, the LCO will submit a project proposal to its Board of Governors for approval.

We couldn't do this without public input," says Lassonde. "Our projects are a genuine reflection of peoples' concerns."



*Nick Bala, Queen's University, and Dena Moyal, Office of the Children's Lawyer*

## Our stakeholders speak out

**"With the ever-changing challenges in family law, there is a need for ongoing dialogue amongst all the stakeholders."**

— Justice Mary Jane Hatton, Superior Court of Justice – Family Court Branch

**"We're working toward a more positive outcome for those impacted by family law matters or at least a more positive participation in the process affecting their lives."**

— Louise Huneault, Supervisor Family Duty Counsel, Legal Aid Ontario – Sudbury-Manitoulin

**"The LCO has positioned its options from a place of support in the community."**

— Fran Odette, Board Member, Disabled Women's Network Canada

**"Family law is one of the most important areas of the law in terms of the number of people affected and the profound impact the law can have on these individuals."**

— Professor Nick Bala, Queen's University Faculty of Law

# Counsel-in-Residence a win-win

## First year partnership with MAG concludes in March

After 25 years with the Ontario government, spent mostly as a lawyer assigned to the Ministry of Labour, John Hill was itching for a chance to do the kind of deep reflective work a fast-paced job rarely provides. He got his chance last March when he landed the LCO's first Counsel-in-Residence position, a year-long secondment from the Ministry of the Attorney General to the Commission's offices at Osgoode Hall Law School.

"Research is certainly part of my Ministry job," says Hill, a specialist in labour relations, pay equity and employment standards law, "but I'm always under the gun time-wise. I was looking forward to spending my time researching, thinking and putting my ideas to work in an organization that operates independently of any political agenda."

Hill played a leadership role in the LCO's pension project recommendations, which formed much of the framework for Bill 133, Ontario's Family Statute Law Amendment Act, introduced in the provincial legislature in November.

"It's a great feeling to be given a clean slate and know it may result in practical changes in the law," he says.

The Counsel-in-Residence program is a strategic partnership between the LCO and the Ministry of the Attorney General. Government lawyers like Hill bring important insights into the policy-making and legislative process; the chance to view provincial issues with a fresh lens returns counsellors to the Ministry with renewed perspectives and skills.

"We very much appreciate MAG's support of our work as indicated by this secondment," says LCO Executive Director Patricia Hughes. "We're fortunate that someone of John's calibre wanted to join us for a year."

As Hill's term draws to a close in March, the LCO is putting into motion plans for the second Counsel-in-Residence. Watch for the announcement of our new candidate at [www.lco-cdo.org](http://www.lco-cdo.org) and in the next issue of Liaison.

## What's new with...?

### LCO's cheque-cashing project

On November 6, the LCO released the final report of its first, independent research project — a public consultation on the fees charged by Ontario's cheque-cashing businesses. The report includes recommendations of significance to government, banking institutions and community organizations that support the some 800,000 Ontarians who use cheque-cashing services.

### LCO's older adults project

Phase II of a multi-year project on the law as it affects older adults commenced in December with a call for research papers. The request follows a pre-study in which the LCO identified key issues in consultation with 70 stakeholder individuals and organizations throughout the province. A report detailing the Phase I findings was released in January.

The Commission next plans to formalize its research contracts to be followed by an intensive research phase through to the summer months. Achieving the project goal — to develop a framework for the law as it affects older adults — is expected to take about another 18 months.

*Further details on the LCO's ongoing projects, including reports and consultation papers, are available online at [www.lco-cdo.org](http://www.lco-cdo.org).*

#### LCO STAFF

**Patricia Hughes**, Executive Director  
**Lauren Bates**, Staff Lawyer  
**Rovena Hajdëri**, Research Lawyer  
**Julie Lassonde**, Research Lawyer  
**Janice Williams**, Executive Assistant  
**John D.T. Hill**, Ministry of the Attorney General  
 LCO Counsel-in-Residence  
**Roxanne Mykitiuk**, Osgoode Hall Law School  
 LCO Scholar-in-Residence  
**Janet Walker**, Osgoode Hall Law School  
 LCO Scholar-in-Residence

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For more information about the Law Commission of Ontario, visit [www.lco-cdo.org](http://www.lco-cdo.org) or call 416-650-8406 (toll-free at 1-866-950-8406).