



Letters from the Law Commission of Canada

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Summertime and the living is easy...

George Gershwin's aria, *Summertime*, compellingly evokes the pace, sound, and feel of the season. As August comes to an end and we look ahead to fall, this seems like a good moment to reflect on the potential embodied in summer's invitation to disrupt our regular routines.



A few weeks ago, I came across a surprising sign on the side of a small Fisheries and Heritage Museum in Cape Breton: "Closed for Innovations". The building was clearly closed. Nothing appeared to be going on behind the shut doors. It would have been more usual, of course, to read "Closed for Renovations". Perhaps the word "Innovations" was an error; perhaps it was intentional, evidencing a sense of humour. Either way, the sign prompted the question of whether a period of closure – whether partial or complete – can function as an

opportunity for innovation.

Schools, of course, are meant to be closed for part of each year, giving students and teachers time to shift gears and prepare to return reenergized. We accept that kind of closure with none of the frustration triggered by signs that simply say "Closed" – whether they indicate the closure of roads (due to construction) or of a favourite restaurant or store (due to power failure or annual vacation). Would we think differently if "Closed" signalled a retreat filled with constructive and positive and creative work?

Ottawa, home to the Law Commission of Canada, feels particularly sleepy through the summer months. Unlike schools, government is not actually or completely closed. Like schools, however, its usual programs and rhythms seem suspended. The public service slows down, leaving to visitors the streets and sites of the Nation's Capital. Maybe a summer slowdown can be, as we hope it is for school-age kids, crucial to creating the curiosity and enthusiasm required for true innovation in thinking and practice.

On a recent evening walk near the Rideau Canal, I discovered an Ottawa space – a little removed from government buildings – filled with exactly that kind of summertime dynamism and energy. On the grass outside City Hall, people were learning how to do the Salsa! It was clear that lots of the dancers were there for the first time, while others seemed to know exactly what they were doing and were keen to practice against a beautiful summer sunset. Guided by teachers and



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volunteers, this incredibly diverse group of individuals – seemingly of all ages, jobs, talents, and neighbourhoods – was learning, moving, and enjoying the musical inspiration together. They had closed down their day jobs and identities for just a little while, allowing themselves to shift into innovative Salsa dancing mode.

In a setting more obviously related to law reform, Ottawa hosted the annual (106th) summer meeting of the Uniform Law Commission of Canada (ULCC) from August 12th to 16th. Delegates from across Canada are sent every year by each of our federal, provincial and territorial governments to spend a week together. Participants include government lawyers, prosecutors, lawyers in private practice, members of the judiciary, law professors, and heads of law reform organizations. Over five intense days, they consider, guide, support, and discuss projects and resolutions aimed at modifying, updating or harmonizing a broad spectrum of laws. This was my second time to observe and learn from the conversations among delegates, and I was truly honoured to deliver the ULCC Earl Fruchtmann Memorial Seminar, named for a remarkable participant and leader in the organization and its extraordinary work.

I entitled my seminar “Serious, Surprising and Sustainable: The Project of Rebuilding a Law Commission for Canada”. Punctuated by excerpts from the monthly letters I have written since the start of my mandate, read aloud by seminar participants, the session took the form of a guided tour of an imagined LCC open house. My primary objective was simply to share the inspiring and sometimes daunting sense of possibility and scope attached to the task of rebuilding a federal agency dedicated to engaging the people of Canada in the evolution of law.

To make that objective more concrete, the seminar included an opportunity for participants to contribute to the LCC’s continuous activity of listening and learning. They were invited to respond in writing to one of the following prompts: 1) Name one challenge on the horizon with significance for law reform in Canada; or 2) The LCC should NOT go into the following space or take on the following subject. Named challenges included the meaningful integration of Indigenous legal traditions, advances in technology, the climate crisis, rising inequality, short sightedness in policy planning, placing people at the centre of change, and the need for greater clarity and better access to justice. In terms of what the Law Commission should not do, responses included “lose hope”, “avoid anything”, “try to be all things to all people”, “be too hasty”, “wade into partisan controversies”, or “assume that legal frameworks are always the best way to solve problems”.

Not surprisingly, given the make-up of this group, the ideas and warnings were wide-ranging and thought-provoking. The LCC looks forward to ongoing conversations and shared initiatives with its friends and neighbours in the law reform community. As I concluded my seminar, I shared with the ULCC delegates the “Closed for Innovations” photograph and suggested they imagine hanging a “Closed for Innovations” sign on their office doors each summer as they convene for their annual meeting. Collective engagement in law reform seems to be precisely the kind of project that thrives on a summer retreat from our respective routines. Closed down for a week: not for “easy living”, but instead for the creative, collective and significant innovation that summertime can and should inspire.