

By Shauna Van Praagh

June 2024 to May 2025



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Letter # 11

06 June 2024

As the Law Commission and I mark our one-year anniversary together, it is a moment to reflect, rejoice and look ahead with optimism. In my first letter, written shortly after my arrival in Ottawa on June 6th of last year, I underscored the fact that discovery and learning take time. I shared my anticipation that reimagining, rebuilding, and revitalizing the Law Commission - like any positive transition - would require hope and hard work, faith and friends. Twelve months later, the Commission is thriving on exactly that combination of elements.

Along the way, our Executive Director at one point characterized our team and the Commission with words that resonated and have stayed with me. She referred to our "uncertain awesomeness". The words also work in reverse order to label our existence one of "awesome uncertainty". Either way, the Law Commission of Canada combines uncertainty with awe, powerful potential with existential fragility. Its history is one of impermanence and renewal, of revival after hibernation. I have the extraordinary honour of harnessing the awesome energy and creativity invited by uncertainty.

In an article from 2022 entitled "Two Standards of Repair: Restoration and Resilience", Erik Encarnacion referred to the Japanese practice of Kintsugi to suggest an inspiring approach to repair:

"Shattered ceramics usually show cracks even when the shards are glued back together. So discarding them is tempting. But a Japanese practice called Kintsugi counsels a different response: reassemble the shards using adhesive infused with gold dust. The results are stunning, with the cracks glowing like lightning, giving ceramicware new life. Kintsugi turns a lamentable eventsomeone's having dropped some pottery—into an opportunity for artwork, a blessing in disguise. Kintsugi seeks repair but does not seek to erase the evidence of the breakage. It is a repair that creates something new, a mode of repair that seeks to make something in some respects better than before it broke, without erasing all traces of injury. Call this ideal of repair, which Kintsugi realizes, resilient repair."

To date I have heard many words starting with "re" used to describe the task of leading this Law Commission of Canada. Re-creation, restart, restoration, renovation, resurrection, resuscitation, renaissance: all are situated along a broad spectrum of meaning and imagery. The notion of Kintsugi invites us to add resilient repair to that vocabulary. Perhaps the 17-year gap in the existence of the Law Commission is an invitation to fill the cracks with gold dust, to rejoice in the opportunity for artwork, to find a blessing in disguise.





At age one, this Law Commission of Canada continues to meet with individuals and groups wearing many kinds of law reform hats as they engage with justice, change and hope. Some present themselves as practitioners, others as scholars, still others as policy makers. All work in spaces and at sites where change or evolution in law is ongoing and necessary. Law reform and law reformers are usually associated with the mode of restorative repair, the standard in contrast to which the Kintsugi-like version is offered. The alternative mode of resilient repair, replete with cracks that can't be eliminated, might be better suited to the problems and potential associated with law and legal institutions. As a legal scholar from Nigeria reminded participants in a recent LCC Listen & Learn conversation, well-worn and often invisible foundations of a democratic society require ongoing trust and constant care.



The Law Commission's visual presence, launched via our new website on the cusp of this first anniversary, aims to capture this notion. The asymmetrical maple leaf, multi-coloured and veined with gold, is at the same time irregular and beautiful. The design is inspired both by nature and by human interaction: the intersecting gold lines can be seen as cracks or veins in the leaf and at the same time as segments of intersecting circles of encounter. Our job at the Commission is to help fill the cracks with knowledge, understanding, collaboration, and possibility. It is a task of building relationships and connections. It is work that requires imagination, humility, participation, and responsiveness.

Members of the LCC team have offered a birthday present to the Commission in the form of ideas, hopes and dreams as we head into year two. They emphasize the obligation to be visionary, they underscore curiosity and innovative interactions, they point to the special vantage point from which the LCC can initiate and support ongoing conversations. Their wishes for the Commission include the words "bold", "unconventional", "meaningful", "productive", "collaborative" and "valuable". They see how their work dedicated to the building of foundations and capacity has resulted in an entity that is serious, surprising, and sustainable. In their hands, the LCC presents itself with confidence and resilience, ready to engage in the initial series of research projects identified over the course of this first year. Awesome in an inevitably uncertain world, we are ready to celebrate!



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Letter # 12

21 July 2024

I marked Canada Day this year with a hike along the Jack Pine Trail in Cape Breton Highlands National Park. The trail takes its name from a unique stand of tall Jack Pine trees, their tops stretching up to the sun, whose existence is tied to a dramatic fire in this space in 1921, just over



Reindeer lichen

a century ago. It turns out that temperatures over 44 degrees Celsius are required for the release of Jack Pine seedlings from their cones. Today's cones are in waiting mode. An interpretive panel points out to visitors that we are all tied to our history and that living things develop in diverse and surprising ways. Further evidence comes in the form of another plant also ubiquitous along the trail. Sun-bleached and fragile "Reindeer lichen", with an average growth rate of 1 millimeter per year, seems determined to exist over strikingly inhospitable rock surface.

The contrast of the immediacy of change by fire with the slowness of transformation in miniscule increments may be helpful in thinking about the dimension of time in the world of law reform. A month before my holiday hike, I had the honour of moderating a panel at the annual meeting of the Federation of Law Reform Agencies of Canada, hosted this year in Montreal by the Institut québécois de réforme du droit et de la justice. The speakers brought with them a wide range of experiences and responsibilities related to processes and mechanisms of change in law and justice. They shared reflections from the context of directing a provincial human rights commission to leading national law reform, from working with volunteer lawyers to supporting civil servants, from interactions with legislative process to collaboration with advocacy organizations.

In response to my question as moderator about the significance and impact of "time", they offered thought-provoking insights. Patience is key, they acknowledged; long term planning and reflection over extended periods are both necessary and normal, such that one of the toughest challenges is that of avoiding lethargy. Sometimes, however, dynamic and immediate engagement is both justified and necessary; appropriate general reluctance to react quickly should not slide into remaining silent in the face of pressing injustice. In a metaphor coined by Justice Nathalie DesRosiers, past president of the Law Commission of Canada and one of the speakers, like the preparation of a good meal, law reform work often happens on at least three stovetop elements at the same time, each turned to a different heat setting.





One of the things I have heard over and over from participants in our Listen and Learn sessions over this past year is a complaint about the lack of time. Whether professors or politicians, community organizers or legal practitioners, individuals have told us they lacked time to think, read, reflect, ask questions, or join in constructive conversations. Of course there is never enough time. We speak of finding time, making time, using time, keeping time, and marking time. We count time and we count on time. We wonder what we would do if we had more time, we marvel – sometimes with true bewilderment – at how time moves so quickly, and we worry when people, places or processes appear to be fixed or frozen in time. Especially in the summer season, we may take time off, carve out holiday time, or enjoy time on vacation – all tied to an embrace of a slower pace and an escape from what can feel like relentless routine.

When people interested and engaged in law and law reform talk about not having sufficient time, they often seem to be regretting the fact that they can't slow down enough to explore adequately the many dimensions crucial to understanding and directing how things are working and what change might be required or look like. It is not easy both to exercise necessary patience and to respond meaningfully to what feels pressing. Perhaps we can learn from the co-existence of the Jack Pines, reliant on fire for long-term survival, with the Reindeer lichen, slowly and patiently adding a millimeter every 365 days. Law reform happens over time in so many ways, some almost invisible and others shockingly apparent. And it relies on a combination of interconnected capacities – to respond to crisis, to adapt to context, to invest in steady development.

Canada officially turned 157 years old this July 1st. The tall Jack Pines that stood at this spot in Cape Breton in 1867 have been replaced by their descendants. The Reindeer lichen has grown about 157 millimeters. They offer very different perspectives on the passage of time in a country home to intertwined legal traditions, all of which contain distinctive mechanisms for change, both fast and slow. As one of the signs found along the trail reminds hikers, evolution is never-ending and necessary: apparent stability along the path doesn't mean that time has stopped or that change isn't happening. With every step, we are invited to appreciate each millimeter of growth and to soak up the sustenance provided by the sun and its warmth.

by Shauna Van Praagh

Letter 13

28 August 2024

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.



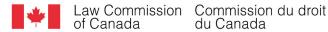
A few weeks ago, I came across a surprising sign on the side of a small Fisheries and Heritage Museum in Cape Breton: "Closed for Innovations". The building was clearly closed. Nothing appeared to be going on behind the shut doors. It would have been more usual, of course, to read "Closed for Renovations". 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 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 Fruchtman 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.



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Letter # 14

23 September 2024

As the Law Commission prepares for the initial Listen & Learn meetings of the fall season, I find myself reflecting on how far we have come and how much we have flourished since we launched the series one year ago. We now have a team, an emblem, a website, an Advisory Council, and a growing network of partners! Our first Annual Report, covering the period from June 2023 to March 2024, is scheduled to be tabled in Parliament in the coming weeks, and we look forward to sharing it with pride and confident energy.

One of the major developments now firmly in place is that of the Law Commission's first major research path, focused on charity and charities in Canada and Canadian Law. This is a project that responds to all three parts of the LCC's raison d'être - living law, pursuing justice, renewing hope - and we trust it will resonate with individuals and communities, and with actors and institutions within and beyond the legal landscape of our country.

Charity matters in Canada across an extraordinarily wide range of sectors, actions, commitments, and objectives – from arts to education, from faith-based congregations to human rights advocacy groups, from youth in sport to prevention of animal cruelty, from food security to climate justice, from advancement of medical research to innovation in housing. Charitable organizations come in all shapes and sizes, from small grassroots organizations to large philanthropic foundations. All along a scale of local to international, charities and charitable projects contribute to the governance and wellbeing of our contemporary, democratic and diversified society.

The fact that charities employ roughly 10% of Canada's full-time workforce and represent about 8% of our gross domestic product demonstrates how they play a significant role in our everyday lives. But beyond those statistics, we know that charity as concept, as practice, as sense of moral duty, as dedication to the common good, is an integral part of everyday life for people across Canada. Identified and valued across traditions and cultures, charity is implicated in how we hold out a hand, confront injustice, encourage learning, and follow dreams.

In a recent conversation at the LCC office in Ottawa, as members of our team recounted stories from summer holidays, I shared that I had enjoyed seeing productions of Les Misérables and Come from Away, both hosted by the National Arts Centre. That led to reflections on how the two stories - one found in a classic novel by Victor Hugo, the other grounded in the true experience of a small Canadian community - are explicitly and compelling intertwined with charity and law.

Come from Away shines a light on the people of Gander, Newfoundland, where planes from around the world were forced to land on September 11, 2001 because of the closure of US





airspace. As captured by the first rousing song, "Welcome to the Rock", the kindness shown at a moment of terror and tragedy was remarkable and inspiring. As one of my colleagues on the team observed, the story demonstrates the incredible strength and capacity of human spirit and community. Watching a show that captures overwhelming generosity to outsiders who "came from away" made him feel so proud to be Canadian.

Where does that compulsion to do the right thing come from? As another Law Commission team member noted, Les Misérables shows how complicated both the question and its many potential answers can be. For Victor Hugo, this colleague recalled, philanthropy can indeed serve as a powerful and transformative instrument of social justice. But human redemption, love, and hope – and the socio-economic and political context against which they are nourished or destroyed – are never simple or straightforward. Les Misérables underscores the power of charity while scrutinizing actors and actions that present themselves as charitable and in service to the public good.

In a recent article, published in July 2024 in The Philanthropist Journal, a journal brought to my attention by yet another member of our LCC team, the President of CanadaHelps considered a study that shows how a Canadian individual's meaningful connections to others is a striking indicator of the level of their charitable giving and, more generally, the level of their generosity and civic engagement. As our social bonds shrink, so too does our sense of being, acting as, and having good neighbours. All of this suggests that the strength of the social fabric of our country is linked to our willingness to give with generosity, to roll up our sleeves, and to come together in action.

What are the roles and responsibilities of law in recognizing, facilitating and nourishing charity in contemporary Canada? This is the key question running through our project on charity and charities in this country. A member of the LCC's Advisory Council recently shared the following insightful message articulated by Rabbi Jonathan Sacks of England: "Optimism is the belief that things are going to get better. Hope is the belief that we can make things better." Charity seems inextricably tied to that human capacity to make things better.

As our project develops through anticipated contributions from jurists and non-jurists with expertise and experience, the LCC looks forward to combining learning with engagement, sharing with repairing, and legal analysis with community-building. Law reform is far from the only way to support the practice of charity, foster meaningful neighbourly connections, or renew hope. But it can indeed be one important way of doing all three.

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Letter # 15

28 October 2024

For the Law Commission of Canada, October brought with it celebration of the tabling in Parliament of our Annual Report prepared this past spring. Justifiably proud of the foundational work accomplished over our first ten months of operation, the LCC team is truly happy to share this document with the Canadian public.

In our Report, in a section entitled "What It Means to Shape Law Reform Today", Canadians can find a list of elements identified by the Commission as relevant to the work of law reform in this country on the cusp of the second quarter of the 21st century. Those elements include increased appreciation for learning from Indigenous narratives, observable and destructive distrust of facts, and substantial engagement and empowerment of youth. As I reread the list, I realize it corresponds in important ways to our country's focus on truth and reconciliation marked in a powerful way at the end of September.



On September 30th, Canada paused for Orange Shirt Day, more formally known as our National Day of Truth and Reconciliation. We were invited to remember, reflect, connect and learn. As the Honourable Murray Sinclair, Chief Commissioner of Canada's Truth and Reconciliation Commission, wrote in an opinion piece published in The Globe and Mail in September, this day was "first envisioned...to be a day of listening, learning and discussion", a day that offers "an opportunity to build relationships with each other - and most

importantly with survivors of Canada's residential school system".

September 28th, two days earlier, was World News Day. The communiqué issued to mark the day reminded readers that "Today, more than ever, journalism matters." This year's theme, phrased as an imperative directed to all of us, was "Choose Truth". Journalists have a crucial responsibility in seeking truth and sharing stories. They can serve as leaders and key contributors to collective understanding and knowledge, wisdom and wellbeing.

The proximity of World News Day to Canada's Truth and Reconciliation Day prompts us to find ways to combine the messages: to learn from Indigenous narratives, to enrich our knowledge through facts and the search for truth, and to underscore support for and responsiveness to the needs and promise of people. The overlap with contemporary elements of meaningful law reform is both obvious and striking.





In recent Law Commission of Canada Listen and Learn meetings – in Victoria, British Columbia and in Halifax, Nova Scotia – we heard about ways in which remarkable individuals, communities and organizations are working to intertwine truth and justice, law and reconciliation. From one coast to another, we learned about complexity within communities, heard the challenges of responding to individual and collective needs and claims in effective ways, and were inspired by projects of restoring and strengthening traditions. The Indigenous Law Research Unit at the University of Victoria shared with us some of the initiatives, including a graphic novel, through which it motivates creative and curious engagement with Indigenous legal traditions and orders. The African Nova Scotian Justice Institute intertwines court support, restorative justice, and interactive legal education projects, all responsive to individual and community stories from past, present and future. The teams that run the Unit and the Institute stand out for their dynamism, innovation and energy. Their work, like that of so many actors in the law reform landscape, relies on truth-telling, engaged listening, and constructive conversation.

As the Law Commission continues to listen to and learn from actors including law schools, legal aid clinics, legal literacy and access to justice organizations, community institutions, professional regulators, the judiciary, criminal law enforcement, and policy makers, we notice a shared and foundational commitment to seeking and building on truth. There is an evident need for stories that reveal truth and for truths to inform the stories we tell. Perhaps the Law Commission can assist in asking what we do with truths as they are revealed, what differences might be made to the practice and approach taken by legal actors, and what responsibilities we have as Canadians to tell, value, and act upon truth.

The Commission's three-part raison d'être, Living Law, Pursuing Justice, Renewing Hope, does not include an explicit reference to Seeking Truth. But that doesn't mean truth isn't present. Instead, truth appears to be central to all three parts: we need true stories of law in our daily lives; investing in truth grounds the pursuit of justice; and hope for the future relies on understanding the truths of where we are and where we are headed. Projects and plans for law reform are always grounded in a collective embrace of the search for truth.

The coincidence of the last World News Day and the last National Truth and Reconciliation Day of the first quarter of the 21st century invites all of us to pause and reflect. As the Law Commission shares our first Annual Report with Canadians, we are already halfway through our second year and keen to incorporate the messages into our ongoing work. We focus on the significance of what Canadians have learned and continue to learn about law, justice and hope in their lives - whether through investigative analysis and critical comprehensive reporting and gathering, or through story telling and the sharing of individual and community narratives. We accept the World News Day imperative to "choose truth" in carrying out the vocation of law reform. And we anticipate continued building of relationships through the practices of listening, learning and discussion symbolized and motivated by the orange shirts worn across this country in the name of truth and reconciliation.

by Shauna Van Praagh

Letter # 16

29 November 2024

One of the magnets on our family kitchen fridge - a souvenir from the New York Public Library - shares a quote attributed to Albert Einstein: "The only thing that you absolutely have to know is the location of the library." It's a compelling message. Necessary and indeed foundational knowledge comes in the form of situating the library on the map. Locating the library is the first step to taking the time to visit, opening the door, using the space, and finding ways to answer (and keep asking) questions.



Halifax Central Library.

On our Listen & Learn visit to Nova Scotia earlier this fall, Law Commission Director of Outreach

and Engagement, Brian Peebles, suggested we make a stop at the Halifax Public Library. He didn't know about the magnet and its message. But he did know that I am an avid supporter of public libraries, keen to figure out connections between the LCC's commitment to engagement and the remarkable, wide-ranging, and community-supporting vocation taken on by libraries across Canada. The photos that accompany this letter share the Halifax Public Library with readers and lead to the following reflections on how the Law Commission of Canada might "locate the library".

Perhaps most obviously, reference to the library should invite us to think about books. Visitors to the LCC in Ottawa inevitably comment with enthusiasm on our bookshelves as a central, welcoming feature of our office space. One of our early tasks was to repatriate physical copies of the reports of our predecessors (the Law Reform Commission, 1971-1992, and the Law Commission, 1997-2006). In addition, we began to create a small in-house collection of books to be used on a regular basis by our research students and Fellows. As the shelves fill up with books in which we can literally place bookmarks, we aim to demonstrate – in a practical as well as symbolic way – the central significance of turning to helpful and serious sources in law and law reform.

Of course, libraries are much more than buildings filled with bookshelves. They serve as neighbourhood anchors, school



Halifax Central Library interior.





centres, and sites of encounter with people, resources and ideas. Whether their architecture is innovative and inspiring, or in need of renovation or redesign, libraries fill and use their space in a remarkable variety of ways. Display tables invite our attention to selected themes or topics, encouraging unexpected learning and exploration. Driven by their general curiosity or specific research ambitions, visitors can immerse themselves in the stacks or connect to the internet with free Wi-Fi. The children's corner is marked by accessible desks and comfortable cushions, and it fills up on a regular basis with the sound of storytelling. There are always dedicated places for onsite consultation, for collective activities, for borrowing and returning materials. The work of local artists might be displayed; items from current world news might be featured; recommendations for book clubs or films or podcasts might be shared.



Mosaic display inside the library.

What do libraries do? What roles do librarians take on? They act as curators, as guides, as resource people. They serve as liaisons to school learning and as responsive supporters of the cross-generational communities they serve. They welcome newcomers to their adopted neighbourhood, city or country; they encourage exploration of languages, cultures, and the histories and maps of our world. They offer seniors concrete opportunities to keep learning and sharing; they provide literal and metaphorical warmth; and they model creativity and capacity to adapt. In general, they acknowledge and support the incredible breadth and depth of their users' interests, activities, needs, and questions. What impact do libraries have? If their vocation were restricted to lending a set number of books to borrowers each year, we might be tempted to measure that impact by counting the books or coming up with plans to replace them through virtual access to full-text versions. Such a simplistic account would miss all the stuff that also matters. Figuring out the value of libraries requires a comprehensive, complex and indeed never complete appreciation of their reach, projects and promise. It means understanding and trying to articulate on an ongoing basis why it's necessary to know the location of the library.

One of the Law Commission's Advisory Council members recently suggested to me that the LCC could perhaps think of itself as a library. It's a lovely idea, and a fruitful image for our emerging architecture, direction and ambition. What an inspiring aspiration for the Law Commission: to live up to the high standard set, and indeed constantly re-set, by libraries! The LCC might create dedicated library-like spaces for our law reform projects, rotate our collections and collaborations with other institutional legal actors, shine a light on selected themes relevant to law in Canada, support a range of authors and creators in law, share in responding to community justice needs, support ongoing learning about legal traditions and systems, and facilitate connections through law across contexts and generations. We might assist in imagining new designs and functions for fellow libraries, whether literal or metaphorical. And we might insist that our significance and value

be measured in imaginative ways attuned to long term investment and consequences that extend beyond today or even tomorrow.

In this season of short days and approaching winter, maybe this letter prompts readers to check whether they know the location of the closest library. It might be time for a visit - to borrow some books, to participate in what's happening, to say hello to who's there, and to reflect on why it matters.



by Shauna Van Praagh

Letter # 17

18 December 2024

Listen & Learn events in late fall took the Law Commission of Canada to Université de Montréal and Queen's University. Law professors shared their current projects, showing how they had identified issues in need of attention and were making connections between in-depth legal research and on-the-ground social impact. Those issues ranged from governance of sustainable enterprises to regulation of AI safety in healthcare, from public perception of consumer protection frameworks to comparative approaches to victims of criminal acts. We heard about elements of effective climate protection, critical analysis of historic treaty relations, and interactions of religion and law in everyday life. Participants shared their work on youth criminal justice, in measuring trial delays, and with respect to copyright and patents. The spectrum of domains in which legal guidelines and public needs are in flux is remarkable; so too is the spectrum of fields of knowledge and experience shared by contributors to the Listen & Learn conversations.

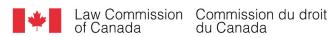
These roundtable sessions shine light on many of the ways in which legal scholars are asking hard questions about law, offering constructive responses, and exploring potential paths forward. At a time of year when days are short, it can be uplifting to glean the energy on the part of individuals keen to use their knowledge to effect positive change by responding to current and future needs of individuals and communities throughout Canada. Uniquely positioned to encourage them to do exactly that, the Law Commission can help connect the dots between inquiry and impact, between research and real life, between knowledge and know-how.

Upon my return from Montreal and Kingston, I shared two special gifts with the Commission's dedicated team in our Ottawa office. One was a gift in the form of words, a message sent from one of the Listen & Learn participants:

"I think all of us who care about law and legality in Canada are in your debt. The more I think about the weird world around us, the more I think about the value of leadership from people committed to public service and the ideals of justice that should be our guiding light. Complacency about the general state of our society isn't possible anymore, and you are modelling how we all must step up to defend ideals that are increasingly under threat."

LCC team members truly enjoyed the nod to public service, to dedication to the ideals of Canadian society, to the importance of leadership in law and justice.

The second was a gift in the form of a small clear container of tiny beads in many colours and shapes. It came from Danielle Lussier, a Red River Métis scholar and beadwork artist who holds the Chair in Indigenous Knowledge and Perspectives at Queen's University in Kingston. In a unique







Listen & Learn event, I met Danielle and her entire family: it was a professional development day, so her children were home from school and accepted an invitation to insert the president of the Law Commission of Canada into their schedule. I learned from all of them how beadwork contributes to community building by creating relationships, forging connections, and exploring stories and spaces. Danielle shares her beadwork talent and expertise through her research, analysis, teaching and mentoring. Passed around our boardroom table at the Law Commission office, the gift of beads invited curiosity and inspired creativity.

On the radio one morning this past week, I heard the host speak with a mother about how to encourage children to value and

enjoy giving at this time of year. In a season when kids are excited about receiving gifts, the conversation focused on the joy that comes with offering gifts. Along those lines, LCC team members appreciate the kind words and colourful beads, and at the same time take real pleasure in working hard to create and share meaningful gifts in the form of projects, engagement, and accountability to Canadians.

As we reach the Winter Solstice, the days will start to get longer. We are reminded of how precious light is in our lives, and of how important it is to share and treasure gifts infused with kindness, commitment and creativity. Thanks go to the Commissioners, Advisory Council members, Associates, partners, friends, and team members who sustain, nourish and support the LCC. Together we wish all readers holidays filled with joy and brightness, laughter and love. The Law Commission of Canada looks ahead to a good new year marked by living law, pursuing justice and renewing hope. Happy 2025!



by Shauna Van Praagh

Letter # 18

28 January 2025

It's cold out there. That's what I thought to myself - with good reason - as my train pulled into the station in Quebec City early last week. With the wind making the temperature feel close to -25 over the two days of our Law Commission of Canada visit, it was the kind of weather that makes it very tempting to head into hibernation mode. It can be hard to embrace winter.

The polar freshness of the air in Quebec might not be an experience shared by everyone across the country. What we do share is the feeling of uncertainty in a shifting social-economic-political context that has marked the start of this new year and the first few days of the second quarter of the 21st century. The warm stability associated with hibernation might be something a lot of people are looking for. It can be hard to embrace dynamism and change.

With respect to the cold air, getting outside can be energizing when we dress warmly. With respect to the evolving societal landscape, participation can be invigorating when we aim to be constructive. Even if difficult, the challenge of complex conversation can feel much better than the loneliness of hibernation or retreat. That conviction on the part of the Law Commission of Canada nourishes the "listen and learn" mode in which we began to rebuild a year and a half ago. It supports the listening and learning we continue to do. And it explains why we welcomed the chance to bundle up for a January visit to Quebec City.

Our Listen and Learn itinerary took us first to Wendake to meet with Simon Picard, Director of Legal Services for the Huron-Wendat Nation. There we learned about some of the priorities and projects in which the community is involved, including the ongoing work of figuring out – often through complicated litigation – the contemporary consequences of historical treaty obligations. The LCC hopes to make connections this summer with law students working in Wendake and to highlight some of the ongoing reform efforts of Huron-Wendat lawyers. Tiawenhk, merci, thank you to maître Picard for his generosity in meeting with us and sharing insight into law's multi-pronged pathways to change. Tied to his work with his team in Wendake is his teaching of Indigenous Law (Droit des peuples autochtones) to students at Laval preparing to become members of Quebec's next generation of





jurists.



The significance of teaching and research for the ongoing evolution of law underpins the LCC's ongoing agenda of Listen and Learn visits to university campuses. In Quebec, we were hosted by the Faculty of Law at Laval University, members of which enthusiastically shared their preoccupations in looking to the future. We heard about the effectiveness of public consultations in responding to violence experienced in the workplace, about the importance of learning from fields of knowledge beyond law, and about the crucial and rich comparative network of ideas and approaches that exists across Canada. Participants talked to us about the fundamental building blocks of criminal procedure, of consumer protection, of global technological advances. They shared their commitment to socio-economic justice, to the development of effective indicators of health, to narratives of individual freedom, and to effective dialogue between legal traditions. The session illustrated that what feels like an era of uncertainty is full of potential for positive change.



As is often the case when we hold these Listen and Learn sessions, colleagues around the table underscored how happy they were to learn from each other. Even if they share a building, even if they take turns teaching in the same classrooms, they don't always take time to knock on a neighbour's office door and engage in a complex conversation about their respective projects. The LCC's visit provides a reason for them to learn from each other and to listen to the ways in which they strive to connect scholarly inquiry to on-the-ground impact. We heard loud and clear their expectations and hopes that the Law Commission serve as co-ordinator, facilitator, supporter, and connector.

As 2025 gets underway, many people are talking about the crucial nature of conversation, the value in talking to strangers, the fundamental nature of open curiosity, the importance of true listening. In the face of extreme cold, striking uncertainty, and deep complexity, people can't really choose hibernation. Neither can law.

by Shauna Van Praagh

Letter # 19

27 February 2025

"Oh, the Places You'll Go!" Many readers will recognize the title of a children's book by Dr. Seuss - a book that paints an inspiring and whimsical picture of the adventures that life can offer. It turns out that lawyers have found fruitful and fascinating connections between the rhyming lines in Dr. Seuss books and foundational legal arguments. Or so one of my past law students told me recently in an email message from Australia where she had visited the Dr. Seuss Gallery in Melbourne, chatted with the gallery curator, and discovered a reference to an article entitled "Green Eggs and Law – Lessons from Dr. Seuss". I will not repeat here what I have previously written in a president's letter about the insights and power of children's literature. Instead, I will use my student's message as an invitation to reflect on the ways in which the Law Commission has been on the move over the past month.

"Oh, the Places You'll Go!" As this February draws to a close, the sense of excitement, adventure and movement captured in that title infuses recent events at the Law Commission. First, we waved goodbye with warm wishes and happy celebration to our Director General and Deputy Chief Executive Officer as he was named an Associate Judge of the Federal Court of Canada. For Kirk Shannon, the LCC was one of the "places you'll go" in life and law; as he moves to the FCC, he will explore and get to know not only a new place but a new way of serving the people of Canada. The Law Commission is grateful for his contributions and very proud to have been an important stop on his path.

Second, the Law Commission itself was on the move. We now have a new home on the 15th floor of 280 Slater Street in downtown Ottawa. Renovated to reflect and support our approach to the evolution of law, the office incorporates light-filled spaces for conversations and collaboration. As we left behind an office always meant to be a temporary home for the LCC, we took stock of how we managed to reorganize what had been available in that uninspired space to support hospitality and to foster a real sense of team spirit and motivation. It will take a little bit of time to adjust to our new permanent home; we plan to get settled while holding tight to the dynamism we have created and keep working hard to sustain. We look forward to welcoming visitors and to making the LCC one of the most interesting "places you'll go" for lots of people with all kinds of projects!

Third, we added Winnipeg, Manitoba to the "places you'll go" on our ongoing Listen and Learn travels across this land. We were happy to meet with our provincial counterparts at the Manitoba





Law Reform Commission, created in the 1970's and still serving the province by offering non-partisan research and recommendations on law related to the daily lives of Manitobans. Recently installed at Robson Hall, home to the University of Manitoba's Faculty of Law, the Commission's Executive Director looks forward to developing fruitful working relationships with researchers and teachers down the hall.

At the law school roundtable generously hosted by Dean Richard Jochelson, we were inspired by



the high levels of energy invested across distinct yet related issues. Contributions to the conversation ranged from concerns over the patchwork of disparate health policy regulations across provinces and territories to constructive intersections of business law and support for the arts; from questions related to the pace of progress on access to justice initiatives to international and comparative lessons in the fields of tax and labour law. The LCC was reminded of Prairie-specific experience and wisdom with respect to the co-existence of Indigenous and non-Indigenous communities and legal orders. And we were invited to listen and learn from numerous examples of initiatives and clinics that count on a mix of lawyers and non-lawyers, scholars and practitioners, teachers and policy experts.

Nearby, also on the University of Manitoba campus, we were warmly welcomed and hosted by the National Centre for Truth and Reconciliation. There, we learned about their ongoing and expanding processes of acquiring, preserving, and learning from, many millions of records from the operation of Residential Schools across Canada. New multifaceted and collaborative projects are in motion and Indigenous methods of memory, research and the sharing of stories continue to be developed and implemented. We were fascinated to hear about recent visits to the Centre from delegations from Taiwan, Norway, and Brazil, eager to learn about Canada's truth and reconciliation work.

Downtown at the University of Winnipeg, we met members of the Centre for Interdisciplinary Justice Studies who shared innovative ways in which they combine research and community engagement. Involved in a lecture series at the public library and in organizing conversations at retirement homes in the city, the Centre is dedicated to finding effective methods of mobilizing knowledge and contributing to the transformation of justice. That transformation is also central to the promise of the Canadian Museum for Human Rights, from whose director of legal services we learned about the importance of embracing complexity and finding modes of reciprocity and exchange. With its extraordinary architectural and symbolic presence in Winnipeg combined with



its ambitious collections devoted to human rightsrelated experience situated across time and space, the Museum clearly belongs on the list of Canadian institutions doing inspiring law and justice work.

Our two days in Winnipeg were so intense that we hardly noticed the temperature move up from -30 to -10 while we were there! What I did notice, together with Isabelle Palad - the Law Commission's Research Officer who accompanied me on the visit - was a repeated dedication to exploring new ways of learning, knowing, reconciling, imagining and sharing. We also noticed substantial overlap with some of the Commission's own preoccupations –

whether over designing appropriate space for people and projects, connecting in-depth data to analysis of legal and regulatory systems, figuring out how to measure and convey long-term value and impact, or enriching public trust in independent institutions of law and justice.

We flew back from slowly thawing Manitoba to the National Capital Region still blanketed by the extraordinary snowbanks left by back-to-back February storms. With March around the corner, it's not too early to start dreaming of springtime. We might even start looking ahead to summer when, we are told, a chip wagon known for some of the best poutine in downtown Ottawa will be parked across from our new office building on Slater Street. "Oh, the Places You'll Go!"

by Shauna Van Praagh

Letter # 20

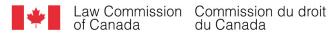
31 March 2025

The recently published book, The Notebook: A History of Thinking on Paper, opens with an introductory chapter in which author Roland Allen tells the story of the launch of the Moleskine notebook in the late 1990's. The successful design of the classic, minimalist black product was driven by a value, insistently repeated and rhetorically powerful: "creativity within constraints". In the hands of their owners, what looked like identical notebooks would become unique records and sources. The constraints of material, dimensions and colour would inspire the unbounded creativity of writers, inventors, and artists. What Moleskine is unlikely to have realized is that "creativity within constraints" also serves as a description of law and law reform.



At a moment in history when people across Canada are thinking about neighbourly relations, they are also hearing and talking about the "rule of law" and its importance in our free and democratic society. A short springtime letter from the Law Commission is not the place for a comprehensive essay on the depth and breadth of a concept that incorporates fairness, transparency, accountability, and the robustness of an impartial judiciary. Instead, I will simply suggest that the notion that effective rules or constraints can and should support individual creativity and collective flourishing does not originate with the creators of a popular brand of notebooks. It is what the "rule of law" is all about.

It is easy to fall into the trap of thinking that law primarily comes in the form of orders – some prescribing certain desirable behaviours and others banning activities deemed problematic or dangerous - and then to react to their substance. But much of law is instead tied to process: the "how" rather than the "what". Law offers principles and guidelines that govern how rules are adopted or modified, how the exercise of power is limited in appropriate ways, and how to organize and oversee the everyday back-and-forth among individuals, organizations, and states. Legal traditions rooted in Canada – common law, civil law, Indigenous legal orders – all have their own stories and sources, formats for decision-making and mechanisms for change. Those elements are the equivalent to a notebook's material and dimensions: they provide constraints, strength and sustainability while serving as framework for constant creativity and adaptability.





Listen and Learn visits to Edmonton and Moncton in March have included elements that nicely illustrate the importance of legal structures intertwined with potential for innovative thought and action. On a visit to a law school classroom at the University of Moncton, I met with students immersed in the study of Anglo-Canadian common law of contracts in French. They are learning to be both comfortable and creative within the constraints of legal tradition, while at the same time encouraged to enrich their knowledge through comparison with contracts-related principles found in the Civil Code of Quebec or selected Indigenous laws. Invited to reflect on how their learning and approach to the evolution of law could be analogized to poetry, members of the class noted the importance of structure, words and format for conveying passion, fresh ideas, and possibilities for change.

Warmly welcomed to the Wahkotowin Lodge, housed within the Faculty of Law building at the University of Alberta, I noticed how the Lodge consists of and cares for inspiring spaces intentionally formatted for collaboration, sharing, and celebration. The constraints of architecture



convey norms for coming together while at the same time inviting individual reflection and creative engagement. In another Edmonton meeting, this one with the Office of Children and Youth of Alberta, we learned how child welfare proceedings and youth criminal justice – both highly structured and constrained legal spheres – can make room for the voices of young people keen to take on responsibility as members of a mentored youth advisory council. As always, our university Listen and Learn roundtables featured a wide range of inspiring projects: legal scholars at the Universities of Alberta and Moncton shared projects focused on housing law and health law,

tax policy and new technologies, language rights and reproductive freedom. Our travels show that jurists are necessarily creators within constraints and, in a nod to the notebook reference with which this letter began, I am busy filling up notebook after notebook with observations and ideas for the LCC.

As this letter draws to a close, I invite readers to check out an in-house project, launched in the last week of March, that evokes the mix of constraints and creativity of law in our lives. *Obiter* is the name of our brand-new Law Commission of Canada podcast. The word *obiter*, or phrase *obiter*

dicta, refers to words not understood to be crucial to what a case in law stands for; it turns out, however, that passages labelled *obiter* sometimes become the most important or enduring. In that vein, our podcast shines light on what might otherwise be missed or invisible in the evolution (and rule) of law, through conversations with individuals who bring a wide



range of experiences and interests connected to the pursuit of justice and the renewal of hope. All demonstrate dimensions of law and justice in surprising, creative and optimistic ways. Our first three episodes have now been recorded and produced, and we are so proud to invite friends of the Law Commission to listen to these remarkable conversations with Val Napoleon, Frank lacobucci and Kim Thuy. Enjoy!



by Shauna Van Praagh

Letter # 21

28 April 2025

The "Masks of Love", by New Brunswick poet Alden Nowlan, is a short and striking poem:

I come in from a walk

with you

I didn't notice and they ask me

if it is raining. but I'll have to give them

the right answer

or they'll think I'm crazy.

The "I" in the poem is so focused on "you" that obvious things like the weather just don't register. "I'll have to give them the right answer", the poet thinks, to avoid being dismissed as "crazy". Perhaps even worse than being judged in this way, the inability to answer a simple question might reveal much more than the speaker wants to share. It might be just too difficult for many reasons to acknowledge and articulate the nature of the relationship. The title of the poem directs readers to reflect on the intensity of love. But the month of April can be intense in other ways that demand our attention and curtail our awareness of, let alone interest in, spring showers.

For post-secondary students, the days and weeks of April demand focused study, critical synthesis, and consolidation. This is the time to demonstrate the learning they have done throughout the semester, to show their relationship to the materials with which they have grappled, to share their freshly developed understanding and knowledge. For individuals and families celebrating faithbased holidays in April, the season offers opportunities to reflect on compassion and commitment, freedom and renewal, connection to community and collective movement forward. For Vietnamese Canadians, the month ends with our country's "Journey to Freedom Day" and its invitation to pause and commemorate the exodus from Vietnam and the welcome of refugees by Canada.

For voters across Canada, April 2025 has been marked by the run-up to federal elections: a period in which to listen and ask questions, to compare party platforms, to watch leaders in action, to imagine the future. In a moment of global uncertainty and turmoil, the election process invites us to contemplate the precious and fragile nature of this and other trustworthy institutions of our democracy. Valuing and securing our relationship to those institutions might help us avoid getting





damp, soaked, or even drenched in what can feel this spring like a torrential downpour of relentless news items and announcements.

For the Law Commission of Canada, this is annual report preparation time. It has been an intense period of review, reflection, and taking stock of our activities over the fiscal year of April 1st 2024 to March 31st 2025. An effective annual report should be an accessible and comprehensive portrait of how we have developed and flourished, of where we have traveled, and in what projects we have immersed ourselves at this moment in time. Like the "I" in the poem, we are focused on the walk, on the people with whom we have formed relationships and are engaged in constructive conversations, and on our plans for the future. Any rain showers should be temporary distractions; even if we notice them, we're well equipped with raincoats, umbrellas and windshield wipers.

While Alden Nowlan might not have turned his mind to the possibility, this range of examples shows that many kinds of relationship can have much the same effect as that captured by his "masks of love". The relationship of students to new knowledge, the relationship of communities to hope for a better future, the relationship of citizens to participatory electoral process, the relationship of the Law Commission to the people of Canada for whom a report is required on an annual basis: all demand attention, commitment, and trust.

It should be obvious that the Law Commission did not pursue a busy travel agenda outside Ottawa this month. But on the 11th of April, I did walk the few blocks from the Law Commission office to the Supreme Court of Canada, where I was honoured to moderate a panel discussion as part of a Symposium celebrating the Court's 150th birthday. The actual walk was not particularly noteworthy. But the program of the Symposium - a metaphorical "walk" through themes and challenges that tied together the past, present and future of the Supreme Court – provided extraordinary inspiration.



Two speakers in particular, invited to share experience

and reflections from their respective countries and courts, offered compelling illustrations of relationships forged through, and supported by, law. Together, these generous guests from far away remind us why and how the "masks of law" can provide timeless enduring support for justice, dignity and humanity.

First, Albie Sachs - famous freedom fighter, anti-apartheid activist, and Judge of the South African Constitutional Court – offered a birthday gift to the Supreme Court of Canada in the form of his dreams of a better world. He spoke with clarity and passion of the crucial duty of judges to feel the hope and eagerness of the people who claim justice, of the possibilities as opposed to pretensions of law, of the imperative not to confuse rule by law with the rule of law, and of the



appropriate embrace of modesty in designing and building the Constitutional Court on the site of the old fort prison. Second, The Honourable Sir Joe Williams, Māori member of the New Zealand Court of Appeal, spoke about the organic processes by which Māori law and language sustain fresh vocabulary and renewed energy for the common law of the Pacific. His gift to the Canadians gathered for the Symposium came in the form of a Māori song of resistance and struggle. As he sang loud and clear, Māori music filled Supreme Court of Canada space with determination and hope. If the rain was falling, no one noticed.



by Shauna Van Praagh

Letter # 22

May/June 2025

It has been a long, rainy and cool spring in Ottawa. In late May, many maple seedlings were still waiting to be released from their trees. Others twirled through the air in search of a hospitable patch of earth; still others were putting down roots and starting to change shape. There is an intergenerational feel to this time of year as pale green leaves unfurl, and bright spring flowers pop out. The promise of renewal is in the air.

At the Law Commission of Canada, this is a season of celebration. The 6th of June marks two years since the Law Commission of Canada woke up from a long hibernation. At age two, this LCC is thriving and looking forward to year three with energy and determination. Well nourished and growing with confidence, it



might be compared to a young maple tree firmly planted and stretching up to the sky. Here too there is an intergenerational feel and a promise of renewal.

The combination of springtime and a second birthday invites a focus in this letter on the "renewing hope" piece of our three-part raison d'être (Living Law, Pursuing Justice, Renewing Hope). Two initiatives recently launched at the Commission – our Emerging Scholars program and our Beyond Tomorrow Reports – illustrate a commitment to the renewal of hope and to future generations.

The LCC's Beyond Tomorrow Reports are designed to support legal research that identifies and addresses challenges in law for Canada's next generations. Produced by established scholars at Canadian universities, commissioned reports will look to law and justice issues on the horizon. In doing so, they will include a significant public engagement component. As spring gets underway, our first commissioned author of a Beyond Tomorrow Report - Professor France Houle of Université de Montréal - is exploring the future of Canadian immigration law and governance for a report to be published in early 2026. At the same time, we are sitting down to review recently received proposals and circulating a call for the next round of applications due at the end of the summer. Each season will bring fresh ideas and possibilities.

There is a similar rhythm to our freshly minted Emerging Scholars program, aimed at supporting the next generation of legal thinkers and law reformers. Selected doctoral students at Canadian universities are provided with modest financial support over an academic semester, during which they are expected to design and implement a public outreach initiative based on their work. This spring, three inaugural Emerging Scholars – Alexandra Bouchard at Université de Sherbrooke,







Michael Law-Smith at University of Toronto, and Esteban Vallejo Toledo at University of Victoria – had the opportunity to combine their doctoral research with meaningful community engagement at an early stage of their academic careers. We were delighted to learn from them, to welcome them into the LCC community, and to share their projects via our website.

Both the Emerging Scholars program and the Beyond Tomorrow Reports nourish hope for the future. Both reflect the Commission's commitment to facilitating curiosity and imagination, encouraging ability to explain and work with complexity, and ensuring meaningful links between research and community outreach. With one, we count on senior scholars to guide law reform with lasting

impact for future generations. With the other, we support the next generation of law reformers by including the Law Commission of Canada on the path of tomorrow's teachers and researchers. The authors of Beyond Tomorrow Reports might be likened to mature trees, solidly rooted and responsible for sending out seedlings for the future. The Emerging Scholars are more like young saplings - past the seedling stage but still in need of care as they grow and stretch.

Finally, the renewal of hope and the importance of intergenerational investment were central to the late May gathering of Canada's law reform agencies in Vancouver. Hosted by the British Columbia Law Institute, the LCC and our provincial counterparts (all members of FOLRAC-Federation of Law Reform Agencies of Canada) met over two days for an annual exchange of ideas, plans, and projects. We learned about comparative approaches to Indigenous conflict resolution, innovative ways to support citizen participation in legislative change, creative family law reform initiatives, paths forward for artificial intelligence and access to justice, and responsiveness to legal needs of young people. Across the speakers and their projects, there was

striking optimism, imagination and dedication.

Participants in the FOLRAC conference were also reminded of the diverse histories and contexts of law reform agencies across Canada. Each is distinctive in terms of age, size, scope, organization, funding support, and relationship with government, universities, and other law and justice institutional actors. What we share is critical engagement with law in ways attuned to today's needs and tomorrow's aspirations. In a last nod to springtime growth, I suggest that this annual get-together effectively demonstrates how people and ideas thrive on conversation, connection, nourishment, and the right combination of sunshine and rain.

Let me end with an invitation to readers to enjoy the Law Commission's second birthday from wherever you are. You are welcome to plant an LCC seedling in your own gardens and to send your own seedlings twirling through the air in our direction!