

Summer Snapshot

JULY 2008

Upcoming Events

The Summer Snapshot provides a mid-year update on the British Columbia Law Institute (BCLI), the Canadian Centre for Elder Law (CCEL) and the International Law Reform Group (ILRG). This is the second Summer Snapshot and combines with the BCLI Annual Report released in the first calendar quarter. Your feedback on the Summer Snapshot and the Annual Report are welcome.

BCLI ANNUAL DINNER - DEBATE

On Wednesday October 29, 2008, BCLI will host the first Annual Dinner - Debate at the Law Courts Inn. The evening, designed for participation by members of the Judiciary, the practicing Bar, law professors and guests, will feature a social hour including a limited silent auction of author-signed books, a dinner, presentation of awards and lively law reform Debate with the following subject: "Resolved that copyright law has no place in the modern iWorld." The Debate will be moderated by CBC's Rick Cluff and the debating team will be comprised of eminent lawyers and professors.

09 FOLRAC SYMPOSIUM

BCLI is planning to host the 09 FOLRAC Symposium in Victoria in March 2009. The FOLRAC Symposium is a combined meeting of the various law reform agencies in Canada and is generally held every second year.

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We are approaching the middle of another exciting and interesting year. Since the release of the Annual Report, we have gained new Board members with the additions of Geoffrey Plant, Q.C., Prof. Joost Blom, Q.C. and R.C. "Tino" DiBella. We now have a full roster as follows:

BOARD OF DIRECTORS

Prof. Joost Blom, Q.C.
Arthur Close, Q.C.
Kathleen Cunningham
R.C. "Tino" DiBella
Lorne Dunn
Prof. Margaret Hall
Prof. Freya Kodar

David Pihl
Geoffrey Plant, Q.C.
Peter Ramsay, Q.C.
Ronald Skolrood
Gregory Steele, Q.C.
Kim Thorau
Kevin Woodall

JUDICIAL LIAISONS

Hon. Madam Justice M. Newbury,
Court of Appeal
Hon. Madam Justice Lynn Smith,
Supreme Court
Hon. Gurmail Gill,
Provincial Court

We have completed several law reform projects, have several projects underway and are seeking to add new projects as described in the Highlights below.

With the generous support of funders supplemented by contract revenues, we were able to significantly increase total revenues for the fiscal year ended March 31, 2008, including strengthening our organization with the addition of much needed new equipment and the addition of a fifth full-time lawyer. Our challenge, as always, remains to obtain sufficient funding to support our increased law reform activities.

Later in the year, we will again look at our Strategic Plan and, if appropriate update it as the key direction-setting instrument for our law reform and outreach activities.

Highlights to June 30, 2008

We have achieved a number of successes during 2007 and the first six months of 2008:

We completed the two year *Society Act* project with the approval of the Final Report in June 2008. Activities are now underway to publicize the Report which contains draft legislation for a new *Society Act*. Committee Chair was Margaret Mason, with Kevin Zakreski, as Project Manager.

We issued a Report on the *Privacy Act* project and have published it in furtherance of our recommendations for reform in this area. Greg Blue, Project Manager.

Since completion of Phase 1, Real Property Reform Project, we have received funding to proceed with a two year Phase 2 of the Project which is expected to commence in the fall 2008. Greg Blue, Project Manager.

The project on Defective Contracts Relief is well underway and planned for completion in September 2008. Greg Blue, Project Manager.

The two year Probate Rules Project got underway in the fall 2007 with the formation of a Project Committee. Committee Chair is Peter Ramsay, Q.C., with Greg Blue, Project Manager.

The two year Family Caregiving Leave Project began with the establishment of an Advisory Committee in the fall 2007. Krista James is the

Committee Chair and Project Manager.

We are progressing well with the PLEI Portal projects including development of an updated BCLI website and making good progress on preparing a number of BCLI law reform materials for availability online through both the new BCLI website and the planned PLEI Portal. BCLI has also received grant approval for a further project to extend the law reform content that will be available on-line.

With the support of a substantial infrastructure grant from The Law Foundation, BCLI has updated its office furniture and equipment to allow for more efficient and expanded operations.

With the support of a Public Interest Articling grant, BCLI has provided an Articling position in 2008-09 and will be able to do so again for the following year.

Upcoming Events

JOINT CANADIAN CONFERENCE ON ELDER LAW/ INTERNATIONAL GUARDIANSHIP NETWORK 2008 – NOV 13-15, 2008

Each year, lawyers, judges, academics, and others interested in elder law, gather in the second week of November for the only international conference of its kind. This year, we are very pleased to be jointly hosting the CCEL 2008 with the International Guardianship Network at the Sheraton Wall Centre, in downtown Vancouver, BC. The theme of this year's conference is "Aging Citizens, Evolving Practices" and a stream of conference programming will focus on international guardianship issues. For more details and conference abstracts, check back regularly at: www.ccels.ca/conferences.

This year's conference plenary speakers will include :

- Moses Znaimer, Executive Director, Canadian Association of Retired Persons
- Sen. Sharon Carstairs, P.C., Chair of the Can. Special Senate Committee on Aging.
- Oliver Lewis, Executive Director on the Budapest-based Mental Disabilities Advocacy Centre
- Dr. Makoto Arai, President of the Japan Adult Guardianship Association and Dean of Law at Tsukuba University Law School in Tokyo, Japan.
- Hon. Alexa McDonough will moderate an expert panel on the Hague Convention (Protection of Vulnerable Adults)

Contact the Sheraton Wall Centre now to ensure your special conference rate!

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The Canadian Centre for Elder Law is busier than ever, and is pleased to announce the completion of several new reports and an exciting new research agenda for 2008/9.

Two of these new reports include our Study Paper on Predatory Lending Practices in Canada and our joint Western Law Reform Agencies of Canada report on Enduring Powers of Attorney: Recommended Areas of Reform. Both reports consider issues of financial abuse or misuse that significantly impact older Canadians.

Exciting new projects are also on the horizon. The CCEL is pleased to announce that, with the support of The Law Foundation of BC, it will engage in a two year project on Elder and Guardianship Mediation. The CCEL is also expanding research in the area of Wrongful Lending; Advance Care Planning; Inter-jurisdictional Personal Planning Issues and more. Also, look for the inaugural edition of the Canadian Journal of Elder Law.

We are also busy working on collaborative and community research. Projects include working closely with the BC Centre for Elder Advocacy and Support (BC CEAS) on the Needs-Assessment Report for the first BC Elder Law Clinic. This report will be released in August 2008. The CCEL is also working with the Adult Abuse and Neglect Prevention Collaborative on its important Vanguard Project. This project works towards creating a provincial strategy on issues of abuse and mistreatment of adults, with a particular focus on issues of capacity and social vulnerability. The Vanguard report will be released in January 2009.

Predatory Lending

In February 2008, the CCEL released its Study Paper on Predatory Lending Issues in Canada. The subprime mortgage crisis in the United States has made the issue of predatory lending a hot topic worldwide. However, little attention has been paid to the legal aspects of predatory lending in the Canadian mortgage market.

The paper looks at factors in the Canadian market that may encourage or deter the development of predatory lending. As well, legal remedies for abusive lending practices and options for legal reform are explored.

The full text of the study paper and a background are available on the BCLI website (www.bcli.org)

Elder Law Clinic

The CCEL is pleased to announce the opening of the Elder Law Clinic in July 2008, which will be the second clinic of its kind in Canada. Located in downtown Vancouver, the Clinic is expected to start client intake in the Fall of 2008 and will be working with and supporting the BC Centre for Elder Advocacy and Support.

We look forward to updating you on the Clinic's progress.

A Look to the Future

BCLI is optimistic about its future. We are grateful to have the strong support of 14 independent Board members who provide wise counsel and leadership in our law reform and related activities. As well, we benefit from a large contribution of expert advice and experience from committee volunteers on our various law reform projects and related activities. Opportunities continue to expand for activities both in general law reform, and for CCEL in law reform relating to older adults. In addition, we are currently exploring potential law reform projects and related work for small and developing countries who do not have law reform expertise and this is a potential area of future development.

We will continue to maintain our focus on our mission to provide the best in law reform research and writing and to provide the best in outreach relating to law reform. BCLI and CCEL are most grateful for the continued strong support of all of our funders including key funders such as:

The Law Foundation
The Ministry of the Attorney General
The Notary Foundation
The Real Estate Foundation
The Real Estate Association
University of British Columbia
Simon Fraser University
University of Victoria