



ANNUAL REPORT 2022





ABOUT THE BCLI

The BCLI brings together the expertise and experience of collaborators to improve the law, increase access to justice, and develop just and innovative solutions for BC.

The Canadian Centre for Elder Law is a division of BCLI.

OUR PURPOSE

Better laws. Plain and simple.

CORE STRATEGIES

 RESEARCH

Conduct research and consultation to further law reform.

 COLLABORATION

Work with people and organizations to improve laws and access to justice.

 COMMUNITY ENGAGEMENT

Enhance relationships with community, stakeholder organizations, and governments.

 PUBLICATIONS & RESOURCES

Produce reports and resources that clarify the law, and identify law reform needs and solutions.

 FINANCIAL STABILITY & PERSONNEL

Enhance stability and capacity by diversifying funding, and expanding expertise and skills.

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CANADIAN CENTRE FOR ELDER LAW (CCEL)**

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REPORT OF THE BOARD CHAIR



Celebrating 25 Years of BCLI

It is with great pleasure that I share our 2022 annual report. 2022 was an important year – it was the 25th anniversary of the BCLI. To mark the occasion, we hosted a celebration that included friends, supporters, volunteers, and collaborators who are part of our community. We were honoured to have two special guests share thoughts on the work of the BCLI.

Former BCLI Board Member and former Attorney General, Geoff Plant, OBC, KC, spoke about our first 25 years. He remembered the origins of the BCLI, where a group of “passionate, committed and highly intelligent people” decided to continue the “project of law reform” after funding for the Law Reform Commission of BC ended. The work of the Institute is not about theory, but about making something real – the BCLI is now a “cog in the machinery of what makes British Columbia work”.

UBC Chancellor Steven Point, OBC, shared his thoughts on the next 25 years of the BCLI. Chancellor Point spoke about reconciliation, and the importance of BCLI supporting efforts to align Crown laws with

Indigenous laws and governance. Chancellor Point elaborated on the challenge of finding a way to finally and meaningfully recognize Indigenous legal orders and address the racial tensions that still exist. This is the “business that should have happened a long, long time ago”. He concluded by noting that BCLI is well positioned to contribute to this work.

A photo gallery from this celebration is on pages 12 and 13. We are grateful to Lawson Lundell for sponsoring this event, and to all who were able to join us.

Our work in action

Sometimes our work requires patience – 2022 saw implementation of a BCLI project that was completed in 2003. Almost 20 years later, we are pleased that the recommendations in our [Report on the Uniform Liens Act](#) were implemented in the new BC [Commercial Liens Act](#).

We are always heartened when our projects are cited by courts. In 2022, four different BCLI reports were referenced in judgments by the BC Court of Appeal:

1. our 2019 [Report on Common Property, Land](#)

[Titles, and Fundamental Changes for Strata](#) was referenced in [Stratton v. Richer](#), where it aided a discussion on the nature of limited common property;

2. our 2006 report on [Wills, Estates and Succession: A Modern Legal Framework](#) was cited in [Simpson v. Zaste](#) to provide context on the legislative background of wills, estates, and succession law;
3. the options for reform identified in our 2021 study paper on [Civil Juries in British Columbia: Anachronism or Cornerstone of the Civil Justice Process?](#) was referenced in [McCliggot v. Elliott](#); and
4. our 2018 [Report on the Employment Standards Act](#) was referenced in [Beach Place Ventures Ltd. v. Employment Standards Tribunal](#) with respect to the interpretation of the term “employee”.

One important opportunity in 2022 was for the CCEL to present to Canada’s Standing Committee on the Status of Women. The CCEL’s brief on intimate partner violence and aging contained recommendations that were factored into the Standing Committee’s final report, entitled “[Towards a Violence-Free Canada: Addressing and Eliminating Intimate Partner and Family Violence](#).”

Welcoming New Board Members

Three new board members joined us in 2022 – Stacey Edzerza Fox, KC, was appointed by the Law Society of British Columbia; Filip de Sagher was appointed by the Society of Notaries Public of BC; and Brian Dybwad joined us as a Member at Large.

Stacey, a member of the Tahltan Nation, has been an Indigenous rights lawyer for more than twenty years, working with Nations to protect and advance the full enjoyment of their inherent, constitutional, and human rights. Filip practices as a Notary Public with Deprez & Associates in Vancouver with a focus on residential real estate conveyancing. Brian is a member and Hereditary Chief of the Tsetsaut Gitxsan

Nation, managing Lawyer for the Parents Legal Centre in Campbell River, and a Law Society of British Columbia Benchers.

We are so pleased that Margaret Mason, KC, continues as a member emeritus on our Board. Margaret’s commitment to the BCLI goes back to 1997 when she became a member of our Modernization of the *Trustee Act* Project Committee. Over the years she chaired our *Society Act* Reform Project Committee, our Pension Division Review Project Committee, and has held various board committee positions during her time as a board member between 2015 and 2021.

Tejas Madhur
CHAIR, BCLI BOARD

REPORT OF THE EXECUTIVE DIRECTOR



2022 has been a busy year for the BCLI. We celebrated our 25th anniversary, we started a new program, and we released several publications.

We launched our [Reconciling Crown Legal Frameworks](#) program to support the alignment of BC's Crown legal framework with Indigenous laws. In November 2019, the BC government passed the [Declaration on the Rights of Indigenous Peoples Act](#). Implementation of this legislation presents new legal issues and research opportunities for the BCLI. Innovative law reform and education is required to enable the Crown legal system to recognize Indigenous laws and governance. This program explores approaches to support *Declaration Act* implementation, building on our deep understanding of Crown law and comparative legal frameworks. We look forward to building a body of research that will support understandings of the *UN Declaration on the Rights of Indigenous Peoples*.

Our work falls into three broad categories – reports, study papers and practical tools and resources. In 2022, we released 2 practical tools and 2 study papers:

1. Our [Gender Diversity in Legal Writing Guide](#) provides tools and techniques to support legal writers in moving toward a more inclusive writing style. This guide has been well received; it got special recognition as a winner in the

2022 Clawbie Awards, and staff lawyer Alison Wilkinson has conducted webinars on its content for many boards, tribunals and agencies across BC;

2. The CCEL published a revised bilingual [Practical Guide to Elder Abuse and Neglect Law in Canada](#). This Guide offers resources and modules on elder abuse laws and policies relevant to each Canadian province and territory;
3. The BCLI published a [Study Paper on Public Hearings: An Examination of Public Participation in the Adoption of Local Bylaws on Land Use and Planning](#). This paper sets out the case for reform of local government legislation, which is now the focus of a project committee examining these issues;
4. The CCEL published a study paper that identifies law and policy responses to address public protection and worker vulnerability issues related to non-regulated health care assistants in BC, entitled [Strengthening BC's Healthcare Backbone: Oversight of the Work of Health Care Assistants](#).

Our students are tomorrow's lawyers

Connecting with students is a priority for the BCLI and CCEL. We were fortunate to have UVic law JD/JID program student Alex McLean join us in 2022 to conduct research for the Reconciling Crown Legal Frameworks Program. Ellen Spannagel from McGill Law supported CCEL research activities exploring

laws related to consent for research in different crown jurisdictions across Canada.

We have also established student notetaker positions for our project committees. In 2022, UBC Allard Hall students Dan Lee and Nonye Ngwaba participated in our project committees on parentage and artificial intelligence and civil liability respectively, taking notes and tracking committee deliberations.

Welcomes and Goodbyes

The BCLI is growing – we welcomed Staff Lawyer Megan Vis-Dunbar and Communications Manager, Taja De Silva. Megan joins us from Courthouse Libraries BC where she coordinated the continuing education program. Prior to that she practiced in the areas of criminal and constitutional law. Taja is a McGill graduate who previously worked at the Law Society of BC and currently volunteers as a Crisis Responder at the Crisis Intervention and Suicide Prevention Center of BC.

We bid farewell to Krista James, who led the CCEL for most of her 15 years at the BCLI. The excellent reputation of the CCEL is in large part due to Krista's dedication and we are immensely grateful for her contributions over the years. We also said goodbye to Jess Fehrenbacher, who managed the CCEL Engaging People Living with Dementia Project; Staff Lawyer Simon Owen; and Communications Manager Alec Regino.

Karen Campbell
EXECUTIVE DIRECTOR, BCLI & CCEL

ARTICLING WITH THE BCLI

I am grateful for the support of the Law Foundation of BC, enabling me to article at a place that has been so meaningful to me. In addition to my articles, I had the opportunity to work as a legal researcher with the CCEL for the previous 3 years. I worked on two important law reform projects – Review of [Parentage under Part 3 of the Family Law Act](#) and updating the [Undue Influence Recognition and Prevention: A Guide for Legal Practitioners](#). BCLI has had a great impact on family law and wills and estate law in the province. I have also been able to work to support our umbrella organization, the Federation of Law Reform Agencies of Canada. This has shown me the importance of coordinating law reform work across Canada, and how the law reform needs are both different and complementary across the country.

An important part of law reform the BCLI's commitment is connecting with other organizations to understand the experiences of people in the community living with the effects of the law. My secondment at Seniors First BC has been a great experience. They have been such an important partner in CCEL's work. It has been very meaningful to put my elder law knowledge into practice with older adults and learn where there are important gaps that can be addressed.

Sara Pon
ARTICLING STUDENT



BOARD OF DIRECTORS

Our Board of Directors includes appointees from the Ministry of the Attorney General, the Law Society of BC, the Canadian Bar Association of BC, the Society of Notaries Public of BC, and BC's three law schools.



TEJAS MADHUR
Board Chair
Attorney General of BC Appointee



EMILY CLOUGH
Board Vice Chair
Attorney General of BC Appointee



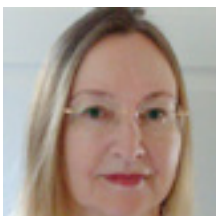
JAMES DEITCH
Board Secretary
Member at Large



MARK GILLEN
Board Treasurer
University of Victoria Faculty of Law Appointee



JOOST BLOM, KC
Member Emeritus



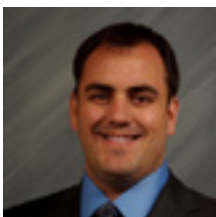
MARIAN BROWN
Member at Large



BRIAN DYBWAD
Member at Large



STACEY EDZERZA FOX, KC
Law Society of British Columbia Appointee



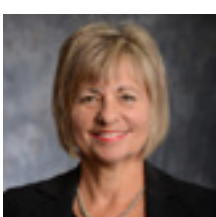
RYAN GAUTHIER
Thompson Rivers University Faculty of Law Appointee



MATHEW GOOD
Canadian Bar Association of BC Appointee



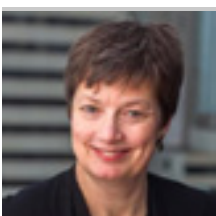
ROBERT G. HOWELL
Member Emeritus



MIRIAM KRESIVO, KC
Member at Large



JULIA LAWN
Law Society of British Columbia Appointee



MARGARET MASON, KC
Member Emeritus



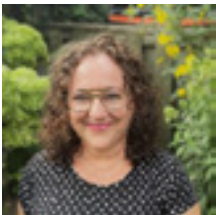
MONA MUKER
Canadian Bar Association of BC Appointee



TIMOTHY OUTERBRIDGE
Member at Large



FILIP DE SAGHER
Society of Notaries Public of BC Appointee



TOBY GOLDBACH
UBC Peter A. Allard School of Law Appointee



EDWARD WILSON
Member at Large

OUR TEAM

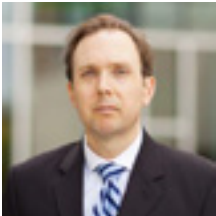
Our staff consists of lawyers and legal professionals with a commitment to excellence in research and innovation.



KAREN CAMPBELL
Executive Director



GREGORY G. BLUE, KC
Senior Staff Lawyer



KEVIN ZAKRESKI
Senior Staff Lawyer



MEGAN VIS-DUNBAR
Staff Lawyer



ALISON WILKINSON
Staff Lawyer



SARA PON
Articling Student



SHAUNA NICHOLSON
Operations Manager



TAJA DE SILVA
Communications Manager

OUTGOING BCLI STAFF 2022

- Krista James - National Director, CCEL
- Simon Owen - Staff Lawyer
- Alec Regino- Communications Manager
- Jess Fehrenbacher - Education and Outreach Coordinator

**Elder Carleen
Thomas**
Tsleil-Waututh
Nation



Celebrating **25 YEARS**

Steven Point, OBC
UBC Chancellor



Geoff Plant, OBC, KC
Former BCLI Board Member
& Former Attorney General



**Chief Judge
Melissa Gillespie**
BC Provincial Court

**Justice
Lauri Ann Fenlon**
BC Court of Appeal

Karen Campbell
Executive Director

**Chief Justice
Robert Bauman**
BC Court of Appeal



Aubin Calvert
Hunter
Litigation
Chambers

Joost Blom, KC
BCLI Board
Member Emeritus



Darcie Bennett
Law Foundation
of BC

Mark Gifford
Real Estate
Foundation of BC

Mira Oreck
Houssian Foundation



Isobel MacKenzie
BC Seniors Advocate



Scott Morishita
Canadian Bar
Association of BC
Vice President

Emily Clough
BCLI Board Member



Tim Outerbridge
BCLI Board
Member

**Meagan Bacciaglia
& Sanja Simic**
Conconi Family
Foundation

Marian Brown
BCLI Board
Member



**Justice
Lauri Ann Fenlon**
BC Court of Appeal

**Justice
Diane MacDonald**
BC Supreme Court



Krista James
CCEL National
Director



Jennifer Lyle
Alzheimers Society
of BC CEO

Dana Kingsbury
Public Guardian
and Trustee



Greg Blue, KC
BCLI Staff Lawyer

**Judge
J.P. MacCarthy**
BC Provincial Court

2022 AT A GLANCE

2

PRACTICAL
TOOLS



5

PARTNER
ORGANIZATIONS



36

COMMITTEE MEETINGS



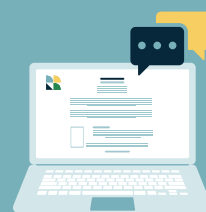
5,362

DOWNLOADS



54

BLOGS & ARTICLES



56

MEDIA MENTIONS
& INTERVIEWS



246,322

WEBSITE VIEWS &
PAGE VIEWS



STUDY PAPERS
PUBLISHED

2



FUNDERS

11



PROFESSIONAL,
JUDICIAL, &
ACADEMIC
CITATIONS

36



PROJECT
VOLUNTEERS

50



NEWSLETTER
SUBSCRIBERS

933



FOLLOWERS

3,006 | 1,599





NEW PROGRAM

Program Manager: Megan Vis-Dunbar

The BCLI has established the [Reconciling Crown Legal Frameworks Program](#) (RCLF Program) to support the alignment of BC’s Crown legal framework with Indigenous laws. In November 2019, the BC government passed the [Declaration on the Rights of Indigenous Peoples Act](#) (*Declaration Act*), a globally significant legislative development, which creates a path forward that respects the human rights of Indigenous peoples.

Implementation of the *Declaration Act* presents new legal issues and research opportunities. Innovative law reform and education will be required to enable the Crown legal system to align with Indigenous legal orders. The BCLI will explore approaches to supporting *Declaration Act* implementation, building on our deep understanding of Crown law and comparative legal frameworks. Our emphasis will be to develop ways that the Crown legal system needs to adjust to support implementation of the *Declaration Act*, while also ensuring that this work supports reconciliation and access to justice for Indigenous Peoples in BC.

Advisory Committee Members

Tejas Madhur (Chair)

Chair, BCLI Board
Lawyer, JFK Law

Dana Kingsbury

BC Public Guardian & Trustee

Dr. Val Napoleon

Law Foundation Chair of Indigenous Justice and Governance
University of Victoria

Hon. Steven Point, OBC

First Nations Leadership Council Appointee
Chancellor of UBC
Former Lt. Governor of BC

Shannon Salter (2022)

Deputy Minister, Ministry of Attorney General
Province of BC

Jessica Wood

Deputy Minister, Declaration Act Secretariat
Province of BC

Marian Brown (joined 2023)

BCLI Board Member
Lawyer, Marian K. Brown Law

Barbara Carmichael, KC (joined 2023)

Deputy Minister, Ministry of Attorney General
Province of BC

Brian Dybwad

BCLI Board Member
Law Society of BC Benchers
Parents Legal Center (Campbell River)

Stacey Edzerza Fox, KC

BCLI Board Member
Lawyer, Stacey Edzerza Fox Law Corporation

Kasari Govender

BC Human Rights Commissioner

Weaving new approaches

The work of the RCLF Program is informed and complemented by narrative, stories and art. The artwork of Eliot White-Hill, Kwulasultun, below, was created for the RCLF Program and is one example of how art and narrative enriches this work. We recognize that the legal landscape in Canada will need to adapt to weave in different legal orders, different bodies of knowledge, and different ways of thinking about law.

The work the BCLI is undertaking through this program is one strand in the creation of a new legal landscape. For the BCLI, these images reflect the potential for something new arising out of many strands woven together.



Qeluc’ (To Spin) /
Bodies of Knowledge

This design is an abstract spindlewhorl meant to embody movement, transformation, and the drawing upon of two bodies of knowledge to create something new. Spindle whorls are used in the spinning of wool for weaving in Coast Salish culture. They are prominent examples of our traditional art forms. This design draws upon Coast Salish forms to tell a narrative of two systems, two bodies of knowledge coming together to make something new.

‘Qa’ (To Be Together) / Interwoven Landscape

This image draws upon traditional Coast Salish forms in a contemporary way to tell a story. The story is told through deconstructed weaving patterns and figurative forms. It is about an interwoven landscape. As we follow the work of forming new systems from different traditions, what does that landscape look like? What teachings do we carry? How can we go about existing within this new space in a good way? The details and different aspects of this design remind us that in Indigenous knowledge Systems, our teachings come from the land and they come from each other. It is critical to honour that.





STUDY PAPER ON PUBLIC HEARINGS

An Examination of Public Participation in the Adoption of Bylaws on Land and Planning

APRIL 2022

Project Manager: Kevin Zakreski

This [study paper](#) provides a comprehensive overview of BC’s public hearings law and lays the necessary groundwork to initiate a law-reform project to determine how public hearings could be transformed to better serve communities in BC.

Public hearings were first established in BC almost a hundred years ago to provide an opportunity for the public to be heard in land use decision-making processes. These hearings are an integral part of local government land use planning and management. And yet, there have been numerous calls to review the purpose and process of public hearings in relation to its effectiveness on issues such as housing affordability and new development proposals.

With this in mind, the BCLI has undertaken comprehensive legal research on the legislative requirements for public hearings in land-use bylaws. The resulting study paper provides readers with a detailed picture of past and present developments of the law on public hearings.



GUIDE TO GENDER DIVERSITY IN LEGAL WRITING

JUNE 2022

Project Manager: Alison Wilkinson

[Gender Diversity in Legal Writing: Pronouns, Honorifics, and Gender-Inclusive Techniques](#) (the Guide) was developed to assist the legal profession in adopting a writing style more inclusive of diverse genders, gender identities, and sexual orientations. This publication encourages writers to consider the impact of language on these communities. The Guide provides practical tools, techniques, best practices, and simple solutions to questions like:

- What do you do if you don’t know a person’s title or pronouns?
- How do you greet people you do not know in a gender-inclusive way?
- What do you do if you have accidentally misgendered someone?

The Guide has both a downloadable [glossary](#) of common terms and misconceptions and a condensed [Pocket Guide](#). The glossary provides definitions and describes pitfalls related to certain language uses. The pocket guide contains at-a-glance solutions to common writing questions.

Subject Pronoun	Object Pronoun	Possessive form	Reflexive Form
She	Her	Her/hers	Herself
He	Him	His	Himself
They	Them	Their/theirs	Themselves
Ze (pronounced “zee”)	Hir (pronounced “here”)	Hir/hirs	Hirself
Ze	Zir (rhymes with “here”)	Zie/zirs	Zirself
E or Ey (pronounced “ee”)	Em	Eir/eirs (rhymes with “their/ theirs”)	Eirself or emself
Per	Per (rhymes with “her”)	Per/Pers	Perself

UNDUE INFLUENCE RECOGNITION AND PREVENTION

A Guide for Legal Practitioners

DECEMBER 2022 (RELEASED JANUARY 2023)

Project Manager: Greg G. Blue, KC

The BCLI has updated our widely used and frequently cited [Guide](#) on potential undue influence related to wills and other personal planning documents.

The new Guide is intended to address issues related to remote signing, audiovisual technology, and increased use of videoconferencing by lawyers and notaries. The original 2011 version of the Guide needed an update to incorporate the effect of case law on testamentary undue influence following the passage of the *Wills, Estates, and Succession Amendment Act*.

Committee Members

Emily L. Clough (Chair)

Clark Wilson LLP
Vice Chair, BCLI Board

Morrie Baillie

Salvador Davis

Dr. Peter Chan

Dept. of Psychiatry
Faculty of Medicine, UBC

Kevin Coughlin

Manager, Personal Decision Services, Office of the
Public Guardian and Trustee

Kathleen Cunningham

Barrister and Solicitor
Former Executive Director, BCLI

Hilde Deprez

Deprez & Associates

Patricia Fedewich

Fedewich & Witt



STRENGTHENING BC'S HEALTHCARE BACKBONE

Oversight of the Work of Healthcare Assistants

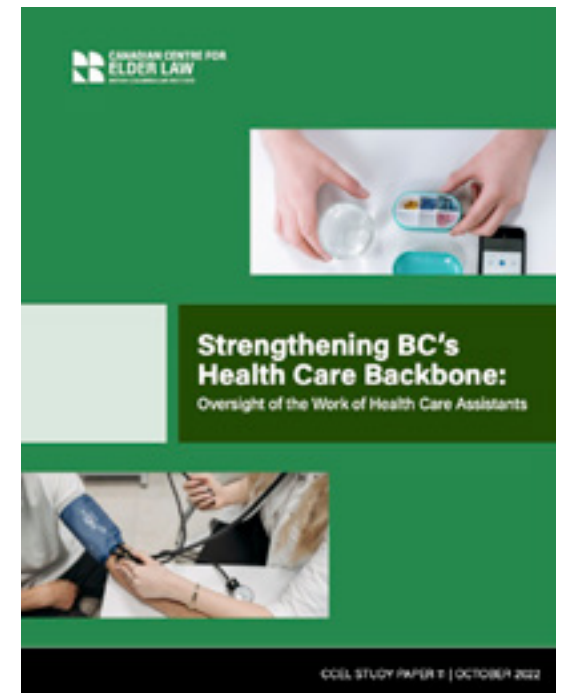
OCTOBER 2022

Project Manager: Krista James

This CCEL [study paper](#) considers law and policy responses to address public protection and worker vulnerability issues for health care assistants. In 2020, unregulated health care assistants, also known as care aides, personal support workers, and community health workers, delivered about 80% of hands-on care to older people, people living with disabilities, and other vulnerable adults across the care spectrum in Canada, working for both publicly funded health authorities and private businesses.

Regulation or other oversight of the work of health care assistants is important because both they and the people they care for represent vulnerable groups. Health care assistants deliver the majority of care provided to people living with disabilities and older adults.

The study paper provides an overview of existing regulations and oversight mechanisms, identifies critical gaps, proposes options for reform, and lay a foundation for the BC government to address legal issues related to health care assistants in the province.



A PRACTICAL GUIDE TO ELDER ABUSE AND NEGLECT LAW IN CANADA

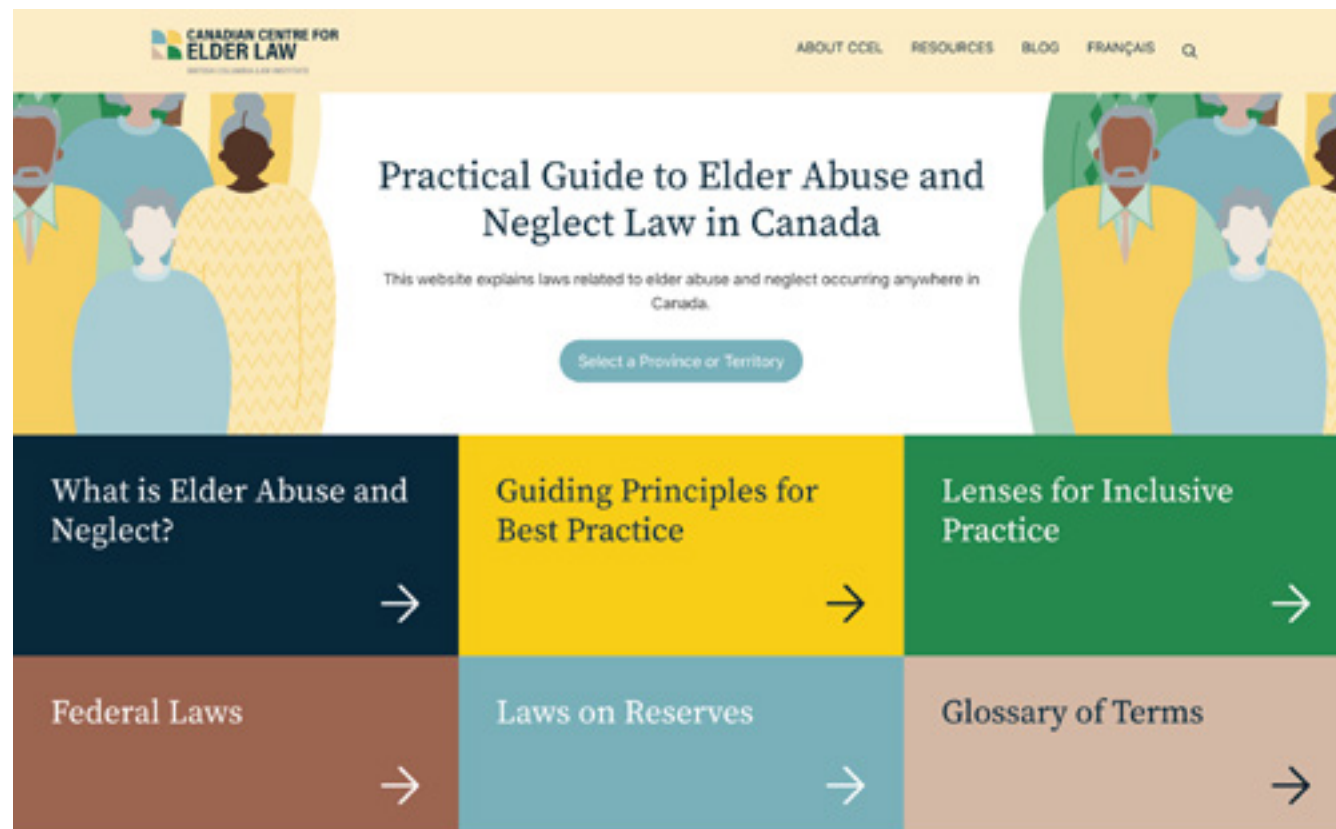
APRIL 2022

Project Manager: Krista James



The CCEL updated its [Practical Guide to Elder Abuse and Neglect Law in Canada](#) as a searchable website with modules on the law and policy in each province and territory and links to other CCEL elder abuse resources.

The guide, available in both French and English, provides an overview of elder abuse and neglect law that summarizes relevant provincial, territorial, and federal legislation, and identifies best practices in elder abuse response. It supports diverse professionals across the country and is now incorporated in educational materials produced by the BC provincial health authorities, the RCMP, and many post-secondary education programs for social workers and health care professional.



RENOVATE THE PUBLIC HEARINGS PROJECT

Pre-Development Public Engagement &
Legal Reforms to Support Housing Supply

STATUS: ONGOING

Project Manager: Kevin Zakreski



Current public-hearing requirements, critics say, result in high costs, wasted time, low satisfaction, and sometimes trauma for those involved. Is there a better way to engage the public and reduce pre-development risk and barriers to housing?

BCLI seeks to answer this question in the [Renovate the Public Hearing Project](#). Building on our [previous study](#) of the origins, development, and current state of the law on public hearings, BCLI make recommendations for specific reforms to the *Local Government Act* and related legislation.

BCLI is carrying out this project in conjunction with the [Simon Fraser University Wosk Centre for Dialogue](#).

Committee Members

Bruce D. Woolley, KC (Chair)
Lawyer

Merle C. Alexander, KC
Miller Titerle & Co.

Nathalie J. Baker
Eyford Partners LLP

Tyler Baker
BC Housing

Alyssa D. Bradley
Young, Anderson

Deborah Carlson
West Coast Environmental Law

Michael Drummond
Urban Development Institute

Janae Enns (joined 2023)
Lidstone & Company

Arielle Guetta
Ministry of Municipal Affairs for BC

Ashley Murphey
Peace River Regional District

Eric Nicholls
Ministry of Municipal Affairs for BC

Edward L. Wilson
BCLI Board Member
Lawson Lundell LLP

Dr. Jennifer Wolowic
Aberystwyth University Dialogue Centre

Tomasz M. Zworski
City of Victoria

ARTIFICIAL INTELLIGENCE AND CIVIL LIABILITY

STATUS: ONGOING

Project Manager: Greg G. Blue, KC

The goal of this project is to determine how the rules of tort law need to adapt to respond to harm to persons and property caused by autonomous artificial intelligence (AI) systems. The project sets out to answer: Who is, or should be, liable for choices made by intelligent machines operating autonomously? What happens when a robot commits a tort?

AI systems are extensively used in all facets of society, including speech recognition, translation, machine vision, image recognition and analysis. They are used in medical diagnostics, law enforcement, financial systems, robotics, and the administration of justice, to name a few. These systems operate with varying degrees of autonomy, relying on machine learning to assess and react to new situations, bringing with them great benefits in efficiency and convenience.

While the capabilities of AI do exceed those of humans in certain areas, they have been described as “unpredictable by design”: when an AI system makes a mistake, it generally does so in ways that differ from human error. This raises difficult legal and policy issues surrounding the liability for damage caused by AI errors, and how far liability should extend without stifling technological innovation. Visit our [project page](#) to learn more about his project.

Committee Members

Robert G. Howell (Chair)
Faculty of Law
University of Victoria
BCLI Board Member Emeritus

Dr. Cindy Grimm
School of Mechanical, Industrial, and Manufacturing Engineering, Oregon State University

Cynthia Khoo
Associate, Georgetown Center on Privacy and Technology

Maya Medeiros
Norton Rose Fulbright LLP

Dylan Merrick
Software Developer
Former BCLI Board Member

Dr. Kristen Thomasen
Peter A. Allard School of Law, UBC

Darin Thompson
(Ministry Liaison Observer)
Policy and Legislation Division
Justice Services Branch
Ministry of Attorney General

Dr. Teresa S.M. Tsang
Director, Echo Lab
Faculty of Medicine, UBC



REVIEW OF PARENTAGE UNDER PART 3 OF THE FAMILY LAW ACT

STATUS: ONGOING

Project Manager: Kevin Zakreski

Conclusively determining who a child’s parents are is an important part of family law. It is the foundation of many aspects of a child’s identity, such as their surname, relationships, nationality, and cultural heritage. Parentage can also determine important legal rights and responsibilities, such as a child’s inheritance rights.

When the [Family Law Act](#) came into force in March 2013, it gave British Columbia its first comprehensive legislative framework for the law of parentage. The goal of this legislative framework was to provide a complete scheme that addresses children equally, no matter whether the child was born through natural or assisted reproduction, to protect children’s best interests and to promote family stability. The BCLI is currently examining whether Part 3 is meeting these goals in light of developments that have taken place in the law, society, and reproductive technology since the Family Law Act came into force. Visit our [project page](#) to learn more about this project.

Committee Members

Zara Suleman, KC (Chair)
Suleman Family Law

Jeannette Aucoin
Clark Wilson LLP

Lynda J. Cassels
Cassels Murray

barbara findlay, KC
Law Office of barbara findlay KC

Mathew P. Good
BCLI Board Member
Mathew P. Good Law Corporation

Dr. Ruth M. Habte
Postgraduate (Resident)

Dr. Jon Havelock
Pacific Centre for Reproductive Medicine

Bruce Klette
BC Vital Statistics Agency

Shannan Knutson
Ministry of Attorney General BC

Dr. A.J. Lowik
Institute for Gender, Race, Sexuality and Social Justice, UBC

Lindsay C. Morphy
Morphy Law Corporation

Dr. Rachel Olson
The Firelight Group

Melissa Salfi
Crossroads Law

Elise Schopper-Brigel
West Coast Family Law Centre

Monique N. Shebbeare
TD Canada Trust

Dr. Beth Taylor
Olive Fertility Centre

Jasmeet K. Wahid
Aaron Gordon Daykin Nordlinger LLP

Catherine J. Wong
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SUPPORTING VULNERABLE VICTIMS AND WITNESSES



STATUS: ONGOING

Project Manager: Kelly Melynk (joined as CCEL Director in 2023)

The CCEL is undertaking jurisdictional comparative research to identify law and policy responses aimed at supporting vulnerable victims and witnesses of abuse. This one-year project will consider a policy framework for working with vulnerable victims and witnesses of crime, either due to advanced age, disability, or diminished capacity. This project is undertaken to support vulnerable adults who find themselves as participants in the criminal justice system, their advocates and other criminal justice system participants, to strengthen overall trust in the system.

Our research will examine the value of improved measures with an aim to address low reporting statistics, particularly by or for those with diminished capacity. Increased reporting will support improvements to the way vulnerable witnesses and victims move through the criminal investigation and trial process.

The study paper will consider Crown counsel and police policies related to elder abuse, working with vulnerable adults, assessments of capacity, and the use of testimonial aids, with a view to suggesting best practices for matters involving vulnerable adults.

Visit our [project page](#) for more information.

ENGAGING PEOPLE LIVING WITH DEMENTIA IN DECISION-MAKING



STATUS: ONGOING

Project Manager: Kelly Melynk (joined as CCEL Director in 2023)

The CCEL is in the final year of a three year project aimed at improving the decision-making participation of persons living with dementia in their own healthcare. As dementia typically affects people later in life, decision-making for an adult who has had a lifetime of personal autonomy tends to undergo a tremendous shift. Caregivers, family members, and health care providers change their manner of supporting a person living with dementia while trying to understand new abilities, perceived or actual, of the person living with dementia.

As a part of this project, CCEL led outreach to bring together people living with different kinds of disabilities and their family care partners, to share their knowledge and experiences. CCEL also interviewed healthcare consultants and organized two forums for disability stakeholders. The result is deep practical understandings of key barriers and gaps, leading to suggested best practices and tools to better support persons living with dementia.

This project will create resources for healthcare providers, caregivers, and people living with dementia to better understand the practical and legal considerations around decision-making. It includes strategies to best navigate the decision-making process even where full and informed decision-making is difficult to obtain when supporting people living with dementia.

CCEL is grateful to Jess Fehrenbacher and Krista James for their work on this project for the first two years. Three core partner agencies support the project, including the Alzheimer Society of BC, Family Caregivers of BC, and the Centre for Research on Personhood in Dementia.

Visit our [project page](#) for more information.

APPRECIATION

FUNDERS AND PARTNER ORGANIZATIONS

The BCLI thanks all of its friends, supporters, colleagues and collaborators over the years. In particular we thank the many committee members for generously sharing your time and expertise, and a special thank you to our funders and partner organizations.

Funders

- Law Foundation of British Columbia
- British Columbia Ministry of Attorney General
- Alzheimer Society of Canada
- British Columbia Association of Community Response Networks
- The Council to Reduce Elder Abuse (CREA)
- Department of Justice Canada
- Notary Foundation of British Columbia
- Real Estate Foundation of British Columbia
- Simon Fraser University
- Vancouver Foundation
- Canada Mortgage and Housing Corporation

Partner Organizations

- Alzheimer Society of Canada
- British Columbia Association of Community Response Networks
- Canadian Network for the Prevention of Elder Abuse
- Family Caregivers of British Columbia
- Centre for Research on Personhood in Dementia





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The work of the BCLI primarily takes place on the unceded territories of the xʷməθkʷəy̓əm (Musqueam Indian Band), Skwxwú7mesh (Squamish Nation) and səlilwətał (Tsleil-Waututh Nation)

