



ANNUAL REPORTS 2020 & 2021





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



I am delighted to share the BCLI annual report for the years 2020 and 2021. As a result of the COVID-19 pandemic, and internal changes at the BCLI, we are combining the past two years into one report. We plan to return to annual reports in the future. I am so pleased that the BCLI is coming through the pandemic and is finding a “new normal”, as we all are in these times.

Before highlighting BCLI's work over the past two years, I'd like to acknowledge the passing of two people in 2021 who had a significant impact on our organization: Arthur L. Close, QC, was a founding member of the BCLI and served as our first Executive Director from 1997 to 2007; Leanne Rebantad, who was appointed to our board by the Society of Notaries Public of British Columbia. We remain grateful for their contributions to the BCLI.

Making Laws Better in BC and Across Canada

The BCLI's work is intended to make laws better. Three recent examples of this are:

First, in October 2020, the Supreme Court of Canada cited a BCLI study paper in the majority decision in [Fraser v. Canada \(Attorney General\), 2020 SCC 28](#). The court referenced [Human Rights and Family](#)

[Responsibilities: Family Status Discrimination under Human Rights Law in British Columbia and Canada](#)

to confirm that the meaning of the family status ground includes protection for parents. The BCLI paper explains the considerable “uncertainty and controversy”, surrounding this ground. The court points out that a “growing and urgent need related to eldercare” makes issues related to a possible family status analogous ground particularly timely. In recent years, the Supreme Court has denied leave in cases involving the appropriate test for family status discrimination. BCLI work in this area may offer helpful context for future approaches.

Second, in July 2021, the BC government implemented legislative changes to provisions regarding child employment that were recommended by the BCLI in its 2018 [Report on the Employment Standards Act](#). These changes bring BC in line with international standards for employment of children. In the 2018 report, the BCLI had noted that British Columbia was the only province that allowed employment of children as young as 12 with parental consent alone. The amended legislation will ensure that children under 16 are better protected from work that could endanger their health, safety, or development.

Third, the impact of BCLI law reform work can also be found nationally. We were pleased that the CCEL's submission on elder abuse was referenced in the [House of Commons Standing Committee on Justice and Human Rights](#) June 2021 report. CCEL research regarding long-term care challenges has been particularly on point during the pandemic. CCEL National Director Krista James presented to the committee on matters related to federal jurisdiction, including infrastructure investment to support criminal law reform and elder abuse response.

Welcomes and Goodbyes

The BCLI saw several changes in 2020 and 2021. In 2020, we bid farewell to Kathleen Cunningham as our Executive Director. Kathleen first joined us in 1997 as a committee member of the Modern Trustee Act for British Columbia Project and became Executive Director in June 2015. She has helped to identify opportunities related to access to justice as well as raise our profile nationally and internationally. We were pleased to welcome Karen Campbell in September 2020. Karen brings with her over 20 years of experience practicing public interest law in BC, most of which has involved law reform and advocacy for strengthened legal tools. Her work has been consistently designed to address access to justice issues, using both Indigenous and Crown legal frameworks. We look forward to Karen's leadership and guidance in the coming years.

Emily Clough
CHAIR, BCLI BOARD

We are also thankful for the years of service of departing board members, who will remain a part of the BCLI community: the Honourable Marion J. Allan, Dr. Elizabeth Adjin-Tettey, Tesh Dagne, Jennifer Davenport, Judge Oliver Fleck, Michelle LeBaron, Margaret Mason, QC, Dylan Merrick, Lisa A. Peters, QC, Margot Young, and Thomas L. Spraggs, who was elected as a Bencher of the Law Society in 2020. Tom served as Chair of the BCLI in 2018 and 2019.

We are also delighted to welcome our new board members: Marian K. Brown, Stacey M. Edzerza Fox, Dr. Ryan Gauthier, Mark Gillen, Dr. Toby Goldbach, Miriam Kresivo, QC, Julia Lawn, Mona Muker, and Edward Wilson. Finally, and spoiler alert, Margaret Mason, QC, returned to our board as an Emeritus member in 2022 – we are thrilled.

The past two years have been challenging for us all. I wish to thank everyone at the BCLI for successfully navigating these many changes through unprecedented circumstances. As British Columbia's only independent law reform organization, the BCLI has a unique obligation to “make laws better, plain and simple.” We have many opportunities to renew our approaches to law reform, and I am delighted to be a part of this team.



REPORT OF THE EXECUTIVE DIRECTOR



It's been a privilege to join the BCLI as Executive Director. I arrived in September 2020, having spent much of my career working on law reform issues in BC. I am thrilled to have the opportunity to bring my experience to the BCLI, and to work alongside our excellent and committed team. I'm also grateful to my predecessor, Kathleen Cunningham, for her longstanding dedication to the BCLI and the CCEL.

COVID-19 has been a constant theme since I started – it has brought challenges to every sector of our society – our ability to work, the way we work, and what we work on. On this last point, the pandemic has invited different ways to approach our work – we are now in a new normal.

Many different issues are more prominent as a result of the pandemic – long-term care systems and the legal frameworks that regulate them are top of mind for the CCEL. The fact that many law practices and court proceedings are now conducted online invites consideration of legal issues arising from the role of technology in our lives. We hope to undertake research on these issues in future projects. We are also developing a new program area to support changes anticipated by BC's *Declaration on the Rights of Indigenous Peoples Act*, which requires that measures be taken for crown laws to be consistent with the UN Declaration on the Rights of Indigenous Peoples. This program is launching in 2022.

Over the past two years we released reports on the [Builders Lien Act](#); [Pension Division – A Review of](#)

[Part 6 of the Family Law Act](#); [Modernizing the Child, Family and Community Service Act](#), and a study paper on [Youth Aging into the Community](#). We also prepared a study paper on [Civil Juries in BC](#), which was used by the Ministry of the Attorney General for its review of civil juries in 2021. Other reports have been released under the CCEL banner, described by Krista James.

Our commitment is – “Better Laws. Plain and Simple”. There are many opportunities ahead for us to reach this goal. Our team continues to grow – in 2021 we welcomed staff lawyer Alison Wilkinson and our communications manager Alec Regino. We have a new website and a new look that went live in late 2021 – our online presence makes our projects and our work more easily accessible to our readers.

Also in 2021, we were pleased to see the federal government reinstate the Law Commission of Canada. We look forward to connecting with our newly reconstituted federal counterpart, and to continuing collaboration with colleagues at other law reform agencies across Canada.

Coming out of the pandemic, I'm excited about the opportunities ahead for law reform projects in the public interest. I welcome opportunities to connect, and encourage you to reach out to help find ways to connect and share our good work.

Karen Campbell
EXECUTIVE DIRECTOR, BCLI & CCEL

REPORT OF THE CCEL NATIONAL DIRECTOR



The COVID-19 pandemic has been a difficult time for older people. It has highlighted problems in long-term care that are not new, but certainly are exacerbated by pandemic related factors such as staff illness and limitations on the ability of family caregivers to enter care facilities to provide critical personal care and companionship. CCEL work over the last two years has focused on initiatives that address health and human rights. This work is increasingly timely.

In April 2020 we launched a [suite of resources](#) to support people living with dementia to better understand their health care decision-making rights (three animated and four booklets).

In Fall 2020 we started work on a project on [Engaging People Living with Dementia in Decision-Making](#). This project aims to change how health care decision-making is approached so that the rights of people living with dementia participate as much as possible in the decisions that matter to them. We are partnering with people living with different kinds of disabilities, including dementia, their family care partners, and health care professionals to identify strategies and barriers to decision-making.

In the Spring of 2021 we published three study papers. [The Update on the 2009 Provincial Strategy Document on Vulnerable Adults and Capability in British Columbia: A Discussion Paper and Reference](#)

[Guide](#) identifies developments related to vulnerable adult abuse and neglect prevention and response. [Respecting the Rights of Vulnerable Investors through Supported Decision-making](#) explores capacity and supported decision-making in the investment context. [The Study Paper on Health Care Consent and Capacity Assessment Tribunals](#) examines examples of ten functioning tribunals in Canada and Australia that provide an administrative justice review mechanism. It concludes with policy and legislative considerations that would need to be considered for a new accessible tribunal in BC that would independently review incapacity assessments and substitute decision-making under the [Health Care \(Consent\) and Care Facility \(Admission\) Act](#).

This summary provides only a small snapshot of our work. Follow me on Twitter [@KristaElan](#) for more regular updates.

Krista James
NATIONAL DIRECTOR, CCEL

BOARD OF DIRECTORS

Our Board of Directors includes appointees from the Ministry of Attorney General, the Law Society of BC, the Canadian Bar Association BC, the Society of Notaries Public of BC, and BC's three law schools, and also includes Members at Large appointed by our Board.



EMILY CLOUGH
Board Chair
Attorney General of BC Appointee



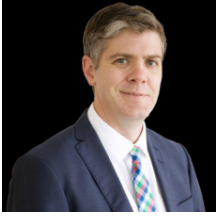
MARK GILLEN
Board Treasurer
University of Victoria Faculty of Law Appointee



DR. RYAN GAUTHIER
Thompson Rivers University Faculty of Law Appointee



JULIA LAWN
Law Society of BC Appointee



TIMOTHY OUTERBRIDGE
Member at Large



JOOST BLOM, QC
Member Emeritus



MATHEW GOOD
Board Vice Chair
Canadian Bar Association of BC Appointee



MARIAN K. BROWN
Member at Large



DR. TOBY GOLDBACH
UBC Peter A. Allard School of Law Appointee



TEJAS MADHUR
Attorney General Appointee



EDWARD WILSON
Member at Large



PROF. ROBERT G. HOWELL
Member Emeritus

OUTGOING BOARD MEMBERS

We are grateful for the years of service and dedication of the following outgoing 2020 and 2021 board members, who continue to be an integral part of the BCLI community.



ELIZABETH ADJIN-TETTEY
University of Victoria Faculty of Law Appointee



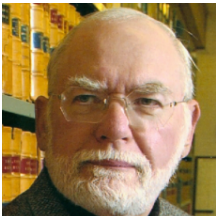
JENNIFER DAVENPORT
Law Society of BC Appointee



MARGARET MASON, QC
Law Society of BC Appointee



THOMAS L. SPRAGGS
Law Society of BC Appointee



ARTHUR L. CLOSE, QC
Member Emeritus



THE HON. MARION J. ALLAN
Member at Large



JUDGE OLIVER FLECK
Canadian Bar Association of BC Appointee



DYLAN MERRICK
Member at Large



MARGOT YOUNG
UBC Peter A. Allard School of Law Appointee



LEANNE REBANTAD
Society of Notaries Public of BC Appointee



TESH W. DAGNE
Thompson Rivers University Faculty of Law Appointee



MICHELLE LEBARON
UBC Peter A. Allard School of Law Appointee



LISA A. PETERS, QC
Member at Large

The BCLI would like to acknowledge the passing of two board members during years 2020 and 2021: Member Emeritus **Arthur L. Close, QC**, and Society of Notaries Public of BC appointee **Leanne Rebantad**.

OUR TEAM

Our staff has a strong commitment to excellence in research and innovation. This is our staff team as of December 2021.



KAREN CAMPBELL
Executive Director



KRISTA JAMES
National Director, CCEL



GREGORY G. BLUE, QC
Senior Staff Lawyer



KEVIN ZAKRESKI
Senior Staff Lawyer



ALISON WILKINSON
Staff Lawyer



SARA PON
Legal Research Assistant



SHAUNA NICHOLSON
Operations Manager



ALEC REGINO
Communications Manager



JESSICA FEHRENBACHER
Outreach and Education Coordinator, CCEL



MONIKA STEGER
Research Assistant, CCEL

OUTGOING BCLI STAFF 2020 AND 2021

- Kathleen Cunningham** - Executive Director
- Valerie Le Blanc** - Staff Lawyer
- Bénédicte Schoepflin** - Communications Director

- Stephanie Tam** - Staff Lawyer
- Maria Sokolova** - Staff Lawyer

OUR PEOPLE



2020 & 2021 AT A GLANCE

3

REPORTS
PUBLISHED



5

CONSULTATIONS



38

COMMITTEE MEETINGS



5,648

DOWNLOADS



110

BLOGS & ARTICLES



81

MEDIA MENTIONS
& INTERVIEWS



313,999

WEBSITE VIEWS &
PAGE VIEWS



STUDY PAPERS
PUBLISHED

4



FUNDERS

13



PROFESSIONAL,
JUDICIAL, &
ACADEMIC
CITATIONS

41



PROJECT
VOLUNTEERS

108



NEWSLETTER
SUBSCRIBERS

889



FOLLOWERS

2,531 | 867

REPORT ON THE BUILDERS LIEN ACT



JULY 2020

Project Manager: Gregory G. Blue, QC

In July 2020, the BCLI issued its [Report on the Builders Lien Act](#), containing 86 recommendations for changes to the Act that were developed by the BCLI's Builders Lien Act Reform Project Committee. This report was preceded by a consultation paper issued in 2019.

The purpose of the *Builders Lien Act* is to safeguard those involved in building projects from the failure of others to pay for the labour, services, and materials they supply during a project. While legislation on this issue has existed in British Columbia for over 140 years, the current *Builders Lien Act* was enacted in 1997.

Practices and contractual arrangements in construction and real estate development have evolved since the current Act was passed, resulting in new challenges concerning its applicability. The BCLI undertook the [Builders Lien Act Reform Project](#) at the invitation of the Ministry of Attorney General.

Project Committee Members:

Donald A. Thompson, P. Eng. (Former Chair)
Jenkins Marzban Logan LLP

Helmut K. Johannsen, P. Eng.
Singleton Reynolds

Dirk Laudan
Borden Ladner Gervais LLP

Tyler Nyvall (Ministry Liaison)
BC Ministry of Attorney General

Leslie J. Armitstead
Armitstead & Company

Karen Martin
Dentons LLP

David McKenzie (Chair)
Jenkins Marzban Logan LLP

Marina Pratchett, QC
Fasken Martineau DuMoulin LLP

Arthur L. Close, QC
BCLI Board Member Emeritus

James R. White, P. Eng.
SHK Law Corporation

J. Marc MacEwing
SHK Law Corporation

Heather Ferris
Lawson Lundell LLP

John Logan, QC
Jenkins Marzban Logan LLP

REPORT ON PENSION DIVISION



A Review of Part 6 of the Family Law Act

MARCH 2021

Project Manager: Kevin Zakreski

The BCLI released its [Report on Pension Division: A Review of Part 6 of the Family Law Act](#) in March 2021. The report made 25 recommendations for reform intended to address specific legal issues including private annuities, disability benefits, and the transitional provisions in Part 6 of the *Family Law Act*.

There are a number a legal consequences when spouses separate. One of these consequences includes division of a spouse's pension benefits, a particularly challenging process governed by the Act. Part 6 sets out a comprehensive legal framework for dividing pensions between separating spouses.

Since Part 6 came into force in March 2013, there have been significant changes to allied legislation that need to be reviewed. Pension administration and family-law practice both continue to evolve as well. BCLI reviewed Part 6 of the *Family Law Act* as a part of its [Pension Division Review Project](#).

Project Committee Members:

Colin Galinski (Chair)
Galinski Pension and Benefits Law Corp.

Gail Johnson
Pension & Benefit Plan Consultant

Cynthia Callahan-Maureen
BC Ministry of Finance

Hon. Peter Leask, QC
Peter Leask, QC, Barrister & Solicitor

Stephen Cheng
Westcoast Actuaries Inc.

Margaret H. Mason, QC
BCLI Board Member

Pierre-Luc Chénier
BC Pension Corporation

Beatrice C. McCutcheon
Cook Roberts LLP

Stephanie Griffith
Bilsland Griffith Benefit Administrators

Jacqueline G. McQueen, QC
Aaron Gordon Daykin Nordlinger LLP

Darryl Hrenyk
BC Ministry of Attorney General

Michael J. Peters
BC Financial Services Authority

REPORT ON MODERNIZING THE CHILD, FAMILY, AND COMMUNITY SERVICE ACT



APRIL 2021

Project Manager: Kevin Zakreski

The BCLI published its [Report on Modernizing the Child, Family, and Community Service Act](#) in April 2021. This report made 39 recommendations for reform that would harmonize the language in the Act with BC's *Family Law Act*, expand its disclosure provisions and provide a means for incorporating a child's views into child protection proceedings.

Child protection is a complex subject extending well beyond the law into other sectors. The *Child, Family, and Community Service Act* is at the heart of British Columbia's child protection system; it is intended to protect children from abuse, abandonment, and neglect.

With funding from the Law Foundation of British Columbia, the BCLI initiated the [Modernizing the Child, Family, and Community Service Act Project](#) in 2019. This project brought together members of the legal and social work professions, officials from the Ministry of Children and Family Development, the Office of the Representative for Children and Youth of British Columbia, and the Office of the Public Guardian and Trustee of British Columbia to develop recommendations to reform BC's child protection statute.



STUDY PAPER ON YOUTH AGING INTO THE COMMUNITY



APRIL 2021

Project Manager: Kevin Zakreski

The BCLI published its [Study Paper on Youth Aging Into the Community](#) in conjunction with the [Report on Modernizing the Child, Family, and Community Service Act](#). This study paper outlines the legislative and policy landscape with respect to youth aging into community in British Columbia and reviews legislative models that support policy and practice related to youth leaving care in other selected jurisdictions, both within Canada and internationally.

The BCLI study paper provides assistance to law and policy makers, civil society, and interested groups to consider potential law reform measures in the future. It offers broad comparisons between jurisdictions, identifies some trends, and highlights innovative practices for improving healthcare outcomes in transition planning, post-care supports, extended care, Indigenous youth leaving care, and program evaluation.

Project Committee Members:

Corinne P. Feenie (Co-chair)
Feenie MacDonald

Katrina M. L. Harry (Co-chair)
Legal Services Society of British Columbia

Holly Anderson
Vancouver Aboriginal Child and Family Services Society

Fiona M. Beveridge
Watson Goepel LLP

Jennifer Davenport
BCLI Board Member

Meena H. K. Dhillon
Meena Dhillon Law Corporation

Robert W. Evans
RWE Law Corporation

Meghan Felbel
BC Ministry of Children and Family Development

Carly Hyman
BC Office of the Representative for Children and Youth

Serena Kullar (May 2019–May 2020)
Social Worker

Penny Lloyd (Oct. 2020 - Apr. 2021)
BC Ministry of Children and Family Development

Claudia Liddle
Vancouver Aboriginal Child & Family Service Society

Crystal Reeves
Mandell Pinder LLP

Brandi Stocks
Office of the Public Guardian and Trustee for British Columbia

STUDY PAPER ON HEALTH CARE CONSENT AND CAPACITY ASSESSMENT TRIBUNALS



APRIL 2021

Project Manager: Gregory G. Blue, QC

The BCLI's [*Study Paper on Health Care Consent and Capacity Assessment Tribunals*](#) was published in April 2021 to advance discussions on options to resolve disagreements about health care treatment and decision-making rights. The study paper focuses on realistically accessible options for how people assessed as mentally incapable of giving informed consent to health care can obtain independent review of that finding, and how to efficiently address disputes about substitute decision-making through an expert tribunal.

The right to make decisions about one's health, living arrangements, and association with others is the essence of personal independence and quality of life. The importance of this right is reflected in the fact that it is protected by the guarantee of life, liberty, and security of the person under section 7 of the *Canadian Charter of Rights and Freedoms*.

This study paper originated from a call for research and consultation contained in [*Conversations About Care: The Law and Practice of Health Care Consent for People Living with Dementia in British Columbia*](#), published by the CCEL in 2019.

STUDY PAPER ON CIVIL JURIES IN BRITISH COLUMBIA



Anachronism or Cornerstone of the Civil Justice Process?

AUGUST 2021

Project Manager: Gregory G. Blue, QC

The BCLI's [*Study Paper on Civil Juries in British Columbia*](#) was published in August 2021 following a request from the Ministry of Attorney General to carry out comparative legal research on civil juries and outline options for reforming civil jury trials in light of their suspension due to the COVID-19 pandemic.

The study paper examines the use of civil juries in the province, utilizing statistics collected and compiled by the Court Services Branch. It considers the availability of civil jury trials across Canada as well as in several major common law countries, such as the United Kingdom, Australia, and New Zealand.

BCLI's study paper served as a platform for the Ministry of Attorney General's public consultation on civil juries in late 2021. The Ministry sought public comment on 3 options that the BCLI outlined in the paper.

STUDY PAPER ON INCLUSIVE INVESTING

Respecting the Rights of Vulnerable Investors
through Supported Decision-Making

MAY 2021

Project Manager: Krista James

The CCEL published its [Study Paper on Inclusive Investing](#) in May 2021. The study summarizes the law relevant to using supported decision-making for investment, shares consultation findings, and concludes with ideas for enhanced regulation, practice guidance, and public education in inclusive investing.

Supported decision-making allows adults to pick who may assist them in making decisions and enables people living with disabilities to make their own decisions about financial, personal, health care, legal, or other matters. The [Inclusive Investing Project](#) is intended to enhance capacity within the investment sector to work with clients who may prefer to make decisions with the support of family and friends. In addition to the study paper, the project also produced a number of legal information resources.

Advisory Committee Members:

Jim Emmerton (Chair)

Senior Fellow of CCEL

Tim Ames (September 2018 to November 2019)

Former Executive Director, Plan Institute

Lauren Bates

Lawyer (Ontario)

Emily Clough

BCLI Board Member

Stephanie Debisschop

Executive Director, PLAN BC

Kurt Goddard

Director of Policy and Program Operations, Canadian Association for Community Living

Ken Gracey

Manager, Investor Education and Engagement, British Columbia Securities Commission

Mario Gregorio

Person living with dementia

Robert Lattanzio

Executive Director, ARCH Disability Law Centre (Ontario)

Alison Leaney

Provincial Coordinator, Vulnerable Adults Community Response, Public Guardian & Trustee of BC

Barbara Lindsay

Director, Advocacy & Education; Marketing & Communications, Alzheimer Society of BC



Advisory Committee Members (continued):

Catherine Ludgate (August 2018 to June 2019)

Manager, Microfinance, Vancity Credit Union

Marian Passmore (September 2018 to January 2020)

Senior Advisor, Investor Experience, Ontario Securities Commission

Krystal Renschler (August 2020 to completion)

Community Investment Portfolio Manager, VanCity Credit Union (BC)

Karla Verschoor (August 2020 to completion)

Executive Director, Inclusion BC

Eleanor Wong (February 2019 to July 2020)

Community Investment Portfolio Manager, Community Business & Investment Department, VanCity Credit Union (BC)

UPDATE TO THE PROVINCIAL STRATEGY ON VULNERABLE ADULTS AND CAPABILITY IN BC

A Discussion Paper and Reference Guide



Government
of Canada

Gouvernement
du Canada

APRIL 2021

Project Manager: Krista James

The [Update to the Provincial Strategy on Vulnerable Adults and Capability in BC](#) revises and updates the 2009 report [Provincial Strategy Document: Vulnerable Adults and Capability Issues in British Columbia](#) published by the BC Adult Abuse and Neglect Prevention Collaborative and prepared by the CCEL. The original report brought together research on law and policy in relation to adult abuse/neglect prevention and mental capability, outlining recommendations on key issues relating to adult capability, vulnerability, abuse, and mistreatment in BC.

The discussion paper identifies progress on recommendations made in the 2009 report, provides further recommendations for enhancing law, policy, and practice in relation to incapability and vulnerable adult abuse and neglect prevention and response as well as describes issues which still require reform.

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.



Project Committee Members:

Zara Suleman (Chair)
Suleman Family Law

Tracey Anderson
Oct. 2020 to Sept 2021
Pacific Centre for Reproductive Medicine

Jeannette Aucoin
Clark Wilson LLP

Lynda Cassels
Cassels Murray

barbara findlay, QC
The Law Office of barbara findlay QC

Mathew P. Good
Sept. 2021 to Present
BCLI Board Member

Dr. Ruth M. Habte
Postgraduate (Resident)

Dr. Jon Havelock
Pacific Centre for Reproductive Medicine

Bruce Klette
BC Vital Statistics Agency

Shannan Knutson
BC Ministry of Attorney General

A.J. Lowik
PhD Candidate, 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
Monique Shebbeare Law Corporation

Dr. Beth Taylor
Olive Fertility Centre

Jasmeet K. Wahid
Kahn Zack Ehrlich Lithwick LLP

Catherine J. Wong
Catherine J. Wong Law Corporation (dba Saltwater
Law)

Holly Yager
Reproductive Health & Fertility Counselling

Prof. Margot Young
Nov. 2020 to Aug. 2021
BCLI Board Member

OVERSIGHT OF THE PRACTICE OF HEALTH CARE ASSISTANTS IN BC

STATUS: ONGOING

Project Manager: Krista James

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 CCEL is conducting a project to identify appropriate law and policy responses to address public protection and worker vulnerability issues for health care assistants. The study paper will provide an overview of existing regulation and oversight mechanisms, identify critical gaps, propose options for reform, and lay a foundation for the BC government to put in place a robust law and policy response for health care assistants in the province.



A PRACTICAL GUIDE TO ELDER ABUSE AND NEGLECT LAW IN CANADA

STATUS: ONGOING

Project Manager: Krista James

In July 2011, the CCEL published its [*Practical Guide to Elder Abuse and Neglect Law in Canada*](#). Available in both French and English, the guide provided an overview of elder abuse and neglect law that summarizes relevant provincial, territorial, and federal legislation, and identifies some 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 professionals.

The CCEL will re-publish the guide as a searchable-website, with modules on the law and policy in each province and territory, and links to other CCEL elder abuse resources.



CANADIAN NETWORK for
the PREVENTION of ELDER ABUSE



ENGAGING PEOPLE LIVING WITH DEMENTIA IN DECISION-MAKING

STATUS: ONGOING

Project Manager: Krista James

In September 2020, the CCEL began a project which aimed to change how healthcare decision-making is approached to respect the rights of people living with dementia and encourage their participation elsewhere in the decisions that matter to them as much as possible.

Dementia tends to be a later life diagnosis, and often family members and other support people may be new to appreciating the ability of a person living with dementia to direct their own life choices; in contrast, people who have lived with disabilities for most of their lives may have a lot of experience supporting autonomy and inclusion. With this in mind, the CCEL has led outreach initiatives that bring together people living with different kinds of disabilities to share their knowledge and experiences. The end goal of this project is to create resources for healthcare providers on how to support people living with dementia to meaningfully participate in decisions that impact their lives.

As a part of this project, the CCEL has held conversations with numerous people living with dementia, people living with other disabilities, and their family care partners. The CCEL has also interviewed healthcare consultants for this project. It organized two forums for disability stakeholders.

Our work for the [Engaging People Living with Dementia in Decision-Making Project](#) is coordinated by Jessica Fehrenbacher. 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.



Advisory Council Members from left to right: Jean-Pierre Daem, Myrna Norman, Jessica Fehrenbacher (Project Coordinator), Lynn Jackson, Jerry Gosling, Craig Burns, and Mario Gregorio.



UNDUE INFLUENCE RECOGNITION / PREVENTION GUIDE UPDATE PROJECT

STATUS: NEW PROJECT

Project Manager: Gregory G. Blue, QC

In October 2011, the BCLI laid out a set of recommended practices for legal practitioners to follow to ensure that wills and other personal planning documents represent the genuine independent wishes of a client and can withstand challenge on the basis of undue influence. [Recommended Practices for Wills Practitioners Relating to Potential Undue Influence: A Guide](#) has become one of the BCLI's most frequently cited publications.

The BCLI is updating the guide due to changes to the law of wills made by the *Wills, Estates and Succession Amendment Act, 2020* as well as developments in case law concerning undue influence since the original publication was issued in 2011.

Project Committee Members:

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GENDER DIVERSE LEGAL WRITING GUIDE



STATUS: NEW PROJECT

Project Manager: Alison Wilkinson

The BCLI is creating a guide to gender diverse legal writing. The guide presents different techniques for legal writers to employ in reflecting and respecting diversity, seeks to avoid discriminatory terminology, and adopts gender diversity as a baseline component of objective legal writing.

In the same way laws evolve over time to meet the needs of new generations, language and writing styles must also adapt. Inclusive language respects diversity and seeks to avoid discriminatory terminology. More specifically, it respects ability, Indigeneity, race, ethnicity, gender, gender identity, gender expression, sexual orientation, age, and other attributes of personal identity that have been used to discriminate against and marginalize persons with those attributes.

The Guide supports all legal writers in this goal — from long term practitioners seeking to learn a new way of writing, to new lawyers beginning their careers.

PUBLIC HEARINGS PROJECT

STATUS: NEW PROJECT

Project Manager: Kevin Zakreski

Public hearings were first established in British Columbia almost a hundred years ago to provide an opportunity for the public to voice their perspectives 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 their effectiveness on issues such as housing affordability and siting concerns regarding new development proposals. While the legislative assembly in British Columbia has passed modest amendments to local government laws on public hearings in recent years, a full-scale review and re-evaluation may be merited.

It is with this backdrop in mind that the BCLI initiated a legal review on the legislative requirements for public hearings in land-use bylaws. This project is in support of the Renovate the Public Hearings Project carried out by the Simon Fraser University Morris J Wosk Centre for Dialogue Strengthening Canadian Democracy Initiative.

The BCLI plans to release a study paper that will provide a comprehensive overview of British Columbia's public hearings law and will lay the necessary groundwork to initiate law reform to determine how public hearings could be transformed to better serve communities in BC.



APPRECIATION

THANK YOU!

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.

Funders in 2020

- BC Association of Community Response Networks
- Canadian Human Rights Commission
- Canadian Securities Institute
- Council to Reduce Elder Abuse
- Department of Justice Canada
- Law Foundation of British Columbia
- Law Foundation of Ontario Access to Justice Fund
- BC Ministry of Attorney General
- Vancouver Foundation
- Wilfrid Laurier University

Funders in 2021

- Alzheimer Society of Canada
- BC Association of Community Response Networks
- Council to Reduce Elder Abuse
- Department of Justice Canada
- Law Foundation of British Columbia
- Law Foundation of Ontario Access to Justice Fund
- BC Ministry of Attorney General
- Notary Foundation
- Real Estate Foundation of British Columbia
- Vancouver Foundation





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