



LCC | CDC

Living Law | Pursuing Justice | Renewing Hope

WHAT WE HEARD

The Law Commission of Canada in Listen & Learn Mode

January to May 2024



Law Commission
of Canada

Commission du droit
du Canada

Canada

Background

In 2023, following a 17-year hiatus, the Law Commission of Canada (“LCC”) rejoined independent law reform agencies throughout this country and beyond in underscoring the value of research and reflection on law’s roles in shaping human communities and supporting our complex identities, connections, and interactions.

Established by Parliament in the spring of 1997 by the [Law Commission of Canada Act](#), the LCC is mandated to consider the changing needs of Canadian society through the study, review, and innovative development of Canada’s law and legal systems.

Non-partisan in nature and distinct from advocacy groups, the LCC offers leadership and guidance on the responsible and responsive evolution of law in the lives of people across Canada.

Introduction

When the LCC officially resumed its operations in June 2023, it immediately began its formal engagement with individuals and organizations who, each in their own ways, embodied aspects of what would come to be the agency’s *raison d’être*: living law, pursuing justice, renewing hope.

Through a series of roundtables, multilateral discussions, individual meetings, larger conferences, and informal conversations, the LCC sought to develop an understanding of the law reform and justice landscape in Canada and beyond. These engagements bore many fruits: they helped to uncover issues which interlocutors considered pressing or likely to emerge on the horizon; they presented an opportunity to understand interesting initiatives already underway, so as to avoid unintended duplication and to identify potential partnerships; and the roundtables and multilateral discussions served as a site for mutually beneficial exchange, allowing participants to learn about the work and perspectives of others, and to form connections across their endeavours. A *What We Heard* report presenting an overview of key takeaways from engagements between June to December 2023 is available [on the LCC website](#).

This is the LCC’s second *What We Heard* report, covering the period from January to May 2024. It sets out the preoccupations, projects, and possibilities that emerged from the LCC’s engagements during that period, including: Listen & Learn roundtables dedicated to community organizations, criminal justice sector actors, law professors, and doctoral students; meetings with the leaders of law societies, law faculties, and universities; a conference with provincial law reform agencies and counterparts from abroad; a workshop with high school students in Montreal; focus circles with experts in the charitable sector; and exchanges with members of the judiciary, public policy makers and scholars, non-profit organizations, and legal associations.

The LCC will continue to release *What We Heard* reports on an ongoing basis to keep highlighting the challenges, complexities, considerations, and creative possibilities that exist with respect to the ongoing evolution of law in Canada.

What We Heard



Preoccupations

Partners shared their concerns and preoccupations, as well as their hopes and aspirations:

- There is a widespread perception that the justice system is in a state of crisis and overwhelmed, facing challenges of speed, capacity, and timeliness of service which have the effect of undermining public trust.
- The administration of justice cannot bear the responsibility of addressing all social ills, and a narrow group of justice system actors cannot be expected to resolve issues stemming from homelessness, drug addiction, or mental health on their own.
- Knowledge sharing represents a significant challenge between small organizations with limited resources and with few opportunities to come together and exchange with counterparts.

- Law enforcement is conscious that it is not possible to solve larger problems through individual arrests, but there are insufficient connections to supports both for officers and for the individuals they deal with.
- Legal issues are often addressed reactively and in a piecemeal manner through the promulgation of more laws, which can tilt regulatory and bureaucratic mechanisms toward being more restrictive than facilitative.
- There is a discernible lack of time and other means to engage in “big picture” thinking about justice, the justice system, and its administration, particularly compared to areas such as health or education, which could ultimately compromise the rule of law and democratic health.
- Governments lack the capacity to properly adapt to the tremendous diversity among Indigenous communities, and the legal community struggles to give jurists the competencies to interact with Indigenous legal orders.
- The implementation of the United Nations Declaration on the Rights of Indigenous Peoples within the constitutional fabric of Canada will require significant purposive thinking and care.
- There can sometimes be a bias toward “innovation and change” within the public discourse, which disincentivizes learning from and improving systems in place.
- Relative to its international peers, Canada lacks empirical data on the impact of law reform work.
- Within the charitable sector, there are concerns with respect to the administrative burden and complexities of running a charity, as well as the lack of transparency and institutional support for navigating such requirements.
- Actors in the charitable sector also expressed concern about unstable funding, either due to mistrust in the charitable sector, changing relationships with charities, or the nature of government funding cycles.
- In a context where generative artificial intelligence will change how we teach, learn, and practice, there is a human responsibility to set appropriate parameters and to underscore the value of human beings.
- Canadians and individuals elsewhere risk taking democracies for granted such that they fail to see important pillars of law and society.



LCC Commissioner Sarah Elgazzar chairing a Listen & Learn roundtable with community organizations at City Hall in London, ON

Projects

Partners shared reflections based on activities, undertakings, and ventures that illustrated their commitments, responsibilities, and priorities:

- Community courts and problem solving courts are well placed to help individuals navigate underlying issues which are not strictly legal (e.g. opioid dependence).
- There is tremendous breadth in the range of ways in which organizations exercise stewardship of the legal profession, of legal literacy and public legal education, and of the discipline of law.
- In a context of limited resources, effective and meaningful partnerships are crucial to helping initiatives flourish, and pilot projects can serve as a helpful vehicle to scale up these initiatives.
- It is important and valuable to bring an international perspective to issues such as human rights, children's rights, UNDRIP, and justice sector capacity-building, as Canada has much to learn from and teach other countries.
- In the broader public policy world, Indigenous scholars are doing particularly strong work in bridging academia and practice, and international and local.
- Leadership on an issue can be demonstrated through modelling, such as the reconciliation work undertaken by Intercultural Grandmothers Uniting in Regina, SK.

- Citizens are becoming increasingly involved with questions that were traditionally the province of experts, such as science and law, in the context of a broader social embrace of democratized processes of engagement, such as forms of citizen committees, as highlighted by French sociologist Dr. Jacques Commaille and the work of the Institut Québécois de Réforme du Droit et de la Justice.
- Podcasts are a medium which offer a simple and straightforward way connect with wide audiences in a manner that can be creative and accessible, while also helping to amplify the work of guests or participants.
- Even when not associated with a formal relationship or project, individual and collective mentorship between jurists facilitates the pursuit of justice.
- Toolkits and workshops represent an effective means of engagement for justice actors, and they have been used effectively to reach groups ranging from high school students (e.g. Ontario Justice Education Network) to frontline legal service providers (e.g. Community Legal Education Ontario) to civil society groups abroad (e.g. Justice Education Society).



Listen & Learn roundtable with doctoral students at the 17th Annual McGill Graduate Law Conference in Montréal, QC

Possibilities

Potential intersections and implications relevant to the LCC's work, in the form of reminders, advice, and potential directions to explore, emerged:

- Asking "what does the public need from justice in Canada?" could serve as a helpful starting point and guiding principle throughout all of the LCC's research and engagement initiatives.

- The LCC could play an important role by shining a light on issues, areas, and angles that would otherwise be unseen, overlooked, hidden, or invisible, such as youth or charities.
- While procedural issues are not necessarily the most exciting or cutting edge, they can make a big difference in people's lives and should not be overlooked.
- It is important to ensure that content is local and appropriately contextualized so that it can be properly grounded for participants or consumers.
- The LCC must be mindful of its approach when so much of justice delivery is provincial, but as a federal agency it may be well placed to push reflections and examinations of law across systems, how multiple legal systems work together, and how to make space for this coexistence.
- The LCC has the potential to play a convening role, bringing people together by producing information and circumstances where different actors from an array of areas can gather to engage thoughtfully, and by helping stitch together the impressive array of law reform work being undertaken at different levels across Canada.
- In a context of broader negativity and distrust, which can sometimes border on despair, it is even more important to tie in positivity to initiatives, engagements, and messages.
- LCC projects could and should work across statutes, regulatory frameworks, judgments.
- The LCC can offer and promise to do steady and credible work in a polarized and turbulent world.
- The LCC is well placed to encourage new voices and junior scholars, including at the "ideas" stage.
- Education is a pillar of justice, in particular for the next generations, because it can allow people to know where to get help and how to navigate systems.
- A grassroots approach might make people not only *aware of* but *attentive to* the LCC's work, and would help bring together key justice sector actors, including charitable groups and organizations.
- United Nations Sustainable Development Goal 16 could serve as a helpful framework to inspire the LCC's work: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels".

