

ACCESS TO JUSTICE
& LAW REFORM
INSTITUTE
OF
NOVA SCOTIA



TWENTY-NINTH ANNUAL REPORT

April 1, 2019 to March 31, 2020

The Law Reform Commission of Nova Scotia was established in 1991 by the Government of Nova Scotia under an *Act to Establish an Independent Law Reform Commission*. The Commission transitioned to the Access to Justice & Law Reform Institute, an incorporated non-profit, in January 2019.

The Members of the Board are:

Catherine D. A. Watson Coles, Q.C., President
Justice Darlene Jamieson
Richard J. Melanson
George Ash
Liesl Gambold
Nikki Robar
Catherine Berliner
Dean Camille Cameron

The staff of the Institute are:

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Executive Director

Sarah Burton
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THE INSTITUTE

During the 2018-2019 funding year, the Law Reform Commission of Nova Scotia transitioned to the Access to Justice & Law Reform Institute, an incorporated non-profit, in January 2019. The Law Reform Commission of Nova Scotia was created in 1991, pursuant to the *Law Reform Commission Act* to review Nova Scotia's laws and make recommendations for their improvement, modernization and reform. The Institute was incorporated as a non-profit corporation and the statutory Commission structure was transitioned to a Board of Directors. The Institute held a launch in January 2019.

In January 2019, the Access to Justice Coordinating Committee released its Final Report of recommendations. The Committee was comprised of justice stakeholders such as the Chief Justice of Nova Scotia, the Minister of Justice, Dean of the Law School, Executive Director of Legal Aid, President of the Canadian Bar Association – Nova Scotia Branch, representatives from the African Nova Scotian and Indigenous Communities and a member of the public. In its Final Report it recommended that the Law Reform Commission transition to the Access to Justice & Law Reform Institute of Nova Scotia stating:

The new Access to Justice & Law Reform Institute of Nova Scotia will serve as an access to justice hub and will be well-placed to coordinate projects that allow work encompassing both traditional law reform and access to justice orientation. This includes gathering and analysing data to help develop projects associated with government priorities, such as how to work collaboratively on access to justice initiatives, generating new policy goals, and developing legislative proposals to accomplish those goals.¹

In 2019-2020 the Commission received operational funding from the Law Foundation of Nova Scotia. The Law Foundation, which funds work relating to law reform, legal education, and the administration of justice, receives its funds from the interest on lawyers' trust accounts. The Government of Nova Scotia and Government of Canada both provided funding to the Institute. As well, the Schulich School of Law provided office space and the Nova Scotia Barristers' Society provided in-kind support.

In 2019-2020 the Institute employed an Access to Justice Coordinator, Executive Director and Legal Research Counsel as well as a part-time Financial Administrator. The Institute was also able to employ several part-time research assistants. As well, the Institute benefits from the continuing contribution of its founding President, William H. Charles, Q.C., as Special Counsel to the Commission. As always, he has provided valuable assistance with all Institute projects during the past year.

The Institute's work is supported by volunteer effort from legal practitioners, experts and stakeholders who offer advice and expertise on the Institute's projects. For each project the Institute convenes one or more advisory groups to guide its research and to examine options for

¹ Access to Justice Coordinating Committee, *Final Report* (2018), online: http://courts.ns.ca/News_of_Courts/documents/A2JCCreport_WEB.pdf at 8.

reform. The time and effort given by these advisory group members is considerable, and the Institute could not do its work without them.

The previous work of the Institute, under the Law Reform Commission has resulted in substantial new law and improvements to the administration of justice in diverse areas of law, including family law, estate planning and administration, environment law, construction law, and court processes. The Commission's track record includes the following:

Division of Family Property (September 2017) – Government is currently reviewing the Law Reform Commission of Nova Scotia's work on the *Matrimonial Property Act* in contemplation of introducing a new *Family Property Act*. In its consultation, the Government accepted the great majority of the Commission's recommendations for reform.

Enforcement of Maintenance Obligations (November 1992) - Resulted in the creation of Nova Scotia's maintenance enforcement program under the *Maintenance Enforcement Act*, 1994.

Reform of the Jury System (June 1994) - Resulted in the *Juries Act*, 1998.

From Rhetoric to Reality, Ending Domestic Violence in Nova Scotia (1995) - Recommended administrative reforms. In response the Province trained 2000 people in appropriate response to domestic violence and instituted a domestic violence monitoring committee.

Legal Status of the Child Born Outside Marriage (March 1995) - Resulted in the elimination of discrimination against "illegitimate children" in the *Intestate Succession Act* in 1999.

Adult Guardianship and Personal Health Care Decisions (November 1995) - Provided background for the *Personal Directives Act* in 2008. The Department of Justice is currently examining reforms to the *Incompetent Persons Act*.

Probate Reform (March 1999) - Resulted in a new *Probate Act* in 2000.

Builders' Liens (June 2003) - Resulted in the overhaul of the outdated *Mechanics' Lien Act* in 2004, to improve the lien system for construction industry stakeholders.

Wills Act (November 2003) - Resulted in significant amendments to the *Wills Act* in 2006.

Vexatious Litigants (April 2006) - Resulted in amendments to the *Judicature Act* in 2009, to deal with litigants who improperly strain the time and resources of the courts.

Contaminated Sites (December 2009) - Provided background for the *Contaminated Sites Regulations* under the *Environment Act*, to promote redevelopment of derelict brownfields.

The Rule Against Perpetuities (December 2010) - Resulted in the abolition of an antiquated but troublesome rule of law by the *Perpetuities Act, 2011*.

Builders' Liens (March 2013) - Resulted in amendments to the *Builders' Lien Act* in 2013, to improve the process for paying out lien holdbacks in the construction industry.

The Commission was also on the Steering Committee for the Nova Scotia **Civil Procedure Rules**, providing extensive research and logistical coordination for that multi-year effort to make the rules of Nova Scotia's courts as accessible and fair as they can be.

THE YEAR IN REVIEW 2019 - 2020

Review of the Intestate Succession Act

During the 2019-2020 funding year the Institute published the *Intestate Succession Act* Discussion Paper and consulted widely with members of the bar and public throughout over the Summer and Fall of 2019. Institute staff met with over 80 lawyers from around Nova Scotia in Halifax, Lunenburg, Digby, Kentville, Amherst, Antigonish, New Glasgow and Sydney. We also received 27 submissions to the project by way of our electronic survey for members of the bar.

Institute staff also consulted widely with members of the public in Halifax, Sydney, Bridgewater, Annapolis Royal, Pictou, New Glasgow, Baddeck, and Middleton. As well as consulting with members of the public, Institute staff have been attending at seniors' groups, new immigrants and public libraries across Nova Scotia raising awareness about the need to make a will, explaining how the law of intestate succession works and asking how Nova Scotians would like to see the law changed.

The *Intestate Succession Act* governs the distribution of property of a deceased person who has not made a valid will, as well as any property which is not dealt with by a will. The *Act* has significant access to justice implications because it distributes property to the family of the deceased without having to make an application to court. As such, making sure property is distributed fairly and in such a way that ensures as much as possible that family members are not financially disadvantaged on the death of the intestate is a prime concern.

It is important to note that this project will assist not only persons who cannot make a will whether by a lack of capacity or because they cannot afford legal counsel, but some figures show that 50% of Canadians may not have a will. This figure rises to 56% for Atlantic Canada. Our research indicates that low income persons and racialized Nova Scotians are more likely to die without a will. Furthermore, low income persons may not be able to afford the high cost of probate and may be prevented from transferring property from one generation to another thereby further exacerbating socio-economic marginalization.

The *Act* was first introduced in 1966, when the monetary value of property was much lower, and ideas about inheritance focused more on inter-generational wealth transfers, as opposed to the material well-being of surviving spouses or common law partners. The *Act* was written at a time when multiple marriages and cohabitations, same sex marriages and cohabitations, “blended families”, and children conceived with assisted reproductive technologies were less prevalent than they are today. Our review will help make sure that the *Act* is keeping pace with the changing family form and changing societal expectations.

Our review of the intestate succession regime not only looks at the spousal share and the inclusion of common law partners – thereby helping to ensure that the regime does not further the economic marginalization of potentially elder surviving spouses and partners – but it looks at other aspects of the changing family form such as the introduction of step-children and children to whom the intestate otherwise stands in loco parentis, adopted children, and children conceived

by posthumous conception. The project also reviews the possibility of introducing a simplified procedure for small estates in Nova Scotia. The project will benefit not only the large number of Nova Scotians that die without wills but it will focus on promoting access to justice for low income Nova Scotians in particular.

Administrative Law Project: Supporting the Introduction of an Administrative Law Act and associated Rules in Nova Scotia

The Institute is supporting the development of an *Administrative Law Act* for Nova Scotia. Several years ago, the Provincial Administrative Justice Coordinating Committee put together a draft Administrative Law Act for Nova Scotia. As well, the Committee borrowed from the Nova Scotia Labour Board Rules of Procedure to develop Administrative Tribunal Rules.

The Institute is currently serving in a supporting capacity to Professors Ginn and senior administrative law practitioners, Lisa Teryl, to put together a consultation plan on the proposed rules. The Institute has been compiling a consultation document on the proposed Act that will be used to consult with tribunal members, lawyers and members of the public, on what they would like to see from an administrative law and associated Rules. The Institute will then assist in carrying out the consultation, compiling feedback and then assisting in integrating this feedback into a final version of the Act. It is anticipated that the consultation document will be prepared by end of the Summer 2020.

Testator's Family Maintenance Act

The Institute has begun compiling an issues paper on the *Testator's Family Maintenance Act*. While the Board has not yet approved this project officially, it is likely that the Institute will undertake a review of the Act. The Institute has now completed a review of the *Matrimonial Property Act* and is close to completing a review of the *Intestate Succession Act*. The Law Reform Commission undertook a review of the *Wills Act*. The final piece of legislation that affects the distribution of property on death is the *Testator's Family Maintenance Act*.

Two recent cases: *LeBlanc v. Cushing Estate*, 2020 NSSC 162 and *Lawen Estate v. Nova Scotia (Attorney General)*, 2019 NSSC 162 have challenged the constitutionality of the Testator's Family Maintenance Act. In the case of *Lawen Estate*, the Court held that the requirement to provide for adult independent children is unconstitutional. Given this recent litigation is clear that the Act is no longer meeting the needs of Nova Scotians. Issues like the inclusion of common law couples, adult independent children, stepchildren, and the factors used to assess an application are just some of the issues that should be reviewed.

Access to Justice for Children and Youth:

Part I: Law Reform: Parentage and Guardianship Acts

Nova Scotia is now one of the last jurisdictions in Canada to have legislation establishing presumptions of parentage. The absence of this legislation has significant ramifications for children and their parents in “non-traditional” families such as those in LGBTQ families and children of common law partners.² As a result, Nova Scotia’s parentage regime is incomplete, administrative, and unduly burdensome to marginalized communities. These failings raise significant human rights and access to justice concerns. It is the Institute’s goal to conduct research analysis that is able to craft a better way forward for Nova Scotia’s legislation.

Legal parentage refers to the determination of a child’s parent(s) at birth. It is a lifelong immutable status that establishes the parent-child relationship across a wide range of contexts. The impact of a legal parentage declarations on the identity of a child, and on the rights and responsibilities of their would-be parent, is difficult to overstate. For adults, parentage is a critical starting point upon which they are given the authority to make decisions regarding the care and support of children. For children, legal parentage provides the building blocks upon which their identity is built, including their name, nationality, lineage and inheritance rights. While declarations of parentage can be shifted through formal procedures such as adoption, for most people, the declaration of parentage is automatic and permanent.

Historically, parentage was determined based on presumptions that were designed to locate likely biological links by reference to traditional family units. Thus, a woman who gave birth to a child was conclusively determined to be a child’s mother, while fathers were determined based on a man’s relationship to the birth mother. Parentage was limited to two persons of the opposite sex. These presumptions fail to account for the changing nature of the modern families, the growing acceptance of LGBTQ2 relationships, and advances in assisted reproductive technologies including artificial insemination, *in vitro* technology, and/or surrogacy (ART). Most jurisdictions in Canada and internationally have addressed these gaps by adopting parentage legislation to address some or all of these concerns.³ While Nova Scotia deals with some of these concerns via administrative regulations to its Vital Statistics legislation,⁴ it stands out in as the only jurisdiction in Canada that has failed to adopt substantive parentage legislation.⁵ The form and substance of

²For example, see Carolyn Ray, Halifax Mom Shocked by Form for ‘Unmarried mother’ to Confirm Baby’s Dad (7 November 2019), CBC, online: <https://www.cbc.ca/news/canada/nova-scotia/unmarried-halifax-mom-letter-vital-statistics-1.5350634>

³ See, for example, *Children’s Law Reform Act*, RSO 1990, c C.12, Part 1; *Family Law Act*, SBC 2011, c 25, Part 3; Carol Rogerson “Determining Parentage in Cases Involving Assisted Reproduction: An Urgent Need for Provincial Legislative Action” in Trudo Lemmens, Ian Lee and Cheryl Milne, eds, *Regulating Creation: The Law, Policy and Ethics of Human Reproduction* (Toronto: University of Toronto Press, 2017) [Rogerson].

⁴ Birth Registration Regulations, NS Reg 390/2007.

⁵ Rogerson, *supra* at 97.

Nova Scotia's approach creates significant gaps in legal protection.

The Institute's existing research has revealed significant human rights concerns embedded in Nova Scotia's current approach. In particular, our province's existing regime creates unnecessary cost, delay and uncertainty for some children born via ART. This leaves them vulnerable and under-protected in their earliest days of life, which arguably violates Canada's equality guarantees under section 15 of the Canadian *Charter of Rights and Freedoms*,⁶ as well as its international obligations under the United Nations' *Convention on the Rights of the Child*.⁷ In addition, because non-normative family units (including single persons and members of the LGBT2 community) are more reliant on ART to conceive, there are additional grounds to argue Nova Scotia's existing regime violates s 15 of the *Charter*. Litigation pursued under Ontario's now-reformed parentage regimes adds weight to these constitutional concerns.⁸

Nova Scotia's parentage regime also has significant access to justice implications. Our province relies on a judicial-recognition model that adds cost and complexity to the already emotionally and financially burdensome ART process. This additional cost creates a likelihood that some people may be proceeding with the court-approval process without the assistance of legal counsel. This has the potential to cause a significant disparity among the legal rights of parents based on their financial circumstance and/or economic class.

Additional access to justice concerns are present because Nova Scotia's current regime only addresses some forms of ART. Methods that can be done privately, and thus more cost-effectively (artificial insemination using a known sperm donor), are not recognized, and thus do not receive protection. This means that known sperm donors can be recognized as a legal parent of a child, despite the intent of the parties at the time of conception. This gap creates stress, uncertainty, and other disadvantages for persons who rely on lower cost methods. In addition, because this method is used more frequently by individuals who rely on ART for reasons other than fertility problems (such as LGBTQ2 families and single persons), this disparity also raises additional equality concerns.

Finally, there are substantial conflict of laws issues that arise in the context of parentage that must be addressed. Increasingly, Nova Scotians are going overseas to use assisted reproductive technologies. Domestic law must ensure that these families are not left vulnerable to conflict of laws issues which find their children at risk.

⁶ *Charter of Rights and Freedoms*, s 15, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11 [*Charter*].

⁷ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3.

⁸ See the Minutes of Settlement in *Grand v Ontario* 2016, as discussed in Dave Snow, "Litigating Parentage: Equality Rights, LGBTQ Mobilization and Ontario's All Families Are Equal Act" (2017) 32 Can JL & Soc 329 at 334-335.

Building Capacity on Access to Justice:

Legal Education

As per the Access to Justice Action Committee *Justice Development Goals*, the Institute is building capacity on access to justice by contributing to legal education on A2J. During the 2019-2020 funding year, the Institute hosted approximately 20 volunteer students and student researchers. As well, Institute staff held sessions on access to justice across the University at other departments and gave talks on A2J to high school students.

The Executive Director revived the Poverty Law and Human Rights course at the law school which had only been taught once in 10 years. The Course was redesigned to highlight the access to justice dimensions of A2J and human rights.

Institute staff have confirmed with the law school that they will be re-introducing the law reform course to the law school.

#TalkJustice

Since taking over the #TalkJustice project Institute staff have been implementing one of the central recommendations of the first phase of #TalkJustice: dedicated rural outreach to ensure the experiences we are collecting are representative of all Nova Scotians.

Staff have been engaging undertaken dedicated Community outreach and Engagement in the Yarmouth, Kings, Queens, Cape Breton, and Lunenburg County areas as well as New Glasgow. Staff have been meeting extensively with frontline service providers such family resource centers, homeless shelters, methadone clinics, intervention centers and others, and have held focus groups compiling narratives from service users using the SenseMaker software. Staff have developed a target in conjunction with the Department of justice of 20 narratives a month.

Over the 2019-2020 year, Institute staff met with 62 frontline service providers across Nova Scotia with a focus on rural Nova Scotia on access to justice in Nova Scotia. As well, staff collected over 200 first voice stories, primarily from rural Nova Scotians and newcomers to Nova Scotia and compiled two summary reports on findings.

Promoting Innovation and Collaboration on A2J

National Action Committee Representative for Nova Scotia

The A2JCC indicated in their Final Report that, “It is now up to the new Access to Justice & Law Reform Institute of Nova Scotia to continue promoting improved access for all Nova Scotians.”

Besides taking on the mandate of the A2JCC, the Institute has been charged with taking over the

role of serving as representative for Nova Scotia on the National Committee on Access to Justice in Civil and Family Matters. This work includes keeping the Committee apprised of developments ongoing in Nova Scotia and attending communities of practice. The Executive Director and President will continue to attend Annual National Meeting to report on A2J progress in Nova Scotia.

Research Support for Community Organizations and Others

The Institute has been assisting non-lawyer navigators by serving as a resource when frontline service providers wish to put together a legal navigator program. We have been meeting with service providers, advising them on what services may be required in a navigator program, what innovative ideas have been tried with other navigator programs and how they can access resources to help them put together a program, such as public legal information sessions. The Institute will continue to act as a resource for frontline service providers going forward, providing them with research, a toolkit on how to put together a legal navigator program, and advice on areas of law to focus on.

The Institute has been putting on public legal education sessions that are attended not only by members of the public, but by service providers themselves in order to learn more about a particular area of law. For example, the Institute has been travelling around the Province for the *Intestate Succession Act* consultation giving public legal education sessions on the importance of getting a will, how to get a will and what will happen to your property if you die without a will.

The Institute has been drawing upon its research expertise and excellent student researchers to provide research memoranda requested by service providers across the Province and will continue to do so next year:

- a. Charitable Trustee Services
- b. An Integrated Approach to Addressing Hoarding
- c. Online Dispute Resolution and the BC Civil Resolution Tribunal
- d. Community land Trusts
- e. Bail Reform
- f. Seniors and Capacity Issues
- g. Legal Regulation of Domestic Violence
- h. The Land Titles Clarification Act
- i. Human Centered Legal Design

BOARD MEMBERS AND STAFF 2019-2020

Board Members

Justice Darlene Jamieson

The Honourable Justice Darlene Jamieson was appointed to the Commission by the Council of the Nova Scotia Barristers' Society in June 2002 and then re-appointed to the Board of the Institute in March 2019. She was appointed to the Supreme Court of Nova Scotia in November

2018. Before her appointment she was a partner in the law firm Merrick Jamieson Sterns Washington & Mahody with preferred areas of practice being civil litigation, including insurance, banking, construction and employment law. She has held numerous and varied posts with the Nova Scotia Barristers' Society. In 2018, Justice Jamieson was inducted into the American College of Trial Lawyers.

Catherine D.A. Watson Coles, QC

President

Catherine Watson was appointed to the Commission by Order in Council in February 2015. She is a Partner in McInnes Cooper's Halifax office and leader of the firm's regional estates and trusts service group. She is a regular speaker on the subjects of estate trust and tax planning to various professional organizations and the public, and a frequent author of articles on these subjects in various newspapers and newsletters. She has been an instructor at the Ontario Bar Admissions course in the area of estate planning. Ms. Watson has been recognized by Best Lawyers in Canada and is listed in the Canadian Legal Lexpert Directory. She is the Past President and a current member of the Halifax Estate Planning Council and is a member of the Society of Trust and Estates Practitioners, the Canadian Bar Association, the Nova Scotia Barristers' Society and the International Bar Association. She is Past Chair of the Wills & Estates Section of the Canadian Bar Association – Nova Scotia and is the Co-Founder and Past Chair of the Pride Business Network in Toronto, Ontario.

Richard J. Melanson

Richard Melanson was appointed to the Commission by the Council of the Nova Scotia Barristers' Society in September of 2012. He currently sits on the Utility and Review Board of Nova Scotia. Previous to his appointment to the UARB he was a partner with the Halifax law firm of Blois, Nickerson & Bryson LLP. His areas of practice included administrative law, bankruptcy and insolvency, civil litigation, corporate & commercial, intellectual property and real estate. Mr. Melanson graduated from the Université Sainte-Anne with a Bachelor of Arts (Honours) in 1981, and a Bachelor of Education (Honours) in 1983. In 1988 he graduated from Dalhousie Law School as Gold Medalist. He is a member of the Board of Examiners of Nova Scotia Social Workers' Association and chair of the Discipline Committee and was a member of the Agreement on Internal Trade Working Group. He is a Director and current Treasurer of Canadian Parents for French - Nova Scotia.

Dean Camille Cameron

Dean Cameron began her career in private practice in a commercial law firm in Halifax, Nova Scotia where she specialized in civil litigation. While in practice she was a frequent presenter at continuing legal education seminars and bar admissions courses, and taught Civil Trial Practice and Civil Procedure as a sessional lecturer. After ten years of law practice, she obtained an LLM degree at the University of Cambridge and then took up an academic appointment in Hong Kong. Prior to joining the Schulich School of Law, she held academic posts as the Dean of Windsor Law at the University of Windsor, and as a Professor at the University of Melbourne, Australia where she served a term as Associate Dean and as Director of the Civil Justice Research Group. Dean Cameron has served on numerous committees dealing with academic and senior administrative appointments and promotion, research integrity, reviews of academic departments and faculties, teaching quality and university governance. In Windsor she has been the Chair and a member of the Board of Governors of Legal Aid Windsor, and she is presently the Chair of the Advisory Board

of Community Legal Aid and a member of the Board of Directors of Hiatus House. She is a Professorial Fellow at the University of Melbourne, Australia and has been a Visiting Professor at the Chinese University of Hong Kong and the University of Oxford.

George P. Ash

George is a Partner and a member of the Real Estate and Estate teams. He practices in the areas of wills and trusts, estate administration and litigation, with a focus on guardianship applications and estate advice as well as disputes with probate. George is also an experienced residential real estate lawyer who works with mortgage brokers, bank and real estate agents, assisting clients with the purchase or sale of their home.

As a former school teacher, George understands the value of relationships. He ensures his clients feel comfortable in all situations and is always available to ease any concerns they may have. He always puts forth the extra effort and recognizes the importance of placing the client's needs first.

George is currently Chair of the Residential Real Estate team and a former member of the firm's Articling Committee. He is also a Director of the Nova Scotia Legal Aid Commission. George is a member of the Nova Scotia Barristers' Society, Canadian Bar Association, and Halifax Estate Planning Council. He is the former Chair of the Advisory Council for the Indigenous Blacks & Mi'kmaq Initiative, Schulich School of Law, and former Chair of the Share the Dream Organizing Committee.

Professor Liesl Gambold

Liesl Gambold is an anthropologist whose earlier work in Russia focused on economic and social responses to political and market restructuring, gender relations in rural communities, and the struggle between individual and group ideologies. She studied the structures in Russian village life that were salient to local residents, who were not fundamentally resistant towards the changing power structures of their rural agricultural sectors, but were less inclined to decollectivize the social nature of their village. This led to further research on the emotional ties of collective work and property as they relate to two areas: reason and emotion in socialist culture; and anthropological and economic accounts of the moral economy and governance of the commons.

Dr. Gambold's current anthropological research is on aging and international retirement migration. As baby boomers enter retirement age, shifts in their demographics and lifestyle choices are increasingly salient in policy-making and academic discussions. Dr. Gambold has conducted research in Mexico among Canadians and Americans who have permanently migrated south, in southern France and Spain, which have been popular European retirement destinations for decades, in Sweden and Germany, where she interviewed residents at LGBT aging and housing facilities, and in Brussels where she interviewed European Union officials about EU pensioner, migration and health policies. Dr. Gambold is a research associate at Dalhousie's [European Union Centre of Excellence](#).

Catherine Berliner

Ms. Berliner is the Associate Deputy Minister of Municipal Affairs and Housing. She is the first indigenous person to be appointed to a deputy-level position in the province's history. Before being appointed Associate Deputy Minister she worked in Government for 17 years, serving many of those years in a senior management position. Ms. Berliner has a Master of Business

Administration from Saint Mary's University.

Staff

Ilana Dodi Luther

Executive Director

Ilana joined the Commission in June 2011. She has worked for legal aid in both Ontario and Nova Scotia. After receiving her Bachelor of Arts from Carleton University, she received a Master of Arts in Political Science from York University. In 2004, she received her law degree from Osgoode Hall Law School, followed by a Master of Laws from Harvard Law School. She has taught at the Schulich School of Law on a part-time basis. In 2015, Dr. Luther obtained her Doctorate in Law from Schulich School of Law. In 2017 she took a hiatus from the Commission to work as a policy analyst for the Government of Nova Scotia. She returned to serve as Executive Director in 2018.

Sarah Burton

Legal Research Counsel

Sarah joined the Institute as legal research counsel in January 2019. Sarah obtained her law degree from Dalhousie University in 2008 and was called to the Nova Scotia and Alberta bars in 2009. She has a Masters in Law from the London School of Economics and is currently pursuing doctoral studies with the University of Ottawa. Sarah has worked as a civil litigator in one of Canada's leading law firms, and has been involved in cases before the Supreme Court of Canada. She also has worked with human rights and civil liberties organizations, where she focused on access to justice and public education.

William H. Charles, Q.C.

Special Counsel

Professor William Charles has acted as Special Counsel to the Commission since 2001. He is a graduate of Dalhousie (where he was Dean of Law 1979-1985), Concordia, Harvard and Michigan universities. Professor Charles was the first President of the Law Reform Commission, and held that position from 1991 until 1995. He has served on a number of Boards and Councils in Nova Scotia.