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FOREWORD FROM THE CHAIR OF THE EDITORIAL BOARD

CANADIAN BAR REVIEW

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I am delighted to welcome our new Editorial team in this their inaugural issue of the *Review*.

Our new team has taken the helm of a fine vessel, so ably skippered until recently by our previous editor, the remarkable Professor Beth Bilson. Thanks to her and her predecessors, the *Review* has an illustrious and successful past, anchored in its mandate to promote the importance of good laws, the exchange of ideas, both practical and scholarly and the richness of our bilingual and bijural legal community. It is small wonder that the *Review* continues to be viewed as a precious resource for practising lawyers, an unmatched medium of exchange among scholars and the keeper of ideas that help shape the law developed by our courts.

Our new editorial team inherits this tradition of excellence. But like their predecessors, they also face the challenge of translating the *Review's* mandate into the legal landscape of a new day. That is why the Editorial Board over the past 18 months has wrestled with the question of how to ensure that the *Review* remains at the cutting edge of scholarly law publications in the rapidly changing scholarly and communications environment of the 21st century.

After a thorough consultation process, we concluded that a key to the *Review*'s continued pre-eminence is that its high-quality, peer-reviewed

articles must be easy to find and easy to access. That led us to the decision to end the *Review's* long-time status as a closed publication and to inaugurate the *Review* as an open access online publication.

While a number of factors pointed to this approach, let me mention three particularly important ones: the policy case for open access research; the consistency of this approach with the CBA's mandate to serve the profession; and the promotion of access to justice through enhanced access to legal materials.

Canada's main research funding bodies now mandate open access publishing of all publicly funded research, sending a strong message to researchers that the public should not be asked to pay for access to the work it funds. This ethos in the scholarly community must be reflected in the *Review*'s approach if it is to retain and enhance its reputation as a desirable place to publish excellent scholarship. In addition, open access puts into practice the CBA's commitment to helping to prepare the profession for the future. Open access enables wider availability of scholarly legal thinking and encourages a seamless exchange of knowledge between practitioners and academics. This in turn helps to create an interactive circle of information sharing and, ultimately promotes something vital to the continuing health of our system of justice: innovative thinking. Finally, access to legal scholarship is an access to justice issue. Everyone, inside and outside the profession, should have ready access to legal materials of the highest quality, materials such as those published in the *Review*.

The *Review* is entering an exciting period in its development and I am confident that our new editorial team will build on the sturdy foundations they have inherited and ensure that the *Review* is the pre-eminent and readily accessible source of the best legal writing that we can produce in Canada. In this project, they will be supported by the Editorial Board whose membership has been renewed by the appointment of two new members: Professor John Borrows, Canada Research Chair in Indigenous Law and Nexen Chair in Indigenous Leadership from the University of Victoria, and Michele Hollins, QC, Past CBA President.

As I near the end of my tenure as Chair of the *Review's* editorial board, I wish to underline the contributions of the members of the Board with

All publications resulting from Tri-Agency funding (CIHR, SSHRC and NSERC) are now expected to (a) be available in journals that offer immediate open access or open access within 12 months, or (b) be available in final peer-reviewed form in a digital archive where it will be freely accessible within 12 months. See Tri-Agency Open Access Policy: https://www.nserc-crsng.gc.ca/NSERC-CRSNG/policies-politiques/Tri-OA-Policy-Politique-LA-Trois eng.asp.

whom it has been my pleasure to serve: The Honourable Madam Justice Wendy Baker, David C. Day, QC, The Honourable Mr. Justice Serge Gaudet, Virginia A. Engel, QC (ex officio member), Michèle Gamache (ex officio member), Antoine F. Hacault (ex officio member), Douglas Richard Downey (ex officio member), Denise Leblanc, QC (ex officio member) and of our CBA staff: Marie-Josée Lapointe, Richard Pilon, Julie Shugarman, Mariane Gravelle, Stephen Hanson and Christine Sopora. Their collective commitment to and passion for the Review have been inspiring and their talent and industry has made working with them a delight. I am confident that the Review will continue to excel in its mission to serve the legal profession, the bench, the bar, and the academy by publishing the highest quality legal scholarship and to shape the discussion of our most important legal issues.

The Honourable Thomas Albert Cromwell Chair of the Editorial Board 2008–2016