



FOR IMMEDIATE RELEASE – February 10, 2020

THE ADVOCATES' SOCIETY DEFENDS JUDICIAL INDEPENDENCE

The Advocates' Society has noted with concern the recent statements by Mr. Yves-François Blanchet, MP and Leader of the Bloc Québécois, following the Federal Court of Appeal's recent decision involving the Trans Mountain pipeline. In making remarks to the media regarding the decision, Mr. Blanchet repeatedly stated that the judges are "*nominated by the federal government*". When asked by media representatives what he meant by that statement, Mr. Blanchet said, "*I think people can understand that*". Mr. Blanchet's remarks were clearly intended to suggest, and did suggest, that the court had ruled in favor of the federal government in that case because members of the court are appointed by that government. That is an unfounded and improper suggestion and a threat to judicial independence.

Canada is fortunate to enjoy an independent judicial branch of government, with the Supreme Court of Canada standing at its apex. Canada's judiciary is greatly respected at home and abroad for its independence and its fundamental role in upholding the rule of law. Like all judges in Canada, judges of the Federal Court of Appeal are members of an independent co-equal branch of government. The independent judiciary is charged with interpreting, applying and enforcing laws and upholding the Canadian constitution, including its division of powers. The Federal Court of Appeal in particular routinely hears legal challenges to the conduct of the federal government and its administrative agencies. Public confidence in the judiciary's independence in such cases is essential to public order in Canada.

The Advocates' Society has had occasion in the past to remind politicians that the constitutional protections enjoyed by Canadians depend in part upon the manifest respect of the legislative and executive branches of government for the independent judicial branch. Mr. Blanchet's remarks improperly suggest that judges appointed by the federal government are not independent in disputes in which the federal government has an interest. Such public remarks by a member of Canada's federal legislature are unfounded and serve to undermine public confidence in Canada's independent judiciary. We unequivocally condemn those remarks and the implication they carry.

The Advocates' Society was founded in 1963 and represents nearly 6,000 advocates throughout Canada.

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