



## **PRESS RELEASE SEPTEMBER 19, 2016**

### **SUPREME COURT OF CANADA JUDICIAL APPOINTMENT – NOTICE OF APPLICATION FILED AT THE NOVA SCOTIA SUPREME COURT**

The Atlantic Provinces Trial Lawyers Association (APTLA) has filed an Application at the Nova Scotia Supreme Court seeking a declaratory order that the Prime Minister's proposed departure from the constitutional convention of regional representation on the Supreme Court of Canada amounts to an amendment to the Constitution that requires unanimous consent of the provinces.

Traditionally, the September 1, 2016 retirement of the Honourable Justice Thomas Cromwell, who held Atlantic Canada's seat on the Court, would have led to a judicial appointment from the Atlantic region.

However, with Prime Minister Justin Trudeau's announcement of a new process for appointing Supreme Court of Canada justices, it is uncertain whether the convention of regional representation on the Court will be respected.

By no later than September 23, 2016, an Independent Advisory Board for Supreme Court of Canada Judicial Appointments (the "Advisory Board") will recommend to the Prime Minister a list of three to five candidates who are qualified, functionally bilingual and representative of the diversity of Canada. The appointee will not necessarily come from Atlantic Canada, Justice Minister Jody Wilson-Raybould affirmed during an appearance before the House of Commons' Justice Committee on August 11, 2016.

As grounds for the Application, APTLA submits that the absence of a judge from one of the four Atlantic Provinces would fundamentally change the long-standing composition of Canada's highest Court, and that such a change constitutes an amendment to the Constitution of Canada, invoking the constitutional requirement of unanimous provincial consent under the amending procedure in s. 41(d) of the *Constitution Act, 1982*.

"APTLA is an Atlantic Canadian plaintiff-oriented organization with members from all four Atlantic Provinces. This Application concerns an issue of substantial importance for the people of our region. This is a serious matter engaging issues of constitutional interpretation, federalism, and protecting the representation of Atlantic Canada on this country's highest Court," said Cynthia Taylor, President of APTLA.

"There is no dispute that increased diversity on Canadian Courts is essential for bringing different and valuable perspectives to the decision-making process," Mr. Wagner, counsel for APTLA, commented. "However, diversity and regional representation on the Supreme Court are not mutually exclusive. Diversity can be achieved while also respecting the existing constitutional convention of appointing a qualified representative from the Atlantic Region."

Mr. Wagner is available for interviews with the press. Please contact him at 902-425-7330 or toll-free at 1-800-465-8794 to make arrangements for an interview with Mr. Wagner.

WAGNERS LAW FIRM  
Suite PH301, Pontac House  
1869 Upper Water Street  
Halifax, NS B3J 1S9  
Telephone: 902-425-7330 or 1-800-465-8794  
Facsimile: 902-422-1233  
Email: [seriousinjury@wagners.co](mailto:seriousinjury@wagners.co)