S.C.C. File No. 37112

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF ONTARIO)

BETWEEN:

JOSEPH PETER PAUL GROIA

APPELLANT
(Appellant)

-and-

THE LAW SOCIETY OF UPPER CANADA

RESPONDENT
(Respondent)

-and-

DIRECTOR OF PUBLIC PROSECUTIONS, ATTORNEY GENERAL OF SASKATCHEWAN, ATTORNEY GENERAL OF ONTARIO, LAW SOCIETY TRIBUNAL, ADVOCATES' SOCIETY, BARREAU DU QUEBEC, CANADIAN CIVIL LIBERTIES ASSOCIATION, BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION, INDEPENDENT CRIMINAL DEFENCE ADVOCACY SOCIETY, FEDERATION OF LAW SOCIETIES OF CANADA, ONTARIO CROWN ATTORNEYS' ASSOCIATION, ONTARIO TRIAL LAWYERS ASSOCIATION, CANADIAN BAR ASSOCIATION, CRIMINAL LAWYERS' ASSOCIATION OF ONTARIO

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FACTUM OF THE INTERVENER, ATTORNEY GENERAL OF SASKATCHEWAN

(Pursuant to Rule 42 of the *Rules of the Supreme Court of Canada*)

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PART I: OVERVIEW OF POSITION AND FACTS

1. The Constitution provides for concurrent powers of the provincial legislature and judiciary to address the conduct of counsel in court proceedings. Those two sources of power are complementary, not in conflict. Neither is exclusive. Both are needed to address different aspects of the same conduct. The necessary scope of the powers directly relates to the distinct institutional capacities, roles and focus of courts and law societies.

2. The Appellant urges this Court to disrupt the concurrent approach and impose an exclusively Judge-led model of professional regulation in the courtroom. The Attorney General for Saskatchewan disagrees with that approach, as it would have many practical and negative implications, including:

a. A negative impact on the administration of justice in smaller communities;

b. A fragmentation of professional regulation of lawyers;

c. An inappropriately divided focus for a trial Judge, inevitably leading to delays and disruption in the trial process; and

d. A reduction in the number of investigative, supervisory and remedial tools available to enforce professional standards and address misconduct in court.

3. As a result, the Attorney General for Saskatchewan submits that the answer to the constitutional question should be “No”.

4. The Attorney General relies upon the facts as stated by the Law Society of Upper Canada in its Factum.

PART II: POSITION OF THE ATTORNEY GENERAL

5. The constitutional question in this case attempts to raise concerns over judicial independence and freedom of speech in the context of professional regulation of courtroom lawyers, by framing the issue as follows:

> Is the *Law Society Act*, R.S.O. 1990, c. L.8, *ultra vires* or inoperative insofar as it infringes on the constitutional independence of the courts by allowing the Law Society of Upper Canada to interfere with the regulation by the judiciary of the conduct of counsel and counsel's freedom of speech on behalf of his or her client, in a court of law?

6. The Attorney General for Saskatchewan intervenes in this matter to address three primary issues. The first issue is to emphasize the respective roles of the legislature and judiciary, which have concurrent powers to address the conduct of counsel. The second issue is to consider the numerous policy and public interest factors, including institutional capacity, function and roles, that the Legislature takes into account in giving law societies the power to enforce professional standards and address professional misconduct by lawyers, in court or otherwise. The third and final issue is to consider the distinct roles of the judiciary and the law societies and their different focus when examining professional misconduct in a courtroom setting. The submissions on that point illustrate the negative practical implications of adopting an exclusive Judge-led model for professional regulation in the course of a trial.

7. When the powers of the law societies are considered in this context, the Attorney General submits that there is no infringement of the independence of the judiciary, and no limitation on the freedom of expression of counsel.

PART III: ARGUMENT

A. Roles of Legislature and Judiciary

8. The Appellant seeks to strike down a significant component of a professional regulatory scheme which has been enacted by the province and which is used in general terms in all provinces to regulate lawyer conduct. It would limit the ability of provinces to regulate the legal profession by placing an unnecessary prohibition on the authority of provinces over professional regulation. It would limit the role of the law societies in protecting the public interest, by curtailing their supervision of lawyer behaviour in the courtroom and thereby restricting their ability to enforce professional standards.

9. In the *McKercher* case *(Canadian National Railway Co. v. McKercher LLP*, 2013 SCC 39, [2013] 2 SCR 649), this Court unanimously cautioned against confusing the inherent power of the courts with the legislative authority conferred on law societies to regulate their members:

> [15] The inherent power of courts to resolve issues of conflicts in cases that may come before them is not to be confused with the powers that the legislatures confer on law societies to establish regulations for their members, who form a self-governing profession: *MacDonald Estate v. Martin*, 1990 CanLII 32 (SCC), [1990] 3 S.C.R. 1235, at p. 1244. The purpose of law society regulation is to establish general rules applicable to all members to ensure ethical conduct, protect the public and discipline lawyers who breach the rules — in short, the good governance of the profession.
>
> [16] Both the courts and law societies are involved in resolving issues relating to conflicts of interest — the courts from the perspective of the proper administration of justice, the law societies from the perspective of good governance of the profession: see *R. v. Cunningham*, 2010 SCC 10 (CanLII), [2010] 1 S.C.R. 331. In exercising their respective powers, each may properly have regard for the other's views. Yet each must discharge its unique role. Law societies are not prevented from adopting stricter rules than those applied by the courts in their supervisory role. Nor are courts in their supervisory role bound by the letter of law society rules, although "an expression of a professional standard in a code of ethics . . . should be considered an important statement of public policy": *Martin*, at p. 1246.
>
> [Emphasis added.]

10. In a more recent decision, but to similar effect, the majority of this Court commented on the distinct and necessary roles that courts and law societies play, in *Quebec (Director of Criminal and Penal Prosecutions) v. Jodoin*, 2017 SCC 26:

> [22] As for law societies, the role they play in this regard is different from, but sometimes complementary to, that of the courts. They have, of course, an important responsibility in overseeing and sanctioning lawyers' conduct, which derives from their primary mission of protecting the public (s. 23 of the *Professional Code*, CQLR, c. C-26). However, the judicial powers of the courts and the disciplinary powers of law societies in this area can be distinguished, as this Court has explained as follows:
>
> > The court's authority is preventative — to protect the administration of justice and ensure trial fairness. The disciplinary role of the law society is reactive. Both roles are necessary to ensure effective regulation of the profession and protect the process of the court. [Emphasis deleted]
> >
> > (*R. v. Cunningham*, 2010 SCC 10, [2010] 1 SCR 331, at para. 35)
>
> [23] The courts therefore do not have to rely on law societies to oversee and sanction any conduct they may witness. It is up to the courts to determine whether, in a given case, to exercise the power they have to award costs against a lawyer personally in response to the lawyer's conduct before them. However, there is nothing to prevent the law society from exercising in parallel its power to assess its members' conduct and impose appropriate sanctions.
> [Emphasis added.]

11. The argument of the Appellant advances a much broader view of judicial independence than currently exists in the jurisprudence from this Court dealing with the inherent jurisdiction of Courts. It would exclude the Law Society from regulating the conduct of counsel in Court, contrary to this Court's holdings in *McKercher* and *Jodoin, supra*.

12. The Attorney General submits that it is necessary to ensure that the distinct institutional capacities and complementary roles of the legislative and judicial functions are respected when examining jurisdiction over activities or proceedings that occur in a courtroom setting. That

coordination between legislative and judicial functions is necessary to ensure that both are able to carry out their roles in an appropriate fashion. Those rules were set out by Justice Karakatsanis speaking for the majority in *Ontario v. Criminal Lawyers' Association of Ontario*, 2013 SCC 43, [2013] 3 SCR 3:

> [28] … The development of separate executive, legislative and judicial functions has allowed for the evolution of certain core competencies in the various institutions vested with these functions. The legislative branch makes policy choices, adopts laws and holds the purse strings of government, as only it can authorize the spending of public funds. The executive implements and administers those policy choices and laws with the assistance of a professional public service. The judiciary maintains the rule of law, by interpreting and applying these laws through the independent and impartial adjudication of references and disputes, and protects the fundamental liberties and freedoms guaranteed under the Charter.
>
> [29] All three branches have distinct institutional capacities and play critical and complementary roles in our constitutional democracy. However, each branch will be unable to fulfill its role if it is unduly interfered with by the others. In *New Brunswick Broadcasting Co. v. Nova Scotia (Speaker of the House of Assembly*), [1993] 1 SCR 319, McLachlin J. affirmed the importance of respecting the separate roles and institutional capacities of Canada's branches of government for our constitutional order, holding that "[i]t is fundamental to the working of government as a whole that all these parts play their proper role. It is equally fundamental that no one of them overstep its bounds, that each show proper deference for the legitimate sphere of activity of the other" (p. 389).
>
> [Emphasis added.]

13. The concurrent power of courts and the legislatures to address lawyer conduct flows from the different functions of courts and legislatures. The core function of a court is to decide cases brought before it. The court's function is necessarily case-by-case, with the overall goal of providing a fair trial. The court's inherent jurisdiction to control its own proceedings is essential to that goal of a fair trial and is the source of its power to control the conduct of counsel.

14. The function of the legislature is different. It is not concerned with particular cases, but with enacting laws of general application that apply in a variety of situations. Questions of public policy and the public interest loom large in the legislative process, unlike the judicial process, which is focused on a fair trial in a particular case.

15. Courts deal with conduct by members of the profession on a case-by-case basis, as needed to control the proceeding in an individual case and to ensure a fair trial. By contrast, when legislatures enacted Law Society Acts, they set out a general framework for professional standards and a wide range of tools to address misconduct to protect the public. Those two functions are complementary, not in conflict. Neither is exclusive. Both are needed to address different aspects of the same conduct.

16. Courts deal with a snapshot of lawyer conduct in the courtroom. By contrast, the legislature empowered law societies to deal with the full video of lawyer behaviour, including what lead up to the courtroom behaviour and what followed after. The law society can examine the underlying reasons for the behaviour, including whether personal issues such as addictions or competency issues exist. The law societies are then given the tools to address those underlying reasons, in order to protect the public in future cases. As outlined in *Jodoin*, at paragraph 33, Courts are to confine themselves to the case before it and the court must not conduct an ethics investigation.

17. As this Court noted in *McKercher, supra,* the Law Societies are entitled to create a stricter general standard of conduct than the Courts may require in a particular case before them. The Attorney General submits that this is exactly what occurred in this case.

B. Policy and Public Interest Choices of the Legislature

18. It is important to respect the distinct institutional capacities of the judiciary and legislative branches when examining the jurisdiction over professional regulation, because this is an area where many difficult policy choices are required. As well, these policy decisions must be informed by the overriding purpose of professional regulatory bodies, which is to protect the public interest. The assessment of what is in the public interest is a function properly assigned to the legislative branch.

19. The many policy choices that legislatures have made about professional regulation include the following:

- Selecting a particular model of professional regulation which involves a law society to establish professional standards and regulate behaviour;
- Establishing the law society and assigning authority to it and its various professional standards, ethics, investigative and disciplinary bodies, to implement and oversee that model;
- Providing a fair and equitable system of investigation and adjudication that reflects the public interest, by providing participatory rights to those affected by the professional misconduct and due process to those facing sanctions; and
- Providing a range of tools to address professional misconduct.

20. In developing their systems of professional regulation, the legislatures in Canada have adopted administrative models which are then implemented by the Law Societies, rather than Judge-led models. This is a policy decision which the legislatures have made, recognizing the role and nature of proceedings in Court and the focus which the trial Judge must maintain, namely on ensuring a fair trial. The legislatures have not assigned authority or responsibility to trial Judges to administer professional discipline or to investigate or adjudicate upon it. The legislative decision to

create a Law Society which has the ability to inquire into courtroom conduct of lawyers does not violate judicial independence.

21. The legislative function should not be curtailed by exclusive court jurisdiction over the conduct of counsel in court. This is especially so where the provinces are charged with responsibility for the administration of justice, which includes subjects such as ensuring timely resolutions of cases. Review of counsel's conduct by a court during the course of a trial has the potential to cause delays unrelated to the merits of the case. Review by a law society would not have any effect on the timing of a trial.

22. One potential effect of an exclusive Judge-led model of lawyer regulation in the courtroom is that it increases the onus on trial judges to be alert to professional standards of behaviour expected of lawyers and address violations of those standards. If they are the sole mechanism for enforcing professional standards in the courtroom, then the responsibility of trial judges to focus on professional conduct increases. Trial judges have been directed to be more proactive in preventing trial delay, and they have responded to that direction in how they handle cases. If trial judges are now advised that they are the sole means to regulate professional conduct in courtrooms, they will also have to respond to that direction. The onus on trial judges and their engagement in the issue of regulating professional conduct in the courtroom will increase. This will inevitably result in delays and protracted proceedings and result in a divided focus in the trial for the judge, not just on ensuring a fair trial but now also on ensuring professional standards are maintained through addressing professional misconduct.

23. At a time when courts are increasingly focused on preventing trial delay and moving cases along to a consideration on their merits, it is not appropriate to add another responsibility to their function which may distract from that focus. This is particularly so when the additional task has the clear potential to generate additional proceedings, distract from the issues at trial and create additional delays, unrelated to the function of running a trial on the merits of the issue.

24. The Constitution gives the provinces the authority to make the various policy decisions required in relation to professional regulation, by virtue of the provincial jurisdiction over property and civil rights, under s. 92(13) of the *Constitution Act, 1867*. The provincial jurisdiction over the administration of justice under s. 92(14) also provides authority to regulate in this area. The province's jurisdiction in relation to the legal profession was discussed at some length in *Law Society of BC v. Mangat* [2001] 3 SCR 113, at paras. 39-46.

25. If one were to accept the argument advanced by the Appellant, one would have to accept the notion of a courtroom as an enclave within the legal profession. But what marks the behaviour of lawyers in a courtroom setting as sufficiently distinct from other legal work undertaken by lawyers who do not set foot into a courtroom? Barristers should not be immune from regulation by the Law Society simply by virtue of where they carry out their work.

26. The Province of Ontario, much like the Province of Saskatchewan, has made a policy decision to regulate the professional conduct of lawyers by enacting a professional regulatory scheme. That scheme does not distinguish between the classes or types of lawyers or the location or venue where they perform their professional obligations. The effect of this appeal would be to create such distinctions among lawyers and further, to limit the authority of the professional

regulatory body to regulate them. The Attorney General for Saskatchewan submits this is not in the public interest.

27. In Saskatchewan, that focus on the public interest is expressly recognized in *The Legal Profession Act, 1990*, SS 1990-91, c. L-10.1:

> **3.1** In the exercise of its powers and the discharge of its responsibilities, it is the duty of the society, at all times:
>
> (a) to act in the public interest;
>
> (b) to regulate the profession and to govern the members in accordance with this Act and the rules; and
>
> (c) to protect the public by assuring the integrity, knowledge, skill, proficiency and competence of members.

28. The Legislature has concluded that the public interest is best served by a coherent, consistent, and understandable system of regulation which can reach all conduct of lawyers, not just a limited class or pool of lawyers and a limited subset of their activity.

29. The public interest is also best served through a regulatory mechanism that is solely focused on serving the public interest. The legislatures which enacted professional regulatory schemes for lawyers also placed the responsibility for ensuring the public interest is protected in the hands of the respective Law Societies. Despite having jurisdiction over courts and the administration of justice, the Provinces place any onus on the courts in the legislation to enforce professional regulation standards of behaviour by lawyers.

C. Practical Implications of Judges being granted Exclusive Jurisdiction

30. Some of the practical implications and difficulties which would arise if Judges are now required to undertake an exclusive role in professional regulation are outlined below.

- The particularly negative impact on smaller communities and the administration of justice in those communities where the same counsel appear before the same judge on a regular basis, and corresponding delays if sanctioned lawyers raise apprehension of bias issues on subsequent cases;

- The fragmentation of professional regulation amongst lawyers, dependent on the type and location of their work;

- A less understandable system of lawyer regulation, viewed from the perspective of the public and the public interest;

- An inappropriately divided focus for a trial judge between ensuring a fair trial and now in addition, regulating the profession by protecting the public interest, inevitably resulting in increased delays and disruption of trial proceedings;

- A reduction in the number of investigative, supervisory and remedial tools available to enforce professional standards and address professional misconduct in court, including a reduction in the participatory rights of those affected by the professional misconduct; and

- A temporal limitation on the trial Judge's involvement versus the ongoing role of the Law Society. For example, if the misconduct comes to light after the Judge has rendered a decision and is *functus*, there is no ability for the Judge to engage in an examination of the conduct.

31. Some examples of these impacts are outlined below. For many smaller jurisdictions or larger jurisdictions where court sits in smaller communities, the litigation bar is small and the same counsel appear regularly before the same judge. This is particularly the case in criminal matters, where the pool of lawyers dedicated to that area of practice is even smaller. If trial judges are given the additional responsibility of professional regulation over courtroom lawyers and they exercise it by imposing sanctions on a lawyer who appears before them regularly, the potential for an increase in the number of claims of bias or apprehension of bias is great.

32. No lawyer would wish to appear and argue a case before a Judge who has sanctioned their behaviour as professional misconduct. An assessment of professional misconduct is not an assessment of the strength of a case – it is an assessment of the personal behaviour of a lawyer. While litigators can expect to appear again before a Judge who has ruled against them based on the strength of a case, it is quite another thing to appear before a Judge who has found their personal behaviour to be misconduct.

33. This would have a particularly negative impact on the administration of justice in smaller communities and would likely result in delays, if another Judge had to be brought in to hear cases when the previously sanctioned lawyer is appearing as counsel. Also of concern would be the impact on members of the community seeking to retain counsel among a limited pool of counsel. In some communities, that lawyer may be the only lawyer available for miles around.

34. A member of the public may well have concerns about retaining counsel to argue a case in court before the very Judge who has previously disciplined that same counsel for professional misconduct. Those clients are left in the unenviable position of proceeding without counsel or retaining someone from outside their area, resulting in higher costs to retain counsel, thereby creating access to justice concerns.

35. Another example of a practical implication of an exclusively Judge-led system of professional regulation is the reduction in the number of investigative, supervisory and remedial tools available to enforce professional standards and address professional misconduct in court, including a reduction in the participatory rights of those affected by the professional misconduct.

Law societies have been given a wide range of tools to deal with professional misconduct, most of which are not available to trial judges nor which would be consistent with their role. The wide range of remedial tools in Saskatchewan can be found at section 53(3)(a) of *The Legal Profession Act, supra*.

36. Law Societies have the authority to suspend or disbar a member, which is the ultimate sanction a member can face. Courts do not have that authority. In effect, the position advanced by the Appellant would immunize barristers, in their courtroom work, from the most significant penalties which a lawyer can face. Barristers should not be immunized while performing the core of their function as lawyers.

37. The tools available to trial judges to deal with inappropriate behaviour in the courtroom are relatively blunt and for the most part, reserved for the most egregious behaviour or exceptional circumstances. By contrast, law societies have a much more nuanced and wider range of tools by which they can regulate professional behaviour. For example, the Law Society can examine the reasons for unprofessional behaviour and require conditions on practice to address what may be personal or competency issues, as opposed to a Court, which can only sanction the behaviour before it, for example by costs in a particular case.

38. The difference in tools to address misconduct by lawyers in court relates back to the difference in roles between courts and law societies. The Court is dealing with the particular case before it and how that case is impacted by the behaviour of the lawyers appearing before the Court. By contrast, the Law Society is dealing with the ongoing behaviour of a lawyer appearing in Court

on multiple matters and how that behaviour and possibly a pattern of behaviour over a series of cases in court, affect the public.

39. As a result, a Law Society has tools that do not simply punish the current behaviour but which are designed as well to address underlying issues. For example, in Saskatchewan, a hearing committee of the Law Society can suspend a member from practice until certain requirements are met, depending on the particular case. For instance, this can include completing classes or obtaining medical treatment for addiction to drugs or alcohol. A hearing committee of the Law Society may also specify conditions under which a member can continue to practice.

40. There is also a significant difference between courts and law societies in the processes they can use to address lawyer conduct, and the participatory rights which can be afforded to any complainants involved. Law societies have a clear separation between investigative and adjudicative functions. It is important for the public to know that their interests are protected. The process used to resolve a complaint is an important part of ensuring that those interests are properly protected. In this instance, no complaint was made by the public. However, in other instances it may well be that a member of the public who participates in the proceedings or who attends court makes a complaint.

41. A trial judge is in no position to take a statement from that person or involve them in the process to address their complaint. It would be highly unlikely that a member of the public would be able to make a complaint directly to a trial judge if a trial judge were the sole arbiter of professional conduct at trial. In this respect, the public would be denied access to a complaint

process. In the submission of the Attorney General for Saskatchewan, it is not in the public interest to deny those affected by the conduct of a lawyer, of the right to participate in the complaints process.

42. Another practical example of the implications of disrupting the current concurrent approach to dealing with the conduct of lawyers in court and replacing it with an exclusive Judge-lead model is the temporal limit on how long a Judge can be engaged in any particular case. A significant number of practical questions arise from this. If someone decides to make a complaint after a case is concluded, not wishing to do so until the case is concluded, how would they do so, as the Judge would be *functus*? Similarly, what if misconduct during trial only comes to light after a final decision? For example, what if it comes to light that the lawyer has intentionally misled the Court as to the facts or has not pointed out to the Court a binding authority? If the Judge is *functus*, how could the Judge discipline the counsel?

43. The Appellant's proposed approach would not be limited to civility matters in Court but arguably would apply to any misconduct arising from a court proceeding. The Appellant's approach simply ignores these important public policy issues associated with the regulation of the profession and lawyer misconduct.

D. Freedom of Expression

44. By virtue of the professional duties and responsibilities associated with being a lawyer, there are many areas where speech is properly limited, to further the goals of the administration of justice. This is something well known to any lawyer entering practice.

45. The categories where freedom of expression for lawyers is limited include solicitor-client privilege and confidentiality obligations to clients. Solicitor-client privilege is a constitutional principle of fundamental justice (*Lavallee, Rackel & Heintz v. Canada (Attorney General))*, 2002 SCC 61, [2002] 3 SCR 209), which in turn imposes a duty on the lawyer not to speak without permission from the client. The Constitution itself thus imposes a limitation on counsel because it is necessary for the administration of justice.

46. The categories where there are professional restrictions on lawyers are not limited to duties owed to clients, but also include duties relating to various public interests. Examples include settlement discussions, the implied undertaking of confidentiality associated with discovery materials, the *sub judice* rule and the confidentiality associated with mediation and pre-trials and other forms of dispute resolution prior to trial.

47. There are also limits placed on freedom of speech within the context of court proceedings. Counsel are limited in the type of questions which can be asked in court based on evidentiary principles such as hearsay. Counsel are not allowed to ask leading questions in their examination in chief. There are limits on what counsel can say in their submissions to juries. In particular, counsel are barred from expressing to the jury their personal opinion about the guilt or innocence of the accused (*Boucher v. The Queen*, [1955] SCR 16, at pages 23 and 31).

48. All of these principles restrict the ability of counsel to speak, both in the courtroom and outside it. Nonetheless, they are part of the regulation of the profession, necessary to ensure the proper administration of justice. The Attorney General submits that these principles are all necessary restrictions for the proper administration of justice and necessary to ensure a fair trial.

Given the context of a heavily regulated profession, which individuals voluntarily join, these principles do not restrict the freedom of expression of lawyers.

49. The Attorney General submits that the Law Society's rules for civility are similar to the above principles. Adopting a rule that would allow unfettered speech by a lawyer in court has the potential to delay proceedings, distract from the central focus of trials and generally open the door to personal attacks on the integrity of other lawyers.

50. If the case before a court becomes about the conduct of lawyers, then the administration of justice suffers because the focus is lost from the real issues at trial. Civility is a necessary component of the administration of justice in adversarial proceedings in court.

PART IV: COSTS

51. The Attorney General submits that as an intervenor, he is neither liable for costs, nor entitled to costs, regardless of the outcome of this appeal.

PART V: REQUEST FOR ORAL ARGUMENT

52. The Attorney General requests fifteen minutes of oral argument and requests that counsel be allowed to address the Court by video teleconference from Saskatchewan, rather than in person in Ottawa.

ALL OF WHICH is respectfully submitted.

DATED at Regina, Saskatchewan, this 14th day of July, 2017.

Sharon H. Pratchler, Q.C.

PART VI: AUTHORITIES

CASES	**Paragraph**
Boucher v. The Queen, [1955] SCR 16	47
Canadian National Railway Co. v. McKercher LLP, 2013 SCC 39, [2013] 2 SCR 649	9
Lavallee, Rackel & Heintz v. Canada (Attorney General)), 2002 SCC 61, [2002] 3 SCR 209	45
Law Society of BC v. Mangat, [2001] 3 SCR 113	24
Ontario v. Criminal Lawyers' Association of Ontario, 2013 SCC 43, [2013] 3 SCR 3	12
Quebec (Director of Criminal and Penal Prosecutions) v. Jodoin, 2017 SCC 26	10

LEGISLATION	
Constitution Act, 1867	24
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The Legal Profession Act, 1990, SS 1990-91, c. L-10.1	27, 35