Court File No. 37112

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

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 QUÉBEC, 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, THE CANADIAN BAR ASSOCIATION AND THE CRIMINAL LAWYERS' ASSOCIATION OF ONTARIO

INTERVENERS

FACTUM OF THE INTERVENER, THE ONTARIO CROWN ATTORNEYS' ASSOCIATION

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

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PARTS I & II: OVERVIEW & POSITION

1. The intervener, the Ontario Crown Attorneys' Association (OCAA), confines its submissions to: (1) the jurisdiction of law societies over the in-court conduct of lawyers; (2) the standard of review that applies to a disciplinary decision of a law society; and (3) the appropriate balance to be struck between a lawyer's duties of civility and zealous advocacy.

PART III: STATEMENT OF ARGUMENT

A. Law Society Has Jurisdiction Over Conduct Of Lawyers In Court

2. As recognized by the courts and tribunals below (including the dissent in the Court of Appeal), the Law Society of Upper Canada has clear authority under its statute, the Professional Rules of Conduct and the applicable jurisprudence to discipline a lawyer for uncivil conduct in court.[1] Mr. Groia himself acknowledges that oversight of a lawyer's in-court conduct is not within the exclusive domain of the presiding judge and that a law society may inquire into such conduct in certain circumstances. However, Mr. Groia seeks to limit those circumstances to "rare" instances, "for example when the presiding judge refers the matter to a law society or makes a finding of contempt [or] completely misconducts himself".[2] Such constraints on a law society's jurisdiction ought to be rejected for the following reasons.

3. ***Krieger establishes jurisdiction.*** First, the Supreme Court of Canada in *Krieger* established that a law society has jurisdiction over the in-court conduct of a lawyer.[3] In that case, the lawyer, a Crown prosecutor, withheld exculpatory evidence from the accused, resulting in defence counsel only learning of its existence until after the start of the preliminary inquiry.[4] Significantly, the Court found that the law society's jurisdiction extends to "a Crown prosecutor's tactics or conduct before the court".[5] While not squarely raised, the Court's ruling implicitly found that the law society's jurisdiction over in-court conduct was not ousted by the fact that

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[1] *Groia v. LSUC,* 2016 ONCA 471, para. 73, 101-107 (majority), para. 277 (dissent) ("*ONCA Reasons*"); *Groia v. LSUC*, 2015 ONSC 686, para. 26-35 ("*Div. Ct. Reasons*"); *Groia v. LSUC*, 2013 ONLSAP 0041, para. 222-28; *LSUC v. Groia*, 2012 ONLSHP 0094, para. 74-80 (Hearing Panel).

[2] Appellant's Factum, para. 57.

[3] *Krieger v. Law Society of Alberta*, [2002] 3 SCR 372, para. 40, 50, 56, 60 ("*Krieger*").

[4] *Krieger*, para. 8.

[5] *Krieger*, para. 47. See also para. 40, 50, 56, 58 and 60

such conduct was also "governed by the inherent jurisdiction of the court to control its own processes".[6] The Court emphasized that the "Law Society is responsible for enforcing the ethical standards required of lawyers", and that where a prosecutor's conduct seriously "contravenes professional ethical standards", it is "[o]nly the Law Society [that] can protect the public" by, for example, "preventing him or her from practising law in any capacity in the province".[7] Notably, a presiding judge, unlike a law society, does *not* have the power to restrict a lawyer's practice or disbar them for unethical conduct.[8] Indeed, the Court in *Krieger* noted that unethical conduct may not always impact on trial fairness and that a judicial determination in this regard may not necessarily address the professional dimensions of the misconduct.[9] The Court cited with approval the following passage from Proulx and Layton in *Ethics and Canadian Criminal Law*:[10]

> It is worth underlining that **not every breach of the legal and constitutional duty to disclose constitutes a violation of an ethical duty.** Non-disclosure can result, for instance, from mere inadvertence, a misunderstanding of the nature of the evidence, or even a questionable strategy adopted in good faith. These **lapses may represent a denial of the accused's constitutional rights, but an ethical violation often requires more. A finding of professional misconduct must be based upon an act or omission revealing an intentional departure from the fundamental duty to act in fairness. Thus, <u>a judicial determination that disclosure has wrongfully been withheld will not necessarily reveal a breach of ethics. Conversely, an egregious breach of ethics may in some cases have no appreciable effect on the fairness of the trial, when appropriate remedies can cure any harm suffered by the accused</u>.**

4. The Court in *Krieger* made clear that a lawyer should not be immunized from professional

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6 *Krieger*, para. 47.

7 *Krieger*, para. 58.

8 In *Krieger*, the fact that the employer, the Attorney General, did not have the power to restrict a Crown prosecutor's practice or disbar them justified the law society's jurisdiction over the Crown prosecutor: para. 50 & 58. While not addressed by the Court, the same reasoning applies to a presiding judge. While judges have many tools at their disposal, including reprimands, contempt proceedings, and cost awards against lawyers for their conduct, they do not have authority to revoke or place limits on a lawyer's licence: *R. v. Anderson*, [2014] 2 SCR 167, para. 58; *ONCA Reasons*, para. 104 (majority), 365-366 (dissent).

9 *Krieger*, para. 59, citing Proulx & Layton in *Ethics and Canadian Criminal Law* (2001), p. 657.

10 *Krieger*, para. 59. [Emph. added.]

discipline. If Mr. Groia's position is accepted, such an immunity would effectively extend to lawyers with respect to their in-court conduct in all but rare circumstances.[11]

5. ***Rule of law protected.*** Second, contrary to Mr. Groia's assertion, the rule of law is *not* undermined by a law society inquiring into the conduct of a lawyer, whether that conduct takes place inside or outside of the courtroom.[12] While "it is the independent judiciary that has the sole power to control what takes place in a courtroom",[13] the OCAA notes that this power is exercised during the proceeding itself and is not usurped in any way by a law society's after-the-fact review of the in-court conduct of a lawyer. Nor does such a review constitute an unconstitutional transfer of control over what takes place in a courtroom from the judiciary to the law society, where the latter's decision-making is statutorily immunized from effective judicial review.[14] Notably, the rule of law only requires "that there *be* judicial review in order to ensure, in particular, that decision-makers do not exercise authority they do not have."[15] A robust right to judicially review the law society's disciplinary decisions is firmly established.

6. ***Judicial independence not at stake.*** Mr. Groia is also wrong to assert that the independence of the judiciary is undermined by the Law Society's review of his in-court conduct. The independence of the judiciary is an unwritten constitutional principle that ensures the judiciary may perform its judicial functions, including safeguarding the supremacy of the Constitution, without interference by the legislature, executive, or by any other person or body.[16] The three requisite elements of judicial independence – security of tenure, financial security, and administrative independence – seek to "uphold public confidence in the administration of justice" by ensuring the judiciary is "independent both in fact and perception".[17] *None* of the three requisite elements of judicial independence is undermined by a law society inquiring into

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[11] *Krieger*, para. 58.

[12] Appellant's factum, para. 74-75, 78.

[13] Appellant's factum, para. 74.

[14] Appellant's factum, para. 74; *Dunsmuir*, para. 31 (majority) & 127 (Binnie J. concurring); *Wilson v. Atomic Energy of Canada Ltd.*, [2016] 1 SCR 770, para. 28-29 & 31 ("*Wilson*").

[15] *Wilson*, para. 31,

[16] *Ell v. Alberta*, [2003] 1 SCR 857, para. 18-19, 21-23 ("*Ell*"); *Ref. re Remuneration of Judges of the Provincial Court of PEI*, [1997] 3 SCR 3, para. 111 ("*PEI Judges Reference*").

[17] *Ell*, para. 23; *PEI Judges Reference*, para. 112, 115-117.

the conduct of a lawyer, whether that conduct takes place inside or outside of court.

7. While not articulated by Mr. Groia, his argument appears to be that where an administrative tribunal such as a law society reviews the in-court conduct of a lawyer, this somehow undermines the first element of judicial independence – the security of tenure of the presiding judge.[18] The OCAA agrees that the rule of law requires that a judge be free to judge according to the law and his or her conscience without fear of being removed from office by either the executive or legislative branches of government.[19] The OCAA further agrees that judges may only be removed from office for cause "related to the capacity to perform judicial functions", and only after a "judicial inquiry at which the judge affected is given a full opportunity to be heard".[20] However, a law society's after-the-fact review of a lawyer's in-court conduct does not in any way jeopardize the presiding judge's security of tenure, the essence of which is protection "from arbitrary or discretionary removal from office".[21]

8. While Mr. Groia asserts that an inquiry into in-court conduct is "essentially a review of how a trial judge conducted the trial",[22] the undeniable focus of the inquiry is on the conduct of the lawyer, not the judge. Even where, in the course of inquiring into the lawyer's conduct, the law society is implicitly critical of the judge's conduct of the trial, this does not intrude upon the security of tenure or independence of that judge. The law society is neither inquiring into nor making findings of fact with respect to the conduct of the judge in a process that may culminate in a recommendation for his or her removal from judicial office.[23] Nor is the law society compelling the judge to testify about his or her exercise of judicial functions or to "explain and account for his or her judgment".[24] The judge at all times remains secure "from arbitrary or

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[18] Appellant's factum, para. 74-75, 78.

[19] *MacKeigan v. Hickman*, [1989] 2 SCR 796, para 66 ("*MacKeigan*").

[20] *PEI Judges Reference*, para. 115; *Valente v. The Queen*, [1985] 2 SCR 673 p. 697. Only Parliament has the constitutional right to remove a superior court judge from office, and only on a joint Address of both Houses of Parliament to the Governor General, following the judicial inquiry: *Ell*, para. 31.

[21] *Ell*, para. 32.

[22] Appellant's factum, para. 55.

[23] *MacKeigan*, para. 66.

[24] *MacKeigan*, para. 66.

discretionary removal from office”.[25]

9. Moreover, if criticism of a judge’s conduct of a trial alone were sufficient to undermine his or her security of tenure, this would mean that lawyers and legal academics second-guessing and criticizing judicial decision-making would impugn the independence of the judiciary. Yet, in a free and democratic society such legal criticism is not only common but also constitutionally protected speech under s. 2(b) of the *Charter*. Indeed, as noted by the Court in *Doré*, "criticizing a judge or the judicial system” … "even when it is expressed robustly, can be constructive".[26]

B. Standard Of Reasonableness Applies To Disciplinary Decisions

10. This Court's jurisprudence before and after *Dunsmuir* uniformly supports the application of a reasonableness standard to disciplinary decisions of a law society.[27] Mr. Groia’s attempt to create a new category of issue that calls for “correctness” review based on the location of the lawyer’s conduct ought to be rejected for the reasons that follow.

11. ***Presumption of reasonableness not rebutted.*** A law society's determination of whether a lawyer’s conduct falls below the minimum standards of professionalism does not concern issues that are "both of central importance to the legal system as a whole and outside the adjudicator's specialized area of expertise".[28] This Court's jurisprudence counsels against an overbroad reading of this exception, noting that it is "important to resist the temptation to apply the correctness standard to all questions of law of general interest".[29] The Court stresses that the logic underlying this exception is confined to matters that have an "impact on the administration of justice as a whole", such as might "subvert the legal system" should they not be given uniform

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25 *Ell*, para. 32.

26 *Doré v. Barreau du Québec*, [2012] 1 SCR 395, para. 69 ("*Doré*"); *Div. Ct. Reasons*, para. 33.

27 *Law Society of New Brunswick v. Ryan*, [2003]1 SCR 247, para. 31 & 42 ("*Ryan*"); *Dunsmuir v. New Brunswick*, [2008] 1 SCR 190, para. 58-61 ("*Dunsmuir*"); *Doré*, para. 44 & 45; *Edmonton (City) v. Edmonton East (Capilano) Shopping Centres Ltd.,* [2016] 2 SCR 293, para. 22 ("*Edmonton*"); *Mouvement laïque québécois v. Saguenay (City)*, para 46 ("*Saguenay*").

28 *Dunsmuir*, para. 58-61; *Edmonton*, para. 24.

29 *Saguenay*, para. 48; *McLean v. BC (Securities Comm.)*, [2013] 3 SCR 895, para. 25-33 ("*McLean*").

answers.[30] The Court expressly recognizes that the rule of law does not require the courts to maintain a monopoly on the interpretation of general law, and that administrative tribunals can be better positioned to carry out the task of interpreting the law where it falls within their mandate to do so.[31] The rule of law only requires that the courts "have the last word" on matters concerning constitutional division of powers or true questions of *vires*, neither of which is at issue here.[32]

12. ***Nature of question***. Contrary to the Appellant's assertion, the nature of the question before the Law Society does *not* fall into an exceptional category warranting "correctness" review.[33] Whether a lawyer's in-court conduct constitutes professional misconduct and merits sanction involves the interpretation and application of the Law Society's home statute and by-laws. It involves discretionary decision-making relating to questions of law and mixed fact and law that fall squarely within the Law Society's specialized expertise. The fact that the impugned conduct took place in court – "the workplace of an independent judiciary"[34] – does not transform the nature of the question into one that is not entitled to deference. As detailed above, the Law Society's review of the in-court conduct of counsel does not undermine the rule of law or the judicial independence. There is no principled reason why the *location* of the conduct would transform the nature of the question before the tribunal into a special category necessitating review on the standard of "correctness".[35]

13. ***Comparative institutional expertise***. The question of whether a lawyer's in-court conduct constitutes professional misconduct falls squarely within the expertise of the Law Society panels. Mr. Groia's assertion that "there is no one more aptly suited to determine when uncivil conduct has occurred in a courtroom than the presiding judge", conflates the reviewing court's expertise with that of the presiding judge in front of whom the conduct took place.[36] At issue in the

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30 *Saguenay*, para. 47, citing *McLean*, para. 27; *Dunsmuir*, para. 60; *Canada (CHRC) v. Canada (Attorney General)*, [2011] 3 SCR 471, para. 25 ("*Mowat*").

31 See e.g., *Dunsmuir*, para 30; *McLean*, para. 31 (and cases cited therein).

32 *Dunsmuir*, para. 30, 58-59, 61; *Edmonton*, para. 21; *McLean*, para. 25-33.

33 Appellant's factum, para. 47-48.

34 *ONCA Reasons* (dissent), para. 278 & 308-312. See also: Appellant's factum, para. 47-48.

35 *ONCA Reasons* (majority), para. 63-68.

36 Appellant's factum, para. 55.

standard of review analysis is the comparative institutional expertise between the reviewing court (as opposed to the presiding judge) and the administrative tribunal. While it is true that the presiding judge (and others present in court, including opposing counsel and clients) are well placed with respect to the context and tone of the impugned conduct, Mr. Groia's submission omits the fact that both the reviewing court *and* the administrative tribunal are similarly positioned insofar as they both engage in an after-the-fact review of the in-court conduct. (Notably, the Law Society Hearing Panel will often have the added benefit of *viva voce* evidence with respect to the conduct at issue.) Professional discipline proceedings by their very nature involve after-the-fact review of alleged misconduct, including discipline proceedings relating to a judge's misconduct. This factor on its own does not require review on the correctness standard.

14. Mr. Groia further submits that "only judges" have the requisite expertise to determine whether uncivil conduct in the courtroom constitutes misconduct, "as a result of "working day to day" with the in-court conduct".[37] This submission ought to be rejected for at least three reasons. First, this Court recognizes the specialized expertise of law societies to regulate the profession, emphasizing that "[p]racticing lawyers are uniquely positioned to identify professional misconduct and to appreciate its severity".[38] The fact that a trial judge may directly refer a lawyer's in-court conduct to a law society for review expressly recognizes the latter's expertise to inquire into such conduct. There is no principled reason why a reviewing court requires the "last word" on the issue, particularly given that the presiding judge him or herself may refer the matter to the law society – the specialized tribunal – to determine.

15. Second, Mr. Groia's position overlooks the fact that the law society tribunals themselves are "masters of their own proceedings" and as such they, too, work "day to day" to manage and control the adjudicative process, including the conduct of counsel appearing before them. In the course of a discipline hearing, they are tasked with safeguarding the member's *Charter* and procedural fairness rights at the same time as ensuring appropriate standards of civility on the part of counsel – much like a judge at trial.[39] To suggest that only s. 96 and statutory courts have

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[37] Appellant's factum, para. 55.

[38] *Ryan*, para. 31 & 42; *Doré*, para. 44-45.

[39] *Pearlman v. Manitoba Law Society Judicial Committee*, [1991] 2 SCR 869; *Blencoe v. British Columbia (Human Rights Commission)*, [2000] 2 SCR 307; See also *Doré*, para. 66.

expertise in "manag[ing] the adjudicative process" and maintaining "appropriate standards of conduct by counsel"[40] ignores the adjudicative role and expertise of administrative tribunals such as the Law Society.[41] It is precisely this court-centric approach that the Court's jurisprudence since *CUPE* and *Dunsmuir* has counselled against, as "courts do not have a monopoly on adjudication in the administrative state".[42] Without doubt, the law society tribunals have developed "…"field sensitivity to the imperatives and nuances" of what constitutes acceptable conduct" in legal proceedings as a result of both being tasked with the statutory mandate of regulating the profession since 1792 *and* from conducting – and being the masters of – their own hearings.[43]

16. Third, Mr. Groia's position omits the fact that a law society reviews the conduct of lawyers appearing not just before courts but also before administrative tribunals. If, as asserted by Mr. Groia, a reviewing court has superior expertise with respect to conduct occurring in court, the same cannot be said with respect to conduct occurring before an administrative tribunal. This would lead to an anomaly where the same finding of misconduct by a law society is reviewed on a correctness standard if it occurred before a court, but on a reasonableness standard if it occurred before an administrative tribunal. Differing standards of review based on the location of the conduct is neither principled nor justified. The OCAA submits that there is no principled reason to depart from this Court's established jurisprudence that the reasonableness standard applies to the disciplinary decisions of a law society.

C. Incivility Test Applied by Law Society Appeal Panel Is Reasonable

17. The OCAA submits that the test for incivility endorsed by the Law Society Appeal Panel and upheld by the majority in the court below is reasonable. The test was articulated as follows:

> "… it is professional misconduct to make allegations of prosecutorial misconduct or that impugn the integrity of opposing counsel unless they are **both made in good faith and have a reasonable basis**. A *bona fide* belief is insufficient; it gives too much licence to irresponsible counsel with sincere but nevertheless

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[40] ONCA dissent, para. 304 & 305.

[41] See Factum of the intervener Law Society Tribunal, para. 17-19.

[42] *Doré*, para. 30; *Dunsmuir*, para. 30 & 49; *McLean*, para. 31-33.

[43] *ONCA Reasons* (dissent), para. 303; *ONCA Reasons* (majority), para. 7.

unsupportable suspicions of opposing counsel."[44] [Emph. added.]

18. The test strikes the appropriate balance between zealous advocacy and civility. It sets an appropriately high-bar by ensuring that only uncivil conduct made in bad faith or without a reasonable basis constitutes misconduct. Through a contextual analysis the test then ensures that comments are assessed within the larger context of the trial guaranteeing that the conduct is sufficiently serious to found an incivility finding. Contrary to Mr. Groia's assertion, the test does *not* intrude upon judicial independence, as set out above.[45]

19. The test advanced by Mr. Groia ought to be rejected. First, it sets too high a threshold for a finding of incivility by requiring that the conduct undermine the fairness of the trial.[46] As noted by this Court in *Krieger*, a lawyer can violate a professional duty without necessarily impairing the fairness of the trial.[47] Second, the test places too much emphasis on whether the presiding judge sanctioned the uncivil conduct. As noted by the court below, there are many valid reasons why a judge may refrain from criticizing a lawyer's in-court conduct.[48] While relevant, a judge's response is not determinative of whether the conduct constitutes professional misconduct. Finally, the test does not properly take into account the impact of incivility on all members of the litigation process and on the justice system as a whole. Baseless and demeaning comments not only harm the lawyers at whom they are directed, but "necessarily imped[e] the goal of resolving conflicts rationally, peacefully and efficiently, in turn delaying or even denying justice".[49] In doing so, they undermine the administration of justice more broadly.

20. The unique role of Crown counsel in our justice system illustrates the prejudicial impact of incivility on the administration of justice. Crown prosecutors serve a quasi-judicial function and must carry out their role as "ministers of justice" with utmost integrity and independence.[50] The independence of the Attorney General, and by association Crown prosecutors, is "so fundamental

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[44] *Law Society of Upper Canada v. Joseph Peter Paul Groia*, para. 235.

[45] Appellant's factum, para. 57-59, 65, 72-78.

[46] Appellant's factum, para. 58-59 & 84; *ONCA Reasons* (dissent), para. 319.

[47] *Krieger*, para. 58.

[48] *ONCA Reasons* (majority), para. 108.

[49] *R. v. Felderhof*, [2003] OJ No 4819 (ONCA), para. 83.

[50] *R. v. Boucher*, [1955] SCR 16, p. 21; *R. v. Stinchcombe*, [1991] 3 SCR 326, p. 341.

to the integrity and efficacy of the criminal justice system that it is constitutionally entrenched."[51] Its importance lies "not in protecting the interests of individual Crown attorneys, but in advancing the public interest by enabling prosecutors to make discretionary decisions in fulfilment of their professional obligations without fear of judicial or political interference, thus fulfilling their *quasi*-judicial role as "ministers of justice"."[52] As a result of the vital role they serve in the justice system, allegations against Crown counsel made in bad faith or without a reasonable basis are damaging to the system as a whole. Impugning the Crown's integrity or motivation in bad faith or without a reasonable basis necessarily undermines the public's respect for and legitimacy of the administration of justice.

21. The OCAA submits that the duty of zealous advocacy does not trump the duty of civility; rather, both duties can coexist comfortably. A balance must be struck between a lawyer's advocacy rights and professional responsibilities. All counsel, including defence counsel, have a responsibility to the administration of justice. As officers of the court, they have a duty to act with integrity,[53] and must not mislead the court or cast "aspersions on the other party or witness for which there is no sufficient basis in the information in his possession."[54] The test endorsed by the majority in the court below strikes a proper balance which respects the dignity of all participants in the courtroom, and is a test that will ultimately enhance the administration of justice and instill public confidence in the justice system.

PARTS IV & V: COSTS & ORDER SOUGHT

22. The OCAA requests that no order of costs be made for or against it.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 26th DAY OF JULY, 2017

Paul Cavalluzzo / Adrienne Telford, Lawyers for the Ontario Crown Attorneys' Association

[51] *Miazga v. Kvello Estate*, [2009] 3 SCR 339, para. 46; *Krieger*, para. 30-32.
[52] *Miazga*, para. 47.
[53] *R. v. Felderhof*, para. 84.
[54] *R. v. Lyttle*, [2004] 1 SCR 193, para. 66, citing *Rondel v. Worsley*, [1969] 1 AC 191 (HL), p. 227-28.

PART VI: TABLE OF AUTHORITIES

	Description	Paragraph in Factum
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1.	*Blencoe v. British Columbia (Human Rights Commission)*, [2000] 2 SCR 307	16
2.	*Canada (CHRC) v. Canada (Attorney General)*, [2011] 3 SCR 471	12
3.	*Doré v. Barreau du Québec*, [2012] 1 SCR 395	9, 15, 16
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10.	*Law Society of New Brunswick v. Ryan*, [2003]1 SCR 247	11, 15
11.	*Law Society of Upper Canada v. Joesph Peter Paul Groia*, 2013 ONLSAP 0041	2,
12.	*Law Society of Upper Canada v. Joseph Peter Paul Groia*, 2012 ONLSHP 0094	2,
13.	*MacKeigan v. Hickman*, [1989] 2 SCR 796	7, 8
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15.	*Miazga v. Kvello Estate*, [2009] 3 SCR 339	22
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17.	*Pearlman v. Manitoba Law Society Judicial Committee*, [1991] 2 SCR 869	16
18.	*R. v. Anderson*, [2014] 2 SCR 167	3
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22.	*R. v. Stinchcombe*, [1991] 3 SCR 326	22
23.	*Reference re Remuneration of Judges of the Provincial Court of Prince Edward Island*, [1997] 3 SCR 3	6, 7
24.	*Valente v. The Queen*, [1985] 2 SCR 673	7
25.	*Wilson v. Atomic Energy of Canada Ltd.*, [2016] 1 SCR 770	5, 12