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*Here are a few articles and opinion pieces that might be of interest to AJC members
Voici quelques articles et chroniques d'opinion qui pourraient intéresser les membres de
l'AJJ*



‘You are so loved’ — Ottawa lawyer describes trying to save Cpl. Nathan Cirillo

THE CANADIAN PRESS, October 24, 2014

OTTAWA — **Lawyer Barbara Winters** was headed to a meeting Wednesday near her office at the Canada Revenue Agency when she passed the National War Memorial, stopping to snap a few pictures of the two honour guards standing soberly at attention.

Moments later, after passing by a Canada Post office at the corner of Elgin and Sparks streets, she heard four shots. For Winters, a former member of the Canadian Forces Naval Reserve, the sounds were unmistakable.

Turning, she saw people on Elgin Street ducking. She began to run — not towards safety, but towards the shots, and the wounded soldier lying at the foot of the memorial.

As Winters ran, she looked for — but couldn't see — the two soldiers. Her mind went to the hit-and-run death in Quebec of Warrant Officer Patrice Vincent two days earlier, and she instinctively knew the honour guards had been targeted.

As she reached the memorial, Winters saw four people bending over a fallen soldier. She dropped her purse and briefcase on the steps and began to help.

Margaret Lerhe, a nurse on her way to work at the Elizabeth Bruyere Hospital, was pressing her hands to a wound on Cpl. Nathan Cirillo's left side to stanch the bleeding.

Another corporal, a third member of the honour guard who accompanies the two standing at attention, was on Cirillo's right side, pressing his hands to a wound there.

Another soldier was bent over Cirillo's head, talking to him.

"You're doing good, you're doing good, buddy," he told Cirillo. "You're breathing — keep breathing."

Another passerby was at Cirillo's feet. Winters, who served as a medic during her 17 years in the Naval Reserve, asked the man to elevate Cirillo's feet. She loosened his tie.

The group began calling for an ambulance, and for police. Winters began to pray, reciting the Lord's Prayer. She talked to Cirillo. He was conscious; his eyes were open, and he was staring straight ahead. She felt that he could hear her.

"You're a good man, you're a brave man," she told him.

Someone — Winters can't remember who — said the soldier had stopped breathing.

They began trying to find a pulse, one feeling his neck, one his wrist. Remarkably, everyone on the scene had First Aid or medical training. Instinctively, they began operating as a team, talking and encouraging one another.

They began CPR. The soldier at Cirillo's head started mouth-to-mouth respiration. Winters began compressing Cirillo's chest. She asked that the man holding Cirillo's legs lift them higher. Lerhe, the nurse, coached Winters on the compressions, reassuring her that they were strong.

After a time, someone else relieved her on the chest compressions, and Winters moved to Cirillo's head. She talked to him, comforting him.

"You are loved. Your family loves you. You're a good man," she told him.

Winters told Cirillo to think about what he was doing — that he'd been standing guard at the National War Memorial. She told him what a good man he was for doing his duty.

She didn't see a wedding ring, and didn't know if he was married. So she just kept repeating:

"Your family loves you. Your parents are so proud of you. Your military family loves you. All the people here, we're working so hard for you. Everybody loves you."

The impromptu team kept waiting for an ambulance, desperately willing Cirillo to hang on.

"You are so loved," Winters told Cirillo. "We're all trying to help you."

Sirens signalled the arrival of the paramedics. The soldier at Cirillo's head stood up to give them access. Winters took over doing mouth-to-mouth, her body prone over Cirillo's, her feet resting on the fallen soldier's empty rifle.

The paramedics cut open his clothes to assess the injuries, took over the chest compressions and put a neck brace on him. As they worked, Lerhe relayed information about his injuries.

But Cirillo died in the arms of the people working so hard to keep him alive.

Winters does not think she did anything extraordinary by running towards the sound of the shots. She is shaken by the experience, but full of praise for all of those who worked to help.

“No one was hysterical. Everyone was so calm. Everyone was entirely focused on the soldier and on helping him.”

She has complete admiration for the courage of her fellow helpers, who worked steadily despite the possibility of the danger from another gunman.

Afterwards, Winters remembered the actions of other women who went to the aid of another dying soldier — Lee Rigby, murdered in southeast London in 2013. As Rigby lay bleeding, several women persuaded his killers to let them go to him. One sat beside him and held him.

Winters did what most people would do, she says.

“When you are dying, you need to be told how loved you are.”



Des passants ont tenté de sauver le caporal Cirillo

LAURA EGGERTSON, La Presse Canadienne, Le Droit, le 24 octobre 2014

L'avocate Barbara Winters se dirigeait à une réunion près de son bureau à l'Agence du revenu du Canada, mercredi, quand elle est passée devant le Monument commémoratif de guerre du Canada.

Quelques instants plus tard, après être passée devant le bureau de Postes Canada au coin des rues Elgin et Sparks, elle a entendu quatre coups de feu. Pour Mme Winters, une

ancienne membre de la Réserve navale du Canada, le son qu'elle venait d'entendre ne faisait aucun doute.

Elle s'est retournée et a vu des gens se pencher sur la rue Elgin. Elle a commencé à courir vers le bruit et le soldat blessé au pied du monument.

Mme Winters avait en tête l'attaque contre deux soldats deux jours plutôt à Saint-Jean-sur-Richelieu et a su instinctivement que les membres de la garde d'honneur venaient d'être ciblés.

Quand elle a atteint le monument, Mme Winters a vu quatre personnes penchées au-dessus du soldat blessé. Elle a laissé tomber sa sacoche et sa valise et a commencé à aider les gens.

Margaret Lerhe, une infirmière qui se dirigeait vers son travail à l'hôpital Élisabeth-Bruyère, appliquait de la pression avec ses mains sur la blessure du caporal Nathan Cirillo afin d'arrêter le saignement.

Deux autres soldats entouraient le caporal Nathan Cirillo, dont un qui lui parlait.

«Tu vas bien, tu vas bien mon ami, disait-il au blessé. Tu respirez, continue à respirer.»

Un autre passant s'est arrêté aux pieds du caporal Cirillo. Mme Winters, qui cumule 17 ans de service dans la Réserve navale comme médecin, a demandé à l'homme de lever les pieds du blessé. Elle a desserré sa cravate.

Le groupe a alors appelé une ambulance et la police. Mme Winters s'est mise à parler au caporal Cirillo. Il était conscient, ses yeux étaient ouverts et il regardait droit devant. Elle avait l'impression qu'il pouvait l'entendre.

«Tu es un homme bien, tu es un homme brave», lui a-t-elle dit.

Puis quelqu'un - Mme Winters ne se souvient pas qui - a dit que le soldat avait cessé de respirer.

Ils ont commencé à chercher son pouls, un touchant son cou, l'autre son poignet. Par hasard, toutes les personnes présentes avaient une formation médicale ou en premiers soins. Par instinct, ils ont commencé à fonctionner comme une équipe, se parlant et s'encourageant l'un l'autre.

Ils ont commencé une manoeuvre de réanimation cardiopulmonaire. Le soldat placé à la tête du caporal a commencé le bouche-à-bouche. Mme Winters a effectué des compressions sur la poitrine du blessé et elle a demandé à l'homme tenant les jambes du caporal Cirillo de les lever plus haut. Mme Lerhe a rassuré Mme Winters qu'elle faisait bien ses compressions sur la poitrine du blessé.

«Ta famille t'aime»

Après un certain temps, quelqu'un a pris la relève de Mme Winters, qui s'est déplacée vers la tête du caporal Cirillo. Elle s'est mise à lui parler, à le reconforter.

«Tu es un homme aimé. Ta famille t'aime. Tu es un homme bon», lui a-t-elle dit.

Mme Winters a dit au caporal de penser à ce qu'il faisait - qu'il était de garde devant le Monument commémoratif de guerre du Canada. Elle lui a dit qu'il était un homme bien et qu'il avait accompli son devoir.

Elle n'a pas vu d'alliance sur sa main gauche et ne savait pas s'il était marié. Elle a donc répété les mêmes paroles: «Ta famille t'aime. T'es parents sont fiers de toi. Ta famille militaire t'aime. Tous les gens ici travaillent très fort pour toi. Tout le monde t'aime.»

La sirène a signalé l'arrivée des ambulanciers. Le soldat qui se trouvait à la tête du caporal Cirillo s'est levé pour leur donner accès au blessé. Mme Winters a pris la relève au bouche-à-bouche, son corps penché par-dessus celui de la victime, ses pieds sur la carabine vide du soldat mort. Les ambulanciers ont découpé ses vêtements pour avoir plus facilement accès aux blessures, ont appliqué les compressions sur sa poitrine et ont posé une minerve autour de son cou. Pendant ce temps, Mme Lerhe a relayé des informations sur ses blessures.

Malgré tout, Nathan Cirillo est mort dans les bras des personnes qui ont tout tenté pour le maintenir en vie.



Woman recalls efforts to save Cpl. Nathan Cirillo at War Memorial

CBC's As it Happens, October 23, 2014

People across the country are mourning the death of Corporal Nathan Cirillo today. Since his shooting death at the war memorial in Ottawa, there has been an outpouring of sympathy for his family and his comrades in the Argyll and Sutherland Highlanders reserve force.

Barbara Winters shares that feeling. She is now a lawyer but she spent 17 years in the Naval Reserve. And she was one of those who came to the aid of Nathan Cirillo yesterday in the moments after he was attacked.

In an emotional interview with As It Happens host Carol Off, she recalls her efforts trying to save the life of Cpl. Cirollo. "I told him you are loved. You are brave. You are good."

[CLICK here to listen to the CBC interview](#)



Thousands of public servants caught up in security lockdown

KATHRYN MAY, The Ottawa Citizen, October 22, 2014

Canada's public servants, who spent long hours Wednesday stranded in their downtown Ottawa offices, were expected to be back to work as usual Thursday, senior officials said.

A security lockdown kept thousands of workers hunkered inside office buildings from shortly after 10 a.m. ET to mid-evening in some cases, after an attacker killed a soldier at the National War Memorial, then rushed to Parliament Hill, where he was ultimately shot dead inside the Centre Block.

Treasury Board President Tony Clement tweeted late Wednesday that it was "business as usual for him" and he intended to convene his regularly scheduled Treasury Board meeting Thursday. "Just received note from our Government Whip, we are back on the job tomorrow morning in Parliament," tweeted Tory MP Eve Adams in confirmation.

Some 65,000 public servants working in the National Capital Region, on both sides of the Ottawa River, felt the impact of the Wednesday shootings, whether huddled in offices, missing meetings or dealing with overloaded and erratic cellphone and email services. Many were glued to television, Twitter and other social media accounts of the chaos unfolding outside.

"It really is an incident that will forever change Ottawa and Canada," said one senior bureaucrat.

Public servants caught in the lockdown described an atmosphere at work as one of shock, disbelief and fear for those with family and friends working on Parliament Hill. They were given little information other than what they learned through the news or online.

“For me, frustrated at lack of information,” said one Industry Canada bureaucrat. “Obviously horrified by what happened. First saw it as it was breaking on twitter and followed it through the day online.

“We had seven to nine updates over loudspeaker saying we are still on lockdown due to active shooter situation,” said one bureaucrat at Industry Canada, which was in the centre of the lockdown.

“Right now, I just want to get home to let my dogs out. I don’t see how police can say there no confirmation of second suspect and then let everyone but government workers out. Our department says they won’t let us out until police lift lockdown.”

The protocol for lockdown is standard for all departments which have security officers to enforce the procedures — ensuring employees stay out of public areas, remain on their floors, stay away from windows and check all identification badges to ensure they are public servants who should be in the buildings.

Treasury Board sent out the first directive urging departments to follow the advice of their security officers, which led to lockdowns in all buildings with government offices in both downtown Ottawa and Gatineau. It also urged public servants to stop using their cellphones to avoid overloading the system so “first responders can do their job.

“Government buildings are in lockdown and access continues to be restricted, and employees have been told to remain inside,” said Treasury Board in an email. “The lockdown situation will continue until the all clear or other instructions are received from police.”

Around 3 p.m., departments outside the downtown core were notified they could release employees so they could go home and collect children from schools.

For those in the downtown core, Treasury Board urged public servants to stay put and remain in their buildings until police complete the search and allow people to be released. Over the next few hours, workers were released from their buildings as the search area became smaller.

The lockdown remained in effect for offices north of Slater Street, east of Lyon Street, West of Elgin Street to the Ottawa River and the area around the Chateau Laurier, said one official. By 5 p.m, the search area had shrunk to the north-south blocks between Slater and the Ottawa River, and east-west from Elgin to Bank Streets. Many were still stuck in their offices in the evening but lockdowns were being gradually lifted.

Treasury Board as employer gave overall direction and updates to departments but the decisions on how to handle the situation in each department were left to deputy ministers. Until early evening, Treasury Board President Tony Clement was among the MPs in lockdown on Parliament Hill, from where he sent regular tweets.

The federal government has more than 40 Crown-owned buildings in the area officially designated as the broader parliamentary precinct, in addition to many other buildings

leased to house public servants. About 45,000 public servants work in downtown Ottawa and another 17,000 in buildings in Gatineau.

Although the shooting is unprecedented, the public service has faced similar disruptions in operations, from the 1998 ice storm, to the widespread Northwest power outage in 2003 and the 9/11 terrorist attacks, when departments were also in lockdown.

Security has been boosted at all federal buildings over the years, particularly for the Langevin and Blackburn buildings where the Privy Council Office and Prime Minister's Office are housed but many expect the state of that security and risks will be reassessed.

The shooting will dominate the agenda of many public servants in the coming months, from assessing Canada's intelligence gathering and network to re-examining safety protocols, the security of on Parliament Hill, federal departments and other public buildings.



Public service unions praise security plan for federal workers

Kathryn May, The Ottawa Citizen, October 23, 2014

Union leaders representing Canada's public servants Thursday praised the security and management of the massive federal workforce that was caught in lockdown during Wednesday's shootings.

"It's sure a better day than yesterday but I think everything went well," said Claude Poirier, president of the Canadian Association of Professional Employees.

"It is not a pleasant experience to be locked down, lose some of your liberty and be unable to go home or move like you may want to, but it was done for safety and I think it was all handled quite well."

With the lockdown lifted, public servants returned to work in the downtown core as usual Thursday morning with a warning from police that they should continue to follow directions from departmental security officials. Unions represent public servants as well as the House of Commons staff, primarily housed in the parliamentary precinct, which faced the longest lockdown.

“We thank the many men and women, members of our various security forces, who kept the citizens of Ottawa safe, including the thousands of public service workers working in the downtown core,” said a statement from the giant Public Service Alliance of Canada.

“We acknowledge our members and all those who work on Parliament Hill on behalf of Canadians, who have suffered trauma resulting from the violent invasion of their workplace.”

The government has long had a security protocol in place to handle major work disruptions but departments that could be vulnerable to terrorist attack have been beefing up security plans and making employees more aware of procedures, said John MacLennan, president of the Union of National Defence Employees, which represent 14,000 civilians working for the defence department across the country.

MacLennan said the union leaders were briefed in June by DND’s senior management about security plans in the event of a shooting attack at a base. He said he expected that other departments that could be vulnerable or involved in the front-line response of an attack, such as Transport Canada or the coast guard, have also been beefing up or reassessing their security plans.

He said many bases were locked down yesterday, and security was particularly high at Cold Lake, Alta., where six Canadian warplanes departed for the Iraq combat mission Tuesday as part of Canada’s contribution to the air campaign against Islamic State (ISIL) militants.

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A tweet from @lepublicservant described how public servants in the National Capital Region remained “strong in their support for one another and public servants across the country.” Stories abounded about managers who brought in food for locked down workers or other public servants who shared their lunches with those who didn’t bring food.

L'attaque au parlement était idéologique, selon la GRC

ANNABELLE BLAIS, La Presse, le 26 octobre 2014

La Gendarmerie royale du Canada (GRC) a mis la main sur un enregistrement vidéo qui prouverait que l'attaque de Michael Zehaf Bibeau à Ottawa était un geste politique et idéologique. Ces révélations contredisent les propos de la mère du tireur qui, dans une lettre publiée la veille, se dit persuadée que son fils souffrait de troubles mentaux et qu'il n'était pas un «terroriste».

Selon une source gouvernementale, Zehaf Bibeau fait référence à Allah dans cette vidéo et dénonce la politique étrangère du gouvernement Harper. Le gouvernement a autorisé il y a deux semaines l'envoi de six avions de chasse CF18 pour participer aux frappes aériennes contre des cibles du groupe armé État islamique en Irak.

«La GRC a trouvé des éléments de preuve convaincants voulant que l'attaque de Zehaf Bibeau ait été menée pour des motifs idéologiques et politiques, a expliqué le commissaire de la Gendarmerie royale du Canada, Bob Paulson, dans un communiqué publié dimanche soir. Zehaf Bibeau a préparé un enregistrement vidéo de lui-même tout juste avant de commettre cette attaque.» La GRC procède à des analyses de cette vidéo et ne compte pas la rendre publique pour le moment.

La GRC indique également que le couteau du tireur provenait de la maison de sa tante. La veille de l'attaque, le tireur lui avait rendu visite à Mont-Tremblant. «On ignore encore la provenance de l'arme à feu utilisée par Zehaf Bibeau. Il s'agit d'une arme d'un vieux modèle peu courant. Nous pensons qu'il pourrait avoir également caché l'arme sur la même propriété, mais l'enquête se poursuit», ajoute M. Paulson.

La GRC a par ailleurs établi que le tireur a financé l'attaque grâce à son travail dans les champs de pétrole en Alberta. Il semble avoir économisé «une somme d'argent considérable». L'enquête se poursuit, et les interactions du tireur dans les jours précédant l'attaque sont passées au peigne fin.

Lettre de Susan Bibeau

Ces nouvelles informations surviennent quelques heures après la publication par le National Post d'une longue lettre de Susan Bibeau, mère du tireur, dans laquelle elle affirme que le geste de son fils était celui d'un être instable et désespéré.

«La plupart vont dire que mon fils est un terroriste, je ne crois pas qu'il faisait partie d'une organisation ou qu'il a agi au nom d'une grande idéologie ou pour un motif politique», écrit Mme Bibeau.

Elle reconnaît toutefois que son fils parlait beaucoup de religion et du diable. Elle croit également qu'il a rencontré une personne qui a combattu en Syrie. Cependant, elle hésite à dire qu'il s'était radicalisé. «Je ne crois pas qu'il regardait la propagande islamique ou qu'il voulait aller combattre en Syrie», souligne-t-elle.

La dernière fois qu'elle a vu son fils, soit quelques jours avant le drame et après un silence de cinq ans, il lui a parlé de religion et de son projet de se rendre Arabie saoudite pour étudier le Coran.

Syrie ou Arabie saoudite?

À ce sujet, Mme Bibeau a contredit la GRC, qui a déclaré jeudi que Zehaf Bibeau souhaitait se rendre en Syrie. «Je n'ai jamais dit qu'il voulait aller en Syrie, j'ai précisément dit en Arabie saoudite», insiste-t-elle.

Mike Cabana, sous-commissaire de la GRC, a indiqué au National Post que la mère n'avait effectivement pas parlé de la Syrie, mais il a ajouté que cette erreur ne changeait rien, puisque plusieurs personnes se rendent en Syrie en passant par l'Arabie saoudite.

Quoi qu'il en soit, Zehaf Bibeau ne pouvait pas partir, car il éprouvait des difficultés à obtenir un passeport.

«Je crois que le fait qu'il n'a pu obtenir un passeport l'a poussé à passer à l'acte. Il se sentait acculé au pied du mur. [...] Il se sentait coincé et sa seule issue était la mort», suggère sa mère.

Mme Bibeau insiste toutefois sur le fait que son fils n'était pas sur la liste des suspects surveillés par le Service canadien du renseignement de sécurité.

«Cela me laisse penser qu'il s'agit d'un acte désespéré commis par une personne qui n'allait pas bien dans sa tête, une personne qui voulait être tuée, dit-elle. À mes yeux, la maladie mentale est au centre de cette tragédie.»

Elle rappelle que Michael Zehaf Bibeau avait eu des problèmes de dépendance à la drogue. Elle ne sait pas s'il avait cessé d'en consommer, mais suggère que les problèmes ont pu laisser des séquelles. Dans les jours qui ont précédé le drame, elle affirme qu'il était très instable.

«Était-il fou? Je n'aurais jamais pu imaginer qu'il pourrait faire quelque chose comme ça, mais il n'était pas bien non plus», explique-t-elle.

«Je n'essaie pas de justifier ces actes, mais de fournir des éléments de contexte», explique-t-elle. D'ailleurs, elle réitère dans cette lettre qu'elle est horrifiée et dégoûtée par le geste de son fils. «J'ai honte de ce que mon fils a fait, eh oui, comme quelqu'un me

l'écrit, je n'ai pas dû être une bonne mère, et vos mots ne suffisent pas à décrire le sentiment qui m'habite. Il y aura toujours de la culpabilité», dit-elle.

Elle conclut en souhaitant à la famille de Nathan Cirillo, le soldat qui a été tué dans l'attaque, de trouver un peu de paix et de bonheur à l'avenir.



Video left by Ottawa shooter reveals political and ideological motive: RCMP

JOE FRIESEN AND COLIN FREEZE, The Globe and Mail, October 26, 2014

The man who committed the brazen attack on Parliament Hill that left a Canadian soldier dead was driven by a political and ideological motive, the RCMP said, as it provided new details that shed light on the assault that shook Ottawa last week.

Michael Zehaf-Bibeau prepared a video shortly before he shot a Canadian soldier at the National War Memorial and stormed Parliament, according to police. The video is being analyzed by the RCMP and will not be immediately released. But RCMP Commissioner Bob Paulson said in a statement that police had uncovered “persuasive evidence” of Mr. Zehaf-Bibeau’s motivation.

The news came a day after Mr. Zehaf-Bibeau’s mother said in a letter that he told her he intended to travel to Saudi Arabia, not Syria, had he been able to acquire a passport, to study the Koran. The RCMP told the public that Mr. Zehaf-Bibeau was seeking to travel to Syria, which they wrongly attributed to his mother, Susan Bibeau. In a letter published this weekend, she said she doesn’t believe he was part of an organization or “some grand ideology,” and that he acted “out of despair.”

The interwoven questions of whether Mr. Zehaf-Bibeau was mentally ill, whether he was ideologically motivated, whether he thought he was acting on behalf of the Islamic State and whether he moved on his own will take on added significance this week as the Conservative government is expected to table legislation that would enhance the power of intelligence agencies.

Reached by The Globe and Mail Sunday night, Commissioner Paulson said that the video was a short one in which Mr. Zehaf-Bibeau appeared “lucid and purposeful.”

He said the RCMP cannot release the video or give further details about it at this time. “It may be evidence,” he said. Still, Mr. Paulson said, the public should know about its existence. “There’s no agenda to putting it out,” he said. The RCMP statement provided

details that illuminate some aspects of the attack, including how an apparently homeless, drug-addicted drifter was able to fund his assault.

Mr. Zehaf-Bibeau had worked in the Alberta oil sands and had amassed a considerable sum of money, the RCMP said. That helps explain how he was able to purchase a used car that he drove up to Parliament Hill before hijacking a minister's car. The police said they continue to investigate how Mr. Zehaf-Bibeau distributed the rest of that money prior to his killing.

The question of how Mr. Zehaf-Bibeau acquired a gun remains under investigation, they said. He was prohibited from possessing weapons due to previous criminal convictions, but the RCMP said they believe the knife he was carrying during the attack was retrieved from an aunt's property in Mont Tremblant, where he had lived years earlier. Investigators are looking into the possibility that the weapon used to kill Corporal Nathan Cirillo at the National War Memorial, a .30-30 Winchester lever action rifle, might have been similarly hidden on the property. They called it an "old and uncommon" gun.

"The RCMP is also investigating Zehaf-Bibeau's interactions with numerous individuals in the days leading up to this attack," Mr. Paulson said in the statement. "The investigation is focusing on whether these interactions could have contributed or facilitated, in any way, the terrorist attack subsequently committed by Zehaf-Bibeau."

In her letter, Ms. Bibeau said the RCMP got it wrong about her son's intended destination, something she said she brought to their attention and wondered if they had publicly corrected. She said she believed her son felt trapped because his application for a passport had been held up, which frustrated him to the point that he "wanted death." Or he may have wanted to "strike back at the government that had refused him," she wrote in a statement published by Postmedia over the weekend. She said she felt angry and ashamed in the wake of her son's actions, but said he was an unhappy person "at odds with the world." "For me, mental illness is at the centre of this tragedy," she wrote.

The RCMP announced that it had asked the Ontario Provincial Police to take over the investigation into the shooting of Mr. Zehaf-Bibeau, who was brought down by a hail of bullets after bursting through security at a guarded entry to Parliament's Centre Block.

"The RCMP is confident we will have an authoritative and detailed account of the shooting, including a complete reconstruction of the heroic actions of those involved, in the weeks to come," the statement said.



Analysis: Effects on Ottawa will be lasting and far-reaching

Ian MacLeod, *The Ottawa Citizen*, October 22, 2014

This is a game changer.

Wednesday's attacks in Ottawa strongly suggest the Islamic State (ISIL) or other foreign jihadist influences have the ability to inspire, recruit or possibly even task Canadian sympathizers to launch domestic assaults, however unsophisticated.

With details still emerging Wednesday night, ISIL was the leading suspect. The terrorist group has publicly called on supporters to kill military personnel and civilians in Canada and other countries — including by running them over with cars. In just three days, two soldiers have been murdered on Canadian soil, one run down by a car in St-Jean-sur-Richelieu and another shot in cold-blood at one of the country's most sacred sites, the Tomb of the Unknown Soldier.

No previous or would-be jihadists have managed to do anything like this in Canada. And until now, the handful of modern terrorist incidents and major security breaches in Ottawa have largely occurred against foreign embassies and individual diplomats.

“But this week's events are a grim reminder that Canada is not immune to the types of terrorist attacks we have seen elsewhere around the world,” a sombre Prime Minister Stephen Harper told the nation in a televised address Wednesday night.

As Canada prepares to join the U.S.-led bombing campaign against ISIL forces in Iraq, Ottawans find ourselves in the cross-hairs because of who we are and where we reside. This city has now experienced the frightening cost of being a G8 capital in the age of Islamic terrorism. It will have a lasting effect.

All the police, guns, security cameras, barricades, panic buttons, planning and protocols failed to stop a single gunman Wednesday from storming Centre Block and advancing into the Parliamentary Hall of Honour and by extension, the heart of the country.

It is even more extraordinary that he was able to do so mere minutes after gunning down a soldier in broad daylight at the nearby National War Memorial and then somehow making his way unimpeded and deep into the country's centre of government.

Those guarding the Parliamentary precinct risked their lives stopping the gunman's rampage. Yet they were clearly caught by surprise.

And here's the real rub: Authorities were already on alert for possible strikes by ISIL.

This all makes for anxious and politically charged days ahead. Already, there's a call for a national level inquiry into violent and non-violent extremism.

What's more, a senior Canadian Security Intelligence Service director revealed Monday that the spy agency's "limited resources" prevent it from watching 80 suspected Canadian terrorist sympathizers who have returned to Canada from jihadi operations abroad.

Both Canadians alleged to have carried out this week's atrocities were reportedly identified as "high-risk travellers" who'd had their passports seized by the RCMP.

As more details emerge, immediate questions mount:

What specific details of a domestic ISIL threat were known to federal officials and when?

Did they foreshadow Wednesday's events?

What was the operational response?

If Wednesday's gunman was on authorities radar, as reported, why was he still able to launch his attack?

It seems certain Parliament Hill will become less welcoming, more fortified. But will it become any safer?

Complaints and official reviews of Parliament Hill security date back almost to its founding.

The wrought-iron fence along Wellington Street was an early security feature, as was the wide expanse of open lawn, a 19th century military practice developed by the Royal Engineers. Turf battles between the RCMP and Commons and Senate security services have gone on for years.

The House of Commons Security Services, whose officers have long been allowed to carry guns, is responsible for buildings under the jurisdiction of the House.

The Senate Protective Service is responsible for the east portion of Centre Block and East Block. Its officers were given permission to carry arms this summer, but it's not known how many were armed Wednesday.

The RCMP is responsible for the grounds, as well as the security of the prime minister and visiting dignitaries when outside the buildings. The areas under the jurisdiction of the three security forces extend across a number of city blocks. The streets, including Wellington Street, are the responsibility of Ottawa police.

Though they operate under a co-ordinated "master security plan," a 2012 review by the Office of the Auditor-General recommended a unified security force guard not only Parliament Hill but the entire precinct.

On another front, it wasn't long ago that the death of Osama bin Laden and demise of core al-Qaida as inspiration and organizer for global jihadists movements led to calls for

Canada's security intelligence apparatus to recalibrate and shift focus to issues such as climate change, resource conflicts and failed states.

There'll be no such transition now.

The Conservative government's push to legislate new powers for police and security services will almost certainly gain steam and additional public support.

Already, the federal government was to unveil new measures Thursday to give federal security agents more power to track suspected terrorists.

Further moves to legislate in the face of this emergency may also trigger calls for caution to ensure that any additional state counter-terrorism powers are true to the aspirations of the democracy they are supposed to protect.

In other words, simply ensuring that such measures are consistent with the Charter of Rights is not always the same as saying they are necessary, wise or even just.



Ottawa shooting: How Parliament will carry on

Hill grounds have remained open but security will likely be stepped up

Laura Payton, CBC News, October 23, 2014

Industry Minister James Moore vows that the House of Commons will sit at 10 a.m. ET today as usual, despite the shooting that shook Ottawa the day before.

"Our democracy cannot and will not be intimidated by today's events," Moore tweeted Wednesday night.

Prime Minister Stephen Harper said Wednesday night Canada will not be intimidated.

"In fact, this will lead us to strengthen our resolve and redouble our efforts, and those of our national security agencies, to take all necessary steps to identify and counter threats and keep Canada safe here at home," he said in an address to Canadians.

A police officer secures the scene of a shooting on Parliament Hill in Ottawa on Oct. 22, 2014. Nearby, police vehicles surround the National War Memorial after Cpl. Nathan Cirillo, a reservist on duty Wednesday, was fatally wounded in a brazen attack.

Parliamentarians, staffers and others will return to work one day after a gunman walked into the building just metres from the room where Prime Minister Stephen Harper met with his caucus.

The question on many minds is: How will it be different.

Will the stone walls and marble floors bear the pockmarked scars of the shooting? Will the broken glass, shattered when police burst through doors to search offices for intruders, be swept up? And, if security is tightened, how will it change how things work?

Security stepped up in recent years

RCMP said Wednesday afternoon that the threat level on Parliament Hill won't change, but that doesn't mean security measures won't.

Indeed, while parliamentarians want to sit as usual Thursday — Senate Speaker Noel Kinsella also said he expects senators to be in their seats at the normal time — the Hill will be closed to visitors.

In the 13 years since the Sept. 11 attacks in the U.S., Parliament Hill has dramatically increased security while keeping the grounds around the buildings wide open.

There's even an open yoga class every Wednesday during the warm summer months where participants spread their brightly coloured mats around the front lawns. Canada Day sees tens of thousands of revellers crowd the area, and a sound and light show entertains people every night at the height of tourist season.

In the past few years, security has been stepped up even more, with the grand stone wall along Wellington Street extended to close off some entrances and retractable bollards — essentially big concrete cylinders — installed to control the remaining ones.

The number of surveillance cameras has quadrupled and all visitors, even those escorted by someone with a Hill pass, have to go through security at the entrance to Centre Block.

Liberal Leader Justin Trudeau said criminals will not dictate how Canadians govern the country.

"They cannot and will not dictate our values. And they do not get to decide how we use our shared public spaces," he said in prepared remarks Wednesday night.

Country blessed by peace

Green Party Leader Elizabeth May urged calm while law enforcement officials investigate what happened.

"Today is not a day that 'changes everything,'" she said in a statement.

"It is a day of tragedy. We must ensure we keep our responses proportionate to whatever threat remains."

It's hard to tell in the immediate aftermath of a shocking event just how much will change. It's just as hard to know whether those changes will last.

There were moments Wednesday where some of it seemed routine: journalists waited outside with the same colleagues with whom they've staked out dozens of closed doors and public events. The newsrooms, albeit locked down, throbbed with the energy that only comes with the biggest of breaking stories.

For the staffers locked inside their offices, advised to stack furniture to block the doors, hearing the police smash through neighbouring rooms to ensure no one was hiding, heading to work will likely feel a lot different.

After all the chaos and horror, NDP Leader Tom Mulcair sounded a reassuring note.

"Canada is shaken today but we shall not waver. We woke up this morning in a country blessed by love, diversity and peace. And tomorrow, we will do the same."

LeDroit

La sécurité au Parlement scrutée à la loupe en raison de la fusillade

LEE-ANNE GOODMAN, La Presse Canadienne, Le Droit, le 22 octobre 2014

Les coups de feu qui ont tué un soldat au Monument commémoratif de guerre du Canada et la fusillade subséquente à l'intérieur des murs du parlement ont soulevé des questions et des inquiétudes concernant la sécurité dans la capitale.

Les députés et les sénateurs se sont souvent questionnés sur la facilité avec laquelle les membres du public avaient accès aux bâtiments du parlement. Le rôle du Canada dans la campagne contre le groupe terroriste État islamique a haussé le niveau d'inquiétude au cours des récentes semaines.

«L'intention était de ne pas transformer le parlement en Fort Knox, a dit le député libéral Marc Garneau. Mais aujourd'hui, nous avons atteint un nouveau point.» Bien que les visiteurs doivent franchir un détecteur de métaux, a souligné M. Garneau, ils ont facilement accès à la majorité des bureaux parlementaires une fois à l'intérieur de l'édifice.

«Si quelqu'un veut se précipiter dans l'immeuble, il n'a qu'à marcher, sortir son arme, et courir avant que quelqu'un puisse intervenir efficacement.»

Karl Bélanger, l'attaché de presse du chef du NPD, Thomas Mulcair, convient que les mesures de sécurité devront être révisées et modifiées afin qu'un pareil incident ne se répète pas.

Le député néo-démocrate Charlie Angus, qui a entendu les échos des tirs lors de la réunion des députés du parti, mercredi, a dit que «soudainement, les portes des salles où se déroulent les caucus parlementaires ne semblaient pas être très, très solides».

M. Angus dit toutefois espérer que la colline du Parlement ne sera pas transformée en forteresse. «Il est important de se rappeler que la colline du Parlement est une magnifique place publique où on peut jouer au football, faire du yoga, manger un lunch ou protester. On ne peut pas perdre cela. On doit augmenter la sécurité, il faut mieux protéger les gens mais il ne faut pas perdre de vue qu'il s'agit d'un espace public où les Canadiens se sentent les bienvenus.»

Le député libéral John McKay partage ce sentiment. «Cet édifice est l'édifice du peuple. Nous avons toujours été fiers de son accessibilité à la population, a-t-il déclaré. Je n'ose pas croire qu'on fermerait l'accès à cause des peurs légitimes et de la paranoïa. Cela changerait tout.»

Ironiquement, des députés se sont récemment plaints de ne pas pouvoir circuler librement sur la colline du Parlement en présence de cortège officiel. Des représentants de la Gendarmerie royale du Canada, le directeur du Service de police d'Ottawa et le directeur du Service de sécurité de la Chambre des communes ont même témoigné à ce sujet, mardi.



Conservative legislation to focus on preventing terror attacks

Jordan Press, The Ottawa Citizen, October 24, 2014

The Conservative government is working quickly to draft legislation that would give security agencies and police new powers, in the wake of this week's attacks in Quebec and Ottawa that left two soldiers dead and plunged Parliament Hill into chaos.

Conscious of public expectations around safety, the government is looking for ways to beef up measures in three areas: surveillance of potential terrorists; pre-emptive detention of people who pose threats; and ultimately, charges.

Among the policy changes being examined:

- Creating a new legal provision to deal with people who go online and express support for extremist organizations such as the jihadist groups in the Middle East;
- Finding a solution to the dilemma that occurs when someone is detained but then released after the maximum detention period of 48 hours and who then either disappears or reacts to his detention with violence.

At the heart of the legislative review now occurring within government is how to confront the modern-day threat posed by homegrown terrorists who become “radicalized” by groups offshore.

The new bill will likely allow security agencies such as CSIS and police forces to step in when there is reasonable evidence that someone is expected to commit a violent attack.

Justice Minister Peter MacKay, speaking in Brampton, Ont., said Friday the government’s coming legislation was focused on giving police the power for “pre-emptive actions specifically in the area of terrorism, but not to rule out areas in which we think we can prevent crime.”

Already, the opposition New Democrats and Liberals are signalling they will have concerns if the bill tilts too far in favour of police powers and violates civil liberties.

In the House of Commons Friday, Roxanne James, parliamentary secretary to the public safety minister, said the bill will be introduced “very shortly” and will produce “robust debate” among political parties. She said the bill will give security agencies and police the “tools” they need to do their job.

“Now, more than ever, a radical individual or group of motivated extremists with access to technology can do significant harm to Canada from thousands of miles away,” she said.

NDP House Leader Peter Julian urged the government to act cautiously.

“When it comes to responding to this week’s tragic events, we have to proceed carefully and thoughtfully, and in the spirit of co-operation. We must take advice, of course, from security authorities, and we must engage Canadians, but we must ensure that our actions protect both public safety and civil liberties.”

Conservative MP Erin O’Toole later told reporters the government is moving responsibly.

“There is not a knee-jerk reaction here,” he said, adding that CSIS and others have asked for new provisions dating back to the terrorist plots of the so-called “Toronto 18” – who plotted a series of attacks against targets in Ontario.

“We’re not going to have a condition where thoughts are crimes,” said O’Toole. “But we’ve also seen that very quickly – particularly with the radicalized – thoughts and membership in an organization and some bare-bones training or ideas could lead to horrific events.”

Cabinet ministers held an emergency meeting after Wednesday’s attacks in which the coming legislation was discussed.

NDP justice critic Françoise Boivin said Friday she wanted to hear from the military and law enforcement officials before agreeing to anything in the coming legislation.

“Let’s hear from our RCMP, our military, everybody, (about) what was needed, what tools they don’t have right now that would have been helpful in this circumstance,” she told reporters.

Liberal critic Marc Garneau said security agencies should have powers that don’t violate civil rights. He said before any new powers are granted, the Conservative government needs to explain how police have used new powers that were approved in legislation passed by Parliament last year.

One of those powers allowed law enforcement agencies to arrest individuals who travelled overseas to take part in terrorist activities.

Garneau said the government won’t say if that specific power has been exercised.

“Did they bring in something that was kind of toothless, and are they now going to strengthen that? We don’t know.”

Reviewing CSIS

On Friday, the CSIS watchdog, the Security Intelligence Review Committee, released its annual report. Among the findings:

- CSIS took “appropriate restraint” with warrants that are used to gain special surveillance powers, but a “relatively high-number of non-targeted communications” were intercepted. In the past year, CSIS applied for 85 new surveillance warrants, renewed 178, giving it 263 in total.
- CSIS kept the public safety minister in the dark on some of its activities that “could give rise to public controversy.” CSIS said it briefs the minister when required.
- The agency needed to improve its program for firearms training for overseas operatives.
- Surveillance teams don’t always communicate well with each other, or headquarters.



Tories to table expanded security bill

SEAN SILCOFF, The Globe and Mail, October 27, 2014

With the Conservative government set as early as today to table expanded powers for Canada's spies, the watchdog overseeing the Canadian Security Intelligence Service has identified flaws in how the agency operates with tools already at its disposal.

A report tabled Friday by the Security Intelligence Review Committee suggests CSIS is operating without sufficient controls or scrutiny by its overseers.

The oversight body, chaired by former Conservative MP Deborah Grey, said CSIS may be casting too wide a net during some of its wiretaps and Internet intercepts, while noting that CSIS regional surveillance teams "operate in total isolation ... and communicate only sporadically" with one another and headquarters.

The report also said that CSIS had failed to put adequate controls or policies in place after allowing its employees – who are not authorized to carry guns in Canada – to arm themselves in dangerous countries. Employees and the agency itself have not been following proper protocols, and the minister responsible for public safety, Steven Blaney, has been kept in the dark about the changing nature and scope of the firearms program, SIRC said.

"SIRC believes that many of the issues raised in this review go to the heart of Ministerial accountability over CSIS," the watchdog said.

In its reply, included in the report, CSIS said it had made some changes to address the report's findings but said a recommendation to provide written justification to the minister was "still under consideration." A spokesman for Mr. Blaney said the government "will implement those [recommendations] that will best keep Canadians safe" while protecting their rights and privacy.

The report arrives as the government prepares to table changes to the CSIS Act that it says will clarify and strengthen the agency's ability to investigate threats to Canada abroad. The bill is expected to improve tracking of suspect Canadians through global intelligence networks and afford greater protections for CSIS sources.

"It's not really about 'tougher laws,' it's about more effective investigative techniques that keep up with the changing times," said Ray Boisvert, former assistant director of intelligence for CSIS, in an e-mail.

The bill was to be tabled last Wednesday until gunman Michael Zehaf-Bibeau went on a shooting spree in downtown Ottawa, killing honour guard Nathan Cirillo in front of the National War Memorial and getting into Parliament's Centre Block, where he was gunned down underneath the Peace Tower as MPs gathered for caucus meetings metres away. It was the week's second slaying of a member of the military on Canadian soil, after Martin Couture-Rouleau struck and killed Patrice Vincent with a vehicle as the warrant officer walked in his Canadian Forces uniform in St-Jean-sur-Richelieu, Que. Mr. Couture-Rouleau, later killed by police, was on a list of 90 people monitored by the RCMP in national security investigations.

The incidents have prompted an emotional response from Canadians. The war memorial in Ottawa drew steady crowds of visitors over the weekend, its status as a shrine to an unknown soldier now poignantly expanded to include the name of a young man mourned around the world. Many wept and laid bouquets around the tomb, which was guarded by two sentries where Mr. Cirillo once stood. Ottawa Police Constable Nelson Rowan, standing near the memorial clutching a semi-automatic rifle, was a beneficiary of some of the outpouring. In the span of five minutes on a crisp Sunday afternoon, one woman thanked him, another pinned a poppy on his lapel, while a third, with a tear streaming down her cheek, told him: "You keep yourself safe."

"I feel very moved and very sad for what's happened," said Emilia Druzenco, a nurse who emigrated from Romania in 1996, after laying a bouquet at the shrine Sunday. "Maybe we need some regulations and some rules to be changed, enforced, to protect ourselves. But to change our way of living? No, I don't think so."

Justice Minister Peter MacKay said Friday the government is exploring added security measures beyond the CSIS bill, including changing the threshold for preventative arrests and more closely tracking people who may pose a threat.

Wesley Wark, an expert on national security and intelligence issues who has advised the government, said before Ottawa takes any such measures, it should hold a public inquiry to understand "what the lessons of last week's attacks really are ... so we can see both what went right and what went wrong." Mr. Wark said the government should consider following the United States and Britain in introducing a public threat level warning system. "I don't think successive governments in Canada have done enough to be transparent" about the threats facing Canadians on home soil, he said.

Aki Peritz, a former counterterrorism analyst with the U.S. Central Intelligence Agency, cautioned it would be difficult for any legislation to improve the interception of so-called lone wolves. "Lone wolves by definition are off the radar of intelligence forces and the law enforcement community, so it's very difficult to stop" them, he said. He likened such actions to not just looking for a needle in a haystack, but "looking for a needle in a needle stack. ... They can't stop literally everybody who converts to Islam, or who engages in petty theft, and so forth. It's against Canadian values and ineffective. The bottom line is there are no very good answers."



Ottawa courts, law firms in holding pattern

By Arshy Mann, Canadian Lawyer Magazine, October 22, 2014

The shootings on Parliament Hill have shut down courthouses and placed a number of downtown Ottawa law firms in lockdown.

The Ottawa Courthouse on Elgin Street, which is around 450 metres away from the War Memorial, is locked down, as is the Supreme Court of Canada building.

“The Supreme Court is on lockdown because of the multiple shootings in downtown Ottawa — we are all safe inside, staying away from windows,” Michel-A. Sheppard, a reference librarian at the Supreme Court, tweeted around noon.

Many of the law firms clustered in downtown are also in lockdown, including the Ottawa offices of Borden Ladner Gervais LLP and Sack Goldblatt Mitchell LLP.

“Our Ottawa office is v close to Parliemnt. Stil on lockdown, but all safe. Our thoughts are with the fallen soldier & first responder,” read a tweet from SGM’s Twitter account.

Nelligan O’Brien Payne LLP is located in the Sun Life Financial Centre, only a block away from the Parliament buildings.

Julie Beaucaire, the director of marketing and client services at Nelligan O’Brien, tells Legal Feeds the firm received a notification in the morning from the building’s management that people would be searched when entering or exiting.

By noon, that had turned into a full-blown lockdown with no one allowed to come in or leave.

At around that time, she was sent some tweets from a Toronto Star reporter that showed dozens of police officers pouring into the Sun Life building.

“There were snipers on top of the building and we had quite a number of police armed with machine guns come into the building,” says Beaucaire.

Beaucaire says some of the lawyers and staff at the firm are working, while others are chatting about the day’s events.

“We make sure that everyone knows what’s happening and we give regular update to everyone,” she says.

Beaucaire says the only time she can recall a similar situation at the firm was during the events of Sept. 11, 2001.

“Because we were located close to the Parliament buildings, the executive committee of the firm closed the firm on that day because everyone just wanted to be home with their families,” says Beaucaire.

Lawyers and staff are eating leftover food from a lunch that never took place and also sharing any extra food they might have in their offices.

But Beaucaire says that right now everyone is just waiting to know when they can go home.

“We just don’t know how long we’re going to be here,” she says.



Lawyers argue law to revoke Canadian citizenship is unconstitutional

Toronto lawyers Rocco Galati and Paul Slansky are challenging a new law that allows the government to strip Canadians of their citizenship.

Nicholas Keung Immigration reporter, The Toronto Star, October 23, 2014

The Federal Court of Canada has been asked to void Ottawa’s recent changes to the Citizenship Act and declare it unconstitutional to revoke the citizenship of Canadian-born and naturalized citizens.

A day after the terror-linked gun shooting in Ottawa, constitutional lawyers argued in court on Thursday that Parliament has no legislative power to remove citizenship from individuals involved in armed combat against Canada, treason, spying and terrorism – unless the citizenship was obtained by fraud.

Bill C-24, the Strengthening Canadian Citizenship Act, was granted Royal Assent . In addition to raising the pass mark for citizenship exam and language requirement, the law also enables the government to revoke Canadian citizenship from dual citizens.

Constitutional lawyers said citizenship is fundamental to the constitutional order and the new revocation provision should have been made through a constitutional amendment with the support of seven provinces or 51 per cent of the population.

“Once you are a citizen, you are a citizen,” said lawyer Rocco Galati, who brought the case before the court along with lawyer Manuel Azevedo and the Constitutional Rights Centre Inc.

Calling Ottawa’s act “an indirect amendment to the Canadian constitutions,” Paul Slansky, who represented the constitutional rights centre, said the government only has the authority over “aliens and naturalization,” but does not have the power to strip the citizenship of Canadian-born people.

“The issue is whether it can be taken away without your consent with the natural-born and naturalized citizens,” he told Justice Donald Rennie. “The government does not have the authority to legislate on this issue.”

Government lawyers asked the court to dismiss the case because the revocation provision has yet to be enforced and any constitutional challenge should be dealt with when an affected individual brings a case forward.

Greg George, lawyer for the government, said the case is beyond the jurisprudence of the court and it should not “meddle” with the making of the law.

“The court has no business in getting into the legislative process of the government . . . until the ink is dry,” he said. He added that citizenship is not immutable and the United Kingdom also passed a law in 1983 so “not everyone born in the U.K. is a British subject.”

George said Canada’s Citizenship Act, since 1947, has always allowed the government to “denaturalize” someone engaged in combat against Canada or convicted of serious crimes, but no one ever challenged its constitutionality.

“Government passed legislation and it wasn’t challenged. It doesn’t mean it’s valid,” Slansky contended.

Justice Rennie reserved his decision.



The image shows a website navigation bar for 'CANADIAN Lawyer'. The bar is dark red with white text. On the left, the logo 'CANADIAN Lawyer' is displayed. To the right of the logo is a 'LEGAL FEEDS' logo featuring a scale of justice. Further right are several buttons: '4STUDENTS', 'INHOUSE', 'jobs@law.ca', and 'LAW TIMES'. A search bar with the text 'Search...' and a magnifying glass icon is located to the right of these buttons. Below the main navigation bar is a secondary row of buttons: 'Home', 'Today's News', 'Current Issue' (highlighted in red), 'Special Reports', 'Canadian Lawyer TV', 'Columnists', 'Surveys', 'Moves & Shakes', 'Events', and 'Digital Editions'. Social media icons for Twitter and RSS are also present.

Great strides but more work to be done for women: chief justice

Written by Brett Hughes, Canadian Lawyer, October 20, 2014

Delivering the keynote address at the University of Toronto's Victoria University's Charter Day Convocation, Chief Justice Beverley McLachlin kept her remarks focused squarely on equality, and the importance of obtaining more equal gender representation in "societal and democratic governance."

She described a historical narrative in which much progress has been made, though considerable work remains ahead. McLachlin told a story about a 1939 visit to Canada by King George VI and his wife, Queen Elizabeth, the Queen Mother. While the King would usually attend and make remarks at public events, for some reason the Queen Mother took the stage at the laying of the cornerstone for Canada's Supreme Court.

In what McLachlin described as "perhaps the only feminist speech given by a royal," the Queen Mother said: "perhaps it is not inappropriate that this task should be performed by a woman, for a woman's position in civil society has depended on the growth of the law."

McLachlin said she liked to think the Queen Mother was invoking the 1929 Persons case, which established women were "persons" under Canada's constitution and thus legally qualified to hold public office.

While "great strides" have been made, as evidenced by the honorary degree recipients this year and last, it is now 85 years since the Persons case was decided. The number of women in "parliament, law firms, or corporate board rooms [has] failed to mirror the 50-per-cent gender balance in society," McLachlin said.

She turned to the work yet to be done.

"How do we move forward?" she asked. We need to challenge "hidden assumptions and stereotypes about the contribution that women should be allowed to make," as well as the laws that perpetuate them.

McLachlin said education is "one of the most important" contributors to equality, as it helps "lift people over barriers, and to lead them to better, more equal lives."

Charter Day was Victoria University's 178th birthday on Oct. 8, which was celebrated by awarding honorary degrees to McLachlin and fellow Supreme Court Justice Rosalie Abella. Charter Day Convocation celebrates the grant of the University's Royal Charter by King William IV in 1836. The event recognizes academic achievement by presenting scholarships and other awards to a select group of students.

Alumni of Victoria University include Lester Pearson, Margaret Atwood, and — as McLachlin noted in her remarks — SCC Justice Andromache Karakatsanis, who was awarded an honorary degree at last year's Charter Day. Conferring honorary degrees to

all three women sitting on the Supreme Court sends a powerful message “that women count, that women contribute, and that it is important that women be represented on the vital institutions of our democracy, including our courts,” McLachlin said.

Abella’s citation was presented by leading criminal and constitutional law scholar, Kent Roach. Fittingly, he is also a former law clerk to the Supreme Court’s first female appointee, Bertha Wilson. Towards the end of her term in office, Wilson famously delivered a speech entitled, “Will women judges really make a difference?” This year’s Charter Day honorees were testament to the fact that they have.

Roach lauded Abella as a “smart, courageous, and passionate pioneer.” He said Abella, who recently celebrated 10 years on the court, “has broken barriers, enriched our public and intellectual life, contributed to our shared sense of justice, and continues to do so today.”

In particular, he focused on the enduring legacy of Abella’s 1983 work as a “one-woman, one-year Royal Commission on Equality and Employment,” through which she developed the concept of “employment equity.” Her articulation of “equality” and “discrimination” was adopted by the Supreme Court in *Andrews*, the first s. 15 equality case under the Charter. The report itself was implemented by the Government of Canada, and also used by governments in New Zealand, Northern Ireland, and South Africa. Roach noted “the principles of the Abella report have continued to be the central, animating idea in our equality jurisprudence.”

Professor Sophia Moreau, one of McLachlin’s former law clerks, presented the citation for her former boss. Moreau, whose research focuses on equality, spoke about McLachlin’s “deep commitment to human rights and the rule of law,” “belief in a strong and cohesive judiciary,” and “concern for public outreach.”

Of course, Justice Louis LeBel’s mandatory retirement date is fast-approaching and the search for a replacement is surely well underway. McLachlin’s speech can be seen as a pretty clear suggestion LeBel’s successor on the Supreme Court should be a woman. After LeBel’s retirement, McLachlin and Abella will be the only two members of the Supreme Court not appointed by the present government. Five out of six SCC appointees by Prime Minister Harper have been male.

After McLachlin’s speech, Victoria University’s president, Paul Gooch, set the bar high for the student award winners. “We want you to . . . be like them,” he said, gesturing towards McLachlin and Abella. He elicited laughter from the chief justice (and the room) when he advised aspiring Supreme Court justices in the audience to “get yourselves appointed to the Quebec bar early.”

Ontario Attorney General Madeleine Meilleur, was also part of the platform party. Addressing the audience, she heralded McLachlin and Abella for breaking down barriers and their courage to “ignore the status quo.”

In keeping with Charter Day themes, the justices had to “slip away” early to catch a flight back to Ottawa that evening in order to hear a s. 15 equality rights case the next day. (“We must be there,” said McLachlin.) The case, *Taypotat v. Taypotat*, dealt with a

challenge to a minimum education requirement in the Kahkewistahaw Election Act, and a long-time chief who became ineligible under the act having only obtained a grade ten education in a residential school.

LEGAL AID ONTARIO LAWYERS

Campaign to Secure Collective Bargaining Rights

By Legal Aid Ontario (LAO) Lawyers' Association, October 24, 2014

This past August, the LAO Lawyers' Campaign Committee wrote to the LAO Board of Directors. The Committee updated the Board on its activities since they had last corresponded and met with Bob Ward. The majority of LAO lawyers have signed a petition asking that The Society be their agent for purposes of collective bargaining. The committee requested that the Board receive a presentation/submission on this matter.

John McCamus, Chair of the LAO Board, responded on its behalf. In his letter, Mr. McCamus stated that the Board's view on the matter completely reflects that of Bob Ward. He reiterated Mr. Ward's position that LAO is acting within its rights to deny voluntary recognition of The Society of Energy Professionals as the bargaining agent for LAO lawyers. Mr. McCamus then went on to take issue with concerns raised in the campaign regarding references to the systemic sexism and racism at play.

On October 23, the Committee and President of The Society jointly replied to Mr. McCamus, questioning his position. Among several items addressed, it was pointed out that the Canadian Civil Liberties Association (CCLA), in a factum submitted in *Mounted Police Association of Ontario et al. v. The Attorney General of Canada*, argued that "The freedom to associate can only be properly protected where the workers' association is freely chosen by them." Paradoxically, Mr. McCamus is the Chair of the CCLA and his position there would appear to be in conflict with his role as Chair of LAO.

The LAO Lawyers' Campaign Committee wholeheartedly agrees with the CCLA and asks that the LAO Board reconsider the request, and recognize The Society as the bargaining agent democratically chosen by LAO Lawyers.

Bar divided over CBA withdrawal

Some lawyers happy, others disappointed at reversal on Chevron

Yamri Taddese, Law Times, October 20, 2014

Even with the Canadian Bar Association dropping its planned intervention in the Chevron Corp. matter at the Supreme Court of Canada, the question around the appropriateness of its initial plan remains divisive with some lawyers celebrating the last-minute withdrawal while others say it would have been helpful if it had continued with the case.

“This is the result we hoped for,” says David McRobert, one of the 120 lawyers across Canada who signed an open letter that urged the CBA to drop its intervention.

“The whole intervention had a bad smell about it.”

But for civil litigation lawyer James Morton, news of the withdrawal is “unfortunate.”

“To my thinking, this is one of the most important jurisdictional decisions in my career. It will have a significant impact, depending on the result, on the practice of law and business generally,” he says of the Supreme Court case.

“I think it would have been valuable and I think it would have been helpful for the bar association to continue and it’s unfortunate that they’ve chosen not to. Having said that, I understand their political pressures.”

The CBA announced last week it was withdrawing its intervention in the Chevron matter just a day before the deadline to submit its factum amid mounting pressure from the legal profession.

“We confirm that the CBA has decided to withdraw its intervention before the Supreme Court of Canada in *Chevron Corporation et al v. Yaiguaje, et al*,” the CBA said in a statement.

“The CBA Intervention Policy requires the legislation and law reform committee to sanction the factum before it can be filed with the court. In this case, the L&LR Committee concluded that while the factum was well-drafted and of a high standard of quality, it did not meet the specific requirements of the Intervention policy.

“The CBA will respect the committee’s opinion and the intervention will be withdrawn. The CBA is thankful for the diligence, conscientiousness and professionalism of its counsel and for the generosity of Blakes in agreeing to

undertake this file for the CBA. We look forward to working with them again in the future.”

According to several sources, the legislation and law reform committee had recommended against the intervention before the CBA decided to intervene in the matter.

The CBA’s decision to intervene in the multinational oil company’s battle against a group of indigenous people in Ecuador stirred significant controversy among members of the bar and resulted in protests against and resignations from the organization.

The Ecuadoran claimants who had obtained judgment for \$9.5 billion in a local court against Chevron are now seeking to enforce that judgment against the company’s assets in Ontario.

The CBA had emphasized it wouldn’t be supporting either party in the matter but would speak to “foundational corporate law principles” such as the corporate veil. But many members of the bar said they don’t stand behind those principles and that powerful corporations need to be more accountable.

Not all lawyers agree. “I think those corporate principles are necessary and appropriate,” says Morton, a former president of the Ontario Bar Association.

Some executive members of the CBA’s aboriginal law section opposed the CBA’s move and had resigned over its decision to intervene. In addition, organizations like the Law Union of Ontario had urged their members to quit the CBA as well.

Last week, opponents organized a protest in Toronto against the CBA’s decision to intervene. Demonstrators carried signs that read, “This is why people hate lawyers,” and “Lawyers, show Chevron that your integrity is not for sale.”

Judith Rae, a member of the aboriginal law section, says the CBA “did the right thing” in pulling the plug on its intervention.

“I’m glad to see that the CBA listened to its members at the end of the day and did the right thing,” she says. “As a member, my top concern was that this was not the right intervention for the CBA and not within their policy, and ultimately the CBA leadership reached the same conclusion.”

McRobert says the decision to intervene in the first place reflected a “powerful corporate arm” within the CBA. He doubts that members who have resigned from the CBA will return now that “they have seen an aspect of the organization that they didn’t know existed.”

The Chevron matter will be before the Supreme Court in December. According to the Wall Street Journal, a U.S. court was highly critical of the Ecuadoran court ruling in March. U.S District Court Judge Lewis Kaplan found the Ecuadoran ruling was obtained through coercion and bribery, the publication reported. Kaplan, it noted, found the lawyer representing the plaintiffs had fabricated evidence and promised \$500,000 to an Ecuadoran judge in exchange for the ruling. Kaplan’s ruling is under appeal.

Assurance invalidité: pas de nouvelle directive, dit le fédéral

Paul Gaboury, Le Droit, le 18 octobre 2014

Le fédéral n'a pas donné de nouvelle directive à la compagnie chargée du programme d'assurance invalidité de ses fonctionnaires demandant de refuser les réclamations liées aux questions de santé mentale.

Mercredi, LeDroit révélait que les syndicats du secteur public avaient été «inondés» d'appels de leurs membres ayant eu des problèmes à obtenir des prestations liées à des problèmes de santé mentale. La réaction du gouvernement nous a été transmise par courriel jeudi soir.

Le Conseil du Trésor rappelle que c'est la Financière Sun Life qui est chargée d'administrer le régime actuel d'assurance invalidité de longue durée, notamment de prendre des décisions au sujet des réclamations, de vérifier si elles sont approuvées et d'aider les employés à retourner au travail.

«Le Secrétariat du Conseil du Trésor n'a pas communiqué de nouvelle directive à la Financière Sun Life à l'égard des réclamations de prestations d'assurance invalidité, dont celles qui ont trait aux questions de santé mentale, a-t-on expliqué. Les gestionnaires de cas à la Financière Sun Life évaluent tous les dossiers à des fins de réadaptation professionnelle; ils cernent notamment les problèmes en milieu de travail qui pourraient empêcher les employés de revenir au travail plus tôt.»

Selon les dernières données de la Financière Sun Life, un total de 1368 réclamations a été reçu entre le 1er janvier et le 31 mai 2014.

Du nombre, 1045 réclamations ont été approuvées, alors que 323 réclamations (23% du total) ont été refusées. Le régime d'invalidité étant basé sur l'année civile, les résultats pour l'année 2014 ne seront connus qu'au printemps 2015. «Il n'est pas encore possible de comparer les résultats avec ceux des années précédentes», souligne-t-on au SCT.

En 2013, le nombre de demandes approuvées pour des problèmes liés à la santé mentale représentait près de 45% du total. Le nombre de demandes rejetées avait été de 1084 sur un total de 3077 de demandes reçues, comparativement à 426 sur 3790 en 2011.

La plupart des employés qui reçoivent des prestations d'invalidité retournent au travail.

Par ailleurs, le gouvernement affirme s'engager à prendre les actions nécessaires pour contribuer à la santé et au bien-être de ses employés. Depuis le 1er octobre 2014, il y a eu une augmentation de la prestation maximale annuelle au titre des services de soins psychologiques, qui est passée de 1000\$ à 2000\$.

Un programme à participation volontaire fournit également de l'aide confidentielle ou des consultations à court terme à ceux qui vivent des problèmes d'ordre personnel ou professionnel, a-t-on précisé.



Former tax lawyer Noël now chief justice of Federal Court of Appeal

By Jennifer Brown, Canadian Lawyer Magazine, October 21, 2014

Marc Noël, a former tax lawyer and judge of the Federal Court of Appeal, has been appointed chief justice of the appeal court.

Noël replaces the Pierre Blais, who retired on June 23.

Tax lawyer Steve Suarez of Borden Ladner Gervais LLP worked with Noël at the Montreal tax boutique firm Verchere Noël & Eddy in the late 1980s.

“I’m delighted to see a highly respected jurist with a very strong tax background chosen to lead the Federal Court of Appeal, which is a critically important court in the world of federal tax as it hears appeals from the Tax Court of Canada,” says Suarez.

Prior to his appointment to the Federal Court in 1992, Noël was a partner in the Montreal office of Bennett Jones Verchere. He also served as governor of the Canadian Tax Foundation and as president of the Canadian Bar Association tax subsection for Quebec.

University of Ottawa law professor Vern Krishna, who is counsel at TaxChambers LLP in Toronto, says he has appeared before Noël and notes he is “a respected jurist.”

“Professionally speaking, this is a laudable appointment,” he says.

Noël was appointed to the Federal Court of Canada, trial division, as it was then, and ex officio member of the Court of Appeal and judge of the Court Martial Appeal Court in 1992. He was appointed a member of the Competition Tribunal in 1993 and judge of the

then-Federal Court, Appeal Division in 1998. It became known as the Federal Court of Appeal in 2003.

Noël graduated from the University of Ottawa with a BA, both common and civil law degrees, and was called to the bars of Quebec and Ontario. In 1990, he was appointed Queen's Counsel.



The CBA Futures Report's vision of Canadian legal education

Law School Futures

Written by Philip Bryden, Canadian Lawyer, October 20, 2014

The subtitle of the CBA's Futures Report, "Transforming the Delivery of Legal Services in Canada," reflects the ambitious scope of the report. The subject matter of its 22 recommendations ranges from alternative business structures for the delivery of legal services to the collection of better information about the legal profession and its makeup, the regulation of the legal profession, and the education of Canadian lawyers.

The report describes a legal profession that is facing significant pressure, but its overall tone is optimistic. Its focus is on opportunities for positive change rather than threats to a way of practising law that may be comfortable for many lawyers but is less than satisfactory for many individuals who need legal services.

It is interesting to me the authors chose education as one of its key areas of focus, along with innovation and regulation. Indeed, half of the 22 recommendations are devoted to education.

To some extent, no doubt, this can be traced to the role legal academics played on the teams that shaped the report. They included two of Canada's most experienced and forward-thinking law deans, Ian Holloway of the University of Calgary and Daniel Jutras of McGill University, and two outstanding scholars who are deeply engaged in understanding the work of the legal profession and professional ethics, Adam Dodek and Alice Woolley. Significant as their contributions to the report undoubtedly were, however, it seems to me that the emphasis the report placed on education is part of a larger tendency on the part of the legal profession to seek to reshape legal education in Canada.

It is interesting, therefore, to contrast the report's vision of Canadian legal education with another recent effort on the part of the profession to influence Canadian legal education, namely the Federation of Law Societies of Canada's national standards for the accreditation of Canadian common law degrees.

Admittedly the CBA Futures Report and the federation's national standards are two very different exercises. The report is an effort by the CBA to take a leading role in adapting the profession to a changing environment in which legal services are provided, whereas the federation was attempting to establish minimum standards for the university legal education that is used to demonstrate qualification for admission into the legal profession.

The CBA report explicitly mentions the federation's standards only once. In recommendation 20, the report proposes the application of consistent knowledge and skills standards to both graduates of Canadian law schools and graduates of foreign law schools who are seeking qualification through the National Committee on Accreditation. Since the federation's standards for the Canadian common law degree were explicitly designed to create a level playing field for graduates of foreign law schools and graduates from common law degree programs in Canada, I suspect that this recommendation reflects a belief on the part of the authors of the report that the federation still has a way to go in achieving this goal.

The report is clearly not opposed to the establishment of minimum standards for the educational component of admission into the legal profession, but there is a contrast between the standards the federation has established and the vision the report has for greater flexibility in the models of legal education available in Canada.

The report's 11 recommendations on legal education can be conveniently grouped into four themes:

- (a) improving accessibility to professional careers for a diverse population;**
- (b) expanding the range and diversity of models of legal education;**
- (c) ensuring consistent standards for professional qualification; and,**
- (d) providing both law students and lawyers who are engaged in continuing education with programs that will enhance their professional competence.**

It does not attempt to create a blueprint for legal education in Canada. Rather, it makes a series of suggestions for changes that could be made to help our system of education prepare lawyers for the challenges of professional practice in the future, and then offers examples of initiatives that could be used as models for others who might seek to pursue these goals.

The federation's standards are based on the current model of legal education. The tension between the federation's standards and the goals to which the report aspires lies not at the level of principle, but in the details of the standards themselves.

For example, the federation's standards require entrants into law school programs normally have a minimum of 60 credits of post-secondary education before they are admitted. Likewise, the federation standards require 90 credits of coursework that consists mainly of in-person instruction. The CBA report implicitly, and to some extent explicitly, calls these standards into question in order to improve accessibility and facilitate the creation of new models of legal education.

To some extent, therefore, the federation's standards stand in the way of those who would embrace the CBA report's vision of new models of legal education to serve the needs of a diverse Canadian population.

As I see it, however, the greater challenge is to find Canadian educational institutions that are willing to sustain a deliberate strategy of educating law graduates for practice in environments other than large international, national, or regional law firms.

We know already that many of the graduates of Canada's law schools will not practise in this setting, but there are significant institutional pressures that encourage Canadian law schools to hold out this type of career opportunity for at least some of their graduates. In my view this tends to reinforce a certain view of what makes for a successful program. It also encourages schools to adopt admissions standards, tuition policies, and programming approaches that reinforce this vision, and in times of resource constraint to push other approaches to the margin.

It will be interesting to see whether the CBA report will succeed in bolstering the efforts of those who would like to see Canada offer a broader range of legal education models.

[Read the full CBA Legal Futures Initiative](#)

[Lisez le rapport complet de l'ABC](#)
