



Federal Court of Appeal and Federal Court 50th Anniversary Symposium

June 27–29, 2022

Fairmont Château Laurier, Ottawa

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MONDAY, JUNE 27, 2022

Opening Ceremony

8:45 AM to 9:00 AM

Co-Chairs

The Honourable Marc Noël – Chief Justice, Federal Court of Appeal

The Honourable Paul Crampton – Chief Justice, Federal Court

A look into the past

9:00 AM to 10:30 AM The transformation of the Federal Courts over fifty years has been remarkable. Our esteemed retired jurists bring their experiences as judges in a session highlighting the importance of institutional memory in the present, the collegial warmth of friendships formed during those years of change, and deliver sage, contemporary perspectives from a look into the past.

Moderators

The Honourable Marc Noël, Chief Justice, Federal Court of Appeal

The Honourable Paul Crampton, Chief Justice, Federal Court

Speakers

The Honourable John Maxwell Evans – Public Law, Counsel, Goldblatt Partners LLP; Retired Justice of the Federal Court of Appeal; Former Justice of the Federal Court

The Honourable Donna C. McGillis – Retired Justice of the Federal Court

The Honourable Marc Nadon – Retired Justice of the Federal Court of Appeal; Former Justice of the Federal Court

The Honourable Marshall E. Rothstein – Tax Litigation, Partner, Osler, Hoskin & Harcourt LLP; Retired Justice of the Supreme Court of Canada; Retired Justice of the Federal Court of Appeal
Former Justice of the Federal Court

The Honourable Judith A. Snider – Retired Justice of the Federal Court

10:30 AM to 10:45 AM

Health Break

The History of the Federal Courts and the Experiences of Lawyers with the Courts

10:45 AM to 12:00 PM The relationship between the Federal Courts and the Bar has been, and continues to be, a dialogue to better the administration of justice. This session explores the changing composition of the Courts over the years, its impact on advocacy, and the jurisprudential developments within the Courts' jurisdiction and expertise.

Moderator

The Honourable Marianne Rivoalen – Justice of the Federal of Appeal

Panelists

Mr. Ronald Edward Dimock – R E Dimock Professional Corporation

Ms. Danièle Dion – Brisset Bishop

Ian Greene – Professor Emeritus, York University

Mr. Daniel Latulippe – General Counsel, Department of Justice

Mr. Lorne Waldman – Waldman & Associates

12:00 – 12:30 PM

Break

Lunch Keynote:
The Federal Courts – A View from the Outside

12:30 PM to 1:45 PM

Introduction

The Honourable John D. Richard – Retired Chief Justice of the Federal Court of Appeal, Former Chief Justice of the Federal Court

Keynote Speaker

Mr. Richard W. Pound Q.C. - Counsel, Stikeman Elliott LLP

Closing Remarks

The Honourable Martine St-Louis – Judge of the Federal Court

The Bilingual and Bijural Federal Courts

2:00 PM to 3:15 PM From their inception as itinerant courts designed to unify laws of federal jurisdiction, the Federal Courts were the "natural forum" for bilingualism and bijuralism. This session examines the success of the federal Courts to be operationally bilingual and bijural, with both jurists and advocates exemplifying these founding legal traditions and contributing significantly to the jurisprudential developments of bilingualism and bijuralism in Canada.

Moderator

The Honourable René LeBlanc – Judge of the Federal Court of Appeal, Former Justice of the Federal Court

Speakers

Mr. Bernard Letarte – Department of Justice
Mr. Mark Power – Partner, Juristes Power Law
Martine Valois – Professor, University of Montréal, Faculty of Law

3:15 PM to 3:30 PM

Health Break

Federal Courts and Administrative Law

3:30 PM to 4:45 PM Fifty years ago, the Federal Court Act bestowed upon the then Federal Court of Canada the role of a centralized reviewing court in administrative law. The Federal Courts' preeminent expertise in this area, the development of the jurisprudence around, among others, justiciability, reasonableness, and the public-private distinction, has been, and continues to be, a unifying role in a complex area of law. This session focusses on the impact of the Federal Courts in an area of law affecting many central aspects of the Canadian federation and the everyday lives of its citizens.

Moderator

The Honourable John B. Laskin – Justice of the Federal Court of Appeal

Speakers

The Honourable Marie-France Bich – Justice of the Court of Appeal of Québec
The Honourable Alexander Pless – Justice of the Superior Court of Québec
Paul Daly – Professor, University Research Chair in Administrative Law and Governance
University of Ottawa – Faculty of Law

4:45 PM

Wrap Up

The Honourable René Leblanc – Justice of the Federal Court of Appeal

Reception and Dinner Keynote: Civil Law in a European Law Context

6:00 PM to 9:30 PM

Introduction

Alexandra Steele – Prothonotary of the Federal Court

Keynote Speaker

First President Chantal Arens – Cour de cassation, France

Closing Remarks

The Honourable Pierre Blais – Retired Chief Justice of the Federal Court of Appeal, Former Justice of the Federal Court

TUESDAY, JUNE 28, 2022

8:55 AM to 9:00 AM

Opening Remarks

The Honourable Richard Boivin – Justice of the Federal Court of Appeal, Former Justice of the Federal Court

International Panel – The National Courts in a Changing World

9:00 AM to 10:30 AM How do courts steeped in tradition modernize in a changing world? We are privileged to welcome three leaders of the judiciary to discuss, from both a domestic and international perspective, the initiatives their Courts have taken to modernize in the context of transparency, accessibility, and the administration of justice. Our panelists discuss how the impact of globalization, communication strategies with both traditional and social media, and the support for the rule of law in a rapidly transforming world create challenges and opportunities for the future of national courts.

Moderator

The Honourable Richard Boivin – Justice of the Federal Court of Appeal

Speakers

The Right Honourable Richard Wagner P.C. – Chief Justice of Canada, Supreme Court of Canada
The Rt Hon The Lord Reed of Allermuir – President of the Supreme Court of the United Kingdom
First President Chantal Arens – Cour de cassation, France

10:30 AM to 10:45 AM

Health Break

Environmental Law

10:45 AM to 1:50 PM Environmental damage is neither free nor constrained by borders. With the Supreme Court of Canada's unequivocal recognition that "climate change is real," environmental law is an emerging and critical area in which the Federal Courts have and will continue to shape the law to meet the challenges of protecting the biosphere. From pipelines to rare species, this session explores the Courts' vital role as the unifying national court in the often borderless world of environmental law.

Moderator

The Honourable Anne L. Mactavish – Justice of the Federal Court of Appeal, Former Justice of the Federal Court

Panelists

The Honourable Jan Brongers – Justice of the Supreme Court of British Columbia
The Honourable Sébastien Grammond – Justice of the Federal Court
Jocelyn Stacey – Associate Professor, Allard School of Law, University of British Columbia

Lunch Keynote:

Who defends the judiciary when it is under attack?

12:00 PM to 1:00 PM

Introduction

The Honourable James O'Reilly – Justice of the Federal Court

Keynote Speaker

The Rt Hon The Lord Reed of Allermuir – President of the Supreme Court of the United Kingdom

Closing Remarks

The Honourable Frank Iacobucci – Retired Justice of the Supreme Court of Canada, Former Chief Justice of the Federal Court of Canada, Honorary Member, Board of Governors, Torys LLP

Indigenous Peoples and the Federal Courts

1:15 PM to 4:00 PM (**Health Break Included**) History, constitutionalism, and statutory jurisdiction placed the Federal Courts in the position as key decision-makers for Indigenous Peoples in their relations with the Crown. This session explores the development of Aboriginal Law in the Federal Courts from a judicial, scholarly and practitioners' perspective. In this era of national reconciliation, our panelists discuss the evolution of Aboriginal Law in the context of the lessons of history and the future of Indigenous law and legal orders, the role of section 35, and the comparative Australian Federal Court model of resolving disputes with Indigenous Peoples.

Moderator

The Honourable Paul Favel – Justice of the Federal Court

Speakers

Michèle Audette – Senator, Senate of Canada

Aimée Craft - Associate Professor, University of Ottawa, Faculty of Law, Common Law Section

The Honourable Leonard S. (Tony) Mandamin – Retired Justice of the Federal Court, Counsel Witten LLP

Mr. David Nahwegahbow – Founding Member and former President of the Indigenous Bar

Association (IBA) Nahwegahbow, Corbiere Barristers & Solicitors

Dwight Newman – Professor, Professor of Law and Canada Research Chair in Indigenous Rights in Constitutional and International Law University of Saskatchewan

Mr. Ronald Stevenson – Juristes Power Law

4:00 PM

Wrap Up

The Honourable Simon Noël – Justice of the Federal Court

Reception and Gala Evening with Keynote Address: Celebrating the Federal Court of Appeal and Federal Court

6:00 PM to 10:00 PM

Host

The Honourable Jocelyne Gagné, Associate Chief Justice of the Federal Court

Introduction

The Honourable Marc Noël, Chief Justice of the Federal Court of Appeal

Keynote Speaker

The Right Honourable Richard Wagner P.C., Chief Justice of Canada

Closing Remarks

The Honourable Paul Crampton, Chief Justice of the Federal Court

WEDNESDAY, JUNE 29, 2022

9:00 AM - 9:15 AM

Opening Remarks

The Honourable Simon Noël – Justice of the Federal Court

The Federal Courts' Jurisdiction and Their Role

9:15 AM to 10:45 AM Through a quintessentially Canadian combination of history, constitutional law, and statutory provisions, jurisdiction has been a pressing concern of the Federal Courts from their inception. From "pure" jurisdictional cases setting out the limits of the Courts' powers, to the interface between courts on a constitutional and statutory interpretive foundation, this session delves into the key jurisprudence and the nature of the cases before the Federal Courts with significant impact on Canadian law.

Moderator

Mireille A. Tabib – Prothonotary of the Federal Court

Speakers

The Honourable Luc Martineau – Retired Justice of the Federal Court

Mr. Mark Mancini – Doctoral Candidate, Allard School of Law, University of British Columbia

Peter McCormick – Professor Emeritus, University of Lethbridge
Mr. Guy J. Pratte – Borden Ladner Gervais LLP
The Honourable David W. Stratas – Justice of the Federal Court of Appeal

10:45 AM to 11:00 AM *Health Break*

The Past, Present and Future of the Federal Courts

11:00 AM – 11:45 AM

Moderator

The Honourable Simon Noël – Justice of the Federal Court

Rapporteur

The Honourable Thomas A. Cromwell C.C. – Retired Justice of the Supreme Court of Canada,
Former Justice of the Nova Scotia Court of Appeal, Senior Counsel, Borden Ladner Gervais LLP

11:45 AM - 12:00 PM

Introduction

The Honourable Frank Iacobucci

Special Guest

Her Excellency the Right Honourable Mary Simon
Governor General of Canada

12:00 PM to 12:15 PM

Closing Remarks

The Honourable Simon Noël – Justice of the Federal Court

Accreditation

- Law Society of British Columbia: This program contains 14.75 hours of Continuing Professional Development.
- Law Society of New Brunswick: This program contains 14.5 hours of Continuing Professional Development.
- Law Society of Ontario: This program (Indigenous Peoples and the Federal Courts panel on Tuesday June 28 from 1:15 PM to 4 PM) contains 2 hours and 30 minutes of Equity, Diversity and Inclusion Professionalism Content. The rest of the symposium is eligible for substantive hours.
- Barreau du Québec: Training activity whose eligibility has been confirmed by the Barreau du Québec, for one 13.5 hours of continuing professional development.
- Law Society of Saskatchewan: This program contains 13.5 hours of Continuing Professional Development.

Members of the bar in the other provinces and territories may consider including the symposium as a learning activity in an annual mandatory CPD Plan.