

Richard Wagner, a Chief Justice favorable to Francophones? (Translated using Google Translate)

Description

Unsurprisingly, the Prime Minister has respected the principle of alternation, in place since the Second World War with one exception, which consists in successively choosing a judge from outside Quebec, stemming from the tradition of the common law, then a Chief Justice from Quebec civil law. In the last few days, however, several Liberal members had suggested that the choice could be made by seniority.

Canada's first leader to appoint a Chief Justice to the Supreme Court of Canada since Jean Chrétien, Justin Trudeau has finally chosen a Quebec judge in the person of Mr. Wagner, who was the favorite of the predictions.

The appointment of Justice Wagner could have a significant impact on Francophones outside Quebec, as the decisions of the highest court in the country have had an impact on several important issues, including that of education, in recent decades .

The Federation of Francophone and Acadian Communities (FCFA) in Canada did not fail to send a clear message to the new Chief Justice.

"I would like to congratulate Judge Wagner on his new role at the highest court in our country. I wish the new Chief Justice to preside over a tribunal where language rights are interpreted broadly and liberally, in keeping with the approach taken by the Supreme Court in Beaulac two decades ago," said the President. of the organization, Jean Johnson, by way of press release.

Favorable decisions for francophones

According to Mr. Wagner's recent pronouncements, the new Chief Justice could be a valuable ally for Francophone communities in a minority context.

Since his appointment, he has notably supported the obligation to compensate Air Canada in the Thibodeau case in 2014. He also participated in the unanimous vote in the Rose-des-Vents case, in April 2015, and was one of the dissenting judges in the Caron-Boutet case, supporting their arguments. This case, ultimately lost before the Supreme Court of Canada, was intended to determine, after twelve years of linguistic and judicial saga, whether the Government of Alberta had the right to legislate only in English.

Mr. Wagner, on the other hand, was behind his peers to ask the trial court for a new trial on the issue of education in French in the Yukon in 2015.

The Dean of the Faculty of Law, Common Law Section of the University of Ottawa, François Larocque, is cautious, however.

"The appointment of Mr. Wagner is excellent news. He is a judge of great experience, a lawyer who

has a proven track record and is familiar with the Canadian judicial system. It is always positive to have a francophone in this position, but even though Mr. Wagner is sensitive to minority language groups, it is difficult to rely on his previous decisions as an indication of his future decisions. ”

The president of the Federation of French-speaking Common Law Lawyers Associations (FAJEF), Daniel Boivin, sets some expectations in this appointment.

“The appointment of a Quebec judge suggests that he will be sensitive to issues related to judicial bilingualism, as the Quebec legal community has always been. Without making a public pronouncement, the Chief Justice, as the head of the Canadian judiciary, has a significant impact on departmental policy by being consulted by the government. We have no reason to believe that he will not be an ally of francophones. ”

Graduate from the University of Ottawa

Appointed to the Supreme Court of Canada in October 2012, under the government of Stephen Harper, Richard Wagner is from Montreal. He holds a Bachelor of Social Science degree with a concentration in Political Science from the University of Ottawa, and is a graduate of the University of Ottawa’s Faculty of Law.

A pride for Mr. Larocque who points out that Mr. Wagner is the second Chief Justice of the Supreme Court of Canada to have passed through the Faculty of Law of the University of Ottawa, after Joseph Honoré Gérald Fauteux, Chief Justice of 1970 to 1973.

A member of the Quebec Bar since 1980, Mr. Wagner then sat on the Quebec Superior Court from 2004, before joining the Quebec Court of Appeal in 2011.

At the age of 60, he succeeded Alberta judge Beverley McLachlin, the first woman to hold the position, who will retire on December 15, after nearly 18 years in this position. Justice Wagner will be sworn in as Chief Justice and Member of the Queen’s Privy Council for Canada on December 18

<https://onfr.tfo.org/richard-wagner-un-juge-en-chef-favorable-aux-francophones-hors-quebec/>

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Date Created

2017-12-12