

Constitutional

Canada's constitution is the foundational framework that sets out the powers of government and the rights and freedoms of Canadians and is comprised of written documents, court-made law and unwritten rules derived from custom and practice. When the validity of government action or legislation is called into question, it is essential to be advised by lawyers who understand the constitutional dimensions of an issue.

Our firm has had the privilege of acting on many of the leading constitutional cases of the day, both under the Charter of Rights and Freedoms and the *Constitution Act* generally.

As such, we have a deep expertise in all areas of constitutional law, including federalism matters, the Charter of Rights and Freedoms and Aboriginal rights. We act for a range of organizations – including public sector agencies, companies, Aboriginal groups, charities, advocacy groups and private businesses – on complex constitutional matters. Among other things, we provide constitutional law opinions and represent parties in constitutional challenges at all levels of court on matters as diverse as the constitutionality of a commercial salmon fishery in coastal British Columbia waters, the constitutionality of corporal punishment, taxing powers of the government, freedom of expression and the constitutional validity of the regulator's search and seizure powers, to name a few.

We also have a dedicated practice focused on constitutional and administrative law concerning human rights, labour relations and civil litigation.

Lawyers and professionals in this area



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Areas of Expertise

- Aboriginal rights
- Administrative law
- Charter rights and freedoms
- Discrimination
- Equality
- Federalism
- Freedom of expression
- Judicial review
- Tax

Representative Experience

Lawyers who practise at our firm have had the privilege of acting on many of the leading constitutional cases of the day, both under the Charter of Rights and Freedoms and the *Constitution Act* generally. Among the many cases on which we have acted are:

- *v. Kapp*, 2008 SCC 41 on the requirements for equality rights claims under section 15(1) of the Charter and the legal test for the validity of affirmative action programs under section 15(2) of the Charter.
- *Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General)*, [2004] 1 S.C.R. 76 on whether

parents and teachers can use physical force to discipline their children;

- **Reference re Same-Sex Marriage**, [2004] 3 S.C.R. 698 on whether same-sex couples have the same right to marriage as opposite-sex couples;
- **Vann Niagara Ltd. v. Oakville (Town)**, [2003] 3 S.C.R. 158 on whether municipalities can regulate the size of billboards;
- **v. H.**, [1999] 2 S.C.R. 3 on whether same-sex couples have the same rights to family law support as opposite-sex couples;
- **Vriend v. Alberta**, [1998] 1 S.C.R. 493 on whether a provincial government can refuse to include sexual orientation as a protected ground under its human rights law;
- **Chippewas of Kettle and Stony Point v. Canada (Attorney General)**, [1998] 1 S.C.R. 756 on the validity of surrender of aboriginal title;
- **Reference re Secession of Quebec**, [1998] 2 S.C.R. 217 on whether the Province of Québec can unilaterally separate from Canada;
- **Re Eurig Estate**, [1998] 2 S.C.R. 565 on the limits of Cabinet's law-making powers;
- **Consortium Developments (Clearwater) Ltd. v. Sarnia (City)**, [1998] 3 S.C.R. 3 on whether a municipal judicial enquiry constitutes a form of criminal inquiry;
- **Symes v. Canada**, [1993] 4 S.C.R. 695 on whether parents can deduct child care expenses from their incomes;
- **Weatherall v. Canada (Attorney General)**, [1993] 2 S.C.R. 872 on whether cross-gender searches of male prisoners are constitutional;
- **Thompson Newspapers Ltd. v. Canada (Director of Investigation and Research, Restrictive Trade Practices Commission)**, [1990] 1 S.C.R. 425 on the investigatory powers of the competition regulators under Canada's **Competition Act**;
- **Reference re Bill 30, An Act to Amend the Education Act (Ont.)**, [1987] 1 S.C.R. 1148 on whether expanding provincial funding for Roman Catholic secondary schools is constitutional.
- **Multiple Access Ltd. v. McCutcheon**, [1982] 2 S.C.R. 161 on the correct legal test to use in determining issues of paramountcy and, in particular, whether both the federal Parliament and the provincial Legislatures have the jurisdiction to enact legislation relating to securities.

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