

Other Areas of Practice

Legal groups push back on social media criticism of Norris' appointment to Federal Court

By Amanda Jerome

(March 13, 2018, 11:51 AM EDT) -- The appointment of Justice John Norris, a former lawyer to Omar Khadr, to the Federal Court bench may have received criticism on social media, but legal associations are coming forward in support of the decision.



Michael Lacy, Criminal Lawyers' Association president

"The criticisms are completely unwarranted. The duty of the criminal defence lawyer is to advocate on behalf of his or her clients no matter how distasteful the allegations or how despised the person is," said Michael Lacy, president of the Criminal Lawyers' Association (CLA).

Justice Norris maintained a practice in Toronto and specialized in criminal, constitutional and national security law. He represented clients charged with serious criminal offences including murder, terrorism and sexual assault.

The announcement of his appointment on Feb. 26 was met with online criticism. Twitter users expressed shock that Prime Minister Justin Trudeau and Jody Wilson-Raybould, minister of justice and attorney general of Canada, would select a lawyer for the federal bench who defended suspected terrorists.

Critics drew attention to the fact that Justice Norris was appointed not long after Khadr, a child soldier indoctrinated into al-Qaeda by his father, was awarded a \$10.5 million settlement and an apology from the Canadian government after he was held in Guantanamo Bay for 10 years.



Justice John Norris

The CLA, Canada's largest criminal law association, called the condemnations of Justice Norris' appointment "offensive."

"Justice Norris was the consummate professional throughout his career. He took on very high profile and challenging cases because he was a sought-after lawyer who always defended his clients with the utmost skill, judgment, integrity and professionalism," said Lacy, adding that Justice Norris' contributions to the administration of criminal justice in Canada are immeasurable.

Lacy also called Justice Norris a brilliant scholar, teacher and mentor to both Crowns and defence lawyers. He emphasized that there is not a single judge, Crown or respected lawyer who would have anything negative to say about this appointment.

"If anything they would wonder why it took so long," he explained.

"The ignorant and ill-informed who have criticized his appointment to advance their own misguided agendas or to fill their Twitter feed are a joke. This is one time where any criticism whatsoever of the minister of justice or the prime minister for making this appointment is truly laughable," Lacy concluded.



Kerry Simmons, Canadian Bar Association president

Canadian Bar Association president Kerry Simmons also offered comment on this issue and said all criminal defence lawyers represent unpopular or controversial clients at some point

in their careers. She noted that this is the nature of their important role in a fair justice system.

"If appointed to the bench, criminal defence lawyers bring knowledge and expertise on issues that are before the courts. The Canadian Bar Association firmly believes that judicial appointments should be based on merit and ultimately reflect the diversity of Canadian society. The current system improves transparency in the appointment process," said Simmons.

The Advocates' Society, an association for trial lawyers with almost 6,000 members across Canada, released a statement expressing its concern over the criticism of the appointment. The statement noted that "vigorous representation" of unpopular persons accused of wrongdoing is in the "finest tradition of the bar."

"As an excellent criminal defence lawyer, Justice Norris upheld the highest traditions of the bar in representing clients, regardless of their unpopularity. This important work upholds the rule of law and every accused person's constitutional right to a defence," The Advocates' Society wrote, adding that the Supreme Court concluded that Khadr's detention at Guantanamo Bay when he was 15 years old was the result of an "illegal process" that "offends the most basic Canadian standards about the treatment of detained youth suspects."

"A free and democratic society depends on fearless advocates who will advance unpopular causes where that is necessary to uphold the principles of fundamental justice and the rule of law. It is unfair to criticize Justice Norris' fulfilment of his professional obligations as a lawyer and his work to defend and protect Canadian constitutional rights at home and abroad," the statement concluded.

Canadian associations were not the only legal groups voicing support for Justice Norris. The American College of Trial Lawyers (ACTL), in Newport Beach, Calif., also released a statement calling the criticism of Justice Norris "unjustified" and "misplaced."

The college's stance that criminal defence lawyers serve an important role in a free and democratic society is echoed by Canadian legal associations speaking out in favour of the new judge.

"They [criminal defence lawyers] are responsible to represent their clients resolutely and honorably within the limits of the law. This includes the duty to raise fearlessly every issue and argument available to defend their clients against allegations that must be proved beyond a reasonable doubt by the prosecution. Indeed, the vigorous representation by defence lawyers of people accused of crimes is one of the cornerstones of a fair and effective criminal justice system," the ACTL wrote.

"Justice Norris does not deserve to be criticized in any way for having discharged those important responsibilities. Nor does the minister of justice and attorney general of Canada deserve criticism for the appointment of Justice Norris to the bench, to the extent the criticism is directed to the advocacy Justice Norris has provided on behalf of his clients," the statement resolved.

According to a release from the Department of Justice, Justice Norris is filling a new position created under *An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act*.