File No. T-1340-7008

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N :

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA
and ASSEMBLY OF FIRST NATIONS

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA
(representing the Minister of Aboriginal Affairs and Northern Development)

Respondent

- and -

CHIEFS OF ONTARIO and
AMNESTY INTERNATIONAL CANADA

Interested Parties

WRITTEN SUBMISSIONS OF THE CARING SOCIETY
On the Respondent's Motion on the Admissibility of Expert Reports

---

I. INTRODUCTION

1. The Respondent, Attorney General of Canada, has brought a motion for an Order striking all seven of the expert reports filed by the Canadian Human Rights Commission ("the Commission") pursuant to Rule 6(3) of the *Canadian Human Rights Tribunal Rules of Procedure*, alleging that each of reports are inadmissible because

their authors lack the requisite qualifications and objectivity to provide expert evidence in the Tribunal's inquiry.

2. The First Nations Child and Family Caring Society ("the complainant" or "the Caring Society") opposes the Respondent's motion, on the basis that it is premature and inappropriate to challenge the admissibility of the reports by disputing the qualifications and objectivity of their authors until such time as they come before the Tribunal for qualification as expert witnesses. At that time, the Tribunal may assess the scope of the authors' expertise, and their qualifications and objectivity may be challenged by the Respondent through cross-examination.

3. Accordingly, the Respondent's motion should be dismissed, and the issues of the reports' admissibility and the qualifications and objectivity of any witnesses who may be proffered as experts should be left for determination by the Tribunal in the ordinary course.

II. FACTS

4. The Commission has filed seven expert reports pursuant to Rule 6(3) of the *Canadian Human Rights Tribunal Rules of Procedure*, namely:

i) *A National Crime: The Canadian Government and the Residential School System 1879 to 1986*, by John Milloy;

ii) *Places for the Good Care of Children: A Discussion of Indigenous Cultural Considerations and Early Childhood in Canada and New Zealand*, by Margo Greenwood;

iii) *Whispered Gently Through Time: First Nations Quality Child Care*, by Margo Greenwood and Perry Shawana;

iv) *Report of Dr Nico Trocme*, dated September 2, 2009;

v) *Keeping First Nations children at home: A few Federal policy changes could make a big difference*, by Frederic Wien, Cindy Blackstock, John Loxley and Nico Trocme;

vi) *Wen:de The Journey Continues,* by John Loxley (primary author) and multiple individuals; and

vii) *Conditions Facing First Nations Children in Remote Northern Communities in Ontario: Preliminary Impressions from the Perspective of the Office of Child and Family Service advocacy,* by Ruth Hislop and Judy Finlay.

5. By its motion, the Respondent challenges the admissibility of all seven of these reports on the basis that they fail to meet the established criteria for the admissibility of expert evidence. To be clear, the Respondent's motion does not challenge the reports' compliance with the criteria established under Rule 6(3). Rather, the Respondent's motion challenges the relevance and necessity of the reports and the qualifications and objectivity of their authors as experts.

III. POSITION OF THE COMPLAINANT

6. It is the Caring Society's position that the Respondent's motion should be dismissed, as it is both premature and inappropriate to challenge the admissibility of proposed expert reports filed under Rule 6(3) or to dispute the qualifications and objectivity of their authors at this preliminary stage. Rather, these matters are properly raised only when the authors are called to be qualified as expert witnesses. At that time, the parties may examine and cross-examine the proposed experts and make submissions as to their qualifications and objectivity, the scope of their expertise, and the admissibility of any reports on which they intend to rely.

a) Rule 6(3) Establishes Only Preliminary Requirements For Expert Reports

7. The *Canadian Human Rights Tribunal Rules of Procedure* are enacted to ensure that: a) all parties have the full and ample opportunity to be heard; b) arguments and evidence is disclosed and presented in a timely and efficient manner; and c) all proceedings before the Tribunal are conducted as informally and expeditiously as possible.

Canadian Human Rights Tribunal Rules of Procedure, Rule 1

8. To further this purpose, Rule 6 specifies requirements and criteria for important steps parties must complete prior to the commencement of a hearing, including the filing of statements of particulars, disclosure, and production of documents. Rule 6(3), which establishes the Tribunal's rules concerning the service of expert witness reports, provides:

> Within the time fixed by the Panel, each party shall serve on all other parties and file with the Tribunal,
>
> a. a report in respect of any expert witness the party intends to call, which report shall,
>
> i. be signed by the expert;
> ii. set out the expert's name, address and qualifications; and
> iii. set out the substance of the expert's proposed testimony; and
>
> b. a report in respect of any expert witness the party intends to call in response to an expert's report filed under 6(3) (a), which report shall comply with the requirements of 6(3) (a).
>
> *Canadian Human Rights Tribunal Rules of Procedure,* Rule 6(3)

9. While failure to meet the criteria in Rule 6(3) may be raised on a preliminary basis, it is premature and inappropriate for parties to dispute the admissibility of expert evidence at this stage. As with facts and legal positions asserted in a statement of particulars or reply filed under Rules 6(1) or 6(2), or documents disclosed under Rules 6(4) or 6(5), the relevance, admissibility, or weight to be accorded to proposed expert reports filed in accordance with Rule 6(3) is not a matter for determination on a preliminary basis.

10. The Caring Society submits that only an alleged failure to comply with the specific criteria set out in Rule 6(3) may be raised on a preliminary basis, as these

requirements must be met in order for the inquiry to proceed in a manner that is timely, efficient, and fair to the parties.

b) Application of the *Mohan* Criteria for Admissibility is Premature

11. There is nothing in Rule 6(3) requiring parties to establish that the evidence of expert witnesses they intend to call will meet the *Mohan* test for admissibility at the time their reports are filed. Rather, the relevance of expert evidence and the qualifications of expert witnesses can only be assessed during the course of a hearing. Indeed, the complainant maintains that these are matters which cannot be decided by the Tribunal before the hearing has begun. The precise nature of the proposed expert evidence must first be established in the context of the case, the proposed witnesses must be put forward for qualification as experts, and the scope of their expertise must be defined following direct and cross-examination as to their qualifications and objectivity.

12. Accordingly, the *Mohan* criteria may be applied by the Tribunal only after the proposed witness has been put forward for qualification as an expert in a specified field and the parties have had an opportunity to examine and cross-examine the witness regarding their qualifications, expertise, and objectivity. As noted by Member Groark in *PSAC v GNWT*, "Issues with respect to the relevance and admissibility of an expert's testimony are more properly decided when the witness is called."

PSAC v GNWT, CHRT Ruling No. 10, 2001/08/27 (Groark) at paras. 5, 12

Mellon v Canada, 2005 CHRT 12

13. An objection challenging the admissibility of expert evidence will be premature until the witness has been called and presented to the Tribunal for qualification as an expert in a specific field. The Supreme Court considered the link between the admissibility of expert evidence and the proper qualification of expert witnesses in *R v Marquard*. Considering the issue of testimony going beyond the limits of a witness's

expertise, the Court in *Marquard* made clear that questions of admissibility are contingent upon, and must therefore be raised after the expert has been called for qualification:

> The objection to the witness's expertise may be made at the stage of initial qualification, or during the witness's evidence if it becomes apparent the witness is going beyond the area in which he or she was qualified to give expert opinion.
>
> *R v Marquard*, [1993] 4 SCR 223 at para. 37

14. In the present case, it is clear that the Respondent's motion amounts to an attack on the qualifications, expertise, and objectivity of the authors of the seven reports filed by the Commission pursuant to Rule 6(3). While it is certainly open to the Respondent to challenge the admissibility of expert evidence on this basis, such objections cannot be properly addressed unless and until the Tribunal has heard from the proposed expert at the initial qualification stage, in which his or her qualifications, expertise, and biases may be the subject of direct and cross-examination by the parties.

15. The Respondent's arguments on the present motion, including that the authors of the reports are not "properly qualified" as experts and that their conclusions are not relevant to the narrow issue of the funding of child and family service provides, are assertions that simply cannot be tested without first hearing from the proposed witnesses as to their qualifications and from the Commission as to the precise issues and subject areas on which they are being proffered as experts. Rather, the initial qualification process is the appropriate stage at which to challenge the qualifications, expertise, or biases of a proposed expert witness and thus dispute the admissibility of their evidence. Indeed, the initial qualification process exists precisely for the parties to canvass these issues. As the authors of *The Expert: A Practitioner's Guide* note:

> If opposing counsel wishes to object to the admissibility of an expert's testimony, he or she may cross-examine the witness as to his or her qualifications before the witness begins to testify on substantive matters.

Matthews, K. M. et al., *The Expert: A Practitioner's Guide* (Carswell) at 1-10

16. In *R v Abbey*, the trial court dealt with the admissibility of expert evidence (and the question of reliability in particular) only after the qualification process had been completed. As noted by the Court of Appeal, the nature and scope of the proposed expert evidence must be determined through the qualification process before deciding admissibility. Moreover, the court may as a result of this process decide to admit only a portion of the proffered testimony or to modify the nature or scope of the proposed expert opinion. The complainant submits that such determinations cannot be made on a preliminary basis.

R v Abbey, 2009 ONCA 624 at paras. 25, 62-63

17. Similarly, in *Fairford First Nation v Canada (Attorney General)*, Justice Rothstein (as he then was) proceeded to consider the necessity of an expert's testimony only after the expert report had been filed with the court and the witness's qualifications and extensive experience had been canvassed in considerable detail in the qualifying process. Significantly, Justice Rothstein also expressly relied on the evidence to which other factual witnesses had already testified in support of his conclusion that there was nothing so technical in the evidence as to necessitate the evidence of an expert. Again, it is clear that a determination as to the admissibility of expert evidence is best left for the hearing itself, when the Tribunal is in the best position to assess the relevance, scope, and necessity of the proposed expert evidence.

Fairford First Nation v Canada (Attorney General) (1998), 145 FTR 115 (FCTD) at para. 9

18. By raising its objections at this preliminary stage, the Respondent effectively asks the Tribunal to bypass the qualifying process and pre-emptively exclude expert evidence without hearing any evidence as to the witnesses' qualifications or the scope of their proposed testimony. The complainant submits that to make a determination

as to the admissibility of proposed expert evidence at this stage, before the hearing has even commenced or the witnesses have been qualified, would be premature.

19. This Tribunal has previously rejected similar attempts to exclude expert evidence on a pre-emptive basis. In *Jeffers*, the Respondent sought an order preventing the complainant from introducing a report on racial profiling. The Commission intended to call the report's author as an expert witness and to introduce his report during his testimony, and the Respondent sought a ruling in advance of the hearing that the report would not be admitted into evidence during the hearing. Member Jenson dismissed the Respondent's motion, concluding:

> I am of the view that the admissibility of the Wortley report is a matter that is best left for determination at the hearing. One of the criteria for the admissibility of expert evidence is that the evidence be given by a properly qualified expert. The Commission and/or the Complainant have not yet had the opportunity to attempt to qualify Dr Wortley. Therefore, a determination on the admissibility of the Wortley report is not possible at this time. The Respondents are free to raise their objections to the admissibility of the report at the appropriate time during the hearing.
>
> *Jeffers v Canada*, 2008 CHRT 25 at para. 5 (emphasis added)

20. Finally, the Caring Society notes that even if the Respondent's preliminary motion is dismissed and the experts' reports are not deemed inadmissible at this stage, it will still be necessary for the proposed witnesses to go through the qualifying process before they may give expert evidence in the hearing. Thus, the Respondent would be afforded two attempts to challenge and the Tribunal would be called upon twice to make a determination as to the qualifications, expertise, and objectivity of the experts, together with the scope, relevance, and necessity of their proposed evidence. For this reason, addressing the Respondent's objection at this preliminary stage would be inefficient, duplicative, and highly prejudicial to the complainants.

c) The Respondent's Specific Objections

21. Notwithstanding the foregoing arguments that this motion is premature, the Caring Society submits that the respective expert reports meet the requisite criteria for admissibility. First and foremost, the individuals are all highly-respected and leading academics in their respective fields. The reports they provided are all relevant to the primary or secondary issues in the proceeding, including remedial issues and the impact of the discrimination on the affected individuals. The Respondent artificially boils down all the issues in this proceeding to a single one, underfunding, and ignores the complex nature of the complaint and other relevant issues such as historical evidence of discrimination and appropriate remedy. The majority of the arguments raised by the Respondent can be considered when the evidence is considered for weight.

22. Further, the Caring Society submits that some of the proposed evidence from the experts will address the fact of underfunding, according to objective data and calculations. For example, the *Wen:de* reports are a comprehensive study that reviews the Respondent's funding formula, policies and the outcomes in child welfare services. This study was actually sponsored, overseen and approved by the Respondent, yet now the Respondent wishes to see it excluded. The motion ought to be dismissed.

Affidavit of C. Blackstock, dated September 20, 2012 ["Blackstock Affidavit"], Complainant's Motion Record ["CMR"], Tab 2 at paras. 4-5

John Milloy - Expert on History of the Canadian Government and the Residential School System

23. The Respondent contends that the history of the Indian Residential School system is not relevant to issues involving "federal/provincial funding of child and family service providers" and engages matters "beyond the scope of the allegations that the Tribunal must determine." The Caring Society contends that the historical pattern of the federal government's discriminatory treatment towards First Nations children, including the attitude or belief that First Nations children do not deserve to

enjoy the same public services as other children, is crucial contextual evidence that helps to explain the federal government's current approach to child welfare services.

24. John Milloy was a historian hired in the 1990s by the Royal Commission on Aboriginal Peoples to study the history of the Indian residential school system. In that capacity, Dr Milloy was given access by the federal government to a large volume of previously-secret files. His report to the Royal Commission was later expanded upon and published as a book, which is attached to his expert report.

> Milloy, J. *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986* (University of Manitoba Press: 1999) ["*A National Crime*"], CMR, Tab 3 at vii

25. Dr Milloy writes that the residential school system was initially established by the federal government for the express purpose of assimilating Aboriginal peoples in Canada to the dominant culture, and eliminating "the character and circumstances of the Indian 'race'." Official documents held by the Department of Indian Affairs (the Respondent in this case) explained that the goal was "to elevate the Indian from his condition of savagery" and the "present state of ignorance, superstition and helplessness."

> *A National Crime*, CMR, Tab 3 at 19-25, 23 and 25 for quotes

26. Among the themes in Dr Milloy's work is the Respondent's gross underfunding of the residential school system and its impact on the quality of teaching, care, food and housing. Even the method of funding for the residential school system - i.e., the funding formulas - was a serious problem, the effects of which were basically ignored by the Respondent. Here are a few relevant passages from Dr Milloy's book, *A National Crime*:

> The school system grew almost without planning or restraint and was, as a whole, constantly underfunded. Moreover, the method of funding individual schools, the intricacies of the Department-church partnership in financing and

managing schools and the failure of the Department to exercise effective oversight of the schools, led directly to their rapid deteriorating and overcrowding. (at 52)

...Departmental attempts to bring financial order to the school system, by the adoption in 1892 of a funding arrangement that remained in force until 1957, were ineffectual and only contributed to the problems of control... Moreover, those arrangements created the very conditions that produced the escalating death rate in the schools. (at 61)

The root of overcrowded dorms and classrooms, as with the deteriorating condition of school buildings, could be traced back to funding arrangements and particularly to the per-capita system. The critical need that principals had to maintain high enrollments to qualify for the full grant that had been assigned to their school led to practices that contributed directly to the health problem. (at 87)

The Department put the best public face on the situation. Privately, senior staff knew that the per-capita average, claimed to be still about $180 in 1938, was "exceptionally low" and inadequate particularly in relation to the funding available to other residential child-care facilities. (**at 103**)

According to one medical inspector: "What is the point of this [examination], when I know that were I to apply the standards of health to them that is applied to children of the white schools that I should have to discharge 90% of them and there would be no school left." (at 105)

Whenever correspondence turned to the per capitas or maintenance funds, someone was bound to point out that this affected the children, that it would "render almost superhuman the task of feeding, clothing and treating the children in the manner required by the Department." (at 105)

As with the story of tuberculosis in the schools, [the Department and the churches] had neither the necessary financial or administrative resources. But more seriously, they lacked, even by their own standards, moral resources, and thus neglect became a thoughtless habit, harsh discipline and excessive cruelty unexceptional events that were routinely excused or ignored. (at 111)

Paget concluded, in his 1908 survey, that churches could not, within the restrictive limit of their per-capita grants, easily secure qualified people. That situation did not change. (at 176)

In the minds of some inspectors, the lack of progress was rooted in the students themselves, in the "nature of the Indian children." (at 179, and see 180)

> "The method of financing these institutions by per-capita grants was an iniquitous system which made no provision for the establishment and maintenance of standards, even in such basic elements as staffing and clothing." (at 269, quoting R.F. Davey, the Department's Director of Education Services in 1968)

27. Dr Milloy's study also demonstrates that residential schools were - by the 1960s and 1970s - often used explicitly as a substitute for proper child welfare services. In 1962, Minister Ellen Fairclough confirmed that the schools were, by that time, "operated essentially [for] orphans, children from broken homes and for children from remote day schools." Later in the 1960s, other officials indicated that the schools had become "welfare institutions" or "a sort of foster home." Milloy cites historical documents to show that residential schools were largely continued in the 1960s, 1970s and 1980s because provincial welfare agencies saw the schools as "a resource for Indian children." This was the system that evolved into the current arrangements for child welfare services that the complainants allege are discriminatory.

A National Crime, CMR, Tab 3 at 214-217

28. The Caring Society submits that the history of racism and discriminatory treatment of First Nations children in the Residential School system is highly relevant to the present case. The Supreme Court of Canada has repeatedly emphasized that discrimination claims must be evaluated contextually, with an understanding of the claimant's place within a legislative scheme and society at large. Contextual factors help to determine whether an impugned law or decision perpetuates disadvantage or stereotyping. The history of differential treatment of First Nations children by this Respondent is part of that context.

Withler v Canada, 2011 SCC 12 at paras 63-66

29. The Supreme Court of Canada has also held that evidence of historical patterns of discrimination may support inferences about current differential treatment. In the words of the Court,

> Historic patterns of discrimination against people in a group often indicate the presence of stereotypical or prejudicial views that have marginalized its members and prevented them from participating fully in society. This, in turn, raises the strong possibility that current differential treatment of the group may be motivated by or may perpetuate the same discriminatory views.
>
> *Gosselin v Quebec (Attorney General)*, 2002 SCC 84 at para. 30

30. It is regrettable that the Attorney General of Canada seeks to deny the significance or importance of the residential schools experience for present day relations between First Nations peoples and the federal government. It is a story that, for many decades, the Respondent tried to suppress. Indeed, it should not be lost on the Tribunal that the same government department responsible for the residential schools system is the same departmental respondent in these proceedings. Dr Milloy's evidence must be allowed for a proper understanding of this case.

Frederic Wien - Expert on Development Policy

31. The Respondent objects to the proposed of evidence of Frederic Wien, a tenured professor at Dalhousie University, on the grounds he is biased and he speaks to the ultimate issue of funding levels. The Caring Society submits that the evidence of Professor Wien should be admitted as reliable.

32. It is true that Professor Wien has at times authored academic papers with Dr Blackstock, the Caring Society's Executive Director. But a professional relationship with an interested party is not sufficient to disqualify Professor Wien as an independent expert. He is a highly regarded academic and leader in his field. In fact, the Respondent paid Professor Wien for his substantive work on the *Wen:de* reports. At no time did the Respondent express dissatisfaction or disagreement with the quality of Professor Wien's research.

> Blackstock Affidavit, CMR, Tab 2 at paras. 3-5

33. Moreover, where the relationship between an expert and an interested party is a professional one, the Courts have preferred to allow the evidence and to consider the relationship when assigning weight to the testimony.

R v Eurocopter, [2004] O.J. No. 2120 (ONSC) at paras. 32-33

34. The Respondent also objects to the evidence of Professor Wien because, it is contended, he provides conclusions on the "ultimate issue" of funding levels. Disparity in funding levels is an important issue in this case, but it is not the ultimate one. The bigger issue is the impact of underfunding of services on children and families, and whether the differences in service levels are attributable to discrimination. Furthermore, Professor Wien's report only deals in part with the issue of funding levels. It also addresses certain structural problems with the funding formula, and policy options that could alleviate these negative effects. In short, it is a gross oversimplification to say Professor Wien's report is about funding levels.

35. Finally, the "ultimate issue rule" is not absolute, as the Respondent claims. The Supreme Court of Canada has rejected the notion that the ultimate issue doctrine is one of general application. As the Court has observed,

> While care must be taken to ensure that the judge or jury, and not the expert, makes the final decisions on all issues in the case, it has long been accepted that expert evidence on matters of fact should not be excluded simply because it suggests answers to issues which are at the core of the dispute before the court.
>
> *R v Burns*, [1994] 1 SCR 656 at para. 25
>
> Also see *R v Mohan*, [1994] 2 SCR 9 at paras. 24-25; and Matthews, K. M. et al., *The Expert: A Practitioner's Guide* (Carswell) at 1-8

John Loxley - Expert on Public Finance and Services

36. The Respondent seeks to exclude the evidence of John Loxley, a tenured professor of economics at the University of Manitoba, on the ground he is biased and

speaks to the ultimate issue. The Caring Society submits that Professor Loxley's evidence is reliable and has already been accepted as such by the Respondent.

37. Professor Loxley is a distinguished academic, a fellow of the Royal Society of Canada, and a consultant to provincial, federal, and foreign governments and agencies. He was an economic advisor to the Royal Commission of Aboriginal Peoples and was accepted by the Respondent as a lead researcher for the *Wen:de* studies. His academic integrity is beyond reproach.

> Curriculum Vitae of John Loxley, Respondent's Motion Record ["RMR"], Vol. 3, Tab 12 at 1-7

38. It is true that Professor Loxley has authored studies with Dr Blackstock in the past, including the *Wen:de* reports. But for the same reasons noted earlier, a professional relationship is not sufficient grounds to find an expert's testimony is inadmissible.

> Blackstock Affidavit, CMR, Tab 2 at paras. 3-5
>
> *R v Eurocopter, supra*, at paras. 32-33

39. The "ultimate issue doctrine" is also not a rule of general application and usually should not be used to exclude an expert report. It is also worth pointing out that the *Wen:de* reports and studies were planned by an advisory committee and project management team which consisted of approximately half government representatives. The research was commissioned and funded by the Respondent. In light of these facts, it would not be appropriate or fair to find this report inadmissible. It is highly relevant to the case. Indeed, the Respondent's own expert spends much of his report addressing Professor Loxley's work in the *Wen:de* reports.

> *Burns, supra*; *Mohan, supra*

40. The report is reliable, relevant and will be of great assistance to the Tribunal.

Nico Trocmé - Aboriginal Child Welfare Policies and Outcomes

41. The Respondent contends that the evidence of Nico Trocmé, the Philip Fisher Chair in Social Work at McGill University and Director of the Center for Research on Children and Families, should be excluded because Professor Trocmé does not have relevant expertise to the issues at hand.

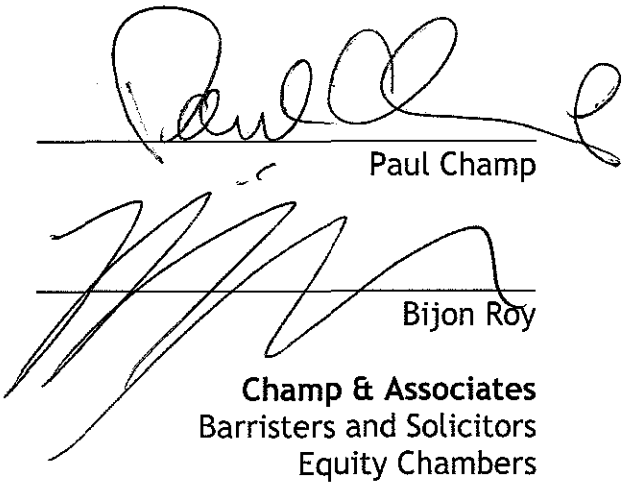
42. Professor Trocmé's curriculum vitae is replete with reference to studies, grants peer-reviewed academic articles on child welfare services, standards, practices and outcomes for Aboriginal and non-Aboriginal children. He has received numerous awards for his research, achievements, and leadership in the field of child welfare services. Professor Trocmé is eminently qualified to provide evidence on important issues in this inquiry.

Curriculum Vitae of Nicolas Trocmé, RMR, Vol. 3, Tab 8 at 1-10

IV. CONCLUSION

43. The Caring Society submits that the Respondent's motion is premature at best, and frivolous at worst. The complaint is undoubtedly a complex one, dealing with child welfare services delivered across the country pursuant to a complex web of different agreements, arrangements, policies and programs. The expert reports filed by the Commission will clearly be of great assistance to the Tribunal. The Respondent's motion should be rejected and the hearing scheduled to proceed on its merits without further delay.

All of which is respectfully submitted on this 20th day of September, 2012.



Paul Champ

Bijon Roy

Champ & Associates
Barristers and Solicitors
Equity Chambers
43 Florence Street
Ottawa, ON K2P 0W6
Phone: (613) 237-4740
Fax: (613) 232-2680

Counsel for the Caring Society

V. LIST OF AUTHORITIES

Statutes and Regulations

Canadian Human Rights Tribunal Rules of Procedure

Jurisprudence

Fairford First Nation v Canada (Attorney General) (1998), 145 FTR 115 (FCTD)

Gosselin v Quebec (Attorney General), 2002 SCC 84

Jeffers v Canada, 2008 CHRT 25

Mellon v Canada, 2005 CHRT 12

PSAC v GNWT, CHRT Ruling No. 10, 2001/08/27 (Groark)

R v Abbey, 2009 ONCA 624

R v Burns, [1994] 1 SCR 656

R v Eurocopter, [2004] O.J. No. 2120 (ONSC)

R v Marquard, [1993] 4 SCR 223

R v Mohan, [1994] 2 SCR 9

Withler v Canada, 2011 SCC 12

Texts

Matthews, K. M. et al., *The Expert: A Practitioner's Guide* (Carswell)