

Bill C-51 should be priority in litigation strategy review



As the new government prepares to review its litigation strategy, priority issues should include the approach to mandatory minimum sentencing as well as significant changes to Bill C-51, Toronto civil litigator [Sarah O'Connor](#) tells *Law Times*.

As the article notes, Prime Minister Justin Trudeau's mandate letter to Justice Minister Jody Wilson-Raybould in mid-November included the task of reviewing the government's litigation strategy.

"This should include early decisions to end appeals or positions that are not consistent with our commitments, the Charter or our values," says the letter.

Earlier this month, the government announced the first such change, when it formally withdrew an appeal to the Supreme Court of Canada of a ruling dealing with its attempt to ban the niqab at citizenship ceremonies, *Law Times* reports.

As O'Connor, the principal of [O'Connor Richardson Professional Corporation](#), tells *Law Times*, the government needs to balance the costs of its appeals against the potential gains to society. As she says in the article, the Conservative government's appeal of the niqab ruling was a good example of wasted funds on a case that had little chance of success and ultimately affected only a very small part of the population.

"[Government] appeals based on trying to draw political support or to fear monger do little good for the administration of justice," says O'Connor.

O'Connor tells *Law Times* that she hopes the review includes a solid look at the 2014 attempt to appeal a B.C. ruling that would reinstate a program to guarantee lifelong disability payments for injured veterans.

She is also looking for a thorough review of Bill C-51, but says she hopes the government is careful to also provide for greater oversight around refugee claims.

"It's going to divide society if we don't have proper background checks," she says in the article. "Parts of the bill are mind-boggling, but I think what's happening [in Paris] is going to create some public fears they're going to have to be very aware of and address through their reviews."