

<u>CASE NO.</u>	<u>VOLUME</u>	<u>PAGE</u>
THE ATTORNEY GENERAL OF CANADA		SEVERAL SOLICITORS and SEVERAL CLIENTS
(Appellant)	- and -	(Respondents)
C.A.C. No. 165124	Halifax, N.S.	Glube, C.J.N.S. (orally)

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[Cite as: Canada (Attorney General) v. Several Clients, 2000 NSCA 139]

APPEAL HEARD: November 30, 2000

JUDGMENT DELIVERED: November 30, 2000

WRITTEN RELEASE OF ORAL: December 1, 2000

SUBJECT: **CONSTITUTIONAL LAW**, Charter; s. 8.  
**CRIMINAL LAW**, s. 488.1 (application where privilege claimed)

SUMMARY: As a result of search warrants being served on ten law firms, each involving one or more clients, a Charter challenge based on s. 8 was made to s. 488.1 of the **Criminal Code**. A publication ban was granted prohibiting the publication of information identifying the law firms searched and the clients whose files were seized. In an oral decision dated July 19, 2000, Chief Justice Kennedy, relying upon decisions from the Alberta Court of Appeal and other courts, found that s. 488.1 does not protect but rather compromises solicitor-client privilege. He found the section breaches s. 8 and that it cannot be saved by s. 1. He declared s. 488.1 unconstitutional pursuant to s. 52 of the **Constitution Act**. The Crown appealed.

ISSUE: Did the trial judge err in law in holding that s. 488.1 of the **Criminal Code** is inconsistent with s. 8 of the **Charter** and therefore of no force and effect pursuant to s. 52 of the **Constitution Act**, 1982.

The publication ban was continued.

RESULT: Generally, for the reasons by Chief Justice Kennedy in the decision under appeal, ([2000 N.S.J. No. 236]) and the cases relied upon therein, the appeal is dismissed.

<p><b>This information sheet does not form part of the Court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 3 pages.</b></p>
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