



This is the 1st affidavit
of John Dixon in this case
and it was made on 30 Aug 2011

No. S112688
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

LEE CARTER, HOLLIS JOHNSON, DR. WILLIAM SHOICHET, THE BRITISH
COLUMBIA CIVIL LIBERTIES ASSOCIATION and GLORIA TAYLOR

PLAINTIFFS

AND:

ATTORNEY GENERAL OF CANADA

DEFENDANT

AND:

ATTORNEY GENERAL OF BRITISH COLUMBIA

INTERVENOR

AFFIDAVIT

I, **JOHN DIXON**, retired college instructor, of 550 – 1188 West Georgia Street, in the City of Vancouver, Province of British Columbia, **SWEAR (OR AFFIRM) THAT:**

1. I am a board director of the British Columbia Civil Liberties Association (“BCCLA” or the “Association”), a named plaintiff in this action, and as such have personal knowledge of the facts and matters hereinafter deposed to, save and except where same are stated to be made on information and belief, and where so stated, I verily believe them to be true.

2. I provide this affidavit as a board director of the BCCLA and in my personal capacity. I am a retired college instructor. I received a Ph.D. in Philosophy from the University of British Columbia in 1974. I worked as a philosophy instructor at Capilano College from 1973 until my retirement in 2009. Among my scholarly publications is a book about the rights of the seriously ill, *Catastrophic Rights: Experimental Drugs and AIDS* (1990). From 1990 to 1992, I served as

senior policy advisor to the Deputy Minister of Justice and Attorney General for Canada, and as special policy advisor to the Minister of National Defence. I was elected to the board of directors of the BCCLA in 1981 and served as the BCCLA's president from 1984 to 1990 and from 2001 to 2003. I have served on the BCCLA's executive committee of the board of directors for nearly 30 years.

3. The BCCLA is a non-profit, non-partisan, unaffiliated advocacy group. It was incorporated in 1963 pursuant to the British Columbia *Society Act*. The objects of the BCCLA include the promotion, defence, sustainment and extension of civil liberties and human rights throughout British Columbia and Canada.

4. The BCCLA has approximately 1,200 members and donors involved in various professions, trades and callings. The BCCLA has a volunteer board of directors that directs the BCCLA's policy and agenda. Through its board, the BCCLA taps the skills and energies of a wide range of academics, professionals and lay persons with experience and interest in the field of civil liberties. This gives the BCCLA the benefit of their collective expertise in considering the difficult questions raised by civil liberties-related problems. The BCCLA has eight employees, including an Executive Director, a Litigation Director and a Policy Director. They are responsible for the day-to-day work of the organization.

5. The BCCLA prepares position papers, engages in public education, assists individuals to address violations of their rights and takes legal action as a plaintiff. The BCCLA works in furtherance of its objects in a variety of ways:

- a. The BCCLA prepares position papers for and makes submissions to governmental bodies at the federal, provincial and municipal levels. These position papers and submissions concern the advancement of civil liberties and human rights, and the implications for civil liberties and human rights of proposed legislative and policy initiatives;
- b. The BCCLA engages in public education. It does this by commenting on current civil liberties and human rights issues in various news media: by participating in conferences and other public events at which civil liberties and human rights are

discussed; by publishing newsletters and producing books and other publications regarding civil liberties and human rights issues; and by maintaining a web site containing many of the BCCLA's position papers and other public documents:

- c. The BCCLA provides assistance to individuals who complain to the BCCLA about violations of their civil liberties or human rights, including assistance in pursuing administrative and informal remedies; and
- d. The BCCLA possesses a distinct understanding of many aspects of civil liberties and human rights, having argued for and defended the rights of individuals on many occasions. The BCCLA has frequently been involved as a participant in federal and public inquiries and as a party or intervenor in tribunals and all levels of courts. Attached hereto and marked as Exhibit A to this my Affidavit is a true copy of a list of many of the cases that the BCCLA has participated in as a plaintiff, intervenor or participant.

The BCCLA's Genuine Interest in the Matters Raised by this Litigation

6. The BCCLA has a demonstrated, serious and genuine interest in the subject matter of this litigation. The BCCLA has a long standing interest in matters of patients' rights and health policy, and has been extensively involved in advocacy and education in respect to end-of-life choices, including assisted suicide and voluntary euthanasia.

7. This claim raises a serious challenge to the constitutional validity and applicability of the impugned provisions in the context of physician-assisted dying. Through education and advocacy, the BCCLA seeks to secure comprehensive and compassionate end-of-life options for all Canadians at the end-of-life. The BCCLA takes the position that mentally competent adults who are suffering from grievous and irremediable illnesses should have the right to receive medical assistance to hasten death under certain specific safeguards. Where deeply personal and private choices regarding end-of-life care are involved, the BCCLA takes the position that the law should entrust those decisions to the individuals whose lives are at stake, not the government. In a free society, competent individuals should be allowed to make end-of-life decisions for themselves, based on their own core values and beliefs.

The BCCLA's Relationship to the Issue of Patients' Rights and Health Policy

8. The BCCLA has long advocated in matters of health policy and patients' rights with respect to privacy, autonomy and dignity. Patients are some of our society's most vulnerable members; there are few more telling litmus tests of a society's commitment to safeguarding the liberties of its citizens than its treatment of those who suffer from illness, disease and addiction. Over the years, the BCCLA has used litigation, public education and advocacy to fight for patients' rights. Recent examples of these activities include:

- a. 1986: The BCCLA issued a response to the Joint Advisory Committee on the Treatment Uses of Methadone, which was created to advise the Ministry of Health on the effectiveness of methadone treatment and on the best method of delivery for such programs. The BCCLA's response included advocating for the continued use of methadone for treatment by physicians and, in limited circumstances, in clinics;
- b. 1989: The BCCLA prepared a comprehensive study report on the scope and extent in Canada of unfair discrimination against persons with AIDS and persons infected or feared to be infected with HIV;
- c. 1989: The BCCLA made a presentation to the Fifth International Conference on AIDS in Montreal on access to unapproved and untested drug and medical treatments for the terminally ill (I was the presenter);
- d. 1996: The BCCLA was instrumental in bringing the 11th International AIDS Conference to Vancouver and presented on the importance of providing clean injection facilities in prisons to slow the spread of HIV (I was the presenter);
- e. 1996: The BCCLA wrote a response to "Proceed With Care: The Final Report of the Royal Commission on New Reproductive Technologies";
- f. 1998: The BCCLA was an intervener in *R. v. Cuerrier*, [1998] 2 S.C.R. 371, a case dealing with fraud in failing to disclose HIV status vitiating consent in assault;

- g. 2001: The BCCLA made a submission to the House of Commons Standing Committee on Health on draft assisted human reproduction legislation in which the BCCLA argued for regulation and against the application of the criminal law for commercial surrogacy;
- h. 2002: The BCCLA made a submission to the House of Commons Standing Committee on Justice and Human Rights concerning its review of the mental disorder provisions of the Criminal Code arguing that there was a need to reform provisions that allowed for indeterminate detention of non-dangerous accused deemed to be mentally unfit to stand trial;
- i. 2006: The BCCLA wrote a letter to Prime Minister Stephen Harper outlining the health and medical successes of Insite, a supervised injection facility in Vancouver, and advocating for the continuation of Insite programming;
- j. 2008: The BCCLA made a submission to the House of Commons Standing Committee on Justice on the drug-impaired driving provisions in Bill C-2, where the Association opposed changes to drug testing procedures that would effectively conflate substance use with impairment;
- k. 2008: The BCCLA appeared as an intervenor before the BC Supreme Court in the companion cases of *PHS Community Services Society v. Canada (Attorney General)* and *Vancouver Area Network of Drug Users v. Canada (Attorney General)*, 2008 BCSC 661, which involved a constitutional challenge to federal drug control legislation that could criminalize Insite. The BCCLA argued that Insite provided an important health service that limited the harm associated with drug addiction. The BCCLA also appeared as an intervenor in the cases before the BC Court of Appeal, 2010 BCCA 15, and appeared as an intervenor before the Supreme Court of Canada, File No. 33556 (heard May 12, 2011, judgment reserved);
- l. 2010: The BCCLA publicly condemned British Columbia and the Yukon's practice of permanently storing DNA records collected from infants at birth

without parental consent. The DNA records were collected as part of a genetic screening test, but were not destroyed when the testing was complete. Eleven years of blood test records are currently on file and stored at a private facility, representing approximately 800,000 children's DNA;

- m. 2010: The BCCLA made a submission to the British Columbia Ministry of Healthy Living and Sport on Proposed Communicable Disease Regulation Amendments, in which the BCCLA argued for retention of the confidentiality provisions for reportable diseases;
- n. 2010: The BCCLA provided a comprehensive submission to Health Canada concerning Canada's medical marijuana program and the need to recognize the legal operation of compassion clubs in Canadian law to reduce harm to medical marijuana users and improve public safety;
- o. 2010: The BCCLA publicly supported community groups advocating for increased access to harm reduction equipment for people who smoke cocaine; in particular, for access to mouthpieces to prevent the transmission of HIV, hepatitis and other chronic infections;
- p. 2010: The BCCLA hosted a forum for police forces, public health officials, police oversight bodies and service providers from across British Columbia to discuss implementing a monitored alcohol program for chronic alcoholics in which people who abuse non-palatable alcohol (such as mouthwash, rice wine, hand sanitizer) would be provided with measured alcohol on a schedule to improve health outcomes, discourage emergency healthcare and police service use, and encourage participation in treatment and detox programs;
- q. 2010: The BCCLA made a submission to the Special Committee to Review the *Freedom of Information and Protection of Privacy Act* in which the BCCLA focused on patient privacy rights under the "e-health" initiative to centralize electronic health care records; and

- r. 2011: The BCCLA made a submission to Health Canada on proposed changes to Health Canada's *Marihuana Medical Access Program* (MMAP) in which the BCCLA argued that patient authorization authority cannot be limited to physicians given the widespread non-participation of physicians in the MMAP.

The BCCLA's Relationship to the Issue of Physician-Assisted Dying

9. In addition to the BCCLA's long standing interest in matters of patients' rights and health policy, the BCCLA has been extensively involved in advocacy and education with respect to end-of-life choices. The BCCLA has consistently opposed the criminalization of assisted suicide and voluntary euthanasia arguing that the principles of liberty, autonomy and equality, as well as the humanitarian commitment to preventing unnecessary suffering and to preserving the dignity of the individual, justify decriminalization. Recent examples of these activities include:

- a. 1988: The BCCLA prepared a comprehensive position paper in which it opposed the criminalization of assisted suicide and voluntary euthanasia, arguing that legal provisions should be made so that seriously ill patients could receive assistance in dying. The BCCLA argued that the principles of liberty, prevention of suffering and dignity of the individual mandated decriminalization;
- b. 1994: The BCCLA prepared an updated position paper opposing the criminalization of assisted suicide and voluntary euthanasia. The paper canvassed policy alternatives to criminalization and the then current legal situation. The BCCLA argued that persons who are facing intractable pain or indignities in the final stages of their lives should be able to determine for themselves when life is no longer worth living, and, where necessary, receive assistance in ending their lives;
- c. 2007: The BCCLA publicly supported Robert Latimer in his appeal of the December 2007 decision of the Panel of the National Parole Board to deny his application for day parole, arguing that there was no evidence that Mr. Latimer would reoffend. Mr. Latimer was sentenced to prison for ending the life of his

daughter, Tracy, who was in constant pain and had severe mental and physical disabilities; and

- d. 2009: The BCCLA publicly advocated that the right-to-die group Exit International should be allowed to host a workshop at the Vancouver Public Library. The library banned the group from hosting a workshop in its public meeting spaces due to the library board's concerns about criminal liability arising from the content of Exit International's workshop.

Necessity for an "Institutional Anchor Plaintiff" in this Case

10. The issue of whether there is a constitutional right to physician-assisted dying is relevant to all Canadians, regardless of their current state of health, given the frequent occurrence of diseases capable of causing grievous and irremediable illness and related suffering, and the speed of onset and quickness of course of many such diseases. As well, the BCCLA is comprised of thousands of members any of whom may one day wish or need to avail themselves or their loved ones of physician-assisted dying services.

11. While directly affected patients could, in theory, bring their own cases to court, I believe it is unreasonable to expect grievously and irremediably ill patients, especially those whose illnesses are terminal, to bring on and carry through to completion a lengthy and involved legal challenge of the type set out in this claim.

12. Both my personal experience and my experience as a BCCLA board director have underscored my understanding that it is critically important to have the involvement of an institutional litigant in *Charter* cases. Indeed, it has been my experience, through my nearly 30 years of active involvement in the work of the BCCLA, that the BCCLA often ends up being the institutional "anchor" in *Charter* cases, because mortality, financial considerations, or the loss of emotional energy and commitment often ends the continued participation of individuals.

13. Dying patients who desire medical assistance in easing their passing have a limited ability to litigate for years on end to secure the right to a physician-assisted death. Such persons are by their very nature vulnerable, and due to their illness may lack the physical and emotional

resources necessary for litigation. Most importantly, they often lack sufficient time before death to litigate the predictably long march of a case through the appellate courts.

The Death of Norman Hope

14. My personal experiences have informed my understanding of why it is often difficult or impossible for dying patients to challenge the laws that criminalize physician-assisted dying. In particular, my experience witnessing the death of Norman Hope, a close friend, convinced me that institutional anchors such as the BCCLA are critically important in ensuring that fundamental rights and freedoms are protected.

15. I knew Norman Hope for about 15 years, as we were both members of a small land and housing cooperative in Desolation Sound, British Columbia. Norman was a retired logger and store-keeper. He was a lifelong smoker and heavy drinker. In 1980, he developed esophageal cancer which eventually metastasized; he died one year later, after significant suffering.

16. When he became ill, both he and his wife, Doris, were adamant that as he neared death, he would remain in his home in Refuge Cove, and die in the care of his wife and friends. He was a very intelligent man, with a wry sense of humour. Once, when I remarked upon his continuing ability, notwithstanding the terrible pain of his throat cancer, to enjoy rye whisky and conversation, he retorted that he “was the Terry Fox of alcoholism.”

17. Unhappily, his disease did not share his sense of humour, and gradually but inexorably, terrible pain became insupportable pain, and we had to face the fact that only a hospital could provide the resources that could mitigate his agony. And so he was moved, first to Vancouver General Hospital, and finally to the University of British Columbia Hospital.

18. Once he was in Vancouver, I visited Norman often, as Vancouver General Hospital stood between my home and the college where I worked as a professor. Even though he was able to receive better pain management in the hospital, Norman’s life had become a world of oxygen masks, intravenous tubes, stupefying drugs and incontinence pads. As the cancer ruthlessly advanced, Norman rejected the terms upon which his life was being preserved for him. He made it clear to me that he desired assistance in dying, saying to me, “If you weren’t such a [expletive]

coward, Dixon, you would bring me something – anything – to help me die. That's what I need from you, and you know it."

19. I was, however, afraid to help him. I had no scruples about the morality of assisting his suicide. Rather, I was afraid of the potential criminal liability associated with helping him die, and the consequences for myself. Norman knew me well, and he was right to accuse me of being more selfish than principled.

20. Troubled by my inability to carry out Norman's wishes, I asked one of the physicians caring for Norman what he would do in my place. I was astonished by his advice. "If Norman was my father, I would hustle him out of here as quickly as possible, take him to a safe place, and help him die."

21. Eventually, Norman was moved to the University of British Columbia Hospital, which had facilities for the terminally ill which were not available at Vancouver General Hospital at that time. Within a few days of his transfer, it was apparent that he was nearing death, and I responded to a call from Doris to join her at Norman's side.

22. When I arrived, the hospital had already withdrawn Norman's life support. He was so dehydrated that there were no tears to lubricate his eyes, and they were locked open in a fixed and startled stare, scaled over with a translucent film. He was gasping for breath, moaning and writhing weakly in evident agony. Doris, usually an enormously self-possessed woman, was crying uncontrollably. But we could not help him die. As Norman continued to struggle for breath, I pulled Norman up from the bed and cradled him in my arms while Doris wept. We rocked on for another 15 minutes or so until Norman finally died in our arms.

23. I believe that Norman Hope's death agonies – both psychic and physical – were unnecessarily imposed upon him by the criminal prohibition of counselling or assisting a suicide. I believe that the young physician at VGH, who advised me to help Norman die, was discharging his professional, medical duty to advise me of the best course of treatment of his patient. In doing so, he courageously exposed himself to the possibility of both criminal prosecution and the loss of his professional status. He took an enormous risk in judging that I was unlikely to betray him.

24. As a practical fact of legal life, if Normal Hope had initiated a challenge to the laws that criminalize physician-assisted dying at the point at which he was diagnosed, there could have been no realistic prospect of his suit being adjudicated before his death. This is the ordinary state of affairs for dying patients who desire medical assistance in easing their passing.

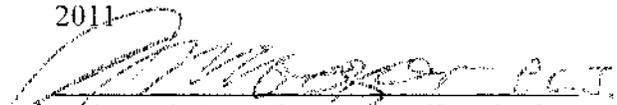
25. It is unreasonable to expect a grievously and irremediably ill person to bring a complex piece of constitutional litigation before the court and to see it through to completion. The material, physical and emotional resources of individuals who are grievously ill, and quite possibly dying, are focused on their own circumstances. So there is a sense in which the remedy of judicial review is, as a practical matter, an illusory remedy for dying Canadians seeking a declaration that would open the way to assistance in dying. I appreciate that there are exceptional individuals such as Sue Rodriguez and now Gloria Taylor who have found the will to take on such litigation, but in the view of the BCCLA the burden of this litigation must not rest solely on Ms. Taylor's shoulders – especially given that she is destined to become weaker as the legal proceedings unfold.

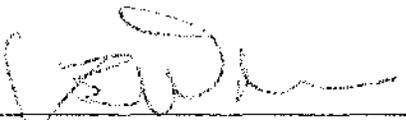
26. This case has broad social ramifications that extend far beyond the individual plaintiffs involved. The BCCLA brings expertise, legitimacy and credibility to the case, all of which are critical to ensuring that the complex constitutional issues are fully litigated before the Court. Through its public education and outreach, the BCCLA brings attention to the case; this attention is necessary for gathering evidence and securing the participation of witnesses and plaintiffs alike. I have been informed by Grace Pastine, Litigation Director for the BCCLA, that Gloria Taylor, one of the plaintiffs in the case, contacted the BCCLA after she read about the BCCLA's case in the paper. Ms. Taylor told Ms. Pastine she volunteered to be a plaintiff in the case because she knew the BCCLA was a well-regarded and legitimate organization. Similarly, Ms. Pastine informed me that Lee Carter and Hollis Johnson volunteered to be plaintiffs because they were confident that the BCCLA would litigate the public law issues in the case on behalf of all Canadians – not just the private interests of isolated individuals.

27. Indeed, the BCCLA's participation as a plaintiff in the case signals to potential witnesses that the issues in the case are of sufficient public importance to justify contributing to the litigation. The BCCLA is able to secure the participation of expert witnesses, such as academics,

medical professionals, as well as many lay witnesses who would not otherwise assist with a private piece of litigation (or who would otherwise only assist at great expense). The BCCLA's participation in this case also has the potential to attract funders who can assist with the expenses of the case, helping to ensure that the constitutional issues are fully litigated before the Court.

28. The BCCLA has a long and distinguished history of seeking the protection and advancement of the civil and human rights of all Canadians. Indeed, 2012 will mark the 50th anniversary of our founding. Affording public interest standing for the Association in this case will ensure the participation of a litigant capable of providing powerful, enduring representation throughout the long march of this case through the trial and appellate courts. It will provide the provision of a real, as opposed to an illusory remedy for all of us as we conduct the final act of our lives.

SWORN (OR AFFIRMED) BEFORE ME)
at Surrey, British Columbia, on 30 Aug)
2011)
)
A Commissioner for taking Affidavits for)
British Columbia)



JOHN DIXON



FIGHTING FOR FREEDOM

1031 - 1188 W-ET GEORGIA ST
VANCOUVER BC CANADA V6E 2E2

This is Exhibit A referred to in the Affidavit of John Dixon sworn (or affirmed) before me on 30 Aug 2011.
[Signature]
A Commissioner for taking Affidavits for British Columbia

BC Civil Liberties Association Litigation List

1. Cases in which the BCCLA has been granted intervener/participant status before the Supreme Court of British Columbia include those listed chronologically below:
 - a. *Dr. Dutton v. British Columbia Human Rights Tribunal et al.*, 2001 BCSC 1256;
 - b. *City of Vancouver v. Maurice et al.*, 2002 BCSC 1421;
 - c. *Canwest Media Works v. Horizon Publication*, 2008 BCSC 1609;
 - d. *PHS Community Services Society v. Canada (Attorney General)*, 2008 BCSC 661;
 - e. *British Columbia (Criminal Justice Branch) v. Davies*, 2008 BCSC 817;
 - f. *Arkininstall v. City of Surrey*, 2008 BCSC 1419;
 - g. *Henry et al. v. Canada (Attorney General)*, 2010 BCSC 610; and
 - h. A Reference by the Lieutenant Governor in Council Set Out in Order in Council No. 533 Dated October 22, 2009 Concerning The Constitutionality of s. 293 of *The Criminal Code of Canada* ("The Polygamy Reference"), R.S.C. 1985, c. C-46, Court File No. S097767.

2. The BCCLA's recent interventions before the Court of Appeal of British Columbia include those listed chronologically below:
 - a. *Trinity Western University v. British Columbia College of Teachers* (1998), 169 D.L.R. (4th) 234;
 - b. *Pacific Press, Division of Southam Inc. v. British Columbia (A.G.)* (1998), 61 B.C.L.R. (3d) 377;
 - c. *R. v. Sharpe*, 1999 BCCA 416;
 - d. *Chamberlain v. Surrey School District No. 36*, 2000 BCCA 519;
 - e. *Kempling v. British Columbia College of Teachers*, 2005 BCCA 327;
 - f. *Canadian Federation of Students v. Greater Vancouver Transportation Authority*, 2006 BCCA 529;
 - g. *Berg v. British Columbia (Police Complaint Commissioner)*, 2006 BCCA 225;
 - h. *Royal City Jewellers & Loans Ltd. v. City of New Westminster*, 2007 BCCA 398;

- i. *R. v. Spratt and R. v. Watson*, 2008 BCCA 340;
 - j. *Hayes v. Barker and Vancouver Police Department*, 2008 BCCA 148;
 - k. *Ward v. British Columbia*, 2009 BCCA 23;
 - l. *British Columbia (Attorney General) v. Davies*, 2009 BCCA 337;
 - m. *Victoria (City) v. Adams*, 2009 BCCA 563; and
 - n. *Downtown Eastside Sex Workers United Against Violence v. Canada (Attorney General)*, 2010 BCCA 439.
3. The BCCLA's recent interventions before the Supreme Court of Canada include those listed chronologically below:
- a. *Reference re Prov. Electoral Boundaries (Sask.)*, [1991] 2 S.C.R. 158;
 - b. *R. v. Butler*, [1992] 1 S.C.R. 452;
 - c. *R. v. Cuerrier*, [1998] 2 S.C.R. 371;
 - d. *R. v. Sharpe*, [2001] 1 S.C.R. 478, 2001 SCC 2;
 - e. *R. v. O.N.E.*, [2001] 3 S.C.R. 478, 2001 SCC 77;
 - f. *Trinity Western University v. British Columbia College of Teachers*, [2001] 1 S.C.R. 772, 2001 SCC 31;
 - g. *Sauve v. Canada (Chief Electoral Officer)*, [2002] 3 S.C.R. 519, 2002 SCC 68;
 - h. *Chamberlain v. Surrey School District No. 36*, [2002] 4 S.C.R. 710, 2002 SCC 86;
 - i. *Babcock v. Canada (Attorney General)*, [2002] 3 S.C.R. 3, 2002 SCC 57;
 - j. *R. v. Malmø-Levine*, *R. v. Caine*, [2003] 3 S.C.R. 571, 2003 SCC 74. and *R. v. Clay*, [2003] S.C.R. 735, 2003 SCC 75;
 - k. *Reference re Same-Sex Marriage*, [2004] 3 S.C.R. 698, 2004 SCC 79;
 - l. *May v. Ferndale Institution*, [2005] 3 S.C.R. 809, 2005 SCC 82;
 - m. *Charkaoui v. Canada (Citizenship and Immigration)*, [2007] 1 S.C.R. 350, 2007 SCC 9;
 - n. *Canada (Justice) v. Khadr*, [2008] 2 SCR 125, 2008 SCC 28;
 - o. *WIC radio Ltd. V. Simpson*, [2008] 2 SCR 420, 2008 SCC 40;

- p. *Chatterjee v. Ontario (Attorney General)*, [2009] 1 SCR 624, 2009 SCC 19;
 - q. *Greater Vancouver Transportation Authority v. Canadian Federation of Students – British Columbia Component*, [2009] 2 SCR 295, 2009 SCC 31; *Crookes et al. v. Newton*, File No. 33412 (heard December 7, 2010; judgment reserved);
 - r. *Société Radio Canada c. Québec (Procureur Général)*, and *R. v. Dufour*, File Nos. 32920 and 32987 (heard March 16, 2010; judgment reserved);
 - s. *R. v. Sinclair*; *R. v. Willier*; *R. v. McCrimmon*, [2010] 2 SCR 310, 2010 SCC 35; [2010] 2 SCR 402, 2010 SCC 36; [2010] 2 SCR 429, 2010 SCC 37;
 - t. *R. v. Cornell*, [2010] 2 SCR 142, 2010 SCC 31;
 - u. *Vancouver (City) v. Ward*, [2010] 2 SCR 28, 2010 SCC 27;
 - v. *Ontario (Public Safety and Security) v. Criminal Lawyers' Association*, [2010] 1 SCR 815, 2010 SCC 23;
 - w. *National Post v. Her Majesty the Queen*, [2010] 1 SCR 477, 2010 SCC 16;
 - x. *Richard C. Breeden, et al. v. Conrad Black, et al.* (heard March 22, 2011; judgment reserved);
 - y. *Canadian Broadcasting Corp. v. Canada (Attorney General)*, [2011] 1 SCR 19, 2011 SCC 2;
 - z. *Les éditions Écosociété Inc., et al. v. Banro Corporation* (heard March 27, 2011; judgment reserved);
 - aa. *PHS Community Services Society v. Canada (Attorney General)* and *Vancouver Area Network of Drug Users v. Canada (Attorney General)* (heard May 12, 2011; judgment reserved); and
 - bb. *R. v. Tse, et al.*, File No. 33751.
4. The BCCLA has participated in the following provincial and federal commissions of public inquiry listed chronologically below:
- a. *The Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin*, R.S.C. 1985, c. I-11;
 - b. *Canada (Attorney General) v. Canada (Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar)*, R.S.C. 1985, c. I-11;
 - c. *Frank Paul Inquiry*, William H. Davies, Q.C., Commissioner Appointed Under the *Public Inquiry Act*, S.B.C. 2007, c.9;

- d. The Thomas R. Braidwood, Q.C., Commissioner Appointed Under the *Public Inquiry Act*, S.B.C. 2007, c.9; and
 - e. *Missing Women's Commission of Inquiry*, Wally Opal, Q.C., Commissioner Appointed Under the Public Inquiries Act, S.B.C. 2007, c.9.
5. The BCCLA has appeared as a party/appellant or represented a party/appellant before all levels of Court, including the Supreme Court of Canada, in the cases listed below in chronological order:
- a. *Little Sisters Book and Art Emporium v. Canada (Minister of Justice)*, [2000] 2 S.C.R. 1120, 200 SCC 69;
 - b. *Dixon v. Powell River (City)*, 2009 BCSC 406;
 - c. *Amnesty International Canada and the British Columbia Civil Liberties Association v. Chief of the Defence Staff for the Canadian Forces, General Rick J. Hillier, Minister of National Defence and Attorney General of Canada*, 2008 FC 162; 2008 FCA 401;
 - d. *Abousfian Abdelrazik, the British Columbia Civil Liberties Association and International Civil Liberties Monitoring Group v. Canada (Attorney General)*, Court File No. T- 889-10; and
 - e. *BobbyLee Worm v. Canada (Attorney General)*, BC Supreme Court File No. 111463.
6. The BCCLA has also appeared as a complainant before the Military Police Complaints Commission in *Canada (Attorney General) v. Amnesty International Canada and British Columbia Civil Liberties Association*, a public interest hearing before the Military Police Complaints Commission, pursuant to section 250.38 of the *National Defence Act*, R.S.C. 1985, c. N-5.

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