

Sharing a Coffee With Christian Leblanc

The Rule of Law: Beware of the Ripple Effect!

South of the border, the rule of law is on shaky ground. Is the Canadian legal system immune to a similar fate? A conversation with Christian Leblanc, one of the country's top litigators.

“I think the risk is always present. And we shouldn't be complacent.”

Lawyer Christian Leblanc is not one to make doomsday predictions. During the interview, he is calm and collected. Never curt. He weighs his words.

As a result, although he admits to being worried, he maintains his composure when we discuss how Donald Trump, in just a few weeks, has shaken the foundations of the rule of law in the United States, like a lumberjack swinging an axe at a tree that won't fall.

However, when asked if Canada is safe from similar democratic backsliding, Christian Leblanc raises a red flag.

I belong to the school of thought that we shouldn't think we're better than others. I think the potential for this type of erosion is always present, especially at a time when populist movements are gaining ground worldwide.

Christian Leblanc, lawyer

The rule of law on this side of the border is in good health compared with our neighbours. We may initially find comfort in comparing ourselves to others—but it's soon followed by apprehension.

The slide down the slippery slope is not impossible.

“You always have to be on guard,” he says. Freedom of expression is fragile. I think confidence in Canada's justice system is strong, but it can come under attack.”

I'll return to our discussion on the situation in the States shortly, but first, let me explain how Christian Leblanc and I ended up chatting about it outside a café on Sherbrooke Street in Westmount.

It's because he has just been admitted to an association of the top litigators in Canada and the United States. Since last month, he has joined a select group of Québec lawyers inducted as Fellows of the American College of Trial Lawyers.

That same association has, in recent weeks, condemned Donald Trump's attacks on leading law firms through his Executive Orders, stating that these orders, “violate bedrock principles of our legal system and undermine the Rule of Law.”

Christian Leblanc says he was admitted to the association after an “extensive and rigorous screening process.”

“They interviewed judges I’ve argued before and lawyers I’ve argued against,” explains the lawyer, sounding like an actor who’s just won an Oscar. (Yes, he thanked his wife and parents!)

Christian Leblanc doesn’t come from a family of lawyers. It was his interest in current affairs, developed in his teens, that led him to the law.

“I’m someone who’s always been an avid reader, and who’s always been particularly interested in current affairs. And if it’s in the news, it often involves law and litigation.”

He also believes that playing tennis at a competitive level during this time was a precursor to his passion for law, especially litigation.

He says, “I find that experience still proves invaluable in the courtroom. You know, the worst thing you can do is to copy what you see on TV. Avoid theatrics, keep your temper in check, avoid making big speeches and don’t speak if you have nothing to say. You have to be effective and make yourself understood.”

Of course, there’s someone on the other side who's paid to try and find any flaws and capitalize on them. It’s similar to the strategy in a tennis match.

Christian Leblanc, lawyer

Since the beginning of his career, he has focused on commercial litigation, specializing in intellectual property and media law.

In this regard, he says he is particularly proud of the work he has done in defending the confidentiality of journalistic sources.

A public inquiry (Chamberland) was launched in 2016 following revelations that journalists (including Patrick Lagacé) had been spied on by police forces. Christian Leblanc represented six media outlets in this matter, including *La Presse*. As a result, bills have been passed in both Ottawa and Québec to strengthen the protection of journalistic sources.

“Free speech is a delicate concept,” he says. It’s a term that people use indiscriminately, but at its core, it means not being afraid to express yourself. It’s a fragile right.”

Comparing our situation to others may help us count our blessings.

Among the advantages of the Canadian system, Christian Leblanc notes, is the robustness of our judicial appointment process.

Think about it—how often do we say: “That court decision was influenced by the judge’s political leanings”? It happens very rarely. But now we hear it a lot in the United States.

Christian Leblanc, lawyer

“I am proud of the way my country does justice to its citizens,” he says.

In fact, he believes we should be as proud of our justice system as we are of our hockey.

But on the other side of the border, the situation is deteriorating. He condemns what he describes as a series of “slippery slopes,” including “respect for the courts.”

The true test will come when a Supreme Court ruling on a key issue runs counter to the White House’s opinion. My colleague Yves Boisvert’s article on the subject also shares that view.

Justice is “the final bulwark between a civilized, respectable society and chaos,” says Christian Leblanc. Public faith in the judicial system is therefore essential.

We are right to be concerned about how Donald Trump and his allies are calling into question the authority and legitimacy of this system—and right to protect, at all costs, the integrity of our own.