

**SPEECH BY THE HONOURABLE PIERRE BLAIS
CHIEF JUSTICE OF THE FEDERAL COURT OF APPEAL
AT THE PRESENTATION CEREMONY OF
THE HONOURABLE ANDRÉ SCOTT
JUSTICE OF THE FEDERAL COURT
OTTAWA, NOVEMBER 19, 2010**

Mr. Chief Justice of the Federal Court, Mr. Chief Justice of the Court Martial Appeal Court of Canada, Mr. Justice Rothstein of the Supreme Court of Canada, Mr. Chief Justice Robert of the Quebec Court of Appeal, Justices of the Federal Court of Appeal, Justices and Prothonotaries of the Federal Court, Justices of the Tax Court of Canada, former Chief Justice Richard, Mr. Guy Smith, representative of the Minister of Justice, Mr. Myles Kirvan, Deputy Minister of Justice, Mr. John Sims, former Deputy Minister of Justice, representatives of the Barreau du Québec and the Canadian Bar Association, representatives of the Law Society of Upper Canada and the Advocates' Society, family members of our two future justices, distinguished guests.

Even though I have now used up my allotted time, I would still like to add a few words to introduce to his future colleagues and to us all Mr. André Scott, who will be sworn in in a few minutes.

It is with great pleasure that I agreed to introduce to his colleagues and to all of you, Mr. André Scott, who will be sworn in in a few minutes as Justice of the Federal Court.

After receiving his Bachelor of Arts from the University of Ottawa and his law degree also from the University of Ottawa, André began practising law from 1976 to 1980 in private practice here in Hull, as it was called before it became Gatineau, right close to here, mainly in insurance and civil liability law, at a well-known firm, Taché et Pharand. I suspect that he also continued his studies at the same time, because in 1980, he obtained a master's in business law, again from the University of Ottawa.

As a young lawyer with Taché et Pharand, agent for the Attorney General of Quebec before the Supreme Court, André had to go urgently to the Court and inadvertently borrowed a QC's robe. Mr. Justice Pigeon, who noticed that the young

lawyer was wearing a QC's robe, was not fooled, but nevertheless invited him to move to the other side of the rail. André thanked the Justice and replied, all in innocence, that it was not necessary because he was fine where he was.

André then joined Atomic Energy of Canada as corporate secretary and executive assistant to the Chairperson of the Board from 1980 to 1986. He worked with Mr. Robert Després, who chaired the Board of Directors of Atomic Energy of Canada.

Mr. Després is a well known and powerful administrator on numerous boards of directors across Canada for decades. Therefore, when Mr. Després told André that the Minister of Energy had asked for a special advisor on nuclear energy on his team, André understood the subtle suggestion... and packed and moved to the Minister's office to fulfill that role.

He then became Chief of Staff in the departments of Communications and National Defence, to which he had followed Minister Marcel Masse. At the Department of Communications, he worked on major legislation, including the *Broadcasting Act* and the *Telecommunications Act*, and

cultural policy legislation such as the *Status of the Artist Act*, the *Museums Act*, the *National Archives of Canada Act*, the *National Library Act*, etc.

At the Department of National Defence, he worked on defence policy and the program for modernizing Armed Forces equipment.

In 1993, after a short stint at the Office of the Minister of Consumer and Corporate Affairs, he accepted Premier Bourassa's offer to work on building closer ties between the Quebec government and the federal government and took up the position of Assistant Deputy Minister of Canadian Intergovernmental Affairs. During his first week at work, he appeared before a parliamentary committee to defend departmental appropriations, as the Deputy Minister was absent for three months. The Opposition spent two of the six hours allotted on André's CV. What a start to a job!

In the enthusiasm of the first few months, he suggested new constitutional initiatives—this was at the time in 1993 and 1994 after Meech and Charlottetown, and Mr. Bourassa, in his

proverbial wisdom, reminded him: “Mr. Scott, I rarely water my garden when it’s raining...”.

He worked with Premier Johnson and negotiated the first Quebec-Ontario and Quebec-New Brunswick intergovernmental agreements on construction labour mobility and government procurement. These agreements were to serve as a basis for the Quebec government in its negotiations of the Canadian domestic trade agreement.

We can appreciate that even if he was moving from the Federal Government to the Provincial Government, he remained closely involved with respect to national government business.

In 1995, he became Vice-Chairman of Legal Affairs and Member of the Régie des marchés agricoles et alimentaires du Québec, a major economic administrative tribunal in Quebec. He filled this role from 1995 to 1999. This tribunal is involved in the arbitration of cases respecting quasi-judicial decisions and, specifically, the arbitration of agreements concerning the marketing of agrifood products. He updated the *Act respecting the Marketing of agricultural, food and fish products* and oversaw the passage of various legislative amendments.

He has chaired rowdy public hearings with up to 400 persons in the audience: training grounds for the world of agricultural unions and the regulatory framework of supply management.

At the turn of the century, in 1999, André turned to the private sector. He became vice-president and secretary of Polycor inc. a medium size business based in the province of Québec, but that exports what we call in French « pierre de taille », in Asia. The business went from 200 to 550 employees in Québec and elsewhere in Canada and the United States, but probably because it was too successful, it was later sold to “foreign interests”. His work involved management, policy mergers and acquisition.

More recently, in February 2008, he became Chairperson of the Canadian International Trade Tribunal, a major agency in the arbitration of the biggest market in the world: the US-Canada market, worth \$2 billion per day. The Canadian International Trade Tribunal, whose decisions are reviewable by the Federal Court of Appeal, by the way, is responsible for inquiring into whether imported products are dumped or subsidized or could have a negative impact on the Canadian

market. The Tribunal also hears appeals of decisions made by the Canada Border Services Agency pursuant to the *Customs Act* and the *Special Import Measures Act* and by the Minister of National Revenue pursuant to the *Excise Tax Act*. The Tribunal inquires into and provides advice on economic issues referred to the Tribunal by the Governor in Council or the Minister of Finance. The Chairperson, in addition to sitting on decision-making panels, is the chief executive officer of the Tribunal and directs the work of the Tribunal and assigns files to the members.

Alongside his law career, André has found the time to share his knowledge:

For many years, André was a professor and instructor. From 1978 to 1992, i.e., for 14 years, he taught at the *École de formation professionnelle du Barreau* in commercial law and civil law, and he was a part-time professor at the University of Ottawa Faculty of Law from 1979 to 1988, i.e., for nearly 10 years, in insurance law, civil procedure and commercial law.

More recently, he served as an instructor in the federal program for members of administrative tribunals from 1996 to 1998.

It seems then that André has had an impressive career of nearly 35 years with a wide variety of experience, whether as a lawyer in private practice in a law firm here in the National Capital Region, or with the federal government at a major agency or three different government departments, in addition to his significant experience in the Ministère du Conseil exécutif of the Quebec government, plus sitting on two administrative tribunals, one provincial and the other national.

He also found the time to teach both at the École du Barreau du Québec and at the University of Ottawa for many years.

I think he is well prepared to face the challenges awaiting him at the Federal Court.

André is married to Dr. Angèle Turcotte, a rheumatologist. By the way, Dr. Turcotte, I have a little problem I'll talk to you about later. It can also wait until tomorrow, but you know that

when you have the chance to have a rheumatologist around, you don't let the opportunity slip by.

André also has two children, François-Dominique and Jean-Pascal, who are both here today.

André, it's an honour and a privilege to present you to your colleagues at this important moment in your career.

I have every confidence that you will meet this challenge brilliantly.

Welcome and good luck.

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