

Broadening Our Perspectives

The Honourable J. Michael MacDonald, Chief Justice of Nova Scotia

A few weeks ago, during African Heritage Month, I joined my colleagues and others from the African Nova Scotian community in honouring the tremendous legacy of Judge Corrine Sparks.

On March 27, 1987, Judge Sparks made history with her appointment to the Family Court. She was the first Black judge in Nova Scotia and the first African Canadian woman appointed to the Bench.

“To me, what is important is not the fact that I was selected to be a judge but it was the opening it created for our community,” Judge Sparks has said.

It was a different time then. The Charter was still in its infancy, Canada’s institutions, including the judiciary, were predominantly male and white, and it was almost unheard of for judges to visit the communities they served — particularly the racialized communities often over-represented in the criminal and family law systems.

It has taken 30 years, but that reality is starting to shift.

Judges, as guardians of the Charter, must balance competing societal values. It only makes sense that we understand, as much as we can, those values.

In other words, it would be helpful to better understand the world view of those who turn to us for relief.

For that reason, with the help of Judge Sparks, Associate Chief Justice Lawrence O’Neil and Professor Michelle Williams of the law school’s Indigenous Blacks and Mi’kmaq Initiative, the judiciary is presently planning a visit in the Prestons. There, we will listen and learn from leaders in the African Nova Scotian community.

The visit will be much like the trip judges of the Family Division and the Family Court made to Membertou and Millbrook First Nations to learn more about the challenges facing Indigenous communities, particularly in the realm of child protection. The Supreme Court is planning another such meeting in Halifax later this month.

At the previous meetings, judges met with parents and community leaders to address the enormous challenges identified in the Truth and Reconciliation Commission’s report.

As a tangible example of progress, and thanks to the leadership of Justice Moira Legere Sers, resources are now available in the Mi’kmaq language to assist parents whose children have been taken into custody. A booklet and videos are posted on the Courts’ website and hard copies are available at family courthouses across the province.

The introduction of the sacred eagle feather for Indigenous witnesses to swear their oaths represents another important symbol of inclusiveness. As well, the opening of the province’s only First Nations Court in Wagmatcook this spring will help ensure a more culturally relevant legal system for the Mi’kmaq community.

Building a more inclusive justice system also means ensuring our citizens see themselves reflected at the highest levels of that system. For Nova Scotia, that started 30 years ago with Judge Sparks and has recently been reinvigorated with the appointments of exemplary and thoughtful jurists from our racialized communities.

The newly launched Judicial Mentorship Initiative for African Nova Scotian and Indigenous lawyers will surely help to increase the pool of qualified candidates, a move that will ripple into future judicial appointments and benefit generations to come.

But as important as these steps are, much more must be done. While respecting the boundaries of judicial independence, the judiciary should remain committed to broadening our perspectives.