



July 29, 2025

The Honourable Tim Houston
Premier of Nova Scotia
Office of the Premier
7th Floor, One Government Place
1700 Granville Street
Halifax, NS B3J 1X5

VIA email: premier@novascotia.ca

Dear Premier Houston,

I am writing regarding your recent comments to the media about the Nova Scotia Court of Appeal's decision on the Chignecto Isthmus reference question. As President of the Canadian Bar Association – Nova Scotia Branch (CBA-NS), I represent over 1,500 lawyers, judges, academics, students and notaries in Nova Scotia as a branch of the Canadian Bar Association (CBA). Our members of CBA-NS are dedicated to protecting the rule of law, the independence of the judiciary and the Bar, and to improving laws, justice systems, and access to justice in our province.

In your statement, you observed that “when the Court is asked a question about interprovincial affairs, it should answer it,” and further that “[e]very single constitutional question of the court that crosses federal and provincial jurisdictions has potential political overtones. This is not a legitimate reason to avoid answering an important, reasonable question.”

We appreciate that your remarks were framed within the bounds of democratic discourse and reflect the role of elected officials in responding to judicial decisions that touch on public policy. However, we are concerned about how such commentary can be perceived by the public and the potential it has to blur the important distinction between the roles of the judiciary and elected leadership.

The Court's decision to decline this reference was based on established legal principles, not an avoidance of difficult questions.



The Court stated in its reasons that the constitutional question put before it lacked legal precision necessary for judicial determination and appeared aimed at resolving a political dispute over funding responsibilities. The courts have a fundamental responsibility to determine whether questions posed to them are appropriate for judicial determination. In doing so, they safeguard not only the integrity of the judicial process but also the essential separation of powers between courts and the other branches of government.

While constitutional questions often have political dimensions, it is both legitimate and necessary for courts to decline to answer where the question lacks sufficient legal substance or would risk drawing the judiciary into a political dispute. This ensures that rulings address genuine legal issues, not policy debates, preserving both judicial independence and public confidence in our courts.

We respectfully encourage your office to consider clarifying that your comments were not intended to call into question the Court's independence or the legitimacy of its decision to decline the reference, as public confidence in our courts is fundamental to the rule of law.

We would also welcome the opportunity to meet with you and members of your team to discuss the principles underlying reference questions and judicial independence. Our goal would be to explore how public communications can uphold these principles while continuing to provide transparency for Nova Scotians.

Yours sincerely,

Abha Romkey

President

Canadian Bar Association – Nova Scotia Branch

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