

Preface and Issue Overview

D A R C Y L . M A C P H E R S O N * A N D
B R Y A N P . S C H W A R T Z * *

The current volume represents the conclusion of a trilogy of issues of the *Manitoba Law Journal* which have been centered around the COVID-19 pandemic. In the first issue of the trilogy,¹ the focus was on the interpretation of, and execution of powers purportedly exercised pursuant to, the federal *Emergencies Act*.² In the second volume of the trilogy,³ we focused on the courts, and how members of the Manitoba judiciary and legal practitioners dealt with the realities of the pandemic. Finally, in the current volume, the focus is on the political actors who were trying carry out the legislative and executive functions of the government during the extended period of exceptional challenge during the months following the declaration of the pandemic in early 2020.

Despite being a trilogy, there were different research methods used in the volumes. In the first, a variety of questions were asked and answered using more traditional methods. Essays were produced by legal scholars asking analytical and normative questions. In the second volume, the first two substantive

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** Dr. Bryan P. Schwartz is the Emeritus Chair of the Asper Chair in International Business & Trade Law, having served as the Chair for more than 20 years. He also serves as the Co-Editor-in-Chief of the *Manitoba Law Journal* from 2010 to the present,

¹ Nomi Lazar and Jocelyn Stacy, eds., *Canada's Emergencies Act: Beyond the Rouleau Report* (2023), 46.1 Man. LJ.

² RSC 1985, c 44 (4th Supp).

³ *Online Dispute Resolution: Lessons from the COVID-19 Pandemic*, (2024), 46.3 Man. LJ.

contributions⁴ followed a similar approach (essays written and supported by objective research). The remainder of the volume focuses on interviews with both legal practitioners and government employees who oversee the courts. In this final volume, we focus on interviews with legislators and party leaders. In other words, in the current volume, we allow some of the people responsible for the legislative processes of government to provide some of their own reflections on this unprecedented period.

The Honourable Dr. Jon Gerrard⁵ was, prior to the pandemic, a Leader of the Liberal Party of Manitoba (1998-2013). He also served as a Member of the Manitoba Legislative Assembly during the pandemic (1998-2023). Prior to his extended stint in provincial politics, he was a Member of Parliament for the Liberal Party of Canada (1993-1997). In the same years, he was the Secretary of State for Science, Research and Development. He was one of few (if there were any other) medical doctors in the Legislative Assembly during the pandemic. Given his medical training, he has a unique perspective on the medical pandemic.

The Honourable Wab Kinew⁶ is the 25th and current Premier of the Province of Manitoba, under the banner of the New Democratic Party of Manitoba, since October 18, 2023. During the main period of the COVID-19 pandemic, he was serving as the Leader of the Opposition (2017-2023).

Kelvin Goertzen served as the 23rd Premier of Manitoba in 2021, bridging the gap between Brian Pallister and Heather Stefanson, under the banner of the Progressive Conservative Party of Manitoba. As was the case with both his predecessor and his

⁴ See Bryan P. Schwartz; Mikal Sokolowski and Laura Balagus, "Online Dispute Resolution (ODR): New Approaches to Enhance Initiatives of Civil Dispute Resolution" (2024), 46.3 Man. LJ 1; see also Richard Jochelson; Brandon Trask; Michelle Bertrand; David Ireland and Krishna Nair, "Virtually Similar? Considering the Potential for Virtual Jury Trials in Canada During and After the Pandemic" (2024), 46.3 Man. LJ 41.

⁵ The honorific "the Honourable" is attributed here because Dr. Gerrard was made a member of what is now known as the King's Privy Council for Canada. This entitles him to the honorific even after leaving office.

⁶ By tradition, the honorific "the Honourable" is applied to provincial premiers while in the role, but not following departure from the office. Since Mr. Kinew is the current Premier of Manitoba, it is applied here. The non-use of the honorific for the other interviewees in this volume is simply an attempt to use the honorific properly. It is not meant as a slight in any way against our other interviewees.

successor, he was served as the Minister of Intergovernmental Affairs and Internal Relations during his time as Premier. Prior to the pandemic, among other roles, he served as Minister of Health, Seniors and Active Living (2016-2018). In the early days of the pandemic, he served as Minister of Education (2018-2021). By 2022, he was shuffled into the role of Minister of Justice and Attorney General. For numerous reasons, each of these portfolios would have had a significant role in pandemic response over an extended period of time.

Dougald Lamont was a Member of the Manitoba Legislative Assembly (2018-2023), and the Leader of the Liberal Party of Manitoba (2017-2023).