

February 9, 2026

Council Statement on Outcome of Judy Desjarlais' Judicial Review Application

On December 18, 2025, the Federal Court of Canada released its decision, finding that Council's decision to remove Ms. Desjarlais as Chief was procedurally fair and reasonable.

"We want to be transparent with our Members about the outcome of this lengthy legal process so we can close this chapter and begin to heal as a community," said current Councillor and Chief-Elect, Sherry Dominic. "With this matter now resolved, I look forward to Council continuing to work for our Members in a respectful and productive way."

Council thanks our Members, staff, partners, and the broader community for their patience as this matter worked its way through the judicial system. With the newly elected Council set to take office on Thursday, February 12, 2026, there will be renewed opportunity to reflect upon and celebrate the positive work that has taken place at Blueberry in recent years, while preparing for the important work ahead.

Members are encouraged to reach out to their Family Councillors with any questions.

Councillor Sherry Dominic
Councillor Shelley Gauthier
Councillor Troy Wolf
Councillor Wayne Yahey

Decision Summary

The Honourable Madam Justice Cecily Y. Strickland, in [a 134 page decision](#), rejected Ms. Desjarlais' Application for a Judicial Review. The following is a summary of findings from the Court's decision:

- Primarily, the court addressed whether the process leading to the removal was reasonable and in compliance with BRFN By-Laws. Overall, the Court rejected all of the former Chief's arguments about procedural unfairness and determined the process was fair and complied with relevant BRFN By-Laws.
- The Court reviewed all the arguments raised by Ms. Desjarlais, including reviewing the whole process by which the Investigators were appointed, whether the Investigation was

necessary, how the Investigation was conducted, and how the final meeting with Ms. Desjarlais on September 13, 2024 was convened. The Court found that the process was overall fair and it complied with BRFN By-Laws.

- One of the arguments raised by Ms. Desjarlais is that the entire process of investigating her was politically motivated. The Court rejected her argument stating at paragraphs 191 and 192:
 - [191] “While the Applicant makes every effort to frame her removal as a “conspiracy” and a “takeover” and, in her written submissions ignores or misstates the SMR [Sugden, McFee & Roos LLP] Investigation Report findings, the reality is that the Respondent Councillors’ basis for seeking removal is clearly set out in the Section 187 Report. These include that the Applicant acted without authority in granting the waivers and exemptions for the Petronas Permits and in firing Ratcliff. Those allegations were found to be valid by SMR which concluded that grounds for potential disciplinary action had been established.”
 - [192] “In my view, the evidence does not establish that the concerns raised by the Respondent Councillors were aimed at personal or political advantage.”
- Ms. Desjarlais raised various arguments to suggest that the removal decision was not reasonable and the sanction, namely removal, was not appropriate. The Court rejected Ms. Desjarlais’ arguments. Instead the Court found that Ms. Desjarlais refused to appreciate the gravity of her misconduct and this made her removal reasonable. The Court stated at paragraphs 266 and 267:
 - [266] “It is also apparent from her submissions both to Council at the September 13, 2024 disciplinary meeting and in this matter that the Applicant fails to appreciate or refuses to acknowledge the gravity of her misconduct, the impact of which affects all BRFN members. Instead, she continues to misrepresent the SMR Investigation Report findings and takes no responsibility and makes no apology for her conduct. This afforded the Respondent Councillors no comfort that the Applicant would not continue to act unilaterally, without authority and thereby potentially causing further harms to BRFN if she were afforded a lesser sanction than removal from office.”
 - [267] “In conclusion, the Respondent Councillors provided detailed reasons for their decision that the Applicant’s conduct warranted the most serious sanction, removal from office. Given this, and bearing in mind that significant deference that is owed to First Nations governance matters...the Respondent Councillors’ choice of removal, among the available disciplinary actions, was reasonable.”
- In its decision, the Court dealt with many preliminary issues because Ms. Desjarlais sought to introduce late evidence and sought to change the grounds on which she was

seeking a judicial review. The Court largely rejected Ms. Desjarlais' attempts to introduce the late evidence, finding it to be irrelevant, and the Court also rejected her attempt to change the grounds.

- The Court dealt with each of the arguments in detail and rejected all of the former Chief's arguments.
- In the end, the Court ruled that the decision by the Councillors to remove the former Chief was reasonable and procedurally fair. As a result, the Court dismissed Ms. Desjarlais' Application.

Background

The judicial review was sought by Ms. Desjarlais as a result of her removal from office. This decision was made following a September 2024 independent investigation, which found that Ms. Desjarlais had committed misconduct, acted unilaterally without authority, and caused serious harm to BRFN's ability to do business.

On September 13, 2024 the BRFN Councillors met to consider the investigation's report. On September 17, 2024, the BRFN Council made a decision to remove Ms. Desjarlais as Chief of the BRFN, the details of which can be read in [this public statement](#).

In October 2024, Ms. Desjarlais filed an Application to the Federal Court of Canada seeking to have her removal overturned. The Federal Court heard Ms. Desjarlais' Application on December 4 and 5, 2025, and the Court released its decision and dismissed Ms. Desjarlais' Application on December 18, 2025.