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MILITARY LAW AND OPERATIONS Chris Madsen 2026-1

This year’s release has been converted into a more user-friendly softbound book. Subscribers will receive a softbound book to replace any relevant revised content within the work. This should greatly improve the reader’s experience in terms of filing pages within a limited binder system—allowing the work to easily expand as discussion of the law dictates.

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What's New in This Update:

This release contains updates to Chapter 1 (Historical Antecedents), Chapter 2 (Military Justice), Chapter 3 (Civilian Oversight), Chapter 4 (Legal Issues in the Canadian Forces) and Chapter 6 (Status of Forces). Additionally, Appendix B (Courts Martial Lists) and Appendix E (Military Sentencing Digests) have been updated.

Highlights:

DEFENCE, ARMED FORCES AND MILITARY LAW—LEGAL ISSUES IN THE CANADIAN FORCES—FITNESS STANDARDS—CONTINUED SERVICE AND RE-LEASE

An officer challenged her removal from an air combat systems officer training course on the grounds of poor performance. A progress review board recommended that she redo the training course from the start but her commanding officer decided instead to cease her training. The officer challenged that decision by a grievance which was denied at both at the initial and final authority stages, despite extensive written representations made by her pointing out errors and unfairness. A federal judge determined that the final authority's one paragraph response was insufficient, granted the application, and directed the matter back for redetermination by a differently constituted tribunal: *Scherf v. Canada (Attorney General)*, 2026 FC 52, 2026 CarswellNat 93 (F.C.).

DEFENCE, ARMED FORCES AND MILITARY LAW—LEGAL ISSUES IN THE CANADIAN FORCES—GENDER INTERGATION—SEXUAL RELATIONS AND SEXUAL ASSAULT

A female reservist belonging to the health services branch was sexually assaulted in the confines of an armoury by another reservist soldier known to her. The two had been in a distant relationship and she confronted him about certain explicit photographs found on his phone. The perpetrator applied forced sex on her despite being told no and to stop repeatedly. The offending soldier was found guilty by a standing court martial and sentenced to thirty-six months imprisonment: *R. v. Kohlsmith*, 2024 CM 3002, 2024 CarswellNat 7676 (Can. Ct. Martial).

DEFENCE, ARMED FORCES AND MILITARY LAW—LEGAL ISSUES IN THE CANADIAN FORCES—GENDER INTERGATION—SEXUAL RELATIONS AND SEXUAL ASSAULT

In *R. v. Mehaney*, a Nova Scotia criminal court found a soldier guilty of sexual assault against a civilian female invited back to a residence on an air force base that involved choking, strangulation, and unconsented physical force. The two were watching television in his room and drinking some alcohol. What started as a consensual sexual encounter quickly escalated into

rough and violent handling by the intoxicated soldier who insisted on completing the sexual act as the victim repeatedly said no. The girl fled the house, contacted the police, and underwent a medical examination at a hospital to document sexual assault. The judge determined that physical force has been used constituting a sexual assault and consent had been withdrawn part-way through: *R. v. Meheny*, 2026 NSPC 3, 2026 CarswellNS 56 (N.S. P.C.).