



OFFICE OF THE PRESIDENT
CABINET DU PRÉSIDENT

February 23, 2006

The Right Honourable Stephen Harper
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa
ON K1A 0A2

Dear Prime Minister:

Let me begin by extending official greetings to you on behalf of the 36,000 legal professionals of the Canadian Bar Association. Our members look forward to a long and productive relationship with your government, one that achieves our common goals of improving the administration of our justice system and ensuring true access to justice for every Canadian.

I am writing today to offer the CBA's assistance with the Supreme Court of Canada appointment process. Our Association shares the widespread belief that the existing system has produced a Supreme Court bench of unquestioned talent and dedication. But we also agree that positive changes to the process would increase the transparency of Supreme Court appointments and would provide Canadians with better insight into and knowledge of the judges who will sit on our highest court.

Our Association's priority, as representatives of the Bar, is to ensure that the Supreme Court appointment process respects the independence of our judiciary - a cornerstone of democracy - and maintains the separate roles and responsibilities of the judicial and legislative branches of government.



To that end, the CBA is pleased to offer a novel approach that would help introduce your government's Supreme Court nominees to the Canadian public while also safeguarding their independence.

Under the CBA proposal, a trusted Canadian journalist would lead a televised, public interview of the new Supreme Court justice, with Members of Parliament, the public, the media and other legal experts providing the questions. A governing protocol would ensure that the questions would properly introduce the judge to the public while also maintaining the integrity of the court and the justice system.

The CBA, as the independent and respected voice of the legal profession, would help supply legitimacy to this process by lending our impartiality and expertise. We would work with the Prime Minister's Office, Members of Parliament, the judiciary and the Bar in order to develop a framework whereby Canadians are better informed about their Supreme Court justices.

In short, this alternative process would satisfy the shared goals of your government and the CBA that Canadians are informed about Supreme Court nominees and that both the appearance and reality of judicial independence are completely safeguarded.

The Canadian Bar Association is pleased to offer your government its expertise, experience and resources in all matters regarding the Supreme Court of Canada appointment process.

Yours very truly,

Brian A. Tabor, Q.C.
President
The Canadian Bar Association

cc: Minister of Justice and Attorney General, Vic Toews