



October 20, 2004

The Honourable Irwin Cotler, P.C., M.P.
Minister of Justice and Attorney General of Canada
House of Commons
Ottawa ON K1A 0A6

Dear Minister,

On behalf of the Canadian Bar Association, I am writing to welcome recent press reports that you will appoint a panel to advise on how Supreme Court of Canada and other federally appointed judges should be appointed.

The CBA would be pleased to offer assistance in advising on the judicial appointment process. The appointment process is a long-standing priority for the CBA. In December 2003, my predecessor, F. William Johnson, Q.C., wrote to you identifying the appointment process for Supreme Court and Federal judges as a key concern. Last March, Mr. Johnson wrote to the Prime Minister with CBA proposals on how to improve the appointment process for Supreme Court Judges.

The principles of judicial independence, openness, and merit should be followed in naming judges. The identification and assessment of candidates for superior and appellate courts has been greatly improved with more formalized reviews by advisory committees in each province and territory. The CBA continues to oppose any Parliamentary review of Supreme Court candidates and supports the establishment of advisory committees that would include Parliamentarians.

The CBA welcomed the May 2004 majority report of the House of Commons' Standing Committee on Justice. The report's recommendations on how to improve the process of appointments to the Supreme Court of Canada reflect the advisory model proposed by the CBA. We believe the interim process leading to the recent appointment of the two judges represented a positive beginning, but was only a provisional response to an urgent situation.

The CBA commends you for making the judicial appointment process a priority. We look forward to playing a key role on your blue-ribbon advisory committee.

Yours very truly,

Susan T. McGrath