



May 9, 2005

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:

Re: Appointment Process for Supreme Court of Canada

The Canadian Bar Association welcomes your announcement of April 7, 2005, establishing an advisory committee process for Supreme Court of Canada appointments.

CBA has long been an advocate for appointments to the Supreme Court to be made following an established, well known and understood advisory process in order to facilitate selection of the best candidate. When Canadians understand how Supreme Court judges are appointed, their confidence in the system will be that much higher.

Your proposed advisory committee process meets with the principles of judicial independence, openness and merit.

We appreciate that the CBA will be consulted in the preparation of the list for consideration by the advisory committee, and that the advisory committee itself will also consult with the CBA. It is also important that you have included representation from the law societies as they regulate the profession in their respective jurisdictions. However, I am disappointed that the CBA is not also included as a member of the advisory committee.

CBA represents lawyers, judges, notaries, law teachers and law students from all Canada's provinces and territories. Approximately two-thirds of all practising lawyers in Canada are members of the CBA. The CBA's inclusion on the advisory committee would bring an important national perspective of lawyers on professional and public interest issues affecting Supreme Court of Canada appointments.

CBA commends you for continuing to make the appointment process a priority and we look forward to continued dialogue on our request for inclusion on the advisory committee.

Yours truly,

(Original signed by Susan T. McGrath)

Susan T. McGrath