



March 4, 2014

Via email: [mcu@justice.gc.ca](mailto:mcu@justice.gc.ca)

The Honourable Peter MacKay, Q.C., P.C., M.P.  
Minister of Justice and Attorney General of Canada  
284 Wellington Street  
Ottawa, ON K1A 0H8

Dear Minister:

**Re: Judicial Appointments**

I am writing to follow up on some issues relating to judicial appointments that we discussed at our meetings in Ottawa last December and in Saskatoon last August.

**Number of Judges**

We were pleased to see the announcement of additional judges for Alberta and Quebec in the recent budget, an important first step in improving access to justice in those provinces. Thank you.

**Diversity in Judicial Appointments**

I would like to continue our discussion about ensuring that judicial appointments reflect the diversity of the Canadian population. Since we first spoke on this subject last August, appointments have not significantly increased the diversity of the Bench.

Different factors may be at play. These candidates may be less likely to apply. Or perhaps they apply, but they aren't "known" by the Judicial Advisory Committee members, so they're less likely to be recommended. We simply don't have enough information to know.

For that reason, I urge you to make the appointment process more transparent.

The BC Judicial Council's example is useful:

- Its stated goal is to **strengthen** the Provincial Court by ensuring a diverse pool of applicants from which to recommend appointments who are representative of the general population in the province.
- It publicly supports initiatives to encourage applications for judicial office.

- It asks applicants to share their experiences with cultural and ethnic diversity, to assist the Court in learning and more appropriately addressing issues of difference.
- It publishes year over year statistics on gender of applications, applicants approved for interview, applicants interviewed and applicants recommended for appointment.

I urge you to direct the Commissioner for Federal Judicial Affairs to publish annual statistics on applicants in each jurisdiction, including the number of women and men, as well as the number of candidates who self-identify as Aboriginal, members of an ethnic community, visible minority and other equality seeking groups.

I also urge you to continue your efforts to appoint women and members of other equality seeking groups to the JACs.

For our part, the CBA Equality Committee and Women Lawyers Forum are working to encourage more applications to the Bench from qualified members of historically marginalized groups.

### **Bilingual Capacity of Judges**

Last August, we spoke about the report released by the Commissioner of Official Languages, *Access to Justice in Both Official Languages: Improving the Bilingual Capacity of the Superior Court Judiciary*. The study concluded that the current appointment process has not ensured a sufficient number of judges with the language skills needed to hear litigants in the official language of their choice.

The recommendations in the report were endorsed by the CBA's governing Council at our recent midwinter meeting. I encourage you to implement those recommendations, in cooperation with your provincial and territorial counterparts and the chief justices of the superior and appeal courts.

Minister, I appreciate your openness to dialogue and willingness to meet with the CBA on these and other important issues. I look forward to continuing to work together to achieve our mutual goal of meaningful access to justice.

Yours truly,

*(original signed by Fred Headon)*

Fred Headon

cc: Guy R. Smith, Judicial Affairs Advisor  
[guy.smith@justice.gc.ca](mailto:guy.smith@justice.gc.ca)