



August 10, 2016

Via email: justin.trudeau@parl.gc.ca; mcu@justice.gc.ca

The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister
Langevin Building
80 Wellington Street
Ottawa, ON K1A 0A2

The Honourable Jody Wilson-Raybould, P.C., M.P.
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, ON K1A 0H8

Dear Prime Minister and Minister of Justice:

Re: Supreme Court of Canada Appointments

In recent days there has been commentary about the selection criteria for appointment to the Supreme Court of Canada, including perceptions that the government has signaled a departure from the longstanding custom or constitutional convention of regional representation on the Court, by inviting applications from across Canada to fill the vacancy occasioned by the retirement of Justice Cromwell of Nova Scotia. I am writing to urge the government to ensure that the membership of Canada's highest court embraces all aspects of Canada's diversity, including respect for that custom or convention.

Canada is a large and varied country, with a strong commitment to an independent and impartial judiciary, multiple legal traditions and strong values. The Canadian Bar Association firmly believes that appointments to the Supreme Court of Canada should be based on merit, ensuring that our judiciary reflects the full diversity of our regions, legal systems and population.

Our highest court must continue to represent all regions of Canada, including Atlantic Canada. Consequently, we urge you to amend the mandate of the Advisory Board outlined in your August 4, 2016 letter, to ensure that the Atlantic Canada vacancy is filled by a meritorious candidate from that region. We also urge you to honour regional representation in filling future vacancies on Canada's highest court.

The CBA welcomes selection processes that are accessible and transparent and that genuinely open the doors to more candidates, not just for the Supreme Court of Canada, but for all courts. It is only through such processes that Canadians will have confidence that the best candidates have been considered.

The CBA further encourages the government to consult with provincial and territorial attorneys general, chief justices and the bar to ensure that opportunities are identified to encourage the full participation in the selection process of qualified candidates from regions and communities.

Yours truly,

(original signed by Janet M. Fuhrer)

Janet M. Fuhrer