



February 5, 2026

Via email: pioneer@gov.ab.ca

The Honourable Danielle Smith
Premier of Alberta
307 Legislature Building
10800 - 97 Avenue
Edmonton, AB T5K 2B6

Dear Premier Smith,

The Canadian Bar Association and its Alberta Branch have noted your January 23, 2026, letter to Prime Minister Mark Carney regarding the judicial appointment process for Alberta's superior courts and the Supreme Court of Canada. We write jointly to express grave concerns about your proposal and to reaffirm that any approach to judicial appointments must respect fundamental principles: the non-partisan nature of the appointment process, transparency in selection criteria and mechanisms, and the preservation of judicial independence.

Your proposal to establish a four-person committee requiring both federal and provincial ministerial approval before appointments proceed would fundamentally compromise these principles. Section 96 of the Constitution Act, 1867, vests the appointment of superior court judges in the federal government. That authority is exercised following a rigorous, merit-based process in which applications by judicial candidates are exhaustively reviewed by independent, non-partisan Judicial Advisory Committees (JACs).

Alberta already has a strong voice in this process, with representatives on the seven-member committee appointed by CBA-Alberta, the Chief Justice of Alberta, the Law Society of Alberta and the province's Minister of Justice. All committee members are required to abide by a strict Code of Ethics that prohibits consideration of a candidate's political viewpoints. This composition ensures meaningful provincial input while preserving the judicial independence that is essential to the rule of law.

The suggestion in your letter that judges who are appointed through this thorough process do not reflect the "values and expectations of Albertans" underscores the political nature of your proposal. This language implicitly impugns sitting judges — Albertans who have demonstrated professional excellence and possess the personal qualities required for judicial office. Judges must fairly and independently apply the law, not produce outcomes that suit the government of the day.

We are particularly concerned by your stated intention to "withhold funding to support any new judicial positions in the province" until your demands are met. While the federal government appoints and pays judges, provincial governments are responsible for the administration of the courts, including court infrastructure and support services. Threatening to withhold this funding is not only unconstitutional, but also undermines the administrative autonomy of the courts, which is

a core institutional safeguard of judicial independence. This tactic would also create real hardship for Albertans seeking to resolve their legal disputes before the courts and undermine public safety by exacerbating delays in criminal proceedings.

If the Government of Alberta is genuinely concerned about access to justice, it should invest in court infrastructure rather than leverage funding to advance demands that are inconsistent with the Constitution. Adequate and stable resourcing for the justice system must remain a priority. Tactics that delay or obstruct judicial appointments ultimately punish Albertans by limiting access to a properly functioning justice system.

The Canadian Bar Association remains available to work constructively with both governments on legitimate concerns related to the timely filling of vacancies and the resourcing of the courts, within the constitutional framework that safeguards judicial independence.

Sincerely yours,

(original letter signed by Bianca Kratt and Christopher Samuel)

Bianca Kratt, K.C.
President

Christopher Samuel
CBA Alberta President

cc: The Right Honourable Mark Carney
Prime Minister of Canada

The Honourable Minister Sean Fraser, P.C., M.P.
Minister of Justice and Attorney-General of Canada

The Honourable Mickey Amery, K.C., M.L.A.
Minister of Justice and Attorney General