

**Independent Advisory Board for  
Supreme Court of Canada  
Judicial Appointments**

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**Report on the 2021 Process**

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**July 28, 2021**



Independent Advisory Board for  
Supreme Court of Canada  
Judicial Appointments

Comité consultatif indépendant  
sur la nomination des juges de la  
Cour suprême du Canada

July 28, 2021

The Right Honourable Justin Trudeau  
Prime Minister of Canada  
80 Wellington Street  
Ottawa, Ontario  
K1A 0A2

Dear Prime Minister:

Pursuant to our Terms of Reference, the Independent Advisory Board for Supreme Court of Canada Judicial Appointments submits this report on the 2021 process, including information on the mandate and the costs of the Advisory Board's activities, statistics relating to the applications received, and recommendations for improvements to the process.

We thank you for the opportunity to serve on the Advisory Board and to participate in such an important process.

Respectfully,

The Right Honourable Kim Campbell, C.P., C.C., O.B.C., Q.C.  
Chairperson of the Independent Advisory Board for Supreme Court of Canada Judicial Appointments

*Advisory Board members:*

David Henry  
Beverley Noel Salmon  
Signa A. Daum Shanks  
Jill Perry  
The Honourable Louise Charron  
Erika Chamberlain



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## 1. Introduction

This report has been prepared by the Independent Advisory Board for Supreme Court of Canada Judicial Appointments (“Advisory Board” or “Board”) pursuant to paragraph 12 of the Terms of Reference (Annex A) which states:

### *Reporting*

**12 (1)** Within one month after a judge is appointed, the Advisory Board must submit a report, in both official languages, to the Prime Minister that contains information on the carrying out of the mandate, the costs relating to the Advisory Board’s activities and the statistics relating to the applications received.

**(2)** The report may also contain recommendations for improvements to the process.

**(3)** The report must be made public.

This report covers all of the above enumerated stipulations, including information on the carrying out of the mandate, the costs related to the Advisory Board’s activities, and the statistics relating to the applications received. At the end of the report, the Advisory Board includes a series of recommendations for improvements to the process.

## 2. Establishment of the Advisory Board and the 2021 Process

The Advisory Board is an independent and non-partisan body whose mandate is to provide non binding, merit-based recommendations to the Prime Minister on judicial appointments to the Supreme Court of Canada (SCC). The Advisory Board is convened at the discretion and request of the Prime Minister. It was called upon for the first time in 2016, then again in 2017 and 2019 resulting in the appointments of Justices Malcolm Rowe, Sheilah Martin, and Nicholas Kasirer.

The composition of the Advisory Board is as follows:

- Three members, at least two of whom are not advocates or barristers in a province or territory, nominated by the Minister of Justice;
- A practising member in good standing of the bar of a province or territory, nominated by the Canadian Bar Association;
- A practising member in good standing of the bar of a province or territory, nominated by the Federation of Law Societies of Canada;
- A retired superior court judge, nominated by the Canadian Judicial Council; and
- A legal scholar, nominated by the Council of Canadian Law Deans.



The 2021 process was opened by the Prime Minister on February 19, 2021, in order to fill the seat on the SCC that would become vacant on July 1, 2021, with the retirement of the Honourable Rosalie Silberman Abella. Justice Abella was appointed to the Supreme Court of Canada from the Court of Appeal for Ontario. In recognition of the custom of regional representation, the process was open to all qualified candidates from Ontario. Candidates who wished to be considered were required to complete and submit applications by April 2, 2021. (Annex B)

The appointment of the Advisory Board members was also announced on February 19, 2021. (Annex B). The members of Advisory Board members were appointed for a one-year term.

The members of the Advisory Board are:

The Right Honourable Kim Campbell, Chairperson, nominated by the Minister of Justice;  
David Henry, nominated by the Minister of Justice;  
Beverley Noel Salmon, nominated by the Minister of Justice;  
Signa A. Daum Shanks, nominated by the Canadian Bar Association;  
Jill Perry, nominated by the Federation of Law Societies of Canada;  
The Honourable Louise Charron, nominated by the Canadian Judicial Council;  
Erika Chamberlain, nominated by the Council of Canadian Law Deans.

Full biographical notes on the members of the Advisory Board can be found at Annex C.

The Prime Minister asked that the Board submit to him for his consideration, no later than May 7, 2021, the names of at least three, but up to five, qualified and functionally bilingual candidates. Candidates were required to demonstrate that they satisfy the geographical requirement by reference to their bar membership, judicial appointment, or other relationship with Ontario.

As noted in the Terms of Reference, the Advisory Board is supported by the Office of the Commissioner for Federal Judicial Affairs Canada (FJA) and its Commissioner, or his or her delegate, acts as the *ex officio* secretary to the Advisory Board. FJA is also responsible for administering the application process, including assessing whether a candidate is functionally bilingual.

Detailed information concerning the process, the mandate of the Advisory Board and instructions on how to apply for appointment to the Supreme Court of Canada was made available on FJA's Website at [www.fja-cmf.gc.ca](http://www.fja-cmf.gc.ca) immediately following the opening of the 2021 process.



### 3. Meetings of the Advisory Board and Application Review Process

Following their appointment, the members of the Advisory Board met via videoconference to discuss how they would approach their 2021 mandate. General administrative questions were discussed with the Commissioner and the *ex officio* secretary to the Board. The members decided to generally follow the approach taken in the three previous processes (2016, 2017, 2019). Due to the COVID-19 pandemic, however, members agreed that all meetings for this process would be held virtually. The Advisory Board once again decided that interviews with the candidates would be a useful way to fully assess their experience and qualifications. Also, given the success of their outreach efforts in the three previous processes, members communicated with 51 Canadian legal and judicial organizations, asking them to use their networks and knowledge of the judiciary and legal community in their jurisdictions to identify qualified candidates and encourage them to submit an application.

On April 1, 2021, the members of the Advisory Board met with the Chief Justice of Canada, pursuant to paragraph 8(e) of the Terms of Reference, to hear his views on the needs of the Supreme Court.

The week following the application deadline, the applications were downloaded onto secure tablets for the Board members. All members performed an individual, thorough review of each application.

In the week of April 12-16, the Board members assembled, via videoconference, to discuss their individual evaluations of the applications and, based on their discussions of who met the established criteria and qualifications, decided which candidates they would like to interview as well as which references they would like to contact for these candidates. Numerous references were contacted for each candidate and the Board members debriefed each other on the reference calls they had made. References were all asked the same set of questions, in order to be fair to the candidates and to allow for comparability among them. Any references who could not be reached during that time were scheduled to speak to Board members in the following few days. The candidates to be interviewed were contacted and their interview times were scheduled.

Interviews were held, via secure videoconference, on April 19, 20, 21. The candidates were all asked to answer a set series of questions designed to help the Board assess fully and fairly the qualifications and assessment criteria which had been published with the application instructions. (Annex D).

Immediately following the interviews, FJA language experts conducted a second language proficiency assessment for each candidate using assessment tools and rating grids to determine whether the candidate met the functional bilingualism requirements for reading, listening and speaking. The results were communicated to the Board members. A description of the functional bilingualism process is included as Annex E.



The Advisory Board then deliberated to decide whom it would recommend to the Prime Minister and to write its “shortlist” report to him. A list of three recommended candidates was provided. They were not prioritized but rather listed in alphabetical order. In accordance with the Terms of Reference, the report provided an assessment of how each of the recommended candidates meets the requirements of the *Supreme Court Act* and the extent to which they meet the assessment criteria established by the Prime Minister, as well as any additional reasons in support of their candidacy. Security checks were also conducted. The Report was submitted to the Prime Minister’s Office on May 7, 2021.

The Advisory Board was very pleased that the Prime Minister made the appointment from the list of candidates that it submitted to him.

#### **4. Communications, Media and Public Affairs**

As indicated above, the process was opened on February 19, 2021, with a News Release from the Prime Minister. On the same day, the Prime Minister announced the names of the members of the Independent Advisory Board.

On the same date, FJA launched on its Website information on the Advisory Board, its Terms of Reference, its members, application process, qualifications and assessment criteria, frequently asked questions, and relevant contact persons.

The creation of the Advisory Board and the launch of the application process generated some media interest (print, online, radio, television), much of it consisting in speculation and opinion on who should be appointed and some comments on the process. The nomination, on June 17, 2021, of the Honourable Mahmud Jamal elicited a great deal of media attention.

In the realm of public affairs and government engagement, on June 22, 2021, the Chair of the Advisory Board appeared with the Minister of Justice before the House of Commons Standing Committee on Justice and Human Rights. In addition, a public question and answer session was held with the Prime Minister’s nominee on June 22, 2021. These appearances generated considerable media interest.

#### **5. Consultation and Outreach**

As discussed above, before beginning its deliberations, the Board met with the Chief Justice of Canada to obtain his views on current challenges and needs of the Supreme Court and its judges.

Early in the process, letters were sent to a wide range of Canadian legal and judicial organizations, asking them to use their networks and knowledge of the judiciary and legal community in their jurisdictions to identify qualified candidates, and encourage them to submit an application.



The list of organizations consulted is as follows:

- Canadian Judicial Council;
- Federation of Law Societies of Canada;
- Canadian Bar Association;
- Council of Canadian Law Deans;
- Canadian Superior Courts Judges Association;
- Canadian Association of Provincial Court Judges;
- Canadian Council of Chief Judges;
- Indigenous Bar Association;
- Roundtable of Diversity Associations (RODA), whose participating organizations include:
  - Arab Canadian Lawyers Association,
  - Association of Chinese Canadian Lawyers of Ontario,
  - Canadian Association of Black Lawyers,
  - Canadian Association of South Asian Lawyers,
  - Canadian Hispanic Bar Association,
  - Canadian Italian Advocates Organization,
  - Canadian Muslim Lawyers Association,
  - Federation of Asian Canadian Lawyers,
  - Hellenic Canadian Lawyers Association,
  - Iranian Canadian Legal Professionals,
  - Korean Canadian Lawyers Association,
  - Macedonian Canadian Lawyers Association,
  - OBA Equality Committee,
  - Sexual Orientation and Gender Identity Conference
  - South Asian Bar Association,
  - Toronto Lawyers Association, and
  - Women’s Law Association of Ontario.
- Ukrainian-Canadian Bar Association;
- Association of Justice Counsel;
- Avocats sans frontières Canada;
- Black Females Lawyer Network;
- Canadian Association of Crown Counsel;
- Canadian Association of Refugee Lawyers;
- Canadian Council of Criminal Defence Lawyers;
- Canadian Criminal Lawyers Association;
- Canadian Environmental Law Association;
- Canadian Prison Law Association;
- EcoJustice;



- Family Lawyers' Association;
- Fédération des associations de juristes d'expression française de common law inc.;
- Federation of Ontario Law Associations ;
- Law Society of Ontario;
- Lawyers for Representative Diversity;
- Legal Leaders for Diversity;
- Ontario Bar Association;
- Pro Bono Canada;
- The Advocates' Society;
- Women's Legal Education and Action Fund;
- Association of Ontario Judges;
- Ontario Superior Court Judges Association;
- Canadian Bar Association – Equality Committee;
- Association des juristes d'expression française de l'Ontario.

When the Board received communications suggesting that an individual be considered, the Advisory Board wrote to these individuals asking them to consider the process and apply directly.

The letter sent to the organizations is included as Annex F. A sample of the letter sent to individuals is included as Annex G.

## **6. Applications**

While the above-noted organizations were consulted and encouraged to share the call for applications with their memberships, individuals seeking appointment to the SCC had to personally complete and submit an application form, which required them to provide their education and employment history as well as list all their publications, judgments and conference participation, as applicable. Candidates were also required to provide answers to a number of essay questions. This information was used to confirm their eligibility for appointment, as well as to help the Advisory Board assess merit, based on the published assessment criteria.

The application period was open from February 19, 2021, to April 2, 2021, a period of 6 weeks. Qualified candidates from Ontario were eligible to apply. The applications were received by email and processed by staff at FJA.

The Committee received 18 applications.

In terms of information on diversity, generated from self-identification by applicants on their application forms, the following data was obtained from the 18 applications received:



<b>Groups</b>	<b>Number of applicants</b>	<b>%</b>
Women	11	61.11
Men	7	38.88
<b>Groups</b>	<b>Number of applicants</b>	<b>%</b>
Anglophone	15*	83.33
Francophone	1*	5.55
<b>Groups Self-identification+</b>	<b>Number of identification</b>	<b>%</b>
Ethnic/Cultural or Other	3	16.66
Visible Minority	7	38.88
Indigenous	5	27.77
Disabilities	0	0
LGBTQ2	1	5.55

\*\*NOTE – 2 applicants did not indicate a preferred language of communication.

+ NOTE – Some applicants identified in more than one category.

## 7. Costs

While some expenses and operational costs are still being received and tabulated, it is estimated that the expenditures related to the Advisory Board for this appointment process will be approximately \$180,000. Expenses relate to per diems for Advisory Board members, and costs incurred by FJA to support the Advisory Board, including costs related to supplementary salaries, professional services, translation, IT, telecommunications and supplies. With restrictions in place related to COVID-19, additional costs were reduced as the process relied heavily on FJA's support and infrastructure.

## 8. Recommendations on Improvements to the Appointments Process and Work of the Advisory Board

The Advisory Board offers the following recommendations:

- In carrying out its mandate, the Advisory Board was governed by criteria to reflect the diversity of members of Canadian society, including gender-balance, Indigenous peoples, persons with disabilities and members of linguistic, ethnic and other minority communities including those whose members' gender identity or sexual orientation differs from that of the majority. The Advisory Board strongly recommends that these continue to remain the operative principles for future selection Committees.



- *Application materials/forms.* The Advisory Board discussed the function of “Universal Design” with respect to the questionnaire. Thought should be given as to how questions are framed in the questionnaires to ensure that all candidates get a chance to put their best foot forward without being limited by the questionnaire itself. For example, on the question of language proficiency, candidates should be able to describe their level of language skills beyond a “yes or no” question.
- *Advisory Board Deliberations.* Given the restrictions in place due to COVID-19, the Advisory Board held all meetings and interviews virtually. Although a satisfactory alternative, it recommends that meetings be held in person, public health restrictions permitting.
- *Timeframe for Applications & Report to the Prime Minister.* As indicated in previous processes, the Advisory Board reiterates that the 5-week period to complete its work, that is the time between the closing of the applications date (April 2) and the submission of its short-list report to the Prime Minister (May 7), was relatively short. While the process proceeded according to schedule, we would caution that, should a future process elicit a greater number of applications, it could prove difficult for the Advisory Board to do what is required after the close of the application process in anything less than 5 weeks.

The Advisory Board notes that this new process for recommending nominees has been used four times since 2016 and that the appointment of Justice Jamal to the Supreme Court is the tenth in the last ten years. The executive, administrative and technological assistance provided to the Advisory Board by the Office of the Commissioner for Federal Judicial Affairs was invaluable and considerable, and the Advisory Board is very grateful to the employees for the work they undertook.

## 9. Confidentiality

Pursuant to paragraph 11(1) of the Terms of Reference, each Advisory Board member signed an undertaking to respect the confidentiality of the process. Similarly, pursuant to paragraph 11(2) of the Terms of Reference, any “personal information provided to, and deliberations of, the Advisory Board are confidential and must be treated in a manner consistent with the provisions of the *Privacy Act*.” Furthermore, paragraph 11(3) articulates that Advisory Board members “must keep confidential any information brought before them in the performance of their functions.”

Therefore, the Advisory Board will not share any information pertaining to candidates.

## 10. Conclusion

The Advisory Board greatly appreciates the opportunity to serve the Prime Minister and all Canadians on such an important initiative. The process was illuminating and highlighted the exemplary jurists, academics and lawyers in Canada who applied for consideration under this process.



## **Annex A: Terms of Reference for the Advisory Board**

### **Mandate**

**1** The Independent Advisory Board for Supreme Court of Canada Judicial Appointments (“Advisory Board”) is an independent and non-partisan body whose mandate is to provide non-binding, merit-based recommendations to the Prime Minister on judicial appointments to the Supreme Court of Canada

### **Composition of the Advisory Board**

**2 (1)** Advisory Board members are appointed during pleasure under paragraph 127.1(1)(c) of the *Public Service Employment Act* as special advisers to the Prime Minister.

**(2)** The Advisory Board is to consist of

**(a)** three members, at least two of whom are not advocates or barristers in a province or territory, nominated by the Minister of Justice;

**(b)** a practising member in good standing of the bar of a province or territory, nominated by the Canadian Bar Association;

**(c)** a practising member in good standing of the bar of a province or territory, nominated by the Federation of Law Societies of Canada;

**(d)** a retired superior court judge, nominated by the Canadian Judicial Council; and

**(e)** a legal scholar, nominated by the Council of Canadian Law Deans.

**(3)** The Governor in Council is to designate one of the members to be the Chairperson of the Advisory Board.

### **Length of Terms**

**3 (1)** Advisory Board members are to be appointed for terms of up to five years, which terms may be renewed for one or more further terms.

**(2)** The Advisory Board is to be convened at the discretion and at the request of the Prime Minister.



## Support

**4** The Office of the Commissioner for Federal Judicial Affairs is to provide support to the Advisory Board and will be responsible for administering the application process.

**5** The Commissioner for Federal Judicial Affairs, or his or her delegate, is to act as an *ex officio* secretary to the Advisory Board.

## Recommendations

**6 (1)** In accordance with this mandate, the Advisory Board must submit to the Prime Minister for his or her consideration, within the time period specified by the Prime Minister on the convening of the Advisory Board, the names of at least three, but up to five, qualified and functionally bilingual candidates for each judicial vacancy for which the Advisory Board is convened.

**(2)** The Advisory Board must provide an assessment of how each of those candidates meets the requirements of the *Supreme Court Act* and the extent to which they meet the criteria established by the Prime Minister, and any additional reasons in support of their candidacy.

**7** The Prime Minister may request that the Advisory Board provide names of additional qualified candidates who are functionally bilingual.

## Recommendation Process

**8** Advisory Board members must

**(a)** at all times, observe the highest standards of impartiality, integrity and objectivity in their consideration of all candidates;

**(b)** review applications received from candidates and actively seek out qualified candidates;

**(c)** meet as required to assess candidates and engage in deliberations;

**(d)** be guided by the criteria established by the Prime Minister;

**(e)** consult with the Chief Justice of Canada and any key stakeholders that the members consider appropriate;

**(f)** in establishing a list of qualified candidates, seek to support the Government of Canada's intent to achieve a gender-balanced Supreme Court of Canada that also reflects the diversity of members of Canadian society, including Indigenous peoples, persons with disabilities and members of linguistic, ethnic and other minority communities including those whose members' gender identity or sexual orientation differs from that of the majority; and



(g) comply with the *Conflict of Interest Act* and the *Ethical and Political Activity Guidelines for Public Office Holders*.

**9 (1)** Advisory Board members must declare to the other members any direct or indirect personal interest or professional or business relationship in relation to any candidate, including any gift or other advantage received by the members from the candidate.

(2) If such a declaration is made, the Advisory Board must decide, having regard to the nature of the interest or relationship, whether the member must withdraw from any deliberations about the candidate.

(3) If the Advisory Board decides that the member must withdraw from any deliberations about a candidate, those deliberations are undertaken by the remaining Advisory Board members, provided the number of remaining members is not less than four.

**10** Advisory Board members may travel for the purpose of carrying out their mandate.

### **Confidentiality**

**11 (1)** Advisory Board members must sign a confidentiality agreement as a precondition of their appointment.

(2) Personal information provided to, and deliberations of, the Advisory Board are confidential and must be treated in a manner consistent with the provisions of the *Privacy Act*.

(3) Advisory Board members must keep confidential any information brought before them in the performance of their functions.

### **Reporting**

**12 (1)** Within one month after a judge is appointed, the Advisory Board must submit a report, in both official languages, to the Prime Minister that contains information on the carrying out of the mandate, the costs relating to the Advisory Board's activities and the statistics relating to the applications received.

(2) The report may also contain recommendations for improvements to the process.

(3) The report must be made public.



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## **Restriction**

**13** A member of the Advisory Board is not eligible to be considered for a federal judicial appointment for a period of one year after the day on which they cease to be a member of the Advisory Board.



## **Annex B: News Release, dated February 19, 2021, from the Office of the Prime Minister of Canada**

*Prime Minister launches process to select the next justice of the Supreme Court of Canada*  
Ottawa, Ontario – February 19, 2021

The Prime Minister, Justin Trudeau, today launched the process to select the next justice of the Supreme Court of Canada, who will fill the vacancy created by the upcoming retirement of Justice Rosalie Silberman Abella.

The Prime Minister also announced the members of the Independent Advisory Board for Supreme Court of Canada Judicial Appointments. This non-partisan board is responsible for identifying candidates who are jurists of the highest caliber, functionally bilingual, and representative of the diversity of our country. The seven-member advisory board will be chaired by former Prime Minister Kim Campbell. The advisory board will review applications, and submit a shortlist of highly qualified candidates for consideration by the Prime Minister.

Justice Abella was appointed to the Supreme Court of Canada from the Ontario Court of Appeal in 2004. In recognition of the convention of regional representation, the process will be open to all qualified applicants from Ontario.

### **Quote**

“To appoint the next justice of the Supreme Court of Canada, we are launching an open and independent process that will identify the most exceptional Canadian lawyers and judges, while recognizing regional representation and the diversity of our country. On behalf of all Canadians, I also thank Justice Abella, the court’s longest-serving member, for her leadership, excellence, and dedication on our highest court over the past 17 years.”

– The Rt. Hon. Justin Trudeau, Prime Minister of Canada

### **Quick Facts**

- Qualifying candidates who wish to be considered for the upcoming vacancy must submit an application package no later than 23:59 Pacific time on April 2, 2021.
- Those interested in applying are encouraged to first review the statutory requirements set out in the *Supreme Court Act*, and the qualifications and assessment criteria that will guide the advisory board in evaluating a candidate’s suitability.
- Candidates may demonstrate they satisfy the geographical requirement by reference to their bar membership, judicial appointment, or other relationship with the province of Ontario.
- In 2016, the Government of Canada announced a new process for Supreme Court of Canada judicial appointments. It included the creation of an independent and non-partisan



advisory board to identify qualified and suitable candidates for appointment to the Supreme Court of Canada.

- The following members have been named to the advisory board:
  - The Right Honourable **Kim Campbell** (Chairperson): former Prime Minister of Canada and Canadian Consul General, and the Founding Principal of the Peter Lougheed Leadership College at the University of Alberta.
  - **Erika Chamberlain**: Dean of Law, University of Western Ontario.
  - The Honourable **Louise Charron**: retired justice of the Supreme Court of Canada.
  - **Signa A. Daum Shanks**: Professor, Osgoode Hall Law School.
  - **David Henry**: Chief Executive Officer, Association des services de réhabilitation sociale du Québec.
  - **Jill Perry**: Managing lawyer, Nova Scotia Legal Aid.
  - **Beverley Noel Salmon**: former municipal councillor, and Commissioner, Ontario Human Rights Commission.
- Justice Abella will retire from the Supreme Court of Canada effective July 1, 2021.

### Related Product

- Biographical notes: Independent Advisory Board members

### Associated links

- Supreme Court of Canada appointment process
- New process for judicial appointments to the Supreme Court of Canada



## **Annex C: Biographical Notes on the Members of the Advisory Board**

The Independent Advisory Board for Supreme Court of Canada Judicial Appointments (Advisory Board) is an independent and non-partisan body whose mandate is to provide non-binding merit-based recommendations to the Prime Minister on Supreme Court of Canada appointments.

The Advisory Board consists of the seven following members:

### **The Right Honourable Kim Campbell, Chairperson**

Nominated by the Minister of Justice

The Right Honourable Kim Campbell, P.C., C.C., O.B.C., Q.C., former Prime Minister of Canada and Canadian Consul General, and Founding Principal of the Peter Lougheed Leadership College at the University of Alberta.

### **David Henry, Member**

Nominated by the Minister of Justice

Chief Executive Officer, Association des services de réhabilitation sociale du Québec.

### **Beverley Noel Salmon, Member**

Nominated by the Minister of Justice

Former municipal councillor, and Commissioner, Ontario Human Rights Commission.

### **Signa A. Daum Shanks, Member**

Nominated by the Canadian Bar Association

Professor, Osgoode Hall Law School.

### **Jill Perry, Member**

Nominated by the Federation of Law Societies of Canada

Managing lawyer, Nova Scotia Legal Aid.

### **The Honourable Louise Charron, Member**

Nominated by the Canadian Judicial Council

Retired justice of the Supreme Court of Canada.



### **Erika Chamberlain, Member**

Nominated by the Council of Canadian Law Deans

Dean of Law, University of Western Ontario.

### **The Right Honourable Kim Campbell, P.C., C.C., O.B.C., Q.C., Chairperson**

The Right Honourable Kim Campbell served in 1993 as Canada's 19th Prime Minister. Prior to becoming Prime Minister, she held various Cabinet positions, including Minister of State for Indian Affairs and Northern Development, Minister of Justice and Attorney General of Canada, Minister of National Defence, and Minister of Veterans Affairs. She was the first woman to serve as the Prime Minister of Canada, the Minister of Justice, the Minister of National Defence, as well as the first to serve as Minister of Defence of a NATO member country.

Ms. Campbell was the Canadian Consul General in Los Angeles from 1996 to 2000, and later taught at the Harvard Kennedy School of Government from 2001 to 2004. She was also chair of the Council of Women World Leaders, and past president of the International Women's Forum. From 2004 to 2006, Ms. Campbell was Secretary General of the Club de Madrid, an organization of former presidents and prime ministers of which she is a founding member.

From 2014 to 2018, Ms. Campbell devoted much of her time to serving as the Founding Principal of the new Peter Lougheed Leadership College at the University of Alberta. Ms. Campbell continues to speak on a wide variety of topics through her participation in the American Program Bureau and the National Speakers Bureau. She is a trustee of the International Centre for the Study of Radicalization and Political Violence at King's College London, and serves on several corporate and non-profit boards, and advisory committees, including Equal Voice, a Canadian organization devoted to achieving gender parity in the Canadian House of Commons.

Ms. Campbell previously served as chair of the advisory board for Supreme Court of Canada judicial appointments in 2016, 2017, and 2019.

### **David Henry, Member**

David Henry holds a Bachelor's degree in economics and politics, and a Bachelor's degree in criminology from the Université de Montréal, in addition to having completed its graduate-level microprogram in social administration. From 2005 to 2009, he worked in the fields of psychiatry and justice for an intermediate resource providing housing to people with mental health issues, and as a community outreach worker for offenders under provincial jurisdiction with serious and persistent mental health issues. Since 2009, he has been working with the Association des services de réhabilitation sociale du Québec and became its Chief Executive Officer in 2016.



Mr. Henry was appointed to the Board of Directors of the Ordre professionnel des criminologues du Québec in 2017. Since then, he has been elected to represent the Montréal region, and was appointed vice-chair.

### **Beverley Noel Salmon O.C., O. Ont., Member**

Born in Toronto, Beverley Noel Salmon is the daughter of a Jamaican immigrant, and a fifth generation Canadian of Scottish and Irish descent. Ms. Salmon began her Registered Nurse training at Wellesley Hospital in 1950 and completed a certificate in Public Health Nursing at the University of Toronto in 1954. She then served for two years as a Victorian Order Nurse in Toronto, and began her nursing career in 1956 in Detroit. During this period, she became involved with the civil rights movement, which inspired her to continue her work as an activist when she returned to Toronto in the 1960s.

Ms. Salmon sought to improve race relations through her involvement with anti-racism training and initiatives – first as a founding member of the Urban Alliance on Race Relations, and later as co-founder of the Black Educators Working Group. In 1985, she became Toronto’s first Black woman municipal councillor, representing North York, and then Metro Toronto until her retirement from municipal politics in 1997. She was also the first Black woman to serve as a Commissioner on the Ontario Human Rights Commission. Ms. Salmon worked with the Race Relations Committee of the Federation of Canadian Municipalities, and served on the Board of the Toronto Transit Commission from 1989 to 1994. She was also a member of the Ontario Status of Women Council, and a Board member of the Obsidian Theatre Company.

For her lifetime of civil rights activism and public service, Ms. Salmon received many awards and honours. These include the African Canadian Achievement Award for Excellence in Politics in 1995, the Federation of Canadian Municipalities Roll of Honour and an honorary doctorate of Laws from Ryerson University in 1999, the Queen Elizabeth II Diamond Jubilee Medal in 2012, the Order of Ontario in 2016, and the Order of Canada in 2017.

### **Signa A. Daum Shanks, Member**

Signa A. Daum Shanks, originally from Saskatchewan, is a trained lawyer, law professor, and historian. A member of the Ontario Bar Association, she is the elected Toronto representative on its Board of Directors and has been part of the Board for three years. She is also a member of the Indigenous Bar Association. Currently Associate Professor and Director, Indigenous Outreach at Osgoode Hall Law School, she has taught the courses Torts, Law and Economics, Game Theory and the Law, Indigenous Peoples and Canadian Law, and Comparative Indigenous Legal Traditions. Before working at Osgoode Hall Law School, Dr. Daum Shanks was an Assistant Professor at the College of Law of the University of Saskatchewan, and held various teaching appointments at the University of Saskatchewan’s Department of Indigenous Studies, the First Nations University of Canada, the University of Alberta’s Faculty of Native Studies, and the University of Toronto’s Canadian Studies program. She has also taught at the summer program



for incoming Indigenous law students hosted at the Indigenous Law Centre in Saskatoon, and has been as an instructor in the Nunavut Law Program in Iqaluit.

Within the legal profession, Dr. Daum Shanks has worked at the Department of Justice Canada, Indigenous and Northern Affairs Canada, and Saskatchewan Justice, as well as with the Toronto office of a national law firm, and the criminal appeals division of the Ministry of the Attorney General of Ontario. Before starting law school, Dr. Daum Shanks also worked at a national Indigenous organization and as a historical researcher for a legal academic.

Dr. Daum Shanks holds a PhD in history and an M.A. from the University of Western Ontario, a B.A. (Hons) from the University of Saskatchewan, an LL.B. from Osgoode Hall Law School, and an LL.M. from the University of Toronto. She also studied at the École de langue française et de culture québécoise de l'Université du Québec à Chicoutimi. She was able to clerk at the Land Claims Court of South Africa through her participation in Osgoode Hall Law School's Intensive Program in Aboriginal Lands, Resources and Governments.

She was appointed by the United Nations as a participant in the annual United Nations Permanent Forum on Indigenous Issues. She is also actively involved in the Indigenization of learning processes at Osgoode Hall Law School and York University.

She has received recognition and funding for many of her research and professional efforts. In 2020, Dr. Daum Shanks received the President's Award from the Women's Law Association of Ontario, and an Alumni of Influence Award from the University of Saskatchewan. She was also appointed a Senior Fellow at Massey College.

Dr. Daum Shanks was nominated to the advisory board for Supreme Court of Canada judicial appointments by the Canadian Bar Association.

### **Jill Perry, Member**

Jill Perry is the second vice-president of the Council of the Federation of Law Societies of Canada (FLSC), and has been the representative for Nova Scotia on the Council since 2018. She chairs the FLSC's National Committee on Accreditation and Continuing Legal Education Programs Committee. She also sits on the FLSC's Canadian Common Law Program Approval Committee. She has been a member of the steering committee for the national Action Committee on Access to Justice in Civil and Family Matters since 2017.

Ms. Perry served as president of the Nova Scotia Barristers' Society (NSBS) from 2015 to 2016. She was first elected to the NSBS Council in 2007 as a member for Cape Breton District, completing three consecutive terms in that position prior to her election as vice-president. She has chaired, and been a member of numerous NSBS committees.



Ms. Perry is the managing lawyer (family) with Nova Scotia Legal Aid in Sydney, Nova Scotia, where she has worked as a staff lawyer since 2001. Her practice focuses on representing respondents in child protection proceedings. She is the past chair, and a current member, of Nova Scotia Legal Aid's Children and Family Services Act Committee.

Called to the Bar of Nova Scotia in 2001, Ms. Perry received a LL.B. from the University of Victoria in 2000, an M.A. in history from Memorial University of Newfoundland in 1997, and an undergraduate degree in history from McGill University in 1994.

Ms. Perry's community work has included coaching soccer for young children and serving on boards of community organizations. She has been a board member with the YMCA of Cape Breton since 2017. Ms. Perry was appointed to the Queen's Counsel of Nova Scotia in 2018.

Ms. Perry was nominated to the advisory board for Supreme Court of Canada judicial appointments by the Federation of Law Societies of Canada.

### **The Honourable Louise Charron, Member**

Justice Louise Charron received her primary and secondary education in Sturgeon Falls, Ontario. She received a B.A. from Carleton University in 1972 and a LL.B. from the University of Ottawa in 1975. Called to the Ontario Bar in 1977, she practised law with the firm Lalonde & Chartrand from 1977 to 1980, mostly in civil and criminal litigation. She served as Assistant Crown Attorney for the Ottawa-Carleton Judicial District from 1978 to 1988. She was a lecturer in the French common law program of the University of Ottawa's Faculty of Law from 1978 to 1985, and joined the faculty as Assistant Professor until 1988.

Justice Charron was appointed a District Court Judge and Local Judge of the High Court of Justice of Ontario in Ottawa in 1988 and Judge of the Ontario Court of Justice (General Division) in 1990. An educator at heart, she has been actively involved in moot courts and in continuing education for judges and lawyers, and was Associate Director of the National Judicial Institute from 1994 to 1996.

Justice Charron was appointed Judge of the Court of Appeal for Ontario in 1995 and Deputy Judge of the Nunavut Court of Justice from 1999 to 2004. She was appointed to the Supreme Court of Canada in 2004.

She has received Honorary LL.D.s from the Law Society of Upper Canada in 2004, Nipissing University in 2005, and Laurentian University in 2006. She was elected as Honorary Fellow in the American College of Trial Lawyers in 2007. Justice Charron retired from the Supreme Court of Canada in 2011.

Justice Charron was nominated to the advisory board for Supreme Court of Canada judicial appointments by the Canadian Judicial Council.



### **Erika Chamberlain, LL.B., PhD, Member**

Erika Chamberlain was appointed Dean of Law at the University of Western Ontario in 2017, following five years as Associate Dean (Academic). She graduated with a gold medal from Western Law in 2001 and joined the faculty in 2005. Prior to her appointment, she served as a law clerk to the Honourable John C. Major at the Supreme Court of Canada, and was called to the Bar of Ontario in 2002. She obtained her doctorate from the University of Cambridge.

Professor Chamberlain has authored numerous articles on tort law, with a particular focus on the tort liability of public authorities. She is a founding member of Western's Tort Law Research Group and was a co-organizer of the Sixth Biennial Conference on the Law of Obligations in 2012. In 2019, she became the general editor of the Canadian Cases on the Law of Torts.

She has also published extensively in the field of impaired driving law and alcohol-related civil liability, and has provided research and advocacy to MADD Canada since 1999. Her work in this field has been cited by the Supreme Court of Canada, and has influenced legislative amendments at the federal level and in several provinces and territories.

Professor Chamberlain has been named Professor of the Year twice by the Student Legal Society, and named three times to the Teaching Honour Roll by the University Students' Council at Western. She is currently Western's Academic Colleague to the Council of Ontario Universities, and is a member of the Ontario Universities Council on Quality Assurance.

Professor Chamberlain was nominated to the advisory board for Supreme Court of Canada judicial appointments by the Council of Canadian Law Deans.



## **Annex D: Qualifications and Assessment Criteria**

### ***Qualifications***

The qualifications for appointment to the Supreme Court of Canada are set out in the *Supreme Court Act*, R.S.C. 1985, c. S 26. Section 5 provides that “Any person may be appointed a judge who is or has been a judge of a superior court of a province or a barrister or advocate of at least ten years standing at the bar of a province.”

In order to be eligible for appointment to the Supreme Court of Canada, a candidate must be:

- (1) a current judge of a superior court of a province, including courts of appeal;
- (2) a former judge of such a court;
- (3) a current barrister or advocate of at least 10 years standing at the bar of a province; or
- (4) a former barrister or advocate of at least 10 years standing.

There are special rules for appointment of three judges from Quebec. Section 6 provides that “At least three of the judges shall be appointed from among the judges of the Court of Appeal or of the Superior Court of the Province of Quebec or from among the advocates of that Province.” In the *Reference re Supreme Court Act, ss 5 and 6*, the Supreme Court stated that only current superior court judges (i.e. judges of the Court of Appeal of Quebec and the Superior Court of Quebec) and current members of the Quebec bar of at least 10 years standing are eligible for appointment to one of the three Quebec positions on the Supreme Court.

All judges of the Supreme Court must live in the National Capital Region or within 40 kilometres thereof. Candidates must either currently meet this qualification or undertake to move their residence, if appointed to the Supreme Court, in order to meet it.

### ***Functional bilingualism***

*The Government has committed to only appoint judges who are functionally bilingual.*

*The Supreme Court hears appeals in both English and French. Written materials may be submitted in either official language and counsel may present oral argument in the official language of their choice. Judges may ask questions in English or French. It is expected that a Supreme Court judge can read materials and understand oral argument without the need for translation or interpretation in French and English. Ideally, the judge can converse with counsel during oral argument and with other judges of the Court in French or English.*



## Assessment Criteria

Judges of the Supreme Court of Canada face multiple, complex and occasionally competing expectations. In keeping with Canada's evolution into a mature constitutional democracy, the role of the courts and the Supreme Court in particular, has become ever more important. The criteria for appointment to the Court must reflect both the needs of any court of final appeal, and the particular circumstances, history and context of Canadian society and its legal system. The criteria must facilitate the Court's ability to: resolve disputes between and among all manner of parties, communicate its decisions effectively to the Canadian public, uphold the constitution, and protect the rule of law.

Criteria for assessment may be grouped along two axes, one individual and the other institutional. Individual criteria relate to the skills, experience and qualities of candidates themselves. Particulars of legal training, of non-legal professional experience and of community involvement will vary greatly from individual to individual, but must be assessed to arrive at an evaluation of the candidate's potential for excellence in the judicial function. There are also numerous personal qualities that will bear on whether a candidate has the appropriate judicial temperament. Institutional criteria will overlap to some degree with individual ones. But as the Court's composition shifts over time, particular needs may emerge as more necessary to enable the Court to perform its general and final appellate function in all legal areas.

Part of the selection process will involve determining the ways and degree to which particular candidates embody the skills, experience and qualities that best meet the Court's needs at a particular point in time. The selection process must retain an appropriate degree of flexibility.

### Personal Skills and Experience

#### 1. Demonstrated superior knowledge of the law

*The chief consideration for any appointment is a person's ability to perform, and achieve excellence in, judging. At the Supreme Court, cases and references can arise in any legal area including public, private and international law. Judges must interpret and apply the governing statute and rules of the Supreme Court in a variety of proceedings relating to hearings, motions and appeals. Candidates for the Court must therefore possess deep knowledge of the law, in particular Canadian law. Knowledge of indigenous legal traditions may also be considered. This depth of skill may be acquired in a variety of ways: specialized legal training and study, professional practice, authoritative or scholarly legal writing and/or prior judicial experience.*

*The Supreme Court hears cases from matters under federal jurisdiction as well as from all provinces and territories, including Quebec, which follows a civil law tradition for most private law matters. Familiarity with the civil law tradition, therefore, is a strength for any candidate.*



## 2. Superior analytical skills

*A jurist must synthesize, distinguish, compare and contrast a variety of legal sources. They must efficiently determine which of the vast possible materials that constitute “the law” are most relevant to a specific legal question; and understand, weigh and resolve conflicts among those materials. An appellate judge must also review lower court decisions, determine appropriate grounds of appeal, distinguish between questions of fact and law and apply the suitable level of deference or correction. All of these are analytical functions requiring an exceptionally high degree of skill and discernment.*

## 3. Ability to resolve complex legal problems

*The core function of the Supreme Court is to adjudicate legal disputes and to provide reasons explaining its decisions. As an adjudicator, a judge is not just required to hear a case, but to give an answer: to bring the matter to a legal conclusion. In appellate cases, resolution may be elusive as the issues tend to feature reasonably competing arguments. Nonetheless, a judge must be able to arrive at a sound decision, to support that decision with reasons and to provide the requisite certainty so that the instant dispute is resolved, and so that lower courts receive sufficient guidance to decide similar cases in the future.*

*Therefore, prior experience in adjudication is relevant though not essential. Adjudication can occur in many contexts, including administrative tribunals, arbitration bodies, and trial and appellate courts. As the Supreme Court is itself an appellate court, prior appellate judicial experience may be especially relevant but, again, is not essential for appointment.*

## 4. Awareness of, and ability to synthesize information about, the social context in which legal disputes arise

*A judge should demonstrate a general awareness of and an interest in knowing about the social problems that give rise to cases coming before the courts. They should be sensitive to changes in social values relating to the subject matter of cases before the Supreme Court. Many of the cases that the Supreme Court hears are not solely focused on technical questions of law. Instead, they involve complex interactions between law and fact, particularly social facts that help to explain a law’s purpose, the way that it tends to function and its effects on people or society as a whole. This interaction between law and social fact is most prominent in constitutional cases, but is not limited to them. A judge must therefore be able to receive evidence and argument about these social facts, or context, and use them to appropriately resolve the specific questions posed.*

## 5. Clarity of thought, particularly as demonstrated through written expression

*In most cases, the Supreme Court is expected to, and does, issue written reasons for its decisions. Decisions are the Court’s most important method of communicating with parties, with courts, with other branches of government, and with the Canadian public. Reasons help to explain the basis for deciding complex legal issues one way versus another. Reasons also satisfy the Court’s duty to provide guidance to the lower courts which are expected to apply those decisions in future cases. Excellence in written expression is thus essential to the Court’s work,*



*and a candidate's prior writing must be reviewed. Such writing can take a number of forms: judicial decisions, reports, memoranda of legal arguments, books, treatises and scholarly articles. The writing may be reviewed for, among other things, clarity, precision, command of the law, persuasiveness and balance. It is expected that the materials reviewed will primarily be legal in nature, though non-legal written expression may provide some assistance.*

6. Ability to work under significant time pressures requiring diligent review of voluminous materials in any area of law

*The Supreme Court hears appeals in all areas of law. Its nine members share a variety of adjudicative tasks. Cases at the Supreme Court often contain hundreds of pages of materials, and judges work on multiple cases at the same time. Judges must review materials in preparation for cases, review materials for decisions they are writing and review drafts and memos from their colleagues. The workload is heavy and constant. The job therefore requires significant stamina, industry and learning ability.*

7. Commitment to public service

*Judges are part of the community and fulfill an essential service to the public in addition to their constitutional role as impartial dispute arbiters. A demonstrated commitment to community engagement through involvement in community and volunteer organizations is a strength.*

## **Personal Qualities**

1. Irreproachable personal and professional integrity

*The Supreme Court has noted: "The judge is the pillar of the entire justice system and of the rights and freedoms which that system is designed to promote and protect". Judges must themselves embody the ideals upon which the rule of law depends.*

*Canadians, thus, rightfully expect the highest level of ethical conduct from judges. As the Chief Justice of Canada has stated, "The ability of Canada's legal system to function effectively and to deliver the kind of justice that Canadians need and deserve depends in large part on the ethical standards of our judges." As noted by the Canadian Judicial Council's Ethical Principles for Judges, "Public confidence in and respect for the judiciary are essential to an effective judicial system and, ultimately, to democracy founded on the rule of law."*

2. Respect and consideration for others

*The Supreme Court is a collegial court which is composed of nine judges who work and sit together day in and day out. Its judges deal with issues of the highest national importance. Their decisions are final and not subject to appeal to any other court in Canada. It is critical that each judge is able to work collaboratively with his or her colleagues and debate issues in a respectful and constructive manner. In addition, judges must be sensitive when dealing with persons in subordinate positions. It is expected that they will model the highest standards of professionalism, respect and courtesy.*



3. Ability to appreciate a diversity of views, perspectives and life experiences, including those relating to groups historically disadvantaged in Canadian society

*Along with legal expertise, a judge will invariably draw on common sense and experience. It is, therefore, crucial that their perspective is neither too narrow nor resistant to change. A judge must have the capacity to empathize with persons who come from backgrounds that are very different from her own.*

4. Moral courage

*Judicial independence has been recognized as an unwritten constitutional principle under Canada's Constitution. It exists in order to protect the ability of judges to decide cases impartially, free of any external influence or coercion. Canadian judges enjoy a high degree of independence that is respected around the world. Nevertheless, Supreme Court judges sometimes face extremely challenging issues. They may be faced with making a decision that is at odds with the stated wishes of the government, with public opinion or with the views of their colleagues. This requires a measure of fortitude.*

5. Discretion

*Judges deal with sensitive and personal information. Their discussions are subject to deliberative secrecy and cannot be revealed. It is critical therefore that judges conduct themselves in a discreet fashion.*

6. Open-mindedness

*One of the most important qualities of a judge is the ability to maintain an open mind about any case that comes before him or her. To be clear, judges are not expected to operate as blank slates. The fact that a candidate has expressed an opinion on some issue that may one day come before the Court is not disqualifying. But a judge must be seen as able to weigh the evidence and argument in a particular case fairly and impartially, and to set aside any prior personal opinions when rendering a decision.*

### **Institutional Needs of the Court**

1. Ensuring a reasonable balance between public and private law expertise, bearing in mind the historic patterns of distribution between those areas in Supreme Court appeals

*The Supreme Court of Canada is a general court of appeal for Canada which hears appeals in all subject areas from provincial and territorial courts of appeal, from the Federal Court of Appeal and from the Court Martial Appeal Court of Canada. According to the most recent statistics, approximately one quarter of the cases heard by the Supreme Court are criminal non-Charter cases, almost another fifth are criminal Charter cases, and another fifth are non-criminal constitutional/Charter cases. The Court hears other types of cases but the subject-areas just noted represent the most significant areas of the Court's workload.*



2. Expertise in any specific subject matter that regularly features in appeals and is currently underrepresented on the Court

*Because of its diverse caseload, the Court must have judges with a diversity of expertise in order to address particular subject matters that will arise. A vacancy on the Court may give rise to a need for expertise in a particular subject matter: e.g. criminal, administrative, federal or commercial law.*

3. Ensuring that the members of the Supreme Court are reasonably reflective of the diversity of Canadian society

*Canada is one of the world's most diverse societies, but that diversity is not fully reflected in its institutions. The Supreme Court is the most important and recognizable symbol of the justice system. Having a Court that is reasonably reflective of Canadian diversity helps to ensure that, in any particular case, the Court can benefit from a range of viewpoints and perspectives. A reasonably reflective Court also promotes public confidence in the administration of justice as well as in the appointment process.*



## **Annex E: Functional Bilingualism and the Supreme Court of Canada Judicial Appointments Process – 2021**

### **Functional Bilingualism**

The Qualifications and Assessment Criteria with respect to the functional bilingualism language requirement are as follows:

*The Government has committed to only appoint judges who are functionally bilingual.*

*The Supreme Court hears appeals in both English and French. Written materials may be submitted in either official language and counsel may present oral argument in the official language of their choice. Judges may ask questions in English or French. It is expected that a Supreme Court judge can read materials and understand oral argument without the need for translation or interpretation in French and English. Ideally, the judge can converse with counsel during oral argument and with other judges of the Court in French or English.*

### **The Office of the Commissioner for Federal Judicial Affairs Canada**

The Office of the Commissioner for Federal Judicial Affairs (OCFJA) has been tasked with determining whether candidates for judicial appointment to the Supreme Court of Canada meet this requirement.

### **Language Requirement**

The language requirement is composed of three parts:

1. Whether candidates can read materials without the need for translation or interpretation in English and French;
2. Whether candidates can understand oral argument without the need for translation or interpretation in English and French;
3. Ideally, whether the candidates can converse with counsel during oral argument and with other judges of the Court in French and English.

### **Assessment Tools and Rating**

The OCFJA developed a three-part evaluation process to be used for assessing each component of the language requirement based on its expertise in language training for federally appointed judges. A scale of competencies and measurable performance indicators and corresponding rating guides were set for each of the three abilities.



The entire assessment was timed to last 1 hour per candidate.

The first segment involved the reading of a legal text followed by comprehension questions put to the candidate in the first official language. This first part lasted 20 minutes.

The second part of the assessment consisted of a legal pleading read to each candidate, followed by comprehension questions put to the candidate. This second part lasted 20 minutes.

The third part of the assessment sought to determine whether each candidate was able to converse and interact fluently on diverse subjects, including legal issues, in the second language. A guided conversation using set criteria formed the basis of this segment which also lasted 20 minutes.

A minimum score of 3 out of 5 on each part was required for candidates to meet the *functionally bilingual* criteria.



## **Annex F: Letters Sent to Organizations**

Dear Madam/Sir,

### **RE: Supreme Court of Canada Appointment Process – 2021**

On February 19, 2021, the Prime Minister of Canada opened the process to select the next justice of the Supreme Court of Canada to fill the vacancy which will be created by the retirement, on July 1, 2021, of Justice Rosalie Silberman Abella. (View Prime Minister’s news release)

Under the process, used for the first time in 2016, an independent and non-partisan Advisory Board has been given the task of reviewing all applicants and identifying suitable candidates for consideration by the Prime Minister. The members of the Advisory Board were also announced on February 19, 2021. (View Prime Minister’s news release)

In recognition of the convention of regional representation, this process is open to candidates from the province of Ontario. Candidates may demonstrate that they satisfy the geographical requirement by reference to their bar membership, judicial appointment or other relationship with Ontario. The question of whether a candidate is functionally bilingual will be assessed by the Office of the Commissioner for Federal Judicial Affairs in accordance with established and objective criteria.

The Board’s Terms of Reference (View Terms of Reference) stipulate that in establishing a list of qualified candidates, members must seek to support the Government of Canada’s intent to achieve a gender-balanced Supreme Court of Canada that also reflects the diversity of members of Canadian society, including Indigenous peoples, persons with disabilities and members of ethnic, linguistic and other minority communities, including those whose members’ gender identity or sexual orientation differs from that of the majority.

As the Board’s Chairperson, I encourage you to use your networks and knowledge of the judiciary and legal community in your jurisdictions to identify qualified candidates, and urge them to submit an application through the Office of the Commissioner for Federal Judicial Affairs at the following address: <https://www.fja.gc.ca/scc-csc/2021/form-formulaire-eng.html>. Your early attention to this matter is much appreciated as the deadline to file an application for an appointment to the Supreme Court of Canada is April 2, 2021, at 23:59 PDT.

Yours truly,

The Right Honourable Kim Campbell, P.C., C.C., O.B.C., Q.C.  
Chairperson, Independent Advisory Board for Supreme Court of Canada Judicial Appointments



## **Annex G: Letters sent to Individuals Identified by Organizations**

Dear Madam/Sir:

### **RE: Supreme Court of Canada Appointment Process – 2021**

On February 19, 2021, the Prime Minister of Canada opened the process to select the next justice of the Supreme Court of Canada to fill the vacancy which will be created by the retirement, on July 1, 2021, of Justice Rosalie Silberman Abella. (View Prime Minister’s news release)

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In recognition of the convention of regional representation, this process is open to candidates from the province of Ontario. Candidates may demonstrate that they satisfy the geographical requirement by reference to their bar membership, judicial appointment or other relationship with Ontario. The question of whether a candidate is functionally bilingual will be assessed by the Office of the Commissioner for Federal Judicial Affairs in accordance with established and objective criteria.

As you may know, it is part of the mandate of the Advisory Board to actively seek out qualified candidates. In order to avoid any appearance of bias or conflict, the Advisory Board decided to reach out to a variety of groups and associations representing judges and lawyers rather than solicit applications on an individual basis. Furthermore, the Supreme Court of Canada appointment process also requires candidates to file an application in order to be considered to fill the vacancy.

As a result of the outreach, you were recommended as a very good candidate and the Advisory Board encourages you to give thought to this process and to file an application should you be interested. Please note that the deadline for doing so is April 2, 2021. To this end, please refer to the website of the Office of the Commissioner for Federal Judicial Affairs where the Supreme Court of Canada appointments process is described <https://www.fja.gc.ca/scc-csc/2021/index-eng.html>.

Yours truly,

The Right Honourable Kim Campbell, P.C., C.C., O.B.C., Q.C.,  
Chairperson, Independent Advisory Board for Supreme Court of Canada Judicial Appointments