



PRIME MINISTER • PREMIER MINISTRE

Ottawa, Ontario
K1A 0A2

October 14, 2020

Dear Ms. Beavers et al.:

Thank you for writing to me regarding the need for the upcoming Ontario vacancies at the Supreme Court of Canada to be filled with members who are representative of marginalized communities.

Our government is committed to the recognition and advancement of marginalized communities by further eliminating existing barriers that prevent them from participating in all aspects of our society. On August 2, 2016, the Prime Minister announced a new process for judicial appointments to the Supreme Court of Canada. Its key feature is an independent, non-partisan Advisory Board. The Board is mandated to provide non-binding, merit-based recommendations to the Prime Minister on Supreme Court appointments.

The Advisory Board both receives and proactively seeks out applications from interested candidates. Candidates submit applications through the Office of the Commissioner for Federal Judicial Affairs, which supports the Board. The Advisory Board considers applicants and, based on statutory requirements and publicly-available assessment criteria, develops a shortlist of three to five qualified and functionally-bilingual candidates. The Advisory Board provides its shortlist to the Prime Minister. The Minister of Justice consults on the shortlist with the Chief Justice of Canada, relevant provincial and territorial attorneys general, relevant Cabinet ministers, opposition Justice Critics, as well as members of the House of Commons Standing Committee on Justice and Human Rights and the Standing Senate Committee on Legal and Constitutional Affairs. Based on these consultations and the Minister of Justice's recommendation, the Prime Minister chooses and publicly announces a nominee.

The Minister of Justice and the Chairperson of the Advisory Board then appear before the House of Commons Standing Committee on Justice and Human Rights to explain why the nominee was selected. The nominee also participates in a moderated question and answer period with members of the House of Commons Standing Committee on Justice and Human Rights, the Standing Senate Committee on Legal and Constitutional Affairs, and representatives from each party with seats in the House. Finally, the Prime Minister announces the nominee's appointment to the Supreme Court of Canada.

Ms. Suki Beavers
Executive Director
National Association of Women and the Law

Should you have specific candidates you wish to recommend, I invite you to send these names to the Office of the Commissioner for Federal Judicial Affairs, which, among other things, supports the Minister of Justice in the administration of the Supreme Court of Canada application process. That Office will then ensure that the Advisory Board advise those people that you have recommended them, and it will provide them with the relevant application documents.

Once again, thank you and the signatories of your letter for raising this important issue. Canada is strong not in spite of our differences, but because of them, and going forward, that capacity will be at the heart of our success as we strive to build a stronger, more inclusive country.

Please accept my warmest regards.

Sincerely,

A handwritten signature in blue ink, appearing to be "J. L. ...", with a large, sweeping flourish extending to the left and a horizontal line extending to the right.