



Canadian
Judicial Council
Conseil canadien
de la magistrature

Ottawa, Ontario K1A 0W8

29 March 2019

The Honourable Lisa Raitt, P.C., M.P.
Official Opposition Shadow Minister for Justice
Parliament Hill
Justice Building
Room 501

Dear Ms Raitt:

On behalf of the Right Honourable Richard Wagner, Chairperson of the Canadian Judicial Council, I wish to acknowledge receipt of your letter of 28 March 2019.

Thank you for your suggestions regarding the appointment process.

Council, in the past, has provided its views on the importance of maintaining the integrity of the judicial appointment process. This necessarily includes protecting the confidentiality of the deliberations and discussions relating to judicial appointments.

All are essential to judicial independence and maintaining public confidence in the justice system. As noted in Council's Ethical Principles, "Judicial independence is not the private right of judges but the foundation of judicial impartiality and a constitutional right of all Canadians."

Thank you for taking the time to share your concerns.

Yours sincerely,

Original signed by
Norman Sabourin
a signé l'original

Norman Sabourin
Executive Director and Senior General Counsel
Canadian Judicial Council



House of Commons



March 28, 2019

Right Honourable Richard Wagner, P.C.
Chair
Canadian Judicial Council
150 Metcalfe St.
Ottawa, ON
K2P 1P1

Dear Chief Justice,

I write to you today in your capacity as the Chair of the Canadian Judicial Council.

As you may have read, confidential information, related to the appointment of a Supreme Court Justice has been disclosed to media who have in turn published this information. This information would only have been known by a select few people close to Prime Minister Justin Trudeau.

Confidentiality in the judicial appointments process is crucial to protecting the integrity of the selection process. This confidentiality also seeks to ensure that the reputations of judges not ultimately selected are not tarnished.

It is of great concern that because of this unauthorized disclosure, the reputation of a respected jurist may have been damaged for political purposes. I wrote the Commissioner of Federal Judicial Affairs Marc Giroux regarding this matter and he replied that he is "deeply concerned and troubled about the release to the media of any confidential information...that pertains to judicial appointments to the Supreme Court of Canada." However, he believes that he lacks the mandate to properly investigate.

Prime Minister Trudeau and Minister of Justice and Attorney General Lametti have taken no actions to restore the confidence of Canadians in our judicial system, where judges are free to give judgments without the fear of retaliation.

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The mandate of the Council is "to promote efficiency and uniformity, and to improve the quality of judicial service, in superior courts." This certainly includes issues of judicial independence. I would therefore hope that, at its next meeting, the Canadian Judicial Council would consider the circumstances surrounding these leaks, and their impact on judicial independence. Further, keeping Canadians apprised of this situation will strengthen their confidence in the independence of our judicial system.

Sincerely,

Lisa Raitt

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Official Opposition Shadow Minister for Justice

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