



Backgrounder

NEW PROCESS FOR JUDICIAL APPOINTMENTS TO THE SUPREME COURT OF CANADA

The Government of Canada is committed to ensuring that the process of appointing Supreme Court of Canada Justices is transparent, inclusive, and accountable to Canadians. To deliver on this commitment, an independent and non-partisan advisory board has been created that will recommend qualified, functionally bilingual candidates who reflect a diversity of backgrounds and experiences for appointment to the Supreme Court of Canada.

How to apply to be considered for an appointment

Applications for a position on the Supreme Court of Canada, that will become vacant in September with the retirement of the Honourable Justice Cromwell, are now being accepted. Qualified lawyers and persons holding judicial office from across Canada who wish to be considered for this vacancy must apply to the Independent Advisory Board for Supreme Court of Canada Judicial Appointments through the [Office of the Commissioner for Federal Judicial Affairs](#). Those interested in applying are encouraged to first review the statutory requirements set out in the [Supreme Court Act](#), as well as the Statement of Qualifications and Assessment Criteria that will guide the Advisory Board in evaluating the candidates' suitability. Applicants will need to complete and submit an application package that includes a questionnaire, an authorization form, and a background check consent form. The deadline to submit an application package is no later than 23:59 Pacific daylight time on August 24, 2016.

The Independent Advisory Board for Supreme Court of Canada Judicial Appointments

The seven-member Independent Advisory Board for Supreme Court of Canada Judicial Appointments includes four members who have been nominated as follows:

- A retired judge nominated by the Canadian Judicial Council;
- Two lawyers, one nominated by the Canadian Bar Association and the other by the Federation of Law Societies of Canada; and
- A legal scholar nominated by the Council of Canadian Law Deans.

The other three members, including two non-lawyers, have been nominated by the Minister of Justice.

The Right Honourable Kim Campbell has been designated as the Chairperson of the Advisory Board. All members have been appointed to renewable terms of six months.

The Advisory Board's mandate is to provide recommendations for a position that will become vacant on September 1, 2016 with the retirement of the Honourable Justice Cromwell.

The Advisory Board will consider applications received through the [Office of the Commissioner for Federal Judicial Affairs](#). Part of the Advisory Board's work will be to actively seek out qualified candidates and encourage them to apply. The Advisory Board will consult with the Chief Justice of the Supreme Court of Canada and other key stakeholders the Board considers appropriate. The statutory requirements and the publicly-available criteria will guide the work of the Advisory Board. The Advisory Board will only recommend candidates who are functionally bilingual.

Members of the Advisory Board will be expected to observe the highest standards of impartiality, integrity, and objectivity in their consideration of all candidates.

In establishing a list of qualified candidates, the Advisory Board will also seek to support the Government of Canada's intent to achieve a Supreme Court of Canada that is gender-balanced and reflects the diversity of members of Canadian society.

The Advisory Board will provide the Prime Minister with non-binding, merit-based recommendations of three to five qualified and functionally bilingual candidates for consideration. The Advisory Board will also provide an assessment of how each candidate meets the statutory requirements and the extent to which they meet the publicly-available criteria.

The Minister of Justice will consult on the shortlist of candidates 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. Following these consultations, the Minister of Justice will present recommendations to the Prime Minister who will then choose the nominee.

Within a month of the judge being appointed, the Advisory Board will submit a report that outlines how it fulfilled its mandate, including costs related to its activities and statistics related to the applications received. The Advisory Board may also use the report to make recommendations for improving the process. To ensure transparency and accountability, the report will be made public.

Participation by Members of Parliament and Senators

To further enhance transparency and accountability, opportunities will be provided for Members of Parliament and Senators to participate in this appointments process.

At the outset, the Minister of Justice will be available to appear before the House of Commons Standing Committee on Justice and Human Rights to explain the new appointments process, as well as the criteria which will guide the work of the Advisory Board.

Once the Prime Minister has chosen the nominee, the Minister of Justice and the Chairperson of the Advisory Board will appear before the House of Commons Standing Committee on Justice and Human Rights to explain how the chosen nominee meets the statutory requirements and the criteria. Further to the committee hearing, the nominee will also take part in a moderated question and answer session 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 the Bloc Québécois and the Green Party.