



June 28, 2017

Via email: justin.trudeau@parl.gc.ca; mcu@justice.gc.ca

The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

The Honourable Jody Wilson-Raybould, P.C., M.P.
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, ON K1A 0H8

Dear Prime Minister and Minister of Justice:

Re: Supreme Court of Canada Appointment

I am writing about the vacancy on the Supreme Court of Canada that will be created when Chief Justice McLachlin retires from the bench in December 2017.

Canada is a large and varied country, with a strong commitment to an independent and impartial judiciary. The Canadian Bar Association firmly believes that appointments to the Supreme Court of Canada should be based on merit, ensuring a judiciary that reflects the full diversity of Canada's regions, legal systems and population.

When the Atlantic Canada vacancy arose last year, the CBA wrote to you in support of continued regional representation on the Supreme Court of Canada, and urged you to honour regional representation in filling future vacancies. We were pleased with the appointment of Justice Rowe from Newfoundland and Labrador to fill the Atlantic Canada vacancy. We encourage you to continue that regional representation in the mandate to replace Chief Justice McLachlin.

Regional representation has evolved since the Supreme Court was established in 1875. Since the Court began sitting with nine members in 1949, regional representation has traditionally comprised one seat from Atlantic Canada, three seats from Quebec, three seats from Ontario, and two seats from Western Canada.

We acknowledge that the lines of the Western Canada seats are not a settled question. Until 1979, the region comprised the four western provinces. Since then, there has been a judge on the Court from British Columbia, with the other western seat occupied by a judge from one of the other three western provinces. The place of the territories in a system of regional representation is also an open question. However these questions are resolved, we underscore the significance of the convention of regional representation as a core element of diversity on the Court.

The CBA welcomes an accessible and transparent judicial selection process that genuinely encourages qualified candidates who reflect the full diversity of our population and our legal systems, while respecting the framework of the convention of regional representation. In this way, Canadians can have confidence that the best candidates have been considered.

We look forward to our continued discussions.

Yours truly,

(original signed by René J. Basque)

René J. Basque, c.r./Q.C.