

ATLANTIC PROVINCES TRIAL LAWYERS ASSOCIATION



October 25, 2017

The Honourable Jody Wilson-Raybould
Minister of Justice and Attorney General of Canada
House of Commons
Ottawa, ON
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Dear Minister Wilson-Raybould:

Open Letter Re Judicial Appointments and Diversity on the Bench

The Atlantic Provinces Trial Lawyers Association (APTLA) is an Atlantic Canadian plaintiff-oriented organization with hundreds of members from all four Atlantic Provinces. APTLA, its directors and its members, write to express concern with the lack of diversity in the professional biographies of recent judicial appointments in the Maritime Provinces, when measured by work experience, clientele and firm culture.

Since the federal government's announcement of a new process that would emphasize "transparency, merit and diversity," three of the five appointments in the Maritimes were selected from the private bar of each province. These appointments all came from the same regional law firm, and all three appointees specialized in the practice area of insurance defence.

The lack of diversity in this regard is particularly pronounced in Prince Edward Island. In total, six of the eight sitting federally appointed judges from Prince Edward Island are from this same regional firm, which predominantly practices defence work. Specifically, four of the six federally appointed Supreme Court and Court of Appeal judges (excluding supernumerary justices) are former partners of this firm.

Judges play a central role in the functioning of legal systems within each province and, more broadly, in the development of the Canadian legal system. The courts' composition is instrumental to the ability of the justice system to function effectively, with institutional legitimacy, and with public confidence in its ability to make independent, just and unbiased decisions that do not reflect the views and experiences of one gender, one race, and one area or perspective of professional legal practice only.

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SEEK JUSTICE FOR ALL

It is our collective view, and we expect a view shared by the entire profession and the public, that a more diverse judiciary will inherently bring varied perspectives to the development of the law and to the concept of justice itself. Having a balanced representation on the bench from a broad range of practice areas, specialties, law firms, as well as gender and race diversity, is essential to ensure the varying interests, rights and views of all Maritimers are represented in our justice system.

The federal government's commitment to diversity and a transparent judicial selection process is wholeheartedly applauded. With further judicial appointments on the horizon in the Maritime provinces, APTLA asks that the government not overlook the importance of diversity in legal culture and professional backgrounds of the judicial candidates in your deliberations. This aspect of diversity, as with gender, language and race, is vitally important to the functioning of our court system, and public confidence in it.

Yours most respectfully,

A handwritten signature in dark ink, appearing to be 'BH', with a long horizontal line extending to the right.

Brian Hebert
President of APTLA