

Functionally bilingual requirement for Supreme Court justices here to stay, says Wilson-Raybould

Description

The process the Liberal government introduced to craft a short list of possible judges for promotion to the Supreme Court of Canada will remain in place for future appointments.

"I know that we will continue with that independent advisory board process," Justice Minister Jody Wilson-Raybould told a parliamentary committee which is studying the recent appointment of Newfoundland and Labrador justice Malcolm Rowe to the high court.

"I believe that having that independent, nonpartisan advisory board providing the short list is an important aspect of this new selection process," she added.

- [Trudeau nominates Newfoundlander Malcolm Rowe to Supreme Court](#)
- [Justin Trudeau outlines selection process for new Supreme Court justices](#)

The Liberal government in August revealed changes to the way it would appoint Supreme Court justices, saying it wanted to bring more openness and transparency to the process, while also encouraging more diversity and requiring functional bilingualism among judges on the high court.

Wilson-Raybould says a modern and dynamic Supreme Court needs a nomination process to match.

She and former prime minister Kim Campbell, who led the non-partisan advisory board tasked with coming up with a short list of candidates, were appearing before the justice committee Monday to explain the process and defend the place of Rowe among the contenders.

Wilson-Raybould said Rowe, the son of a fisherman, is perfectly suited to his new responsibilities, with experience as a youth mentor and a foreign service officer as well as years of judicial experience in Newfoundland and Labrador's Court of Appeal.

"I can say that I am convinced that Justice Rowe would be an outstanding addition to the court and would continue to serve Canadians with great distinction in that role," she said.

Atlantic Canadian

After the government announced its new selection process for choosing high court judges, it came under fire for refusing to commit beforehand to having an Atlantic Canadian among the nine judges on Canada's highest court. On Monday the minister said that Rowe, as the first from his province to be appointed to the high court, helped meet the government's diversity standard.

“Regional diversity was also an important consideration. Hailing from Newfoundland Justice Rowe brings a unique perspective that has never been present on the Supreme Court of Canada,” she said in explaining why Rowe was chosen.

Campbell said that ensuring the court was representative was not a difficult task when faced with the list of possible candidates who applied for the position.

“Atlantic Canada sent us outstanding candidates,” Campbell said. “It wasn’t something where we sat around saying ‘Oh my God, we’d better rustle up a couple of Atlantic Canadians to put on our list.’ Au contraire, it was ‘Good grief, not another wonderful Atlantic Canadian.’”

A rich field

In total, 31 people applied to fill the vacant Supreme Court seat.

Campbell would not be specific, but said a little under half of the applicants were women. Only 10 candidates were selected for an interview, and then that list was cut to five to create a short list for Trudeau to consider. Of the final five candidates that made the short list, two were from Atlantic Canada.

Campbell said that almost all of the candidates had a working knowledge of French, which she argued was important for understanding the nuance of the law. Some of the candidates failed the French proficiency test.

Wilson-Raybould said the criterion that all potential candidates had to be functionally bilingual is something that unsuccessful applicants, and potential future applicants, should keep in mind considering the current Chief Justice of the Supreme Court, Beverly McLachlin, is due to step down in 2018.

The minister said she wanted “to encourage all of those individuals out there that meet the statutory requirements ... to brush up on their French if they are wanting to apply to be the next Supreme Court justice.”

Justice Rowe will be appearing at the University of Ottawa’s Tabaret Hall Building at 11:15 a.m. ET Tuesday, where he will be questioned by members of the justice committee, the Senate committee on legal and constitutional affairs, as well as members of the Green Party and Bloc Québécois.

The previous Conservative government had a small group made up of MPs from all parties narrow the short list and then allowed a larger parliamentary committee to grill nominees during a televised hearing, but that process went back behind closed doors after the Supreme Court nixed the appointment of Marc Nadon.

<http://www.cbc.ca/news/politics/rowe-campbell-wilson-raybould-supreme-court-1.3819210>

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