



**The Advocates' Society Speaks Out Regarding Comments  
from the Prime Minister's Office about the Chief Justice of Canada**

**Toronto: For Immediate Release**

**May 4, 2014**

The Advocates' Society today issued an open letter to the Prime Minister of Canada concerning the recent comments from the Prime Minister's Office regarding the conduct of the Chief Justice of Canada in connection with the process leading to the nomination of Justice Marc Nadon to the Supreme Court of Canada.

"In our view it is important that the people of Canada understand that the Chief Justice acted entirely appropriately and that they can have full confidence in the integrity of Canada's top judge. She has been a tremendous leader of the Supreme Court and deserves to be held in the highest regard," said Alan Mark, President of The Advocates' Society.

The Advocates' Society is a long standing professional association for advocates with over 5,000 members from the bar throughout Ontario and across Canada. The Society is dedicated to promoting the highest standards of professionalism within a fair and accessible system of justice.

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# The Advocates' Society

PROMOTING EXCELLENCE IN ADVOCACY

May 4, 2014

VIA E-MAIL

The Right Honourable Stephen Harper, P.C.  
Prime Minister of Canada  
Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON  
K1A 0A2

Dear Prime Minister:

## **Re: Criticism of the Chief Justice of Canada**

I write in my capacity as the President of The Advocates' Society. The Society is a long standing professional association for advocates with over 5,000 members from the bar throughout Ontario and across Canada. The Society is dedicated to promoting the highest standards of professionalism within a fair and accessible system of justice.

The Executive of the Society have read with considerable concern certain comments from the Prime Minister's Office. Those comments are extraordinary, and pertain to allegedly inappropriate conduct of Chief Justice McLachlin in respect of the process leading up to the appointment of Justice Nadon to the Supreme Court of Canada.

In our view, these comments are unfounded and regrettable. They have impugned unfairly the conduct and integrity of Chief Justice McLachlin, and serve to improperly cast the Chief Justice and the Court in a poor light.

Among other things, these comments suggest that Chief Justice McLachlin lobbied against the appointment of Justice Nadon, and that she interfered improperly in a matter that was pending before the Court. There is no substance to either criticism. It is entirely appropriate for the Chief Justice to discuss with the Prime Minister the needs of the Court and the appointments process. It is apparent from the account released by the Chief Justice's office that in late July, 2013 – before the announcement of Justice Nadon as the nominee – the Chief Justice took steps to bring to the attention of the government potential issues surrounding the appointment of a Justice of the Federal Court to fill a vacancy on the Supreme Court caused by the resignation of Justice Fish. This was neither untoward nor inappropriate in any way. Moreover, it would appear Chief Justice McLachlin expressed no views concerning the merits of the eligibility issue, or concerning the appointment of Justice Nadon. She most assuredly did not comment on or interfere in a matter that was then pending before the Court. The proposed appointment of Justice Nadon was not announced until September 30, 2013, and issues concerning his appointment were not referred to the Court until October 22, 2013, some three months later.

Chief Justice McLachlin is one of this country's most distinguished jurists, and has been for many years. She has fulfilled her duties as Chief Justice with great dedication, integrity and distinction, and does not deserve to be treated in such an unfortunate fashion. The comments at issue here can only serve to undermine the respect and confidence of ordinary Canadians in the proper administration of justice, and we therefore urge you to make a public statement advising Canadians that the Chief Justice did not conduct herself inappropriately in any way. Nothing less than such a correction will repair the potential damage caused by these remarks.

Yours very truly,



Alan H. Mark  
President  
The Advocates' Society

Cc: The Honourable Peter MacKay, Minister of Justice and Attorney General of Canada  
The Honourable Thomas J. Mulcair, Leader of the Official Opposition  
Justin Trudeau, Leader of the Liberal Party of Canada  
Françoise Boivin, MP, New Democratic Party Justice Critic  
Sean Casey, MP, Liberal Party of Canada Justice Critic