

June 20, 2023

Sent via mail and fax: 613-941-6900

**Christopher A.
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President

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The Right Honourable Justin Trudeau
Prime Minister
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

Dear Prime Minister:

Re: Judicial Appointments to the Supreme Court of British Columbia

The Law Society has a statutory duty to uphold and protect the public interest in the administration of justice in British Columbia. We are becoming increasingly concerned by the shortage of judges on the Supreme Court of British Columbia and the Court of Appeal for British Columbia.

We understand that there are currently over 10 vacancies on the Supreme Court of British Columbia. Moreover, we understand that with impending retirements and elections by judges to become supernumerary, that number will rise considerably in 2024. While the number of vacancies on the Court of Appeal is lower, the continued vacancies are concerning, and strain the ability of that court to conduct its business. We are also concerned that the Judicial Advisory Committee for British Columbia currently has no members appointed to it, meaning it is unable to consider candidates for appointment.

The situation is not unique to British Columbia. We understand that nationally, judicial vacancies on federally appointed courts are unacceptably high. It is a matter of concern to the Chief Justice of Canada, who it is

reported has written to you to forcefully draw attention to the concern. We also understand that the Canadian Bar Association has drawn your attention to these matters.

The adjournment of trials due to a lack of judges causes significant hardships on litigants who need to resolve their legal disputes, as adjournments cause delays in the resolution of important matters and can prevent litigants from being able to get on with their lives. Moreover, delays can also cause an increase in the cost of the legal services required, which works to reduce access to legal services. It is in neither the parties' nor the legal profession's interest for trials to be adjourned, but with such a significant shortage of judges, that inevitably happens. This makes our justice system much less effective, and reduces overall public confidence in the system. Higher vacancies on the courts also add considerably to the judicial workload of existing judges, increasing pressure on judges to sit more frequently in what is already a very stressful position.

Further, the lack of judges can have particularly significant effects on the criminal justice system. Adjournments caused by a lack of an available judge could lead to the staying of serious charges without the ability to have the matter judicially determined. This also decreases the public confidence in the system, and makes our criminal justice system less effective.

The appointment process requires a judicial advisory committee to vet candidates. There is no reason that any of those committees across the country should be vacant. Your government must ensure that appointments are made to the Judicial Advisory Committee in this Province, and any other province whose committee currently has no appointees, to ensure that applicants for appointment to the Bench can be reviewed.

Vacancies on the bench in some areas in this Province have been outstanding for more than two years. Needed additions to the Supreme Court's complement were made, but they have not yet been filled. As noted by the Canadian Bar Association in its letter to you of May 24, 2023 "there is no shortage of well qualified candidates for judicial office. This deep pool of talent should allow the gap in judicial vacancies to be remedied in a timely fashion."

The ultimate responsibility to appoint judges in Canada lies with you and your Minister of Justice. Please ensure that you do all that you can, as soon as possible, to allow the courts to operate in an effective and timely manner to better ensure access to justice for Canadians who seek it. We would, of

course, be pleased to assist in whatever manner will best ensure the speedy appointment of judges to fill outstanding vacancies on the bench.

Yours truly,

A handwritten signature in blue ink, appearing to read "C. McPherson", with a long horizontal flourish extending to the right.

Christopher A. McPherson, KC
President, Law Society of BC

c. The Honourable David Lametti
Minister of Justice

The Honourable Robert J. Bauman
Chief Justice of British Columbia

The Honourable Christopher C.E. Hinkson
Chief Justice of the Supreme Court of British Columbia