



JUDICIAL APPOINTMENTS ADVISORY COMMITTEE

ANNUAL REPORT

for the Period from

1 January 2018 to 31 December 2018

Toronto, Ontario
December 2019

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LETTER OF TRANSMITTAL

December 24, 2019

The Honourable Doug Downey
Attorney General for Ontario
720 Bay Street, 11th Floor
Toronto, Ontario
M7A 2S9

Dear Minister Downey:

The Judicial Appointments Advisory Committee has the honour of presenting to you this report on its activities for the period from 1 January 2018 to 31 December 2018, pursuant to section 43 of the *Courts of Justice Act*. It covers all significant matters related to the recommendation to the Attorney General of suitable candidates for judicial appointment to the Ontario Court of Justice.

Respectfully yours,

Original signed by Fareed Amin

Fareed Amin
Chair

EXECUTIVE SUMMARY

1 January 2018 to 31 December 2018

Since the establishment of the Committee, 456 judges have been appointed based on Committee recommendations. Of these, 18 appointments were made between 1 January 2018 and 31 December 2018.

The highlights of Committee activities are as follows:

- Appointments: Each of the 18 appointments has been made from among candidates recommended by the Committee in accordance with the first criterion, being that of professional excellence, and then on the other criteria set out in this Report. In addition to the 18 appointments, the Committee continues to work on six vacancies and has another five vacancies pending prior to the end of 2018.
- Legislation: Amendments to the *Courts of Justice Act* that came into force on 28 February 1995 established the Judicial Appointments Advisory Committee and clothed it with legislative authority. These amendments set out in detail the composition, procedures, criteria for selection, and independent function of the Committee.
- Procedures and Policies: The Committee continually reviews its procedures and policies which are set forth in detail in this Report.

Candidates are generally not considered for an interview if they have any outstanding complaints registered with a Law Society. The candidate is responsible for ensuring the removal of such complaints; however, if the Committee receives sufficient information as to the complaint being frivolous or lacking in foundation, then such a complaint will not be a bar to the candidate being considered and interviewed, but the candidate would not be recommended until it has been removed.

Candidates are generally not considered for an interview if they have any outstanding Errors and Omissions claims registered with the Lawyers' Professional Indemnity Company. The candidate is responsible for ensuring the removal or resolution of such claims; however, if the Committee receives sufficient information that the claim is not substantiated, then such a claim will not be a bar to the candidate being considered and interviewed, but the candidate would not be recommended until it has been removed.

Members of the Committee may consider the application of a candidate who is involved in a civil claim or proceeding if, after receiving details of the proceeding, the members are of the opinion that the nature of the claim is such that it should not prevent the candidate from being considered for a judicial appointment.

The Committee must be informed of any outstanding civil judgments, arrears in family support payments, any past or present proposals to creditors or assignments in bankruptcy, and any sanctioning by the Law Society of Ontario or any other Law Society.

Generally, the Committee does not consider a candidate who has been convicted of a criminal offence for which the candidate has not received a record suspension.

INTRODUCTION

On 15 December 1988, the then Attorney General, the late Honourable Ian Scott, announced in the Ontario Legislature the establishment of the Judicial Appointments Advisory Committee as a pilot project, and set out its mandate:

First, to develop and recommend comprehensive, sound and useful criteria for selection of appointments to the judiciary, ensuring that the best candidates are considered; and second, to interview applicants selected by it or referred to it by the Attorney General and make recommendations.

On February 28, 1995, the *Courts of Justice Act* established the Committee by legislation. All appointments to the Ontario Court of Justice must be made by the Attorney General from amongst a list of applicants recommended to him or her by the Committee, and chosen in accordance with its own process of criteria, policies and procedures. The Committee's criteria, policies and procedures are described, in detail, on the following pages.

The total number of applicants from the inception of the Committee to December 31, 2018 is 3,964, of whom 1,452 (37%) are women.

In 2018, the Committee met 13 times to select candidates, conduct interviews and attend to Committee business. One hundred (100) applicants were interviewed during the period and 49 have been recommended, from which the Attorney General has selected and appointed 18 judges.

PART I

ANALYSIS OF JUDICIAL APPOINTMENTS MADE

1.0 Judges Appointed: 1 January 2018 - 31 December 2018

During this period, there have been 18 judges appointed as a result of recommendations made by the Committee. Added to the 438 appointments previously made, this number makes a total of 456 judges appointed since the Committee began its work in 1989. However, with various transfers, etc., the current number of judges presiding in the Ontario Court of Justice as a result of the Committee's recommendations is 290. The complement of the Ontario Court of Justice is 299 judges. Over 97% of all the present judges have been selected through the Committee process.

Of the 18 new appointments this calendar year, three were bilingual; nine were female; one was from the Indigenous communities; three were from the visible minority communities; three were from ethnic/cultural groups; ten came from private practice; three from government; two were federal prosecutors and three were formerly Crown counsel. A list of these judges will be found in Appendix I.

The ages of appointees range from 39 to 59 years, and the average age is 47 years.

2.0 Overview of Appointments: 1 January 1989 - 31 December 2018

The demographics of all judges appointed under the Committee process are set out in the tables found in Appendix II, which show the timing of the various appointments, the legal background of the appointees, and the numbers selected for appointment from under-represented groups.

The Committee continues to encourage applications from members of equality-seeking groups. Each advertisement for a judicial vacancy states that:

The Judiciary of the Ontario Court of Justice should reflect the diversity of the population it serves. Applications from members of equality-seeking groups are encouraged.

The advertisement appears in the *Ontario Reports*, which has a wide circulation amongst lawyers in the province. It is also posted on the Ontario Courts website at www.ontariocourts.ca/ocj/jaac/.

In addition, advance notice of a judicial vacancy is provided to approximately 228 legal and non-legal associations, such as: the Ontario Bar Association, the ARCH Disability Law Centre, the Aboriginal Legal Services of Toronto, the Canadian Association of Black Lawyers and the Metro Toronto Chinese & Southeast Asian Legal Clinic, with a request that the material be brought to the attention of their members. This notice of judicial vacancy is also emailed to The Advocates' Society, the National Association of Women and the Law, the Canadian Bar Association, the Ontario Crown Attorneys Association, the Ontario Trial Lawyers Association, the Women's Law Association of Ontario, the Canadian Muslim Lawyers Association, Indigenous Bar Association, L'Association des juristes d'expression française de l'Ontario, Criminal Lawyers' Association, as well as the legal clinics and law associations throughout Ontario. Committee members are prepared to and do attend association meetings of groups, legal or non-legal, to discuss the appointment process and answer questions concerning Committee procedures and criteria. Our desire is to make sure that the profession and public are fully informed about the process of judicial appointment.

PART II

LEGISLATION

1.0 The Courts of Justice Statute Law Amendment Act

The amendments to the *Courts of Justice Act* were given Royal Assent in June 1994 and proclaimed on 28 February 1995. Section 43 deals with the Judicial Appointments Advisory Committee and it is included here in full, for ease of reference:

“Judicial Appointments Advisory Committee

43. (1) A committee known as the Judicial Appointments Advisory Committee in English and as Comité consultatif sur les nominations à la magistrature in French is established.

Composition

- (2) The Committee is composed of,
- (a) two provincial judges, appointed by the Chief Justice of the Ontario Court of Justice;
 - (b) three lawyers, one appointed by the Law Society of Ontario, one by the Canadian Bar Association-Ontario and one by the Federation of Ontario Law Associations;
 - (c) seven persons who are neither judges nor lawyers, appointed by the Attorney General;
 - (d) a member of the Judicial Council, appointed by it. 2018, c. 8, Sched. 15, s. 8 (2).

Criteria

- (3) In the appointment of members under clauses (2) (b) and (c), the importance of reflecting, in the composition of the Committee as a whole, Ontario’s linguistic duality and the diversity of its population and ensuring overall gender balance shall be recognized.

Term of office

- (4) The members hold office for three-year terms and may be reappointed.
- (5) REPEALED: 2017, c. 2, Sched. 2, s. 6 (1).

Chair

- (6) The Attorney General shall designate one of the members to chair the Committee for a three-year term.

Term of office

- (7) The same person may serve as chair for two or more terms.

Function

- (8) The function of the Committee is to make recommendations to the Attorney General for the appointment of provincial judges.

Manner of operating

- (9) The Committee shall perform its function in the following manner:
1. When a judicial vacancy occurs and the Attorney General asks the Committee to make a recommendation, it shall advertise the vacancy and review all applications.
 2. For every judicial vacancy with respect to which a recommendation is requested, the Committee shall give the Attorney General a ranked list of at least two candidates whom it recommends, with brief supporting reasons.
 3. The Committee shall conduct the advertising and review process in accordance with criteria established by the Committee, including assessment of the professional excellence, community awareness and personal characteristics of candidates and recognition of the desirability of reflecting the diversity of Ontario society in judicial appointments.
 4. The Committee may make recommendations from among candidates interviewed within the preceding year, if there is not enough time for a fresh advertising and review process.

Qualification

- (10) A candidate shall not be considered by the Committee unless he or she has been a member of the bar of one of the provinces or territories of Canada for at least ten years or, for an aggregate of at least ten years, has been a member of such a bar or served as a judge anywhere in Canada after being a member of such a bar.

Recommendation by Attorney General

- (11) The Attorney General shall recommend to the Lieutenant Governor in Council for appointment to fill a judicial vacancy only a candidate who has been recommended for that vacancy by the Committee under this section.

Rejection of list

- (12) The Attorney General may reject the Committee's recommendations and require it to provide a fresh list.

Annual report

- (13) The Committee shall prepare an annual report, provide it to the Attorney General and make it available to the public. 2017, c. 34, Sched. 46, s. 10.

Same

- (14) The Committee shall include such content in the annual report as the Attorney General may require. 2017, c. 34, Sched. 46, s. 10.

Tabling of annual report

- (14.1) The Attorney General shall table the Committee's annual report in the Assembly. 2017, c. 34, Sched. 46, s. 10.

Personal liability

- (15) No action or other proceeding for damages shall be instituted against the Committee or any of its members for any act done in good faith in the execution or intended execution of any power or duty of the Committee, or for any neglect or default in the exercise or performance in good faith of such power or duty. 2017, c. 2, Sched. 2, s. 6 (2)."

PART III

CONFIDENTIALITY

1.0 Introduction

The Judicial Appointments Advisory Committee has developed two fundamental principles on the issue of confidentiality of committee information. These are:

- (a) information about general committee process is open to any person;
- (b) information about particular candidates is confidential unless released by candidates themselves.

2.0 Information on Process and Procedures

The *Courts of Justice Act*, by virtue of the amendments made in 1995, requires that the Committee have 13 members of which the majority shall be lay persons, i.e., neither judges nor lawyers. The appointing bodies are required to recognize that the Committee should reflect the diversity of Ontario's population and maintain linguistic duality, minority and gender balances.

The criteria for, and the manner of, selection of candidates are outlined in this Report.

Committee members individually speak to organizations and at legal conferences to publicize the process of appointments and believe that the process should be open and transparent.

3.0 Information on Persons who are applying for Appointment

By contrast to the preceding section, the Committee goes to great lengths to protect the privacy of the applicant. These measures include:

- (1) keeping sensitive information securely stored;
- (2) keeping applicants apart on interview days;
- (3) destroying or shredding applications and notes as soon as possible after appointment of a candidate;

- (4) advising references that all information received will be kept in confidence by the Committee;
- (5) advising lawyers, judges, court officials and community contacts approached for discreet inquiries that their names will not be associated with their confidential comments;
- (6) maintaining strict non-access to our files, including government personnel not associated with the Committee;
- (7) holding all meetings and interviews in non-government locations.

PART IV

CRITERIA FOR APPOINTMENT

It is important that eligible members of the Bar and the public be aware of the criteria used by the Committee in the selection of candidates for recommendation, and for convenience, those criteria are reiterated again in this Annual Report.

The current Summary Statement of the criteria is as follows:

1.0 Criteria for Evaluating Candidates

Professional Excellence

- Professional excellence is the paramount criterion in assessing judicial candidates.
- A high level of professional achievement in the area(s) of legal work in which the candidate has been engaged. Experience in the field of law relevant to the jurisdiction of the Ontario Court of Justice on which the applicant wishes to serve is highly desirable but not essential.
- Involvement in professional activities that keeps one up to date with changes in the law and in the administration of justice.
- A demonstrated commitment to continuing legal education.
- An interest in or some aptitude for the administrative aspects of a judge's role.
- Good writing and communications skills.

Community Awareness

- A commitment to public service.
- Awareness of and an interest in knowing about the social problems that give rise to cases coming before the courts.
- Sensitivity to changes in social values relating to criminal and family matters.
- Interest in methods of dispute resolution alternatives to formal adjudication and interest in community resources available for participating in the disposition of cases.

Personal Characteristics

- An ability to listen.
- Respect for the essential dignity of all persons regardless of their circumstances.
- Politeness and consideration for others.
- Moral courage and high ethics.
- An ability to make decisions on a timely basis.
- Patience.
- Punctuality and good regular work habits.
- A reputation for integrity and fairness.
- Compassion and empathy.
- An absence of pomposity and authoritarian tendencies.

Demographics

- The Judiciary of the Ontario Court of Justice should be representative of the population it serves. The Committee is sensitive to the issue of under-representation in the judicial complement of women, Indigenous, visible and ethnic/cultural minorities, LGBTQ2 and persons with disabilities.

PART V

JUDICIAL APPOINTMENT PROCESS AND POLICIES

Set out below is a step-by-step account of how the Committee arrives at its recommendations:

1.0 Overview of Process

1. Advertising the Vacancy

All vacancies are advertised in the *Ontario Reports*. Three weeks are allowed for applications to be received. In addition to advertising, the Committee contacts approximately 223 legal and interested non-legal associations with advance notice of the vacancy with a request that they bring the copy of the advertisement to the attention of their members. The advertisements are also posted on the Ontario Courts website at www.ontariocourts.ca/ocj/jaac/. Interested persons can register for vacancy notification, via email, through the website.

2. Review of Applications by Members

Each member is provided with a list of all candidates who respond to an advertisement plus copies of all new and updated Judicial Candidate Information Forms. Members carefully review and assess the application forms and list candidates whom they feel should proceed to the second stage of reference checks and confidential inquiries. This list is submitted to the Committee secretary, who compiles a master list of candidates who have been selected by five or more members for the purpose of making reference checks and confidential inquiries. If any member of the Committee ascertains that a possible suitable applicant for a judicial appointment has not been selected for reference checks and confidential inquiries, the member may request of the Committee that the applicant's name be added to the list.

3. References and Confidential Inquiries

Each member is provided with a list of candidates who have been selected by five or more Committee members. Reference checks and confidential inquiries are then completed, unless that process has already been conducted within the last two years in relation to another vacancy. These inquiries may include judiciary, court officials, lawyers, law associations, community and social service organizations, plus the named references provided by the candidate. Once the reference checks and confidential inquiries are completed, the Committee meets to discuss the information obtained and to select candidates to be interviewed.

This selection meeting usually takes place three to four weeks after the members have received the list of candidates to be considered. Interviews normally take place approximately three weeks after the selection meeting.

4. Interviews

The number of candidates to be interviewed for a judicial vacancy will normally be a maximum of 16 over a two-day period. Each interview lasts approximately 30 minutes. Normally, the entire Committee sits for each interview. For questioning purposes, the Committee members take alternate interview turns. Following each interview, the Committee discusses the merits of the candidate interviewed. After the last interview for that particular vacancy, the Committee considers the merits of the candidates interviewed, plus the merits of the candidates interviewed on a prior occasion within the year and who have applied to be considered for the current vacancy.

5. Recommendations to the Attorney General

Pursuant to the *Courts of Justice Act*, a ranked list composed of a minimum of two candidates for each vacancy is forwarded to the Attorney General, along with brief supporting reasons. In addition, the application form submitted by each ranked candidate is delivered to the Attorney General with the list.

The list of recommended candidates is provided to the Attorney General only after the clearances requested from the Law Society, LawPRO and CPIC checks have been received. These clearances are usually received approximately three weeks after the interviews have taken place.

It is at this point that the Committee's work is complete. A candidate is not notified whether or not his or her name has been put forward in the short ranked list to the Attorney General as this recommendation is personal and confidential for the Attorney General.

6. Unexpected Vacancies

The Committee has established a procedure to avoid delays in filling vacancies that occur unexpectedly, such as from sudden resignation, illness or death. In such cases, when so requested by the Attorney General, the Committee may recommend, without advertising the vacancy, candidates who have previously applied for the area of the judicial vacancy and who have been interviewed. This procedure will only apply to areas where candidates have been interviewed within the preceding year. However, the policy of advertising is the procedure of preference and will only be departed from in limited circumstances.

7. Interviewing for More Than One Position

Occasionally, after a vacancy has been advertised and the selection process is in progress, subsequent vacancies occur in the same location, with the same specialty of law. In these circumstances, in the interest of time, the Committee may forego advertising the subsequent vacancies. The members will evaluate the candidates who have responded to the advertised position and decide which of those candidates will be selected for consideration and interview for all vacancies.

2.0 The Judicial Candidate Information Form

1. All candidates must complete a typed current Judicial Candidate Information Form which has been designed to elicit information that is not usually included in a standard curriculum vitae, such as the nature of the legal work and experience gained in various positions the candidates have held, including pre-law experience. Also, applicants are required to express their reasons for wanting to become a judge and provide an appraisal of their own qualifications for being a judge.

Candidates who send in their standard curriculum vitae and do not complete the Committee's form are not considered.

2. Candidates are required to provide 14 copies of the current Judicial Candidate Information Form together with a copy each of the signed Security Release Form, Release of Information Form and Authorization and Release Form in the first instance, and for subsequent applications, 14 copies of a letter requesting consideration. Should a candidate wish to change any information in his or her application, the candidate must send in 14 copies of a fully revised Judicial Candidate Information Form.
3. A candidate must submit an application for each and every advertised vacancy that is of interest, unless they have submitted an application within the last 12 months, in which case they can submit a letter. The Committee does not automatically consider applications on file. A candidate must submit a new application one year from the date of their previous application.
4. The Committee will not consider applications that are:
 - not on the **current** Judicial Candidate Information Form;
 - submitted by letter more than 12 months from the date of the candidate's most recent application form;
 - received after the closing date in the vacancy advertisement.

5. All responses to an advertisement to be considered for a judicial vacancy are acknowledged. However, the Committee does **not** advise candidates that they have not been selected for an interview. Instead, the acknowledgement letter states: *“If you are selected for an interview, you will be contacted by telephone during the week of ...”*.
6. Candidates who have been interviewed within the previous twelve-month period may not necessarily be re-interviewed but will be equally considered, based on the previous interview, by the Committee in determining its list of recommendations, provided that the candidate has applied to be considered for the vacancy advertised.
7. Candidates who are interviewed and/or candidates who have been interviewed on a previous occasion and who have requested to be considered for a particular advertised vacancy **are not** advised as to whether they have been included in the list submitted to the Attorney General. Also, the Committee does not advise applicants when its work has been completed for a particular judicial vacancy and a list of recommended candidates has been submitted to the Attorney General.

3.0 References

1. The Committee requests that a candidate does not send or have submitted letters of support.
2. The Committee requires a candidate to provide the names, complete residential/office and e-mail addresses, including postal codes, home telephone and business telephone numbers of his or her named references. Care should be taken to provide the correct information before submitting the form. Since the members who check the references frequently do so during evenings and weekends, it is essential that home telephone numbers be provided.
3. All named references receive a letter from the Committee advising them that a candidate has provided their names for reference purposes and that they may be contacted by a member of the Committee. They are advised that they do not have to write to the Committee. Attached to the letter is a list of current Committee members.
4. The Committee maintains strict confidentiality with respect to the information provided by named references and obtained by confidential inquiries.

4.0 Law Society and Other Outstanding Complaints and Claims

1. **Membership:** To qualify for consideration, candidates must have been a member of the Bar of one of the provinces or territories of Canada for at least 10 years, or, for an aggregate of at least 10 years, been a member of such Bar or served as a judge anywhere in Canada, after being a member of such a Bar, and currently be a member in good standing.
2. **Complaints as to Practice:** Candidates are generally not considered for an interview if they have any outstanding complaints registered with a Law Society. The candidate is responsible for ensuring the removal of such complaints; however, if the Committee receives sufficient information as to the complaint being frivolous or lacking in foundation, then such a complaint will not be a bar to the candidate being considered and interviewed, but the candidate would not be recommended until it has been removed.
3. If the candidate has been sanctioned by the Law Society of Ontario or any other Law Society, the Committee considers the circumstances. The Committee then decides whether the candidate should be considered for a judicial appointment.
4. **Errors and Omissions Claims:** Candidates are generally not considered for an interview if they have any outstanding Errors and Omissions claims registered with the Lawyers' Professional Indemnity Company. The candidate is responsible for ensuring the removal or resolution of such claims; however, if the Committee receives sufficient information that the claim is not substantiated, then such a claim will not be a bar to the candidate being considered and interviewed, but the candidate would not be recommended until it has been removed.
5. **Civil Claims or Judgments:** Members of the Committee may consider the application of a candidate who is involved in a civil claim or proceeding if, after receiving details of the proceeding, the members are of the opinion that the nature of the claim is such that it should not prevent the candidate from being considered for a judicial appointment.
6. **Other Financial Matters:** The Committee must be informed of any outstanding civil judgments, arrears in family support payments, any past or present proposals to creditors or assignments in bankruptcy, or serious financial difficulties of each candidate.
7. The Committee must also be informed by the candidate if the candidate is the subject of any current court order.

5.0 Criminal Record

Generally, the Committee does not consider a candidate who has been convicted of a criminal offence for which the candidate has not received a record suspension.

6.0 Conflict of Interest Guidelines

1. The Committee will not consider an application for judicial appointment from a member of the Legislative Assembly if he/she is a member of the political party of the current government. Former members of the Legislative Assembly of the same political party as the current government may apply two years after the date of resignation or retirement from office.
2. Members of the Committee cannot apply to be considered for an appointment to the Ontario Court of Justice for a period of two years from the date they cease to serve as a member of the Committee.
3. No current member of the Committee can act as a reference for a candidate seeking an appointment to the Ontario Court of Justice.
4. Members of the Committee who have a conflict or a perceived conflict in the nature of a potential bias or prejudice in regard to a candidate must declare such conflict and refrain from taking part in the assessment, questioning and evaluation of that candidate.

7.0 Re-Interviewing Candidates

The Committee does maintain a pool of candidates who have previously been recommended but not appointed, or interviewed but not recommended.

The Committee may not consider it essential to re-interview a candidate who has been interviewed in the previous twelve months. That candidate will be compared and ranked along with all other persons interviewed for that vacancy so long as the candidate has requested in writing to be considered for that advertised vacancy. Nevertheless, the Committee may, in its discretion, re-interview a previously interviewed candidate, and, in fact, does in circumstances where it deems it appropriate.

8.0 Notice of Vacancies and Transfer after Appointment

When a vacancy in the complement of the Ontario Court of Justice occurs, the Chief Justice of the Ontario Court of Justice, after considering the judicial resources required throughout Ontario, determines the location of the vacancy to be filled and advises the Attorney General accordingly. The Attorney General then requests the Committee to commence its process to identify candidates suitable for judicial appointment in order to make recommendations.

Because of the many requests for transfer, the Chief Justice has advised the Committee that while the Chief Justice retains the discretion to assign judges according to the needs of the Court at any time, it is the general policy of the Ontario Court of Justice that no personal request for permanent re-assignment will be considered for a period of at least five years following a judge's appointment. The determination of a judicial vacancy involves a review and assessment of the needs of the Court and a long-term commitment to the community in which the vacancy is declared. It is a commitment that is made both by the Court and by the judge who is appointed to that position. Generally speaking, where a judge is appointed to sit at a base court location and the judge does not live within that community or near to it, the Court will expect the judge to move either to the community or to within a reasonable distance of it shortly after the judge's appointment. Once a judge has been on the bench for a period of five years, the judge may request a re-assignment to another base court location. If a vacancy subsequently arises, that request will be considered along with requests received from other judges who wish to move to the same location. Other factors will also be taken into account, including the needs of the locations involved, the views of the regional senior judges and of the judges at the affected locations.

9.0 Changes in Committee Membership

Regional Senior Justice Patrick Boucher was appointed by the Ontario Judicial Council to replace Regional Senior Justice Sharon Nicklas, whose term expired on December 16, 2018.

Mr. Frank Walwyn, a representative of the Ontario Bar Association, retired in April 2018, after serving nine years on the Committee.

Ms. Katherine Hensel has been appointed by the Ontario Bar Association to replace Mr. Walwyn.

In November 2018, Mr. Orm Murphy, a representative of the Federation of Ontario Law Associations, retired after serving on the Committee for 12 years.

Ms. Cheryl Siran has been appointed by the Federation of Ontario Law Associations to replace Mr. Murphy.

10.0 Communications, Education and Marketing

The Committee

- ▶ notified approximately 218 organizations, including law schools, that the Committee would be pleased to attend any meetings of any group to explain its mandate, criteria and procedures. This offer extends to both legal and non-legal organizations;
- ▶ has appeared and spoken at various legal meetings and to associations, including the Annual Institute of the OBA and council meetings of the Ontario Bar Association;
- ▶ has appeared and spoken at schools and universities.

Initiatives

The Committee had a session with the Chief Commissioner, Ontario Human Rights Commission on April 25, 2018, regarding the implications of unconscious bias that may exist in the recruitment and selection process.

On June 25, 2018, Mr. Orm Murphy, the Federation of Ontario Law Associations appointee to the Committee, gave a presentation on the Ontario judicial appointments process to a delegation from the Judicial Service Commission of Kenya. The delegation was visiting Canada on a benchmarking tour and had requested a meeting with the Committee.

On November 1, 2018, Committee members held an information session in Milton on the judicial appointments process, at the request of the Halton County Law Association.

PART VI

LOOKING TO THE FUTURE

1.0 Recommendations of Candidates

The Committee believes that trial experience is important. However, it also believes that all its criteria must be applied in assessing the merits of each applicant. Accordingly, the Committee from time to time has recommended and will continue to recommend suitable individuals who are not trial lawyers but who have achieved a professional excellence in other areas of law.

The Committee has continued the increased number of interviews for each vacancy. With the inclusion for consideration of all candidates who have been interviewed in the previous twelve months, a larger number of candidates from diverse backgrounds are being considered for recommendation to the Attorney General on a ranked list. Professional excellence remains of paramount importance to the Committee.

2.0 Outreach

The Committee has firmly accepted outreach as one of its roles, and will continue to invite candidates from the various under-represented sections of the legal community to seek appointment. It is looking for ways to communicate with all eligible candidates to encourage them to consider a public service through appointment to the Ontario Court of Justice.

Although there has been a steady increase in the number of students from traditionally under-represented communities entering the legal profession, the Committee recognizes that there are a number of barriers, both physical and societal, to be overcome before there will be a large enough pool to enable Ontario to reach its goal of a truly representative judiciary.

The Committee has found that, frequently, applicants from the various under-represented groups do not re-apply if unsuccessful in their first application for a particular judicial vacancy. The Committee encourages all lawyers with the requisite qualifications to apply and continue to apply if they are desirous of seeking a judicial appointment.

The following table indicates the number of applications received for each vacancy advertised in 2018:

| Vacancy | Advertisement Date | Total Number of Applications Received |
|--|--------------------|---------------------------------------|
| Barrie (Criminal) | March 23, 2018 | 88 |
| Brampton (75% Family, 25% Criminal) | January 12, 2018 | 123 |
| Brampton (Criminal-Bilingual) | February 23, 2018 | 21 |
| Brampton (Criminal) | August 10, 2018 | 123 |
| Guelph (Criminal-Bilingual) | February 23, 2018 | 18 |
| Kenora (75% Criminal, 25% Family) | June 29, 2018 | 33 |
| Kitchener (Criminal-Bilingual) | July 13, 2018 | 22 |
| London (Criminal) | March 9, 2018 | 71 |
| Milton (75% Family, 25% Criminal) | January 12, 2018 | 120 |
| Norfolk County (Simcoe) (80% Criminal, 20% Family) | May 18, 2018 | 55 |
| Oshawa (Criminal) | March 23, 2018 | 115 |
| Perth (Criminal) | November 16, 2018 | 57 |
| Sarnia (Criminal) | March 9, 2018 | 61 |
| St. Catharines (Criminal) | April 6, 2018 | 75 |
| Sudbury (50% Criminal, 50% Family) | November 9, 2018 | 47 |
| Thunder Bay (50% Criminal, 50% Family) (Discontinued – vacancy changed to Kenora – readvertised June 29, 2018) | April 20, 2018 | 34 |
| Toronto (Family-Bilingual) | February 23, 2018 | 18 |
| Toronto (Criminal) (3) | June 1, 2018 | 181 |
| Windsor (Criminal) | January 26, 2018 | 50 |
| Windsor (Criminal) | November 30, 2018 | 50 |
| Windsor (75% Family, 25% Criminal) | November 30, 2018 | 66 |

The following table shows the percentage of applications from women on an annual basis:

| Year | Total of New Applications Received | Female Applicants | Percent of Female Applicants |
|-------------|---|--------------------------|-------------------------------------|
| 1989 | 338 | 42 | 12% |
| 1990 | 318 | 137 | 43% |
| 1991 | 116 | 44 | 37% |
| 1992 | 186 | 58 | 31% |
| 1993 | 113 | 39 | 34% |
| 1994 | 137 | 51 | 37% |
| 1995 | 85 | 22 | 26% |
| 1996 | 235 | 52 | 22% |
| 1997 | 108 | 30 | 28% |
| 1998 | 148 | 38 | 26% |
| 1999 | 142 | 36 | 25% |
| 2000 | 126 | 36 | 29% |
| 2001 | 100 | 33 | 33% |
| 2002 | 29 | 10 | 34% |
| 2003 | 175 | 73 | 42% |
| 2004 | 75 | 28 | 37% |
| 2005 | 149 | 49 | 33% |
| 2006 | 120 | 55 | 46% |
| 2007 | 87 | 35 | 40% |
| 2008 | 122 | 51 | 41% |
| 2009 | 48 | 22 | 46% |
| 2010 | 54 | 23 | 41% |
| 2011 | 121 | 64 | 53% |

| Year | Total of New Applications Received | Female Applicants | Percent of Female Applicants |
|--------------|---|--------------------------|-------------------------------------|
| 2012 | 84 | 49 | 58% |
| 2013 | 153 | 68 | 44% |
| 2014 | 70 | 31 | 44% |
| 2015 | 146 | 84 | 58% |
| 2016 | 116 | 58 | 50% |
| 2017 | 143 | 75 | 52% |
| 2018 | 120 | 59 | 49% |
| TOTAL | 3964 | 1452 | 37% |

As of July 6, 2017, the Committee revised the Judicial Candidate Information Form to include an option for candidates to self-identify regarding diversity.

The following table shows the number of applications from candidates from representative groups who self-identified, on an annual basis:

| TIMING OF RECEIPT OF NEW APPLICATIONS | | | | |
|--|----------------------|----------------------|-----------------------------------|-----------------|
| Reporting Period | 6 Jul 17 – 31 Dec 17 | 1 Jan 18 – 31 Dec 18 | Overall Total of New Applications | |
| Total of New Applications Received | 21 | 120 | 141 | |
| APPLICATIONS FROM REPRESENTATIVE GROUPS | | | | |
| Reporting Period | 6 Jul 17 – 31 Dec 17 | 1 Jan 18 – 31 Dec 18 | Total No. | Percent (N=141) |
| Francophone | 0 | 10 | 10 | 7.1% |
| Indigenous | 0 | 13 | 13 | 9.2% |
| Visible Minority | 5 | 18 | 23 | 16.3% |
| Persons with Disabilities | 1 | 10 | 11 | 7.8% |
| Ethnic/Cultural Group | 6 | 21 | 27 | 19.1% |
| LGBTQ2 | 1 | 3 | 4 | 2.8% |

The Committee is concerned about the number of new applications. It is to be noted that the quality of the applicants is high; nevertheless, the Committee feels that there are many truly qualified applicants out there, but who are not applying.

The Committee believes that the profession, community groups and the public in general have a duty to encourage appropriate lawyers to submit applications.

The Committee acknowledges that it must increase its efforts to encourage qualified members of under-represented groups to apply for judicial positions.

3.0 A Representative Committee

It is important to have representation on the Committee that is as diverse as possible. Subsection 43(3) of the amended Act establishes criteria for Committee members as follows:

In the appointment of members ..., the importance of reflecting, in the composition of the Committee as a whole, Ontario's linguistic duality and the diversity of its population and ensuring overall gender balance shall be recognized.

In 2018, the Committee consisted of eight male and five female members, from different geographical areas of the province. Although it may not be possible for the Committee to reflect all groups at all times, a good balance certainly enriches its deliberations. It is important that this continue.

Although the Attorney General makes the majority of appointments to the Committee, it is equally important that the remaining members appointed by the Law Society of Ontario, the Chief Justice, the Ontario Bar Association, the Federation of Ontario Law Associations and the Ontario Judicial Council also continue to be reflective of the population of the Province of Ontario.

The Chief Justice designates certain judicial positions, in locations where there are large Francophone populations, to be bilingual. To assess the capabilities of candidates to conduct a trial in French, it is essential that some members of the Committee be bilingual. In 2018, five Committee members are fluent in both English and French.

CONCLUSION

The Committee has established criteria and procedures that have resulted in a fair and impartial process for the appointment of judges to the Ontario Court of Justice, one that it hopes has assisted in removing any perception of unwarranted political bias or patronage in appointments to the judiciary. It will continue to re-evaluate its criteria and procedures. The Committee has worked to ensure that the candidates recommended to the Attorney General possess all the required qualities set out in its criteria and are well regarded by their peers and community.

The Committee will continue its pursuit of excellence in recommending candidates for appointment as judges to the Ontario Court of Justice. It will continue to encourage applicants from under-represented groups such that the provincial judiciary shall reasonably reflect the diversity of the population it serves. The quality of the applicants it sees is impressive.

The majority of the Committee members are lay persons who work during the day and give extraordinarily of their time and abilities to the workings of the Committee. Despite a heavy workload, Committee members work tirelessly to maintain a high level of interest in the process and derive a great deal of personal satisfaction in being part of this rewarding work.

Set out below is the estimated time spent by a lay member on the selection and recommendation process for one judicial vacancy:

Stage 1: Review of applications received

- on average, 150 applications are received for each advertised vacancy
- 15 minutes to go over one application

15 min. x 150 = 2250 minutes = **37.5 hours**

Stage 2: Reference checks

- 4 named referees for each applicant
- assuming each member has to conduct reference checks on 5 applicants and each reference check takes 15 minutes

15 min. x 5 x 4 = 300 minutes (minimum - to add call back time) = **5 hours**

Stage 3: Preparation for selection meeting

- on average, 60 applicants are on the list to be selected for an interview
- time spent going over applications and notes on reference checks/ discreet inquiries
- 15 minutes per applicant

15 min. x 60 = 900 minutes = **15 hours**

Stage 4: Selection meeting, on average, to select 16 applicants out of 60 to be interviewed

- 3 minutes for each applicant

3 min. x 60 = 180 minutes = **3 hours**

Stage 5: Preparation for interviews

- assuming 15 minutes are spent on reviewing each application and notes on reference checks/discreet inquiries on 16 candidates

15 min. x 16 = 240 minutes = **4 hours**

Stage 6: Interviews, on average, 16 interviews over 2 days

- 45 minutes per interview

45 min. x 16 = 720 minutes = **12 hours**

Stage 7: Evaluation of previously interviewed candidates

- Discussion of candidates' merits
- Recommendation

1 hour – 2 hours

Estimated total hours spent by each lay member on one judicial vacancy = **78.5 hours**

Assuming there are 7 hours in a working day, 78.5 hours = **11.21 days**. The above numbers and figures are estimates only.

The above estimate does not allow for travel time associated with attendance at Committee meetings.

In addition, each Committee member has additional administrative work relating to the maintenance of all the confidential documents associated with the work of the Committee. Currently, there are some 489 active files. The typical file is 13 to 15 pages in length and is updated usually once a year and during the selection process for the judicial vacancy if that person has applied.

Therefore, I wish to personally commend each of the lay members as well as the judicial and lawyer members for his or her contribution to the justice system in Ontario. I would also like to acknowledge the hard work and professionalism of the Committee Coordinator and Ministry of the Attorney General support staff for ensuring the smooth operations of the Committee's work.

All of which is respectfully submitted,

Original signed by Fareed Amin

Fareed Amin
Chair

MEMBERS:**Fareed Amin, Toronto: (Lay Member) (Chair)**

Fareed Amin currently serves as the CAO, Town of Collingwood. Mr. Amin worked in the public service in Ontario at the provincial and municipal levels for more than 25 years. During his tenure with the Ontario Public Service, Mr. Amin served as the Deputy Minister with the following ministries: Agriculture, Food and Rural Affairs; Energy and Infrastructure; Municipal Affairs and Housing; Consumer Services; Economic Development and Trade; Citizenship and Immigration and the Ministry of Intergovernmental Affairs. Mr. Amin also worked as the Assistant Deputy Minister in the Ministry of Transportation and the Ministry of Finance. At the municipal level, Mr. Amin was the Deputy City Manager at the City of Toronto. Mr. Amin is a member of a number of not-for-profit and charitable organizations. He is on the Executive Committee of Lifeline Syria and the President of the Islamic Institute of Toronto. Mr. Amin serves on the Board of Governors for Seneca College and the University of Toronto (Scarborough Campus). Mr. Amin has an undergraduate degree in Applied Geography and Planning from the University of Guyana; a Certificate in Public Administration from the University of Toronto; a Master's Degree in Public Administration from Queen's University in Kingston and a Certificate in Leadership from the Kennedy School of Government, Harvard University, USA. Mr. Amin has been a member of the Committee and the Chair since 2016.

Mr. Justice Patrick Boucher, Regional Senior Justice, Sudbury

Justice Patrick Boucher received his B.A. (Hons) from McGill University and his LL.B. from Ottawa University. After his call to the bar in 1998, he entered private practice and spent most of his time in family and criminal litigation. Since his appointment to the Ontario Court of Justice in 2009, he has been a local administrative judge for Cochrane North, a director of the Association of Ontario Judges, an education chair for the Northeast and a member of the Chief Justice's Judicial Pre-trial Best Practices Working Group. Since his appointment as regional senior judge for the Northeast Region in July 2015, he has been an active member of several of the Chief Justice's Executive Committees and has worked on educational programming for the Court. He is currently a member of the Ontario Judicial Council. Justice Boucher is appointed to the Committee by the Ontario Judicial Council and has been a member since 2018.

Mr. Justice Martin Lambert, Timmins

Justice Martin Lambert received his LL.B. from the University of Ottawa in 1984 and was called to the Bar in 1986. He was an associate and partner at Riopelle, Carr, Lambert, Ellery from 1986 to 1992 and was the Crown Attorney in the District of Cochrane North from 1992 to 1999. Justice Lambert was appointed to the Ontario Court of Justice in 1999. He was the local administrative judge in Cochrane from 2001 to 2003 and has been the local administrative judge in Timmins since 2003. He served as Regional Senior Judge for the Northeast Region from June 2012 to July 2015. Justice Lambert is a member of the Ontario Conference of Judges. He is a member of the committee which drafted the new Criminal Rules of the Ontario Court of Justice. He sat on the Ontario Judicial Council from August 2013 to July 2016. Justice Lambert is appointed to the Committee by the Chief Justice of the Ontario Court of Justice and has been a member since 2015.

Mr. Justice Paul Robertson, Toronto

Justice Paul Robertson was appointed to the Ontario Court of Justice in 2003. He obtained his law degree from the University of Toronto in 1988. He was an Assistant Crown Attorney in Toronto from 1990 to 1994, when he joined the defence bar. Between 1999 and 2002, he was the Chair – Criminal Justice Section of the Ontario Bar Association. He has served the Court in various capacities, including as a Local Administrative Judge, Co-Chair of the Toronto Regional Education Conference, faculty for the National Judicial Institute’s Judges and Jail program, and is a frequent lecturer at legal education conferences. His present responsibilities include representing the Court in the design of the New Toronto Courthouse (NTC), the re-design of the Metro West Courthouse as the New Toronto Bail Centre and the designing and executing of an amalgamation plan for consolidating existing court operations into the NTC. Prior to law, Justice Robertson worked in urban land development and has a degree in Environmental Studies (Urban Geography) from the University of Waterloo. Justice Robertson is appointed to the Committee by the Chief Justice of the Ontario Court of Justice and has been a member since 2017.

Gerald Chan, Toronto: (Lawyer)

Gerald is a partner at Stockwoods LLP, where he practises criminal, constitutional, and regulatory litigation. He has been counsel in numerous cases in the Supreme Court of Canada and he is a member of the Ontario Inmate Appeal Duty Counsel Program (a roster of lawyers who argue pro bono appeals for indigent inmates in the Court of Appeal for Ontario). Gerald has been recognized as a leading practitioner by *Best Lawyers in Canada*, *Lexpert*, and *Benchmark Litigation*. He is co-editor of *For the Defence*; associate editor of the *Canadian Rights Reporter*; co-author of *Sentencing* 9th ed. (LexisNexis, 2017); and co-author of *Digital Evidence: A Practitioner’s Handbook* (Emond, 2017). He sits on the Board of the Federation of Asian Canadian Lawyers.

Before his call to the bar, Gerald clerked for the Honourable Justice Rosalie Silberman Abella at the Supreme Court of Canada and graduated from Osgoode Hall Law School as the co-gold medallist. Mr. Chan is appointed by the Law Society of Ontario to this Committee and has been a member since 2017.

Katherine Hensel, Toronto: (Lawyer)

Katherine Hensel is the founder and principal lawyer at Hensel Barristers. She was called to the bar in 2003. She began a litigation practice with McCarthy Tetrault in Toronto, and in 2004, Katherine joined the Ipperwash Inquiry (an inquiry into the circumstances surrounding the death of an Anishnaabek man, Dudley George), as Assistant Commission Counsel. She served the Commission in that capacity until the release of its report in 2007. In 2007, Katherine joined Stockwoods LLP in Toronto, before leaving to establish Hensel Barristers in 2011. Katherine has built a diverse practice focused on serving First Nations and their members. She has provided advice and acted in disputes concerning: the assertion of Aboriginal, treaty, and other Constitutional rights; the duty to consult; employment law and wrongful dismissal; commercial matters; public inquiries (including the Missing and Murdered Indigenous Women's Inquiry currently underway, where she is counsel to two parties with standing); Coroners' Inquests; inherent jurisdiction; governance; child welfare matters; and select criminal cases. Along with her litigation practice, Katherine has served as an Adjunct Professor at the University of Toronto's Faculty of Law since 2009. In 2012, Katherine was counsel to Attawapiskat First Nation. The First Nation successfully applied to the Federal Court to have the decision of the Minister of Aboriginal Affairs to appoint a Third Party Manager declared unlawful. In 2013, Katherine was awarded the Minaake Award for Human Rights and Advocacy from the Native Women's Resource Centre and the Advocate Society's 2013 Arleen Goss Young Advocates' Award. Katherine is appointed by the Ontario Bar Association to the Committee and has been a member since 2018.

Cheryl Siran, Kenora: (Lawyer)

Cheryl received her Bachelor of Laws (2005) from Robson Hall at the University of Manitoba and was called to the Ontario Bar in 2006. She is currently the managing partner at Hook, Seller & Lundin LLP in Kenora practicing primarily in the fields of real estate transactions and civil and estate litigation. Cheryl has been actively involved in volunteering in the legal community throughout her career despite the challenges faced in doing so from a rural/remote location in the province. Cheryl is a Past Chair of the Federation of Ontario Law Associations (FOLA), formerly the County and District Law Presidents' Association (CDLPA). She was Chair from May 2014 to November 2015 and was a Board member from May 2011 to May 2018. Cheryl also currently sits on the Board of LibraryCo, after being appointed in November 2015. Cheryl is appointed to the Committee by the Federation of Ontario Law Associations and has been a member since 2018.

Sylvie Beauvais, Ottawa: (Lay Member)

Sylvie Beauvais is a consultant in the fields of education, international affairs and health. She is a fluently bilingual experienced senior executive, having in her asset over 30 years of experience working in the college environment in the direction of working teams in postsecondary education, skills training, business development, applied research, international affairs and healthcare. Ms. Beauvais holds a Masters in Education – School Administration, a Diploma of Higher Specialized Studies in Adult Education, a Bachelor of Science in Nursing and a College Nursing Diploma. Finally, she is a member of the College of Nurses of Ontario. Ms. Beauvais has been a member of the Committee since 2016.

Jean Hébert, Orléans: (Lay Member)

Jean Hébert has lived in Orléans since 1997. He was born in Québec, where he obtained his Bachelor Degree in Political Sciences with Honours in Public Administration from Laval University. Mr. Hébert has been in consulting services since 2006, in the areas of strategic planning, project/program/policy development and management, and strategic communication. As a consultant, he has worked extensively in the education sector, with francophone communities in minority situations across the country, in organizational performance, and in community organization. He has worked for more than 25 years with various provincial and federal departments at the senior management levels as consultant, senior advisor and ministers' chief of staff, and for a national Crown corporation as special advisor to the Board Chair and as a director in the business development area. Mr. Hébert also worked in economic development areas as industrial commissioner, including in the tourism industry. He is involved and continues to volunteer in his community. Since 2011, he is a member of the board of the Travel Industry Council of Ontario (TICO), a provincial delegated administrative authority, where he has sat on many committees such as Audit and Risk Management, Governance and Human Resources, and Legislative and Regulatory Review. He now serves as Chair of the Board and sits on all committees of the Board. Mr. Hébert has been a member of the Committee since 2016.

Asha Luthra, Mississauga: (Lay Member)

Asha Luthra is a post graduate from the Bombay University where she majored in Economics. She started her career as a lecturer at MV and Lu College but moved to work with Air India in their sales and marketing division. After migrating to Canada and working for a wholesale group, she started her own venture called Joy Tours n Travel, looking after the travel and hospitality needs of special groups. Asha is the Head of AL Consulting and also Director of Business Development with the Excelsior Financial Group dealing with investments both in Canada and India. She has been a strong advocate for issues concerning women and was a faculty for the Indian Junior Chamber for a number of years. She was the first woman State President for Maharashtra of the widely-known organization called Jaycees. She has been a member of various voluntary organizations.

She was also appointed as a Justice of Peace for the Maharashtra State – India. In 2008, she became the first female President of the 35-year-old organization called the Indo Canada Chamber of Commerce. Asha is President of Rotary Club of Mississauga Malton and is also Advisory member of Lambton College. Ms. Luthra has been a member of the Committee since 2010.

Brian Mullan, Hamilton: (Lay Member)

Born and raised in Hamilton, Ontario, Brian was a career police officer who retired as the Chief of Hamilton Police Service in December 2009. He is a former member of the Parole Board of Canada. He has received the Police Exemplary Service Medal and he has been appointed as a Member of the Order of Merit for Police. Brian has a Bachelor's Degree in Business Administration. He is a graduate of the F.B.I. Academy in Quantico, Virginia and the F.B.I.'s prestigious National Executive Institute. Brian has also attended the University of Toronto's Rotman School of Business, Mohawk College and Bay Area Leadership Program. Brian has been active in his community, having served as Chair of the Hamilton Community Care Access Centre, the Hamilton District Health Council, and he has been the President of Eastern Canada Chapter of the Federal Bureau of Investigation National Academy Associates. Brian is also a former Member of the Board of Governors for Mohawk College and a former Vice President of the St. Joseph's Hospital Foundation. Mr. Mullan has been a member of the Committee since 2010.

Kathleen O'Keefe, Toronto: (Lay Member)

Kathleen O'Keefe joined Owens MacFadyen Group as a Senior Advisor in 2018. Prior to that, she was an employee benefit and individual insurance specialist for over 25 years. After six years working for a large national insurer, she began her own practice, Crillion Benefits Advisory Group Inc., in 1999, where she had been specializing in employee benefits and executive compensation. Kathleen is a founding member of The Benefits Alliance Group of Canada. She has been actively involved as a mentor with Big Brothers and Big Sisters of Toronto and has served as Chair for the Children's Aid Foundation of Canada's Annual Women's Golf Classic, as well as a member of their Annual Scholarship Committee. She is a Young Patron Member for the Royal Ontario Museum and part of the Curator's Circle at the AGO. Kathleen holds a graduate degree from the University of Guelph, Ontario. Ms. O'Keefe has been a member of the Committee since 2016.

Gabriel Tremblay, Blind River: (Lay Member)

Mr. Tremblay retired in 1999 after 29 years in the teaching profession at the elementary level. He graduated from Laurentian University with a Major in Sociology and Political Science. He possesses a broad range of experience: Councillor, Town of Blind River for 24 years; Director of AFMO (Association Française des Municipalités de l'Ontario); Member of Blind River Police Board; President for the North Shore Region of AEFO (Association des Enseignants français de l'Ontario); President of the Holy Family Parish Church Council; President of Royal Canadian Legion Branch 189 and presently a Life Member (served in the late 50's in the Royal Canadian Air Force); and Past President of Blind River Non-Profit Housing Corporation. He continues to be involved and presently is a Board Member of Algoma District Services Administration Board representing the territory without municipal organization, and Past Director of the Blind River Development Corporation. Mr. Tremblay has been a member of the Committee since 2004.

Madam Justice Sharon Nicklas, Regional Senior Justice, Hamilton (Retired on December 16, 2018)

Justice Sharon Nicklas attended the University of Toronto Faculty of Law and was called to the bar in 1994. She was an Assistant Crown Attorney in Hamilton, Brantford and Kitchener, as well as the Deputy Crown Attorney in Kitchener prior to her appointment in 2007 to the Ontario Court of Justice. Justice Nicklas presided in Kitchener for six years, where she also served as local administrative judge. In August 2013, she was appointed to the position of Regional Senior Judge for the Central West Region. She is currently a member of the Ontario Judicial Council. Justice Nicklas was appointed to the Committee by the Ontario Judicial Council and had been a member since 2016.

W. Ormond Murphy, Ottawa: (Lawyer) (Retired on November 28, 2018)

Ormond received his Bachelor of Laws (1975) from Queen's University and was called to the Ontario Bar in 1977. He is currently practising in association with Tierney, Stauffer, primarily in the fields of estates and trusts and civil litigation. Ormond has been actively involved in continuing legal education and has been a guest lecturer in programs on family law and estates and trusts for The Law Society of Upper Canada, Ontario Bar Association, County of Carleton Law Association, University of Ottawa Law School and Carleton University. Ormond is author of *Inter Vivos Gifts and Evidentiary Presumptions, Special Lectures of The Law Society of Upper Canada*, 1996. Ormond was President of the County of Carleton Law Association in 1995, and was a member of the Board of Directors of the County and District Law Presidents' Association from 1996 to 2008, serving as Chair from 2004 to 2006. Mr. Murphy was appointed to the Committee by the Federation of Ontario Law Associations and had been a member since 2006.

Frank E. Walwyn, Toronto: (Lawyer)
(Retired on April 17, 2018)

Frank is a partner at WeirFoulds LLP, one of Canada's oldest law firms. Frank appears as counsel on complex multi-jurisdictional litigation matters. He is licensed to practise law in Canada, and is also a member of the bars of Anguilla, Antigua and Barbuda, Barbados, Belize, the British Virgin Islands, Dominica, Grenada and St. Kitts and Nevis. Frank is repeatedly named as one of Canada's top lawyers in the area of Corporate and Commercial Litigation in *The Best Lawyers in Canada*. He recently completed an appointment as a Distinguished Visiting Scholar at Ryerson University's G. Raymond Chang School of Continuing Education. Frank participates on many legal and community boards and initiatives, including: a member of The Advocates' Society (TAS) International Training Committee; former President and member of the Canadian Association of Black Lawyers (CABL); membership in the Ontario Bar Association (OBA); member of the board of Community Legal Education Ontario (CLEO), a specialty clinic that produces and delivers public legal education to communities in Ontario that are low-income or who otherwise face barriers to full participation in the justice system; and membership on the Steering Committee of DiverseCity: The Greater Toronto Leadership Project, which is aimed at diversifying Toronto's leadership landscape. Frank has been recognized often for professional excellence and for his significant contributions and dedication to the community, including as a recipient of The Law Society of Upper Canada's Lincoln Alexander Award (2013), an Alumni Award of Distinction from Ryerson University (2012) and a Queen Elizabeth II Diamond Jubilee Medal (2012). Frank speaks regularly to various audiences on diversity issues, and is a frequent presenter at continuing professional development seminars in many areas dealing with the litigation process, including seminars put on by the OBA, TAS, CABL, The Law Society of Upper Canada, the Organisation of Eastern Caribbean States Bar Association and the Judicial Education Institute of the Eastern Caribbean Supreme Court. Frank was appointed by the Ontario Bar Association to the Committee and had been a member since 2009.

APPENDIX I

**JUDICIAL APPOINTMENTS RECOMMENDED BY
 THE JUDICIAL APPOINTMENTS ADVISORY COMMITTEE
 JANUARY 2018 - DECEMBER 2018**

| NAME | LOCATION | EFFECTIVE DATE |
|-----------------------------------|-------------------------|-----------------------|
| Amarshi, Hafeez | Brampton | 7 March 2018 |
| Cheung, Michelle Mei-Chi | Brampton | 10 October 2018 |
| Dellandrea, Laura Allison Dawn | Brampton | 7 March 2018 |
| Donald, Glen Scott | St. Thomas | 25 April 2018 |
| Fiorucci, Joe Patrick Paul | Hamilton | 7 March 2018 |
| Fraser, Craig Kelly ** | Norfolk County (Simcoe) | 7 March 2018 |
| Hilliard, Aubrey Danielle | Norfolk County (Simcoe) | 26 December 2018 |
| Jalal-Jalali, Khatira | Brampton * | 10 October 2018 |
| Magotiaux, Susan Mary | Oshawa | 26 December 2018 |
| Malott, Christine Elizabeth Jahns | Windsor | 26 December 2018 |
| McCallum, Kevin Kells | Brampton | 25 April 2018 |
| North, William John Jamie | Toronto | 25 April 2018 |
| Poland, Mark Thomas | London | 26 December 2018 |
| Sirivar, Maria Nandigya | Toronto * | 26 September 2018 |
| Sullivan, Susan Maria | Milton | 12 September 2018 |
| Waddilove, Jodie-Lynn | Barrie | 26 December 2018 |
| Wendl, Michael K.A.R. | Guelph * | 10 October 2018 |
| Wolfe, Donald Lyle | St. Catharines | 26 December 2018 |

** Resigned

* Denotes designated bilingual position

APPENDIX II

DEMOGRAPHICS OF JUDICIAL APPOINTMENTS RECOMMENDED BY
THE JUDICIAL APPOINTMENTS ADVISORY COMMITTEE
JANUARY 1989 - DECEMBER 2018

| TIMING OF THE APPOINTMENTS | | | | | | | |
|--|----------------------|-----------------------|-----------------------|----------------------|----------------------|----------------------|----------------------|
| Reporting Period | 1 Jan 89 – 31 Oct 90 | 1 Nov 90 – 30 June 92 | 1 July 92 – 31 Dec 93 | 1 Jan 94 – 28 Feb 95 | 1 Mar 95 – 31 Dec 95 | 1 Jan 96 – 31 Dec 96 | 1 Jan 97 – 31 Dec 97 |
| Total Appointments | 28 | 39 | 23 | 15 | 5 | 7 | 16 |
| LEGAL BACKGROUND | | | | | | | |
| Reporting Period | 1 Jan 89 – 31 Oct 90 | 1 Nov 90 – 30 June 92 | 1 July 92 – 31 Dec 93 | 1 Jan 94 – 28 Feb 95 | 1 Mar 95 – 31 Dec 95 | 1 Jan 96 – 31 Dec 96 | 1 Jan 97 – 31 Dec 97 |
| Private Practice | 16 | 32 | 14 | 9 | 4 | 3 | 13 |
| Provincial Crown | 5 | 3 | 5 | 6 | 0 | 4 | 3 |
| Federal Prosecutor | 3 | 1 | 2 | 0 | 0 | 0 | 0 |
| Government | 4 | 3 | 2 | 0 | 1 | 0 | 0 |
| APPOINTMENTS FROM REPRESENTATIVE GROUPS | | | | | | | |
| Reporting Period | 1 Jan 89 – 31 Oct 90 | 1 Nov 90 – 30 June 92 | 1 July 92 – 31 Dec 93 | 1 Jan 94 – 28 Feb 95 | 1 Mar 95 – 31 Dec 95 | 1 Jan 96 – 31 Dec 96 | 1 Jan 97 – 31 Dec 97 |
| Women | 9 | 18 | 12 | 3 | 1 | 1 | 5 |
| Francophone | 2 | 2 | 1 | 2 | 1 | 0 | 0 |
| Indigenous | 0 | 2 | 0 | 1 | 0 | 1 | 0 |
| Visible Minority | 2 | 4 | 4 | 0 | 0 | 0 | 0 |
| Persons with Disabilities | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| TIMING OF THE APPOINTMENTS | | | | | | | |
|--|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Reporting Period | 1 Jan 98 – 31 Dec 98 | 1 Jan 99 – 31 Dec 99 | 1 Jan 00 – 31 Dec 00 | 1 Jan 01 – 31 Dec 01 | 1 Jan 02 – 31 Dec 02 | 1 Jan 03 – 31 Dec 03 | 1 Jan 04 – 31 Dec 04 |
| Total Appointments | 14 | 18 | 13 | 4 | 13 | 14 | 15 |
| LEGAL BACKGROUND | | | | | | | |
| Reporting Period | 1 Jan 98 – 31 Dec 98 | 1 Jan 99 – 31 Dec 99 | 1 Jan 00 – 31 Dec 00 | 1 Jan 01 – 31 Dec 01 | 1 Jan 02 – 31 Dec 02 | 1 Jan 03 – 31 Dec 03 | 1 Jan 04 – 31 Dec 04 |
| Private Practice | 10 | 11 | 11 | 3 | 12 | 8 | 9 |
| Provincial Crown | 3 | 5 | 2 | 1 | 1 | 3 | 4 |
| Federal Prosecutor | 0 | 0 | 0 | 0 | 0 | 2 | 1 |
| Government | 1 | 2 | 0 | 0 | 0 | 1 | 1 |
| APPOINTMENTS FROM REPRESENTATIVE GROUPS | | | | | | | |
| Reporting Period | 1 Jan 98 – 31 Dec 98 | 1 Jan 99 – 31 Dec 99 | 1 Jan 00 – 31 Dec 00 | 1 Jan 01 – 31 Dec 01 | 1 Jan 02 – 31 Dec 02 | 1 Jan 03 – 31 Dec 03 | 1 Jan 04 – 31 Dec 04 |
| Women | 4 | 5 | 2 | 1 | 4 | 6 | 4 |
| Francophone | 0 | 3 | 2 | 0 | 0 | 2 | 0 |
| Indigenous | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Visible Minority | 1 | 0 | 2 | 0 | 1 | 0 | 1 |
| Persons with Disabilities | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| TIMING OF THE APPOINTMENTS | | | | | | | |
|--|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Reporting Period | 1 Jan 05 – 31 Dec 05 | 1 Jan 06 – 31 Dec 06 | 1 Jan 07 – 31 Dec 07 | 1 Jan 08 – 31 Dec 08 | 1 Jan 09 – 31 Dec 09 | 1 Jan 10 – 31 Dec 10 | 1 Jan 11 – 31 Dec 11 |
| Total Appointments | 16 | 20 | 6 | 12 | 19 | 3 | 12 |
| LEGAL BACKGROUND | | | | | | | |
| Reporting Period | 1 Jan 05 – 31 Dec 05 | 1 Jan 06 – 31 Dec 06 | 1 Jan 07 – 31 Dec 07 | 1 Jan 08 – 31 Dec 08 | 1 Jan 09 – 31 Dec 09 | 1 Jan 10 – 31 Dec 10 | 1 Jan 11 – 31 Dec 11 |
| Private Practice | 10 | 14 | 3 | 10 | 11 | 2 | 6 |
| Provincial Crown | 4 | 2 | 3 | 1 | 6 | 0 | 5 |
| Federal Prosecutor | 0 | 0 | 0 | 1 | 1 | 0 | 0 |
| Government | 2 | 4 | 0 | 0 | 1 | 1 | 1 |
| APPOINTMENTS FROM REPRESENTATIVE GROUPS | | | | | | | |
| Reporting Period | 1 Jan 05 – 31 Dec 05 | 1 Jan 06 – 31 Dec 06 | 1 Jan 07 – 31 Dec 07 | 1 Jan 08 – 31 Dec 08 | 1 Jan 09 – 31 Dec 09 | 1 Jan 10 – 31 Dec 10 | 1 Jan 11 – 31 Dec 11 |
| Women | 6 | 7 | 5 | 6 | 7 | 2 | 5 |
| Francophone | 1 | 1 | 0 | 0 | 2 | 0 | 2 |
| Indigenous | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Visible Minority | 1 | 2 | 0 | 1 | 2 | 0 | 2 |
| Persons with Disabilities | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| TIMING OF THE APPOINTMENTS | | | | | | | |
|--|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Reporting Period | 1 Jan 12 – 31 Dec 12 | 1 Jan 13 – 31 Dec 13 | 1 Jan 14 – 31 Dec 14 | 1 Jan 15 – 31 Dec 15 | 1 Jan 16 – 31 Dec 16 | 1 Jan 17 – 31 Dec 17 | 1 Jan 18 – 31 Dec 18 |
| Total Appointments | 10 | 12 | 27 | 13 | 17 | 47 | 18 |
| LEGAL BACKGROUND | | | | | | | |
| Reporting Period | 1 Jan 12 – 31 Dec 12 | 1 Jan 13 – 31 Dec 13 | 1 Jan 14 – 31 Dec 14 | 1 Jan 15 – 31 Dec 15 | 1 Jan 16 – 31 Dec 16 | 1 Jan 17 – 31 Dec 17 | 1 Jan 18 – 31 Dec 18 |
| Private Practice | 9 | 10 | 18 | 8 | 6 | 28 | 10 |
| Provincial Crown | 1 | 2 | 8 | 3 | 8 | 11 | 3 |
| Federal Prosecutor | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| Government | 0 | 0 | 1 | 2 | 3 | 6 | 3 |
| APPOINTMENTS FROM REPRESENTATIVE GROUPS | | | | | | | |
| Reporting Period | 1 Jan 12 – 31 Dec 12 | 1 Jan 13 – 31 Dec 13 | 1 Jan 14 – 31 Dec 14 | 1 Jan 15 – 31 Dec 15 | 1 Jan 16 – 31 Dec 16 | 1 Jan 17 – 31 Dec 17 | 1 Jan 18 – 31 Dec 18 |
| Women | 4 | 3 | 11 | 5 | 7 | 26 | 9 |
| Francophone | 2 | 3 | 0 | 1 | 1 | 3 | 0 |
| Indigenous | 1 | 0 | 2 | 0 | 1 | 1 | 1 |
| Visible Minority | 0 | 1 | 4 | 3 | 2 | 4 | 3 |
| Persons with Disabilities | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| Ethnic/Cultural Group* | -- | -- | -- | -- | -- | 0 | 3 |
| LGBTQ2* | -- | -- | -- | -- | -- | 0 | 0 |

| TIMING OF THE APPOINTMENTS | | |
|--|-------------------------------|-----------------|
| | Overall Total of Appointments | |
| Total Appointments | 456 | |
| LEGAL BACKGROUND | | |
| | Total No. | Percent (N=456) |
| Private Practice | 300 | 65.8% |
| Provincial Crown | 102 | 22.4% |
| Federal Prosecutor | 15 | 3.3% |
| Government | 39 | 8.6% |
| APPOINTMENTS FROM REPRESENTATIVE GROUPS | | |
| | Total No. | Percent (N=456) |
| Women | 178 | 39.0% |
| Francophone | 31 | 6.8% |
| Indigenous | 11 | 2.4% |
| Visible Minority | 40 | 8.8% |
| Persons with Disabilities | 1 | 0.2% |
| Ethnic/Cultural Group* | 3 | 0.7% |
| LGBTQ2* | 0 | 0.0% |

* As of July 6, 2017, the Committee's Judicial Candidate Information Form includes a Self-Identification Regarding Diversity (Optional) section, which includes these additional categories.