



February 6, 2015

VIA EMAIL (peter.mackay@parl.gc.ca)

The Honourable Peter MacKay
Minister of Justice and Attorney General of Canada 284 Wellington Street
Ottawa, Ontario
K1A 0H8

Dear Minister MacKay:

Re: Judicial Diversity

We write to you as Co-Chairs of the Advocacy and Policy Committee of the Federation of Asian Canadian Lawyers ("FACL").

FACL, through its President and Advocacy and Policy Committee, has long advocated for increased judicial diversity. As such, we were disappointed to learn from a recent news report (Global News, "No stats on diversity of judges, government says") that the federal government does not keep "readily available" information on the diversity of its judicial appointments.

Judicial diversity is important because judges make decisions that affect all aspects of our lives. They are able to do so because they have the confidence of the public; but the public, which is becoming increasingly diverse, must see itself reflected in the judiciary in order for this confidence to be maintained. Additionally, as former FACL board member Anna Wong pointed out in a recent op-ed in the Law Times ("Why judicial diversity matters"), judicial diversity increases judicial impartiality. The decisions of judges are informed in part by their experiences and the perspectives of the communities from which they come. The more the judiciary is composed of judges with a diverse set of backgrounds, the more impartial it will be as an institution.

Unfortunately, the judiciary in Canada is a far from becoming properly reflective of the increasing diversity of Canadians; although we do not know how far given the lack of information. We question how the government can be committed to finding a solution if it cannot measure the scale of the problem. Progress cannot be made in the dark.

FACL

Federation of
Asian Canadian Lawyers

In light of these concerns, we wish to ask the following questions in response to your comments in the Global News report: (1) does the government keep statistics on the number of judicial applicants who it says do not “self-identify”? (2) while the information on the diversity of judicial appointments is not “readily available”, and therefore may not be producible within the 45-day time period required to respond to order paper question from MPs, how long it will take the government to gather this information? (3) does the government intend to gather and produce this information so that we may better understand where exactly we stand on judicial diversity in Canada?

We note that our President, Lai-King Hum, has twice requested meetings with you to discuss ways of improving judicial diversity, both of which you have declined. Should you change your mind, we would welcome the opportunity to canvass these issues with you further.

Yours truly,



Gerald Chan
Co-Chair, Advocacy and Policy Committee



Philip Tsui
Co-Chair, Advocacy and Policy Committee

cc: Lai-King Hum, President of FACL (via email: lhum@thehumlawfirm.ca)
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