

# THE PROVINCIAL COURT OF MANITOBA

## Judicial Appointment Process

### PREAMBLE

Appointment of Judges is set out under Part 1 of *The Provincial Court Act*. Below are the administrative steps required to support the legislated appointment process.

### APPOINTMENT OF JUDGES TO THE PROVINCIAL COURT

#### 1. Application Package

Persons interested in applying to be a judge of *The Provincial Court of Manitoba* are to submit one original plus eight copies (for a total of nine copies) of the Application Package which will include:

- Judicial Candidate Information Form;
- Resume;
- Covering letter;
- Consent to the Disclosure and Verification for Screening Checks;
- Law Society of Manitoba Authorization for Disclosure of Information Concerning Candidate;
- Undertaking or Confirmation;
- A brief summary of your background and qualifications not to exceed 30 words.

#### 2. Submission of the Application Package

The Application Package can be submitted for consideration at any time or it can be submitted in response to a particular advertisement for a judicial position. It is to be submitted to the attention of:

The Administrator, Judicial Appointment Committee  
2<sup>nd</sup> Floor – 408 York Avenue  
Winnipeg, MB R3C 0P9

The entire Application Package must be submitted in hard copy as set out in #1 above and must also be scanned and sent by email to the Administrator, Judicial Appointment Committee at the following email address: [judicialapplication@gov.mb.ca](mailto:judicialapplication@gov.mb.ca)

An Application Package will remain on file with the Judicial Appointment Committee (“Committee”) for a period of two years from the date the application is evaluated. However, the applicant may advise the Committee that he or she no longer wishes to be considered for a judicial appointment prior to the end of that two year period.

### **3. Interviewing and Assessment**

The Committee will make any necessary inquiries of or related to an applicant to evaluate the applicant and determine whether the applicant meets the qualifications to serve as a judge. These inquiries may include judiciary, court officials, lawyers, law associations, financial institutions, community and social service organizations, plus the named references provided by the candidate.

If an applicant has been interviewed in the past 12 months, the Committee may decide not to interview them again.

In the event there are no judicial vacancies for a period of 12 months, the Committee will meet to review applications submitted since the last judicial vacancy.

When a specific judicial vacancy occurs there may be an advertisement which will provide a deadline for the submission of applications. The Committee will also review any applications received between judicial vacancies if they have not yet been reviewed.

### **4. List of Qualified Candidates for Appointment**

If the Committee determines an applicant has the professional and personal qualifications necessary to serve as a judge, the applicant will be placed on the list of qualified candidates for judicial appointment. The applicant will be notified of the date of his or her evaluation by the Committee but will not be advised as to whether they have been placed on the list of qualified candidates. The list of qualified candidates will be maintained in confidence.

### **5. Interviewing for More Than One Position**

Occasionally, after a vacancy has been advertised and the selection process is in progress, subsequent vacancies occur. In these circumstances there may not be any subsequent advertisement. The Committee will evaluate the applicants who have responded to the original advertised position as well as those applications on file and not yet evaluated and decide which of those applicants will be selected for consideration and interview for all vacancies.

### **6. List of Recommended Candidates**

Following the evaluation of the applicants and consideration of the list of qualified candidates, the Committee will provide the Minister with a list of all eligible candidates and, amongst other things, will identify whether the candidate is recommended or not recommended.

## **QUALIFICATIONS**

### **1. Minimum Statutory Qualifications**

No person shall be appointed a judge unless the person:

- is a member in good standing of the Law Society of Manitoba;

- is entitled to practise as a barrister and solicitor in Manitoba;
- has practised as a barrister or solicitor in Manitoba for not less than five years, or has other equivalent experience; and
- provides an Undertaking or Confirmation as contemplated by s.3(2)(d) of *The Provincial Court Act C.C.S.M. c. C275*.

## **2. Personal Suitability**

- A reputation for integrity, fairness and respecting the dignity of all persons;
- Patient, flexible and open minded;
- Able to travel to remote communities throughout the province for multi-day court sittings;
- Able to make decisions promptly or within a reasonable period of time;
- There are no professional or personal matters, professional complaints, civil actions or financial claims, past, present or ongoing, which may expose the applicant to public embarrassment on the Bench.

## **3. Professional Excellence**

- A high level of professional achievement in area(s) of legal work in which the applicant has been engaged.
- Involvement in activities which keep one up to date with changes in the law and in the administration of justice.
- A commitment to public service.
- Good writing and communication skills.
- Professional excellence is still the paramount criterion in assessing judicial candidates

## **4. Community Awareness and Understanding**

- A sound understanding of the social problems which give rise to cases coming before the courts.
- Sensitivity to changes in social values relating to criminal and family matters.

## **5. Diversity**

- The Committee will make efforts to ensure the pool of candidates reflects the diversity of Manitoba.
- Applicants will be invited to self-identify as a diversity applicant.

## **6. Language**

- It is important for the provincial judiciary to reflect the bilingual (French & English) nature of the Province.
- Applicants will be invited to self-identify as a bilingual applicant.

## **CONFIDENTIALITY**

The Committee is committed to preserving the confidentiality of Committee information in accordance with the following principles:

1. Information about general Committee process is open to any person,
2. Information about particular applicants is confidential unless released by applicants themselves.

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 the applicants' files, including government personnel not associated with the Committee.