

.....

*Judicial Appointment Committee*

**Board Members**

Gail Carswell, Winnipeg  
Sherwood Armbruster, Winnipeg  
Gordon Daman, Niverville  
Cheryl Smith, St. Laurent

**Mandate:**

In accordance with *The Provincial Court Act* amended by the *Courts Modernization Act* in 2019 establishes the Judicial Appointment Committee (JAC). In accordance with these amendments, the Lieutenant Governor in Council may only appoint a Provincial Court Judge from a list of qualified candidates recommended for appointment by a JAC.

**Authority:**

*The Provincial Court Act*  
*The Courts Modernization Act*

**Membership:**

- a) Chief Judge, who is the chair of the committee;
- b) Three (3) persons, who are not lawyers, judges or retired judges, appointed by the Lieutenant Governor in Council;
- c) A judge designated by the judges of the Provincial Court;
- d) The president of the Law Society of Manitoba, or a member of the Law Society of Manitoba designated by the president;
- e) The president of the Manitoba Branch of the Canadian Bar Association, or a member of the Manitoba Branch of the Canadian Bar Association designated by the president.

The Act requires the appointment of three community members who are not lawyers, judges or retired judges, to the JAC. Other members of the committee will be a judge of the court, a person designated by the president of the Law Society and a person designated by the president of the Manitoba Bar Association. The Chief Judge of the Provincial Court must be the chairperson of the committee and she will convene the committee once all the members have been identified.

**Length of Terms:**

Members appointed to the committee are to be appointed for a term not exceeding three years and may be re-appointed for an additional term not exceeding three years.

**Responsibilities:**

When the minister advises the Chief Judge that the appointment of a judge is required, the judicial appointment committee must meet and provide the minister with a list of at least three and no more than six persons from the list of qualified candidates whom the

committee recommends for the appointment in question. The names on the list must not be ranked.

The judicial appointment committee must make information publicly available about the process by which persons may apply for appointment as a judge; and accept applications, on an ongoing basis, from persons seeking appointment as a judge.

The committee must make efforts to ensure that the pool of candidates reflects the diversity of Manitoba. The committee must meet at least annually to review applications that have been received and evaluate candidates. In addition to the requirements of subsection 3(2), the committee must establish criteria for the evaluation of candidates, which must include

- an assessment of a candidate's professional excellence, community awareness and personal suitability; and
- a consideration of whether the appointment of the candidate would reflect the diversity of Manitoba within the court.

The committee may conduct interviews and make any inquiries that it considers advisable in order to evaluate a candidate.

After reviewing an application and conducting any necessary inquiries, the judicial appointment committee must place a candidate on a list of qualified candidates if it determines that the candidate has the professional and personal qualifications necessary to serve as a judge.

The committee must maintain an ongoing list of candidates whom the committee has determined are qualified for judicial appointment.

The committee may conduct periodic reviews of the list of qualified candidates to ensure that persons on the list are still seeking judicial appointment and remain qualified for appointment. The committee may make revisions to the list based on those reviews.

**Desirable Experience:**

**Board members:**

- Must be able to communicate verbally and have the ability to ask questions using open ended, non-judgmental language
- Have active listening skills
- Be able to read and interpret legislation and how it applies to the case
- Use plain language
- Adhere to a high degree of confidentiality
- Have the ability to make decisions in a fair and unbiased manner.

**Meetings:**

Location: Winnipeg – In-person

Frequency: Must meet at least annually to review applications that have been received and evaluate candidates or whenever an advertisement has gone out to fill a vacancy

**Remuneration:**

Members are not remunerated for participation on the Committee. Members are reimbursed for out-of-pocket expenses in accordance with the GMA.