



Fathers Are Capable Too: Parenting Association

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The father emperor penguin forgoes all food for up to 4 months sheltering the egg and nurturing the chick.

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Supreme Court Appointment Criteria

Throughout the media in recent days, there has been a series of articles about the appointment of judges based on politics or social engineering criteria, as well as the process of the appointment of judges to the Supreme Court of Canada.

F.A.C.T. promotes the rule of law including applicability of the law to all Canadians and, of each Canadian, to equality before the courts. In addition, Canadians believe that fairness and rights are crucial to the delivery of justice, particularly in situations affecting children and parents in family law. To that end, the entire judicial system must be accountable for its actions and its performance.

A detailed, statistically sound, and easily reproducible study has been made available for distribution by F.A.C.T that looks at the track record of the latest two appointments to the Supreme Court of Canada as should have been done by the Attorney General of Canada. This is attached and available at <http://www.fact.on.ca/releases/sccappts.pdf>.

The study examines all family law decisions involving cases of parents with children made by these justices during their years on the Ontario Court of Appeal. It found a very statistically significant difference based on the gender of the appellant in the case — certainty on the order of 99.99% and 99.92% (versus the “19 times out of 20” often seen on surveys). Non-equal treatment is a direct violation of the principles, as elucidated by the Attorney General, under the rule of law. Such discrimination is clearly inappropriate in any court of the land, not just the Courts of Appeal or the Supreme Court.

If such appointments could slip through the studies that are done in private by the federal Department of Justice then it is clear that there is a serious problem with the appointment system that needs immediate repair.

If such appointments were knowingly made by the Attorney General, one is justified in asking whether the Attorney General is indeed politically appointing judges to shape Canadian social policy by bypassing the proper legislators in Canada.

In any event, it is clear that a review of the appointments to the Supreme Court of Canada, of the judiciary in general, is required if the rule of law is to continue in Canada. Canadians deserve it, and our children deserve to inherit a free and democratic society.

For further information, you can call Brian Jenkins, the author of the report, at (416)315-5298.