

1 March 2017

Ms Koren Lightning-Earle
President, Indigenous Bar Association
70 Pineglen Crescent
Ottawa ON K2G 0G8

Dear Ms Lightning-Earle:

I am responding to your letter of 28 February 2017 in response to Ms Josée Desjardins, who wrote to you as Acting Executive Director on 10 February 2017 in respect of the Honourable Frank Newbould.

As you know, a Judicial Conduct Review Panel of the CJC, constituted in June 2016, decided on 10 February 2017 to constitute an Inquiry Committee in this matter. In your correspondence, you ask that the CJC “act expeditiously” in the management of this case. I can advise as follows in respect of next steps.

On 10 February 2017, the Minister of Justice was invited, in accordance with the provisions of the *Judges Act*, to designate one or more members of the Bar to sit on the Inquiry Committee. Pursuant to Council’s By-laws, the Minister has 60 days to respond, although she may well respond before that.

Once the Minister has made her appointment(s), Council will complete the composition of the Inquiry Committee by appointing Council members. At that time, we will issue a press release.

Meanwhile, as you know, the judge has filed an application before the Federal Court in respect of certain issues of jurisdiction. The Attorney General of Canada is the Respondent but Council will closely monitor developments and, if appropriate, will seek intervener status before the Court. I cannot anticipate, of course, what might unfold as a result of the Federal Court proceedings.

I can assure you that Council treats all judicial conduct matters seriously and diligently. While 95% of matters are finalized within 3 to 6 months, some cases are complex and full review requires more time. In this particular matter, a number of difficult issues were raised, including a challenge by the judge to the authority to reconsider a decision to dismiss a complaint.

The Inquiry Committee will be acting independently, in keeping with its duties under the legislation and the By-laws. While I appreciate that you would want this matter addressed in short order, an Inquiry Committee – which is deemed a superior court under the legislation – must act diligently while respecting rules of fairness. Any concerns you may have in this regard should be directed to the Inquiry Committee, once it is properly constituted.

I hope this information is useful.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Norman Sabourin", with a long horizontal flourish extending to the right.

Norman Sabourin
Executive Director and Senior General Counsel