

FEDERAL COURT

BETWEEN:

DEMOCRACY WATCH and DUFF CONACHER

Applicants

- and -

ATTORNEY GENERAL OF CANADA

Respondent

**AFFIDAVIT OF DUFF CONACHER
(Sworn August 26, 2021)**

**I, *Duff Conacher*, of the City of Toronto, in the Province of Ontario, MAKE OATH
AND SAY:**

1. I have personal knowledge of the matters deposed to herein. Where my knowledge is based on information and belief, I have so stated the basis of such information and belief.
2. On October 31, 2020, *La Presse* published an article entitled “De nombreux signes d’ingérence dans la nomination des juges” about documents that its reporter Joël-Denis Bellavance had obtained. Attached hereto and marked as **Exhibit “A”** is a copy of the article, the online version of which is at:

3. Mr. Bellavance has provided image copies of the documents mentioned in the article to me, as follows:

- a) Image of September 19-20, 2017 exchange of emails between Mathieu Bouchard, then-Senior Advisor in the Office of the Prime Minister, and Laura Berger, then-Judicial Appointment Coordinator at the Office of the Minister of Justice and Attorney General of Canada (“Justice Minister’s Office”), and Katie Black, then-Judicial Affairs Advisor at the Justice Minister’s Office, concerning people who have applied, and are going to apply, for judicial appointments, including one about whom Mr. Bouchard writes “I’ve now checked with an immigration lawyer in Montreal I know and she had some excellent things to say about...” the person. Attached hereto and marked as **Exhibit “B”** is a copy of the image.
- b) Image of April 12, 2018 exchange of emails between Alex Steinhouse, then-Policy and Parliamentary Affairs Advisor at the Justice Minister’s Office, and John Power, then-Senior Communications Advisor and Issues Manager for Minister of National Revenue Diane Lebouthillier, concerning whether Minister Lebouthillier had “any issue” with a proposed judicial appointment candidate. Attached hereto and marked as **Exhibit “C”** is a copy of the image.
- c) Image of August 14, 2018 email from Cameron Wilson, Advisor, Public Appointments at the Prime Minister’s Office to Laura Berger, then-Judicial Appointment Coordinator at the Justice Minister’s Office, and Leo Newman, then-Regional and Parliamentary Affairs Advisor at the Minister’s Office. The email’s Subject line was “Judicial Appointments” and it requests an update on consultations with Liberal Party MPs concerning candidates for judicial appointments. Attached hereto and marked as **Exhibit “D”** is a copy of the image.

- d) Image of November 23, 2018 exchange of emails between Izabel Czuzoj- 3
Shulman, then-Parliamentary Affairs Advisor and Parliamentary Secretary
Assistant at the Justice Minister’s Office, and Jacqueline Belleau, then-Office
Director and Political Attaché for then-Minister of International Development
Marie-Claude Bibeau – with the Subject line “Poste de juge à Montréal” –
concerning Minister Bibeau’s opinion of three lawyers who were being
considered for a judicial appointment in Montreal. Attached hereto and
marked as **Exhibit “E”** is a copy of the image.
- e) Image of chart showing the assessment of [REDACTED], one of the judicial
appointment candidates mentioned in the *La Presse* article, including that
judges, Liberal MP Nicola Di Iorio, and a few lawyers were consulted about
[REDACTED] application for an appointment. Attached hereto and marked as
Exhibit “F” is a copy of the image.

4. I make this affidavit in support of the Applicants’ application concerning the
constitutionality of Canada’s federal judicial appointments and promotions
process, and for no other or improper purpose.

Sworn remotely by)
Duff Conacher of the)
City of Toronto, in the)
Province of Ontario, before me)
at the City of Hamilton, in the)
Province of Ontario)
accordance with O.Reg. 431/20)
this 26th day of August 2021)



A COMMISSIONER ETC.

DUFF CONACHER