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BY EMAIL

May 26, 2021

Our File Number: 500008446

Ms. Louise Meagher
Executive Director
Judicial Compensation and Benefits Commission
99 Metcalfe Street, 8th Floor
Ottawa, ON K1A 1E3

Dear Ms. Meagher:

Re: Undertakings - 2020 Judicial Compensation and Benefits Commission

Further to the Commission's additional questions, dated May 17, 2021, please find the participants' responses below.

1) Please provide a revised table 1 (found at page 29 of the Judiciary's Reply Submission) and reflecting the age-weighted data based on age of appointment as opposed to the age group of 44-56. Please leave the two columns Canada and Top ten CMAs in and the annuity at 34.1%

Please see the table below:

Table 1
Comparison of salary plus annuity of *puisne* judges with CRA net professional income of self-employed layers at 75th percentile
(Net professional income ≥ \$80,000, age-weighted to distribution of ages at appointment)
Canada and top ten CMAs, 2015 to 2019

Year	Income age-weighted to distribution of ages at appointment		Salary of Puisne Judges		
			\$	Adjustment in the salary of <i>puisne</i> judges needed to match the CRA net professional income of self-employed lawyers at 75 th Percentile	
	Canada	Top ten CMAs		Includes Annuity valuation of 34.1%	Canada
2015	\$417,796	\$470,296	\$413,833	0.96%	13.64%
2016	\$390,457	\$433,253	\$421,208	-7.30%	2.86%
2017	\$408,360	\$461,801	\$422,817	-3.42%	9.22%
2018	\$462,151	\$535,323	\$431,266	7.16%	24.13%
2019	\$456,532	\$525,323	\$442,396	3.20%	18.74%

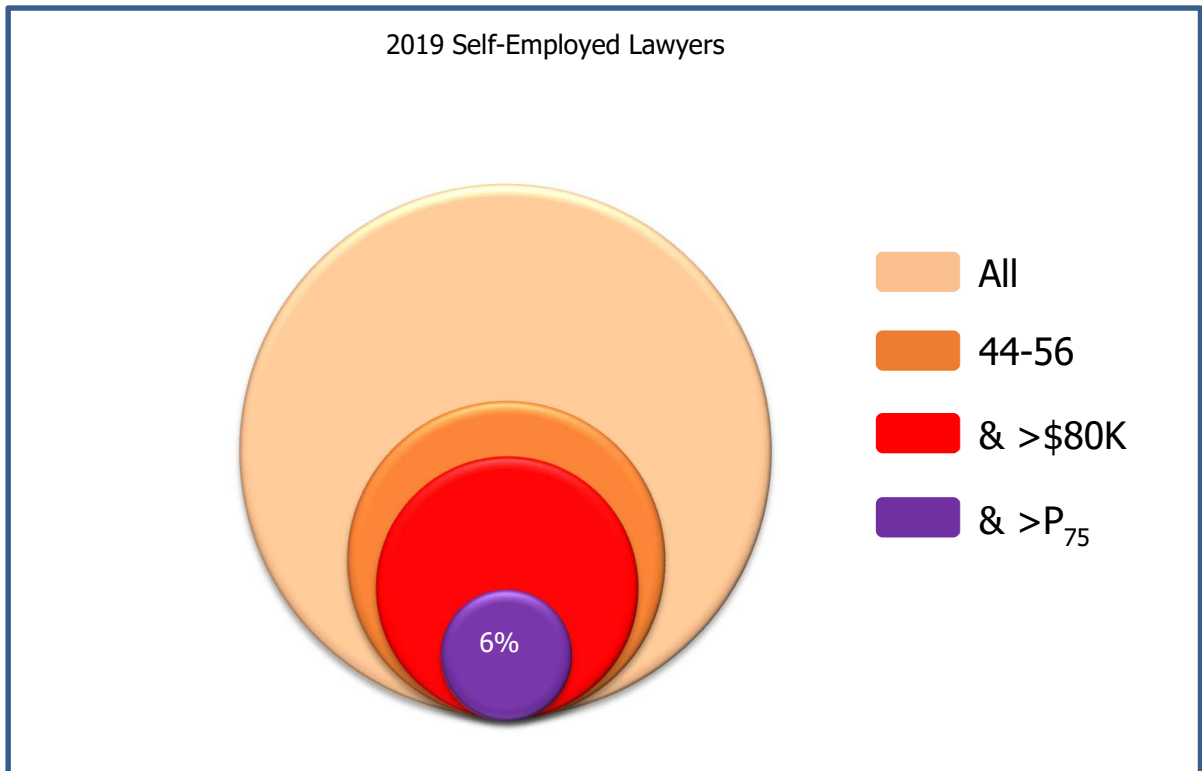
2) Please provide revised numbers in the same format as the ones at paragraph 87 of the Government’s Main Submission (% and absolute number of target group left), using the following two scenarios:

i. a) All; b) 44-56; c) > \$80K; d) 75th percentile

All	15,510	100%
44-56	5,540	36%
& >\$80K	3,780	24%
& >75th Percentile	945	6%

Please note that, like the data at paragraph 87 of the Government’s Main Submissions, the above data is based on 2019 CRA data. Please also note that we have interpreted the Commission’s reference to the 75th percentile here to mean the number of lawyers above the 75th percentile in the subpopulation of those who are 44-56 and have incomes over \$80K.

For completeness, we have included a revised graph in the same format as the one appearing at paragraph 87 of the Government’s Main Submissions, representing the numbers set out in the chart above.



ii. a) All; b) Age-weighted at age of appointment; c) > \$80K; d) 75th percentile

Unfortunately, it is not possible to calculate the percentage and absolute number of the target group left using the requested parameters.

While income amounts (measured in Canadian dollars) can be adjusted using age-weighting (as has been done in Q1 above), one cannot adjust a raw number of individuals (or the percentage associated with that raw number) based on age-weighting.

Age-weighting takes into account all individuals in a data set but, when calculating an average, places more weight on the incomes of certain individuals in proportion to the number of people who were appointed to the bench at that particular age.

For example, if one individual was appointed at age 40 while 5 individuals were appointed at age 55, the process of age-weighting would adjust the average age-weighted income to take into account the incomes of all 55 year olds in the complete CRA data set at a rate of 5 to 1 as compared with 40 year olds in that set.

The process of age-weighting does not remove individuals from the data set and therefore it is not possible to calculate the raw number of individuals as requested. We note, however, that the overall age range of 35-69 in the CRA data was by design meant to cover the range of age at appointment (which over the last decade was from 37-68).

3) A. Please confirm that the DM 3 salary ranges listed in the document entitled “Salary ranges and maximum performance pay for Governor in Council appointees” in volume 2 of the Joint Book of Documents starting at page 298 reflect the increases approved on May 18, 2018 for April 1 of 2014, 2015, 2016 and 2017 in Mr. Rupar’s letter dated May 14, 2020.

We can confirm that this is correct.

B. Please provide what the DM 3 salary ranges for April 1, 2018, 2019 and 2020 would be if they were to reflect the most recent increases for the rest of the public service as outlined in the same letter.

Current DM-3 Minimum, Maximum and Mid-Point Salary			
Date	Minimum Salary Range	Maximum Salary Range	Mid-Point Salary
1-Apr-18	\$260,600	\$306,500	\$283,550
1-Apr-19	\$260,600	\$306,500	\$283,550
1-Apr-20	\$260,600	\$306,500	\$283,550

Revised DM-3 Minimum, Maximum and Mid-Point Salary using the most recent increases for the rest of the public service				
Date	Revised Minimum Salary Range	Revised Maximum Salary Range	Revised Mid-Point Salary	Public Service % Increase
1-Apr-18	\$267,897	\$315,082	\$291,489	2.8%
1-Apr-19	\$273,791	\$322,014	\$297,902	2.2%
1-Apr-20	\$277,897	\$326,844	\$302,371	1.5%

Should the Commission require further information, please do not hesitate to contact the participants.

Sincerely,



Kirk G. Shannon
Counsel for the Government of Canada

cc: Pierre Bienvenu, Ad. E., Azim Hussain and Jean-Simon Schoenholz, counsel for the CSCJA and the CJC
Andrew Lokan, counsel for the Federal Court Prothonotaries
Christopher Rupar, Samar Musallam, counsel for the Government of Canada