

IN THE MATTER OF THE *JUDGES ACT*, RSC 1985, c J-1, as amended

**2024 JUDICIAL COMPENSATION
AND BENEFITS COMMISSION**

SUBMISSIONS OF THE GOVERNMENT OF CANADA

**Christopher Rupar
Elizabeth Richards
Sarah-Dawn Norris
Dylan Smith**
Department of Justice
500-50 O'Connor Street
Ottawa, ON K1A 0H8

Tel: 613-798-3685
Fax: 613-954-1920

Counsel for the Government of
Canada

TABLE OF CONTENTS

OVERVIEW	3
I. COMMISSION’S MANDATE	4
II. ANALYSIS OF THE ADEQUACY OF JUDICIAL COMPENSATION	6
1) First Criterion: Economic Conditions in Canada do not Favour Increasing Judicial Salaries Beyond IAI Indexing.....	7
A) Canada’s Economic Outlook is Promising but Uncertain.....	8
B) Limiting Increases to IAI Indexing with a Maximum Four-Year Cumulative Increase of 14%	10
2) Second Criterion: Financial Security of the Judiciary Does Not Favour Increasing Judicial Salaries Beyond the Indexing of the IAI.....	14
3) Third Criterion: There Is No Difficulty Attracting Outstanding Candidates that Would Justify Increasing Judicial Salaries Beyond the Indexing of the IAI.....	17
A) The Allure of Judicial Appointments Goes Beyond the Salary	17
B) No Shortage of Outstanding Candidates	24
C) Judicial Salary Compares Favourably to its Comparators	28
D) Salary Adequate to Attract Outstanding Private Sector Lawyers	29
E) Salary Adequate to Attract Outstanding Candidates from Other Sectors	47
4) Fourth Criterion: No Other Objective Criteria that the Commission Considers Relevant Justify Increasing Judicial Salaries Beyond the Indexing of the IAI.....	48
A) Benchmarking to DM-3 Should not be Applied in a Formulaic Manner.....	48
B) Judicial Salaries Compare Favourably to Deputy Minister Salaries	54
5) Conclusion on Adequacy of Judicial Compensation	55
III. ANALYSIS OF THE ADEQUACY OF ASSOCIATE JUDGES’ COMPENSATION	56
IV. CONCLUSION.....	59

OVERVIEW

1. Canada has an outstanding judiciary. It is composed of a diversity of individuals with unparalleled expertise in various areas of law. Each of them has unique life and legal experiences and has practiced in the private sector, public service, legal clinics, academic settings, and everything in between. The Government of Canada is committed to preserving this outstanding judiciary by continuing to uphold the constitutional principle of judicial independence, as manifested through security of tenure, administrative independence, and financial security.
2. The current salary and related benefits of federally appointed judges and associate judges ensure that Canada's judiciary remains independent and enjoys financial security, and that outstanding candidates from all backgrounds continue to be attracted to judicial office.
3. An objective analysis of the statutory criteria set out in s. 26(1.1) of the *Judges Act* supports the conclusion that judicial salaries for this quadrennial cycle, which began in April 2024 and will end in March 2028, need only be increased in accordance with the Industrial Aggregate Index ("IAI") to a maximum four-year cumulative increase of 14% over the current quadrennial period. This is sufficient to guarantee continued financial security and judicial independence.
4. The first legislative criterion, Canada's economic position and the overall state of the Government's finances, militates against increasing judicial salaries beyond the annual indexing based on the IAI. While Canada's economic outlook appears moderately promising, there remains uncertainty due to the current geopolitical landscape. Canadians are still struggling with the effects of high inflation, and they continue to face high interest rates and elevated costs of living. The IAI indexation coupled with a 14% indexation cap suffice to ensure consistent, stable and fair salary increases in these uncertain times.
5. As to the second legislative criterion, there can be no suggestion that the 2024 judicial salary of \$396,700 and the associate judge salary of \$317,300 (projected to be \$412,500 and \$330,000, respectively as of April 1, 2025) have fallen below an acceptable

minimum such that judicial independence has been compromised. Indeed, taking into account the generous judicial annuity and disability benefits, which has a net value of approximately 44.1% of the judicial salary, the average age-weighted total compensation in 2024 is \$571,645 for judges and \$457,229 for associate judges.

6. As for the third legislative criterion, there is no evidence of any difficulty in attracting outstanding candidates. A comparison of judicial and associate judge salaries with the income levels of lawyers in both the public and private sectors who would be eligible for both offices — whether reported as self-employed lawyers or professional law corporations — demonstrates that judicial salaries are fully adequate to continue to attract outstanding candidates. The generous judicial annuity and other related benefits act as further incentives and attractions to potential candidates.

7. Finally, in reference to the fourth legislative criterion, past commissions have looked to federal deputy minister salaries as a relevant objective criterion, specifically at the DM-3 level. Federally appointed judges' salaries are expected to surpass the mid-point of federal deputy ministers at the DM-3 level plus half of available at-risk pay (the "Block Comparator") over the quadrennial period. While commissions are mandated to perform their own inquiry and arrive at their own conclusions, past commissions have consistently characterized the Block Comparator as the appropriate measure of comparison with judicial salaries due to its objectivity and stability. Judicial salaries are projected to outpace the Block Comparator increase as this quadrennial cycle progresses. This demonstrates that IAI indexing continues to be more than sufficient to keep the pace with salaries in the public sector.

I. COMMISSION'S MANDATE

8. The Commission's mandate is informed by both constitutional principles and statutory provisions. In *PEI Reference*, the Supreme Court of Canada described the constitutional role of judicial compensation commissions as "institutional sieve[s]" that would serve the constitutional function of preventing the "setting or freezing of judicial remuneration from being used as a means to exert political pressure through the economic

manipulation of the judiciary.”¹ More pointedly, as described in the Sixth Commission Report dated August 30, 2021 (the “Turcotte Commission”), the constitutional guarantee of judicial independence is a cornerstone of the integrity of our judicial system with the three elements of judicial independence being security of tenure, administrative independence, and financial security.²

9. The legislative mandate for the Commission is found in s. 26(1.1) of the *Judges Act*, which mandates that the Commission conduct its inquiry with reference to the following prescribed criteria: (1) the prevailing economic conditions in Canada; (2) the role of financial security of the judiciary in ensuring judicial independence; (3) the need to attract outstanding candidates to the judiciary; and (4) any other objective criteria that the Commission considers relevant.³ The *Judges Act* also requires that the adequacy of associate judges’ compensation be considered as part of the same Commission process.⁴

10. When amendments to the *Judges Act* to establish the Commission were first introduced in 1998 in the House of Commons, statutory criteria were not proposed.⁵ However, when the Senate and the Standing Senate Committee on Legal and Constitutional Affairs considered the relevant bill, it was determined that the inclusion of express mandatory criteria was required to “help define and clarify the scope of the mandate” of the Commission’s inquiry.⁶

¹ *Ref re Remuneration of Judges of the Prov Court of PEI; Ref re Independence and Impartiality of Judges of the Prov Court of PEI*, [1997] 3 SCR 3, [PEI Reference], para 170, **Joint Book of Documents, Tab 4**.

² Report of the Sixth Quadrennial Judicial Compensation and Benefits Commission, dated August 30, 2021 [**Turcotte Commission Report**], pp 1–2, para 7, **Joint Book of Documents, Tab 14**.

³ *Judges Act*, [RSC 1985, c J-1](#) [*Judges Act*], [s. 26\(1.1\)](#), **Joint Book of Documents, Tab 3**.

⁴ *Judges Act*, [s. 2.1\(1\)](#), **Joint Book of Documents, Tab 3**.

⁵ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, Issue No 32, 1st Sess, 36th Parl, September 30, 1998 [**Senate Committee September 30, 1998**], pp 32:7-32:9, **Government’s Book of Documents, Tab 1**.

⁶ *House of Commons Debates*, 36th Parl, 1st Sess, No 151 (6 November 1998) [**Hansard November 6, 1998**], at 9944 (Eleni Bakopanos), **Government’s Book of Documents, Tab 2**; *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, Issue No 37, 1st Sess, 36th Parl, October 22, 1998 [**Senate Committee October 22, 1998**], pp 37:20, **Government’s Book of Documents, Tab 3**.

11. The first two criteria were added in direct response to the Supreme Court’s decision in *PEI Reference*.⁷ The third criterion, “the need to attract outstanding candidates,” was added based on testimony before the Senate committee⁸ which referred to a need to measure “how we compensate our judges against that body of people from which we are drawing to ensure that we are competitive.”⁹ The fourth criterion, namely “any other objective criteria that the Commission considers relevant,” was added to allow the Commission to consider other criteria “that are justified, ones that are measured on objective grounds.”¹⁰

12. Finally, as the Turcotte Commission noted, although a Commission is not bound by findings of previous Commissions, it should take a “common sense approach” to new evidence and arguments and only depart from previous findings where “valid reasons” such as a change in circumstances or additional evidence, support a departure from determinations of previous Commissions.¹¹

II. ANALYSIS OF THE ADEQUACY OF JUDICIAL COMPENSATION

13. In light of the statutory criteria set out in s. 26(1.1) of the *Judges Act*, the current level of judicial salaries and benefits, coupled with automatic annual adjustments in accordance with the IAI, fully meets the “adequacy” standard to be considered by this Commission.

14. The current salary (as of April 1, 2024) for judges is \$396,700.¹² The net value of the judicial annuity and disability benefits increases this salary level by approximately

⁷ Senate Committee October 22, 1998, pp 37:18-37:21, **Government’s Book of Documents, Tab 3.**

⁸ Senate Committee October 22, 1998, at p 37:20, **Government’s Book of Documents, Tab 3.**

⁹ Senate Committee September 30, 1998, pp 32:18-32:19, **Government’s Book of Documents, Tab 1.**

¹⁰ Senate Committee October 22, 1998, p 37:21, **Government’s Book of Documents, Tab 3.**

¹¹ Turcotte Commission Report, p 4, para 25, **Joint Book of Documents, Tab 14.**

¹² Eckler Report, pp 3 & 11, **Government’s Book of Documents, Tab 4.**

44.1%.¹³ The resulting average age-weighted total compensation (weighted based on the ages of appointees) for a federally appointed judge in 2024 is approximately \$571,645. With a 4% increase projected for 2025 based on IAI,¹⁴ a judge's salary rises to \$412,500¹⁵ and their total compensation in 2025 will be \$594,412 for a judge.

15. The current salary is more than sufficient to uphold judicial independence.

1) First Criterion: Economic Conditions in Canada do not Favour Increasing Judicial Salaries Beyond IAI Indexing

16. The first statutory criterion mandates the Commission to consider “the prevailing economic conditions in Canada, including the cost of living, and the overall economic and current financial position of the federal government.”¹⁶ Given the changing economic circumstances that are present during each Commission, findings relating to this criterion are by their nature reflective of the current state of the economy, and previous Commission findings in this area are usually of limited relevance.

17. While not determinative, the current economic situation in Canada must be a significant factor taken into account when determining the appropriate level of judicial compensation. As recognized by the Supreme Court of Canada, the guarantee of a minimum salary is not a device to shield the judiciary from the effects of deficit reduction:

Nothing would be more damaging to the reputation of the judiciary and the administration of justice than a perception that judges were not shouldering their share of the burden in difficult economic times.¹⁷

¹³ Eckler Report, pp 3 & 14, **Government's Book of Documents, Tab 4.**

¹⁴ Letter from the Assistant Deputy Minister of Finance dated November 29, 2024, Department of Finance Canada [**ADM Finance Letter (29 November 2024)**], p 1, **Joint Book of Documents, Tab 26.**

¹⁵ A judicial salary referred to in any of [ss 9](#) to [22](#) of the *Judges Act* that is not a multiple of one hundred dollars shall be rounded down to the next lowest multiple of one hundred dollars, per [s. 23](#) of the *Judges Act*, **Joint Book of Documents, Tab 3.**

¹⁶ *Judges Act*, [s. 26\(1.1\)\(a\)](#), **Joint Book of Documents, Tab 3.**

¹⁷ *PEI Reference*, [para 196](#), **Joint Book of Documents, Tab 4.**

18. The Turcotte Commission, citing the McLennan Commission, recently described the commission’s role in reviewing the first statutory criterion as assessing “whether economic conditions dictate restraint from expenditures out of the public purse.”¹⁸

A) Canada’s Economic Outlook is Promising but Uncertain

19. Despite modest economic gains, the current state of economic affairs in Canada — defined by heightened risks surrounding the global economy and Canadians’ continued struggle with the cost of living due to ongoing effects of high inflation and elevated interest rates — requires appropriate restraint when dealing with increasing judicial salaries.

20. In the face of substantial increase in interest rates to tame inflation, the Canadian economy has slowed but managed to outperform expectations in 2023.¹⁹ Private sector economists surveyed in March 2024 expect continued moderate growth over the next few quarters, followed by a pick-up in economic activity as the dampening effect of past interest rate hikes dissipates. Overall, private sector economists expect growth of 0.7% in 2024 and 1.9% in 2025.²⁰

21. Inflation emerged as a major global economic challenge, which persisted as the global economy recovered from the COVID-19 pandemic. In response to rising inflation, the Bank of Canada raised its benchmark interest rate by 4.75 percentage points to 5% from March 2022 to July 2023.²¹ The Bank of Canada has since reduced its policy rate in June 2024 and subsequently lowered it four times to 3.25% as of December 2024.²² Despite

¹⁸ Turcotte Commission Report at p 9, para 60, **Joint Book of Documents, Tab 14.**; Report of the Second Quadrennial Judicial Compensation and Benefits Commission, dated May 31, 2004 [**McLennan Commission Report**], p 9, **Joint Book of Documents, Tab 10.**

¹⁹ ADM Finance Letter (29 November 2024), p 1, **Joint Book of Documents, Tab 26.**

²⁰ ADM Finance Letter (29 November 2024), p 1, **Joint Book of Documents, Tab 26.**

²¹ ADM Finance Letter (29 November 2024), p 1, **Joint Book of Documents, Tab 26**

²² While the ADM Finance Letter (29 November 2024), p 1, **Joint Book of Documents, Tab 26**, identifies three decreases as of October 2024, an additional decrease was announced on 11 December 2024. See Bank of Canada, *Policy Interest Rate* (11 December 2024), online: <<https://www.bankofcanada.ca/core-functions/monetary-policy/key-interest-rate/>>.

inflationary pressures dissipating, the costs of living for Canadians, notably groceries and housing, remain elevated.²³

22. At the same time, the current geopolitical landscape introduces uncertainty to Canada’s economic outlook. Numerous global factors are having an impact on Canada’s economic viability, including continued pandemic-related disruptions, supply chain congestion, and rebounding global demand for goods. Geopolitical volatility caused by international events, notably Russia’s illegal full-scale invasion of Ukraine, is also contributing to this uncertainty by increasing commodity prices.²⁴

23. In the 2024 Budget, the Government forecasted a budgetary deficit of \$40 billion in 2023-24.²⁵ The forecast of the Government’s budgetary balance was that this deficit would progressively improve to reach a deficit of \$20.0 billion by 2028–2029.²⁶

24. The Consumer Price Index (“CPI”), which is widely used to determine cost-of-living adjustments, is projected to increase over the next five years as follows: 2.5% in 2024; 2.1% in 2025; 2.1% in 2026; 2.0% in 2027; and 2.0% in 2028.²⁷

25. The unemployment rate is also a measure of the status of the country’s economy. With moderate growth of the economy, the unemployment rate was expected to rise to 6.5% by the end of 2024. This adjustment is expected to largely reflect a slower pace of

²³ Department of Finance Canada, Budget 2024, April 16, 2024 [**Budget 2024**], p 139, **Government’s Book of Documents, Tab 16**; Angus Reid Institute, “Not close enough for comfort: Inflation drops, but most continue to struggle with grocery, rental costs” (21 October 2024), **Government’s Book of Documents, Tab 17**.

²⁴ Budget 2024, p 2, **Government’s Book of Documents, Tab 16**.

²⁵ ADM Finance Letter (29 November 2024), p 1, **Joint Book of Documents, Tab 26**. In the Fall Economic Statement announced on 16 December 2024, the Government adjusted the deficit forecast to \$61.9 billion in 2023-24. See Department of Finance Canada, 2024 Fall Economic Statement (16 December 2024), p. 41 [**Fall Economic Statement 2024**], online: <<https://budget.canada.ca/update-miseajour/2024/report-rapport/FES-EEA-2024-en.pdf>>.

²⁶ ADM Finance Letter (29 November 2024), p 2, **Joint Book of Documents, Tab 26**. In the Fall Economic Statement, the Government revised the deficit forecast to \$23 billion by 2029. See Fall Economic Statement 2024, p. 35.

²⁷ ADM Finance Letter (29 November 2024), p 2, **Joint Book of Documents, Tab 26**.

hiring, rather than a large rise in layoffs. The unemployment rate is anticipated to decrease to 6.3% in 2025 and to gradually decline to 5.7% by 2028.²⁸

26. The Government acknowledges that there have been updates to the economic outlook following the release of the 2024 Fall Economic Statement. It is also mindful that there may be further changes to the economic outlook. If necessary, the Government will make further representations to the Commission on the present state of the economy in its reply to submissions.

B) Limiting Increases to IAI Indexing with a Maximum Four-Year Cumulative Increase of 14%

27. The IAI provides additional context that helps situate Canada’s economic conditions. The Industrial Aggregate (“IA”) is an overall 12-month average of the *Average Weekly Earnings* for most Canadian employees.²⁹ The IAI is the rate of change of the IA.³⁰ The Government recognizes that s. 25(2) of the *Judges Act* stipulates that the IAI is the basis for annual increases in judicial compensation. That increase is capped at 7% per year by the legislation.³¹ The Turcotte Commission confirmed that the IAI was the appropriate economic indicator to use for this purpose³² and the Government does not suggest discontinuing or replacing IAI for the purposes of annual increases to judicial compensation.

28. Over the previous 20 years, the IAI as applied to judicial salaries has maintained an average annual increase of 2.73%.³³ Figure 1 depicts this relative stability in the IAI —

²⁸ ADM Finance Letter (29 November 2024), p 2, **Joint Book of Documents, Tab 26.**

²⁹ Turcotte Commission Report, p 16, para 107, **Joint Book of Documents, Tab 14**; Eckler Report, p. 11, **Government’s Book of Documents, Tab 4.**

³⁰ Turcotte Commission Report, p 16, para 107, **Joint Book of Documents, Tab 14**; Eckler Report, p. 11, **Government’s Book of Documents, Tab 4.**

³¹ *Judges Act* s. 25(2), **Joint Book of Documents, Tab 3.**

³² Turcotte Commission Report, pp 16–19, paras 107–128, **Joint Book of Documents, Tab 14.**

³³ The 20-year period corresponds to 2005 to 2024. The statistics are derived from Yearly Judicial Salaries, 2000-2024, provided by the Commissioner for Federal Judicial Affairs [**Yearly Judicial Salaries Statistics 2000-2024**], **Government’s Book of Documents, Tab 5**; Letter from the Office of the Chief Actuary, Office of the Superintendent of

with the exception of the 6.6% increase in 2022 due to pandemic volatility³⁴ — as well as the reflected steady increase in the judicial salaries.

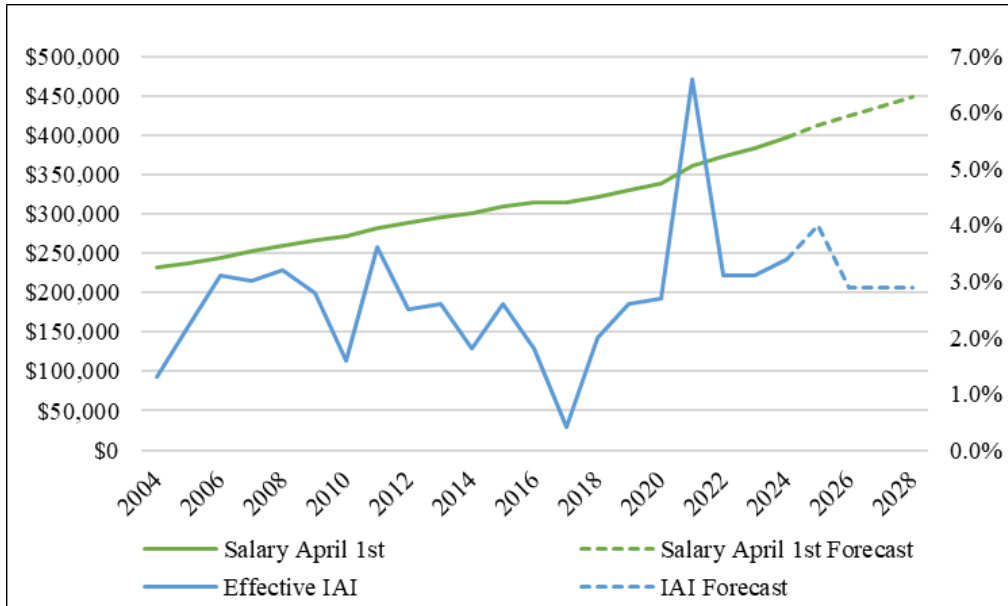


Figure 1: Judicial Salaries (*Puisne* Judges) and IAI
(Actual and Forecast – 2004 to 2028)

29. The yearly indexing of the salary in line with IAI has consistently resulted in generous increases to judicial salary in the last 20 years. This is most apparent when comparing the trajectory of judicial salary since the advent of the IAI indexing to the trajectory of the salary increases that would have resulted from the use of another metric.

Financial Institutions Canada, October 11, 2024 [**Chief Actuary Letter (October 11, 2024)**], **Joint Book of Documents, Tab 24.**

³⁴ Yearly Judicial Salaries Statistics 2000-2024, **Government’s Book of Documents, Tab 5.**

For example, indexing with the CPI would have resulted in a judicial salary in 2024 of \$354,700, which is \$42,000 less than the current judicial salary in 2024 based on the IAI.³⁵

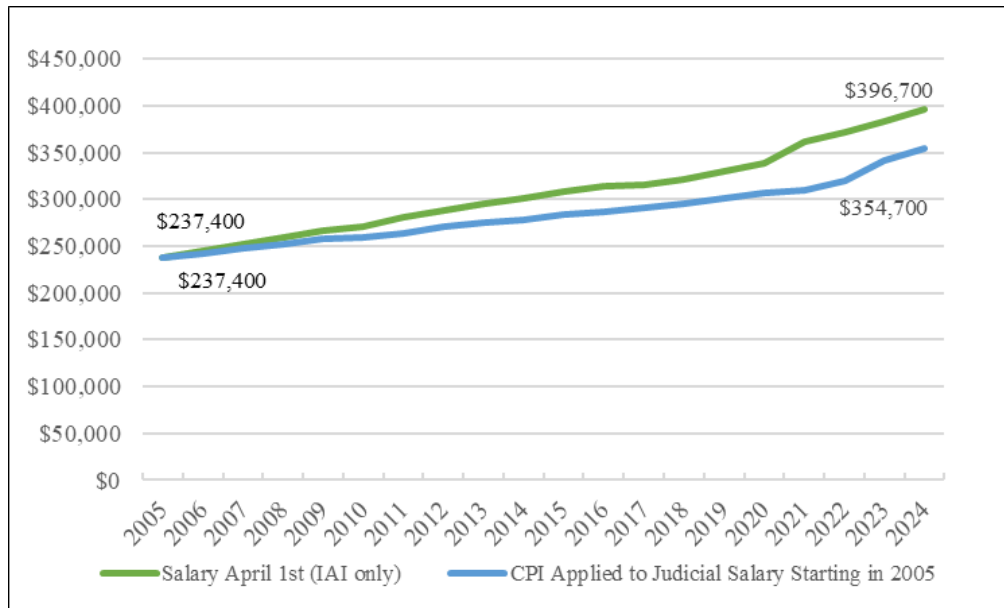


Figure 2: IAI versus CPI Salary Increases

30. At the current projected increase of 4%,³⁶ judicial salaries will increase by over \$15,000 to a level of \$412,500 on April 1, 2025. This increase does not account for other benefits such as retirement annuities that are part of the complete judicial compensation package as discussed below. This is an unusually high increase when compared to the historic range of 2-3% (see Figure 1). Following this irregular spike, judicial salaries are expected to increase by 2.9% for the remainder of the quadrennial period which is higher than the average annual increase of 2.73% over the previous 20 years.³⁷

31. Given the uncertain economic context, the Government proposes that judicial compensation be adjusted on the basis of IAI to a total maximum of 14% of the judicial salary over the next four-year quadrennial cycle. This ceiling equates to \$437,400 for the current quadrennial cycle, *i.e.*, 14% of the judicial salary at the end of the previous cycle

³⁵ IAI statistics derived from Yearly Judicial Salaries Statistics 2000-2024, **Government's Book of Documents, Tab 5**; Total CPI yearly averages derived from monthly values available at Bank of Canada, *Consumer Price Index*, dated October 2024, **Government's Book of Documents, Tab 10**.

³⁶ Chief Actuary Letter (October 11, 2024), p 1, **Joint Book of Documents, Tab 24**.

³⁷ Chief Actuary Letter (October 11, 2024), p 1, **Joint Book of Documents, Tab 24**.

(\$383,700 on April 1, 2023³⁸). If this maximum is reached before the end of the quadrennial period, salaries would be frozen until the beginning of the next period, which begins on April 1, 2028.

32. The Government is mindful that it proposed a lower indexation cap (10% of the judicial salary at the end of the previous cycle) before the Turcotte Commission. That Commission ultimately did not adopt the proposed indexation cap despite the significant fluctuations in the IAI due to the COVID-19 pandemic. However, it did so without providing reasons for rejecting the position or addressing the benefits of an upper limit to IAI increases within a quadrennial period.³⁹

33. The implementation of an indexation cap allows for predictable and stable increases to judicial salaries in line with the IAI as provided by the *Judges Act* while also ensuring that these increases do not inadvertently soar beyond what was envisioned at the time of the Commission's report. If the IAI is significantly higher than what is projected at the time of the Commission's report, then the resulting salary increases cannot be said to reflect what was deemed to be necessary to ensure judicial independence.

34. The implementation of an indexation cap also guarantees that increases are reasonable in light of the critical factors mentioned above, notably Canada's uncertain fiscal conditions, the geopolitical volatility, and the struggles of Canadians with recent high inflation and elevated costs of living. For context, 14% of the judicial salary at the beginning of the quadrennial cycle was \$53,718, which is approximately 80% of the average yearly Canadian salary as of September 2024. In 2024, this same percentage equals approximately 83% of the average yearly Canadian salary.⁴⁰

³⁸ Yearly Judicial Salaries Statistics 2000-2024, **Government's Book of Documents, Tab 5.**

³⁹ Turcotte Commission Report, pp 9–13, para 59–79, , **Joint Book of Documents, Tab 14.**

⁴⁰ As of September 2024, the average Canadian salary is \$1,277.74 per week or \$66,442.48 per year for all employees. The average weekly earnings are what the IAI is based on. See Statistics Canada, *Average Weekly earnings by industry, monthly, unadjusted for seasonality*, Table No 14-10-0203-01 (Ottawa, Statistics Canada, 28 November 2024), **Government's Book of Documents, Tab 11.**

35. Figure 3 sets out in detail the increase for the various judicial offices based on this proposal.

Salary as of Date	SCC CJ	SCC Puisne	Superior Court CJ and ACJ	<i>Puisne</i>	Associate Judge ⁴¹	Increase Based on IAI ⁴²
April 1, 2024	\$506,700	\$469,100	\$432,000	\$396,700	\$317,300	3.4%
April 1, 2025	\$523,900	\$485,000	\$446,600	\$412,500	\$330,000	4.0%
April 1, 2026	\$544,800	\$504,400	\$464,400	\$424,400	\$339,500	2.9%
April 1, 2027	\$560,500	\$519,000	\$477,800	\$436,700	\$349,300	2.9%

Figure 3: Projected Salaries under the Judges Act with Proposed 14% Cumulative Increase Limit⁴³

Judicial salaries are not expected to reach the ceiling in the next quadrennial period based on current projections.⁴⁴ This means that, unlike the proposed indexation cap before the Turcotte Commission, the 14% ceiling will have no impact on the increases to the judges salary — unless there is an unforeseen change in the IAI.

2) Second Criterion: Financial Security of the Judiciary Does Not Favour Increasing Judicial Salaries Beyond the Indexing of the IAI

36. There are no reasons to believe that there is a risk of interference with judicial independence as a result of judicial salaries. The current judicial salary as of April 1, 2024, of \$396,700 is well above the minimum level at which a need to protect the judiciary from political interference through economic manipulation would be relevant. Automatic indexing in accordance with the IAI offers further protection against the erosion of judicial salaries.

37. When assessing the “adequacy” of judicial compensation, s. 26(1.1)(b) of the *Judges Act* requires the Commission to consider whether judicial remuneration ensures the

⁴¹ Associate judges’ salaries are equal to 80% of the salary of a *puisne* judge (as adjusted by IAI). See *Judges Act*, s. 10.1, **Joint Book of Documents, Tab 3**.

⁴² See Chief Actuary Letter (October 11, 2024), p 1, for the IAI projections from 2025 to 2027, **Joint Book of Documents, Tab 24**.

⁴³ Judicial salary estimates prepared on the basis of statistics derived from Yearly Judicial Salaries Statistics 2000-2024, **Government’s Book of Documents, Tab 5**.

⁴⁴ The current projection is an increase of 13.8% during the quadrennial cycle.

financial security of the judiciary.⁴⁵ Financial security is an integral part of judicial independence because financial security protects the judiciary, and in turn the public, from economic manipulation by the legislature or the executive.⁴⁶

38. As articulated by Chief Justice Lamer (as he then was), in order to ensure financial security, judicial salaries must not fall below an acceptable minimum level:

I have no doubt that the Constitution protects judicial salaries from falling below an acceptable minimum level. The reason it does is for financial security to protect the judiciary from political interference through economic manipulation, and to thereby ensure public confidence in the administration of justice. If salaries are too low, there is always the danger, however speculative, that members of the judiciary could be tempted to adjudicate cases in a particular way in order to secure a higher salary from the executive or the legislature or to receive benefits from one of the litigants...⁴⁷

39. The best evidence that IAI indexing continues to do its job of safeguarding against erosion of judicial salaries is to compare the trajectory of increases to judicial salaries with that of the “Block Comparator”, *i.e.*, the difference between judicial salary and the midpoint of the DM-3 salary plus half of the available DM-3 at-risk pay. In 2016, the Rémillard Commission reported that the gap between judicial salary and the Block Comparator had been closed by annual increases to judicial salaries in accordance with the IAI. In the words of that Commission, the indexing has served its purpose.⁴⁸ In the subsequent quadrennial cycle, the Turcotte Commission observed that the judicial salary had surpassed the Block Comparator at the time of its report.⁴⁹

⁴⁵ *Judges Act*, [s. 26\(1.1\)\(b\)](#), **Joint Book of Documents, Tab 3.**

⁴⁶ Turcotte Commission Report, p 13, para 80, **Joint Book of Documents, Tab 14.**

⁴⁷ *PEI Reference*, [para 193](#), **Joint Book of Documents, Tab 4.**

⁴⁸ Report of the Fifth Quadrennial Judicial Compensation and Benefits Commission, dated June 30, 2016, [**Rémillard Commission Report**], p 16, para 55, **Joint Book of Documents, Tab 13.**

⁴⁹ Turcotte Commission Report, p 22, para 144, **Joint Book of Documents, Tab 14.**

40. As demonstrated in Figure 4, continued use of the IAI not only sees the judicial salaries keep pace with the DM-3 Block Comparator in the next quadrennial cycle, but surpass it as early as the next fiscal year.

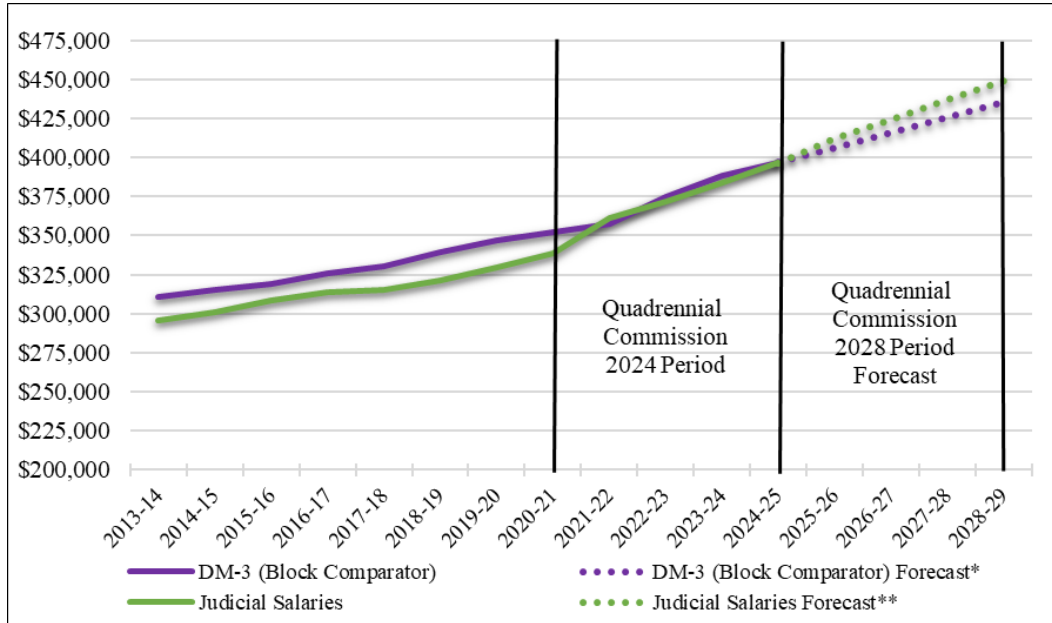


Figure 4: Judicial Salaries & the Block Comparator⁵⁰

41. In addition, as outlined in more detail below, the present judicial salary (even without the additional benefits such as a retirement annuity included) places the judiciary at or very near the top of salaries for the legal profession and high-earning professionals in the economy as a whole.

⁵⁰ Judicial salary estimates prepared on the basis of statistics derived from Yearly Judicial Salaries Statistics 2000-2024, **Government’s Book of Documents, Tab 5**. Block Comparator statistics derived from DM Average Salary Mid-Point and Counts, **Joint Book of Documents, Tab 33**. *The negotiated settlements salary increase weighted average of the core public administration from 2012 to 2024 was 2.34% and was used to forecast DM-3 salary ranges four years out (see Negotiated Settlements – CPA Average March 2024); **The Office of the Superintendent of Financial Institution (OSFI) IAI forecast of 2025 - 4.0%, 2026 - 2.9%, 2027 - 2.9% and 2028 - 2.9% was used to project Judicial Salaries four years out (see Chief Actuary Letter (October 11, 2024), p 1, **Joint Book of Documents, Tab 24**).

3) **Third Criterion: There Is No Difficulty Attracting Outstanding Candidates that Would Justify Increasing Judicial Salaries Beyond the Indexing of the IAI**

42. As observed by the previous Commissions, Canada has an outstanding judiciary.⁵¹ This judiciary is composed of individuals with their own unique practice expertise and life experiences from a broad range of areas of practice, within the public and private sectors and beyond. The third criterion requires the Commission to assess whether the current level of judicial compensation will continue to attract such remarkable candidates. By all accounts, the current level of judicial compensation meets this criterion.

43. The Turcotte Commission explained that the goal of judicial compensation is to attain a reasonable and appropriate judicial compensation that does not discourage outstanding individuals from seeking judicial office.⁵² That Commission also confirmed that “it could never be the role of judicial compensation in any realistic way to ‘match’ the compensation earned by the most financially successful private practitioners.”⁵³ This echoes the words of the Block Commission that, “the issue is not how to attract the highest earners; the issue is how to attract outstanding candidates” from both private and public sectors, from large and small firms, and from large and small centres.⁵⁴

44. To assist with the comparative process, the Government engaged an actuary and a compensation consultant with expertise in executive compensation, with a focus on pensions and employee benefits, to provide a report (“Eckler Report”) on various aspects of judicial compensation.⁵⁵

A) The Allure of Judicial Appointments Goes Beyond the Salary

45. Before assessing whether judicial compensation is adequate to attract outstanding candidates, it is first necessary to define its different components, and the incentives

⁵¹ Turcotte Commission Report, p 13, para 84, **Joint Book of Documents, Tab 14.**

⁵² Turcotte Commission Report, p 15, para 102, **Joint Book of Documents, Tab 14.**

⁵³ Turcotte Commission Report, p 15, para 102, **Joint Book of Documents, Tab 14.**

⁵⁴ Report of the Third Quadrennial Judicial Compensation and Benefits Commission, dated May 30, 2008 [**Block Commission Report**], p 37, para 116, **Joint Book of Documents, Tab 11.**

⁵⁵ Eckler Report p 53, **Government’s Book of Documents, Tab 4.**

attached thereto. The Rémillard Commission confirmed that financial factors are not the only, or even the major, factor in attracting outstanding candidates. Other factors, such as the desire to serve the public, security of tenure, and the quality of life associated with judicial office, are all important incentives for accepting appointment to the judiciary.⁵⁶ Bearing this in mind, this subsection focuses on the following components of judicial compensation and incentives derived from appointment to the bench: (i) the judicial annuity; (ii) the availability of supernumerary status and (iii) the benefits packages.

i) The Value of the Judicial Annuity Raises Total Compensation Significantly

46. The Government and judiciary agreed before the Turcotte Commission that the judicial annuity — which past Commissions have recognized as a “significant component” of judicial compensation⁵⁷ — should be accounted for when evaluating the total compensation.⁵⁸ This aligns with the methodology of past Commissions when it evaluates and compares judicial compensation with private sector salaries.

47. If eligible for a full annuity, a judge who retired in 2024 with a salary of \$396,700 will receive an annual annuity of \$264,466 for the remainder of their life.⁵⁹ The annuity will increase annually in accordance with CPI. When they pass away, their surviving spouse will receive one-half of that amount for the remainder of the survivor’s life.⁶⁰ This survivor’s benefit is also indexed to CPI.

48. There is little question that for those in private practice, the judicial annuity is a significant incentive to apply for a judicial appointment and, as the participants agreed

⁵⁶ Rémillard Commission Report, p 23, paras 80-83, **Joint Book of Documents, Tab 13**; see also Report of the Fourth Quadrennial Judicial Compensation and Benefits Commission, dated May 15, 2012 [**Levitt Commission Report**], p 15, para 42, **Joint Book of Documents, Tab 12**.

⁵⁷ Rémillard Commission Report, p 20, para 71, **Joint Book of Documents, Tab 13**. See also Levitt Commission Report, p 15, para 42, **Joint Book of Documents, Tab 12**; Drouin Commission Report, p 42, **Joint Book of Documents, Tab 9**; McLennan Commission Report, p 5, **Joint Book of Documents, Tab 10**.

⁵⁸ Turcotte Commission Report, p 28, para 184, **Joint Book of Documents, Tab 14**.

⁵⁹ *Judges Act*, [s. 42\(1\)](#), **Joint Book of Documents, Tab 3**.

⁶⁰ *Judges Act*, [s. 44\(2\)](#), **Joint Book of Documents, Tab 3**.

before the Turcotte Commission,⁶¹ must be factored in when comparing judicial and private sector lawyer compensation. The Rémillard Commission concluded that “the judicial annuity is a considerable benefit to judges and is a considerable part of their compensation packages.”⁶² Further, as recognized by the Levitt Commission:

the superiority of the judicial annuity to the capital accumulation alternatives available to private sector lawyers to provide retirement income must be taken into consideration in order to arrive at a comparison of judicial and private sector lawyer compensation.⁶³

49. The judicial annuity comprises not only a retirement benefit, but a generous permanent disability benefit as well. In terms of retirement, after 15 years on the bench,⁶⁴ a judge is entitled to an annuity for life equal to two-thirds their salary at the time of retirement.⁶⁵ Based on the 2024 judicial salary of \$396,700, for a *puisne* judge retiring in 2024, the annual retirement benefit is approximately \$264,466. A judge who becomes permanently disabled may be granted the full annuity for life, with no minimum service requirement.⁶⁶

50. The net total annuity (including disability and Canada Pension Plan (“CPP”)) is valued at 44.1% of the judicial salary as an age-weighted average, with the net retirement benefit being 38.5% and the net disability benefit 5.6%.⁶⁷ Taking into account the value of the judicial annuity and disability benefit, the 2024 judicial salary increases from \$396,700 to \$571,645.⁶⁸ In comparison, that level of total compensation exceeded the net income of

⁶¹ Turcotte Commission Report, p 28, para 184, **Joint Book of Documents, Tab 14.**

⁶² Rémillard Commission Report, p 20, paras 71, **Joint Book of Documents, Tab 13.**

⁶³ Levitt Commission Report, p 15, para 42, **Joint Book of Documents, Tab 12.** See also: McLennan Commission Report, pp 5, 15, 57, **Joint Book of Documents, Tab 10**; Drouin Commission Report, p 42, **Joint Book of Documents, Tab 9.**

⁶⁴ For an individual to be eligible, their age plus their years of service must equal 80: see *Judges Act*, [s. 42\(1\)\(a\)](#), **Joint Book of Documents, Tab 3.**

⁶⁵ *Judges Act*, [s. 42\(1\)](#), **Joint Book of Documents, Tab 3.**

⁶⁶ *Judges Act*, [s. 42\(1.1\)\(b\)](#), **Joint Book of Documents, Tab 3.**

⁶⁷ Eckler Report, p 30, **Government’s Book of Documents, Tab 4.**

⁶⁸ Eckler Report, p 31, **Government’s Book of Documents, Tab 4.**

at least 86% of self-employed lawyers nationally in 2023, who would still need to save for retirement and pay for disability insurance out of that income.⁶⁹

51. An alternative way to value the retirement benefit would be to determine the cost to a self-employed lawyer to fund a similar benefit, which shows the difficulty in replicating the judicial annuity. According to the Eckler Report, for a self-employed lawyer to do so, they would need to make the maximum Registered Retirement Savings Plan (“RRSP”) contributions annually and set aside other investment contributions beyond the RRSP maximum. The tax treatment of an RRSP is similar to that of the judicial annuity, but most other investment contributions are made after tax and investment income is taxable, with the exception of investment income in a Tax-Free Savings Account (“TFSA”).⁷⁰

52. The average annual amount that self-employed lawyers would have to save to replicate the judicial annuity would not be possible without using other strategies. The Net Value of judicial annuity ranges from 30-60% of pay, while RRSP limits are 18% of pay but with an annual dollar cap that results in any earnings above \$175,333 (in 2024) not producing additional RRSP room. A TFSA has a current annual contribution limit of \$7,000, but an individual’s TFSA contribution room accumulates each year starting in 2009. Assuming the individual was over age 18 in 2009, this amounts to a total accumulated maximum of \$95,000 in 2024 (assuming no prior contributions have been made).⁷¹

ii) Supernumerary Status – An Important Incentive

53. Consideration of the third legislative criterion must also factor in the option to elect supernumerary status.⁷² Its value to prospective judicial candidates is significant. Indeed,

⁶⁹ Eckler Report, p 20, **Government’s Book of Documents, Tab 4.**

⁷⁰ Eckler Report, pp 25–26, **Government’s Book of Documents, Tab 4.**

⁷¹ Eckler Report, pp 25–26, **Government’s Book of Documents, Tab 4.**

⁷² McLennan Commission Report, p 5, **Joint Book of Documents, Tab 10.**

the Supreme Court recognized that it is an “undeniable economic benefit” that is considered “by candidates for the office of judge in planning their economic and financial affairs.”⁷³

54. The mandatory retirement age for superior court judges is 75.⁷⁴ Based on data from the Office of the Commissioner for Federal Judicial Affairs (“CFJA”), 34% of judges retired at 75 (excluding death and disability) and the average age of retirement since 1997 has been 71.4.⁷⁵ However, judges can elect to become supernumerary if (a) they are eligible to retire with a full annuity; or (b) have served 10 years and attained the age of 70.⁷⁶ A supernumerary judge remains a member of the court and receives a full judicial salary, but is generally understood to carry a 50% workload.⁷⁷

55. The relative attractiveness of this benefit is supported by the fact that, historically, approximately 91% of judges eligible to elect supernumerary status do so.⁷⁸

⁷³ *Mackin v New Brunswick (Minister of Finance); Rice v New Brunswick*, [\[2002\] 1 SCR 405, para 67](#), **Joint Book of Documents, Tab 5**.

⁷⁴ *Judges Act*, [s. 8](#), **Joint Book of Documents, Tab 3**.

⁷⁵ Statistics derived from Anonymized Data Re: Appointment, Supernumerary Status and Retirement, 1933 to 2024, based on data provided by the Commissioner for Federal Judicial Affairs [**Anonymized Data Re: Appointment, Supernumerary Status and Retirement (1933 to 2024)**], **Government’s Book of Documents, Tab 7**.

⁷⁶ *Judges Act*, [s. 28](#), **Joint Book of Documents, Tab 3**.

⁷⁷ Eckler Report, p 11, **Government’s Book of Documents, Tab 4**.

⁷⁸ Supernumerary Election Trends per 100 Appointments, for period between April 1, 2020, and March 31, 2024, derived from Anonymized Data Re: Appointment, Supernumerary Status and Retirement (1933 to 2024), **Government’s Book of Documents, Tab 7**.

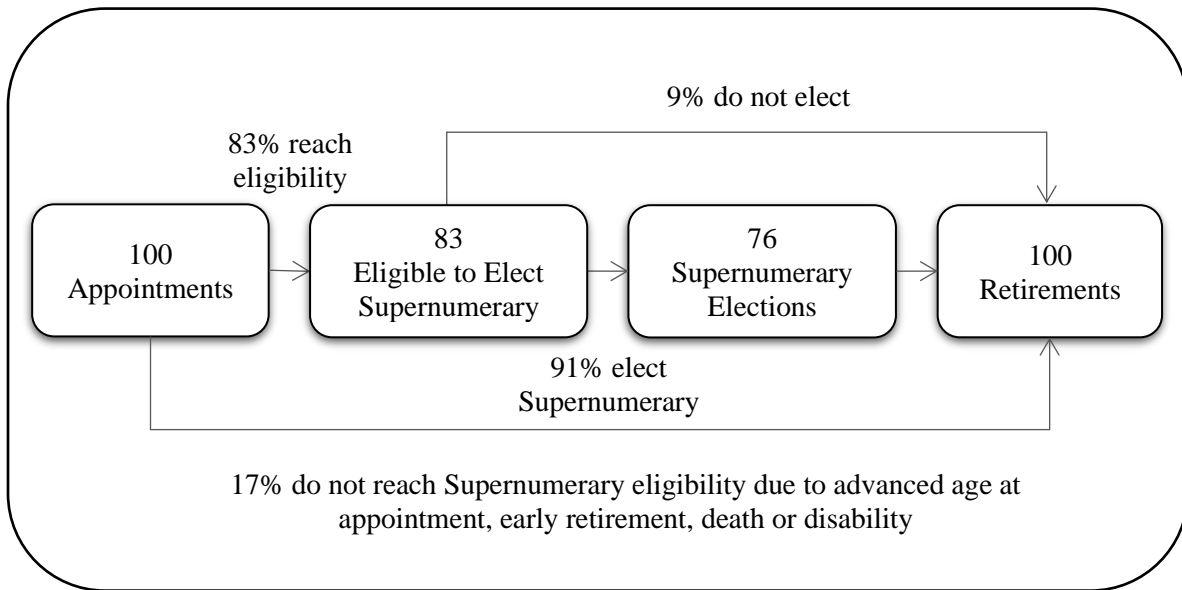


Figure 5: Supernumerary Status

56. The prospect of maintaining a high salary to age 75 is a significant inducement for attracting outstanding candidates from the private sector to the bench. Even if a private sector lawyer is not required to retire well before age 75 by their firm, on average, as illustrated in Figure 6, private sector income levels start to decrease in a lawyer's early to mid-50s.⁷⁹ By contrast, a judge's salary increases year by year, and if a judge elects supernumerary status, a full salary can be maintained with a significantly reduced workload

⁷⁹ Statistics derived from 2023 CRA Self-Employed Incomes by Age Range [2023 CRA Self-Employed Incomes (Age)], Joint Book of Authorities, Tab 16.

for up to 10 years before retirement (depending on age of appointment and when the supernumerary election is made).

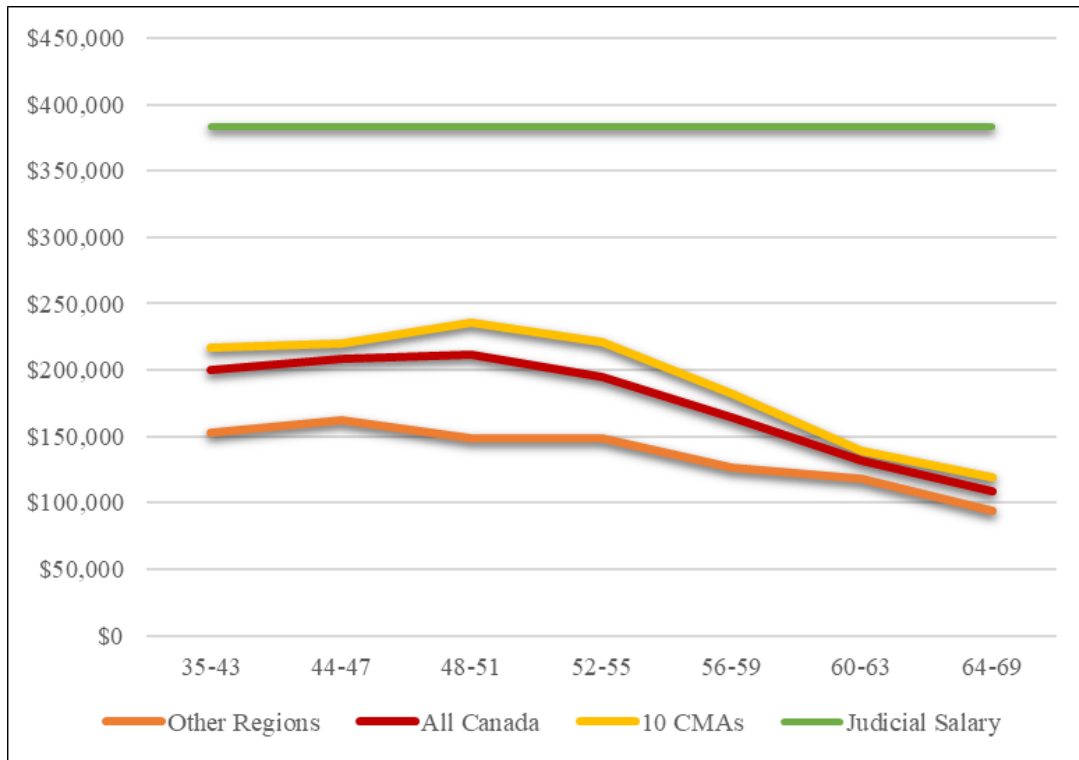


Figure 6: 2023 Median Net Incomes by Age (w. Judicial Salary)

iii) Other Benefits Afforded to the Judiciary

57. Another aspect to consider in comparing the compensation of self-employed lawyers and the judiciary is the generous benefits package provided to the judiciary. Most self-employed lawyers would have to provide their own individual extended health and dental benefits and purchase life insurance.⁸⁰ The judges' premiums, on the other hand, are paid for by the Government.⁸¹

58. Members of the judiciary are entitled to an extensive benefits plan which includes:

- a. basic life insurance, supplementary life insurance, post-retirement insurance and dependents' life insurance;

⁸⁰ Eckler Report, p 15, **Government's Book of Documents, Tab 4.**

⁸¹ Eckler Report, p 13, **Government's Book of Documents, Tab 4.**

- b. accidental death and dismemberment insurance;
- c. health care plan; and
- d. dental care plan.⁸²

B) No Shortage of Outstanding Candidates

59. The statistics collected by the CFJA show that there is no shortage of interested and highly qualified candidates for judicial positions. As of March 31, 2024, Judicial Advisory Committees across Canada had 1382 fully-assessed applications.⁸³ From April 1, 2020, to March 31, 2024, there were 271 appointments. Out of these 271 appointments, 169 individuals applied during this period and were appointed over the same period of time.⁸⁴ The remaining 102 applied outside of this period. Of these 169 appointments, 121 (*i.e.*, 71.6%) were highly recommended and 47 (*i.e.*, 27.8%) were recommended.⁸⁵

i) Majority of Candidates Come from Private Practice

60. The majority of judicial appointments continue to be from the private sector and there is no evidence that there is any difficulty in attracting high quality candidates from the private sector.

61. Based on the evidence heard by the Standing Senate Committee on Legal and Constitutional Affairs, the third criterion, “the need to attract outstanding candidates to the judiciary”, was prescribed when the *Judges Act* was amended in 1998.⁸⁶ This criterion was

⁸² *Judges Act*, [s. 41.2\(1\)](#) & [41.3\(1\)](#), **Joint Book of Documents, Tab 3.**

⁸³ Applications for Appointment, Statistics, provided by the Commissioner for Federal Judicial Affairs, April 1, 2020 to March 31, 2024 [**CFJA Applications for Appointments Statistics (2020-2024)**], **Joint Book of Documents, Tab 21.**

⁸⁴ CFJA Applications for Appointments Statistics (2020-2024), **Joint Book of Documents, Tab 21.**

⁸⁵ CFJA Applications for Appointments Statistics (2020-2024), **Joint Book of Documents, Tab 21.**

⁸⁶ Hansard November 6, 1998, p 1025, **Government’s Book of Documents, Tab 2**; Senate Committee October 22, 1998, p 37:20, **Government’s Book of Documents, Tab 3.**

intended to address recruitment — what was necessary in order to “attract” senior members of the Bar to judicial office.⁸⁷

62. The first Quadrennial Commission, the Drouin Commission, understood that s. 26(1.1) of the *Judges Act* expressly mandates consideration of this relationship with the private practice:

The criterion identified in subsection 26(1.1)(c), for example, is directed expressly to the issue of recruitment of suitable candidates for the Bench. Traditionally, most judges in Canada are appointed from the ranks of private legal practitioners. Accordingly, those factors constituting incentives or disincentives to the seeking of judicial office by private legal practitioners are relevant to recruitment of judicial candidates.⁸⁸

While these considerations related to the private sector are important, they were never intended to be determinative. As the Drouin Commission explained, “no segment of the legal profession has a monopoly on outstanding candidates.”⁸⁹

63. Between 2020 and 2024, of the 271 appointments to the judiciary, 50% were from private practice while the other half come from other sectors — such as, amongst others,

⁸⁷ Senate Committee September 30, 1998, pp 32:18-32:19, **Government’s Book of Documents, Tab 1.**

⁸⁸ Report of the First Quadrennial Judicial Compensation and Benefits Commission, dated May 31, 2000 [**Drouin Commission Report**], pp 23, 35–36, **Joint Book of Documents, Tab 9**; see also McLennan Commission Report, pp 31 & 41, **Joint Book of Documents, Tab 10.**

⁸⁹ Drouin Commission Report at p 36, **Joint Book of Documents, Tab 9.**

federal and provincial government lawyers, legal aid lawyers, regulatory practices, and academics.⁹⁰

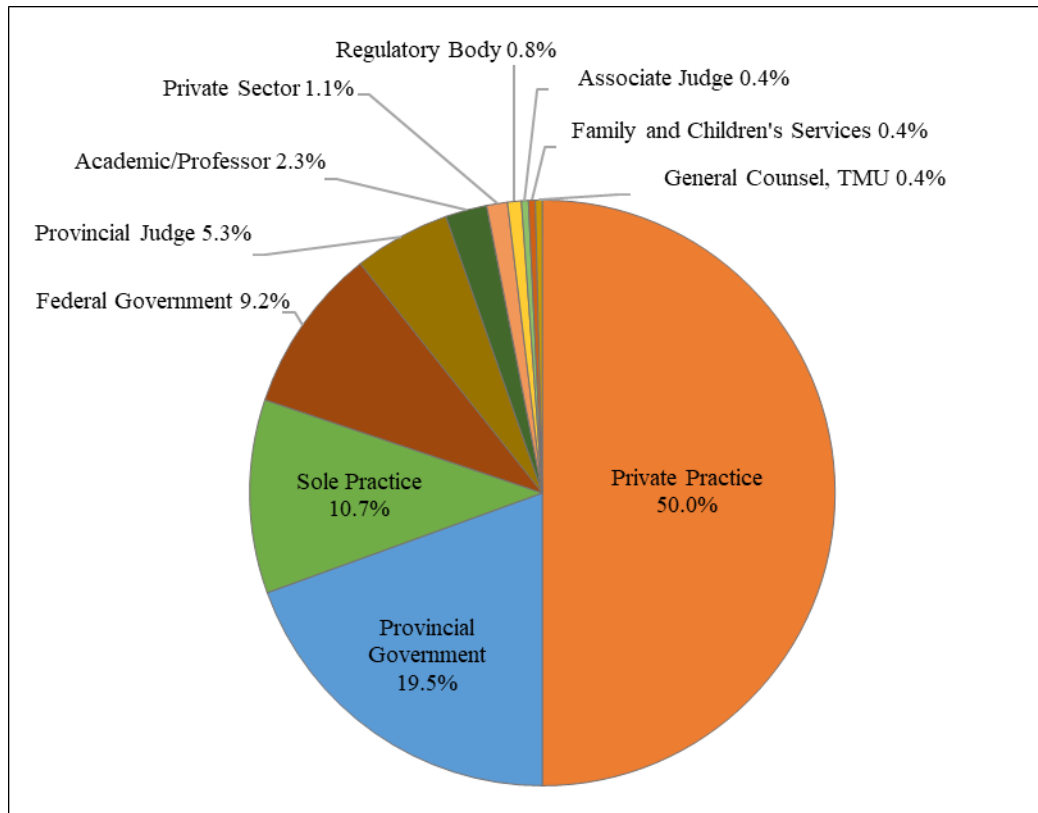


Figure 7: Previous Employment Status Before Appointment

ii) Attracting Candidates with Diverse Backgrounds

64. The increase in appointees from other sectors compared to the previous quadrennial cycle is not indicative of an inability to attract outstanding candidates from the private practice; rather, it reflects the growing diversity and expansion of the legal profession, and the type of roles and responsibilities members of the profession take on in their professional capacity.

65. As explained by the Turcotte Commission, factors affecting decisions as to who is appointed include those relating to diversity with respect to gender, language, minority

⁹⁰ Statistics from CFJA, Quad Appointments without Elevation (December 2024), Tab D (“Previous Employment”) [**Quad Appointments without Elevation (Dec 2024)**], **Joint Book of Documents, Tab 22(d)**.

representation, and sexual orientation, as well as questions of area of practice expertise and life experience, among others.⁹¹ In doing so, consideration is given to all legal experiences, including those outside of mainstream private practice.

66. Figure 8 demonstrates that, since the reforms to the judicial appointments process in 2016, there has been an increase in federally appointed judges that self-identify as Indigenous, racialized individuals, a member of an ethnic or cultural group, a person with disability, or a member the 2SLGBTQI+ community:

	Number of Judges	Indigenous Individual	Racialized Individual	Ethnic / Cultural Group or other	Individual w. Disability	2SLGBTQI+ Individual
Appointed pre-2016	647	5	16	44	2	1
Appointed post-2016	533	17	60	80	4	31

Figure 8: Data on Diversity of Judiciary as of February 1, 2024⁹²

67. The Government does not dispute the continuing need to attract outstanding candidates from the private practice, as emphasized by the Drouin Commission in 1998. But the reality is that the judicial appointment process has evolved considerably in the 26 years since that Commission's comments. These changes not only reflect the operational experience related to judicial appointments, but also the development of Canadian society and its values. In this context, Judicial Advisory Committees are now mandated with identifying outstanding jurists from a wide range of backgrounds and

⁹¹ Turcotte Commission Report, p 15, paras 99-100, **Joint Book of Documents, Tab 14.**

⁹² These statistics include judges appointed after 2016, who completed a questionnaire following reforms brought to the appointment process which included specific questions relating to diversity, and also those appointed before 2016, who completed a questionnaire which included a more general question regarding diversity. Following a detailed analysis carried out by the CFJA of the responses from each of those judges appointed before 2016, the information has been classified according to the categories established in the current questionnaire. See Office of the Commissioner for Federal Judicial Affairs Canada, *Demographic Statistics on Diversity in the Judiciary* (Ottawa: Judicial Affairs Canada, 1 February 2024), **Government's Book of Authority, Tab 7.**

practice areas with a view to having a judiciary that reflects the diversity of Canadian society.⁹³

C) Judicial Salary Compares Favourably to its Comparators

68. As in past Commissions, the Turcotte Commission looked primarily at public sector and private sector incomes (self-employed lawyers' income) when analyzing the adequacy of judicial salaries. However, as noted in the Rémillard Commission, there is no need to seek an exact point in the comparators at which judicial salaries should be set.⁹⁴ As that Commission observed, "there are no entirely accurate comparators" to the judiciary as no job is similar to that of a judge.⁹⁵ It is therefore useful to consider the income levels of the lawyers who are eligible for appointment to the bench from private practice, as well as outside the private sector.

69. Reference to the compensation levels of federal deputy ministers (in particular at the DM-3 level) has been a point of disagreement between the Government and the judiciary in the past. After reviewing the position of the Government and the judiciary on the issue, the Turcotte Commission held that the DM-3 salary remained the appropriate measure of comparison with judicial salaries.⁹⁶ This aligns with the conclusions of past commissions, including the Rémillard Commission, that the DM-3 compensation was still relevant for its long-term use, consistency and objectivity, but it was not to be applied in a formulaic manner. Specifically, that Commission noted that the DM group was not a

⁹³ Office of the Commissioner for Federal Judicial Affairs Canada, *Judicial Advisory Committees – Guidelines for Judicial Advisory Committee Members* (Guide) (Ottawa: Judicial Affairs Canada, October 2016), **Government's Book of Documents, Tab 8**; Department of Justice Canada, *News Release: Reforms to the Superior Courts Judicial Appointment Process* (Ottawa: Department of Justice, 20 Octobre 2016), **Government's Book of Documents, Tab 18**; see also Prime Minister, Minister of Justice and Attorney General of Canada Mandate Letter (Ottawa: Office of the Prime Minister, 16 December 2021), **Government's Book of Documents, Tab 14**.

⁹⁴ Rémillard Commission Report, p 23, para 82, **Joint Book of Documents, Tab 13**.

⁹⁵ Rémillard Commission Report, p 13, para 44, **Joint Book of Documents, Tab 13**.

⁹⁶ Turcotte Commission Report, p 23, para 149, **Joint Book of Documents, Tab 14**.

significant source of recruitment for the judiciary and the average compensation of a very small group such as the DM-3 group would not be a useful reference point.⁹⁷

70. DM-3 compensation, as noted by the Drouin Commission, is properly considered under the fourth criterion under s. 26(1.1)(d) – “any other objective criteria that the Commission considers relevant.”⁹⁸ Unlike the public and private sector comparators, DM-3 compensation is not itself a comparator in the same sense. As is fully explored below, although the Government does not take issue with the fact that DM-3 compensation is one factor among many to be considered by the Commission when examining the public sector comparator as a whole, DM-3 compensation is not determinative. Rather, the better approach is to consider public sector compensation trends, as well as other compensation levels for senior professionals in the economy as a whole, when looking for public sector comparators.

D) Salary Adequate to Attract Outstanding Private Sector Lawyers

71. The private sector employment income is an additional useful measure, in that it demonstrates that the judicial salary compares very favourably to the income levels of self-employed lawyers in private practice.

72. In 2023, the judicial salary of \$383,700 was higher than the net incomes of 77% of self-employed lawyers aged 35-69, without taking into consideration the judicial annuity.⁹⁹

⁹⁷ Rémillard Commission Report, p 15, para 52, **Joint Book of Documents, Tab 13.**

⁹⁸ Drouin Commission Report, pp 9 & 23, **Joint Book of Documents, Tab 9.**

⁹⁹ Statistics derived from CRA Self-Employed Lawyer Incomes 2023, **Joint Book of Documents, Tab 7.**

Judicial salaries have been consistently higher than the salaries of 75% of self-employed lawyers aged 35-69 since 2010, as shown Figure 9.

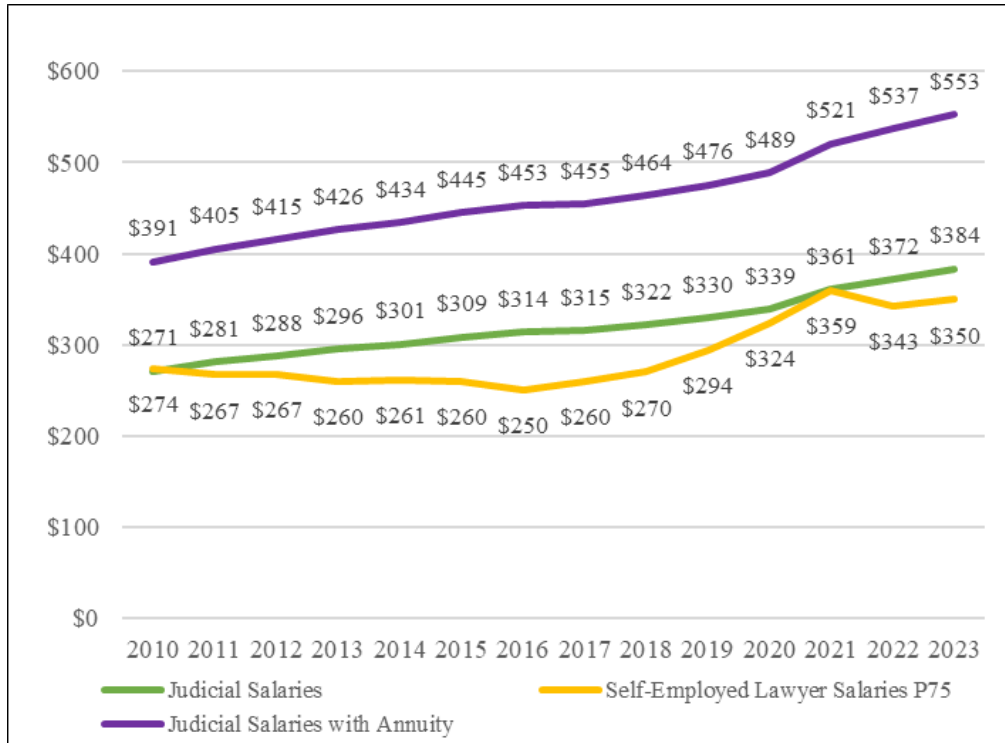


Figure 9: Judicial Salaries, Annuity and P75 Self Employed Lawyer Salaries (in Thousands)¹⁰⁰

73. In addition to salary, and as previously explained, the Government and judiciary agreed before the Turcotte Commission that the judicial annuity should be accounted for when evaluating the total compensation.¹⁰¹

74. The Eckler Report has assessed the age-weighted net value of the annuity and disability benefits at 44.1% of the judicial salary.¹⁰² When this value is included as part of judicial compensation and is age-weighted based on the age of appointees, it increases the

¹⁰⁰ All P75 values are derived from historic CRA Data used before the 2020 Judicial Compensation and Benefits Commission, except P75 from 2020-2023 (which were provided by CRA for this quadrennial period); Judicial salary statistics derived from Yearly Judicial Salaries Statistics 2000-2024, **Government’s Book of Documents, Tab 5.**

¹⁰¹ Turcotte Commission Report, p 28, para 184, **Joint Book of Documents, Tab 14.**

¹⁰² Eckler Report, pp 3, 13–14, **Government’s Book of Documents, Tab 4.**

2024 judicial total compensation to \$571,645,¹⁰³ which exceeded the net income of the 85th percentile of all self-employed lawyers in 2023.¹⁰⁴ This demonstrates that the judicial salary and overall compensation remain more than sufficient to attract and recruit high quality candidates from the private sector for judicial office. Although several factors play into the recruitment of candidates for judicial office, the present salary and overall compensation continue to be an inducement for private sector candidates to consider seeking judicial appointment.

75. That said, the Government agrees with the observation of previous commissions that determining the income data with which to make the appropriate salary comparison is challenging.¹⁰⁵ As noted by the Turcotte Commission, specific concerns arose in relation to (i.) the availability of information related to the compensation levels of appointees immediately prior to their appointment; (ii.) enduring disagreements between the participants regarding the use of the Canada Revenue Agency (“CRA”) data on income for self-employed lawyers and (iii.) the absence of data regarding professional law corporations. Many of these pre-existing concerns and disagreements persist while others have emerged as a result of the principal participants’ response to the Turcotte Commission’s recommendations. These concerns are addressed in the subsections below.

i) Concerns Regarding the Absence of Pre-Appointment Income Immediately Prior to Appointment

76. In its report, the Turcotte Commission recommended that the participants take steps to present statistical data for each province and territory regarding the compensation levels of appointees immediately prior to their appointment (pre-appointment data).¹⁰⁶ In the four years following the recommendation, the participants prepared a pre-appointment questionnaire that appointees could voluntarily complete to provide information on pre-appointment income. There were disagreements between the participants regarding the

¹⁰³ Eckler Report, p. 14, **Government’s Book of Documents, Tab 4**: The age-weighted average is \$571,371 and is comparable to the judges’ salary grossed up by the Net Value of the judicial annuity in the 48-51 age range, which is \$571,645.

¹⁰⁴ Eckler Report, p. 20, **Government’s Book of Documents, Tab 4**.

¹⁰⁵ Rémillard Commission Report, p 16, para 57, **Joint Book of Documents, Tab 13**.

¹⁰⁶ Turcotte Commission Report, p 50, **Joint Book of Documents, Tab 14**.

contents of the questionnaire which lengthened the process. A compromise was reached late in the last quadrennial period. The questionnaire has been provided to the CFJA to circulate amongst the judiciary. It is unknown whether any data has been collected thus far. Even if it had, it would be limited and likely would not provide sufficient information to assist in making any findings regarding pre-appointment income immediately prior to a judge's appointment to the judiciary.

ii) Concerns with the Analysis of the CRA Data

77. Similar to the last Commission process, the principal participants collaborated and worked with the CRA for the purpose of jointly submitting the CRA data. The data provides income information for self-employed lawyers who declared professional income when filing their income taxes for the 2020-2023 taxation years. While the principal participants have jointly requested and received this data, in the past, views differed on how to interpret the data, in particular on the use of filters in analyzing the data.

78. Before previous Commissions, the judiciary has advocated for the application of filters related to age, location, and low-income exclusions which result in a significant reduction in the size of the data set of self-employed lawyers. Historically, their position has been that the Commission should only consider the incomes of those self-employed lawyers (*a*) who are between ages 44-56; (*b*) who earn greater than \$80,000 (or, previously, \$60,000); (*c*) whose salary fall within the 75th percentile; and (*d*) who practice in Canada's top 10 CMAs.

79. It would be statistically and logically inaccurate to base the Commission's analysis and recommendations on the net income of so few self-employed lawyers. Figures 10 and 11 demonstrate how restrictive the comparative salary pool of self-employed lawyers would be if the factors historically proposed by the judiciary were applied. For the 2023 taxation year, applying these filters — which are all based on financial information, have no basis to the statutory criteria and are unrelated to the qualities that make an outstanding

candidate to the judiciary — reduces the target group of all self-employed lawyers in the CRA data set to only 21% or 2,400 out of the original 11,580.¹⁰⁷

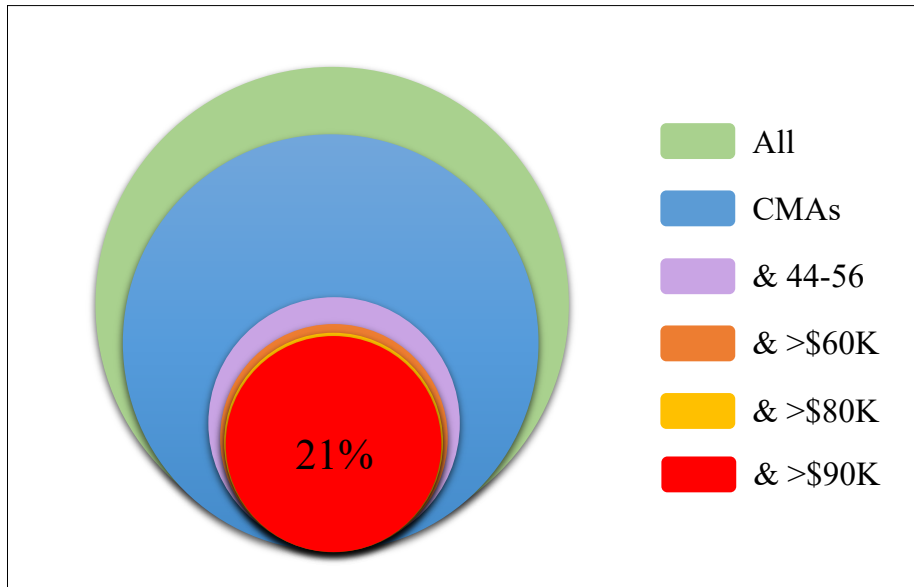


Figure 10: 2023 Self Employed Lawyers with Filters¹⁰⁸

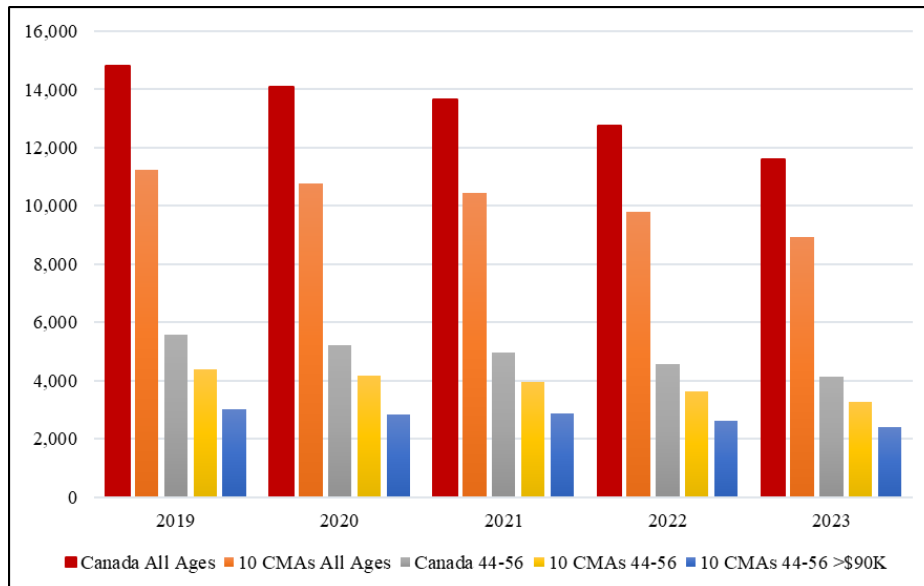


Figure 11: Number of Filters Applied to CRA Data¹⁰⁹

¹⁰⁷ CRA Self-Employed Lawyer Incomes All-60K-80K-90K, **Joint Book of Documents, Tab 17.**

¹⁰⁸ Percentage derived from CRA Self-Employed Lawyer Incomes All-60K-80K-90K, **Joint Book of Documents, Tab 17.**

¹⁰⁹ Percentage derived from CRA Self-Employed Lawyer Incomes All-60K-80K-90K, **Joint Book of Documents, Tab 17.**

80. The Government’s position on the aforementioned factors that the judiciary has advocated for in the past is outlined below. In considering this evidence, the Commission should be cognizant of the fact that this data set is a “rough proxy” for private sector lawyer income levels in that it only provides information related to income levels of a certain segment of private sector lawyers: self-employed lawyers who earned professional income. It does not provide information about those private sector lawyers whose main source of income is employment income, such as non-equity law firm partners, law firm associates or those lawyers who operate as professional corporations. Many of these individuals would be eligible for judicial appointment and could also make for outstanding judicial candidates.

a. Age of Appointment to the Judiciary

81. The Turcotte and Rémillard Commissions determined that focusing on the age group from which the majority of judges are appointed (ages 44-56) was a useful starting point for comparative purposes.¹¹⁰ However, as these Commissions pointed out, a significant portion of appointments fall on either side of this age grouping such that the incomes of self-employed lawyers outside this age band should also be considered.¹¹¹

82. The effect of excluding the data for individuals who are not in the 44-56 age band is increasing. If no other restrictions are applied, excluding lawyers outside the 44-56 age

¹¹⁰ Turcotte Commission Report, pp 25–26, para 168, **Joint Book of Documents, Tab 14**; Rémillard Commission Report, p 8, para 63, **Joint Book of Documents, Tab 13**.

¹¹¹ Turcotte Commission Report, pp 25-26, paras 168–169, **Joint Book of Documents, Tab 14**; Rémillard Commission Report, p 18, para 61, **Joint Book of Documents, Tab 13**.

band from the 2023 CRA data resulted in excluding 64% of all lawyers, a proportion that has grown steadily from 51% in 2006.¹¹²

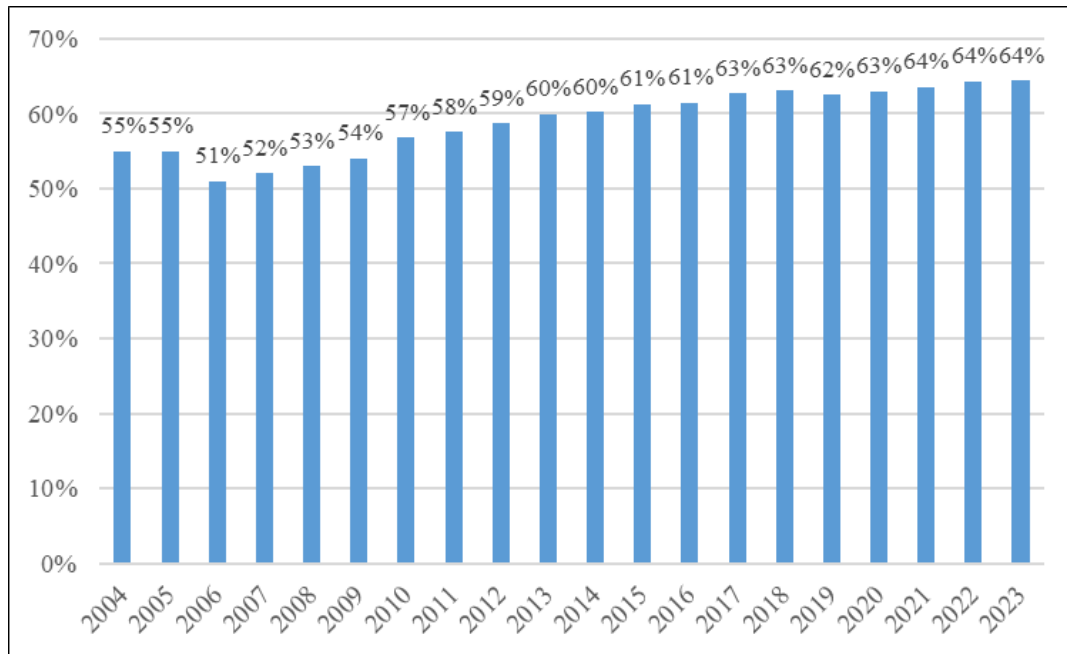


Figure 12: Proportion of Lawyers Outside of 44-56 Age Group¹¹³

83. The Turcotte Commission held that “an age-weighted approach would be more consistent with the recognition of greater diversity in the applicant pool and the Government’s commitment to ensuring that the judiciary reflect the society in which it operates.”¹¹⁴ Rather than wholly exclude incomes of those lawyers outside of the 44-56 age band, the Turcotte Commission determined that it was more appropriate to factor in a further refinement related to age by age-weighting.¹¹⁵ This approach factors in the reality that private sector incomes do vary with the lawyer’s age and judges are appointed to the bench at various ages.

84. Using the age-weighted data based on the relative number of judges outside the 44-56 age band, rather than simply excluding all ages other than the 44-56 age band — *i.e.*,

¹¹² CRA Self-Employed Lawyer Incomes All, **Joint Book of Documents, Tab 17.**

¹¹³ Percentage derived from CRA Self-Employed Lawyer Incomes All, **Joint Book of Documents, Tab 17.**

¹¹⁴ Turcotte Commission Report, p 26, para 169, **Joint Book of Documents, Tab 14.**

¹¹⁵ Turcotte Commission Report, p 26, para 169, **Joint Book of Documents, Tab 14.**

the approach adopted by the Turcotte Commission — is particularly fitting because it properly accounts for the younger and older appointees.

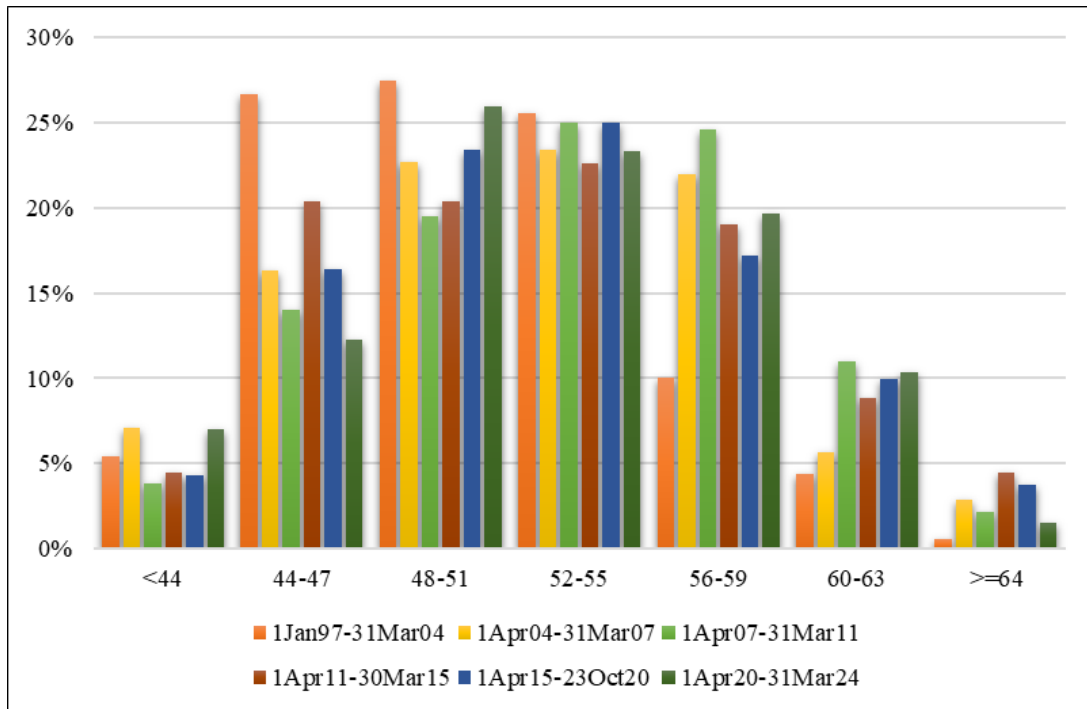


Figure 13: Age at Appointment by Quadrennial Period¹¹⁶

85. Age-weighting is also preferable over wholly excluding age bands because private sector lawyers' incomes decline after the median age of judicial appointment. More particularly, the data show that self-employed lawyers' incomes stagnate and/or decrease significantly after age 56. As illustrated below, this trend is particularly evident in Canada's major cities and at higher income brackets.¹¹⁷ On that basis, focussing on the average income of self-employed lawyers between the ages of 44-56 is not an accurate portrayal of the incomes they would actually be giving up in future years in accepting a judicial appointment. Judicial salaries, on the other hand, are constitutionally guaranteed and will not stagnate. Further, security of tenure guarantees that superior court judges remain in office until the age of 75 unless they choose to leave office earlier, or otherwise do not continue in their office. Lawyers in private practice have no such guarantees, which may make a judicial appointment all the more attractive.

¹¹⁶ Quad Appointments without Elevation (Dec 2024), **Joint Book of Documents, Tab 20.**

¹¹⁷ 2023 CRA Self-Employed Incomes (Age), **Joint Book of Documents, Tab 17.**

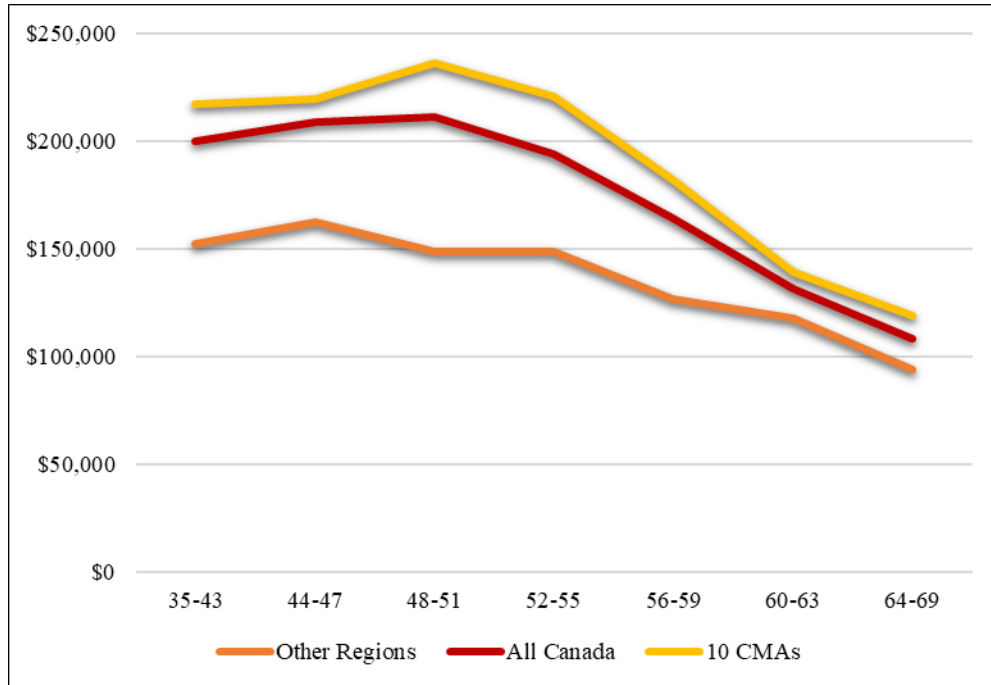


Figure 14: 2023 Median Net Incomes by Age - No Threshold Table¹¹⁸

86. In accordance with the Turcotte Commission’s methodology, the Eckler Report age-weighted private sector incomes based on the relative number of judges appointed at each age range.¹¹⁹ This approach provides a single point of income comparison for a private sector lawyer who is hypothetically considering accepting a judicial appointment.

b. Exclusion of Salary Ranges of Lower Income Self-Employed Lawyers

87. The Government has taken, and continues to take, the position that the exclusion of any income percentiles from the data set is not an acceptable practice in compensation benchmarking. The result of such exclusions is that percentile information is distorted by the compression of data that excludes salaries below a certain amount, which in turn further skews the salary distribution. As set out in the Eckler Report, “excluding salary levels is not a common or recommended practice in market benchmarking exercises.”¹²⁰

88. In the past Commission processes, the judiciary applied a \$60,000 income exclusion based on the rationale that income below that threshold reflects a lack of success

¹¹⁸ 2023 CRA Self-Employed Incomes (Age), **Joint Book of Documents, Tab 17.**

¹¹⁹ Eckler Report, pp. 13–14, **Government’s Book of Documents, Tab 4.**

¹²⁰ Eckler Report, pp. 17–18, **Government’s Book of Documents, Tab 4.**

or time commitment incommensurate with a judicial appointment.¹²¹ This practice ended in 2021, as the Turcotte Commission increased the low-income cut-off to \$80,000.¹²²

89. There is no objective basis for applying any salary exclusions to the data. The impact of using a salary exclusion is significant. When a \$80,000 income exclusion is applied to 2023 self-employed lawyer incomes, the 75th percentile of the resulting income distribution actually corresponds to about the 82nd percentile in the complete distribution. In the same way, the 75th percentile of an income distribution that excludes those under \$90,000 would correspond to about the 83rd percentile in the complete distribution.¹²³ The result of this would be a higher income for each percentile for self-employed lawyers which, when used as a comparative factor, would unduly and inaccurately suggest support for higher judicial compensation.

90. Excluding salaries — whether under \$60,000, \$80,000, \$90,000 or any number — does not reflect the realities of a modern judicial appointment process that values a judiciary with a diversity of experiences. While a majority of appointees continue to come from private practice, many are appointed on the basis of their legal experiences in positions that may not historically be associated with a higher remuneration.¹²⁴ The exclusion of salaries reinforces the outdated idea that judicial appointments are reserved for those with a higher salary or from large firm practice, or that higher salaries alone reflect sought-after judicial qualities, rather than focus on those who demonstrate the qualities of an outstanding candidate through their work experiences or specialisation in an area of the law, regardless of their financial status or the nature of the legal practice from which they come.

¹²¹ Turcotte Commission Report, p 25, para 162, **Joint Book of Documents, Tab 14.**

¹²² Turcotte Commission Report, p 25, para 164, **Joint Book of Documents, Tab 14.**

¹²³ Statistics derived from CRA Self-Employed Lawyer Incomes All-60K-80K-90K, **Joint Book of Documents, Tab 17.**

¹²⁴ IMK CFJA, Table I – Areas of Practice, **Joint Book of Documents, Tab 22.**

c. Judicial Salaries are Higher than the 75th Percentile

91. The Turcotte Commission found that in order to attract outstanding candidates to the judiciary, it was appropriate to look at the 75th percentile of private sector self-employed lawyer income. It held that this was consistent with the approach of past Commissions.¹²⁵

92. The Government remains of the view that the appropriate percentile of the private sector self employed lawyer income that the Commission should examine is the 50th percentile. In any event, if the Commission is inclined to consider the 75th percentile as the appropriate comparator group once again, it remains that the judicial salary is still significantly higher. In 2023, the 75th percentile of self-employed lawyers' income across Canada was \$349,625.¹²⁶ This was \$34,075 less than the 2023 judicial salary of \$383,700 — and \$203,670 less than the total judicial compensation. And, if adjusted for 2024, the judicial total compensation of \$572,041 would place it at approximately the 87th percentile of all the self-employed lawyers across Canada in 2023.¹²⁷

93. A comparison of the judicial salary and the 75th percentile of self-employed lawyers' incomes between 2002 and 2023 shows that while judicial salaries have continued to increase at a steady rate, self-employed lawyers' incomes have fluctuated, often decreasing over the course of several years (e.g., 2010-15). Thus, as shown in Figures 15 and 16 below,¹²⁸ the current judicial salary now far outpaces that of the 75th percentile of private sector lawyers.

Year	75th Percentile	<i>Puisne Judge Salaries</i>	<i>Puisne Judge Total Compensation</i>
2002	\$198,950	\$210,200	\$303,108
2003	\$207,429	\$216,600	\$312,337

¹²⁵ Turcotte Commission Report, p 26, paras 170-175, **Joint Book of Documents, Tab 14.**

¹²⁶ Eckler Report, p. 24, **Government's Book of Documents, Tab 4.**

¹²⁷ Statistics derived from CRA Self-Employed Lawyer Incomes All-60K-80K-90K, **Joint Book of Documents, Tab 17.**

¹²⁸ All P75 values in Figures 15 and 16 are derived from historic CRA Data used before the 2020 Judicial Compensation and Benefits Commission, except P75 from 2020-2023 (which were provided by CRA for this quadrennial period); Judicial salary statistics derived from Yearly Judicial Salaries Statistics 2000-2024, **Government's Book of Documents, Tab 5.**

2004	\$229,797	\$232,300	\$334,977
2005	\$233,932	\$237,400	\$342,331
2006	\$242,006	\$244,700	\$352,857
2007	\$257,762	\$252,000	\$363,384
2008	\$264,550	\$260,000	\$374,920
2009	\$266,210	\$267,200	\$385,302
2010	\$274,058	\$271,400	\$391,359
2011	\$266,843	\$281,100	\$405,346
2012	\$267,223	\$288,100	\$415,440
2013	\$260,088	\$295,500	\$426,111
2014	\$261,363	\$300,800	\$433,754
2015	\$260,000	\$308,600	\$445,001
2016	\$250,000	\$314,100	\$452,932
2017	\$260,000	\$315,300	\$454,663
2018	\$270,000	\$321,600	\$463,747
2019	\$293,880	\$329,900	\$475,716
2020	\$324,085	\$338,800	\$488,550
2021	\$359,210	\$361,100	\$520,706
2022	\$342,910	\$372,200	\$536,712
2023	\$349,625	\$383,700	\$553,295
2024	N/A	\$396,700	\$571,645

Figure 15: Net Self-Employed Lawyer Incomes

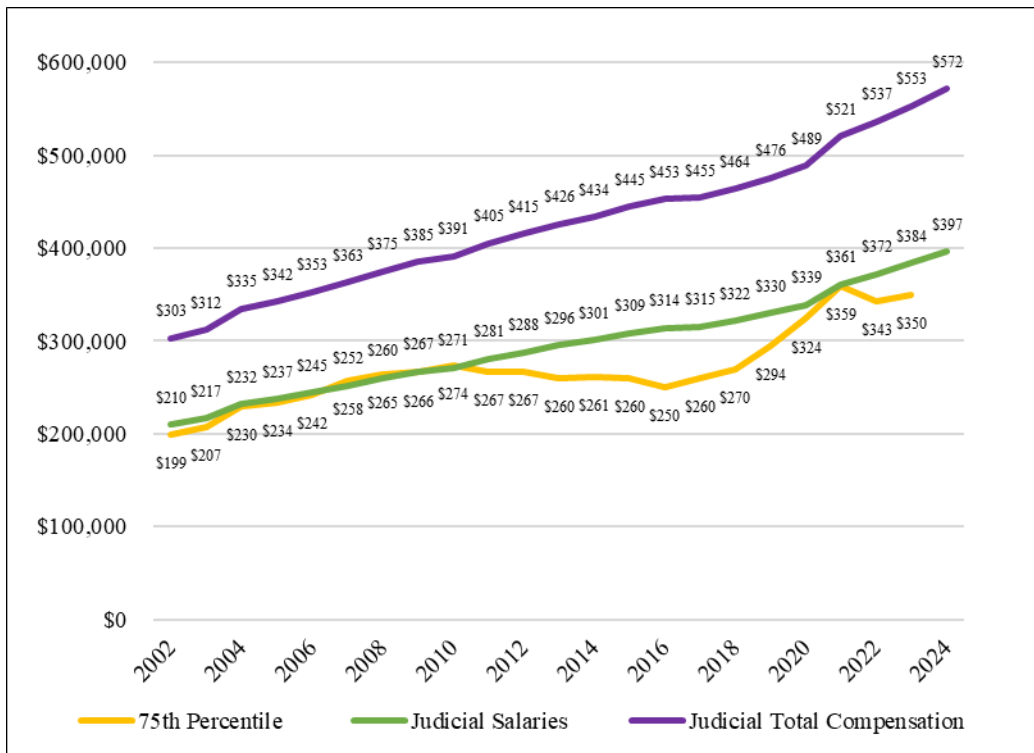


Figure 16: Self-Employed Lawyer Incomes & Judicial Salary (in Thousands)

d. Income Analysis of the Top 10 Census Metropolitan Areas Unhelpful

94. The Turcotte Commission looked at national average salaries when assessing the current level of judicial compensation. It viewed an “urban-only focus” as inconsistent with a national judiciary and was reluctant to use the top 10 Census Metropolitan Areas¹²⁹ (“CMAs”) data as proxy for high end professional corporation income data.¹³⁰

95. The Turcotte Commission’s approach echoes that of the Rémillard and Drouin Commissions:

- a. The Rémillard Commission looked primarily at national average salaries, stated that the top 10 CMA salaries should only have been seen as part of a broad review and determined that very little weight should be given to private sector lawyers’ salaries in the CMAs as opposed to salaries of private sector lawyers in the rest of the country.¹³¹
- b. The Drouin Commission concluded that it is not “responsible to suggest that the salary level of the Judiciary should be set so as to match the income of the highest earning lawyers in the largest urban centres in Canada.”¹³²

96. For use in the broad analysis to be conducted by this Commission, the Government offers the following information. In 2023, the judicial salary of \$383,700 places it approximately in the 77th percentile of CRA data nationally.¹³³ The 2023 judicial salary was higher than the 74th percentile in the top CMAs, except Toronto, where it was at the

¹²⁹ A Census Metropolitan Area is an area consisting of one or more neighbouring municipalities situated around a core. A CMA must have a total population of at least 100,000 of which 50,000 or more live in the core. See: Statistics Canada, *Standard Geographical Classification (SGC) 2016 – Volume I, The Classification*, (excerpts) (Ottawa: Statistics Canada, 1 November 2024), **Government’s Book of Documents, Tab 12.**

¹³⁰ Turcotte Commission Report, p 27, pp 178–181, **Joint Book of Documents, Tab 14.**

¹³¹ Rémillard Commission Report, p 20, paras 68, 70, **Joint Book of Documents, Tab 13.**

¹³² Drouin Commission Report, p 46, **Joint Book of Documents, Tab 9.**

¹³³ Statistics derived from CRA Self-Employed Lawyer Incomes All-60K-80K-90K, **Joint Book of Documents, Tab 17.**

70th percentile.¹³⁴ If the judicial annuity is added to the equation, the total compensation of \$553,295 in April 1, 2023, places it at approximately the 86th percentile of CRA data nationally and the 83rd percentile in the top CMAs, except Toronto, where it was at the 80th percentile.

97. Restricting the analysis to the CMAs ignores a significant portion of lawyers' incomes and does not accurately reflect the populations from which judges were actually drawn. Between April 1, 2020, and March 31, 2024, 35.5% of judicial appointees from the private sector bar were from outside the CMAs.¹³⁵

98. That approximately 65% of appointments from the private sector were drawn from CMAs supports the conclusion that current judicial salaries are sufficient to attract outstanding candidates, regardless of whether they are in an area with higher salaries. Filtering the data based on CMAs does not change this; it serves no purpose other than to artificially inflate the income levels.

99. In addition, the incomes of self-employed lawyers are considerably lower outside the CMAs. Thus focussing exclusively on lawyers' incomes in the CMAs rather than considering the income levels from across Canada artificially increases resulting incomes. Using the 2023 CRA data as an illustration:

- a. At the 60th percentile, the "All Canada" income is \$226,708 whereas in the top 10 CMAs, that income is \$252,350 — a difference of \$25,642 or 10%;
- b. At the 80th percentile, the "All Canada" income is \$419,563 whereas in the top 10 CMAs, that income is \$474,220 — a difference of \$54,657 or 13%;
and

¹³⁴ Statistics derived from CRA Self-Employed Lawyer Incomes All-60K-80K-90K, **Joint Book of Documents, Tab 17.**

¹³⁵ Quad Appointments without Elevation (Dec 2024), **Joint Book of Documents, Tab 20.**

- c. At the 90th percentile, the “All Canada” income is \$703,635 whereas in the top 10 CMAs, that income is \$794,270 — a difference of \$90,635 or 12%.¹³⁶

iii) Challenges with the Professional Law Corporations Data

100. As noted by the Turcotte Commission, an increasing number of lawyers in Canada have restructured their legal practices such that they operate as an incorporated entity.¹³⁷

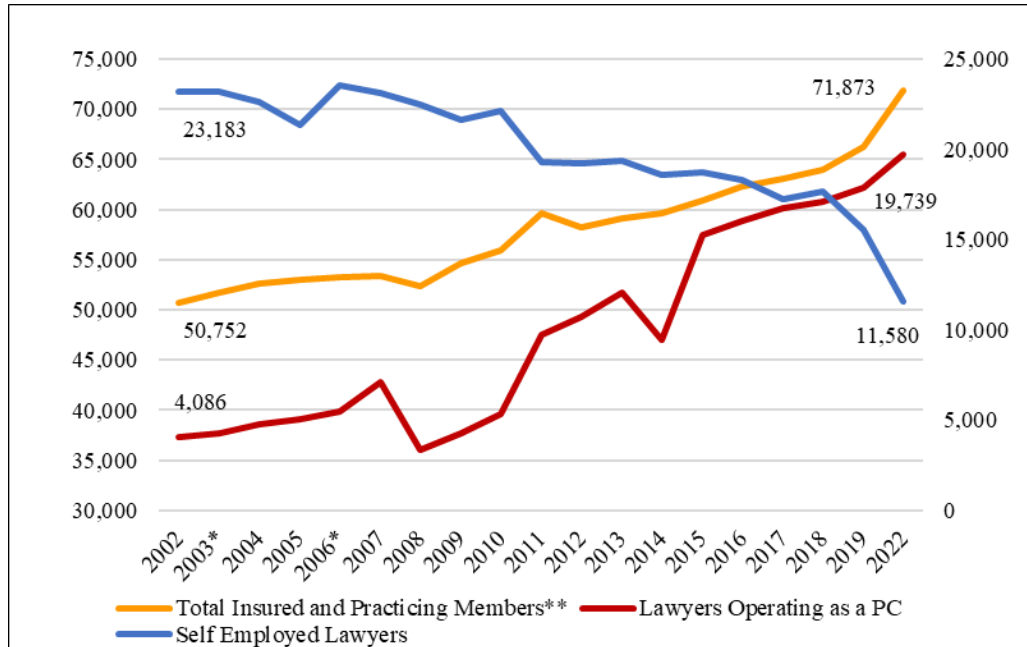


Figure 17: Number of Lawyers by Type¹³⁸

101. The information gathered by the CRA on self-employed lawyers does not capture and disclose data regarding the increasing number of lawyers that operate through professional law corporations (“PLCs”). As a consequence, the number of self-employed

¹³⁶ Eckler Report, p 22, **Government’s Book of Documents, Tab 4.**

¹³⁷ Turcotte Commission Report, p 6, para 33, **Joint Book of Documents, Tab 14.**

¹³⁸ Chart based on Federation of Law Societies of Canada, Federation Statistics Report (10 October 2023), **Joint Book of Documents, Tab 37** & Barreau du Québec, Rapport Annuel 2021-2022 (May 2022), **Joint Book of Documents, Tab 38.** *Data for these years were not included due to missing QC data. **Total insured and practicing members of the various Canadian law societies (excluding the Chambre des Notaires du Québec).

lawyers captured by the CRA data continues to decline even while the number of lawyers in Canada rises.¹³⁹

102. To account for this, the Turcotte Commission recommended that the principal participants work together to obtain and submit data for income of PLCs for the next quadrennial cycle.¹⁴⁰

103. Data for PLCs is a new comparator for federally appointed judges in response to the recommendation of the Turcotte Commission. While this data would seemingly account for the increased number of lawyers that report their income through a PLC, there are important limitations with this data that reduces its value to the current quadrennial cycle. Nevertheless, the data still supports that current judicial salaries are keeping pace with the income from the private sector — whether it is reported as income from a self-employed lawyer or through a PLC.

104. Time constraints, data quality issues and privacy concerns resulted in the CRA being unable to provide a detailed sample of individual lawyers who practice law through a PLC. Without access to information at the individual level, it is difficult to extract anything of substance from the CRA PLC data.¹⁴¹

105. The CRA PLC data provides insight on income from partnerships, but this data is heavily skewed by the highest earners. This is clearest when comparing the income means and medians. For example, in 2022, there was a difference of \$228,200 between the income mean (\$694,200) and income median (\$466,000) for PLC partners in Canada.¹⁴² This gap is widened even further when applying a low income cut off of \$90,000, as the income mean becomes \$818,865 while the income median becomes \$554,000.¹⁴³

¹³⁹ This does not capture the possibility that a lawyer may structure their operations as both a self-employed lawyer and a professional corporation.

¹⁴⁰ Turcotte Commission Report, p 53, recommendations 8(1)–(2), **Joint Book of Documents, Tab 13.**

¹⁴¹ Eckler Report, p. 42, **Government’s Book of Documents, Tab 4.**

¹⁴² Eckler Report, p. 43, **Government’s Book of Documents, Tab 4.**

¹⁴³ CRA PLC Data 2019-2022, **Joint Book of Documents, Tab 18.**

106. Statistics Canada's PLC data tells a similar story. The Statistics Canada's PLC data provides information on the income of two types of partnerships: individuals and corporations. Only active PLCs are used to produce the summary statistics, which means that the data does not include PLCs that are bankrupt or whose operations have ceased. Once again, there is significant divergence between the income mean and median for partnerships. For example,

- a. The 75th percentile of income for individual partners in 2022 was \$496,000 while the income median was \$275,000 — a difference of \$221,000 or 44.6%.¹⁴⁴
- b. The 75th percentile of income for corporation partners in 2022 was \$815,000 while the income median was \$441,000 — a difference of \$374,000 or 45.9%.¹⁴⁵

107. In any event, and as shown in Figure 18, judicial salaries between 2018 and 2022 have consistently kept pace with the net income of individual partners. When the judicial annuity is included into the calculations, the judicial compensation was either on par with

¹⁴⁴ Eckler Report, p. 38, **Government's Book of Documents, Tab 4.**

¹⁴⁵ Eckler Report, p. 40, **Government's Book of Documents, Tab 4.**

or well above the net income of the 75th percentile. In 2022, the total compensation exceeded the net income of the 75th percentile of individual partners by over \$40,000.

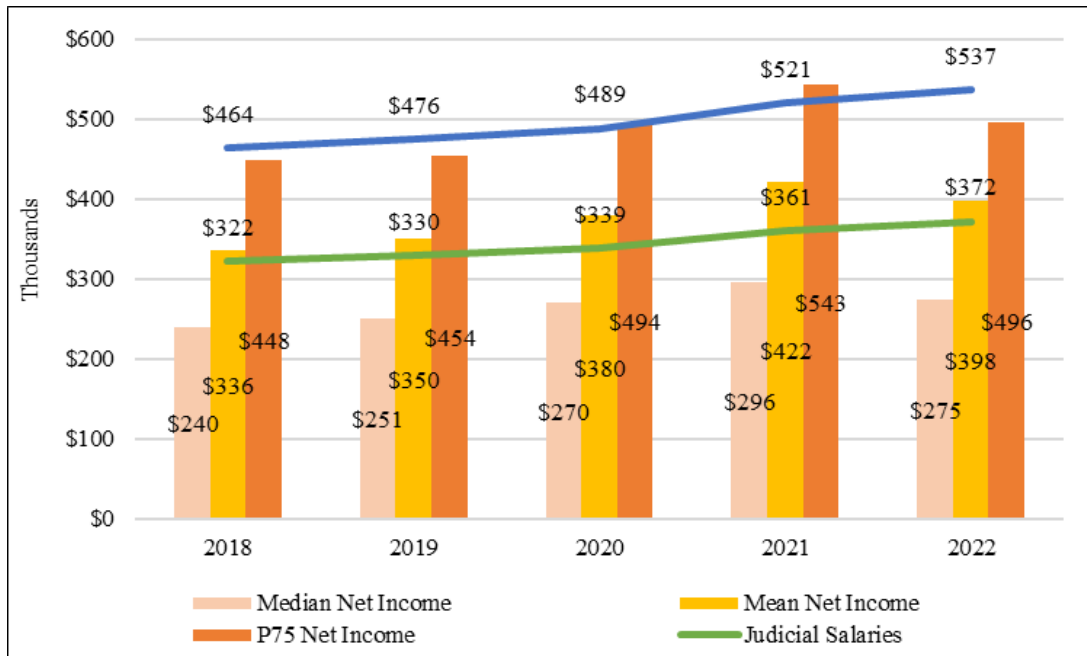


Figure 18: Statistics Canada PLC Individual Partnerships and Judicial Salaries (in Thousands)¹⁴⁶

108. The Statistics Canada PLC data also provides information regarding PLC owners. Like the partnership data, there is a significant discrepancy between the income mean and median. The 75th percentile of income for PLC owners in the 47-54 age group in 2021 was \$420,000 while the income median was \$161,000 — a difference of \$259,000 or 61.7%.¹⁴⁷

109. That is not to say that there is no reliable information to be extracted from the PLC data. The Statistics Canada PLC data also provides insight on dividends received by PLC owners where applicable. This is a more realistic comparator for the total compensation of judicial salaries (including the 44.1% judicial annuity). As explained in the Eckler Report, the approximate average income including dividends for PLC owners who reported receiving dividends in the 47-54 age group was \$456,442.¹⁴⁸ The total compensation in

¹⁴⁶ Statistics Canada PLC Data Tables 2018-2022, **Joint Book of Documents, Tab 19.**

¹⁴⁷ Eckler Report, p 35, **Government's Book of Documents, Tab 4.**

¹⁴⁸ Eckler Report, p. 41, **Government's Book of Documents, Tab 4.**

2021 for federally appointed judges at the average age of 51.95¹⁴⁹ was \$520,345.¹⁵⁰ This is 14.1% higher than the approximate average income including dividends for PLC owners. For context, the total compensation of \$571,645 in 2024 is 25.3% higher than the approximate average income including dividends for PLC owners in 2021.¹⁵¹

E) Salary Adequate to Attract Outstanding Candidates from Other Sectors

110. The Canadian judiciary must continue to be drawn from a broad background, in addition to private sector lawyers. As the Block Commission recognized, “it is important that there be a mix of appointees from private and public practice.”¹⁵²

111. In the last four years, 50% of judges were appointed from sources other than private practice.¹⁵³ This included provincial government, sole practice, federal government, law professors, regulatory bodies, legal aid lawyers and judges from other courts.¹⁵⁴

112. The current judicial salary of \$396,700 exceeds the salary levels of all those positions. Within the federal government, the highest paid rank in the Law Practitioner Group is LP5 (Senior General Counsel) with rates of pay ranging from \$201,462 to a maximum of \$246,483, with maximum at-risk pay of 10%.¹⁵⁵

113. The current judicial salary also compares favourably to Government Agency Appointees (GC-09, GC-10, GCQ-09 and GCQ-10), as it exceeds the salary range of all

¹⁴⁹ There is data that suggests that the average age is 52, which would increase the percentage of the annuity to 45.3% and increase the age-weighted total compensation of *puisse* judges. See CFJA, Appointment Demographics, **Joint Book of Documents, Tab 22.**

¹⁵⁰ Yearly Judicial Salaries Statistics 2000-2024, **Government’s Book of Documents, Tab 5.**

¹⁵¹ Eckler Report, p. 41, **Government’s Book of Documents, Tab 4.**

¹⁵² Block Commission Report, p 37, para 116, **Joint Book of Documents, Tab 11.**

¹⁵³ Quad Appointments without Elevation (Dec 2024), **Joint Book of Documents, Tab 20.**

¹⁵⁴ Quad Appointments without Elevation (Dec 2024), **Joint Book of Documents, Tab 20.**

¹⁵⁵ Law Practitioner Collective Agreement (LP), **Government’s Book of Documents, Tab 15.**

these positions, except for GCQ-10.¹⁵⁶ However, it is expected that IAI indexing will close the gap between judicial salary and the GCQ-10 salary in the next quadrennial cycle.

114. The judicial salary is equally significantly higher than the most senior law positions in provincial governments. The maximum rate of pay of the top-ranking Ontario provincial government lawyer is \$257,464.¹⁵⁷ In British Columbia, the highest-paid lawyers (Crown Counsel) earn a maximum salary of \$251,188.¹⁵⁸

115. The current judicial salary also exceeds the range of law professors and law school deans in Canada. In particular, the judicial salary in 2024 exceeds the 75th percentile of the compensation received by law school deans in 2023, which is equal to \$297,420.¹⁵⁹ The judicial salary in 2024 also exceeds the 75th percentile of law school professors, *i.e.*, \$246,655, by 33.4%.¹⁶⁰

4) Fourth Criterion: No Other Objective Criteria that the Commission Considers Relevant Justify Increasing Judicial Salaries Beyond the Indexing of the IAI

A) Benchmarking to DM-3 Should not be Applied in a Formulaic Manner

116. The Turcotte Commission commented on the long-standing discussion concerning the appropriateness and adequacy of comparing the salaries of federal deputy ministers at the DM-3 level with that of the judiciary. That Commission embraced the Block Comparator as “the appropriate measure of comparison with judicial salaries” and rejected the judiciary’s call to adjust the Block Comparator to the total average compensation of DM-3s.¹⁶¹ As the Turcotte Commission explained:

We believe that we should be reluctant to change the fundamentals of a comparator that has been used for 46 years and that has been used in its current form (*i.e.*, with an at-risk pay factor) for many years, particularly

¹⁵⁶ Eckler Report, pp 32–34, **Government’s Book of Documents, Tab 4.**

¹⁵⁷ Eckler Report, pp 32, **Government’s Book of Documents, Tab 4.**

¹⁵⁸ Eckler Report, pp 32, **Government’s Book of Documents, Tab 4.**

¹⁵⁹ Eckler Report, pp 45–46, **Government’s Book of Documents, Tab 4.**

¹⁶⁰ Eckler Report, pp 45–46, **Government’s Book of Documents, Tab 4.**

¹⁶¹ Turcotte Commission Report, p 23, para 149, **Joint Book of Documents, Tab 14.**

when it, along with the IAI indexing, have served to keep judicial salaries in pace with salaries in both the public and industry sectors.¹⁶²

117. This conclusion is consistent with the findings of other past commissions, who have consistently embraced the Block Comparator or rejected the judiciary's call to modify it:

- a. The Rémillard Commission dismissed the contention that the Block Comparator should be abandoned in favour of a comparator equal to the total average compensation for DM-3s, because the DM-3 group is very small (only 11 in 2019-20)¹⁶³ and moving to a comparator with such a small group would not meet the criteria of an objective comparison. As that Commission concluded, moving to the total average compensation would not provide a consistent reflection of the year over year changes in compensation for DM-3s.¹⁶⁴
- b. The McLennan Commission recognized the inherent dangers of simply linking the judicial salary to another group. It held that it would be “counter-productive to fix judicial salaries as having a pre-determined relationship to other salaries” because these considerations represent “dynamics at work in our society and they change constantly”. The McLennan Commission held that the proper approach “was to consider these and other factors in light of the most current information” and, were it otherwise, that “there would be no need to address this subject every four years, as contemplated by the *Judges Act*.”¹⁶⁵ Ultimately, the Commission determined that there was no “mandate in the statute or in logic to maintain” rough equivalence with any comparator.¹⁶⁶

¹⁶² Turcotte Commission Report, p 22, para 147, **Joint Book of Documents, Tab 14.**

¹⁶³ Statistics derived from data provided by the Privy Council Office, “DM Average Salary Mid-Point and Counts”, **Joint Book of Documents, Tab 33.**

¹⁶⁴ Rémillard Commission Report, p 14, paras 49-50, **Joint Book of Documents, Tab 13.**

¹⁶⁵ McLennan Commission Report, p 8, **Joint Book of Documents, Tab 10.** See also: Drouin Commission Report, p 22, **Joint Book of Documents, Tab 9**; Senate Committee September 30, 1998, pp 32:16- 32:17, **Government's Book of Documents, Tab 1.**

¹⁶⁶ McLennan Commission Report, p 49, **Joint Book of Documents, Tab 10.**

- c. The Block Commission was the first to focus on identifying a “single consistent benchmark” within the public sector against which the judicial salary could be compared.¹⁶⁷ That Commission’s salary recommendation was entirely founded on “what compensation increase is required, then, to bring the salary of *puisne* judges to rough equivalence with the DM-3 salary range mid-point plus one-half of maximum performance pay?”¹⁶⁸
- d. The Levitt Commission focussed exclusively on the DM-3 group, finding that while it was not “ideal”, it was the “best choice.”¹⁶⁹ It rationalized the benchmark on the basis that judicial candidates needed “certainty” about future remuneration.¹⁷⁰

i) Formulaic Linkage Inconsistent with Commission Mandate

118. The Rémillard Commission’s finding against a formulaic adoption of the DM-3 Comparator is supported by the fact that had Parliament intended that Commissions simply measure the adequacy of judicial salaries against a single, formulaic benchmark, it would have specifically provided for that in the *Judges Act*. Instead, Parliament prescribed certain criteria to guide Commissions in their inquiry.

119. Parliament included a “catch-all” or residual provision which contemplates the consideration of other objective and relevant criteria, in addition to the three enumerated ones:

If we are to allow the commission the capacity to do its work, then it must be able to consider other criteria, but in an objective manner. In other words, it must consider criteria that are justified, ones that are measured on objective grounds, that is why the word “objective” is so important.¹⁷¹

¹⁶⁷ Block Commission Report, p 32, para 103, **Joint Book of Documents, Tab 11.**

¹⁶⁸ Block Commission Report, p 38, para 120, **Joint Book of Documents, Tab 11.**

¹⁶⁹ Levitt Commission Report, p 9, para 27, **Joint Book of Documents, Tab 12.**

¹⁷⁰ Levitt Commission Report, p 11, para 30, **Joint Book of Documents, Tab 12.**

¹⁷¹ Senate Committee October 22, 1998, p 37:21, **Government’s Book of Documents, Tab 3.**

ii) Comparability Issues Remain and Should be Considered

120. As the Rémillard Commission also pointed out, benchmarks must be objective, relevant and justified.¹⁷² To ensure that the linkage to the DM-3 group is appropriate and not formulaic, the following comparability issues must still be kept in mind: (a) the small size of the DM-3 group, (b) differences in tenure between the respective positions and (c) differences in considerations concerning DM-3 compensation.

a. Small Sample Size

121. In 2023-24 there were only 13 DM-3s compared to 1195 judges.¹⁷³ The McLennan Commission did not restrict its inquiry to DM-3s based, in part, on this factor — “a very small sample upon which to base the remuneration of more than 1,100 federally appointed judges.”¹⁷⁴

122. In fact, the size of the DM-3 group fluctuates. In the past 5 years, there have been anywhere from 11 to 14 individuals at the DM-3 level at any given time.¹⁷⁵ This fluctuation is due to the fact that the deputy minister level is not tied to the position, but rather the individual. That is, one individual in a position could be appointed at the DM-3 level and the next day a new appointee could be appointed at a different level (e.g., DM-2).

b. No Security of Tenure

123. The fact that deputy ministers do not have the security of tenure accorded to judges is also a relevant consideration.¹⁷⁶ Deputy ministers serve at the pleasure of the Governor in Council and, as such, are demonstrably at risk of losing their position. On the other hand, pursuant to s. 99 of the *Constitution Act, 1867*, judges cease to hold office only if they

¹⁷² Rémillard Commission Report, p 14, para 49-50, **Joint Book of Documents, Tab 13.**

¹⁷³ DM Average Salary Mid-Point and Counts, **Joint Book of Documents, Tab 33.** See also Office of the Commissioner for Federal Judicial Affairs Canada, Number of Federally Appointed Judges as of December 1, 2024, **Government’s Book of Documents, Tab 7.**

¹⁷⁴ McLennan Commission Report, p 28, **Joint Book of Documents, Tab 10.**

¹⁷⁵ DM Average Salary Mid-Point and Counts, **Joint Book of Documents, Tab 33.**

¹⁷⁶ McLennan Commission Report, p 28, **Joint Book of Documents, Tab 10**

attain the age of 75 or are removed from office by the Governor General on address of the Senate and the House of Commons.

124. Among the 13 senior DMs who retired between January 2020 and April 2024, tenure ranged from 1.5 to 11.8 years around a median of 4.2 years.¹⁷⁷ In contrast, the tenure of the 278 judges who retired between January 2020 and April 2024 ranged from 0.03¹⁷⁸ to 36.7 years around a median of 20.6. Figure 19 illustrates the significant differences in tenure between the DM-3 and DM-4 groups combined and the judiciary, from 2020-2024.

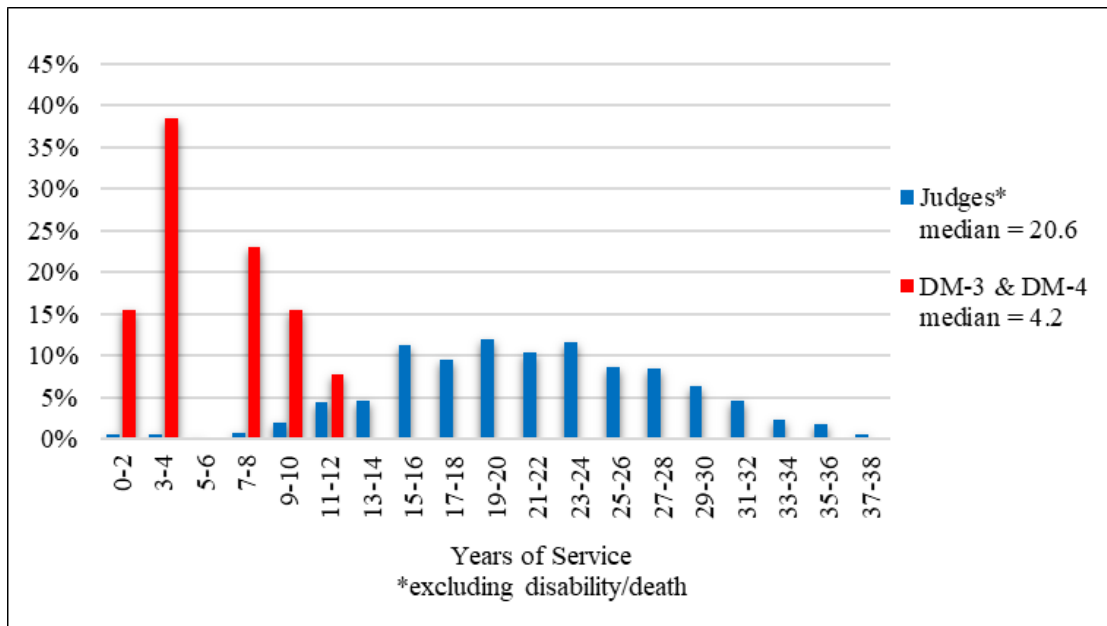


Figure 19: Comparative Tenure (2020-2024)

¹⁷⁷ Statistics derived from Privy Council Office, Quad Comm 2024 - DM Tenure [PCO DM Tenure], Joint Book of Documents, Tab 32.

¹⁷⁸ One individual was in office for a total of 12 sitting days before resigning due to personal reasons.

125. The data from January 2000 to December 2019 showed a similar pattern: the maximum senior DM tenure was 12.4 years with a median of 4.4 years while the judges' tenure was 37.5 years with a median of 21.5 years.

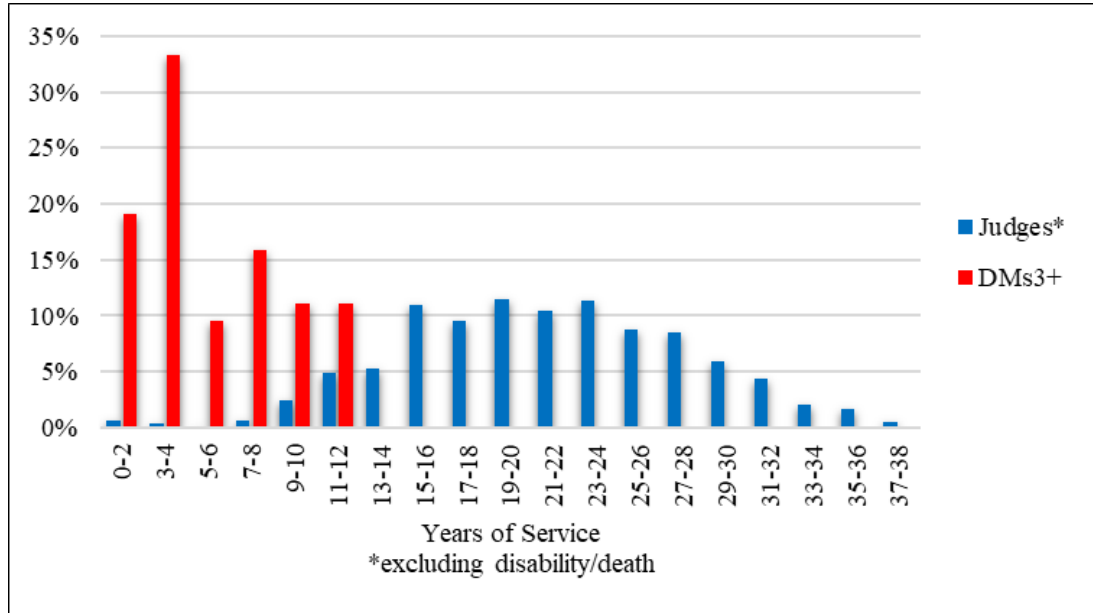


Figure 20: Comparative Tenure (2000-2019)¹⁷⁹

c. Significant Differences in Compensation Measures

126. There are two additional significant differences in compensation measures that argue against formulaic benchmarking with the DM-3 group. First, an individual who occupies a DM position is paid at a certain level based on a combination of the individual's skills and experience and the duties to be performed. The DM salary plan is more akin to an appointment to level, rather than to a position. Because DM compensation is so highly individualized, a newly appointed deputy minister could be paid less or more than the individual who occupied the position immediately before, depending on his/her seniority and skills, and the complexity of the Government's agenda. This system of determining

¹⁷⁹ Statistics for judges median in Figure 19 and 20 derived from Anonymized Data Re: Appointment, Supernumerary Status and Retirement (1933 to 2024), **Government's Book of Documents, Tab 6**. Statistics for DM-3 and DM-4 in Figure 19 and 20 derived from PCO DM Tenure, **Joint Book of Documents, Tab 32**.

compensation individually and based on personal achievements is not appropriate in the context of judicial compensation.

127. Second, since 1998, deputy ministers have been eligible to receive “performance pay” measured against agreed targets and the achievement of business plans. Performance pay has two elements: a potential variable amount (at-risk pay) which is re-assessed each year and a potential bonus for performance that surpasses expectations.¹⁸⁰ A deputy minister's performance, which aligns with associated performance pay, is measured against the achievement of individual commitments which are composed of policy and program results in support of the Government’s agenda, management results, leadership results and corporate results in support of a priority identified by the Clerk of the Privy Council.¹⁸¹

128. The at-risk pay is determined according to the performance assessment of the individuals in those positions in a given year. From year to year, the same person’s cash compensation will fluctuate. This component of DM-3 total compensation cannot be replicated in the judicial compensation context, in which performance assessments would be inappropriate.

B) Judicial Salaries Compare Favourably to Deputy Minister Salaries

129. Assuming the mid-point salary and one-half of maximum performance pay is used, the judicial salary compares very favourably to the DM level. As of April 1, 2024, the judicial salary is \$449 lower than the DM-3 level and \$59,073 lower than the current DM-4 level.¹⁸² The DM-4 comparison is truly striking given that this level is “reserved for exceptional circumstances and positions of particularly large scope.”¹⁸³ In 2023-2024,

¹⁸⁰ Privy Council Office, *Performance Management Program Guidelines for Deputy Ministers, Associate Deputy Ministers and Individuals Paid in the GX Salary Range*, updated August 2024 (Ottawa: Government of Canada, 3 September 2024) [**Performance Management Guidelines for DMs**], **Government’s Book of Documents, Tab 13**

¹⁸¹ Performance Management Guidelines for DMs, **Government’s Book of Documents, Tab 13.**

¹⁸² Eckler Report, pp 27–28, **Government’s Book of Documents, Tab 4.**

¹⁸³ Block Commission Report, p 33, para 105, **Joint Book of Documents, Tab 11.**

there are only four individuals appointed to the DM-4 level, including the Clerk of the Privy Council, who is the head of the public service.¹⁸⁴

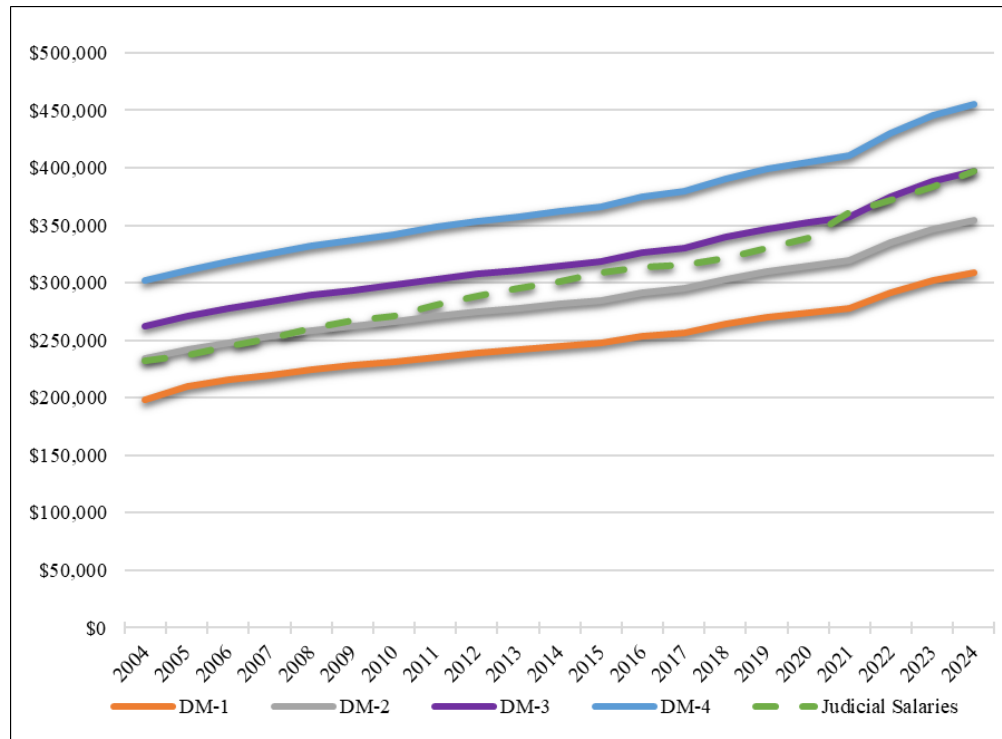


Figure 21: DM Mid-point Salaries plus Half of Maximum At-Risk Pay¹⁸⁵

5) Conclusion on Adequacy of Judicial Compensation

130. Consideration of the prescribed statutory criteria demonstrates that the current level of judicial compensation is entirely adequate to maintain judicial independence. The salaries of judges need only be increased annually based on IAI until the next quadrennial cycle. A cumulative increase of 14% over the judicial salary at the end of the last quadrennial cycle is fully in line with the historic rate of IAI increase of approximately

¹⁸⁴ DM Average Salary Mid-Point and Counts, **Joint Book of Documents, Tab 33.**

¹⁸⁵ Salary ranges for judiciary derived from historic CRA Data used before the 2020 Judicial Compensation and Benefits Commission, except P75 from 2020-2023 (which were provided by CRA for this quadrennial period); Judicial salary statistics derived from Yearly Judicial Salaries Statistics 2000-2024, **Government's Book of Documents, Tab 5.** Salary ranges for DMs derived from DM Average Salary Mid-Point and Counts, **Joint Book of Documents, Tab 33.**

2.73% per year, a rate of increase that has been recognized as sufficient to ensure judicial independence over time.

III. ANALYSIS OF THE ADEQUACY OF ASSOCIATE JUDGES' COMPENSATION

131. The associate judges' current compensation arrangements are fully adequate. They receive 80% of the salary of a *puisne* judge of the Court to which they are appointed with yearly increases due to the indexing based on the IAI. Judicial independence does not mandate that the percentage of the Federal Court judge's salary that associate judges receive be increased further.

132. The statutory criteria do not support an increase to the current salary of associate judges beyond the IAI indexing. The same reasons that underlie the Government's position on judicial salaries apply to associate judges' salary.

133. Firstly, the prevailing economic conditions in Canada — characterized by geopolitical volatility and uncertainty as well as Canadian's struggles with inflation and the high cost of living — call for restraint in adjusting salaries beyond the IAI indexing. It also calls for a 14% ceiling to ensure stability in the face of this economic uncertainty.

134. Secondly, there is no basis to conclude that the associate judges' current salary presents a risk to financial security to the point of eroding judicial independence.¹⁸⁶

135. The current salary of associate judges is \$317,300 (projected to be \$330,000 as of April 1, 2025). In addition, associate judges are entitled to an annuity calculated in the same manner as the judicial annuity — that is two-thirds of their salary at the time of retirement. The judicial annuity and disability benefit, which is valued at 44.1%, increases their age-weighted average total compensation to approximately \$457,229. With a 4% increase projected for 2025 based on IAI, an associate judge's total compensation will increase to \$475,530.

¹⁸⁶ *Judges Act*, [s. 10.1](#), **Joint Book of Documents, Tab 3.**

136. If eligible, an associate judge who retired in 2024 will receive an annual annuity of \$211,533 for the remainder of their life.¹⁸⁷ The annuity would increase annually in accordance with CPI. When they pass away, their surviving spouse will receive one-half of that amount for the remainder of the survivor's life.¹⁸⁸ This survivor's benefit is also indexed to CPI.

137. It must be recalled that the Special Advisor on Federal Court Prothonotaries (as they were then known) undertook a comprehensive review of associate judges' compensation in 2013.¹⁸⁹ The Government considered the Special Advisor's Report and issued a response in 2014.¹⁹⁰ Parliament then amended the *Judges Act*, significantly increasing the associate judges' compensation. Their salary was increased by 10% from \$198,700 to \$218,900 retroactive to April 1, 2012, and the associate judges became entitled to an annuity under the *Judges Act* effective January 1, 2015.¹⁹¹

138. In 2016, following the recommendations of the Rémillard Commission, the associate judges received another increase, this time to the current level of 80% of the judicial salary.¹⁹² In addition to their compensation and annuity, associate judges are entitled to the same extensive benefits plan accorded to the judiciary. Such benefits include:

- a. basic life insurance, supplementary life insurance, post-retirement insurance and dependents' life insurance;
- b. accidental death and dismemberment insurance;
- c. health care plan; and

¹⁸⁷ *Judges Act*, [s. 42\(1\)](#), **Joint Book of Documents, Tab 3.**

¹⁸⁸ *Judges Act*, [s. 44\(2\)](#), **Joint Book of Documents, Tab 3.**

¹⁸⁹ Report by the Special Advisor on Federal Court Prothonotaries' Compensation, July 31, 2013 [**Cunningham Report**], **Joint Book of Documents, Tab 16.**

¹⁹⁰ Response of the Minister of Justice to the Report of the Special Advisor on Federal Court Prothonotaries' Compensation, February 27, 2014, **Joint Book of Documents, Tab 16(a)**

¹⁹¹ *Judges Act*, [ss 2.1, 10.1, 42–43](#), **Joint Book of Documents, 3**

¹⁹² Response of the Government of Canada to the Report of the 2015 Judicial Compensation and Benefits Commission, November 30, 2016, **Joint Book of Documents, Tab 13(a).**

d. dental care plan.¹⁹³

139. The recommendations of the Turcotte Commission did not result in any changes to the associate judges' salaries, but the value of the associate judges' incidental expenditures was increased to the same maximum as that of a Federal Court judge.¹⁹⁴

140. In 2022, there were amendments to the *Judges Act* that led to the creation of a supernumerary program for federally appointed associate judges. Associate judges can now elect supernumerary status if they have served 15 years in judicial office and their combined age and number of years in office is not less than 80, or have attained the age of 70 and continued in judicial office for at least 10 years.¹⁹⁵ Supernumerary associate judges are for all intents and purposes associate judges of the court, and are entitled to the same salary, allowances and benefits as any other associate judge. As is the case for judges, supernumerary status is an undeniable economic benefit for associate judges, as it allows them to maintain their full salary with a significantly reduced workload for up to 10 years before retirement (depending on age of appointment and when the supernumerary election is made).

141. Finally, there is no evidence of difficulty attracting outstanding candidates to the position of associate judge that would justify increasing their salaries beyond 80% of judges' salaries.

142. The remuneration of associate judges compares favourably to its counterparts in the private sector. Of the five appointments in the last quadrennial period, four associate judges were appointed from the private sector in Toronto or Ottawa, *i.e.*, from a top 10 CMA.¹⁹⁶ The associate judges' salary in 2023 corresponded to approximately the 70th percentile of self-employed lawyer's income.¹⁹⁷ The total compensation with judicial annuity raises

¹⁹³ *Judges Act*, [s 41.2\(1\) & 41.3\(1\)](#), **Joint Book of Documents, Tab 3.**

¹⁹⁴ Turcotte Commission Report, 37–38, paras 235–240, **Joint Book of Documents, Tab 14.**

¹⁹⁵ *Judges Act*, [s 30\(2\)\(a\)-\(b\)](#), **Joint Book of Documents, Tab 3.**

¹⁹⁶ Judicial Appointment Announcements, **Government's Book of Documents, Tab 9.**

¹⁹⁷ Statistics derived from CRA Self-Employed Lawyer Incomes All-60K-80K-90K, **Joint Book of Documents, Tab 17.**

their salary to the 81st percentile for that year.¹⁹⁸ This level is clearly sufficient to attract outstanding candidates from the private sector.

143. As noted by the Rémillard Commission, the best comparator for associate judges' salary is that of the Federal Court judges.¹⁹⁹ They work in the same jurisdiction, are members of the same court and are drawn from the same pools of candidates. As the Special Advisor's Report in 2013 held that fixing salaries at 80% of the Federal Court salary was justified given the nature of the associate judge's work.²⁰⁰ This percentage reflects the Federal Court judges increased jurisdiction when compared to associate judges.²⁰¹ The Rémillard Commission agreed with the Special Advisor's Report that 80% of the Federal Court salary was appropriate.²⁰² The role or responsibilities of associate judges remain largely the same as they were before the Rémillard Commission. Absent evidence of a change in circumstances, there is no reason to increase the percentage further.

144. Based on the foregoing, the Government submits that the current level of compensation is sufficient to ensure the judicial independence of associate judges. The judicial salary to which the associate judges' salary is linked will continue to be adjusted based on IAI indexation (as described in the submissions above).

IV. CONCLUSION

145. Given the current salary levels and the significant value of the judicial annuity, the Government's position is that no changes to either judicial or associate judge compensation are justified during the next four years. Annual indexation in accordance with the IAI to a maximum four-year cumulative increase of 14% over the current quadrennial period will provide the required protection against erosion of judicial salaries because of inflation. Applying the forecasted IAI — with a ceiling of 14% over four years — amounts to a

¹⁹⁸ Statistics derived from CRA Self-Employed Lawyer Incomes All-60K-80K-90K, **Joint Book of Documents, Tab 17.**

¹⁹⁹ Rémillard Commission Report, p 36, para 142, **Joint Book of Documents, Tab 13.**

²⁰⁰ Cunningham Report, pp 23-24, **Joint Book of Documents, Tab 16.**

²⁰¹ Cunningham Report, p 23, **Joint Book of Documents, Tab 16.**

²⁰² Rémillard Commission Report, pp 36–37, paras 142–143, **Joint Book of Documents, Tab 13.**

projected increase by 2028 to the judicial salary to \$436,900 and the associate judges' salaries to \$349,500.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated at Ottawa, Ontario, this 20th day of December, 2024



Christopher Rupar

Elizabeth Richards

Sarah-Dawn Norris

Dylan Smith

Department of Justice

500-50 O'Connor Street

Ottawa, ON K1A 0H8

Tel: 613-798-3685

Fax: 613-954-1920

Counsel for the Government of Canada