



# MANITOBA ORDER IN COUNCIL

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DATE: **AUGUST 09, 2017**

ORDER IN COUNCIL NO.: **00214 / 2017**

RECOMMENDED BY: **MINISTER OF JUSTICE AND ATTORNEY GENERAL**

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## ORDER

1. Ronald Fillion, Jonathan Lyon, and Colleen McFadden, all of Winnipeg, Manitoba, are appointed to the Judicial Nominating Committee under clause 3.1(2)(b) of *The Provincial Court Act* to recommend candidates for a judicial position in Winnipeg.
2. The list of recommended candidates may be used to fill up to two additional judicial positions in Winnipeg if judicial positions in Winnipeg become available within 6 months after the day the list is received by the minister.
3. This Order comes into effect the day it is made.

## AUTHORITY

*The Provincial Court Act*, C.C.S.M. c. C275, states:

### **L.G. in C. may appoint judges**

**3(1)** The Lieutenant Governor in Council may appoint such persons as he or she considers necessary as judges of the court, in accordance with the provisions of this Act.

### **Appointment from list of candidates**

**3.1(1)** An appointment under subsection 3(1) shall be made from a list of candidates that is recommended by a nominating committee convened under subsection (2).

### **Convening of nominating committee**

**3.1(2)** Where the minister advises the Chief Judge that an appointment is to be made under subsection 3(1), the Chief Judge shall convene a nominating committee, to be known as the Judicial Nominating Committee, composed of

- (a) the Chief Judge, who shall be chairperson of the committee;
- (b) three persons, who are not lawyers, judges or retired judges, appointed by the Lieutenant Governor in Council;
- (c) a judge designated by the judges of the Provincial Court;
- (d) a person designated by the president of The Law Society of Manitoba;
- (e) a person designated by the president of the Manitoba Branch of The Canadian Bar Association.

### **Criteria**

**3.1(2.1)** In appointing persons under clauses (2)(b), (d) and (e), the importance of reflecting, in the composition of the nominating committee as a whole, the diversity of Manitoba society shall be recognized.

**Duties of nominating committee**

**3.1(3)** A nominating committee shall

...

(e) provide the minister with a list of not fewer than three and not more than six different candidates, who shall not be ranked, for each available position, that the nominating committee recommend as qualified for appointment under subsection 3(1).

**BACKGROUND**

1. Judge Theodore Lismer of Winnipeg retired effective July 31, 2017; up to two additional judicial vacancies in Winnipeg are expected in the near future and replacement judges will be required.
2. Ronald Fillion, Jonathan Lyon, and Colleen McFadden are not lawyers, judges or retired judges, as required by clause 3.1(2)(b).