

visible minority. Richmond is 60 percent Asian. We in government and all our institutions, the courts and policing, have to adjust the way we do business. We have to tell... people who come from Southeast Asia, from the Middle East, from China, India, South America, how they can participate in our democracy.” He cites the example of trying to explain Canada’s criminal justice system to a new immigrant from Vietnam: “How do we tell that person that our police can be trusted and the courts are independent, that lawyers are independent, that you don’t have to pay money to the police when you’re arrested, or that the lawyers are there to help you?”

Oppal’s expectation that newcomers adapt to the Canadian legal system is matched by his insistence that the system serve its

citizens. “I would like to see a community court opened,” he states. “There are 27 such courts in the US [that take] a community approach, an overlapping approach where the health authorities get involved and assess to see whether [offenders] can be cured.” The project has the support of police chiefs and police and probation officers, MPs, MLAs and the Premier, and Oppal is hoping to see the pilot centre open this year. “We’re already lining up the Vancouver Coastal Health Authority [and] we’ve got a facility ... the Remand Centre on Powell Street.” He credits the Street Crime Working Group with the initial recommendation for the project, and says, “I’ve really embraced it and run with it. I know it’s sort of a cliché but ... I think maybe I can help some people.”

## Judith Bellis

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CLASS OF 1980



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“One of these things is not like the others; one of these things just doesn’t belong...” Judith Bellis sings behind the closed door of her DOJ office in Ottawa. It’s an old *Sesame Street* ditty, and Bellis’s response to being told she’s been selected as a subject for this feature. “I cannot strictly speaking be characterized as a lawmaker,” she says, “although I know a great deal about how laws are actually made.” Outspoken, a formidable intellect, and one of the top lawyers for the top lawyer in the country, Bellis knows more about how laws get made than most people in Canada.

“It starts with issue identification and consultations with all of the interest groups and stakeholders,” Bellis explains, “—this is when it’s done properly. In my world, that means the legal community but most significantly the judiciary itself. Discussions with the judiciary around policy development have to be very carefully structured to avoid any suggestion or perception that the judges are in some way participating in the policy development or negotiating.” She adds, “I think what is not well understood — because it’s very much a hidden part of the process — is the way in which policy is developed and put forward through the cabinet process, and the time and energy that goes into that exercise ... in order to not

just bring the Minister [of Justice] the best developed advice we can, but also support him in his advocacy to his colleagues at the cabinet table and then in the House, as to why the particular legislative initiative is as it is and why the options that have been chosen ... have been chosen.”

Bellis draws a sharp line between her role as a public servant offering policy advice and that of the Minister in political decision making: “I am not and cannot be and must take great care not to be seen as being part of the political sphere,” she states. “My responsibility is to remain as the nameless, faceless impartial bureaucrat capable of giving fully developed, objective advice to a Minister, whatever his political stripe.”

Given the change of stripes that took place in January, it’s interesting to hear the perspective of one who has watched governments come and go from the inside. Interviewed in December, just after the election call, Bellis said, “It looks like there’s a fairly good chance that we are going to be going through a period of successive minority governments until some of the political waters change in Canada.” With respect to the lawmaking process, she concedes that “it certainly does mean that the road from policy development consultation to Royal Assent and implementation is a much rockier one that probably has four steps forward and three steps back. Bills will be amended more regularly and the ... implementation challenges will be more complex.”

Bellis herself underwent a number of amendments before reaching law. She started in design school, where her interests led her to architecture. But by the time she’d completed an arts degree at SFU, she was no longer confident she had the talent to be a first-rate architect (second-rate was not an option), so “I got into law because I couldn’t think of anything else to do at the time.” At the end of her first year, she headed her class of 214, and she graduated in the top five percent of her class. “Nobody was more surprised than I was,” she confesses. “I didn’t really present as much of a committed law student. I found black letter law to be puzzling and frankly quite boring.” On the other hand, “Leon Getz taught me legal institutions,” Bellis recalls, and “I felt like I

got him as soon as he started talking. He represented such an incredibly well-rounded and balanced and complex approach to law. He approached all issues from a fundamentally policy-based perspective.”

Bellis became an associate at a large firm and by the end of her second year of practice, “I was so miserable. I just did not fit. I really had not stopped to think about what it was that I was really interested in doing. But I was sufficiently miserable that I decided to stop right there and try and figure it out. And I knew what I was interested in, in the broadest sense, was legal policy.”

She found work in Toronto with the Royal Commission on Equality and Employment (the Abella Commission), and then the Ontario Law Reform Commission, which made it a practice to append a draft statute to its reports. That exercise stood her in good stead when in 1991 she and her family moved to Ottawa. There, she joined the Department of Justice, first working in the area of administrative tribunal policy, and since 1997 as the Director of Judicial Affairs. In addition to advising the Minister on all matters relating to the judiciary and courts, Bellis has been involved in the development and implementation of the new Supreme Court of Canada Appointments Advisory Committee process, which recently culminated in the first public interview of a candidate for the Supreme Court. As Canada becomes increasingly involved in providing training and judicial education for judges in developing democracies, Bellis works with the National Judicial Institute and the Canadian Judicial Council to ensure “that judicial participation ... is advancing the core values of our justice system [and] is done in a way that is appropriate for the judiciary.”

The work Bellis does “requires a pretty high degree of flexibility and creativity as well as a pretty highly developed sense of the strategic implications of various choices that government can make,” she says, “at the same time as having to be conscious all the time of my role as an objective and impartial, apolitical advisor.” She recalls the effort that went into a Bill that just died on the order paper: “My job requires tenacity and patience and optimism and a good deal of, I don’t know, belief in policy as the art of the possible, not the perfect.”