

Lawrence E. Pierce*

December 12, 2007

Judicial Compensation
and Benefits Commission
8th Floor
99 Metcalfe Street
Ottawa, ON K1A 1E3

Dear Sirs:

Re: Judicial Compensation and Benefits

I write to give you my views concerning Judicial benefits.

It is my understanding that all Federal Government employees, including Superior Court Judges, are provided benefits under a policy of insurance with Sun Life of Canada.

I understand that the benefits include such things as medical, dental, prescriptions and eye glasses.

I do not believe that it is appropriate for the Federal Government to, in effect, select an insurance company for federally appointed judges, which insurance company might be the subject of litigation before those Judges.

While it might not be a problem in most litigation involving Sun Life, it could certainly become a problem if there was a suggestion that Sun Life had acted in bad faith, or improperly.

I believe that this becomes a particular problem if a Judge were to have access to benefits either before or during such a trial.

There would be, in the mind of a reasonable member of the public, an apprehension of bias if a Judge were drawing benefits from a company appointed for him or her by the Federal Government at a time when the litigant was asking the Court to conclude the company had acted in bad faith with respect to her claim.

This is not merely a hypothetical situation. Facts similar to this have already occurred.

Furthermore the problem is easy to solve. The Federal Government should do as the IWA has done here in British Columbia. They have set up their own fund, and appointed their own adjusting staff (through another entity) to deal with claims.

The Federal Government could do the same thing. Set up a fund for the benefits that federally appointed Judges might become entitled to, and appoint adjusting staff to review those claims and pay them.

This simply and easily removes any apprehension of bias that might arise.

I hope these comments are of assistance.

Yours truly,

PIERCE LAW GROUP

Per:

Lawrence E. Pierce

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