

December 14, 2007

BY FAX: (613)947-4442
Judicial Compensation and
Benefits Commission
99 Metcalfe Street
Ottawa, Ontario
K1A 1E3

Attention: Ms. Sheila Block, Chairperson

Dear Ms. Block:

I write on behalf of the judges of the Supreme Court of Newfoundland and Labrador, Trial Division, to record their disagreement with the proposal being made by some Canadian Appellate Court judges that there be a differential between the salaries paid to trial court judges and those paid to appellate court judges.

I understand that the Chief Justices of some of the superior trial courts, including Chief Justice Brenner of the Supreme Court of British Columbia and Chief Justice Bowman of the Tax Court of Canada have already written expressing their opposition to the proposal. On behalf of the judges of the Supreme Court of Newfoundland and Labrador, Trial Division, I want to associate this court with those views.

I would simply add that, traditionally in Canada, superior court judges, whether performing trial or appellate functions, have been regarded as of equal stature. In fact, in Newfoundland and Labrador, the superior trial court and the Court of Appeal are divisions of the one court. Judges of the trial court may sit as ad hoc judges of the Court of Appeal and Court of Appeal judges may sit as ad hoc judges of the Trial Division. If the work of the appellate division is to be regarded as requiring greater remuneration, it would follow as a matter of principle that a Trial Division judge sitting in the Court of Appeal on a particular case should receive a proportionate increase in his or her salary for that work and, conversely, a Court of Appeal judge sitting in the Trial Division should accept a reduction. Is it really appropriate to enter into such an analysis?

On behalf of the Trial Division of the Supreme Court of Newfoundland and Labrador I submit that any proposal for a differential in salaries between trial and appellate courts should be rejected by the Judicial Compensation and Benefits Commission.

Yours very truly,

J. DEREK GREEN
Chief Justice

JDG/mm