

The Supreme Court of
Newfoundland and Labrador
Trial Division
The Honourable
Mr. Justice James P. Adams



Judges' Chambers
Court House, Duckworth Street
St. John's, NL A1C 5M3

January 28, 2008

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

Attention: Ms. Sheila Block, Chairperson

Dear Ms. Block:

RE: Appellate Court Judges' Salary Differential

I am a judge of the Trial Division of the Supreme Court of Newfoundland and Labrador, having been appointed in 1996. I am writing to lend my voice in opposition to the proposal for a salary differential for appellate court judges. I have read the submissions of Justice Gordon Campbell of Prince Edward Island, Justice James Hugessen of the Quebec Superior Court and Chief Justice Derek Green in behalf of the Supreme Court of Newfoundland and Labrador, Trial Division. I fully endorse and adopt those submissions.

In my view, all Section 96 judges should and were always intended to receive the same remuneration. There is no difference in our qualifications upon appointment and, at least in this jurisdiction, trial judges and appellate judges are *ex officio* appointed to each other's courts upon appointment. Indeed, I have recently sat on an appeal in the Court of Appeal of this Province, as have others of my Trial Division colleagues.

If this longstanding position is to change, it should not be done by the Quadrennial Commission, even if the Commission can technically be said to have jurisdiction, which I believe is itself a debatable issue. Any such fundamental change in the status and remuneration of Section 96 judges requires far more debate and consideration than can be given by this Quadrennial Commission. In my view, if any such change is to be made, it must be made by the Government. In fact, any such change has possible constitutional overtones which should be more fully explored, in addition to the practical implications for trial division and appellate court judges.

.../2



Judicial Compensation and Benefits Commission
January 28, 2008
Page 2

Would you please ensure that my opposition to this proposal is brought to the attention of the Quadrennial Commission. If you have any questions, I can be contacted at (709) 729-4542, email jadams@judicom.cc.ca.

Yours very truly

A handwritten signature in black ink, appearing to read "James P. Adams", written over a horizontal line.

JAMES P. ADAMS
Justice

JPA/lf