

Our File 2354

Your File:

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January 19, 2000

Mr. Richard Drouin, O.C., Q.C.
Chairperson/President
Judicial Compensation and Benefits Commission
99 Metcalfe
Ottawa, Ontario
K1A 1E3

Dear Sir:

Re: The Law Society of Alberta

We have been asked on behalf of The Law Society of Alberta to reply to your letter to Peter Freeman, Q.C. of November 23, 1999 inviting Submissions with respect to the adequacy of salaries and other amounts payable under the Judges' Act and to the adequacy of Judges' Benefits generally.

Your letter advises that you wish to have Submissions received by December 20, 1999, and obviously The Law Society of Alberta has not been able to provide its input within that time frame.

Your letter indicates parties wishing to make comments on other Submissions received by the Commission provide comments by January 21, 2000. Perhaps you might receive our observations and Submissions in this letter as comments on the Submissions of the Canadian Judges' Conference/Canadian Judicial Council to your Commission dated December 20, 1999.

1. **The Process** - The Law Society of Alberta made Submissions to both the Crawford Commission and to the Scott Commission in 1993 and 1996 respectively. We enclose The Law Society's letter to the Scott Commission of January 4, 1996, attaching The Law Society's Submission to the Crawford Commission in December of 1992 for your consideration as background.

As you can see, the concern of The Law Society of Alberta expressed in its Submissions to the Triennial Commissions was the fact that the "depoliticizing" of judicial remuneration through the use of Commissions was essentially a failure. The Scott Commission in its 1996 Report echoed its concern over the failure of the Triennial Commission process to meet its objectives.

As is pointed out in the Canadian Judges' Conference/Canadian Judicial Council Submissions to your Commission, the 1998 amendments to the Judges' Act establishing the new Quadrennial Commission were made in stated recognition by the Minister of Justice of the importance of an objective Judicial Compensation process that is effective. We urge this Commission as we urged the previous Triennial Commissions to echo in its Report concern that the depoliticizing of judicial remuneration requires the

acceptance by all of the constituents of the effective and proper use of an Independent Commission process.

2. **Judicial Independence** - The Law Society of Alberta supports the Submissions of the Canadian Judges' Conference/Canadian Judicial Council that judicial independence and impartiality are essential to a fair and respected Justice System and that the financial security for Judges is essential and an integral component of judicial independence.

The Law Society of Alberta urges that your Commission be vigilant and mindful of the objective of financial security as a component of Judicial Independence. The Law Society of Alberta does not advocate specific remuneration or benefits packages and has not studied or presented detailed information in that regard. It is however, the submission of The Law Society of Alberta that your Commission ensure that Judges receive compensation and benefits to provide financial security in the interests of judicial independence and with a view to ensure that outstanding candidates are attracted to the Judiciary.

The Law Society of Alberta wishes to thank your Commission for the opportunity of providing its' comments by way of these Submissions.

Yours truly,

J.P. PEACOCK

JPP/js

Enclosures

cc: Peter Freeman, Q.C., The Law Society
cc: A.D. McLeod, Q.C., MacLeod Dixon