

THE HONOURABLE HEATHER FORSTER SMITH
CHIEF JUSTICE OF THE SUPERIOR COURT OF JUSTICE



L'HONORABLE HEATHER FORSTER SMITH
JUGE EN CHEF DE LA COUR SUPÉRIEURE DE JUSTICE


January 28, 2008

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Judicial Compensation and
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99 Metcalfe Street
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Attention: Ms. Sheila Block, Chairperson

Dear  Ms. Block:

I write in my personal capacity as Chief Justice of the Ontario Superior Court of Justice, in respect of the proposal before the Commission for a differential between the salaries paid to trial court judges and those paid to appellate court judges. I do not attempt to speak for the Court as the judges are extremely well-represented by their Association, which has already sent its submission on the issue, copy attached, to you. However, the Association requested that I write to express support for its position in opposing the stated salary differential and, in my personal capacity, I do so without reservation.

I was fortunate to receive copies of the letters to you from a number of chief justices and puisne judges of other Canadian trial courts, all of whom have expressed their opposition to the proposal to create a salary differential. I join with them for all of the reasons they have stated to you.

I find it hard to imagine a more divisive proposal, one that will surely result in a breakdown in the historic collegiality among the s. 96 courts. This is particularly the case, when there is absolutely no historical or legal basis for doing so.

As a result, I support the position of the Ontario Superior Court Judges' Association in urging the Commission to reject the proposal to create a salary differential between the trial and appellate courts.

Yours truly,



Heather J. Smith
Chief Justice

Encl.