



March 29, 2005

The Honourable Irwin Cotler, P.C., M.P.  
Minister of Justice and Attorney General of Canada  
House of Commons  
Ottawa ON K1A 0A6

Dear Minister:

**Re: 2003 Judicial Compensation and Benefits Commission**

The time has come to implement the recommendations of the 2003 Judicial Compensation and Benefits Commission.

In November 2004, your government indicated that it would bring the necessary amendments to the *Judges Act* at “the earliest reasonable opportunity.” Legislation should be introduced as a matter of priority.

The CBA welcomes the government’s acceptance of the major recommendations of the Commission. We are encouraged by the government’s expressed commitment to the Commission process in support of the principle of judicial independence.

The CBA, too, is dedicated to protecting the independence of the judiciary. Judicial independence from the executive and legislative branches is a cornerstone of government and of our democracy. The process for determining judicial compensation and benefits can have a pivotal role in fostering or eroding that independence.

Judicial salaries must be set in an objective, dispassionate and rational manner. Judicial compensation commissions provide an effective and non-partisan method of reviewing and setting judicial remuneration. Parliament’s deliberations on the Commission’s report involves special constitutional considerations, which should not be endangered by a politicized and partisan approach.

We urge you to act now.

Yours truly,

*(Original signed by Susan T. McGrath)*

Susan T. McGrath

cc Joe Comartin, M.P., Justice Critic, National Democratic Party  
cc Richard Marceau, M.P., Justice Critic, Bloc Québécois  
cc Vic Toews, M.P. Justice Critic, Conservative Party