



May 27, 2008

The Honourable Senator Joan Fraser
Chair, Senate Committee on Legal and Constitutional Affairs
The Senate of Canada
Ottawa, ON K1A 0A4

Dear Senator Fraser,

Re: Bill C-31, *Judges' Act* amendments

I am writing on behalf of the Canadian Bar Association to urge the Senate to adopt amendments to the *Judges' Act* in Bill C-31 without delay.

The CBA represents over 37,000 lawyers and other jurists across Canada, dedicated to the improvement of the law and the administration of justice. Our members see first hand the implications of inadequate resources in the justice system

Bill C-31 would increase the number of federally appointed judges in Canada. Canadians are entitled to a well functioning justice system with judges who are well qualified and independent. The Bill would advance those important objectives.

Canadian judges confront greater challenges today than ever before in ensuring that justice is served in the courtroom. Average trials are increasing in length, signaling a greater complexity of cases. We witness an increasing number of unrepresented litigants because of shortfalls in provincial and territorial legal aid budgets. Litigants without lawyers to explain the system and the process require more time and assistance from the Bench. At the same time, judges must remain impartial, and appear to be so, to fairly adjudicate the disputes before them. Achieving these competing goals can be time-consuming and challenging. Many courts have significant backlogs and delay, which only adds to the financial and emotional burden of litigation for those who rely on the legal system. The additional judges provided under Bill C-31 will help to alleviate these problems and enhance access to justice in Canada. For similar reasons, the CBA has also urged a greater complement of judges for Unified Family Courts.



The CBA has also supported passage of Bill C-30, the *Specific Claims Tribunal Act*, with some suggested improvements. Bill C-31 would provide additional judges for this new Tribunal, demonstrating the government's commitment to improve fairness and timeliness in resolving First Nations' Specific Claims.

Bill C-31 is a very good start to address the pressing need for more judges, and we repeat our support for quick passage of the bill. Thank you for considering the views of the CBA.

Yours truly,

(original signed by Bernard Amyot)

Bernard Amyot

cc: The Honourable Rob Nicholson, P.C., M.P., Minister of Justice