



July 13, 2011

Via email: NichoR@parl.gc.ca

The Honourable Robert Nicholson, P.C., M.P.
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, ON K1A 0H8

Dear Minister:

I would like to extend my congratulations as you continue to lead the Justice portfolio in the new Parliament. The Canadian Bar Association appreciates the opportunity to meet regularly with you and your officials to convey the perspective of the legal profession, as we pursue our mutual goal of improving the law and the administration of justice.

We look forward to seeing you at the CBA Canadian Legal Conference in Halifax next month. The Dialogue with the Minister is always a popular event for members in attendance. I also wish to invite you to a **private luncheon meeting with me and the CBA Executive Officers** from **12:30 to 2:30 on Monday, August 15**, following the Dialogue. At that meeting, we wish to discuss a number of priority issues, including the following.

Fetal Alcohol Spectrum Disorder

At our last meeting, we discussed a more appropriate justice system response to people with Fetal Alcohol Spectrum Disorder (FASD). We were honoured to be invited by the Federal, Provincial and Territorial Ministers of Justice to work with the Coordinating Committee of Senior Officials (CCSO), to develop solutions to this serious issue. This is an important step to ensure more appropriate treatment of people with FASD and other mental illnesses in the justice system. We look forward to discussing how the CBA might be most helpful in the continuing work on this issue.

Legal Aid

Canada's justice system is seriously strained by the weight of unrepresented litigants, court delays and proceedings that take much longer than they would if lawyers were involved. Many justice system participants, including the CBA, are giving significant attention to how we might help the situation. However, measures such as pro bono efforts of lawyers, permitting limited retainers, or providing legal services by non lawyers are not a sustainable,

long term foundation for access to justice. Through the Chief Justice's Action Committee on Access to Justice and other initiatives, we hope to engage you in innovative ways to regenerate the civil and criminal legal aid systems with adequate public funding, in order to close the "justice gap".

Criminal Justice Issues

Like you, the CBA is concerned about public safety. We often, admittedly, have different views on how best to achieve it. Our legal experts from both defence and Crown sides continue to be concerned about injustices in individual cases when judges and Crowns are unable to use discretion to ensure a fair outcome. At the same time, we often agree on the need for change to make the criminal justice system function more fairly and efficiently. The CBA is pleased to contribute through initiatives such as the Uniform Law Conference of Canada and the Justice Efficiencies Steering Committee. Can we explore other ways to work together early in the policy development process?

Better Protection for Transgender People

Transgender Canadians are a minority who suffer discrimination and disproportionately fall victim to hate crimes, including homicide. Ensuring protection for transgender people remains a pressing issue. In June 2011, the United Nations Human Rights Council expressed grave concern at acts of violence and discrimination against individuals because of their sexual orientation and gender identity. The CBA would be pleased to assist you and your officials in a review of policies and legislation to ensure equality for all Canadians regardless of their gender identity or expression.

Privacy Act and Access to Information Act Reform

The CBA has urged you to make reform of the *Privacy Act* and the *Access to Information Act* a priority on the government's legislative agenda. The almost 30 years since the Acts were first enacted have seen technological and societal changes, a proliferation of information held by government, and legislated privacy protections for the private sector. We believe both Acts are in need of modernization, without which their effectiveness will likely diminish. We would welcome an opportunity to work with you and your officials in this regard.

I look forward to discussing these and other matters with you in August.

Yours truly,

(original signed by Rod Snow)

Rod Snow

cc

Kerry-Lynne Findlay, Q.C., M.P., Parliamentary Secretary

Myles J. Kirvin, Deputy Minister of Justice