



THE CANADIAN
BAR ASSOCIATION
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BARREAU CANADIEN

February 24, 2014

Via email: yvon.godin@parl.gc.ca

Yvon Godin, M.P.
Acadie-Bathurst
706 Justice Building
House of Commons
Ottawa, ON K1A 0A6

Dear Mr. Godin:

Re: Bill C-208, An Act to amend the Supreme Court Act (understanding the official languages)

Thank you for your letter of January 15, 2014 concerning Bill C-208, which would legislate a new requirement for judges appointed to the Supreme Court of Canada to understand English and French without the assistance of an interpreter. The Canadian Bar Association has followed the evolution of this draft legislation with interest and has given considerable thought to language requirements for the judiciary, including judges appointed to the Supreme Court of Canada.

The CBA advocates Supreme Court of Canada appointments based solely on merit, and ultimately representative of the diversity of society as a whole. Bilingualism is an important element of merit and the CBA has urged governments at all levels to appoint an adequate number of bilingual judges in all courts to ensure equal access to justice for litigants in the official language of their choice. At the same time, the CBA believes that the inability of candidates to understand both official languages should not be a bar to appointment to the Supreme Court of Canada. (Please click to view CBA [resolution](#)).

The CBA has urged the federal government to amend subsection 16(1) of the *Official Languages Act* to include the Supreme Court of Canada (imposing a duty for the judges hearing the proceedings to understand the chosen official language without an interpreter), instead of adopting the approach to institutional bilingualism taken in then Bill C -232. While we appreciate you seeking the input of the CBA, we are unable to offer our support for Bill C-208.

Yours truly,

(original signed by John Hoyles)

John D.V. Hoyles
Chief Executive Officer