



THE CANADIAN  
BAR ASSOCIATION  
L'ASSOCIATION DU  
BARREAU CANADIEN

INFLUENCE. LEADERSHIP. PROTECTION.



## Office of the President



May 9, 2014

Dear CBA members,

I would like to take this opportunity to thank you for your words of support and encouragement over the past week.

While the Canadian Bar Association is usually busy intervening in court cases, making submissions to government, commenting on proposed legislation and supporting members, it's not every day that the CBA is called upon to help the public understand the nuances of a pressing national issue which raises concerns about the rule of law.

Suggestions by the Prime Minister and the Minister of Justice that the Chief Justice of the Supreme Court of Canada acted inappropriately last July are quite troubling. When filling a vacancy on the court, the government rightly consults with many interested parties, including the Chief Justice.

The Supreme Court is an integral part of our democracy, and of the legal system. And when a member of that court is alleged to have acted inappropriately, despite evidence to the contrary, it's the CBA's business to weigh in.

In our media appearances and statements of the past week, the CBA has explained the problem this presents, and at the same time proposed a way to rectify the situation. So, too, you may have noticed, did eleven former presidents of the association, who wrote an editorial published Tuesday, May 6, in *The Globe and Mail* and in *La Presse*. Please visit [www.cba.org](http://www.cba.org) for more on this.

By speaking out as we have this week, the CBA is acting on your behalf to defend the rule of law in Canada and the role of the courts as impartial decision-makers who act as a check against the power of the state.

To perform this role, all judges must be independent from government, free from the fear of reprisal when rendering decisions based on the Constitution and laws of our land.

I wanted to let you, the members of the CBA, know that we will continue to speak out when necessary in this matter. I hope, as I'm sure we all do, that this issue will not continue to escalate. As head of the Government of Canada, the Prime Minister should confirm – as the CBA has – that he maintains full confidence in the Supreme Court and the Chief Justice of Canada so that this controversy can be put behind us...before public confidence in the courts and the rule of law erodes.

Again, I thank you for your support of the CBA and all its work.

Fred Headon  
President

### QUESTIONS?

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