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April 26, 2010

The Honourable Michael de Jong
Attorney General of British Columbia
Parliament Buildings
Victoria, B.C. V8V 1X4

Dear Minister:

Bill C-232 requires that every judge appointed to the Supreme Court of Canada must understand both French and English "without the assistance of an interpreter." It has now been passed by the House of Commons and is now before the Senate.

Regional representation on the Supreme Court of Canada is threatened by Bill C-232's absolute requirement that any appointment from British Columbia must be able to understand both French and English without the aid of an interpreter.

This is not the ability to carry on an ordinary conversation. Rather it is the fluency required to understand oral arguments in extraordinarily complex legal cases and to interpret arcane legal texts and documents without benefit of translation: an extremely rare ability even among those who consider themselves fluent in both English and French. **Only a handful of areas in the country are likely to produce lawyers and judges with an ability to understand complex legal issues in both English and French without the aid of an interpreter. British Columbia is not one of them.**

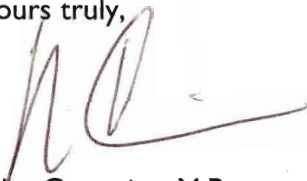
Section 41 (d) of the Constitution Act, 1982 requires that changes to the "*composition* of the Supreme Court of Canada" may only be made "where authorized by resolutions of the Senate and House of Commons and the legislative assemblies of each province."

The *composition* of the Supreme Court is set out in sections 4, 5 and 6 of the Supreme Court Act. Bill C-232 will amend section 5 as to who may be appointed as a judge by adding the requirement that no one may be appointed to the Court unless they understand French and English "without the assistance of an interpreter."

This amendment alters the composition of the Supreme Court of Canada by fundamentally changing who may be appointed a judge from British Columbia and brings into question the ability to even appoint judges from our Province.

I would urge your government to voice its concerns about this Bill which will impose serious and unnecessary restrictions on British Columbians who otherwise might be considered for appointment to the Supreme Court of Canada.

Yours truly,

A handwritten signature in dark ink, appearing to read 'John Cummins', with a long horizontal flourish extending to the right.

John Cummins, M.P.
Delta-Richmond East

CC. British Columbia M.L.A.s