



# Bulletin

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## NEW PERSPECTIVES OF THE JUDICIAL FUNCTION

Lawyers don't necessarily make the best judges, Minister of Justice Otto Lang told judges meeting recently in Halifax, Nova Scotia for the 1972 Canadian Judicial Seminar. He suggested ways in which judges might be trained for their function, in preference to the traditional practice of elevating lawyers to the bench by "a mystical laying-on of hands".

Mr. Lang, who is responsible for appointing judges to federal courts, suggested other changes that might be considered by the Canadian judiciary in reassessing its values and objects, and in drawing up procedures that would withstand the critical scrutiny of society and be more satisfactory than the existing, already overburdened judicial system which had been designed before the turn of the century.

The week-long seminar — twice as large as it had been last year and with Mr. Lang's promise of an increased budget for 1973 — is now accepted as a

function of the Canadian Judicial Council created as a mechanism to bring about analysis and change. It was designed to provide judges with an opportunity to discuss problems associated with the administration of justice, and to consider and propose legislative changes.

Mr. Lang stated that, if close public scrutiny found the system wanting, its social utility would be seriously undermined. He reminded his audience that wider application of legal aid, the increasing number of laws and the additional assumption of responsibility by the judiciary as the result of self-analysis, necessitated more satisfactory mechanisms.

### GUIDE-LINES FOR CHANGE

He suggested that the following criteria be used in the analysis, against which to measure suggested changes:

(1) *The courts must be and appear to be impartial, showing neither fear nor favour.* In considering racial, ethnic and religious groups, Mr. Lang said that justice must not only be done but be seen to be done. He suggested that joint seminars would help by increasing the communication and understanding between the judiciary and minorities and their sensitivity to each other. This process, he said, was already taking place owing to the highly successful federal-provincial "Native Court Worker" system in Alberta, and he announced that, as a result of this, the Department of Justice intended to finance several similar pilot projects. In the Alberta system, Indian and métis court workers provide the services of a counsellor and interpreter for native defendants.

(2) *The courts must be accessible to all having a legitimate grievance falling within the court's jurisdiction.* Mr. Lang charged that equality did not exist when a large percentage of the defendants appearing in Canadian criminal courts did not have counsel because it was too costly. He said that the Federal Government's first step to correct this was a jointly-funded comprehensive legal aid scheme for

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