

*Judges Act Amendment*

Court of Appeal and I never felt for a single moment that the judges of those courts could be influenced by past practice, or by any other case, in favour of one party or another, because they had known or represented one of them.

The explanatory notes of the bill read in part as follows:

The purpose of this bill is to prevent judges who have retired from appearing before the courts where they have previously sat or before judges who in years gone by may have appeared before them; to prevent also such former judges from quoting in their favour before courts decisions which they themselves have rendered or decisions which they have been instrumental in making.

I find it hard to imagine how it can be decided that judges will not be able to appear before former colleagues simply because they were members of that court. Personally, I know some lawyers in the province of Quebec—I give examples from the province of Quebec because I am a lawyer and member of the bar of that province—and I find it hard to see how we could prevent them, as well as former judges, from appearing before that court, whether they are former judges of the Court of Appeal, the Superior Court or the Provincial Court.

That does not matter, Mr. Speaker; I have faith in judges and I cannot see why a former judge should be prevented from appearing before a certain court simply because he is a former judge of that court. I know personally lawyers in the province of Quebec who have been judges of the Superior Court, who resigned for one reason or another and who appear before the Superior Court of the province of Quebec. And why should they not be eligible to appear before that court and quote precedents of that same court they presided?

That would be a denial of justice, Mr. Speaker.

I cannot understand why the hon. member for Carleton presents this bill. One would think that a court of justice is simply a court of individuals. I object to the bill because I believe that individuals who are members of the court of justice are honest enough to face up to their responsibilities. I do not see very well why a former judge, or a judge of a certain court, would be prevented from pleading before a court of justice of a certain province. This would prevent a lawyer from earning a living and it implies that judges of a certain court of justice will be influenced by the decisions of that lawyer, of that judge,

[Mr. Lachance.]

of that person but I cannot believe that the hon. member for Carleton thinks such a thing.

Mr. Speaker, I protest against that idea. I cannot believe even that a judge would be influenced by a lawyer who has been, before him, president of that court. I cannot believe that a member of that court would feel under an obligation because of the decisions made by a member of that court, even if today, he is member of the bar, even if today, he is attorney for a party appearing before that court. I do not understand the hon. member for Carleton.

I am a lawyer, I have had the opportunity to plead a number of cases and when I represent a party before a court of justice, I feel that I am defending the interests of that party within the framework of the law. Even if I had been in the past president of that court, it seems to me that I would not have the impression of influencing the president of the court if I referred to a judgment which I had rendered in a similar case.

This is why, Mr. Speaker, I do not understand the purpose of this bill. Let me tell the house that there was no need to legislate in order to prevent former lawyers from appearing.

Let us suppose that a lawyer, whatever the province he comes from, is appointed judge of a court by the federal government, and that, six months later he chooses, for one reason or another, to go back to private practice. He could not, according to this bill, if I understand correctly, represent anyone before that court, he could not quote any case in which he would have acted and he could not quote any decision he himself had rendered.

I cannot understand that a bill should be introduced to that effect. If an individual, at a given time, decides that he is not meant to be a judge and feels that he would rather be in private practice, I do not see why he could not represent clients before a court of which he might have been a member, nor refer to a case that he might have heard.

Mr. Speaker, I suggest that my arguments are valid. We still have to give the benefit of the doubt to people who have been instrumental in the making of a decision in a civil or criminal case.

I am a lawyer. I was also crown attorney in Montreal. The fact of being a lawyer and crown attorney would not prevent me from studying a case and remaining neutral. Those are the remarks I wanted to make today. I