

THE UNIVERSITY OF BRITISH COLUMBIA

FACULTY OF LAW

March 4, 1992

The Honourable Gerry Weiner
Minister of Multiculturalism and Citizenship
11th Floor, Jules Leger Building
15 Eddy Street
Hull, Quebec
K1A 0J9

Dear Mr. Weiner:

This is to express my shock and disappointment at the announcement of the termination of the Court Challenges Program. As an academic who has worked in the area of equality rights, and as a past President of the Women's Legal Education and Action Fund, I am convinced that the Court Challenges Program has provided an essential service, and in a highly cost-effective way.

Cynicism about government, courts and the Charter is already high. The existence of the Court Challenges Program gave some answer to those who argued that the Charter was a hollow promise, no more than words on paper which the elected representatives had no stake in implementing, and the courts had no legitimacy in enforcing. The Court Challenges program ensured that there was a chance that cases could be brought, and arguments presented, by disadvantaged groups in our society. It also represented a concrete commitment by government to the norms and values stated in the Charter. Its sudden termination will give, I fear, great support to the cynic's position.

Having indicated why I think the Court Challenges Program is essential, let me also say why I think it is cost effective. With reference to the LEAF cases, and I believe these comments would also apply to others, the funding tended to be devoted very substantially to the costs and expenses of bringing cases forward, and not to legal fees — in short, there were huge donations of free legal work by reputable lawyers across the country which the Program made possible. The value of the legal work may be measured by the impact it has had on judicial decisions, as in the *Andrews* case and, more recently, *Butler*. In fact, I would suggest obtaining an evaluation as to whether organizations funded under the Court Challenges Program made useful or important contributions to Supreme Court of Canada decisions, from retired Justices of the Court, such as the Right Honourable Brian Dickson or the Honourable Bertha Wilson.

Understanding as I do the government's desire to reduce expenditures, I urge you to reconsider this decision. I think that termination of the Program will do serious damage not only to the prospects of sound Jurisprudence in equality and language rights areas, but also to the public perception of government and of the rule of law.