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JOHN HONSBERGER, Q.C.

January 11, 2000



Judicial Compensation and Benefits Commission  
8th Floor  
99 Metcalfe Street  
Ottawa, Ontario  
K1A 1E3

Dear Madame and Sirs:

**Re: Judicial Compensation and Benefits**

I write in response to your request for submissions concerning the adequacy of judges' salaries and pensions.

**General**

The salary and pension of a judge should be sufficient to attract and retain good lawyers to a long term, preferably to retirement age, commitment to the bench. I believe this is important to retain public and professional respect for our courts. I suggest that respect would not be so high if it became the practice for judges to stay on the bench for only a few years and then return to the practice of law or commercial activity. This is beginning to happen when one looks at the number of retirements long before retirement age over the last few years. I suggest that you must ask yourselves whether this is good or bad. You cannot assume that this will be addressed by others as it does seem to be a matter that most in authority prefer to avoid.

I strongly suggest that before you address the question of what is an appropriate salary or pension you must first determine what the country and profession should expect of judges, the need for the continued respect for our courts and how best to maintain it. Certainly, the power over the public purse is an effective way to promote desirable ends which you should not hesitate to use.

**Salaries**

The salaries of judges should be increased by at least the increased cost of living and any additional amount as may be necessary to catch up to an appropriate salary level so that judges may maintain a standard of living comparable to what most members of the profession enjoy but with some reduction to represent the value of the pension a judge will receive on retirement.

**Pensions**

The pensions of judges should be increased considerably so as to provide a retirement income which will provide a standard of living reasonably comparable to what he or she enjoyed while on the bench and what he or she might have expected on retirement if he or she had stayed in practice and provided for retirement through savings and investments.

The amount of the pension should be sufficient so as to be an incentive to serve the court until normal retirement age.

I strongly urge that the pension or at least the bulk of it be conditional upon the judge fully retiring. By that I mean the judge should not go back to the practice of law, become involved in A.D.R. or go into business. The only exceptions might be teaching, work on law reform commissions, government service and the like. If a judge retires and engages in any of these prohibited activities, his or her pension, or the bulk of it should be forfeited. However, the Minister of Justice on application should have the authority to make exceptions.

**Personal**

I am and have been a practising barrister and solicitor for fifty years. I have appeared before all levels of the courts in several provinces. I have been involved to some extent in law reform. I have written reasonably extensively including the matter raised in this submission. I have become increasingly concerned when I have had to deal professionally with former members of courts after their retirement. I have been even more concerned when I have heard new members of the courts say that they do not expect to remain on the bench for any great length of time. The perception is bad particularly when you see a judge retire shortly after you have appeared before him and her and see him or her enter the firm of your opponent. You have to wonder that when you were appearing before him or her did he or she know, for example, that at the end of the year he or she would be joining that firm. This does much to erode confidence in our courts. This we cannot afford.

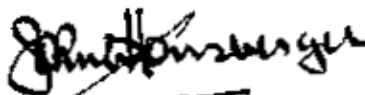
**Copies of submission, copies and hearings**

I enclose ten copies of this submission as requested in your public notice. I will submit it later electronically also as requested.

I would have liked to see what other submissions have been made but I do not ask for them as I could not reply to them by the 20th instant as required.

I do not ask to appear before you at your oral hearings but I will do so if you wish. I can tell you, for example, what other jurisdictions have done about judges' pensions but I assume you already know.

Yours faithfully,

A handwritten signature in black ink, appearing to read "John Honsberger". The signature is written in a cursive style with a horizontal line underneath the name.

JDH/it

Encl.