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October 26, 2006

Mr. David G. Tettensor, Q.C.  
Commissioner  
Justices of the Peace Compensation Commission  
c/o 1413 - 2<sup>nd</sup> Street SW  
Calgary, AB T2R OW7

Dear Sir:

Please consider this submission with respect to your review of compensation provided to Sitting and Presiding Justices of the Peace in Alberta. I have been an ad hoc Presiding J.P. in Calgary since February 1, 1999 and have also practiced law in Calgary continuously since my admission to the bar in 1978.

The review of the first Compensation Commission was a thorough review and concluded that Sitting and Presiding Justices of the Peace should receive remuneration equivalent to 2/3 that of Provincial Court Judges. I am unable to point to anything that was wrong or inaccurate in their considerations or reasoning. I believe the only objection the government had was that meant the increase would have been too great at that time. I submit that the rationale and conclusion of the previous Commission is still valid today.

If the Justice of the Peace program is to succeed and contribute to Albertan's access to justice, care must be taken to set remuneration at a high enough level to attract competent and qualified persons to this position. Personally, I had little interest in accepting this appointment in 1999 as an ad hoc Presiding Justice of the Peace until one of the Sitting Justices told me not to be concerned about the remuneration as it was then under review and was sure to be increased retroactively. At present we are prohibited from working full-time as Presiding Justices of the Peace and cannot have the appointment for more than 10 years. That means that if I want to earn a living at the end of my appointed term, I need to keep my law practice active at the same time. To do that, I need to hire well-qualified staff to assist me in running my practice because I am often away from the office in court as a Justice of the Peace. I pay more than \$4,500.00 each month in salary alone. The most shifts available to me as a Presiding Justice of the Peace are 9 or 10 per month, presently yielding me \$4,635.00 to \$5,150.00 each month. The risk of this situation becoming uneconomical would deter many worthy candidates from considering it.

The only other agency that has paid me on an "ad hoc" daily basis is the Law Society of Alberta. The amount is called an "honourarium" and is \$1,500.00.

I understand the government feels the remuneration should be set at one-half the salary of the Provincial Court Judges. That is what Nova Scotia apparently has done; however, their economic circumstance differs greatly from that of Alberta. The overhead I need to pay for my practice in Alberta is doubtlessly a great deal more than would be incurred in Nova Scotia. In addition, I believe Nova Scotia Presiding Justices of the Peace are appointed to age 65, thus providing a "tenure" that we in Alberta do not have and alleviating the necessity to continue a parallel career.

Please consider these points in your review of compensation and other issues relevant to the financial security of the Sitting and Presiding Justices of the Peace. If you have any questions or would like to discuss any of these matters, please call me at 234-7787. Thank you.

Yours truly,

A handwritten signature in cursive script, appearing to read "Lana G. Lien".

Lana G. Lien, Q.C.  
LGL/nh