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Speech by/Discours par
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Thank you.

Honorable judges, dear colleagues, I would like to take these few moments to present the outline of a recent and excellent speech by **Mr. Justice Michel Bastarache**, of the Supreme Court of Canada. Entitled "A special ethical regime for lawyers and judges?", it was delivered at a banquet organized last September 14th by our Guild.

After reminding us that "[e]thical conduct in law is uniquely important because of the unparalleled scope and implications of lawyers' and judges' obligations", Mr. Justice Bastarache examined the "three pillars of ethical conduct for both lawyers and judges".

Le premier, **l'indépendance et l'impartialité**, est ordinairement associé aux juges mais il s'applique, avec les modifications nécessaires, à tous les membres de la profession juridique puisque ceux-ci doivent également aider le public à « avoir confiance dans l'administration de la justice ». Bien sûr, le juge Bastarache a considéré avec soin ce qu'il faut entendre par l'indépendance et l'impartialité judiciaires. In this regard, he quoted the Canadian Judicial Council to the effect that "[t]rue impartiality does not require that the judge have no sympathies or opinions; it requires that the judge nevertheless be free to entertain and act upon different points of view with an open mind."

The second pillar of ethical conduct is **competence**. Of course, lawyers are very familiar with their need to be knowledgeable in the substance of the law and skilled in the procedural and other aspects of its practice. However, our speaker indicated that we also need « la compétence qui est requise pour savoir identifier et traiter des problèmes éthiques ». Regarding judges,

he reminded us about “Socrates’s prescription that judges hear courteously, answer wisely, consider soberly, and decide impartially” before adding his own view that “judges have to approach their duties with humility, stay very close to the law, and be very prudent when exercising discretionary powers.”

Le dernier pilier, et le plus important, est **l’intégrité** car, et je cite, « c’est l’intégrité personnelle des juges et des avocats qui sont au cœur du fonctionnement adéquat du système judiciaire, et de la confiance du public dans celui-ci ». After discussing how this obligation to act with integrity applies to both lawyers and judges, Mr. Justice Bastarache concluded:

“I find it fitting to reflect on these issues with you, at the Thomas More Society, because Saint Thomas More himself is known for his integrity. A prominent figure in his time, he never compromised his principles [...] Of course, not all people are like Saint Thomas More, and that is why standards like judicial independence are needed, to insulate decision-makers from the type of intimidation that he faced.”

Le très court temps qui nous est alloué aujourd’hui ne permet pas de rendre entièrement justice à ce savant discours, parsemé de citations de la jurisprudence et de la doctrine. With his permission, Mr. Justice Bastarache’s speech will be available on the upcoming Guild’s bilingual Website, **SaintThomasMore.ca**.

Thank you very much Your Honour.

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