



May 5, 2004

The Honourable Irwin Cotler,
Minister of Justice and Attorney General of Canada
284 Wellington St
Ottawa ON K1A 0H9

Dear Minister Cotler,

I am writing on behalf of interested National Sections of the Canadian Bar Association (CBA) to ask you to consider a reference to the Law Commission of Canada (LCC) in relation to a pressing and complex issue - the use of electronic media (e.g. internet) to access court files, file court documents and post judicial decisions. This issue raises serious questions about the appropriate balance between our commitment both to open justice in modern society and to protecting the privacy interests of individuals.

As you may know, the Canadian Judicial Council issued a discussion paper about electronic access to court records last summer, and sought input from the legal profession, including the CBA. The National Media and Communications Law, Privacy Law and Family Law Sections of the CBA collaborated to provide the requested input. We believe that this issue goes beyond strictly legal concerns. The LCC can bring a multi-disciplinary and academic approach to the serious and potentially competing public interests at stake. We believe that this topic merits the broad and comprehensive study that can be provided by the LCC.

Thank you for considering this request.

Yours truly,

(Original signed by Gaylene Schellenberg for Priscilla Platt)

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