

**Excerpts from Full Text of Speeches by the
The Rt. Hon. Beverley McLachlin, P.C. Chief Justice of Canada
An Exhibit to the Affidavit as per letter to the Supreme Court of Canada, Registrar,
With a Request for Considerations as per Sworn Affidavit of Arlene Lowery.**

Exhibit A

Note: text that is bulleted & bolded are those Chief Justice McLachlin's remarks.
Comments in italics and those highlighted in turquoise are Arlene Lowery's and raise questions and concerns to further support her request for removal from this case.

**I. Justice in our Courts and the Challenges We Face
given to The Empire Club of Canada (as posted on the Internet)**

- **Let me begin by asserting that Canada has a strong and healthy justice system.**

(Such a sweeping statement leaves no room for transparency and accountability.)

- **Our judges are independent and deliver impartial justice, free of fear and favor.**
(As Canadians we know that is not always the case and that because the judges are independent they can do whatever it is they want to do and do not have to account to anyone. Complaints go the Canadian Judicial Council as they did the complaint I lodged against Justice G. Chicoine. It was this Chief Justice who had another judge look into it and I was told he can do whatever he wants because he's over his court. Canadians aren't going to tolerate the judicial system covering-up for its own. It's a new day-a day of accountability. Canadians are not fools.)

- **Canadians can have confidence that judges are committed to rendering judgment in accordance with the law and based on the evidence. Corruption and partisanship are non-issues. In all of these things we are fortunate indeed.**

**(Let me begin by saying that Canadians are not fools. Too many of the 44% who have sought justice through Canadian courts as self-litigants have experienced the same as I did. They have seen partiality towards lawyers, particularly lawyers and whose defendant is the government. The above statement/position only breeds complacency coupled with a serious lack of accountability.)*

- **Yet, like every other human institutional endeavour, justice is never done. It is never achieved. It's an ongoing process. Each decade, each year, each month, indeed each day brings new challenges.**

**What needs to occur is to have lawyers follow the same Rules of the Court that we as self-litigants must follow and do not continue to show partial and partisan treatment as was the case here. Canadians want it to stop.*

*They want lawyers to quit gouging them at every turn until they are in the 'poor house' and do nothing for them as was my case with Mr. Erhardt. Canadians recognize that the legal system and all those who are apart of this vast network, have made seeking justice **BIG BUSINESS!***

For all the reasons why self-litigants pose a problem for the legal system, and stress for justices is because they are partisan and function below the acceptable standards we should and do expect. Some of them are rude, ignorant and insolent and demonstrate favoritism which was what occurred in my case.)

- **In my comments today I will touch on four such challenges. First, the challenge to access to justice; second, the challenge of long trials; third, the challenge of delays in the justice system; and fourth the challenge of dealing**

**Excerpts from Full Text of Speeches by the
The Rt. Hon. Beverley McLachlin, P.C. Chief Justice of Canada
An Exhibit to the Affidavit as per letter to the Supreme Court of Canada, Registrar,
With a Request for Considerations as per Sworn Affidavit of Arlene Lowery.**

with deeply rooted endemic social problems. First, access to justice. The most advanced justice system in the world is a failure if it does not provide justice to the people it is meant to serve. Access to justice is quite simply critical.

- Unfortunately, many Canadian men and women find themselves unable, mainly for financial reasons, to access the Canadian justice system. Some of them become their own lawyers or try to.
- Our courtrooms today are, if not filled, amply represented with litigants who are not represented by counsel who are trying to navigate the sometimes complex demands of law and procedure.

*(Yet, when 5 lawyers fail to file a motion to strike your amended claim (fresh copy) and fail to file a Statement of Defence either jointly or individually and have not one affidavit before the court for arguments, and have failed to follow the previous judge's orders **they should NOT WIN. The merits of the case become secondary to the judge's order being brazenly ignored.** The other side wins whether a self-litigant or not. **I SHOULD HAVE WON.** Why I did not win was because this government appointed judge was brought in to ensure I would not be successful because this lawsuit QBG. 1306 of A.D. 2005 was a BOMBHELL politically. Other people just give up. (People like I have to finally give-up after 10 years in the judicial system groveling to be heard and for justice to be served, even to the Supreme Court of Canada, and even when the SCC indicates the lawsuit has substantive issues cannot overturn the decision to strike it, claiming it is moot (does not matter) because the Courts of Saskatchewan struck it. This is ludicrous and unacceptable to me and all Canadians who are self-litigants or not).*

- Recently the Chief Justice of Ontario stated that access to justice is the most important issue facing the legal system.
- The Canadian legal system is sometimes said to be open to two groups--the wealthy and the corporations at one end of the spectrum and those charged with serious crimes at the other. -----The first have access to the courts and justice because they have deep pockets and can afford them. The second have access because by and large and with some notable deficiencies legal aid is available to the poor, who face serious charges that may lead to imprisonment.
- To the second group should be added people involved in serious family problems, child abuse situations, which your president mentioned and the like where the welfare of children is at stake. In such cases, our court has ruled, legal aid may be a constitutional requirement.
- It is obvious that these two groups leave out many Canadians. Hard hit are average middle-class Canadians. They have some income, they may have a few assets, perhaps a modest home. This makes them ineligible for legal aid, but at the same time they quite reasonably may be unwilling to put a second mortgage on their house or gamble with their child's college education fund or their retirement savings to pursue justice in the courts. Their options are grim. Use up the family assets in litigation, become their own lawyers, or give up. The result may be injustice.

**Excerpts from Full Text of Speeches by the
The Rt. Hon. Beverley McLachlin, P.C. Chief Justice of Canada
An Exhibit to the Affidavit as per letter to the Supreme Court of Canada, Registrar,
With a Request for Considerations as per Sworn Affidavit of Arlene Lowery.**

**(The result may be injustice when the law firm and the lawyer does not represent you because they are acting in the best interests of another client, the government for example or First Nation's organizations and hold a Conflict of Interest to take your case on but take it on anyway to assist their more prominent clients and take your money regardless as was the case with lawsuit QBG 1005 of A.D. 2002.)*

- **To add to this, unrepresented litigants or self-represented litigants, as they are sometimes called, impose a burden on courts and work their own special forms of injustice. (not to mention certain lawyers, court officials and justices)**
- **Trials and motions in court are conducted on the adversary system (adversary is to argue their position but it does not mean to take advantage, prejudice, abuse their powers providing the self-litigant free counsel that would undermine her case and position their client to win.) under which each party presents its case and the judge acts as impartial arbiter (at least Canadians expect they will.).**
- **An unrepresented litigant may not know how to present his or her case, may not even know what he or she needs to present.**
- **Putting the facts and the law before the court may be an insurmountable hurdle. The trial judge may try to assist, but this raises the possibility that the judge may be seen as helping or partial to that person (OR the judge may be seen as being partial to lawyers). The proceedings adjourn or stretch out adding to the public cost of running the court. In some courts more than 44 per cent of cases involve a self-represented litigant.**
- **The Associate Chief Justice of British Columbia Provincial Court is quoted as saying: "This is absurd not unlike allowing a medical patient to administer their own anaesthetic."**

(What is absurd is that when self-litigants do put together a lawsuit such as mine, that as in my case can be likened to one going for surgery and the judicial officials being the anesthetist puts a plastic bag over your head and suffocates you (that is ensures you will NEVER receive justice.

Such examples are generous in my case such as: The court of Queen's Bench registrar arranging a teleconference just to position counsel for the defendants in a better position to argue that the Statement of Claim (Amended-Fresh Copy) was not this but proposed only and in revising this order put my opponent /defendant (the government) and the other defendants' in a great position before a new judge to get this lawsuit stricken, that is thrown-out.. This same registrar who revised the Order from the Chamber's meeting of December 01, 2005, removes the original fiat from that Chamber's meeting, refuses to add that Chamber's meeting to the procedural record and replaces it by a Chamber's meeting held the day after the teleconference.

This registrar still didn't get the instructions correct that Justice Kovach gave referring to the Statement of Claim (Amended-Fresh Copy) as proposed and ensuring counsel had a new judge.

This same registrar rewrites over the court stamped official filing date of the decision, back-dating it by 6 days and then claiming that I am late in filing my application to appeal.

**Excerpts from Full Text of Speeches by the
The Rt. Hon. Beverley McLachlin, P.C. Chief Justice of Canada
An Exhibit to the Affidavit as per letter to the Supreme Court of Canada, Registrar,
With a Request for Considerations as per Sworn Affidavit of Arlene Lowery.**

He contacted the judge to influence him on behalf of counsel for the government, to not allow in fresh evidence, who does not tell me that the hearing on the fresh evidence was a special meeting and to be audio-taped. He didn't tell me even after I asked him if this was the case, but lied to me telling me if was not. This registrar filed a Consent Order arranged by counsel for the Saskatchewan Governments after Mr. Darryl Brown advised me that I must remove his clients' names from the lawsuit, as they had immunity and simply go after the government. This registrar, Mr. Brown and all of counsel knew what they were doing and they committed a felony. Do they get immunity from that? This judge who claims he didn't know anything about the file, held onto it for two years less a day to ensure that he used up the Statute of Limitations when he struck it. This same judge was rude and ignorant to me during arguments; he allowed Mr. Watson, Q.C. to use a mechanical device, hand-held tape-recorder without my knowing he would do this, he took over lawsuit QBG. 1005 of A.D. 2002 while seized with a decision on this lawsuit (that should have been consolidated with Part Three) as I had suggested to him during arguments on March 06, 2006. When I put in a complaint to Chief Justice Beverley McLachlin about this judge I was told he can do whatever he wants to do as they are independent. I complained about unfairness to Chief Justice Laing via the registrar, and he wrote me a letter to advise me that I was being treated fairly. NO I WAS NOT! Canadians who are self-litigants are not this stupid! We understand we are 'a thorn in the justice system's side', particularly when we represent 44 % of litigations in the system.)

- **It is not only the unrepresented litigants who suffer. Lawyers on the other side, the side clients are paying for, may find the difficulty of their task greatly increased driving up cost to their clients. Judges are stressed by these things and burned out sometimes putting further pressures on the justice system. And so it goes.**

(And so it goes, that self-litigants are stressed and prejudiced instead of being guided through this maze)

Speech #2.

Remarks of the Right Honorable Beverley McLachlin, P.C. As posted on the Supreme Court of Canada Website Remarks of the Right Honorable Beverley McLachlin, P.C.

II. Medicine and the Law: the Challenges of Mental Illness

February 17 and 18, 2005

- **All of this impacts on the law, both criminal and civil, to which I now turn.**
- **The downtown streets of our large cities are peopled by thousands of homeless men and women, many of whom are mentally ill. Once again, mental illness challenges the law.**
- **Whereas before the law locked them into institutions, now it must interface with them in society. Whereas once the legal solution to mental illness was simple, now it is complex and difficult and what is more, expensive. Drugs cost money. Decent**

**Excerpts from Full Text of Speeches by the
The Rt. Hon. Beverley McLachlin, P.C. Chief Justice of Canada
An Exhibit to the Affidavit as per letter to the Supreme Court of Canada, Registrar,
With a Request for Considerations as per Sworn Affidavit of Arlene Lowery.**

housing costs money. Hospitals and psychiatrists cost money. With so many competing demands on the public health care budget, the claims of the mentally ill, who still hover on the margins of society, are too easily overlooked. We are still struggling with the problems flowing from de-institutionalization. They are the sort of problems that lead the police officer I mentioned at the outset to say that the mentally ill are his biggest challenge.

(Just to note that some self-litigants about 9% of the 44 % of us who navigate the system will have a major depression treated) 12% not treated and may suffer other illnesses like BiPolar and the like. Mental illness can be an outcome of the pleadings within their writs but that does not mean they should be undermined.)

**Remarks of the Right Honourable Beverley McLachlin, P.C.
Judicial Independence - May 11, 2001**

- Old habits of direction and corruption often are hard to break, and confidence in judicial impartiality may prove difficult to instill in a doubting population. (Indeed!)
- A country may set up a judicial system that on paper seems independent.
- It may tell people that they can trust the judges. (It does, you tell us that.)
- Yet the people, after filing their writs at the front door of the courthouse, may still slip round to the back door for a private word, or a gift, for the judge.

(The reference here to 'people' I believe are self-litigants, not those represented by lawyers. We are to believe that justices are what the Hon. Chief Justice Beverley McLachlin states in the first speech referenced on page 1. the following: Canadians can have confidence that judges are committed to rendering judgment in accordance with the law and based on the evidence. Corruption and partisanship are non-issues. In all of these things we are fortunate indeed. (This Canadian does not have confidence that ALL judges in Canada are committed to rendering judgment in accordance with the law and based on the evidence. Corruption and partisanship are ~~non~~ still issues. These countries find themselves caught in a vicious circle.

- Without confidence in the judicial system, more transparent legal processes have difficulty getting off the ground.
- And without transparent legal processes, how can they hope to build confidence in the judicial system?

(This is exact reason for this website.)

- The western observer, for one, is struck anew by the importance of what we take for granted - public confidence in the legal process.
- The Famous Five lost in the Supreme Court of Canada but they refused to take no for an answer and pushed on. They raised money. They lobbied. They persuaded. Ultimately they moved their case across the ocean to London, where the Judicial Committee of His Majesty's Privy Council, then Canada's final court of appeal, sat to decide the most important legal issues of Britain's colonial domain.

**Excerpts from Full Text of Speeches by the
The Rt. Hon. Beverley McLachlin, P.C. Chief Justice of Canada**
An Exhibit to the Affidavit as per letter to the Supreme Court of Canada, Registrar,
With a Request for Considerations as per Sworn Affidavit of Arlene Lowery.

I didn't want to take 'No' for an answer either but I had to when the justices of the Supreme Court of Canada recognizing that there were substantive issues raised in my writ (Statement of Claim as amended) refused to address them because the Courts of Saskatchewan threw my writ out. This is unbelievable!