



July 28th, 2008

Dear Inquiry Committee:

RE: Inquiry Committee regarding The Honourable Mr.
Justice Paul Cosgrove

I am happy to write a letter in support of my colleague The Honourable Justice Paul Cosgrove.

I know Paul well through our many judicial seminars and conversations since his appointment to the bench.

From my knowledge of Paul, both as a politician and jurist, I was always struck by his high idealism, good intentions, and devotion to duty. He has always shown a strong concern for justice and the plight of the underdog in our society. He embodies for me many of the qualities and attitudes a good judge should possess.

I make no comment on the particulars of the allegations against him except to remark that the tenure of a judge should never be conditional upon perfect performance. No judge who has enjoyed a long career on the bench can claim that he or she has never at times made mistakes or exercised poor judgment. Barring proven incompetence, bias or bad faith in the execution of his or her duties, it would be a sad day for the independence of the judiciary if judges were sanctioned for their human failings. The freedom of a judge to speak frankly in accordance with the law and conscience is one of the keystones of our judicial system. Any weakening of that freedom would undermine our quest for justice.

In the course of a long career a judge makes hundreds of decisions both big and small. His record should be looked at as a whole.

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I hope my letter will help bring closure to this ordeal which has shadowed the last years of Paul's long and honourable career on the bench, and caused such anguish to both him and his family. I believe he deserves better.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'J. H. Clarke'.

James H. Clarke
Justice