



Government of Canada

Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO
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Arthur Rotherham
Special Assistant (Police)
Solicitor General's Office

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N / RÉFÉRENCE
YOUR FILE - V / RÉFÉRENCE
DATE April 25, 1986

FROM
DE

David Akman
Counsel

SUBJECT
OBJET

Correspondence Re: James Stiles - Docket No. 8703B

You have sought advice concerning a letter from Mr. Stiles' counsel, John Nelligan, who requests a meeting with the Solicitor General and the Minister of Justice to allow settlement representations to be made on Mr. Stiles' behalf with a view to seeing his client reinstated in a suitable position as a regular member of the Force.

Actions are presently before the courts by Mr. Stiles against Her Majesty The Queen and named employees of the RCMP. It is somewhat improper in such circumstances for plaintiff's counsel to then request a meeting with the Minister. As Justice counsel has been appointed to handle the defence of the action, Mr. Nelligan should be strongly urged to make all settlement proposals through government counsel, who would then transmit any proposal to the client.

It would also not be advisable for the Minister to meet with counsel bringing an action against the government, as it could serve to personally implicate the Minister and possibly result in him being called as a witness to testify should this matter proceed to trial. It would also likely result in oral representations or exchange of correspondence which may become material evidence at trial.

My understanding for requesting this meeting with Ministers is to put pressure on them to reach a settlement. Notwithstanding the above reasons, such a meeting would serve no purpose until the government had determined a comprehensive policy on homosexuality.

David Akman
Counsel

cc F.E. Gibson, Q.C.