

February 21, 2014

Monsieur Luc Ferland  
President, Commission des institutions  
Assemblée nationale du Québec  
Hôtel du Parlement  
1045, rue des Parlementaires  
Québec (Québec) G1A 1A3

Dear President:

I am writing to you on behalf of the Canadian Institute of Actuaries to voice our support for the provisions of Bill 28 (the bill to enact the new Code of Civil Procedure) dealing with expertise (sections 231 to 245) and expert testimony (sections 293 and 294).

### **A few words on the Canadian Institute of Actuaries**

The Canadian Institute of Actuaries (CIA) is the national organization of the actuarial profession in Canada. The CIA holds the duty of the profession to the public above the needs of the profession and its individual members. We serve both the public interest and our members by:

- Establishing and maintaining professional guidance, quality education, validation of eligibility, and continuing professional development requirements;
- Conducting relevant research;
- Maintaining a code of conduct and a disciplinary process of the highest standard; and
- Making meaningful and timely contributions to public policy.

### **The CIA's Support**

By enacting and formalizing a framework for expertise in its new Code of Civil Procedure, the Québec legislature is entrenching its importance and reaffirming the essential contribution made by experts to the Québec justice system.

Actuaries contribute to the civil litigation process by applying their specialized knowledge in mathematics of finance, statistics, contingencies, and risk theory to problems faced by pension plans, government regulators, insurance companies, and other financial institutions, as well as social programs and individuals.

In Québec, actuaries regularly play a key role in civil litigation by supporting lawyers through quantification of monetary damages. We assist the parties and the courts by providing them with opinions on the value of pecuniary losses resulting from bodily injury, death, or wrongful dismissal. We determine the present value of losses by making assumptions concerning past and future earnings, pension and other employee benefits, and the cost of future care.

Actuaries belonging to the CIA are particularly well qualified to serve as expert witnesses, since they adhere to standards of practice requiring them to act in an independent, unbiased, and impartial manner.

Indeed, the Institute's standards of practice pertaining to actuarial evidence (part 4000) already meet the spirit of the provisions of Bill 28.

We can reference the following paragraphs in particular to support our comments:

**4210 CIRCUMSTANCES OF THE WORK**

- .06 The terms of an appropriate engagement would define the role of the actuary and the purpose, context, and scope of the work. An engagement for actuarial evidence work would not be appropriate if it would impair the ability of the actuary to perform independent and objective work.

**4230 ROLE AS EXPERT**

- .01 *The actuary's actuarial evidence work should be independent and objective.*
- .02 *The actuary's role as an expert should be to assist the court or other entity in the dispute resolution proceeding in its search for truth and justice, and the actuary should not be an advocate for one side of the matter in dispute.*

**4240 TESTIMONY**

- .01 *The actuary's testimony should be independent, objective, and responsive.*

We would also point out that numerous federal and provincial statutes require a Fellow of the Canadian Institute of Actuaries to attest to insurance and pension plan liabilities and to certify a criminal interest rate under the Criminal Code.

Please feel free to contact me to discuss these questions at greater length.

Sincerely,



Jacques Lafrance, FCIA  
CIA President