

THE MID-WINTER MEETING OF COUNCIL*

The Mid-Winter Meeting of the Council of the Canadian Bar Association was held in Toronto on Saturday, February 7th, with a meeting of the Association's Executive Committee on the previous day. There was a formidable agenda, of which the most significant items perhaps were the President's proposal for a comprehensive survey of the legal profession in Canada; reports of committees making special studies of the Federal Labour Bill and the Income Tax Bill; the reiterated recommendation that the Archambault Report be implemented immediately; and some new appointments to Council. The meeting was well attended by representatives of the legal profession from all parts of Canada.

The President of the Association, John T. Hackett, K.C., M.P., Montreal, was in the chair at the beginning of the meeting and, after some matters arising out of the last meeting of Council had been dealt with, he raised the question of a proposed survey of the legal profession in Canada. So that he might address Council on the subject, the chair was then taken by the Dominion Vice-President, S. H. McCuaig, K.C. Mr. Hackett suggested that the Canadian Bar Association might sponsor a comprehensive survey of the legal profession in this country. What he had in mind was similar to the survey about to be undertaken by the American Bar Association in the United States, the cost of which incidentally is being borne partly by the A. B. A. and partly by the Carnegie Foundation, and he felt that the Canadian survey should be carried out at the same time as the American. "Now is the time" he said "to launch a project which must supply inspiration and direction for the years ahead." Funds would probably be more readily available now than later. He went on to outline as follows the possible scope of the investigation, which he emphasized should be "broad and comprehensive":

1. *Statistics of the profession.* The number of lawyers, by provinces and regions; their age distribution; rural and urban distribution; percentage of population, etc.

2. *Economics of the profession.* Cost of legal education; average earning capacity at various ages in different localities; retirement ages; costs of legal service to the public; invasion of lawyers' field by unauthorized practice; legal aid methods and gratuitous services, etc.

3. *Office organization and work.* Types of office; independent practitioners, partnerships and firms, lawyers

* Prepared for the Review by Mr. J. Ragnar Johnson of Toronto.

employed by corporations, lawyers in government service; kind of legal work most usual in different kinds of office, etc.

4. *Legal education.* Purposes and aims; proper relation between the Bar and the universities; prerequisites to study of law; types of student attracted to law school; Bar examinations; practical training for office work, etc.

5. *Post-graduate legal education.* Post-graduate work in law schools; continuing education of the Bar; refresher courses; research centres and libraries; encouragement to legal publication and writing; the Bar Review.

6. *The lawyer and the courts.* Types of lawsuit most prevalent today; efficiency of procedural technique; adequacy or inadequacy of system of appeals; delays; methods of appointment from the Bar to the Bench; role of the lawyer in the administrative process.

7. *The public and the Bar.* Attitude of various sections of the public towards the Bar; and reasons for it in general; are improvements needed, and how can they be secured; public relations in general.

There was considerable discussion of the proposal, in the course of which varying opinions were expressed. It was finally moved, seconded and passed that, the principle of the desirability of a survey of the legal profession in Canada being accepted, a committee be named to inquire into and report upon the extent of such a survey and the ways and means of accomplishing it. Plans to this end are being pushed ahead rapidly.

In the absence of André Taschereau, K.C., the report of the Honorary Secretary was presented by L. E. L. Galipeault, K.C., of Quebec City.

The report of the Honorary Treasurer, C. F. H. Carson, K.C., was given in his absence by the Honourable G. B. O'Connor of Edmonton. Mr. Carson having retired as Honorary Treasurer, T. D'Arcy Leonard, K.C., Toronto, was appointed to the office in his place. In turn, Mr. Leonard's position as Chairman of the Investments Committee was filled by the appointment of Paul Hutchison, K.C., Montreal.

J. A. MacAulay, K.C., Winnipeg, reported on the work done by the Taxation Section in connection with the new Income Tax Bill. Following the introduction of the Bill at the last session of Parliament, the Section had set up thirteen study groups, with chairmen in different parts of Canada, to study various phases of the Bill. Briefs were received from every group and

a draft composite brief was prepared by H. H. Stikeman of Montreal. It is proposed that the final brief should be submitted to the parliamentary committee to which the Bill is referred when it is re-introduced.

As a result of the adoption of the report of the Viscount Bennett Scholarship Committee, the annual scholarship of \$1,000 goes this year to Alan W. Scarth, a student at the Manitoba Law School. He will do post-graduate work at Oxford.

G. V. V. Nicholls, editor of the Canadian Bar Review, gave a brief statement during which he pointed out that the Review in 1947 had been one-third larger, with a greater number of contributors, than ever before. He paid high tribute to the assistance rendered by the Editorial Advisory Board, particularly by its Chairman, Walter S. Johnson, K.C., of Montreal, and to the various provincial editors. He pointed out, however, that the Review could hardly have survived through the year without the contributions of writers from outside Canada.

The Editorial Advisory Board had already, in the morning, been made a standing committee of the Association, with the result that its chairman becomes automatically an *ex officio* member of Council. The editor had also been made an *ex officio* member of Council and of all sections and committees of the Association.

D. Park Jamieson, K.C., Sarnia, introduced a resolution that had been approved by the Section on the Administration of Civil Justice, of which he is chairman. Briefly the effect of the resolution was that after each annual meeting and mid-winter meeting of Council a body chosen by the Executive Committee or the president should attend upon the appropriate government authorities for the purpose of presenting, and supporting, any resolution adopted at the meeting which called upon the government for action. After some discussion, this resolution was adopted. Thereupon Mr. Jamieson moved a complementary resolution, which was also adopted, requesting the Executive Committee to include in its report to the mid-winter meeting of Council and the annual meeting a statement of the matters presented to it for consideration or action, of the action taken on them and of the results of such action, so that sections and committees might have some guidance in their future work.

Cecil W. Robinson, of Hamilton, reporting on behalf of the Committee on Industrial Relations and Labour Law, stated that since the creation of the committee at the annual meeting in 1947 sub-committees had been set up in the different provinces

and a careful study had been made of federal Bill 338, The Industrial Relations and Disputes Investigation Act, as well as the Labour Management Relations Act of the United States, better known as the Taft-Hartley Act. Three reports of provincial sub-committees had been received, one from Ontario containing a detailed analysis of Bill 338; one from Nova Scotia dealing with specific sections of the Act and making ten recommendations; and the third from British Columbia, which with some minor exceptions did not comment on the form of Bill 338 but contained general recommendations. It was agreed that these three reports should be forwarded to the federal Minister of Labour. As a result of action taken at this meeting the Committee on Industrial Relations and Labour Law will in future constitute a Section of the Association.

On the motion of H. J. Wilson, K.C., Edmonton, it was agreed that representations should be made to the Dominion Government asking for the immediate implementation of the Archambault Report on penal reform and an early revision of the Criminal Code.

Reports were made on plans for the 1948 annual meeting, which will be held in Montreal in early September, and on the preliminary inquiries made in preparation for the 1949 meeting. W. B. Scott, K.C., and J. A. Prud'homme, K.C., have undertaken responsibility for accomodation and entertainment in Montreal, with Hugh E. O'Donnell, K.C., in charge of the Accomodation Committee. On the question of the 1949 meeting, S. H. McCuaig, K.C., the Dominion Vice-President, explained what accommodation was available at the Banff Springs Hotel and extended a formal invitation from the Bar of Alberta to hold the meeting at Banff. On his motion, it was agreed that the invitation should be accepted.

Other matters brought forward or discussed were: British Columbia membership in the Association; the Association's membership in the Inter-American Bar Association; a statement with respect to the Special Committee on Bankruptcy; the question of a registration fee for Council members attending mid-winter meetings; a report by Mr. Kenneth F. Mackenzie, K.C., on certain discussions that had taken place with regard to sex offences; the Report of the Section on the Administration of Civil Justice; the interim statement, presented by Mr. R. M. Willes Chitty, K.C., of the Conference of Governing Bodies of the Legal Profession in Canada; and the admission of members of the notarial profession in Quebec to membership in the Canadian Bar Associa-

tion. It is hoped to discuss some of these subjects in greater detail in future issues of the Review.

The Mid-Winter Council Meeting was not without its social side. On the evening of February 6th a dinner was given at Osgoode Hall by the Treasurer and Benchers of the Law Society of Upper Canada, while on the following evening members of Council and their ladies were guests of the Government of Ontario at dinner at the National Club.

THE OLD OLD BAILEY

Curiosity has occasionally led us into both Courts at the Old Bailey. Nothing is so likely to strike the person who enters them for the first time, as the calm indifference with which the proceedings are conducted; every trial seems a mere matter of business. There is a great deal of form, but no compassion; considerable interest, but no sympathy. Take the Old Court for example. There sit the Judges, with whose great dignity everybody is acquainted, and of whom therefore we need say no more. Then, there is the Lord Mayor in the centre, looking as cool as a Lord Mayor *can* look, with an immense *bouquet* before him, and habited in all the splendour of his office. Then, there are the Sheriffs, who are almost as dignified as the Lord Mayor himself; and the Barristers, who are quite dignified enough in their own opinion; and the spectators, who having paid for their admission, look upon the whole scene as if it were got up especially for their own amusement. Look upon the whole group in the body of the Court — some wholly engrossed in the morning papers, others carelessly conversing in low whispers, and others, again, quietly dozing away an hour — and you can scarcely believe that the result of the trial is a matter of life or death to one wretched being present. But turn your eyes to the dock; watch the prisoner attentively for a few moments; and the fact is before you, in all its painful reality. Mark how restlessly he has been engaged for the last ten minutes, in forming all sorts of fantastic figures with the herbs which are strewed upon the ledge before him; observe the ashy paleness of his face when a particular witness appears, and how he changes his position and wipes his clammy forehead, and feverish hands, when the case for the prosecution is closed, as if it were a relief to him to feel that the jury knew the worst. (Charles Dickens: Sketches by Boz)