At its 1948 Mid-Winter Meeting, the Council of the Canadian Bar Association approved the Report of the President recommending a survey of the legal profession in Canada. Council then instructed the President to name a committee with powers, roughly, to outline the scope of the survey, to estimate the cost, and to find if the necessary funds could be made available.

The Committee has been named: A. N. Carter, K.C., Dr. F. Cyril James, Hon. J. C. McRuer, LL.D., C. P. McTague, K.C., G. H. Steer, K.C., André Taschereau, K.C., C. A. Wright, K.C., John T. Hackett, K.C. Mr. G. V. V. Nicholls, Editor of the Canadian Bar Review, has consented to act as its Executive Secretary. The Committee is at work. It will make a progress report, if not a final report, to the Annual Meeting.

The idea of a survey grew out of the work of the Section on Legal Education and Training and, in particular, out of the fact that there is in Canada no school organized for post-graduate legal studies.

At the Quebec Mid-Winter Meeting of Council, held in February 1947, a survey of the legal profession in Canada was first suggested. How could the law schools know what to teach without knowing what lawyers actually do, or whether the lawyers are meeting in full the needs of the public? Someone suggested a "Rowell-Sirois" report on the legal profession. The idea germinated. Sun and moisture came to it from the friendly skies of the United States. Unbeknown to Canadians, the American Bar Association had decided to sponsor a survey of the legal profession in their own country. Carl B. Rix, President of the American Bar Association in 1946-47, was most desirous, possibly because of his Canadian descent, that the Canadian Bar Association join hands with her big sister in promoting a careful inquiry into all the facets and recesses of the legal profession on this Continent. Mr. Rix and his brethren were no less persistent than they were generous in their efforts to bring about a joint survey of the profession in the two countries. However, after mature thought, it was decided that a survey of which Canada could at best be but the northern fringe was not completely suited to Canadian needs. The problems in the two countries are not identical; here we have two systems of law and, in Quebec, two branches of the profession. While undoubted benefits would accrue from a survey carried out at approximately the same time as the American survey,
or possibly trailing it by six months or a year, thus enabling Canada to avoid some of the mistakes that are inevitable to an enterprise of such complexity, it was felt that Canada's interests would be best served if her effort were independent. The publicity, the inspiration, the competitive, as well as the comparative, element, would all tend, however, to enhance the value of the work in each country if it were carried out at about the same time.

In the United States the survey is being carried on under a Council chosen by the President of the American Bar Association and a Director appointed by that Council. Mr. Arthur T. Vanderbilt, a Past President of the American Bar Association, and for many years Dean of the New York University Law School, was selected, with unanimous approval, for the high office of director. His recent appointment to the Chief Justiceship of the State of New Jersey made necessary the selection of a successor. The choice fell upon Mr. Reginald Heber Smith, a distinguished member of the Massachusetts Bar, who is devoting all his time to the huge task of directing the survey. The Council is comprised of eleven persons, several of whom have no direct relationship with the legal profession. Two are business men, one is a college president, two, while not practising law, are associated with it as deans of law schools. The relationship of the American Bar Association to the survey is stated in a recent number of the American Bar Association Journal:

The Survey will be conducted as an independent project in the interests of the profession and the public by the Director and the staff which he selects, and will go forward with the advice of the Council. The relationship of our Association is that it perceived the need for finding out the facts as to our profession, arranged for the financing of the Survey jointly by the Carnegie Corporation and the Association, sponsored the selection of the Council from among lawyers and non-lawyers with outstanding qualifications, and committed the project to the independent judgment of this distinguished body and the Director chosen by it. . . .

The Survey will have 'no axes to grind', no preconceived point of view to be given inexorable support.

Incidentally, the cost of the survey in the United States has been estimated at $150,000, to which the Carnegie Foundation has contributed $100,000, on the condition that the American Bar Association contribute $50,000.

The Report of the President's Committee to the Montreal Annual Meeting should not be anticipated here. The scope of the survey will be finally determined by a Director and Council to whom the conduct of survey will be entrusted. Yet the Committee
will probably report that the survey should include at least some of the following items:

1. **Statistics and economics of the profession**
   
The number of lawyers by provinces and regions; their age distribution; rural and urban distribution; percentage of population; average income at various ages in different localities; office expenses; retirement ages; cost of legal services in the consumer's budget; etc.

2. **Professional services of lawyers**
   
   Services of lawyers in law offices for fees; types of office; independent practitioners, partnerships and firms; lawyers employed on salary by private corporations; lawyers in government service; kinds of work done; the lawyer and the courts; the rôle of the lawyer in the administrative process; etc.

3. **Judicial service**
   
   Trends in the type of lawsuit; efficiency of procedural techniques; delays and expense; adequacy or inadequacy of system of appeals; methods of appointment to the Bench; use of judges on commissions, committees, boards, etc.; administrative agencies; etc.

4. **Legal education**
   
   Purposes and aims; relationship between the Bar and the University; pre-lega education; admission to study of law; types of student attracted to the law school; curricula; practical training for practice; post-graduate work in law schools; continuing education of the Bar; research centres and libraries; encouragement to legal research and writing; legal periodicals; etc.

5. **The lawyer and the public**
   
   Attitude of the public to law and the profession; the reasons for it in general; public relations; legal aid; assigned counsel and gratuitous services; non-legal service to the public; war work; meaning of "profession" and responsibilities of legal profession in general; professional ethics; etc.

6. **The organized Bar**
   
   Present organization and history; Canadian Bar Association; provincial Law Societies; Conference of Governing Bodies of the Legal Profession in Canada; Conference of the
Commissioners on Uniformity of Legislation; unauthorized practice of law; discipline; etc.

The importance of the survey cannot easily be overstated. Lawyers are accustomed to hear themselves referred to as Gentlemen of the Long Robe and of the nisi prius mind. They are accustomed to be-whiskered jibes about "honest" lawyers. The public is not always well informed as to the rôle of the law and the lawyer in Canada. The records of the last session of Parliament contain flagrant, if not malicious, mis-statements concerning the law and those who administer and practise it.

A Bill was introduced into Parliament which denied a party to a dispute before a tribunal having the attributes of a court of record the right to be represented by counsel. Needless to say, the objectionable section was struck from the Bill in the House by the unanimous vote — less one — of all parties — except one. Had the Bill contained a section denying a man smitten with tuberculosis, for instance, the right to consult a physician, the inroad upon freedom would not have been greater. Yet, so ingrained is the belief that the legal profession exists for the purpose of providing a sheltered few with an easy livelihood, within the precincts of a closed monopoly, so sparsely spread is historic truth as to the origin, function and importance of the Rule of Law in any democracy, that all manner of encroachment upon it goes unheeded.

Canada, in common with other countries, has undergone in the last few years an immense material and technical revolution that has entirely changed the conditions of human life — without any corresponding change in human nature. The Rule of Law as we knew it in its legislative, its executive and its judicial aspects, as well as on its nether planes of legal practice, has also undergone sweeping change, but, again, the human heart has not changed, nor have any of the eternal verities on which our civilization rests.

The executive, for better or for worse, has superseded Parliament. The judiciary has been allotted, and in some instances has accepted, tasks far beyond the scope of judicial function. Vast numbers of lawyers have entered upon a type of service, highly specialized and very useful, that has frequently denatured their calling. In Government service, be it municipal, provincial or federal, in the service of corporations — financial, commercial, industrial — as a member of a large law firm, the Canadian lawyer has become neutral and is not always free to champion the cause of freedom.
Life is never static, change is of the essence of life. There is undoubted good in many of the changes that have come upon us, but at the same time dangers lurk in them. Speaking in Rome in 1944 on the tests of freedom, Mr. Churchill said:

The essential aspects of democracy are the freedom of the individual, within the framework of laws passed by Parliament, to order his life as he pleases, and the uniform enforcement of tribunals, independent of the executive. These laws are based on Magna Carta, Habeas Corpus and the Petition of Right and others. Above all they secure the freedom of the individual from arrest for crimes unknown to the law, and provide for trial by jury of his equals. Without this foundation there can be no freedom or civilization, anyone being at the mercy of officials, and liable to be spied upon and betrayed even in his own house. As long as these rights are defended the foundations of freedom are secure. I see no reason why democracies should not be able to defend themselves without sacrificing these fundamental values.

Has Canada been able to defend herself without sacrificing any of these fundamental values? The answer will be found in the survey.

The law is one of the great institutions that buttress our Christian civilization. We should become acquainted with the changes that have come upon us. We should know the facts—hence the survey. Knowing the facts, we should apply to them the touchstone of eternal principles. The genius of our breed has been to find new channels through which the old and enduring principles may flow. It is by this perpetual recurrence to immutable principles and the gradual contrivance of new forms in which to express them that our forebears conquered and maintained their freedom. Should we be content with less?

THE CHANCELLOR'S FOOT

Equity is a roguish thing. For Law we have a measure, know what to trust to, Equity is according to the conscience of him that is Chancellor, and as that is larger or narrower, so is Equity. 'T is all one as if they should make the standard for the measure we call a "foot" a Chancellor's foot; what an uncertain measure would this be! One Chancellor has a long foot, another a short foot, a third an indifferent foot. 'T is the same thing in the Chancellor's conscience. (John Selden (1584–1654): Table Talk)