BRITISH COLUMBIA'S MEMBERSHIP IN THE CANADIAN BAR ASSOCIATION

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The Law Society of British Columbia at its annual meeting in July 1947 resolved to assume the cost of membership in the Canadian Bar Association of all members of the British Columbia Bar. As a consequence the Law Society applied for the admission of its members to the Canadian Bar Association for the year 1948 and paid their membership fees for that year. All members of the British Columbia Bar were admitted to membership in, and are now members of, the Canadian Bar Association.

If the Membership Committee of the Canadian Bar Association could report that every member of the Bar of Canada had become a member of the Association on a basis likely to be permanent, it would be entitled to a certificate of superlative efficiency, and the Association's Finance Committee would be vastly relieved.

The Association would be the beneficiary of other values as well. The expense of collecting dues would be eliminated. The uncertainty of adequate revenue would, as a consequence, cease at long last to be a problem. The Finance Committee's work would be confined to the administration of ascertained revenue in the interests of the wholly-organized Bar. The drumming-up of new members, and the cajolment of old members to renew their subscriptions, would, to the satisfaction of everyone, be a thing of the past. Members of these two major Committees would be free to undertake constructive activities. Having done a perfect job of work, they might well be given the biggest assignment facing the organized Bar, namely, to sell to the rank and file of the people of the country the service that lawyers have to offer and the value to them of availing themselves of the service.

A fully-organized Bar, comprising all the members of the Bar of Canada, would have great prestige and commanding authority. It would make a contribution to the people of Canada such as no other Association could possibly do. Eight thousand lawyers speaking with one voice might well have a determining effect in national issues. Such a result would in itself appear to justify a serious effort at solidarity.

Although the Bar so constituted could not fail to achieve widespread beneficial values, the members of the profession
themselves would be likely to realize the results more quickly. Nothing else would so surely invigorate the Bar. It would seize the imagination of the members and give the Association a feeling of maturity. The Association would be accepted widely as being in readiness and organized for united activity.

If this development were good for the country and good also for the members of the profession, the values to the organization would be beyond price. Wide and salutary repercussions in its management and organization would follow. Instead of the management being committed to a few willing enthusiasts, shuffling the executive offices around among themselves, or pressing reluctant members into office, the management of the Association would likely be closely linked with the executives of the provincial Bars. Management would take on vigour and a new complexion. The criticism frequently expressed that members have no real voice in the election of the executives and officials of the Association would cease to have validity. The Association would, moreover, become conscious of its position as the spokesman of the United Bar.

If, therefore, the Association enjoyed complete membership and Bar representation, the country, the members of the Bar and the Association would all benefit. Executive action would be more confident, secure and authoritative. The cost to each member, too, would be negligible — insignificant — in its relation to the demonstrable benefits to be enjoyed by all.

The arguments against such a proposal are not impressive. For example, it has been said that there are people who are constitutionally opposed to being forced into membership in any organization. Membership in the provincial Law Societies is compulsory. To insist on membership in a national organization would seem to be a natural consequence and no hardship upon anyone.

The proposal must, it is true, be cautiously explored. It may be that the action taken by the British Columbia Bar will stimulate that examination.

However that may be, it is probable that all or some of the considerations mentioned were in the minds of the members of the British Columbia Bar when it was decided to bring all members of the provincial Bar into the Canadian Bar Association. For some years the Executive of the B. C. Section of the Canadian Bar Association were under constant pressure to recruit new members, as no doubt were the Sections of all other Provinces. It was almost the primary concern. Inner Councils were perenni-
ally worried at the uncertainty of membership and the seeming indifference of the rank and file of the Bar to the Association. The Association's finances were a matter of grave concern at every meeting. These anxieties, and the growing consciousness of the impressiveness and value of the Association, had largely to do no doubt with bringing about the proposal that the British Columbia Law Society should enrol its complete membership in the Association. In making this considerable demonstration of support, the Bar was greatly influenced by that small group of members of the Association in the Province, who, in season and out, have been active in its interests. All arguments in opposition, including the considerable cost involved, were swept aside.

The Law Society of British Columbia is not affluent, certainly no more so than some law societies and perhaps less than others. It has no revenue from investments. It operates almost entirely on the annual dues received from its members. The resolve to enrol all members of the Law Society meant therefore that the annual dues of the members had to be increased by the amount necessary to pay their membership in the Association.

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The proposal was originally discussed in 1944 in *The Advocate* (the publication of the Vancouver Bar Association) Vol. 2, page 151:

The Association, now in its twenty-eighth year, has become an important national institution. It is noteworthy, however, that its membership counts only a bare one-fifth of the members of the profession in Canada. Its management and membership consist largely of the elite rather than of the rank and file of the profession. Something needs to be done to make the Association vital and tangible to all the members of the Bar. To be truly a Bar Association of the Dominion, with the right to appropriate to itself the name 'Canadian Bar Association', all members of the Bar of the Dominion ought in some automatic way to be members. This could be obtainable, without any stretch of the imagination, if the Dominion Association was financed wholly by the Law Societies of the various provinces. Each Law Society would under such plan enter all its members as members of the Association, and would pay from the Law Society funds the membership fee. The result would be vastly invigorating to the Association and be certain to fix and attract the interest of almost every lawyer upon the government, the policies and the activities of the Association.

It was later proposed and explored at meetings of the Executive of the B. C. Section of the Canadian Bar Association and finally at a meeting held before the annual meeting of the Law Society in Victoria in 1946. At this meeting of the Society Mr. W. H. M. Haldane of the Victoria Bar, a member also of the B. C. Executive of the Association, proposed that all members
of the British Columbia Bar be enrolled as members of the Association. The text of his address is to be found in *The Advocate* for 1947, Volume 5, at pages 35 and 36. At that time membership in the Canadian Bar Association was $5.00 per annum. To enrol all members of the B. C. Society (approximately 700) in the Association would have cost the Society some $3,500. So much encouragement was given the proposal (the meeting being unanimously in favour) that it was resolved to refer it to the Benchers for the necessary action.

In the meantime, in the autumn of 1946, the Canadian Bar Association increased its annual dues to $10.00. The Benchers then decided to refer the matter again to the members of the Bar at the annual meeting of the Society in 1947. At this increased figure, to make the scheme possible at all, an amendment to the Legal Professions Act had to be made permitting an increase in dues. The Benchers undertook and accomplished this amendment (with the cooperation of the Attorney-General, Mr. Gordon S. Wismer, K.C.). When the matter was discussed at the annual meeting of the Law Society in July 1947, it was apparent that, if favourable action was to be taken on the proposal, the annual dues of the members of the Law Society would have to be raised by an amount at least equal to the dues payable to the Canadian Bar Association. To enrol all the members of the B.C. Bar in the Canadian Bar Association at that time meant an expenditure of $7,000. So convinced, however, were the members present at the 1947 meeting of the wisdom of the proposal that, notwithstanding the increased cost and incidental levy, the resolution to enroll all members was passed, to have effect on January 1st, 1948. In consequence, all members of the Bar of British Columbia have been enrolled as members, and are now members, of the Canadian Bar Association. The debate on the proposal is to be found in *The Advocate* (1947), Vol. 5, pages 168 to 229. The Bar of the Province, as a whole, has in this and in other ways demonstrated its practical interest in the progress of the Canadian Bar Association.

In 1946 the Law Society of British Columbia contributed to the B. C. Section of the Association the sum of $600 to finance its activities and again, in the year 1947, the sum of $400. The work of the Section has been growing in scope and value.

The Section has been increasingly active under the energetic chairmanship of Mr. J. A. Campbell, K.C., of the Vancouver Bar (Vice-President for British Columbia). The first annual meeting of the B.C. Section of the Canadian Bar Association took
place in Vancouver last year. A meeting of the Section (comprising as it now does all members of the B.C. Bar) will be held in the City of Victoria in July of this year, in conjunction with the annual meeting of the Law Society. Mr. F. E. Holman, President-elect of the American Bar Association, will give an address at a dinner to be held under the auspices of the Section. The Section has been fortunate in having an enthusiastic and efficient group constantly promoting the interests of the Association.

The Canadian Bar Association on its side has recognized the contribution made to it by the B. C. Bar. No doubt as an encouragement to continue in its well-doing, and after the admission to membership of all members of the B. C. Bar, the Council of the Canadian Association made a grant to the B. C. Section of $1,600 to carry on its work in the Province.

No consideration of the movement to enrol all members of the Society in the Association would be adequate without mention of some of the members of the Bar and Judiciary who laid the foundation for the action which has now been taken. Among them are Senator J. W. deB. Farris, K.C., Chief Justice Farris, C. M. O’Brien, K.C., W. H. M. Haldane, J. A. Clark, K.C., T. G. Norris, K.C., W. S. Owen, K.C., and T. E. H. Ellis.

Some members of the Bar in British Columbia, enthusiastic for the proposal, have been astonished and perhaps a little chagrined that the resolution appears to have been received with coldness or incomprehension. In short, what seemed to be a matter of first-rate importance to the Association appears to have made no noticeable impression. Perhaps the significance of the action, coming as it did without advance notice, has not yet been fully appreciated. That it is being critically examined in some circles is quite evident. One commentator has observed that it may be good for British Columbia, but certainly not for his Province. Whatever the motives or objectives of the members of the British Columbia Bar may have been, self-interest was certainly not among them. It will be of much interest to see how other Provinces will finally view the action taken by the British Columbia Bar.

The Canadian Bar Association is destined to have an effective part in the life and future of the Nation. Whether it be on the basis of voluntary membership or of a wholly integrated Bar remains to be seen. Whichever it will be, all members of the Bar will share the hope that the Association measures up fully to the responsibilities increasingly put upon it, in accordance with the high hopes of those leaders of the Bar who brought it into being and its already impressive and respected position.
The Bar of the United States has recently been much concerned with the organization of the State Bars, with what is referred to as an Integrated Bar. Most of the arguments favouring integration could appropriately be applied to the proposal to bring all members of the Bar of Canada into the Association. All but a very few of the States of the Union now enjoy integrated Bar status.

Whether other Provinces follow the example of British Columbia is their own concern. The Canadian Bar Association, in any event, is well on the way to a future of great usefulness and responsibility. The sooner the profession, as a whole or in large numbers, becomes part of the Association, the sooner will its proper and inevitable place be reached.

REALIZATION OF OPINION

Now compromise, in view of the foregoing theory of social advance, may be of two kinds, and of these two kinds one is legitimate and the other is not. It may stand for two distinct attitudes of mind, one of them obstructive and the other not. It may mean the deliberate suppression or mutilation of an idea, in order to make it congruous with the traditional idea or the current prejudice on the given subject, whatever that may be. Or else it may mean a rational acquiescence in the fact that the bulk of your contemporaries are not yet prepared either to embrace the new idea, or to change their ways of living in conformity to it. In the one case, the compromiser rejects the highest truth, or dissembles his own acceptance of it. In the other, he holds it courageously for his ensign and device, but neither forces nor expects the whole world straightforward to follow. The first prolongs the duration of the empire of prejudice, and retards the arrival of improvement. The second does his best to abbreviate the one, and to hasten and make definite the other, yet he does not insist on hurrying changes which, to be effective, would require the active support of numbers of persons not ripe for them. It is legitimate compromise to say: 'I do not expect you to execute this improvement, or to surrender that prejudice, in my time. But at any rate it shall not be my fault if the improvement remains unknown or rejected. There shall be one man at least who has surrendered the prejudice, and who does not hide that fact.' It is illegitimate compromise to say: 'I cannot persuade you to accept my truth; therefore I will pretend to accept your untruth.' (John Viscount Morley: On Compromise)