

The Thirty-fourth Annual Meeting of the Canadian Bar Association*

Thirteen hundred and eleven members and guests answered the summons to the Thirty-fourth Annual Meeting of the Canadian Bar Association at Vancouver. In conformity with the ordinance in that case made and provided, formal proceedings incidental to the annual meeting commenced on Wednesday, September 3rd, in the ballroom of the Hotel Vancouver. There the Premier of British Columbia, Hon. W. A. C. Bennett, in words complimentary to lawyers and their work, welcomed the registrants. The entire week of the convention was rich to repletion with a succession of social, business and other associated events. This report can do no more than sketch some of the highlights; the valuable papers and debates in the meetings of the sections will no doubt be recorded elsewhere.

At the opening session the President of the Association, J. A. Clark, C.M.G., D.S.O., Q.C., had with him on the platform several past presidents of the Association and a number of other distinguished guests. Interest in the business of annual meetings has always been quickened by the presence of visitors of distinction. It should be said first perhaps that no person present this year was received with such interest and enthusiasm as the Right Honourable the Prime Minister of Canada, Louis S. St. Laurent, P.C., Q.C., LL.D., M.P., himself at one time president of the Association, and now its Honorary Life President. His many appearances upon both formal and informal occasions evidenced his abiding interest in the Association and the cause of lawyers.

Of the other guests no one endeared himself more to all who met and heard him than the representative of the Bench and Bar of England, Sir John Morris—the Right Honourable Sir John Morris, P.C., C.B.E., M.C., Lord Justice of Appeal—who while on this side of the Atlantic attended the annual meeting of the American Bar Association as well as our own. No less welcome were Sir Godfrey Russell Vick, Q.C., Chairman of the General

* This account was prepared for the Review by Mr. Elmore Meredith, Q.C., of Vancouver.

Council of the Bar of England and Wales, who was also a guest of the American Bar Association, Mr. Howard L. Barkdull, the President of the American Bar Association itself, M^e Georges Chresteil, Bâtonnier de l'Ordre des Avocats à la Cour de Paris, and the Hon. Stuart S. Garson, Q.C., Minister of Justice and the Association's Honorary President.

Throughout the annual meeting there were special events that, with good planning, were brought to coincide with the meeting, and deserve a special word. Foremost among these were the ceremonies at the University of British Columbia on the late afternoon and evening of the Thursday. The formal opening of the Faculty of Law's new building, with a finely conceived consideration on the part of the Chancellor (Mr. Sherwood Lett, Q.C.), the President of the University (Dr. Norman A. M. MacKenzie) and the Dean of the Faculty (Professor George F. Curtis), was deferred until this occasion. The Law Building was indeed a dream come true to the Dean, whose vision and persistence have, in it, been so richly rewarded. The Faculty of Law, begun as recently as 1945, has grown impressively. It is distinguished both for the number of law students trained there and the high standard of scholarship achieved.

In the presence of a distinguished company the Law Building was formally declared open by the Prime Minister, prefaced by words that are certain to be a part of the University's archives. After a graceful introduction Mr. St. Laurent continued, in a passage the significance of which must have been obvious to most of his hearers:

Legal education, like other forms of education, is and should remain within provincial jurisdiction. But that does not mean that lawyers should have a provincial outlook, and it does not mean that it is a good thing for lawyers, or even for the administration of justice in Canada, to raise too high the boundary walls that divide the practice of the profession between the various provincial jurisdictions. The very existence of the Canadian Bar Association is ample evidence that the horizons of the best of our lawyers and teachers of law does extend beyond the boundaries of any one province.

The ceremony was all the more congenial, he went on, because it was taking place in a university that "seems to be a veritable paradise of lawyers". The titular head of the university, Brigadier Sherwood Lett, the working head, Dr. Norman MacKenzie, and of course the Dean of the Law School are all lawyers. And then once again the speaker touched forthrightly on a matter upon which there has been some controversy:

Above all I am pleased to be here because I am firmly convinced that the

lawyers and the citizens of British Columbia have acted wisely in supplementing the older form of legal education which existed in this province with formal academic education in a school of law. I have never been able to persuade myself that a knowledge of legal techniques is enough to make a good lawyer, though I do not for a moment disparage technical knowledge. Technical knowledge, technical know-how, is just as necessary to a lawyer as it is to an engineer or to an architect, but by itself I do not think it is enough. Of course, I would not say that it is absolutely essential to attend a law school in order to be an educated lawyer, but I do think that the law school helps, and that it speeds up the process of education.

And then:

For myself I regard law as a form of social and political economy. To me the study of law is really the study, from a special point of view, of what experience has shown to be the behaviour best suited to good economic and social relations of men living within a political framework. It is the law, whether statutory or unwritten, that gives form, order and, indeed, reality to our basic social relationships. Without law there would be no such recognized institutions as marriage, property, corporations, trade unions, and the like. There may be those who would consider that a good thing, but among them would be none who had made any serious study of law.

The study of law, properly conceived, inevitably involves an attempt to understand the natures of men and the nature of the society in which men live. We lawyers regard, of course, the law as a profession, but, before being a profession, it is one of the humanities, and, as I conceive it, the first function of a law school is to emphasize the humane aspect of legal training.

Preceding the formal opening of the Law Building members were invited to visit the home and gardens of Mr. and Mrs. F. Ronald Graham, which had been opened for the occasion at the request of the President of the University. From there members moved along to the grounds of the University nearby, where the University was host at a buffet supper on the lawns.

No doubt the enjoyment of visitors was increased by the contemplation of the superb location of the University, pointed up in the sunshine of an early autumn day. With fine discernment an earlier generation sited the University upon the western-most part of Point Grey. Projecting far out into the Strait of Georgia the point commands the sea entrance to the City of Vancouver. On the north is Howe Sound and its snowy, rugged, recently upthrust Coast Range; to the west and south the Gulf Islands and Vancouver Island itself. As for the weather, there have been outlanders who have been heard to whisper sometimes about Vancouver's rain and fog, but even the most captious could have had no criticism of the superlatively beautiful weather that attended

the entire meeting, to the relief of hosts and, we hope, the added pleasure of visitors. Vancouver and its environs were truly on parade. Late summer and autumn flowers were everywhere in colorful and abundant profusion, and well kept lawns in rich green eased the spirit.

Thursday evening was devoted to a congregation at the University Armouries, special to the occasion, at which honorary degrees were conferred on Mr. Barkdull, M. Chresteil, General Clark, Chief Justice Farris, Sir John Morris, Chief Justice Sloan, the Prime Minister and Mr. R. H. Tupper, Q.C., the dean of the Law Society's predecessor to the present Faculty of Law. The ceremony was carried out in the presence of Association members and a distinguished company of invited guests. Sir John Morris delivered the congregation address on the theme of the equipment of a lawyer. In eloquent words he reminded his hearers that the lawyer's work touches all the affairs and experiences of men, and fortunate therefore is he who can test his conclusions by the touchstone of the wisdom of the past. But, though man does not live by bread alone, the necessity to acquire his bread at all times remains; at some time and in some way the lawyer must master the principles of the law he is to help to administer and about which his advice will be sought. Summing up this phase of his remarks, Sir John said that his reflections were twofold:

one is that my observation of those in legal practice has convinced me that the finest performers, those with the surest grasp and touch, and with the qualities that I would covet, are those who can draw on founts of experience and knowledge not confined to the specialized field of the lawyer; the second is that in a profession which has so often to turn to the past and to precedent, it behooves us to see that our own house is in order, and that both as to instruction and as to legal procedure, we march in step with the needs of the times.

Doubtless the whole speech will appear in print, but there is a sample of what was a great performance, both in substance and manner.

A record of the special events of Thursday should also include reference to the ceremony held in Vancouver's newly refurbished Court House. In mid-morning all members of the Supreme Court of British Columbia convened under the presidency of Chief Justice Wendell B. Farris. Presented to the court en banc, the judges being garbed for the first time in their new robes of red and black silk, were ten young practitioners, who had completed their studies and been, by the Benchers of the Law Society, called to the bar and admitted to practice. During the ceremony the Prime Minister

appeared by invitation and took a place on the bench, from which he addressed the court and the newly called lawyers.

Special also were the events of Saturday, the closing day. These included a trip to the city of Victoria on the S.S. *Princess Patricia* and the reception of members and their wives at Government House by the Honourable Clarence Wallace, the Lieutenant-Governor, and Mrs. Wallace. The vessel left Vancouver at 9.30 a.m. and arrived at Victoria at 2 p.m., after luncheon on board; and, returning, left Victoria at 8 p.m., arriving at Vancouver after midnight. Business sessions proceeded on board during the morning and reports were heard from the editor of the *Canadian Bar Review*, Mr. G. V. V. Nicholls, the chairman of the several sections, and the nominating and resolutions committees. With the exception of meetings that may have been held on the S.S. *Montlaurier* en route to England in 1924, a memorable convention year, this must surely be the first occasion upon which the Canadian Bar Association has met on board ship.

Of official functions, social in character, there were many in quick succession, the two most significant being undoubtedly the formal banquets held on Wednesday and Friday evenings. The Law Society of British Columbia was host on the Wednesday, with W. H. M. Haldane, Q.C., the Treasurer, presiding. The guest speaker, Mr. Barkdull, began by bringing welcome greetings from the American Bar Association. The burden of his speech was that there are dangers in our economy, playing into the hands of the Communists. Steadily increasing income and inheritance taxes, he asserted with great assurance, are promoting one of the fundamental objectives of Communism. At the annual dinner of the Association on Friday evening, Sir Godfrey Vick was the guest speaker, not the first time he has addressed the Canadian Bar Association. As usual his remarks were a judicious combination of the entertaining and the thoughtful. As he approached the end of his address, Sir Godfrey told of a recent convention of lawyers he had attended in West Berlin: "We there all pledged ourselves to pass on this message: 'Love Justice, work for it, and if necessary lay down our lives for it' ". He concluded: "God grant us the serenity to accept those things we cannot change, the courage to change those things we must change, and the wisdom to know which to do."

Semi-official functions and social gatherings are quite essential to the success of any annual meeting; they make the frame, so to say, within which the business meetings and sessions proceed. Functions and gatherings of this sort have value in themselves,

in promoting the objectives of the Association, because they provide the opportunities for lawyers from all parts of Canada to become acquainted with one another and to exchange ideas in an atmosphere of informality. Reference at the beginning of this report, and at this length, to the amenities rather than to the stuff and substance of the meeting must not leave it to be assumed that the convention was devoid of real accomplishment. Serious and constructive business was afoot. Following the formal opening on September 3rd, General Clark presented his presidential address, in which he made a convincing and forceful case for ending political patronage in the appointment of judges and for some participation by the profession in their selection. This case the President has made with thoughtful persistence throughout his entire year of office. The full text of his remarks is reproduced elsewhere in this issue. The profession will be found grateful for this further brick the President has mortared in the edifice of the administration of justice.

Matters with which the members of the Canadian Bar Association are deeply concerned are made the source of special study by "sections" of the Association, under the general headings of the Administration of Civil Justice, the Administration of Criminal Justice, Civil Liberties, Commercial Law, Comparative Law, Industrial Relations, Insurance Law, Legal Education and Training, **Maritime Law**, and **Taxation**. Throughout the year most of these sections meet at the provincial level and they convene and report at the annual meeting. Meetings of the various sections were held throughout the week at Vancouver, papers were listened to and there was much good debate.

In the Section on the Administration of Civil Justice, as frequently in the past, the greatest controversy arose over broadening the grounds for divorce. By a determined effort on the part of a number of lawyers from the common-law jurisdictions a resolution asking for legislation to permit such provinces as wished to broaden the grounds for divorce was approved and forwarded to the Council of the Association. It was vastly disappointing to those who had worked on it with anticipation when this resolution failed by a slim margin to receive the approval of the members of Council and so, under the Association's by-laws, was not submitted to the general membership. The debate received, however, a good deal of publicity and in the result probably achieved as much as if the resolution had carried. In any event the resolution would have been largely valueless unless it had been strongly supported.

Most lawyers in British Columbia will probably feel that, individually and collectively, they should now press in other ways to bring about a result so demonstrably a public need. No group of persons in the community is more acutely aware of the urgency of modernizing legislation on this subject of the grounds for divorce than lawyers. In their day to day practice they are chagrined and frustrated at being unable to tender relief. The result, in the opinion of a great many, is a growing disrespect for law and a general lowering of moral standards. A resolution favouring the broadening of the grounds for divorce might not have been determinative in the present state of affairs, but it would have had the result of putting these views of the majority of lawyers squarely on the record.

Another debate of high importance took place in the Section on the Administration of Civil Justice, arising out of the presidential address. The recommendation of General Clark was that the English practice, under which judges are appointed by the Crown upon the recommendation of individual responsible ministers, either the Prime Minister or the Lord Chancellor, instead of the Cabinet as a whole, should be adopted in principle in Canada. After a debate, in which the Minister of Justice himself took part, the Section adopted a resolution, later passed by the Association as a whole, the enactive clause of which is: "that this Association go on record as supporting any efforts that may be made in the establishment within Canada of a practice whereby, regardless of pressures from his Cabinet colleagues, the Prime Minister or the Minister of Justice recommend the appointment of men who are leaders in their profession".

The Section on the Administration of Criminal Justice had as usual a lengthy agenda. With Mr. J. L. Salterio, Q.C., of Regina, in the chair, it listened to a paper by Mr. Gordon W. Scott, of Vancouver, on the bill now pending to revise and consolidate the Criminal Code, and another from Mr. Eric Pepler, Q.C., the Deputy Attorney-General of British Columbia, on the Juvenile Delinquents Act. So important were Mr. Scott's comments on the Criminal Code bill considered that it was resolved to have his paper sent to the Minister of Justice. Colonel Pepler made an unanswerable case for fundamental changes in the Juvenile Delinquents Act and a resolution was later adopted asking that the statute be examined and revised accordingly. Among other matters considered, one that attracted the particular attention of the newspapers was a recommendation that lotteries for prizes be permitted, provided they are operated under

governmental supervision by bona fide charitable and benevolent organizations, and that no compensation is paid the persons conducting them.

For a good many years, the Insurance Law Section has been one of the most active of all sections. During 1951-1952 provincial committees gave further study to matters arising out of the Report of the Insurance Law Revision Committee of the Association of Superintendents of Insurance, and also considered matters arising from the Report of the Committee of the Insurance Industry dealing with insurance law revision. The conclusions of the provincial committees were presented to the section at Vancouver, sitting under the chairmanship of Mr. L. St. M. Du Moulin, and a resolution adopted. The meeting also heard from Mr. Bert V. Richardson, Q.C., on the recent formation of a medico-legal society in Winnipeg, and from Mr. B. J. Thomson on the progress made by the similar organization in Toronto. Interest had been such in Toronto that a further society had just been set up in London, Ontario. Finally, papers were presented on specific insurance problems by the Quebec Committee, by Mr. R. E. Ostlund on "Limitation of Liability of a Canadian Carrier by Air", by Mr. F. H. Bonnell on "Current Insurance Problems, Decisions and Legislation" and by Mr. T. G. Norris, Q.C., on "The Challenge of Safety Responsibility Legislation". As this and other sections have discovered, the success of a section depends largely on the activity it is able to induce throughout the year at the provincial level. It is too bad that all the fruitful work being done in the sections cannot be adequately reported in the limited space available here.

Among other matters of business at the final business session on the journey to Victoria were the election of officers and a proposed increase in the active membership fee. For the coming year the senior working officers of the Association are Mr. André Taschereau, Q.C., LL.D., of Quebec, President; Mr. J. A. MacAulay, Q.C. of Winnipeg, Dominion Vice-President; Mr. L. E. Langis Galipeault, Q.C., Quebec, Honorary Secretary; Mr. D. Park Jamieson, M.B.E., Q.C., Sarnia, Honorary Treasurer; and Mr. E. C. Leslie, Q.C., Regina, Registrar. Perhaps Mr. Taschereau was giving some hint of the theme of his year in office when he said, in acknowledging his election: "I will use my opportunities and time to promote more and more in Canada that national unity which is so important to the development of a great country". The good wishes of everyone will go to him in his task.

At the last Mid-Winter Meeting of Council at Montebello the finances of the Association caused considerable concern and it was finally decided to recommend an amendment to the by-laws increasing the fee for active membership from \$10.00 a year to \$15.00. At the same time a small special committee was appointed to inquire into the organization and management of the Canadian Bar Association, including the Canadian Bar Review, and to report to Council at Vancouver. In its report the special committee found that there had been improvement in finances since the Montebello meeting and concluded with two recommendations, first, that "no change should be made at the present time in the general organization and administration of the Association generally, and of the Canadian Bar Review in particular, and that the Canadian Bar Review Committee should be requested to continue its efforts towards increasing advertising revenue and making reductions whenever possible in the disbursements of the Review", and, secondly, that, "having regard to the probable increase in revenue of the Review this year, which should largely take care of the anticipated deficit, consideration of the proposed increase in the membership fee be postponed until the annual meeting next year". After debate the second of these recommendations was not accepted (presumably without causing the special committee much distress) and as a result the proposal to increase fees went forward to the annual meeting. The members approved, and active members will now pay \$15.00 a year instead of \$10.00, the fees for sustaining, life and junior members remaining as before.

Plans for the annual meeting itself, and provision for entertainment, were obviously made with great care both by the committees of the host bar and the efficient staff of the Association. In this context the names of Mr. A. J. Cowan, Q.C., and Mr. T. E. H. Ellis, the chairman and vice-chairman of the Convention Committee, deserve mention even in a report that did not especially set out to mention names. The name of Miss Jean Russell, chairwoman of the committee on arrangements for visiting ladies, must also be noted for commendation. Near the registration desk on the mezzanine floor of the hotel, the ladies committee each morning received the visiting members and guests, and provided them with coffee and refreshments. Planned first as a welcome to visiting ladies, the advantages of the procedure were soon discovered by the men. The gatherings gave an opportunity for happy meetings and were a most popular and useful feature.

As the members, guests and distinguished visitors, including

some of the greatest names in the legal profession in Canada, were observed to disembark from the "Patricia" late on Saturday night, subdued and exhausted after a week of unusual activity, Kipling's words, in another context, came to mind: "The tumult and the shouting dies: The Captains and the Kings depart".

Public Information about the Law

The proposal which we have made is that the State Bar [of California], through this Committee on Public Information About the Law, engage in a long range program of public presentation of the main body of the law and legal institutions, as a vital part of our culture, interesting and worth understanding for its own sake. We would place no limit on the subject matter, the topics, or the method and style of preparation and presentation — as instruction, entertainment, current news, drama, or fiction. All media — newspapers, magazines, radio, television, rostrum and the classroom would be used to reach every group and every type of audience. The basic theory of this program is that the law, i.e., the myriad legal situations, the legal solutions to human and social problems, the numerous legal institutions including the courts and bar, the law of today and yesterday, the law of foreign countries and of our country and state, is of interest to men and women in the professions, business, industry, farming and the home; to teachers and students, to people of all educational levels. The program would be continuously expanding, and probably never-ending. It would begin with a committee of lawyers, but would eventually create all sorts of auxiliary groups among writers, teachers, newspaper and radio men. The first products would doubtless be produced or adapted by the Committee, but the ultimate object would be to enlist the efforts of professional writers, newspaper reporters, commentators and high school and university teachers, by inducing them to use the materials developed by the Committee as a basis for more extended or specialized treatment. We would try to draw the veil of mystery from the law, and to invite people to look over our wares from their own point of view rather than from our conventional and technical legal classifications. (From the preliminary report of B. E. Witkin, Chairman of the Committee on Public Information About the Law, to the Board of Governors, State Bar of California, June 1952)