

REPORT BY B. R. GUSS, ESQ., ON THE MID-WINTER MEETING OF THE CANADIAN BAR ASSOCIATION HELD IN SAINT JOHN, N. B.

The mid-winter meeting of the Council of the Canadian Bar Association held at Saint John the week-end of February 9, 1950, served a purpose which transcended the usual conventional objectives. It did that too. There were the usual progress reports of committees and sections, but above and beyond that there was a feeling of warmth and friendliness, a real esprit de corps permeating the atmosphere that will be difficult to match in future. Nor does this mean to indicate that it was a rubber-stamp Council; not at all—there was ample debate on everything: On the Inns of Court Funds, on the Canadian Bar Review, on the Survey of the Legal Profession, on the Junior Bar.

The lawyers of the Loyalist City opened hearts and hearths and all those visitors who had indicated their intention of arriving on Thursday were entertained at the homes of the Saint John members of the National Council.

Despite the high holiday spirit thus engendered and despite the length and warmth of debate the meetings were conducted so expertly by Mr. A. N. Carter, K.C., the President, that they commenced and ended on time. Most favorable comment was heard on all sides at the high standard set in the business transacted and the hospitality offered.

The usual meeting of the Executive of the Council of governing bodies of the Legal Profession took place Thursday morning, and on Thursday afternoon the program committee from Washington met and deliberated as did the Legal Education Committee.

On Friday morning the Advisory Board of the Association met as is customary.

The Council meeting opened promptly at 2.30 at the Admiral Beatty Hotel. Mr. Carter welcomed and greeted the members warmly in apt phrases. "This meeting," said Mr. Carter, "affords us in New Brunswick an opportunity of showing in a small measure and as it were by way of token the feeling of warm friendship which we have for our fellow members of the Canadian Bar Association. Regretting the absence of Mr. Harold Gallagher, the President of the American Bar Association, Mr. Carter went on: "I am very happy however to welcome Mrs. Olive Ricker, the very able and very charming executive-secretary of the American Bar Association. What there is to know about Bar Associations and their arrangements and personalities, Mrs. Ricker knows—we are very fortunate in having her with us to give us the benefit of her wide counsel."

The Honorary Secretary, Andre Taschereau, read his report and made a number of important recommendations. That the Association:

- 1—Study Lawyer's Reference Plans and Legal Aid.
- 2—Give more attention to Legal Education.
- 3—Give some thought to relations with the Public.

He also mentioned with regret the absence of Mrs. A. N. Carter and Mrs. Stanley McQuaig, who were unable to attend due to illness.

The report of the Honorary Treasurer, Paul P. Hutchison, K.C., showed that the financial position had been bettered by over \$6,000 during the fiscal year of 1949, although expenditures had been increased by approximately \$4,000. Mr. Hutchison felt that the trend of increasing expenditures was not a satisfactory one, and recommended that the report of the annual proceedings be carefully edited and that thought be given to reduction of expenditures generally and that money requests should pass through the Council. His report was adopted with the recommendations.

From the report of L. V. Sutton, K.C., chairman of the Membership Committee, it was learned that as of January 31, 1950, the Association had 4,275 members. Mr. Sutton pointed out that the 777 members of the British Columbia Bar are members of the Canadian Bar Association.

Mr. Sutton's report touched off a warm discussion in which General Clarke of Vancouver participated: "What is being done to follow the British Columbia example?" asked General Clarke. General Clarke challenged: "Our Bar wonders if Lawyers in other Provinces are as interested in the Canadian Bar Association as they should be?" Mr. Sutton pointed out then there were three views: (1) That all lawyers must become members of the Canadian Bar Association; (2) That there should be a drive for members; (3) That there should be no drive but our appeal for membership should be through our good works. The report was accepted.

Mr. Hutchison in giving the report for the Investment Committee stated that there had been no change since the last meeting.

A report prepared by J. A. Campbell, K.C., on the Inns of Court, read by Mr. E. Gordon Gowling, K.C., disclosed that approximately \$17,000 had been raised although a minimum of \$25,000 had been set. Members did not seem to understand the situation, but a full explanation by D. Park Jamieson clarified the matter and a great deal of discussion ensued. Finally in answer to the questions which had been posed by Mr. Campbell's report (a) How long should our activities continue; (b) How, when and in what manner shall the money be distributed? it was resolved that the work of the Inns of Court Committee in respect to the collection of funds should be wound up by July 1st, 1950, provided that the minimum objective of \$25,000 be raised by then. It was further resolved that the Council authorize the committee to dispose of the funds as it thought best, with the approval of the majority of Provincial Chairmen, provided no part of the money be sent to England in cash unless the committee be assured that the money be not used to reduce the amount of insurance or indemnity payable to the Inns of Court.

The Junior Bar next came in for warm discussion. B. R. Guss had been named to head a committee consisting of Mr. Justice Barlow, Alexander Stark, and Stanley Biggs, chairman of the Junior Bar Section, and Jacques Viau. Mr. Guss outlined the main points of a constitution and by-laws which the committee proposed for the Junior Bar. The matter was tabled for discussion for Saturday, when speaking to a motion proposed by D. Park Jamieson, K.C., and seconded by Wilfred Gregory, Mr. Guss pointed out that the Junior Bar Section had no prescribed field of endeavour and that it would be advantageous to the Association if the Junior Bar were given definite form and definite

work to do. It was finally decided that the Constitution be not taken up and that the matter be referred back to the committee for the purpose of organizing the Junior Bar in a manner similar to any other section.

The Canadian Bar Association Essay Competition next came in for discussion. Mr. A. N. Carter read a report that was prepared by Mr. Edmunds. It was decided to continue the Essay Competition for another year, and that the prizes be reduced as follows:—First prize, \$500.00; Second Prize, \$250.00; Third Prize, \$100.00; and that the committee on the Essay Competition be: Chief Justice Williams, Winnipeg, Gustave Monette, K.C., Dean Cesar Wright, Toronto, and that students be not eligible for Essay Competition during 1950.

Mr. G. V. V. Nicholls explained that students had been eliminated in order to raise the standards and that essay competitions were not restricted to teachers of Law and practising lawyers in Canada.

The report of Edson L. Haynes, K.C., on the proposal to form a Canadian Medico Legal Society was read by Mr. Martin. It was pointed out that the success of such an organization depends on personal initiative and personal good-will and on the energy expended upon the work by each provincial group. After considerable discussion in which Mr. Martin, Mr. Owen, Mr. Harry Smith, Mr. George E. Edmonds, K.C., took part, it was decided to continue the work of the committee.

Mr. E. G. Gowling, K.C., then presented his interim report of the organization committee. It was agreed that \$3,000 be allocated to buy equipment for the secretary's office and for a modern addressograph machine.

In spite of the great amount of discussion Mr. Carter conducted the meeting so ably that all the matters of business which had been set for Friday afternoon had been concluded earlier than anticipated. There were no "yes" men present as is evidenced by the heated discussions and the intelligent questioning of every item of business that was brought up. By unanimous consent it was decided to continue the meeting, and in the absence of Mr. John T. Hackett, K.C., the President, Mr. Carter, called on the Honourable C. P. McTague to give his report on the Survey of the Legal Profession. Mr. McTague pointed out that it was obvious that some sections of the Bar did not understand what is expected of them and Mr. McTague pointed out that the survey was a good thing for the profession and was not interested in individual returns. The returns were not to be used in any personal way but were to be tabulated as all statistics are tabulated for the benefit of the profession and the public. The Courts would also be considered and thought was being given as a result of questionnaires as to how to improve the efficiency of our Courts. The Hon. Mr. Justice Ivan C. Rand had been asked to prepare a report on Legal Education.

Mr. W. B. Scott, K.C., then questioned the value of the survey. He pointed out that it would be very easy for the inquisitive to find out how much each firm was doing. Mr. Scott also asked what good is a report of such a survey if it came three years later? Mr. McTague then replied that it would be of value to the profession to know what are the sources of income. When did a lawyer have his best earning year? How does one district compare with another district? How

many non-lawyers do lawyers employ? "Isn't it valuable," asked Mr. McTague, "if we can help dispel false impressions held by the public concerning our profession?" Mr. McTague further pointed out that the Dominion Department of Statistics had carried out a similar statistical survey with regard to the Medical Profession and Dental Profession and the Druggists. The same or a similar form went out in the United States of America and also in England.

Mr. McTague pointed out that the survey did not want particular information concerning particular offices and that the survey does not assist the Income Tax Department to spy.

This cold page cannot begin to indicate how warm the discussion waxed and how much interest was shown in the discussion, until the lateness of the hour called for a motion to adjourn.

On Saturday morning, Mr. Richardson presented an historical and analytical report on the Canadian Bar Review.

Mr. Richardson pointed proudly to the fact that the Canadian Bar Review had taken a leading place amongst Legal Journals and the question before the Association was whether the position of editor should be considered as a career job? If so, a salary commensurate with a full-time position of a leading legal journal should be provided for the editor. The inevitable question of lack of funds was then discussed and means of raising more money for the Bar Review were suggested. Particular reference was made to the hiring of R. C. Hannah as an advertising solicitor to obtain advertising estimated to reach \$18,000. It was suggested it might be necessary to print less than ten issues or that the number of pages be reduced. It was recommended that the position of the editor should be a full-time job offering a career to the incumbent and that as soon as money becomes available editorial assistance should be provided. It was hoped to be able to provide funds to permit the editor to travel to meet prospective contributors.

The advertising rates were agreed to be \$60.00 per page and the committee was empowered to continue its investigation with a view to having the printing done in Montreal. The committee was to report again June 15th, 1950, and make further possible recommendations at that time concerning the editor's salary.

Mr. Carter pointed out that there should be no question as to whether the Review committee has authority to deal with the contingencies arising in June, 1950, and it was agreed that the committee should use its best judgment, should the funds available from advertising not reach the expectation of the committee. In general, the committee was given a free hand to deal with any contingency that might arise.

At this point, Mr. Carter reported on the Washington meeting and said that letters had been sent to the Chief Justices of the Provinces asking them to arrange the Court to enable the lawyers to attend the annual meeting in Washington from September 18th to September 22nd inclusive. Mr. Carter pointed out that the Mayflower Hotel in Washington had been set aside for the Canadian headquarters. Mr. Carter reported also in discussion with the Foreign Exchange Control Board and hoped that consideration would be shown adequate to the needs. It was obvious that numerable details had already been settled through

the diligent work of the President, Mr. Carter, the Secretary, Mr. Laidlaw, and Mrs. Olive Ricker, Secretary of the American Bar Association.

Progress Reports were then received from the Vice-Presidents of each Province.

Progress Reports from the following sections were also received:-- Administration of Civil Justice; Civil Liberties; Commercial Law; Industrial Relations, Insurance, Junior Bar.

Mr. Scott again raised the question as to the purpose of the survey and the intent of it. Mr. Hackett replied that the survey was absolutely independent and that the resolution at Banff had created it an autonomous body. The survey, Mr. Hackett said was for the health and welfare of the profession and for the public which depend on our profession.

At this point the meeting adjourned to a most delightful luncheon tendered the members by Mr. A. N. Carter, who in his usual apt manner referred to the meeting as a useful and happy one and expressed his appreciation of the privilege of having the meeting in New Brunswick and warmly greeted the members and told them what a delightful thing it was for him to have all the members of the Council as his guests.

Mr. Carter's greeting was responded to by Mr. Owens, who expressed his pleasure at travelling a reasonable distance from Vancouver to attend the happy gathering. He came, he said, "from the mountains to see your hills, from the Fraser River salmon to see your fish, and from the Douglas fir to see your scrub." He referred to the standard of entertainment as being most high and referred feelingly to the absence of Mrs. Carter who had "made such a splendid contribution and whose influence had been felt. We miss her presence, her charm and her happy smile. We are happy in her good recovery and we ask Mr. Carter to carry to her the esteem and affection we all feel for her." At this point he presented to Mr. Carter a lovely bouquet of roses for Mrs. Carter.

When the meeting resumed in the afternoon the question of the Survey again was raised. Mr. Louis Ritchie, of Saint John, said he still felt that the Council should send a circular explaining why the Survey was being conducted.

Many members expressed their approval of Mr. Ritchie's suggestion.

The discussion was joined by Messrs. MacLaren, Jamieson and Chitty. All the speakers pointed out the importance of the Survey and that it would be well to contact the various governing bodies to assist them in the list of the Law Societies, for the project.

At this point, Mr. Chitty for the second time raised the question of The Human Rights Committee, and wondered why it had not been allowed to remain part of the Civil Liberties Committee. He pointed out that a draft international covenant on Human Rights was under examination and a report would be made at Washington.

At this point the question of the Junior Bar was again raised and Mr. Jamieson and Mr. W. Gregory spoke to the question and pointed out that it might be dangerous to have the Junior Bar under a Constitution and By-Laws of its own as it would no doubt duplicate the work of the Senior organization and a resolution was submitted and passed that the interim report presented by B. R. Guss be referred back to the committee for further consideration and that a further report be presented to the annual meeting setting up the Junior Bar

as a section like other sections.

General Clarke and Andre Taschereau also participated in the discussion on the Junior Bar, and also opposed the setting up of a possible subsidiary organization.

B. R. Guss was the only member who spoke in favor of the Constitution for the Junior Bar.

The writer attended his first Bar Association annual at Ottawa in 1933 and has been actively interested in the work of the Association ever since. The mid-winter meeting at Saint John has not only advanced the work of the Association but has created a feeling of friendship amongst the Council members that will furnish a cohesive force that is bound to bring far-reaching results in the human relations phase of the Association.

In closing his opening remarks Mr. Carter struck the keynote of the meeting: "Now we have work to do—questions to discuss and to settle. I am sure we shall treat these matters with the despatch, the sound judgment and the good humour which invariably mark the proceedings of this Association."

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