

From the Profession

Compulsory Membership of National Body Retained in BC

Canada

Lawyers in British Columbia voted recently at the Law Society's annual meeting to retain the component of their practice fee that is paid to the Canadian Bar Association and constitutes mandatory membership of that organisation, reports *Benchers' Bulletin* (September 1997).

Two Vancouver lawyers, Cameron Ward and Timothy Howard, proposed a motion that would remove the CBA fee as a component of the practice fee. The basis of their argument for this change lay in the *Lavigne* case (*Lavigne v Ontario Public Service Employees [1997] 2 SCR 211*), where a majority of the Supreme Court of Canada ruled that the right of freedom of association included the right to be free from compelled association.

In speaking to his motion, Mr Ward suggested that compulsory membership appeared to be unconstitutional and said, "I am asking the Law Society to consider complying with the spirit, if not the letter, of the *Charter of Rights and Freedoms*." Membership of the CBA is compulsory in that unless a member pays full practice fees, including the CBA component, a practising certificate cannot be issued.

In seconding the motion, Mr Howard said that although he was persuaded of the value of the CBA, he personally did not want to be associated with public policy positions with which he was not in agreement. Mr Howard was of the view that the CBA would prove a stronger organisation through voluntary support.

Opponents of the motion argued that British Columbia would have less influence nationally if membership of the CBA was voluntary and suggested that lawyers are best served by the unified voice that underlies the existence of the Canadian Bar Association. The argument was advanced that there would, in fact, be little economic advantage to BC lawyers in this move, as Law Society fees would have to increase if the

Law Society was to take on work currently done by the CBA.

With the exception of lawyers practising in British Columbia and New Brunswick, CBA membership is voluntary for Canadian lawyers.

The motion was defeated by 182 votes to 72.

Law Society fees for a member with five full years' practice are \$1217.95 with the CBA component being \$322.95. For a member with less than five years' experience, practice fees are \$1,102.95 with a CBA component of \$207.95. Both groups also pay an annual Benevolent Society contribution of \$20 to the CBA which provides assistance to lawyers who have suffered from illness or injury arising from any cause, and to their families and other persons including associates and employees affected by a lawyer's illness or injury.

SCs in Singapore

As the profession and the public debate the merits of the system of appointing Queen's Counsel in the Northern Territory, the Singapore profession has recently introduced a system of appointing Senior Counsel.

Under their protocol, the Attorney-General and the Solicitor-General are automatically deemed Senior Counsel.

Appointments are made following the vetting of applications by a selection committee appointed by the Chief Justice of Singapore. This body makes recommendations, and all judges are consulted on the appointments. Excluded from the process are lawyers under the age of 40 (unless the candidate is deemed to be exceptional) and lawyers over the age of 70. Twelve lawyers were appointed to the rank of Senior Counsel in 1997.

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