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OBITER DICTA

THE OSGOODE HALL NEWSPAPER FOR THE PROFESSION AT-LARGE

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CONGRATULATIONS DEAN J. D. MORTON, Q.C.

by B. PHIPPS

On November 9, 1964, a distinguished gathering of the legal profession including the Chief Justice of Ontario, the Chief Justice of the High Court, and other eminent benchers of the Law Society of Upper Canada, joined in a testimonial dinner for a young man soon to leave Canada to continue his illustrious career. It was a rare tribute to a man who was by far the junior of most of those present. But it was only doing justice to a man who has accomplished more in twelve years than most of us will do in a lifetime.

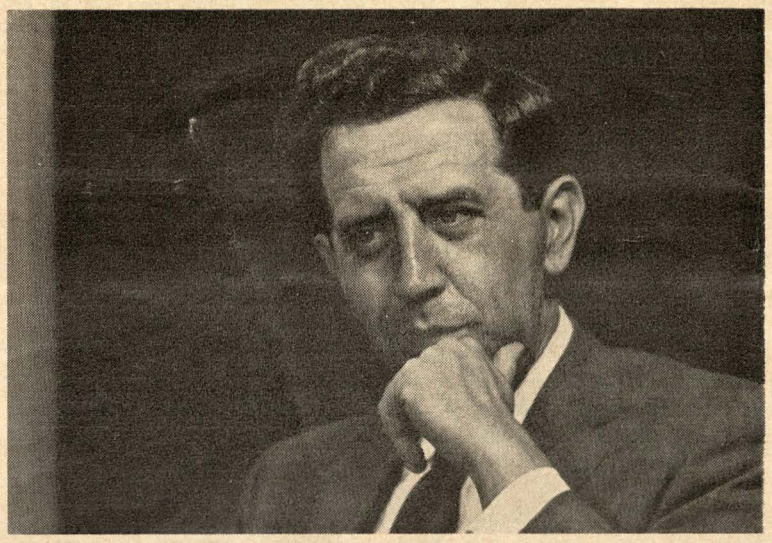
John Desmond Morton, Q.C., was born in Lurgan, N. Ireland, in 1927, gained his elementary and secondary education in Belfast, and joined the Indian army at seventeen for a three-year stint. On his return in 1947, he studied law at Trinity College, Dublin, from which he graduated in 1951. He was admitted to the Irish Bar and practised law for one year, during which time he also taught. This first taste of teaching whetted his appetite for more.

In 1952, Professor Smout encouraged him to accept an invitation to come to Osgoode Hall Law School, and J. D. Morton joined Dr. Falconbridge and Professors Smalley, Baker, Leal, and Spence on the permanent faculty of the Law School. In 1953, Professor Morton was admitted to the Ontario Bar and on his way to a diversified but intense career.

What has Professor Morton done in Canada to make not only the legal profession and its students, but many others throughout the community realize how sorely he will be missed? Dean Leal highlights Professor Morton's three most valuable contributions as being in the field of teaching itself, the field of Criminal Law, and in showing a genuine concern for the welfare of society outside the school.

Professor Morton taught a wide range of courses including Land Law and Personal Property; but found his most enjoyment in Evidence and Criminology. This year he is teaching one of the most unorthodox jurisprudence courses ever to be given. Rather than employing a "silver-platter" technique, he enjoins his students to think, to struggle, and to explore with him. He rarely fails to stimulate or amuse. Professor Morton believes that our legal education system combines the best of the British and American approaches to give us, "the best I have seen". But he does make this observation: "I am not convinced that the three years most students spend in University pay off—we seem to deliberately keep students off the streets and off the market." He is looking forward to teaching seventeen-year-olds in Ireland; and we anticipate his assessment of their development. Generally speaking, he deplores the inferiority complex we have about our education systems. We tend to compare ourselves to the British and Americans; feeling we come out third best, as a kind of mongrel. As in many other things, J. D. Morton disagrees.

Professor Morton started the quite extensive Criminal Law programme here and was its first director. His Evidence and Criminology courses were greatly enjoyed by his students and became a welcome relief from some of the other courses to which the students are subjected. Just one of many interesting projects originating from Professor Morton's busy mind was the well-attended Criminal Law Seminar in 1962 for the whole profession.



DEAN J. D. MORTON, Q.C.

But Professor Morton is probably more widely noted for his activities outside the school. He has a keen interest in making the law understandable to the public. Many students can remember Professor Morton leading groups of school children through Osgoode explaining the books and their contents. He was chosen to give the famous Martin Lecture in Saskatoon two years ago. He was chief counsel to assist Mr. Haffey, Q.C., in defence of the settlers accused of murder in Kapuskasing a year ago in which twenty men were acquitted of murder and only three received fines.

Professor Morton is a public spirited man primarily interested in seeing how the legal technique can be applied in a complex society. He was President of the Parents Association of the Institute of Child Study and has sat on various boards, commissions, and committees for such things as gambling and the abolition of capital punishment.

Professor Morton has written a number of books including *Cases on Evidence, Evidence in Criminal Cases,* and *The Function of the Criminal Law in 1962.* He has also contributed many articles to newspapers and journals as well as giving entertaining but thought-provoking speeches.

Discussing his own accomplishments, Professor Morton says he is not a joiner of organizations, but likes to work on his own where he feels he has more scope. He humbly admits his own accomplishments consist of having a wife, four sons, a daughter, two dogs, and a cat; but, he adds with a gleam in his eye, he and his wife did assist in founding the Natural Child Birth Association of Toronto in 1956.

With such a great background and the assurance of an even greater future here, why go back to Ireland? Professor Morton explains that he does not want to leave Canada, but that he does want to go to Trinity College. He has nothing but praise for our Law Society and Osgoode Hall Law School. "I taught under ideal conditions here and have always had the support of the Benchers, the Deans, and those who allowed me to conduct all my projects; I could not have asked for more." But, disclaiming nostalgia as a reason, Professor Morton says that he wants to take all he has learned back to Ireland and try to incorporate it into an education system which at present is "unrealistic, and in need of a great change". He adds, "I almost feel an obligation to carry back what I know."

Secondly, his new appointment is a significant promotion. There is a recognized prestige in being Regis Profesor of Law, a position con-

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Osgoode Welcomes Guest Lecturer

by J. SHUTTLEWORTH

Osgoode Hall is indeed fortunate this year to have Dean Lederman of Queen's University as a guest lecturer in Constitutional Law.

As well as distinguishing himself as a student, Dean Lederman has had an extensive and varied career as a lecturer and administrator in the field of legal education. In his graduating year at the University of Saskatchewan he received the honour of being chosen a Rhodes Scholar, but as a result of World War II, he decided to postpone his scholarship until later. Following the war, Dean Lederman taught at the University of Saskatchewan and Dalhousie Law Schools and as well attended Oxford for his B.C.L. degree. From 1958 he has been The Dean of Queen's Law School.

Dean Lederman's comment on Osgoode students was "that there is no great difference in law students anywhere." That remark was obviously made with the diplomacy of a man of wide experience, although it will be somewhat disappointing to some readers who consider Osgoode students to be a breed apart from all others. However, he emphatically declared that he considered his presence at Osgoode a great privilege, despite the difficulties of commuting from Kingston every Monday of each week. Dean Lederman politely refused to comment on the miserable state of legal education in downtown Toronto and again repeated how much he enjoyed being a guest lecturer at various law schools.

On behalf of the School, Obiter Dicta hopes that Dean Lederman will continue to enjoy his year of Mondays at Osgoode and thanks him for coming out of his way to lecture to us.

EDITORIAL

In Re Weasel

The lawyer is continually admonished to divorce himself from his personal convictions as a man and to apply the law in all its objectivity to the set of facts with which he is confronted. It is the first and foremost duty of the lawyer to present the client's case in the best possible 'legal' light regardless of whether the client is guilty in fact (as opposed to law). Indeed, it makes absolutely no difference to the lawyer if he knows his client is guilty in fact. It is the social agencies, the legislature, the political analysts and the newspaper editorialists who consider what the law ought to be; the lawyer is concerned only with the law as it is and should apply knowledge of that law only within the framework of a system that demands the authority of precedent. Moreover, the lawyer is not the judge of his client's guilt, he is simply the tool through which every individual is assured due process of law.

Such waffling is commonplace among lawyers, who, while attempting to seek their identity as men, rationalize their position as lawyers by putting themselves outside introspection (or at least attempting to). They play the game without questioning the whys or wherefores of the various rules. Expediency, finding loopholes in the rules, outwitting the other players (with little or no regard for the social manifestations of their actions) outfoxing the jury and accomplished polemicy are the marks of a good player. The slicker the player becomes in the execution of these moves is the measure of his quality as a lawyer. In point of fact the slightest 'identification' with the moral implications of his manipulation is nothing short of heresy. Such identification is the sign of an inexperienced player who does not really understand the nature of the game.

We will of course be accused of not understanding the balancing process that law is supposed to effect within the ideological framework of democracy. For how (the indignant players will ask), can the process of law enforcement be effective if the players are allowed to pick and choose (in accordance with their moral convictions) what rules should be adopted? The result would be that nobody would understand the rules (since they would always be changing) and the game would soon lose its significance. Surely, they will say, such picking and choosing would necessarily involve a subjective element and when that element is introduced anarchy follows soon thereafter. Taken to extremes, this argument has some weight, but viewed from the presupposition (a presupposition justified by the empirical method) that there are moral convictions which all civilized men hold to be true and real, it loses its sting. Suppose, for instance, that the rules of the game called upon the players to apply the rule of law to persons they knew in fact to be innocent but whose very innocence was a transgression of what the law making body held to be actions in accord with law, (i.e. the Aparthied laws in Africa or the so-called laws of Nazi Germany). Would not the lawyer's function (as it is now conceived) be to apply that rule of law to the state of facts that existed quite apart from any moral trepidation he might have as a man? Certainly he might suggest that it is bad law and it should be changed. But in the meantime what? Moreover, the practical exigencies of such recommendations might (in fact, oft-times do) override the twinge of moral consciousness that the lawyer might feel. This is especially so when the injustice is perpetrated against someone who is not within the circle of persons in receipt of the lawyer's (we speak of him now as a man) compassion and affection (i.e. members of his family, his friends, etc.). It is too easy for him to rationalize his position by maintaining that (as Dr. Megarry puts it) "the law is the law is the law". It is too easy for him to leave it up to someone else to change the bad law. It is too easy for him to excuse the moral turpitude of the denial of another's right to fundamental (perhaps natural) justice by simply defining his professional functions as a lawyer and declaring that it isn't up to him to judge.

And it is entirely in keeping with the attitude that expediency is the best way to play the game (it usually makes the lawyer more money) to allow bad law to continue to regulate human behaviour in order to further one's status as a better player and consequently acquire 'all the good things in life' by outwitting one's less experienced (or more conscionable as the case may be) adversary in furthering the ends of a concentrated power group who rammed the legislation through in the first place.

Better by far to refuse to play the game when that game's rules transgress those dictates of conscience (revealed through the natural light of reason and in this sense objective) that render all of us in essentially the same predicament regardless of the superficial differences between our ways of thinking, our cultural heritage or our physical appearances. A lawyer yes, but first and foremost a man — And to convince those who do not already suspect our sanity, we would suggest that any system that demands a sacrifice of the individual's freedom of choice in the realm of values is a system that is opposed to the fundamental tenets of what some unsophisticated simpletons believe to be the essence of democracy.

ROGER J. SMITH

LETTERS TO THE EDITOR

It is with the hope that we will be trained to be lawyers that we come to a law school. To what extent this is achieved deserves our attention and scrutiny. Consider student X's case.

Student X (third year) stands anxiously at the entrance of the Don; a loudspeaker voice ascertains the purpose of his visit. A buzzer releases the door to an antichamber, and he is led into the inner-sanctum, where X timidly faces his first legal aid client. He looks in vain for some Cain's mark: this is just another dignified primate bearing a striking resemblance to the reflection in this morning's shaving mirror.

X experiences a vague impulse to dismiss what he sees and hears as unreality. Reality is a manageable Criminal Law Syllabus, the PNs, the clear, scholastic delivery of Arthur Martin. Reality is the ethereal, faceless, coherent accused presenting his factum to the Court of Appeal.

The voice he hears, however, is not the product of his imagination. This accused has not the slightest idea as to how his statement of fact should be presented. With great pains an unaesthetic puzzle is extracted from his evasive mutterings. This increasingly tangible accused honours and understands in all its complexity a different kind of law, a uniform-clad, pistol-packing law.

X's disillusionment is a lot more thorough and a lot more disconcerting. He finds that this process with which he is dealing is an enormous impersonal machine the wheels of which turn with unremitting regularity. He finds that lawyers are, within it, an accessory or a luxury who do little but tag along.

There are witnesses and friends of the accused to be called: witnesses and friends are not always at home. There is this question which X forgot to ask this accused. There is the problem of finding out what the accused is charged with: this lies in a drawer at the Court offices. There are unfamiliar problems of procedure: informations, bail, motions in court, pleas, penalties, mitigation of sentence.

Then the big day: a magistrate to be gauged. a young C.A., the **expedition** of cases, the disquieting feeling that the magistrate sees too many lawyers, too many accused to be able to discern particular cases and particular situations. There is the problem of the order of presentation of your case. There are the surprises of testimony, the sudden changes of tactics which are required to meet this.

All this is a new, unknown terrain to X; he is frustrated by his futile gropings and by his lack of knowledge.

Very definitely, I would say, X has a problem.

There are several explanations to his unease and ineptitude.

Perhaps he has what might be called a 'crystal chandelier sensitivity'. Then his only problem is to harden his feelings and adapt himself.

Perhaps X is normal and needs only one such case to set him straight.

Perhaps X will experience many more such difficulties because he is not properly trained for his career. If this is so we should give our serious attention to the lacunae in X's training. Being a lawyer unfortunately entails much more than theoretical knowledge. Articling students, it is my impression, are seldom entrusted with the handling of a whole case. Is there a way to approach 'practical' problems systematically and academically, or do we have to wait until the glorious call to the Bar, before we start to learn how to **act** as lawyers?

A. PIGEON,
IIIrd Yr.

There are a number of reasons unfortunately why the public image of the legal profession is not as favourable as it might be. In fact, from some quarters we are labelled as the cesspool of the university-educated. Now my learned friends, you may indignantly deny the foregoing, but in any event I invite you to take a stroll through either of Osgoode Hall's two libraries or the men's common room of the law school, and then decide again.

The men's common room is a veritable pigsty by the time the day is half gone. Not only are the coverless and shredded magazines scattered about the room but the floor is ankle deep in lunch bags, wax paper, cigarette butts, apple cores, orange peel, coffee cups, soft drink containers, overturned ash trays and the odd tasty sandwich crust. Usually the daily newspapers are being trampled underfoot and a couple of chairs are upside down or at least their cushions are strewn here and there.

Some of you may try to rationalize this barnyard, but not only do some nondescripts find it convenient to turn the men's common room into a sheep dip while satisfying their fascination for games of chance but these same human goats lack the decency and breeding to clean up after themselves.

This same belligerent, selfish, stupid attitude is responsible in both libraries for the great number of books left on desks. Students know the rules, and for lawyers the sign as you enter the Great Library plainly reads, "Kindly return all case books to the shelves . . . " Sure, we are all busy, we all pay fees, and there are librarians, but it still takes utter thoughtless gall to leave your books behind.

I suggest to the authorities concerned that a moratorium be declared in these three areas and let the cabbage heads stew in their own juice for a couple of weeks.

CAMERON HARVEY.

ODDS AND ENDS

With the new City Hall and Civic Square nearing completion, suggestions are again being made that something "should be done with that historic hunk of iron that separates Osgoode Hall from the rest of the great unwashed." The latest proposal recommended removal of the fence entirely with a view to opening the Osgoode lawns to the public as a sort of park to complement the redevelopment in the rest of the area. As you might expect, the Law Society replied that it was out of the question to consider destroying such a traditional monument, and that, in any case, the gates were left open and the public were free to wander in if they wished. Provided they can make it through the cowcatchers, of course. Whatever use the gates may have served in keeping animals out originally, one gets the impression now that they are maintained more for the purpose of keeping the sacred cows in than anything else.

The Hall Fall Ball was again the fine success that it has been in past years. In keeping with the policy of providing something for every taste, there were two bands, and it was not surprising that the "Animal Band" was the favourite of the majority of the students. One might only ask if the few who were so obviously sickened by it had to do so in such a public way.

Progress is our most important product (but we can't sell it) department!

The treasurer of the Legal and Literary Society was recently observed carrying a load of new hockey sticks into the school. Noticing that the blades of the sticks seemed to be covered with something like fibreglass, I asked him whether this was much of an improvement over the ordinary model. He replied that indeed it was, and that since they had started using them last year they hardly broke sticks at all any more. In fact, he went on, it was because the new sticks were almost unbreakable that it had become necessary to buy so many more this year— when the players on last year's team saw how good they were they stole all of them.

As the year progresses, third year students are giving thought to locating suitable firms in which to serve their articles and it is interesting to note the enlightened attitudes that some firms have regarding students. A large Toronto firm recently sent one of their partners to Osgoode to talk to interested students and in the course of his presentation he made it quite obvious that he felt that students were more of a liability than an asset to the practising lawyer. In fact, the main reason that his firm bothered with them at all, he said, was because they felt a moral duty to the Law Society to do so, since a period under articles was considered to be a necessary part of a student's education. This seems to be a not uncommon feeling in the profession these days, it being argued that a firm can acquire a good title searcher and conveyancer for the amount they now pay a student. As a completely biased member of the third year class about to serve under articles next year, it seems to me that so long as a student is considered to be little more than a glorified title searcher then a firm has only itself to blame when he produces nothing more than a title searcher. On the other hand, challenge his initiative and recognize that he has had a minimum of six or seven years of post-secondary school education, and, in most cases, he will respond accordingly. I can't help comparing the attitude that a student is only a glamorized office boy to the tremendous work being done this year by the second and third year students engaged in legal aid. In none of the nearly forty cases handled so far, has there been anything but praise for the work done and results achieved by the students, and in several cases the judge or magistrate has expressly commended them for their fine efforts. A person generally reacts to the way he is treated, and I, for one, am a little tired of hearing firms complain that students are a waste of time.

T. E. McDonnell.

TWENTY QUESTIONS WITH I. F. G. BAXTER

by T. A. SWEENEY

On Monday, November 16, at 4 p.m., your scoop reporter interviewed Professor Baxter on the general topic of examinations and how to write them. It was felt by many that such an inquiry would ease the minds of many students as they approach exam time at Osgoode. The kindly gentleman gave generously of his valuable time. The interview went as follows:

Q.1. What do you consider as the important elements in the drawing up of a question?

A.1. One must differentiate here between the "essay type" question and the "problem type" question. For the moment let us consider the problem type. I try to pick a reasonable question for the student with regard to such factors as time available. I also avoid setting a question with a neat technical answer. I prefer to test the student's reasoning ability and his ability to apply the principles to the fact question given.

Q.2. What are law exam questions designed to show to the person marking them?

A.2. If the person thinks like a lawyer should. Has he grasped the main principles? Can he separate the wheat from the chaff?

Q.3. How would a "typical" exam question be marked? i.e. what categories of information, neatness, understanding, issues, order of presentation, etc.

A.3. Again we have to differentiate the essay type question from the problem type. I do not approach a problem answer with a model solution. There may not be a solution to the problem, since the courts have not considered it. Again, I look for the student's reasoning ability. With regard to the essay type problem, I usually try to set a question that requires more than a mere spewing back of a section of the student's notes. Organization and Presentment are the most important factors in an essay question. Students should also use good grammar (Professor Baxter expressed the opinion that the standard of English Composition among Osgoode students was quite low) and WRITE LEGIBLY in SENTENCES.

Q.4. What is the most important part of an exam answer?

A.4. In a problem question it is the reasoning. If the question demands that the student "Advise X" Do so! in an all round manner. The student should examine both sides of a problem.

Q.5. What relationship should the questions have to the material *covered* by the course?

A.5. If a syllabus is distributed, usually the students are responsible for everything outlined, not just what is covered in lectures. READ THE FIELD.

Q.6. Is it necessary that a conclusion be reached in answering an exam question? If so, how much weight is given to the correctness or incorrectness of the conclusion, assuming there is one?

A.6. It is not the conclusion that is important, but how it is reached.

Q.7. How much of a factor is the citation of authorities in assessing the final mark given?

A.7. I would not recommend that one memorize case names. However, it seems that the more important cases on a course stick in the students' minds easily.

Q.8. Should the time element in writing exams be such an important determination in the final mark?

A.8. I suggest any student should watch his time carefully on each question. There is no excuse for not doing so and it has cost many students dearly.

Q.9. How far is it necessary for the student to go in parroting the professor?

A.9. It depends on the Professor. Some would feel complimented, however, I would not.

Q.10. Who in fact marks the exam paper?

A.10. It is usually the examiner assisted by an assistant. The assistant is generally a practising barrister in the city, who is appointed by the examiner and paid by the Law School.

Q.11. Is there any policy directive as to the number of passes or failures in any given set of exams?

A.11. No.

Q.12. Assuming there have been occasions where exams have been remarked in order to lessen the number of those who fail, who decides where this line will be drawn?

A.12. It is a matter of discussion between the faculty and the examiner. The faculty could override the examiner, if some external circumstances (e.g. student's health) come into play. The Legal Education Committee of the Law Society play no active role in this area, the marks are merely reported to them.

Q.13. If there is an exam where a large number of failures result is this the fault of the professor, the student, or the exam itself?

A.13. It could be a combination of all three. Marking law papers is generally a subjective technique. Also, it is impossible to set a paper of identical difficulty every year. The professor knows if he has set a tougher paper than usual and will keep that in mind when he is marking.

Q.14. What distinguishes an "A" student from any of the other passing grades?

A.14. It is based on the examiner's opinion as to what papers are the best. That is, what student has best coped with the factors we discussed earlier. Bear in mind the Professor does not know whose paper he is marking.

Q.15. How effective is the present examination technique at Osgoode in choosing those who shall be and those who shall not be lawyers?

A.15. Admittedly, the system at Osgoode has many defects. But with what do you replace it? I do not see any better solution in view of the large number of students and the small number of teachers.

Q.16. Is there any effective method of appealing an exam mark?

A.16. We have a petition system at Osgoode. Anyone with a legitimate excuse can file a petition with the Dean's office and the Faculty will consider it. If anyone fails my examination I usually go over the paper with him in my office. However, I do not remember ever passing someone who failed an examination after such a session.

Q.17. Is it a general policy that the average mark at Osgoode shall be a "D" or low "C" average or is this a truthful reflection of the ability of the students here?

A.17. There is no such general policy. I believe Osgoode marks are lower than those at American schools. However, our marks here are higher than they are in Britain.

Q.18. Is there any criteria other than exams that is used to decide if a student has lawyer-ability? If so, what?

A.18. Not generally. Again, because of having the practical problems of too few teachers. However, something may arise on petition, such as health, financial or family difficulties. I remember one case where a student was expelled from the school for selling printed notes. But, if the student passes the exams and stays out of jail, he will receive his LL.B.

Q.19. Is there any method of study that Osgoode students could employ directly related to the type of exam given here that would increase their mark?

A.19. Just what I outlined previously. READ THE FIELD and search out the authorities.

Q. 20. Why have there been no Banking Seminars this year? Will there be any?

A.20. I am sorry I have not scheduled any for this year. However, I expect to have them again next year.

LEGAL AID

by

L. S. Fairbairn

Very few law students or members of our profession question the value of student participation in Legal Aid as part of the practical educative process. Are we, however, doing enough to cultivate this program at Osgoode? If this program is not treated with as much professionalism as amateurs can muster, the adage "Here today; Gone tomorrow" will apply in full force to legal aid at Osgoode.

The current problem does not involve either the number of cases available to students or the individual student's diligence in the handling of those cases. By the end of October, thirty-six cases were either presented or pending. (Magistrate's Court . . . 23, Division Court . . . 8; Family Court . . . 5). Student participation also included assistance with two capital murder cases and attendance at one Coroner's Inquest. The results of all the presented cases have been happy. Attendance at Legal Aid by a representative of the Osgoode Committee is now regular, but the organization of the committee itself is still largely ad hoc. It is the area of internal organization which poses the greatest threat to the continuance of this program.

Pursuant to the belief that a strong internal organization was essential to assure the competence of student counsel, to perpetuate the program, and to aid in the educative process, Fred Yack and myself seized an opportunity to observe the sophisticated program at Harvard.

The Harvard Legal Aid Bureau (civil matters) and the Harvard Voluntary Defender System (criminal matters) are physically accommodated in a white frame building on the Harvard campus. The Legal Aid Bureau is staffed by twenty third-year and twenty second-year students selected from the top five per cent of

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OBITER DICTA

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(*Legal Aid -- cont.*)

their respective classes. Its annual budget for 1962-63 was $10,301.17, $9,745.13 of which was donated by the Harvard Law School. The bureau has an office, a library, and several small interview rooms. The office accommodates an extensive filing system, a minimum of office equipment and paid secretaries. There is no supervision from either the staff of the Law School or practitioners. It is virtually autonomous.

The Harvard Voluntary Defender System has the same numerical constitution as the Bureau, but the students are selected on the basis of a rigid interview given by the elected student officers. Its proposed budget for 1964-65 is $5,723.75, all of which will be donated by the Law School. In the same building, separate office facilities are provided for the Voluntary Defender System. Only third-year students argue cases, but second-year students interview in the jails, prepare reports to be dictated to the secretary and assist at trial. The Voluntary Defender maintains a separate Criminal Research Department which prepares criminal appeal memoranda to be used by the Massachusetts Defender Committee or other Legal Aid Institutions across the country. Frequently, these memoranda are prepared in direct response to requests from prisoners across the United States. The student Office Manager is in charge of scheduling the busy timetable of cases. A training officer (also a student) works for some months prior to the academic year preparing training materials on procedure, conduct in the courts, office routine and related subjects. The professional competence of students remains his assigned responsibility throughout the year.

Massachusetts law permits third-year law students to appear on behalf of indigent defendants "provided that the conduct of the case is under the general supervision of a member of the bar employed by a recognized voluntary defender committee." In point of fact the "recognized voluntary defender committee" consists of two legal advisers paid by the Harvard Voluntary Defenders in order that they might comply with this law. There is supervision in fact, but it is nominal in nature.

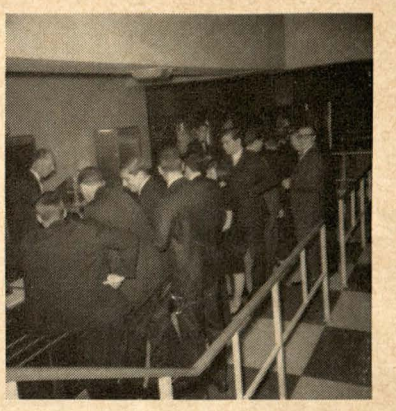
The Harvard Voluntary Defenders made 174 court appearances in 1963-64. In the same period the Harvard Legal Aid Bureau had 1,345 civil cases presented and pending. (The 1,345 civil cases involved 111 court appearances.)

This is a mere summary of the organization of the Harvard operation. Before concluding I will turn summarily to the Osgoode "operation." The student Chairman of Legal Aid procures unqualified or undefended cases from Legal Aid at City Hall. He obtains a third-year student to argue the case and a second-year student to assist in the preparation of the case and to prepare a report to be placed on file as a precedent for future student counsel. Each case is supervised by the Assistant Provincial Director of Legal Aid, so no untested theories of defence are advanced in court. Organized participation by second-year students and the keeping of precedents are innovations by the Committee this year. Our "facilities" are confined to drawer space. (For which we are grateful.) There is no organized training program or individual appointed for this purpose. Our budget is minimal to nil.

The role of the student in Legal Aid (as demonstrated by Harvard) can be an exceedingly useful one. Indeed, the happy results of the presented cases this year indicate that we are, in fact, an asset to the community. I submit, however, that the continuance and cultivation of this program, the competence of the student counsel and the praiseworthiness of the result ought not to be subject to mere chance. For these reasons I submit that the internal organization of this committee merits serious review by staff, students and practitioners alike. Quite apart from the practical benefits to the community, the educative value of such a program is immeasurable. It ought not to be ignored.

Mrs. Tulip Softwood was recently granted decree nisi when she complained to the judge that her husband bangs doors every night.

"But coach these are the only knees I have!"



Hall Fall Ball or Call to the Bar ?

(*Morton--cont. from page* 1)

tinuous since 1660. Trinity College has a total of 2,500 students of which the Faculty of Law claims a small number. Professor Morton sees a great challenge in trying to integrate law with the other faculties. Law tends to be exclusive to the point that nowhere in the world does it meaningfully integrate with other disciplines. Again, one can see Professor Morton's interest in relating law to other elements of society.

Dean Leal says "Professor Morton will be missed most because of his great analytical sense and his ability to strike us loose from what we accept without question." In the same vein, Profesor Morton sets out his goal as seeing the realization of the role of the law in society and discovering what it is trying to do. He would like to teach as a highly skilled lawyer without clients, teaching not only students but at the same time becoming, "a true legal philosopher, as important as a judge or practitioner." As a legal philosopher, he aspires to be involved "with the development of law and by analysis and synthesis participate in the administration of justice."

As lawyers, we meet many different personalities, but rarely do we have occasion to meet a man distinguished and noted for many things. Besides throwing the craziest parties in Toronto, having a deep concern for children, and having a penetrating grasp of the Criminal Law and its social significance, Professor Morton is a welcome relief from the stereotyped lawyer. His unforgettable mop of hair, his pants in constant need of pulling up, his flair for the unusual and his accompanying cloud of smoke, set him refreshingly apart. Few people have the wit, individuality, and penetrating insight which the new Dean of Trinity's law school possesses. Professor Morton's refreshing personality and unpretentious honesty have endeared him to his students. Those of us who studied under him feel honoured and wish him well as he pursues his new cause with his distinguished vigour and enthusiasm for the exciting.