

The truth about lawyers

Imagine, for a moment, how you would react if this magazine ran a cover that read: “Firefighters are pigs,” or maybe, “Doctors are butchers” or “Soldiers are dogs.” And imagine that the sensationalist cover was based not on any in-depth investigative report, but solely on the opinions of a disaffected member of one of those groups who was promoting a new book. Would you feel that Canada’s firefighters, soldiers or doctors had been blindsided and vilified?

Well, welcome to our world. The August 6, 2007, edition of *Maclean’s* magazine published a cover that said “Lawyers are rats” and accused our profession of cheating our clients and engaging in criminal behavior — based on nothing more than a one-sided interview with the author of a book about isolated cases of lawyer misconduct.

As President of the Canadian Bar Association, and as a lawyer who has been practising in a Vancouver Island community for more than 30 years, I am absolutely outraged by this attack. My colleagues and I have conducted numerous interviews since then with media outlets across Canada to respond to this incident and to set the record straight.

But I’m even more upset by the unspoken assumption that lies behind the cover and article: that you can say anything you want about lawyers — no matter how unfair, cruel, or false — and you’ll be rewarded. It’s an appalling irony that lawyers, who defend the right to free speech in a civilized society, are still routinely victimized by its abuse.

Lawyers are one of the last groups in this country that people feel they can publicly insult with impunity. It’s time for that to stop. The days when someone can print and speak hateful things about any group of Canadian citizens, without reprisal or condemnation, are over. The fact that lawyers are still the lingering exception to this rule puts the lie to Canadian values of tolerance and fair treatment for all.

The truth about lawyers is far more positive, and important, than *Maclean’s* or that book’s author would have you believe. It’s about the countless clients who are grateful that a lawyer helped them through difficult times and complex situations. It’s about the countless lawyers who give up their personal and professional time to serve their communities, their profession and their country.

Lawyers are essential not only to real access to justice and the protection of Canadians’ rights, but also to the social and business structures that underlie everyday life. We solve problems, resolve disputes and help our clients plan their futures. Lawyers stand up and advocate for Canadians, no matter how unpopular the cause, because doing so is fundamental to a democratic society.

Lawyers are subject to Codes of Conduct set out by our provincial law societies, serve as officers of the court, and swear oaths affirming our honesty and integrity in dealing with the court and with our clients. A few lawyers have betrayed their clients’ trust and their professional oaths by engaging in illegal behaviour. But our law societies, mandated to

protect the public interest, expel them from the profession. Lawyers who break the law deserve to be punished.

The legal profession, and the justice system itself, are always looking to improve, and the CBA is at the forefront of those efforts. Our association has been fighting for better legal aid funding for 20 years; we helped initiate the first nationwide reform of the civil litigation system; we support our independent and unbiased judiciary through our own independence; and we commit resources to improving laws in Canada and ensuring access to justice worldwide. We do this because we care about making the law real and accessible for everyone.

Let me quote from a message that one of our members sent me after the article appeared: “I appear for women and children in family courts in Manitoba. I provide assistance to people who need someone to listen and guide them through a challenging time in their lives. The morals instilled in me by my parents are never checked at the door. ... My mother was shocked when I told her that the article suggested that no one ever wants their child to be a lawyer. She is very proud of me, as is my whole family.”

Is that someone who deserves to be called a rat?

There are tens of thousands of lawyers across Canada who share this lawyer’s humanity, decency, and commitment to clients, and who deserve an apology. The Canadian Bar Association is proud to represent them and to fight on their behalf for the respect and fair treatment that every other Canadian receives as a matter of course. And I am proud, and always will be, to be a lawyer.

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