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Editorial Notes

The "Q.C."

The title of "Queen's Counsel" appended to a lawyer's name theoretically marks him as a lawyer of outstanding competence and ability held in high esteem both within and without the legal profession. In actual fact, however, we find that both in Quebec and in some other provinces of Canada the "Q.C." has assumed a somewhat different meaning and significance. "Q.C.'s" are today frequently conferred not only on selected lawyers of long-standing reputation and ability but also on many a "Tom, Dick, and Harry" with the right political influence, and it is by no means a secret amongst both lawyers and laymen that many lawyers who have had this title bestowed upon them have rarely appeared in court. Moreover, it is generally recognized that, to acquire this title, it is frequently sufficient to support—financially or otherwise—a victorious political party.

To students soon to embark upon the practice of law, this 'aspect' that has been attached to the "Q.C." is of deepest concern. We cannot help but feel that a result of this ambivalent use of the "Q.C." has been

to some extent to cast disrepute on the honour and dignity of such title.

The title of "Q.C.", along with most other titles of the legal profession, is of British origin and was imported. It signifies "One of Her Majesty's counsel learned in the law". In England the title of "Q.C." is conferred only upon barristers or "courtroom" lawyers, as distinct from solicitors. A barrister who feels that he is a leader in the profession will apply to "take silk", or in other words to be appointed a "Q.C." The appointment carries with it certain responsibilities unknown to "Q.C.'s" in Canada. For example, a "Q.C." in England is expected to take on only important cases and to have by his side a junior who is available to take over whenever needed. Moreover, a "Q.C." in England can demand a higher fee than other barristers without this title.

In England, "Q.C.'s" constitute a select few who have been carefully screened in terms of competence and reputation prior to their appointment. In 1958, out of one thousand nine hundred and sixty-eight barristers, one hundred and eighty-three

were "Q.C.'s". Moreover, there were about thirty-three thousand solicitors in England, so that the proportion of "Q.C.'s" to the rest of the profession was about one out of every one hundred and ninety. In Canada, on the other hand, statistics have shown that the number of "Q.C.'s" to lawyers has been about one out of every three. In this respect, Quebec has been no exception. Of course, we recognize that in Canada the English distinction between barrister and solicitor has not been adopted and thus "Q.C.'s" are not confined to the "courtroom" lawyer or barrister in the English sense of the word. Nevertheless, the proportion of "Q.C.'s" to the total number of lawyers in Canada is still relatively high.

In both England and Canada, the appointment of "Q.C." has been, broadly speaking, a political act. Yet there is no doubt that in England "Q.C." appointees are lawyers truly "learned in the law" as the honour was intended to signify. In contrast, the number of appointments of "Q.C.'s" in Canada, particularly in Quebec, has recently been so great, and at times so arbitrary, that the title has lost a measurable amount of respect in the eyes of the profession *and* the public.

We hope that something will be done in the very near future to restore the full measure of dignity and honour formerly attached to the title of "Q.C." in Quebec. Perhaps

a Committee of the Bar, composed of some five or six distinguished and eminent members of the legal profession, might recommend prospective "Q.C.'s", such recommendations to be ratified by the Chief Justice of the Court of Appeal and either the Chief Justice or Associate Chief Justice of the Superior Court. It should then be mandatory upon the Lieutenant-Governor-in-Council of the Province to grant the honour. The "Q.C.", by detaching itself from any political influence, will thus become a highly respected and much sought after institution as it originally was intended to be. At the very least, we hope that the present government of Quebec, in line with its general efforts to remove various kinds of political patronage, will see fit to adopt a similar policy with respect to the title of "Q.C." by bestowing this honour upon those members of the Bar, including full-time teachers or professors, who are truly deserving of the distinction on the basis of high accomplishment in their professional capacity, rather than because of activities less relevant to the advancement of the law.

Coming Issues

Due to unforeseen circumstances the special issue on legal education, which was supposed to have appeared as number two, of volume 7, will appear in number three, to be published next month.