

Federal Court

fees will be the same but has he ever considered that other item we call solicitor-client fees? Has he ever seen an agent's bill? It may be that justice is expensive in this country, and it can be very expensive when the procedures become more and more involved.

My friend and colleague, the hon. member for Calgary North, is familiar with the situation and knows what he is saying. He has had considerable experience practicing before the court here in Ottawa. I have had limited experience before the Supreme Court of Canada, but let me assure you that the costs of agents are particularly high. They get involved in these cases as much as possible because this is part of a specialized business. One has only to look over a bill of costs to see what this expense involves when a special application is made by an agent in chambers here in Ottawa.

Let me go to another point in relation to the reservation and exclusive right for writs, as provided for in clause 18. Recently I attended a meeting of the Edmonton bar association. That meeting was attended by distinguished counsel from both the academic and practising fields. They examined this bill. It appeared as though they had just seen it for the first time. I find it rather strange that the bar as a whole in Canada has not responded with more interest to the provisions of this bill. I do not think even the Canadian Bar has directly made any full representation or examination in the form of a detailed brief.

• (4:50 p.m.)

Mr. Turner (Ottawa-Carleton): Yes.

Mr. Lambert (Edmonton West): There is a dispute concerning the nature of the approach that was made here to the effect that no one made representations directly on behalf of the Canadian Bar. I can make a safe bet, I believe, that the British Columbia Law Society, the Alberta Law Society nor any other law association in the country have not turned their minds officially to this bill. When it comes time either to have it appear in the other place or be proclaimed, there will be a great awakening and the minister will receive all sorts of representations. Before long, we will be asked to amend the bill. I am only blaming the lawyers themselves. They did the same thing in respect of the Canada Corporations Act. Until representations were made to them, and they were asked to react, very few if any made any contribution or comment. Now, when one speaks to them about the bill they express horror concerning some of the provisions. I think a somewhat similar situation will occur with regard to this particular bill.

I wonder why it is necessary that to have a reservation of exclusive original jurisdiction for the application of writs of habeas corpus ad subjiciendum, writs of certiorari, writs of prohibition or writs of mandamus as provided in clause 17? I must say that under clause 18 we also have these exclusive, extraordinary remedies referred to the trial division. In the past, as I understand it, these have also been under the jurisdiction of the

[Mr. Lambert (Edmonton West).]

superior courts of the provinces. It seems to me I come back to the principle advocated by my hon. colleague from Calgary North, that it should be up to the individual to choose the court in which he will launch his action. I must say I realize what the intention is, but I have these reservations. It is a large central court. I do not know whether the ultimate idea is that regional divisions of the Court shall be established, such as exist in the United States, and that there would be a Canadian federal circuit court based regionally, say, in the Prairies, in Ontario, in Quebec and in the Atlantic provinces. In any event, I support the amendment of my hon. colleague. I have some hesitation, as I have indicated, in respect of particular clauses.

Mr. Robert McCleave (Halifax-East Hants): Mr. Speaker, I shall be very brief in supporting my hon. friend from Calgary North. First, I assure the minister and the House that I shall not become involved in the area of argument between the minister and the hon. member for Calgary North (Mr. Woolliams) in which each portrays himself as sort of a barefoot boy David of the law profession fighting the horrible Goliath. I will leave that battle to be determined between them as best they can. But I do not think we need take up a collection to provide either with shoes.

I should like to make one point in respect of the minister's suggestion concerning the rates in this new federal court being similar to those in other courts. What we pay for when we find it necessary to see a lawyer is that lawyer's time, and what is in that lawyer's "noggin". If that lawyer should be an expert in divorce work or in whatever field it might be, it is not necessary for him to spend all the time in the world on the case and it will be handled competently.

However, if once in a blue moon a lawyer has to launch an action in the new federal court, the first thing he will have to do is read the rule book of that court. The minister says it is simple. Perhaps it is as simple as the rules which now exist in respect of the Exchequer Court. But the fact is that the lawyer would have to read them. He would have to spend some time in determining their simplicity and in deciding how to proceed. If he should have only one case in a particular year in this court, then the full burden of his investigation of the rule book would fall on the client who comes to him with that one case. On the face of it, while one might compare the tariffs between the courts, that is not the whole story. We must consider that it is the time involved for which the lawyer charges, as well as his knowledge or lack of knowledge, and the time he has to spend obtaining the knowledge with which to serve his client. It is for this that he must be paid.

Those of us who are lawyers know that in some courts the procedure is as intricate as an 18th century minuet or the ritual courting dance of the whooping crane. It is necessary for one to have a great deal of skill to find his way through the procedure in order to serve a client. Therefore, I hope the minister, recognizing the basic common sense of the argument from this side, will accept the amendment of the hon. member for Calgary North.