

Administration of Justice

ting a bill according to an approved schedule, along the lines of the Windsor medical system.

Mr. Winkler: It seems to be popular with the Grits these days.

• (5:50 p.m.)

Mr. Gray: It is a basic Liberal concept, although I do not know if lawyers have come to accept it. However, I would like to point out to the Conservative Whip that his suggestion that there should be an obligation on any and every lawyer to give the consultation or service which any citizen might wish to ask from him is contrary to the freedom of choice which should be available to every professional man, as well as to those who seek professional services. I believe those of us who feel there should be an arrangement for medical care on a national basis would be the first to agree that doctors should be free to choose their patients while at the same time those in need of medical services should be free to choose the doctors—

Mr. Winkler: The hon. Member asked me whether I would want to take out my own appendix. No, I would want the best surgeon I could find. Similarly I would want the best lawyer I could get my hands on.

Mr. Gray: I hope the situation does not arise in the hon. gentleman's case. But I would point out that sometimes the particular skill which a lawyer possesses may not be in accordance with the needs of a client. A lawyer might become well known, and, in consequence, a client might approach him for advice in a criminal case. It might be that the lawyer had not engaged in the practice of criminal law at all, or for many years, and was in fact best qualified to deal with the administration of wills.

Mr. Winkler: There would be no money left to put into a will.

Mr. Gray: With the expansion which is taking place under the present Government, that will be happening less and less.

Mr. Winkler: If there is any left the Government takes it all.

Mr. Gray: A further word on that point. I think there is a distinction to be drawn here. There is a difference between the doctor-patient relationship and the relationship which a lawyer cultivates with his client. A doctor deals with certain impersonal elements involving germs and diseases, conditions of the human frame. The lawyer, for his part, has to establish a certain psychological rap-

[Mr. Gray.]

port with his client to a degree not required of a doctor. If this understanding were lacking, certain difficulties would undoubtedly arise. Suppose, for instance, a lawyer felt that the information conveyed to him by his client in a criminal case were such that he could not carry on with the case. Those who have had more experience in criminal law than I have had will know what I have in mind. Though there is a great deal of merit in the suggestion put forward by the hon. Member, some of the arrangements he has proposed do not seem to be in the best interest of either the lawyer or the client.

As to the motion itself, it seems to me the argument raised by the Parliamentary Secretary in relation to whether this aid should be provided for all who might be charged with criminal offences or only for those threatened with imprisonment, does not raise serious difficulty. I do not believe there are many offences whether under federal or provincial jurisdiction which do not call for imprisonment in the event that a fine is not paid.

To deal with the question in a broader aspect, I do not think we should limit ourselves to considering the provision of adequate legal services only in those cases where the person charged is indigent. It is well recognized that a person in comfortable circumstances may be totally unable to bear the expense of a lengthy criminal trial. Such a person may be in difficulties just as great when it comes to providing a proper legal defence as the so-called indigent, and we should therefore direct our attention in a wider ambit than we have done so far in this discussion.

Mr. Brewin: Would the hon. Member permit a question? Does he not think that some of the problems he has mentioned could well be discussed at a dominion-provincial conference such as the resolution proposes? I agree there are certain difficulties and that it is not possible to put a scheme into effect overnight. But is it not important that the Federal Government should give a lead and that the Provinces could get together to work out all the details which the hon. Member has been discussing?

Mr. Gray: The hon. Member's question fits in with the final point I wanted to make. We already have a committee appointed which is in a position to deal with a question of this kind, and in my opinion this motion would have been more valid if the initiative had not been taken by the present