

ing much of their time in court. Most lawyers spend their working hours as solicitors, drawing up contracts, writing wills and doing other desk jobs. In Quebec, where civil law is derived from the same sources as the Napoleonic Code, the profession is divided between advocates, those who perform the functions of both barristers and solicitors, and notaries, those who draw up papers. Notaries may appear in court only in non-contentious matters, such as adoption proceedings. Barristers or advocates of notable competence are designated by the honorary title of "Queen's Counsel" by the provincial governments and may put Q.C. after their names. A few Q.C.'s are appointed by the federal government.

As the number of lawyers in the U.S. has grown, so has the level of litigation. Between 1950 and 1977 civil suits, mostly suits for damages, increased by one hundred and twenty per cent, and criminal cases by forty-one per cent. Far fewer persons go to court in Canada.

One factor contributing to the difference is the greater accessibility of the U.S. courts. In the U.S. a large number of suits are filed by or on behalf of groups of people who are assumed to have a common grievance: anti-war organizations go to court to obtain information on defence spending, pro or

anti-abortion groups sue to force or restrain the government from supporting abortion clinics, and neighbourhood groups sue to stop highway construction. A Canadian plaintiff must usually show that he has been damaged significantly and directly as an individual, and suits charging such things as patterns of discrimination are difficult to pursue. Recent rulings, however, have slightly enlarged the opportunities, and a number of class action cases have been heard.

Another factor is that American lawyers often work for contingency fees—if they sue successfully they receive a considerable part of the award, often a third or more. If they fail they receive no fee at all.

A Canadian wishing to sue someone for damages usually must agree to pay a fee no matter what the outcome. Certain types of cases, such as malpractice suits against doctors, are much less frequent in Canada, and the chances for success of those that are brought are not particularly bright. Some sixty-five per cent of lawsuits against doctors are dismissed before they reach the court, and of those that do get there, less than forty per cent are successful. In the United States, where juries have awarded plaintiffs damages in the hundreds of thousands of dollars, some physicians pay



*Drawing by Walter Cousill of Osgoode Hall in Toronto, home of the Law Society of Upper Canada and the Supreme Court of Ontario. The law school was housed here from its founding in 1873 to 1968, when it was moved to the campus of York University.*



*In 1972 Campbell House, the third oldest structure in Toronto, was moved by the Advocates' Society 5,305 feet from Adelaide Street East to Queen Street and University Avenue.*