

Judicial Council and all federally appointed judges excluding those of the Supreme Court of Canada. Specific duties include the administration of judges' salaries, allowances and annuities as provided for in the Judges Act, the preparation of budgetary submissions for the requirements of the office and the Canadian Judicial Council, and such other tasks associated with the proper functioning of the judicial system as may be assigned by the Minister of Justice. The position was established in 1978 under amendments to the Judges Act.

20.3 Legal services

20.3.1 The legal profession

Lawyers are part of the machinery of justice and are considered officers of the court. They represent parties appearing before the courts in both civil actions and criminal proceedings, and in these situations are often referred to as counsel. The initials QC after a lawyer's name mean Queen's Counsel, a title given by the government to lawyers in recognition of experience and competence.

Lawyers also assist and advise individuals, organizations and institutions (including governments) in all activities having a legal element. A lawyer appearing for a client in court is acting as a barrister and one engaged in other activities as a solicitor. These are English terms carried over from the way the legal profession developed and is still organized in England, where there is a clear division between the two. Every Canadian lawyer, however, is both a barrister and a solicitor, although some lawyers specialize in court or barrister work. Others, by far the greater number, devote themselves to the solicitor or office work of assisting and advising.

In Quebec the profession is divided between advocates (lawyers) and notaries. The advocate acts both as a barrister and solicitor. He may plead in court and also provide legal advice to his client. The notary may appear in court only on non-contentious matters such as adoption proceedings. He has the power to prepare certain documents, such as wills, deeds of sale of real property, and marriage contracts.

In all provinces, lawyers are organized in provincial law societies which control admission to the profession and discipline their members to maintain high standards. Before being admitted to practice, a potential lawyer must complete rigorous and lengthy education and training. This differs in detail from province to province but usually includes two years of university,

three years of law school, up to a year of apprenticeship called articling or clerkship under the supervision of a practicing lawyer, and some special practice courses supervised by the law society.

20.3.2 Department of Justice

Criminal prosecutions. The Department of Justice has regional offices at Halifax, Montreal, Toronto, Winnipeg, Saskatoon, Edmonton, Vancouver and Yellowknife. A Crown attorney's office is in Whitehorse and an Ottawa office (criminal prosecutions section) is staffed with full-time prosecutors.

The Ottawa office is composed of a headquarters division, an anti-trust division, an Ottawa region division and a Hull region division. To supplement regular staff, standing agents and ad hoc agents are employed to prosecute under particular statutes within a specified municipality or other territorial division and to prosecute specific cases. Personnel from the Ottawa office and other regional offices assist prosecutors in Yukon and Northwest Territories.

Directors of regional offices oversee federal criminal litigation and provide prosecution services in their geographic areas.

In provinces with federal Department of Justice offices the Crown is represented in indictable appeals by regular staff prosecutors. Where there is no such office, the agent who appeared at trial will represent the Crown on appeal.

In appeals to the Supreme Court of Canada, a member of the Ottawa office staff or the member of the office who handled the appeal in the prior court will represent the Attorney General of Canada.

20.3.3 Legal aid

Before its institutionalization in law and in federal-provincial cost-sharing schemes, legal aid was based on charity and differed from present-day services, not just in the amount of assistance but also in philosophy. Legal aid is now seen as a component of an effective judicial system rather than as a facet of social welfare.

All provinces and territories provide legal aid in criminal cases to eligible persons who might be imprisoned or lose their livelihood if convicted. Varying amounts of help are given for civil matters in all jurisdictions. Eligibility is established according to financial circumstances, the basic aim being to assist those who would be unable to retain counsel or would suffer serious hardship if they had to obtain legal services on their own.