

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 practising 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.

**History.** Before the advent of organized legal aid, lawyers sometimes provided free legal services to people who could not pay, or they charged reduced fees depending on a client's financial circumstances. An early arrangement for providing legal help was to appoint a lawyer when an indigent person was charged with a serious crime. The appointment may have been made by a judge or on a judge's request, depending on the jurisdiction. The provincial or territorial department concerned with justice usually looked after the cost, at least for more serious and time-consuming cases, but the government did not always pay the lawyer who was appointed.

In the development of legal aid plans, there were basically three different patterns. In Newfoundland, Nova Scotia, Quebec, Manitoba and British Columbia, the provincial law society first developed legal aid clinics. The efforts of the law societies led in due course to the development of government funded legal aid. In Ontario and Alberta the law society and the provincial government went through a developmental period which culminated in the current plans in both provinces now mostly funded by the government. In Prince Edward Island and New Brunswick, the provincial governments introduced the present legal aid plans. Saskatchewan introduced at first a *judicare* plan, based on an agreement between the law society and the province and a few years later the present plan, which provides for legal services, as a rule, through salaried lawyers.

In Yukon and Northwest Territories, the federal Department of Justice administered a criminal legal aid plan for a number of years until 1971. At that time the administration of justice functions including the provision of legal aid were transferred to the territories.

**Agreements with the federal government.** The federal Department of Justice started cost sharing legal aid with respect to the criminal law in 1972.