

THE SCHOOL OF LAW REVIEW

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THE LAW STUDENT AND THE UNIVERSITY

"Why must I study this Economics? I came here to learn the law," the freshman remarked. "And you'll never make a cent out of it," a senior replied.

For long the quarrel has raged over education for legal practice. Traditional Ontarian practitioners contend for the five year Osgoode Hall course, or the Pass Course plus Osgoode Hall. Others contend that the best training for the practice of law comes from Honour Courses such as Political Science or Commerce and Finance before the Study of law. We of the School of Law support the Honour Course in Law as the most suitable preliminary to studies at Osgoode Hall.

The issue depends for solution on what the lawyer needs from the University. Let us, then analyze briefly the ideal lawyer. His is the duty of regulating the intricate inter-weavings of a complicated society. This he does by the administration of the regulatory system through his day to day advising of clients, and his work in the courts assisting the judges.

The ideal lawyer, due to his knowledge of the mechanics of his society is fitted not only for the administration of the laws but for their creation as well. Many have thought in recent times of the lawyer as the blight of the legislature. This is not because he is inherently unfitted for legislation or politics but because he has strayed far from the ideal concept of the lawyer. The true legal practitioner is especially adapted to politics for he has, as we have said an understanding of his community, of its best and of its worst.

It can thus be seen that the lawyer must first have an intimate knowledge of what the law is. This he can best obtain, not from a super-

ficial knowledge of its rules, learned by rote, but from probing them critically, with a thorough examination of their application in specific case examples; from comparing them with other legal systems and from studying their historical background. He must see them as an aspect of the life of his society. To do so, he must see the influence of the great philosophers, political theorists, economists and other social thinkers whose ideas affect the society and the law of his time.

Of all the professional men, he most needs a facility for the use of words, both written and spoken. Only by constant practice and study can he achieve such ability. As a student he must practice diligently in Moot Court, Debating Parliament, school magazine, essay and brief. He must appreciate the masters of English.

Most of all, he must be of highest moral character. Through his philosophical studies and his daily life he must come to understand his tremendous responsibility to his fellowman. The lawyer must not only realize but also feel with his whole mind and heart that he is not just another unit in a mass of single instances, fighting the rest for survival. He is a cardinal cog regulating a mighty machine,—the society of which he is a part.

These are the things that the lawyer must take from the University to his practice.

The cynics smile; acquisitive desires motivate their legal studies; theirs are the ideals of the thoughtless materialist. But with each smile they prostitute a noble profession. Long the lawyer has ignored this view of his education, but the issue is still clear. Is our generation to ignore it and follow the old selfish path? The decision is ours.

R.G.N.

THE MOOT COURT

W. D. Lyon, IV.

In 1930, the Second Year in the Honour Course of Law found itself divided as to the interpretation of a case which had been cited in the lecture. To settle the acrimonious debate the class formed itself into an ad hoc tribunal, heard arguments from both sides and gave judgment. From this pleasant interruption of a lecture there developed the institution known as the Moot Court, now an integral part of the Law Course.

Each week in Moot Court counsel selected from the junior years appear before a Chief Justice of Appeal and one puisne justice, selected from the senior years, to argue appeals from the judgments of a hypothetical court of first instance. The appellate jurisdiction was chosen deliberately in order that the argument might be confined to questions of law rather than of procedure or of fact.

The contribution of the Moot Court to legal education is two-fold. It familiarizes the student with the technique of appellate work—the preparation and co-ordination of argument—and what is more important to the novice, inculcates the peculiar forensic discipline upon which the courts insist.

The technique of legal argument differs from that of a debate. Counsel must present an accurate, closely reasoned argument, and are subject to constant interruption and criticism by the judges. The sweeping assertions, the oratorical flourishes and evasions of the main point, the stock-in-trade of many a debater, are noticeably absent from the quiet, almost conversational, argument of counsel, whose every assertion must

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