



July 11, 2007

Richard Taylor
Deputy Commissioner of Competition
Civil Matters Branch
Competition Bureau
Place du Portage I
50 Victoria Street
Gatineau, QC K1A 0C9

Dear Mr. Taylor:

RE: Competition Bureau Study of the Professions

I am writing in response to your recent letter forwarding the interim report on the legal profession, part of the Competition Bureau's study of certain regulated professions.

The Canadian Bar Association has not responded to date in this fact-finding stage, since the law societies are appropriately placed as regulators of the profession to provide the factual information. We have nonetheless followed the developments of the study and will have an interest in commenting on any proposals that emerge. This should not be construed in any way as an acceptance of the Competition Bureau's authority over the independent legal profession in Canada. The draft report gives us pause for concern, however, and we wish to convey the need to correct the record at this early stage.

CBA and Law Societies Have Distinct Roles

The CBA is a professional, voluntary organization, formed in 1896, and incorporated by an Act of Parliament in 1921. The CBA represents lawyers, judges, notaries, law teachers and law students from all Canada's provinces and territories. Approximately half of all practising lawyers in Canada are members of the CBA.

The CBA is the voice of the Canadian legal profession. The objectives of the CBA include improvement of the law and the administration of justice, promotion of fair justice systems and effective law reform, and protection and promotion of the rule of law and the independence of the legal profession.

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In the Canadian context, the advocacy role of the CBA is distinguished from both the regulatory role of the provincial and territorial law societies, and the coordinating role of the Federation of Law Societies of Canada. Each law society is responsible for the regulation of the legal profession in its respective jurisdiction. The law societies conduct their regulatory and governance responsibilities with an over-arching mandate of public protection. The CBA brings the perspective of lawyers to both professional and public interest issues.

Interim Report is Misleading

Much of the information outlined in the Overview of the Profession and the Restrictions documents is at best overly simplified, at worst in error. For example, to list only increases in legal fees as a factor limiting access to justice fails to reflect the overall complexities of the justice system. Perhaps of greatest concern is the failure to recognize the underlying purpose of law society regulation, which is public protection.

We do not propose to itemize the many flaws in the draft report. Instead, we urge you to consult with the law societies to correct the record.

Yours truly,

(original signed by J. Parker MacCarthy)

J. Parker MacCarthy, Q.C.