

The Treasurers' Project

The Treasurers' Project is an initiative of the Heritage Committee of the Law Society of Upper Canada. Thirteen interviews with three past Treasurers of the Law Society of Upper Canada were conducted on behalf of the Law Society by Allison Kirk-Montgomery and Alison Forrest, in the spring and summer of 2004. Participating past Treasurers were the Honourable John D. Arnup, Q.C., LSM, Brendan O'Brien, and Laura Legge, Q.C.

I. How to Use the CDs and DVDs

Researchers can read, browse, and search the transcripts, listen to any of the interviews, and view DVDs of several sessions.

This file contains a brief description of the content of the interviews in section II below.

In addition, each CD of the set contains the transcripts of all the interviews with one of the interviewees, i.e. one of JOHN ARNUP TRANSCRIPTS.pdf, LAURA LEGGE TRANSCRIPTS, and BRENDAN O'BRIEN TRANSCRIPTS. These are fully searchable by text.

The researcher can identify from the above sources which interview(s) he or she wishes to hear, and consult the table of CD Contents below, section III. By loading the appropriate CD, the researcher should be able to read the transcript of the interview and listen to the audio file at the same time.

To read the transcripts: from Windows Explorer, open the TRANSCRIPTS.pdf file. This requires Adobe Acrobat Reader, freely downloadable from the web if not installed on the computer being used.

To listen to the interview: from Windows Explorer, right click on the CD drive and choose "autoplay" or "play," if the audio file does not start immediately. The file can be heard through any sound player software, e.g. Windows Media Player. Or, play in a CD player.

Please ask the archivists if you wish to view the DVDs.

Thanks to Peter Kirk Montgomery for technical assistance on this project.

A. Kirk-Montgomery, September 2004.

II. Description of the Interviews

The following brief description of the content of the interviews is part of the Report of the Heritage Committee to Convocation, September 2004.

John D. Arnup

Treasurer of the Law Society of Upper Canada, 1963-1966

Mr. Arnup was the first past Treasurer to be interviewed. He gave the project many hours in sessions held at his apartment, on five dates: May 7, May 10, May 13, June 3, and June 10. These resulted in a total of about ten hours recorded on minidisks. The June 10 interview was also videotaped. Mr. Arnup generously donated a number of documents and photographs to the Law Society.

To prepare for the interviews, Mr. Arnup reviewed the hundreds of pages of Minutes of Convocation from his three years as Treasurer. One of his purposes in participating in this project was to “set the record straight,” in his words, by highlighting the contributions of other lawyers and non-lawyers to Law Society work. Throughout the interviews Mr. Arnup returned often to the development of legal aid, legal education, and regulation of the profession, and the cooperation and controversy in these policy areas among benchers. Accordingly, our first interview began with his memories of the men who were his mentors and models in his career as bencher and Treasurer. These included Cyril Carson, and G. W. Mason from Mr. Arnup’s own firm.

That many of these prominent lawyers and judges had not attended university led to a discussion of legal education, Mr. Arnup’s main area of service as a bencher. Two major accomplishments of the Law Society in the 1950s and 1960s were the development of university law schools, and the move of the Osgoode Hall Law School to York University. Mr. Arnup highlighted the involvement of benchers Parke Jamieson and Bill Howland, and related that he relied on the talents and support of Earl Smith, Secretary of the Law Society. The changing processes of discipline, adoption of the compensation fund, the Landreville and other cases, and the use of reprimand are some of the aspects of Law Society regulatory work that Mr. Arnup remembered. In his extended discussion of legal aid, he recalled the voluntary service of the 1950s and the benchers who worked hard before and after the publicly funded programme began in the 1960s.

Ceremonial and traditional aspects of the Law Society proceedings are important to Mr. Arnup and interesting to scholars. Mr. Arnup described how the Law Society recognized and still remembers those who served in the wars of the twentieth century. While examining photographs of his portrait in oils commissioned by the Law Society, Mr.

Arnup described the process of sitting for his portrait – and the mixed reviews his and other portraits received by past Treasurers and their spouses! Mr. Arnup attended the ceremony of the opening of the courts in January of each year for dozens of years. He recounts the central role James McRuer played in its development. Mr. Arnup was the first to make the Treasurer’s speech an important event in the Law Society calendar, when he spoke about the need for public funding of legal aid in 1964.

The interviews touch on Mr. Arnup’s career as advocate, but dwell mainly on renowned advocates and non-lawyers who populated the courtrooms of his past. He described the work and personal habits and styles of D. L. McCarthy, Arthur Slaght, and W. Tilley, and his own interest in collecting humorous and sober stories about lawyers. McCarthy was the Treasurer during the Second World War, a period that presented challenges not only for lawyers on active duty but for the lawyers who stayed behind to serve in other ways. Mr. Arnup himself served on the Wartime Prices and Trade Board; his appellate practice grew out of his Board work. With Mr. Arnup on the county court circuit were court reporters whose relationships with their judges were congenial -- and otherwise. He also described the role of juniors and how he organized exhibits and argument in complex cases. The names of John Robinette, Bertha Wilson, Jack Weir, Bill Gale, Joe Sedgwick, and many other colleagues appear in these memoirs.

During the sessions, we also discussed aspects of Mr. Arnup’s life before, after and outside the legal world. Mr. Arnup remembered his high school and university days with the help of a photograph of his high school magazine staff. He remained close friends all his life with a few of these colleagues, despite his busy legal career. Like other lawyers of his generation, he has passionately loved his summer cottage as a centre of family life and pastimes. Associated with a discussion of the difficulties of balancing career and home life, Mr. Arnup touched on the problems of alcohol and drug addiction that frequently surface as factors in professional misconduct. Because these interviews are open, Mr. Arnup has not wished to discuss his life on the bench or individuals still in practice, but has described his own activities, even his dreams, during retirement.

In the last interview, which was videotaped, Mr. Arnup described how the size, physical layout, technology and furnishings of the Mason Foulds offices changed from the 1930s. When he was a young lawyer, there were copybooks rather than photocopiers, and the firm used only one telephone. His firm’s offices were “bare bones,” very different from the lavish premises of large firms today. He also described the less-than-ideal working conditions for secretaries. The personalities and talents of secretaries he worked with were important to his daily life. He closed his discussion of his physical surroundings by noting the earlier and famous tenants who occupied the office he enjoyed as a judge on the Ontario Court of Appeal.

We last met on 28 June to review the documents and photographs he has donated to the Law Society. These include copies of speeches, personal memoirs, and photographs from his Law Society work and personal life. A complete list of these donated materials appears in the Appendix.

Brendan O'Brien

Treasurer 1966-1968, 1983

Mr. O'Brien was interviewed on four occasions at his home: June 21, 2004, June 28, 2004, July 7, 2004 and July 21, 2004. The second and third interviews were videoed and all four interviews were recorded on minidisk. Each interview was a little more than an hour in length, bringing the total hours spent interviewing to around five hours in all.

Mr. O'Brien has been extensively interviewed in the past so we were looking to fill in gaps in information we already have on his life. As well, the videos add a further dimension to the material held by the Law Society pertaining to Mr. O'Brien's long and prestigious career. Mr. O'Brien no longer has any records that might be of interest to the Law Society, but we captured on video his description of three personal photos including a photo taken at his Call to the Bar.

The four areas covered by the interviews were, in order, Mr. O'Brien's interest in history; prominent individuals in the legal profession and his memories of them; legal education; and the changing nature of the legal profession over his period in practice.

We began the first interview by looking at where his early interest in history began. He recalled his father's interest in Irish history and the choice of history as a subject at St Michael's College, University of Toronto as an undergraduate. We then focused on his book *Speedy Justice* and some of the major themes that emerge in it. We touched on his other book that is about Port Cockburn where Mr. O'Brien spent his summers from childhood onwards. Mr. O'Brien then talked about his role in the formation of the Osgoode Society and the purpose of the organization and the works published under the auspices of the Society. Finally, we looked at the importance of history to the legal profession and the LSUC.

The second interview focused on prominent individuals in the legal profession and Mr. O'Brien's memories of them and their work. He discussed former Treasurers he knew from his time as a Law Society Benchers in the 1950s, as well as lay benchers including June Callwood and Reginae Tait, and former Law Society Secretaries Ken Jarvis and Earl Smith. He also talked about his two terms as Treasurer of the Law Society of Upper Canada.

The third interview focused on legal education. We began by looking at Mr. O'Brien's own legal education from 1929 to 1932. He then talked about his experience as a lecturer at Osgoode followed by his experience teaching the Bar Admission Course at Osgoode. Mr. O'Brien discussed his work on legal education for the Law Society, and his views on the role and purpose of legal education.

The fourth and final interview looked at the changing nature of the legal profession over Mr. O'Brien's long career from 1929 when he began his articling to the 1990s when he retired from practice. Mr. O'Brien discussed changing courtroom practice. He also

remembered how office practice developed with changes in technology, the changing roles of legal support staff, billing and docketing practices, the changing role of lawyers, changing average size of law firms, increased specialization of lawyers and so on.

Laura Legge

Treasurer of the Law Society of Upper Canada, 1983-1985, 1988

Mrs. Legge was interviewed four times: on July 6, 2004, July 13, 2004, July 21, 2004, and July 29, 2004. The third and fourth interviews were videoed and all four were recorded on minidisk. We met at Mrs. Legge's law offices. The first two interviews were approximately 1 1/2 hours in length and the final two approximately two hours in length. The total interviewing time was approximately seven hours in length. The video interviews capture Mrs. Legge's expressive tone of voice and vibrant personality in a way that written transcripts cannot and greatly add to Law Society records of her significant contribution to the legal community from the 1940s to the present day.

Mrs. Legge has been interviewed previously. However, access to these interviews is closed. By contrast, these interviews are to remain open. Mrs. Legge is willing to donate several photographs to the Law Society and she has indicated that she has extensive paper records that she is also willing to donate. These records include hundreds of congratulatory letters on her nomination to Treasurer of the Law Society in 1983. An archivist from the Law Society will meet with Mrs. Legge about her donations.

We determined that we should interview Mrs. Legge about her entire life, from childhood onwards, because earlier interviews are closed and there are relatively few records of Mrs. Legge's extensive contribution to the legal community. The first interview, then, covers the period of her childhood and youth up until the point where she left home to study. We looked at her early schooling, her memories of her family, her memories of growing up on a farm in rural Ontario in the 1920s and 1930s, the work her parents did in assisting people throughout the Great Depression and the strong sense of community service they demonstrated through this. This theme of service to community was one that we pursued in subsequent interviews, together with her ground-breaking role in achieving a number of "firsts", including first woman Bencher and first woman Treasurer of the LSUC.

The second interview picked up from the first and began by looking at Mrs. Legge's nursing training during the Second World War. She discussed her decision to leave nursing to pursue law, and her years articling in a small downtown office with a sole practitioner and then in the Ontario government's department of health. Mrs. Legge shared her memories of classes at Osgoode Law School and some of the other students (many of whom were returned service people), including her husband. She then went on to discuss her first job working at the provincial health department and the skills gained there and in articling in a small office. I asked her about being one of the few women practicing law in the 1950s and attending law school in the 1940s, and her decision to continue practicing once she married and was raising a family (this was unusual at this

time). We then looked at her early years in establishing her own law office including the nature of her practice, her clients, and the role of a lawyer particularly in a small law firm.

The third interview focused on Mrs. Legge’s work as a Bencher and Treasurer for the LSUC. She talked about her decision to run for Bencher, the nature of the work, balancing commitments to her clients and family and other extensive committee work with Bencher commitments, her role and achievements as Treasurer, and her appointment as the first woman Bencher and Treasurer. As well, Mrs. Legge discussed some of the committees she participated in including the Muniments and Memorabilia Committee and its work of Mrs. Reginae Tait in creating the Law Society archives and the stained glass windows in Osgoode Hall.

The fourth and final interview looked at Mrs. Legge’s extensive committee/volunteer work both in legal organizations (the Women’s Law Association of Ontario and the Federation of Law Societies) and non-legal organizations. Mrs. Legge spoke at length about the importance of the Women’s Law Association of Ontario in her early years of practice in providing practical and moral support for the few practicing lawyers who were women. She also shared her memories of a number of prominent early women lawyers, including Margaret Hyndman, and the importance of their role in leading the way for her generation. Other organizations discussed in the interview included the Soroptimist International of Toronto, Metropolitan Toronto Home Care Programme, Canada Life Assurance Company, and the Women’s College Hospital.”

III. Contents of CDs and Videos

The interviews are accessed from a set of 20 CDs that contain the transcripts and audio files of the 13 interviews. Each CD contains this Read Me First.doc; a complete set of transcripts of interviews with one of the past Treasurers; plus one audio file, which may be an entire interview or one half of one interview, as described below:

| CD Name | Interview date | CD Contents (plus Read Me First.doc) |
|----------------|-----------------------|--|
| CD 1 Arnup | 7 May 2004, part 1 | JOHN ARNUP TRANSCRIPTS.pdf; arnup_7May04_1.wav |
| CD 2 Arnup | 7 May 2004, part 2 | JOHN ARNUP TRANSCRIPTS.pdf; arnup_7May04_2.wav |
| CD 3 Arnup | 10 May 2004, part 1 | JOHN ARNUP TRANSCRIPTS.pdf; arnup_10May04_1.wav |
| CD 4 Arnup | 10 May 2004, part 2 | JOHN ARNUP TRANSCRIPTS.pdf; arnup_10May04_2.wav |
| CD 5 Arnup | 13 May 2004, part 1 | JOHN ARNUP TRANSCRIPTS.pdf; arnup_13May04_1.wav |

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|---------------|----------------------|--|
| CD 6 Arnup | 13 May 2004, part 2 | JOHN ARNUP TRANSCRIPTS.pdf; arnup_13May04_2.wav |
| CD 7 Arnup | 3 June 2004, part 1 | JOHN ARNUP TRANSCRIPTS.pdf; arnup_3Jun04_1.wav |
| CD 8 Arnup | 3 June 2004, part 2 | JOHN ARNUP TRANSCRIPTS.pdf; arnup_3Jun04_2.wav |
| CD 9 Arnup | 10 June 2004 | JOHN ARNUP TRANSCRIPTS.pdf; arnup_10Jun04.wav |
| CD 10 Legge | 6 July 2004 | LAURA LEGGE TRANSCRIPTS.pdf; legge_6Jul04.wav |
| CD 11 Legge | 13 July 2004, part 1 | LAURA LEGGE TRANSCRIPTS.pdf; legge_13Jul04_1.wav |
| CD 12 Legge | 13 July 2004, part 2 | LAURA LEGGE TRANSCRIPTS.pdf; legge_13Jul04_2.wav |
| CD 13 Legge | 21 July 2004, part 1 | LAURA LEGGE TRANSCRIPTS.pdf; legge_21Jul04_1.wav |
| CD 14 Legge | 21 July 2004, part 2 | LAURA LEGGE TRANSCRIPTS.pdf; legge_21Jul04_2.wav |
| CD 15 Legge | 29 July 2004, part 1 | LAURA LEGGE TRANSCRIPTS.pdf; legge_29Jul04_1.wav |
| CD 16 Legge | 29 July 2004, part 2 | LAURA LEGGE TRANSCRIPTS.pdf; legge_29Jul04_2.wav |
| CD 17 O'Brien | 21 June 2004 | BRENDAN O'BRIEN TRANSCRIPTS.pdf; obrien_21Jun04.wav |
| CD 18 O'Brien | 28 June 2004 | BRENDAN O'BRIEN TRANSCRIPTS.pdf; obrien_28Jun04.wav |
| CD 19 O'Brien | 7 July 2004 | BRENDAN O'BRIEN TRANSCRIPTS.pdf; obrien_7Jul04.wav |
| CD 20 O'Brien | 21 July 2004 | BRENDAN O'BRIEN TRANSCRIPTS.pdf; obrien_21Jul04.wav |

Also part of this project are five DVDs, each containing a video as follows:

| DVD Name | Contents |
|-----------------|------------------------------------|
| DVD Arnup | Video of interview of 10 June 2004 |
| DVD Legge 1 | Video of interview of 21 July 2004 |
| DVD Legge 2 | Video of interview of 29 July 2004 |
| DVD O'Brien 1 | Video of interview of 28 June 2004 |
| DVD O'Brien 2 | Video of interview of 7 July 2004 |