

## 8. OATH OF ALLEGIANCE

Mr. Tretiak reported on behalf of the Credentials Committee that the oath of allegiance to the Queen as part of the call and admission ceremony has been made optional by the Law Society of Upper Canada. This came as a result of one call candidate who considered himself unable as an aboriginal person to take the oath. In addition to retaining the current oath of allegiance to the Queen or making the oath optional, the Credentials Committee offered a third option. That was a redrafted oath as follows:

Do you sincerely promise and swear (or affirm) that you will diligently, faithfully and to the best of your ability execute the offices of Barrister and Solicitor; that you will not promote suits upon frivolous pretences; that you will not pervert the law to favour or prejudice anyone; but in all things conduct yourselves truly and with integrity; and that you will uphold the rule of law and the interests of the citizens of Canada and of the Province of British Columbia?

It was moved (Tretiak/Wilson) to adopt the Credentials Committee recommendation and require only one oath to be sworn as set out above in which the candidate swears to uphold the rule of law, the interests of the citizens of Canada and the interests of the Province of British Columbia.

Some Benchers were against changing the oath of office. It was said that the oath taken by lawyers should only be changed if the oath taken by judges were changed accordingly. It was also said that, while there are good reasons to swear allegiance to the Queen, it may not be appropriate in the multicultural society of the 1990s.

Ms. MacDonald suggested that the phrase "interests of the citizens" in the proposed oath be replaced with the words "rights and freedoms of all persons according to the laws." This was accepted as a friendly amendment by the mover and seconder of the motion. The motion as amended was carried. Mr. Trotter asked to be recorded as opposed.

*Extract of Benchers minutes  
April, 1993*

Mr. Boyer:

As promised, here is the form of barristers and solicitors oath that was sworn by lawyers on being called to the bar prior to April, 1993:

Do you sincerely promise and swear (or affirm) that you will diligently, faithfully and to the best of your ability execute the offices of Barrister and Solicitor, that you will not promote suits upon frivolous pretences, that you will not pervert the law to favour or prejudice anyone, but in all things conduct yourself truly and with integrity, that you will uphold the Sovereign's interest and that of your fellow citizens according to the laws of Canada and this Province?

*[Candidate to the bar swears or affirms to this].*

I have asked our archives to see if they can determine how long above form of oath was in place; if they are able to tell me, I will pass this information on.

Best regards,  
Denise Palmer  
Member Communications Manager

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