

BOOK REVIEW

LAWYERS, FAMILIES, AND BUSINESSES: THE SHAPING OF A BAY STREET LAW FIRM, FASKENS 1863–1963

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Lawyers, judges, historians and countless individuals vitally interested in matters historical, both in Canada and overseas, will rejoice at the publication of yet another full length monograph on the subject of the creation and development of a leading law firm. *Lawyers, Families and Businesses* recounts in great detail a century of lawyering, not only in terms of the well-known and respected Faskens's firm, but of the city of Toronto. It culminates with the ascendancy of the model of the large business firm just as The Queen City is about to overtake Montreal as the leading commercial city in Canada, a development influenced to a small yet certain extent by progressive mercantile models as guided by astute legal advisors.

The reader should not too hastily conclude that the foregoing must lead to the conclusion that a text devoted to such a subject is both narrow in scope, and somewhat arid, as might be a legal brief. Far from it. Indeed, the author, the holder of a Doctorate in History and a long-time partner of the firm, has

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succeeded by means of an entertaining and clear writing style in portraying the men and women of Faskens (though there are only a few women lawyers noted during the period) for what they were: legal pioneers with vision, industry and daring, and a sprinkling of the buccaneer spirit at times, understood in both its favourable and pejorative senses.

The result is quite impressive. If the question is posed: ‘What profit may a modern-day, large law firm have from such a book?’, leaving aside the pleasure of reading about a great law firm and its contemporaries during this period, the answer will include the following observations. First, the account of the various iterations of the firm and of its management structure should serve as a blueprint for contemporary firms seeking to avoid partnership difficulties. Second, the review of the success and failure in the recruitment of young lawyers to Faskens still resonates today as the primary question remains how best to describe the skill set that a brilliant student can and should develop in the first five years of practice when the firm’s investment is at its highest and the return, in crass dollar terms, is at its lowest. Lastly, by way of limited example, the firm may learn how best to ensure dynamic leadership from the senior members, including the best means of avoiding a sclerotic style of embracing change.

Of course, it goes without saying that there is always a well-grounded fear that a book written by an interested party, even one having a rich academic background and a well-received historical text to his credit,¹ may lack objectivity and be seen as seeking to advance his firm’s position in the marketplace.² Having read this book with a critical eye, I am confident that any such concerns are theoretical at best. In the final analysis, I congratulate Dr Kyer for the skill he demonstrated in weaving historical information and primary sources in such a way as to draw the reader’s attention fully to the interesting lesson to be drawn from the events studied, including business reversals and firm infighting. The result is an able explanation of a law firm’s signal development within a profession and industry, set against the background of a rich city’s expanding business class and vocation. I look forward to the next edition which should take us from 1963 to 2013.

¹ C Ian Kyer with Jerome Bickenbach, *The Fiercest Debate: Cecil A Wright, the Benchers and Legal Education in Ontario, 1923–1957* (The Osgoode Society, 1987).

² A further example of an insider’s account of his law firm which results in a sound and objective exposition of how a law firm may rise to occupy the highest ground in the ‘business world’ is Richard Pound’s two-volume history of his firm. See Richard W Pound, *Stikeman Elliott: The First Fifty Years*, reviewed by the present author in (2009) 5(1) *High Court Quarterly Review* 33 and Richard W Pound, *Stikeman Elliott: New Millennium, New Paradigms*, also reviewed by the present author in (2013) 38(2) *Canadian Law Library Review* 94.