

# Making the Transition from Lawyer to Lawyer-Politician in Canada: An Exploratory Study

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## I. INTRODUCTION

The purpose of this multi-case study is to explore a sample of lawyers and their perceptions of how they were able to make the transition from being a lawyer to a lawyer-politician. A better understanding of these themes may allow lawyers embarking on a career in politics to proceed from a more informed perspective. More knowledge about future challenges will better prepare prospective lawyers for the career shift.

This article presents five key themes drawn from 60 interviews conducted over the course of a one-year period. The following enabled the career transition from lawyer to lawyer-politician:

- i.     Leveraging previously acquired administrative skills;
- ii.    Having a clear purpose;
- iii.   Amplifying the role of lawyer while in politics;
- iv.    Shifting their strategy from a win to a win-win approach; and
- v.     Considering the time spent in politics as an “apprenticeship” in seeking subsequent opportunities.

The following article expands, supports and explains the findings. Illustrative quotations are taken from interview transcripts and will be used to capture the essence of the five themes.

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### **A. Profile of the Participants**

A total of 60 lawyer-politicians were interviewed. The broad characteristics of the participant group were as follows: (i) 83% male and 17% female; (ii) 60% were retired from politics and the other 40% were active; (iii) participants were drawn from four Canadian political parties; (iv) 55% of participants were involved in federal politics and 45% in provincial politics; (v) eight of the ten provinces were represented; and (vi) the average age was 62, with the oldest participant being 83 and the youngest being 38.

### **B. Themes**

The research examines the experience of lawyer-politicians with the goal of drawing general conclusions about the transition. In total five themes were uncovered.

Before launching into a discussion of the findings, it is worth reiterating that the objective of the study is to focus on the transition of the lawyer into the role of lawyer-politician, and not to engage in a discussion about general transition themes that may apply to all occupational groups.

## **II. THEME ONE: LEVERAGING THE ADMINISTRATIVE SKILLS**

### **A. Administrative**

Lawyer-politicians who had owned a law practice before entering politics were better prepared to establish their new roles in Parliament. Previous ownership of a law practice facilitated the transition because lawyer-politicians knew how to set up an office and deal with the administrative responsibilities of running a small business. Operating in private practice requires a physical office and the hiring of staff. By setting up an office in the community, lawyers build a relationship with that community and send a message that they care enough about the community to be willing to make a substantial investment in it. One of the participants stated, "One of the biggest skill sets that I brought to the job when I got elected was that... I knew how to run a law practice and I enshrined some of those principles and giving good advice to my constituents." Another put it this way: "I was running three offices at one point... a lot of the MPs... had not hired employees... they had never even paid rent." A lawyer going into politics has an even greater advantage if

they have experience in the multifaceted and complex world of business. One lawyer pointed out that, “if [the particular lawyer] has a certain business background or a certain amount of experience in NGO's or certain social activities that would be even better.”

## **B. Delegating**

An essential aspect of running a law practice is delegating responsibility to others on the legal team, including tasks such as interviewing clients, putting together real estate deals, or even going to court. Office staff consists of paralegals and law clerks. Law Society rules dictate that although lawyers delegate tasks, the attorney is still responsible for the work completed. This was commented on by one of the participants who stated, “when you're a lawyer you... you handle your own file... when you become Minister or even a Member of Parliament... you need to delegate... there is no way you can be hands on every file.”

Other lawyer-politicians spoke of the importance of having the skill to hire qualified staff to carry on the office's business. Thus the importance of recruiting competent staff cannot be understated. MPs and MLAs typically have two offices: one in their constituency and the other in the capital city. All offices must be staffed appropriately as the wrong staff can destroy a lawyer-politician's reputation. As one interviewee stated, “you have to make certain that you have good staff [and] you have good people that are organized, good managers.” Commenting on the way she managed her staff between her two offices, the participant indicated that she employed her skills as a lawyer by giving the casework to constituency staff and “the staff on [Parliament] Hill did the policy work for the future.”

Delegation often comes down to having staff handle the finer details of day-to-day work, both in law and in politics. One interviewee stated:

There would have been not much difference between when I was in business and when I became a minister. In both cases you have extensive staffs and you got people who organize your life for you so you can focus on what you need to do.

Another participant attributed her success to hiring the right person while in office, making it almost sound like a partnership:

...as a minister my life changed for the better when... I hired my chief of staff. [She was] my left and right hand person for the next 12.5 years and made my life possible in terms of the work, the management of the appointments, the meeting with people, and the travel. If there was one moment for me that improved my life immeasurably, that was when I hired my chief of staff.

In short, delegation within the lawyer-politician context is seen as akin to the relationship that a lawyers has with her paralegals. These skills empower lawyer politicians to better manage themselves professionally.

### III. THEME TWO: HAVING A CLEAR PURPOSE

The *Samara Study* found that the job of an MP lacked definition, and as a result, MPs commented that they had little sense of purpose.<sup>1</sup> This was contrary to my findings when I interviewed various lawyer-politicians. Most of the lawyers interviewed were able to articulate a clear sense of purpose as to why they were seeking office. Most were experts in a given area of law and went into politics with this passion. Being passionate about a cause gave them a sense of purpose from which they could more readily address longer-term social challenges facing their communities. In this way, lawyer-politicians approached their new role with goals of a longer-term nature, and tended to be less focussed on short-term problems like re-election.

Although their mission and motives for entering politics were varied, most stated that their role was to be a legal voice in Parliament and also to promote a particular cause, which created a focal point for time in Parliament. Speaking to a national issue, one MP said, “I belong to a French minority within the province of Ontario and my motivation to enter politics was a result of the need to reinforce minority rights.” Speaking on the issue of promoting social cohesion and national unity between federal-provincial governments, one lawyer spoke of her motivation in the following terms: “...it was probably an opportunity to offer a different vision... and I thought it was an interesting time to step forward and also represent the Liberal Party.” Speaking on an issue that was near and dear to her heart, one MLA stated, “I really wanted to make a difference, particularly for the people with special needs; I have a big interest in mental health issues and addiction issues.” Even more focus was shown by another lawyer-politician who indicated frustration with the state of existing laws in his community and this provided the impetus to get involved on a grassroots level: “smoking at city hall, brown water, no

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<sup>1</sup> Samara Canada, *Welcome to Parliament: A Job with No Description* (25 October 2011) at 4 Samara Canada <[http://www.samaracanada.com/downloads/Samara\\_Report\\_Welcome\\_To\\_Parliament.pdf](http://www.samaracanada.com/downloads/Samara_Report_Welcome_To_Parliament.pdf)>.

recycling programs, and no drinking out on main street, and no outdoor cafes [because] that would be bad, and very little movement on vandalism; we were in the dark ages.”

Others were less committed to the magnitude of changes they wanted to make but knew that they wanted to enact change:

I'm not sure if I went in to make change in a huge macro sense but I went to participate... to represent the people to represent my people in that process so I went with the intention and the belief that I could meet... their expectations.

Another lawyer-politician felt that those who exhibited sound decision making should offer their talents to better their country: “...I finally came to the conclusion that any country needs good decision-makers to actually implement policy, and I have a fundamental belief that those who can, should.” One former politician stressed the importance of being realistic and knowing one’s purpose before embarking on the new job: “a lot of lawyers... say ‘well I want to get elected and become cabinet minister’... my advice to them was forget the cabinet minister thing, focus on what you can do as an MP.” When asked about what advice he would give another lawyer embarking on a political career, a participant stated:

You have to understand why you're doing it. [Because] what sustains you is the joy of doing what you believe in. That's what sustains you in politics, because half the people disagree with what you're doing anyway.

It is these larger-than-life goals that allowed lawyer-politicians to overcome small frustrations and inconveniences as they went through the transition from lawyer to lawyer-politician (e.g. the sharp learning curves, the excessive travel, time away from family). The best example of this is taken from an interview with a former premier who worked with the federal government to amend the Constitution of Canada and effectively redefined what it is to be Canadian. He says:

I think to be a Canadian you have a respect and understanding of how important the legal system is to us... to have a sense that there is a feeling of independence. That may not have been as true before we had our own Charter.

None of the lawyer-politicians interviewed expressed the view that they were merely there to be re-elected year after year. Although helping constituents was seen as a very important part of the job, pursuing their passion for change was just as important. One lawyer politician explained how he managed to line-up his personal interest with that of the community:

[I was] running on a platform that included opposing Trudeau, because he had brought in the *War Measures Act*, which was, then still, one of the low watermarks of human rights in Canada. And I thought that was inherently wrong and I was running in the constituency where you could make that argument.

Another commented, “I had learned you go do more in five minutes in public life if you were in the right position, than you can almost anywhere else. So I decided to go into public life. Essentially because I felt that was where I could make my greatest contribution.”

Finally this clear sense of purpose creates an empowered individual who is self-motivated, competent and likely to exhibit a high degree of influence on others.

#### IV. THEME THREE: AMPLIFICATION OF A LAWYERS’ ROLE

Lawyers have a fiduciary duty to their client as they are charged with the responsibility of advancing the cause of their client fearlessly. In this role they are required to advocate, bargain, negotiate, mediate, and act as a counsellor when appropriate. Most importantly they are required to keep the confidence bestowed upon them by their clients. While speaking generally about servicing constituents or clients one former lawyer-politician stated, “[Legal training is] an asset because you get to know how to deal with people. Now let’s face it, being a lawyer is about being a salesman. Instead of selling pots and pans or refrigerators or stoves you’re selling services.” This participant went on to talk about the advantage conferred by having knowledge of a boutique area of law such as constitutional law, and how that helped during the transition:

Being a constitutional lawyer helped because you understand the basics... you do understand what bills are, how bills get passed into law, you understand that there are standing committees of parliament, you understand that there is a house and a senate, you understand the role of the Governor General, you understand basically some of the historical conflict between federal and provincial governments; that you get.

One participant prepared himself to be a politician while in law school by taking courses such as civil liberties, administrative law and municipal law, all in an effort to serve his future constituents’ general needs:

When you’re a politician, you can deal with anything from grass cutting all the way to... voting on whether or not to raise property taxes;... a lot of it is public

relations, public communications and dealing with people. [You] can't deal with them [on] in a complex level, you have to deal with them in a very simple basic level, while respecting them at the same time.

The value of having legal training while occupying political office was pointed out by one lawyer-politician, who stated that on a number of occasions he was able to challenge and rebut advice being given to him by government lawyers. Proving them wrong more than once demonstrated the value that lawyers bring to the job as Members of Parliament. In his view, non-lawyers tended to be too deferential when interacting with government lawyers, who doled out legal advice: "very rarely challenged their views as to what the laws is, should be, or can be, or what the courts are going to decide or what the courts are going to hold." Elaborating on the legal acumen which he brought to Parliament:

...my position as a litigator [and as a] politician... is to pass the laws as best we can, not try to guess what the Supreme Court in 10 years might decide what the law should or shouldn't be; and that caused a lot of angst in my questioning of witnesses; particularly Department of Justice lawyers.

When a lawyer occupies political office, the public does not necessarily make a distinction between the role of a politician and that of a lawyer. In fact some lawyer-politicians maintain a type of solicitor-client relationship with their constituents:

When I would meet people in the MP's office... I had a legal attitude... I would always have a file for every person... I would also treat the complainant as a client... I think the training in law is very good for politics and treating citizens as clients.

Other lawyers felt that they had to temper their approach a bit and adjust to becoming a non-lawyer again:

I suppose some of them were happy I was a lawyer but they wanted other things, they wanted a bit of animation... passion... articulation... that did not require legal concepts or words... I had to change my vocabulary... to incorporate some... non-legal occupational phrases and concepts.

One lawyer-politician pointed out that sometimes there is nothing a lawyer can do but listen:

In politics the most important skill you have is listening. Spend more time listening and less time talking... people typically wanted someone to sit and listen to their challenges... they did not always expect you to come up with the magic answer.

Since the lawyer-politician cannot select her client, the list of potential problems brought by constituents can be very broad. One interviewee stated:

One of the complexities about Canada, is the federal jurisdictions... everybody comes into your office 'I've got a problem, fix it.' And your answer quite often is 'I'm sorry, that's a municipal problem and I can't fix it, or that's a provincial problem and I can't fix it, or quite often it was a Federal and Provincial problem.'

Thus the lawyer-politician often calls on his network of affiliates to guide the constituent to make the best choice possible, and to find his own solution to the problem at hand. In this instance, guidance seems to be more important than telling someone what to do. Lawyer-politicians who realize this early on in the transition can deepen the sense of trust beyond that of the narrow solicitor-client relationship. One lawyer commented on how he came to appreciate this element of constituency work:

I said... I would like to work in parliament, but the constituency work I find, you know, interesting but not what I really want to do, by the end... I really liked the constituency work because I got to know a lot of different people from different backgrounds.

Some lawyers never came to consider themselves as politicians even after they were elected. This seemed more likely to be the case when lawyers were placed by their parties on various committees to do work consistent with their experience garnered from years of legal practice. One interviewee commented on this by saying, "I felt that a politician was one that tended to make it a life's work as opposed to one who came into the field in advanced years, of some maturity. I considered myself foremost as an advocate but not necessarily a politician." Consistent with this opinion, another felt as though he was elected as a lawyer, and recognized for his occupational skills: "I never transition out of being a lawyer... almost all of my [time] working in Parliament has been just that with reference to law and policy." After spending twenty-four years in office, one lawyer-politician put it this way: "I'm not sure, I'm not a politician yet. I don't know if I've matured yet." One participant summed it up best when he said, "so you do maintain who you are as a trained lawyer. I think that those skills are with you for the rest of your life. I don't think that you lose those skills."

### A. Special Accommodations for Lawyers

Once it is known that an MP has legal training, parliamentary staff will make a concerted effort to place that MP on legal committees. One of the findings in the *Samara Study* was that upon arrival to Parliament Hill, MPs receive very little training, making it difficult for them to navigate the complexity of Parliament.<sup>2</sup> They are placed on committees at random that have little to do with their interests or Parliamentary experience. However, my research found that for lawyer-politicians this was not the case. Political parties tend to take full advantage of the legal expertise of lawyers within their caucus. This allows lawyer-politicians to carry on the work that they championed in their law practices and to speak about issues they truly care about. As a case in point, a participant indicated that full advantage was taken of his legal training by the government of the day. This culminated with the Minister of Justice remarking, "...at the end of the day they thank me for the skills I brought to bear. I remember [a senior minister] coming to me and saying you are the best weapon I got..."

Parliament functions as a place of debate, law making, and a court of competent jurisdiction. Lawyers fit naturally into this environment. The previous training of a lawyer-politician serves them well, as the ability to digest vast amounts of information quickly is critical when conducting business in parliament:

I think being a lawyer... gives you confidence in terms of reading through, working through, great volumes of material in a fairly efficient way... being a lawyer helps you to figure out pretty quickly what do I need to know here to do my job.

When participants were canvassed on how comfortable they felt assuming the role of a lawyer-politician, answers ranged from immediately to years depending on how far the lawyer climbed in government. Here is a smattering of responses: "I felt quite comfortable quickly"; "Pretty much right away"; "I think I felt comfortable within a few months ...a relatively short time I would say"; "about five minutes"; "Oh I was pretty comfortable right off the first"; "It felt like where I belonged"; "so I really felt quite comfortable kind of almost from day one"; "I really was immersed from the first day and got on the job training literally in that immersion"; "I was comfortable right from the start. I wouldn't say I felt

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<sup>2</sup> *Ibid* at 24.

uncomfortable at all.” The inference to be made is that the rapid acclimatization of lawyer-politicians sprung from their ability to view politics as an extension of law. One participant felt a high level of comfort going into the political arena even before she was elected due to the nature of her work in the law: “In my case, I felt that I had become a 'politician' (having to deal with policy, the media, etc.) long before I was actually elected.”

Some felt comfortable because they had come from political families, but most felt this way because their pre-existing knowledge of the law and procedure was utilized from day one: “My legal expertise and capacity, my advocacy was exploited; was utilized immediately... legal talents were required in committees, so basically I was engaged in nearly all the controversial committees.”

During my interviews, it became apparent that most parliamentary work done in provincial legislatures and in the House of Commons is accomplished by the use of committees. These committees are charged with the responsibility of investigating and reporting on various subjects. Moreover, they often subpoena experts, and witnesses to testify in order to collect evidence. Witnesses are sometimes sworn in or affirmed at the discretion of the committee, a very similar experience to the way courts function. Thus, once appointed to a committee, lawyers relished this as an opportunity to ply their trade.

## V. THEME FOUR: FROM INDEPENDENT TO INTERDEPENDENT

Many lawyer-politicians say that going into politics was in order to further a social cause that they were passionate about. Traditionally, within a litigation context, lawyers advocate for their clients fearlessly with a view to winning. They operate with a mentality that winning is everything and compromise is to be used only as a last resort. However, lawyers going into politics can find themselves facing strong opposition if this mindset is not altered in favour of consensus building and compromise. Lawyer-politicians usually realize that power now resides outside them and compromise is inevitable in order to get things done. During a discussion of how entering the political arena altered his approach, a participant commented:

I'm more of a collaborative problem solver... I think that lawyers generally are sort of like gladiators, they're always sort of in opposition to each other and that... that wasn't something that I really enjoyed in politics, and trying to be a

collaborative problem solver and trying to negotiate solutions and avoid conflict, I think that is something that I probably spend more time on and I'm effective at it.

This represents a radical shift from a traditional lawyer's point of view that the world will conform to the body of law as laid down by the legislature and courts of law. Recognizing this reality represents a radical turning point, and it may cause some lawyer-politicians to initially feel stripped of power. One participant stated, "you're disappointed, [because] you think 'hey I've been elected to the parliament of Canada I'm important'... and then you discover you don't make any decisions." He went on to say that although there was initial disappointment, perseverance paid off in the long run: "[If you]... work hard and get credibility, you can make changes, but you have to know how to go about it, it's a complicated business, but eventually you can be very influential." This initial stripping of power was met with frustration from an experienced criminal counsel who indicated dissatisfaction with the way laws are made: "most of the important legislation came from the Prime Minister's office... the process of government is very dictatorial as opposed to the process we are elected by... that is very unfortunate; that is not the way it should function." One lawyer-politician recognized that his approach could have been different while discussing the importance of building bridges: "I think that I would have been a little less arrogant, in the sense that I would have reached out to other people to find out exactly how to do things without making my own mistakes." Even if lawyer-politicians did not arrive on Parliament Hill with the mindset of being a team player, they soon realized that this was essential: "well you're going from pretty much being a lone wolf to being a member of a team... you gain nothing by going against your party... it's very much a team game and it's a very fulfilling enrichment."

One lawyer-politician told the story of how his shift in thinking came about when he went to Parliament and thought that he could use his expertise in tax instantly. He related the story of when he went to see the minister of finance regarding the tax implications of the budget for that year. Sadly, in his words, "the finance minister was much less interested in my views than in those of the people who were supporting the budget."

Lawyer-politicians realize that they must work with a wider audience, including but not limited to constituents, legislators, policy makers, administrative officials, NGOs, civil servants, and the Prime Minister or Premier's office in order to get things done. One put it this way:

As soon as I became a member of a government I had to begin to work with the civil servants and with the caucus and with the cabinet collectively. I was no longer center stage; I was no longer in a position to make decisions on my own.

This advice served him well, and he was a very successful attorney general. Another participant realized at an early stage that it was no longer a one-person operation but that success depended on the efforts of the team:

Everybody was helpful—my deputy minister; a senior public servant, deputy minister to the department of natural resources... my political staff... we learned together... and as a minister figuring out the relationship between a member of parliament and the minister.

Lawyer-politicians rely on their skill as a problem solver in order to secure socially worthwhile changes when placed on parliamentary committees. This is particularly true given that lawyers are trying to secure changes for the benefit of all. This can be referred to as creating a win-win situation rather than then adopting an adversarial approach. In rapidly changing cities such as Toronto, where the diversity amongst its inhabitants is so apparent, lawyers working as politicians must rely on collaboration and bridge building so that all stakeholders feel valued. One participant highlighted the importance of this skill when he drew an analogy from his days as a prosecutor:

The making of laws and getting matters done in Parliament is very much like plea-bargaining... within the governing party. Within the governing body there is a lot of plea-bargaining between areas, let's say Ontario, the West and the Maritime Provinces. There is a lot of give and take that way.

This transition was by no means an easy one as lawyers often found themselves struggling. "I went into politics because I thought that I could help make this a better country... and I found out that it's not as easy to affect change as one would like... because you have to convince so many more people." One participant was very direct when asked about the fundamental change in her approach as she transitioned into the role of lawyer-politician:

Key philosophies such as the need to respect other people's opinions, to not be dogmatic, to recognize that you can never know everything—indeed, the best you can hope for is that you might have a good idea of what questions to ask. Those were key, and they remained so.

## **A. Building Bridges**

While playing nice and being a member of a team may seem laudable, this was difficult for some lawyer-politicians who were accustomed to acting and being independent during their legal careers. Being part of a political team (caucus) is about conforming to party norms and at times doing what you are told to do by unelected officials. One participant admitted to the frustration when he said:

We had huge wrangles in the [Prime Ministers] cabinet about what any global warming legislation should look like and something as controversial as the same sex marriage bill... ultimately the bill itself was pretty simple. The politics of making it happen were complicated but bill itself was simple.

This type of experience was echoed by another participant who spent over 40 years in politics: “When I was there the individual members could still have some influence on what was going on... that was over 40 years ago... and more and more the Prime Minister office runs pretty much everything, and you don't have as much influence.” Despite the temptation to go rogue and speak out against your party, he emphasized party discipline: “And of course, you have party discipline and you certainly don't as a new member, vote against your party, in particular when this was a government decision and the like.” Lawyer-politicians find this exceedingly difficult to do. Accepting the reality that you cannot go it alone, lawyer-politicians must remove the sharp edges of individualism and work in a group to make change:

You quickly discover... no one person usually gets to affect change... you need to build bridges, you need to work in teams, find allies and you also need to understand that at least the legislative process in the government of Canada can be a lengthy one.

Perhaps this is one reason why the Samara study found that an MP's real work was done away from Parliament, either in their party caucuses, in committees, in their constituencies or in other venues outside of Ottawa. Moreover, MPs tended to distance themselves from the politics on display in the House of Commons, citing it as unproductive and misrepresentative of what they really did.<sup>3</sup>

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<sup>3</sup> Samara Canada, *The Outsiders' Manifesto: Surviving and Thriving as a Member of Parliament* (16 November 2011) at 24 <[http://www.samaracanada.com/downloads/Samara\\_Report\\_The\\_Outsiders\\_Manifest.pdf?v=2](http://www.samaracanada.com/downloads/Samara_Report_The_Outsiders_Manifest.pdf?v=2)>.

Notwithstanding this somewhat depressing finding, the lawyer-politicians interviewed for this study seemed to be able to use their negotiating skills to break through the traditional barriers to communication and act as effective intermediaries. An illustration of this could be drawn from the 1990s when the environmental movement was gathering steam. The government of the day championed the rights of citizens to enjoy their natural environment and to be involved in key environmental decision-making. The *Environmental Bill of Rights* was passed in 1994 in Ontario and is hailed as one of the most significant environmental laws passed in the last 25 years. One of the authors of that piece of legislation indicated that he was particularly pleased with the consensus that was achieved across different interests groups:

[I would] consider that to be one of the things that I was involved in where I really felt as though I had gotten something done... [I was] also involved in the committee that appointed the first environmental commissioner... it was an all-party committee... I was pleased that it was a unanimous consensus with respect to the choice.

## **B. Switching to the Court of Public Opinion**

Lawyer-politicians have to very carefully manage their relationship with the media. The public generally understands that lawyers in private practice advocate for the best interests of their clients. Therefore, the lawyer is somewhat insulated from the criticisms of the media and the public. So while a lawyer is concerned primarily with decisions made in courts of law, a lawyer-politician is concerned about decisions made in the court of public opinion. Because the media is the interface connecting the public with the business of government, managing the relationship with the public effectively means managing the relationship with the media. As expressed by one participant, the presence of the press and the importance of their role in ensuring her success as a cabinet minister were apparent very early on in the transition:

The press are around, the national press gallery, they want to know what you're thinking, they want to know what you're saying; you have to be careful... now, and add to that the fact that you're a minister and you're a woman... everybody wants to know what you're views are... people are watching you and waiting for you to make a mistake.

In public office lawyer-politicians are measured against the standard of transparency and openness. Given the low trust that exists between lawyers

and the public, cultivating a healthy relationship can be a challenge. As one participant put it:

I mean the press will kill you if you're non-responsive... I think in your style or at least your local level, you have to understand these guys are just little people with jobs... they need to feed the fire, so if you don't call them back they're going to wear that as a grudge, so I think being accessible is number one.

One lawyer-politician dealt with this challenge by hiring a communications person to handle the press: "...[S]he just made sure that the press knew what I was doing, and she made sure that I knew them and that I spent time with them... they knew me and that they could trust me... I started to get really good press." Speaking about his relationship with the media, another lawyer-politician remarked that, "I would... handle the media a little more differently [sic]. I would be a little more reserved. [Saying] too much can get you in trouble sometimes... I was treating it as an open and frank relationship." Along the same lines, one lawyer admitted to the importance of building a relationship with the media. When asked about what he would do differently he said, "...I would spend more time getting more comfortable with the media. And understand the importance of building a profile."

### **C. Law-Making**

Most lawyers who work in traditional settings simply follow the law as written by legislators and are never part of the machinery of the law making apparatus of the country. For a lawyer-politician sitting on committees and debating proposed legislation, it quickly becomes apparent that compromise and consensus building are very important for developing laws that will work. As one participant stated:

I think that a lawyer will [have] a huge advantage in going into politics because we have all studied interpretation of law and I guess to some extent the structures of law but once you go to Parliament that is where you manufacture the law. It's the old story about the sausage truthfully that is a great analogy if you see how sausages are made you will never eat another sausage.

Being open to compromise and consensus are vital if the law is to be effective in addressing the problems at which it is aimed. One lawyer-politician warned about making laws in a vacuum: "that law is not going to solve the problem, [if] the root causes of the problem actually lies somewhere else." Affecting social change requires using the tools of judicial, educational, and economic systems as well as the law. As a lawyer

you get to decide what is important to your case, and you advise the client accordingly. As a lawyer-politician you get to understand that there are two types of answers, legal answers and political answers, and usually what people care about is the political answer.

## VI. THEME FIVE: DEVELOPING A BRAND

The time spent in politics can also be regarded as an “apprenticeship” in order to better understand how government, the courts, civil society, and the media intersect. Lawyer-politicians understood that their time in politics was finite and someday the experience was going to come to an end so they embraced the opportunity as a developmental one. Many indicated that they did not go into politics for the money: “there’s no money in politics and you don’t make any money as a result of it.” Another stated, “it will take with financial toll”, and yet another remarked, “Oh yes, I lost a lot of money, but... apart from that... I knew what I was getting into.”

So this researcher asked the question, if not for the acquisition of money, then what? Typical responses given by individuals were that they felt a calling towards public service: “[It] was part and parcel of my upbringing to be involved in politics and give back to the community.” Notwithstanding, my finding was that most of them, intentionally or not, used their time in politics to create other career opportunities once they left office. During the analysis, it was discovered that there is a growing market for former lawyer-politicians. They were found working at multi-national businesses as consultants, law firms, mediation firms, and at universities as professors. During their time in office, many got exposure to the way in which the budget of the country is put together and how money flows within the country and between countries. An understanding of the taxation scheme (and the public policy behind it) is an essential part of the budget. An understanding of how the system works from an insider’s point of view is a commodity with considerable value for many types of clients.

Of the 60 lawyer-politicians who were interviewed, most of those who left politics continued to work and leveraged the benefits of their political apprenticeship. At the top of the list was a former politician in his 80s who returned to the practice of law, and at the time of the interview was the chairman of his local riding association. What is particularly

interesting about him was that he lived in a retirement home, was confined to a wheelchair, and had to be bussed to and from his law chambers each day. When asked about his future plans he remarked:

I'm 83 years old now, so I'll be on the verge of retiring in the next little bit. So there's not much coming... I've been back from parliament since 1984 working full time and I've now been a lawyer for 57 years, and now a senior member of the law society, and so I'm about ready to stop practicing law.

One lawyer-politician simply had enough, brought his "apprenticeship" to an end, and decided to move on to other things. He commented that:

Quite frankly after [many] years, including [several] very important cabinet posts, and entering the finance committee, I saw just about everything and I found it very difficult after my last election, to get up with enthusiasm to go to Ottawa to be a part of something I knew like the back of my hand that offered so few challenges... I needed a new learning curve.

This lawyer now works for one of the largest law firms in the country and lectures at a major university.

Another lawyer, after spending a number of years in politics felt very comfortable returning to law and admitted that his time in office matured his legal skills:

It will be an easy transition back because I was always a lawyer in Parliament. Because I never stopped being a lawyer I have to say that my time on Parliament... has matured my legal skills. I now see law with many different focuses... I can go macro... I can go micro.

Being equipped with both the micro and macro lenses, one participant, a former law professor, explained that one day he intended to return to teaching but was now able to appreciate the local and international dimensions of his human rights work:

I will probably at some point return to being a law professor and human rights lawyer and probably spend a little bit more on the international conflicts, because in the increasingly globalizing interdependent universe I would like to try to put more time and resources on the international scene as well as the domestic scene.

When asked about how his time in office made him a better university professor, he stated:

I don't think that we give enough attention to the overall process... I think that somehow parliament and the role of parliament gets marginalized... [what] I would call the intersection between government, parliament, the courts, the public, civil society, media and the like.

Re-establishing legal practice seemed to be the preferred option as lawyer-politicians have a fair bit of flexibility to work on a variety of issues. Although working in a corporate setting can carry rigid demands—something that former lawyer politicians who are accustomed to status and control may have a difficulty with—this is not the usual experience of lawyer-politicians. If they choose to join a law firm, their role is more akin to a consultancy where they use previous connections to promote the firm and bring in clients. Many law firms, boards of businesses and volunteer organizations crave the status that these high profile individuals bring to the table. Illustrating how his celebrity status worked after he left office, a well-known politician remarked:

Oh I have lots of interest. I've been out of the business for a while. And I'm extremely busy... a big law firm, on the board of a lot of organizations... I'm the chancellor of [a major university], on the board of a lot of theatres, hospitals... so half of my life is volunteering.

While lesser-known lawyer-politicians may not have this same type of experience, the trend is noticeable. In speaking about the work he began before entering politics, continued during politics, and still carries on after leaving political office, one lawyer-politician mentioned his ongoing commitment towards building on those interests: “since stepping down from public life, I didn't go back into business or anything else. I really decided to focus on those areas that had been the issues that brought me into public life.”

Because the practical value of things learned in political life was recognized, the learning was usually embraced whole-heartedly. As one participant commented:

I'm constantly learning about new situations... when... dealing with different pieces of legislation... when bills come forward you still have to learn about them whether they're in agriculture, or finance, or whatever other government ministry it is, so there's always a learning opportunity there that you can take with you regardless of what else you do in your life.

## **A. Integrating Law into Politics**

Participants were asked about turning points that may have defined them as politicians as they made their way through the transition. The stories were very personal and represented what lawyers thought were significant accomplishments in their personal growth. One lawyer politician remarked that unlike other MPs who dreaded going home to deal with their constituents, he enjoyed the experience: “I discovered this

kind of pleasure in helping people with their problems... I used to come back to the constituents and say hey, this is kind of fun, lets figure out what we can do here.” Even backbenchers can have tremendous power at their disposal. One participant listed some of the tools available: a backbencher can be “an advocate on an issue... a great constituency politician... a great committee member... I think that realization is an important one.” These two individuals displayed a remarkable ability to be aware and knowledgeable about their situation and to push themselves to new limits. Another participant came to an understanding that he had to replace his legal lenses with a geopolitical one:

Everyone is on a learning curve not on the manifestations of culture and religion but on homeland politics of some ethnic groups... you have to understand... those tensions because those tensions manifested themselves here not in legal terms.

Others took their passions to a regional level and worked towards creating institutional changes that addressed their cause. In the case of one participant, she was able to successfully bring forward a private member’s bill that called for the creation of a special committee on the issue of mental health and addiction. This was a monumental achievement as she was in the official opposition at the time and required an ability to listen to others, engage in meaningful dialogue, and always keep an eye on the bigger picture. Being motivated by these larger than life goals can help lawyer politicians bridge the gap between the political and legal philosophies that different politicians bring to the debate. What lawyer politicians are thus experiencing is the political aspect of the law. One lawyer-politician put it this way:

You see sometimes interest groups have a significant input into the way that the law is managed and to regulations and what not. And you also see how sometimes the civil service, the bureaucracy affects the formation of law, beyond even the political spectrum.

One former university professor pointed out this is underappreciated in law school:

We need to have a better appreciation of the interaction of all the actors in the process... [rather than]... skewer our analysis in law school unduly in favour of... the role of the judiciary... we do so without a sufficient appreciation of the other actors in the process.”

Another legislator spoke of how he matured beyond the mere role of being a lawyer when he became a paraplegic: “[Governments]... offer a

hand up to people to give opportunities to people to build or rebuild their lives... I understood the government can be a real provider of opportunity to people if they wish to take advantage of it.” This is an example of posttraumatic growth where our perspective changes and our appreciation for others change as well.

One former politician related to me his experience during the 9/11 attacks when he was called to duty. His first thoughts were not about the safety of his family but centred on the higher level thinking about the security of Canada: “...my first concern was to phone back to defence... and make sure that we were securing the Darlington and Pickering Nuclear stations.” When speaking to him, it was apparent that this traumatic experience represented a turning point away from the narrow role of lawyer into the wider world of national interest.

## **B. Permanent Transformation**

Once the transition has taken place, many lawyer politicians find it difficult not being part of the cut and thrust of daily politics. Statements such as, “...I miss the sense of being at the centre of important issues; but I maintain my involvement with my party and I maintain it through my work and [involvement] in the policy agenda,” suggest that once having gone through the career transition, the changes that took place are permanent in nature. “Mentally it was [like] going to a candy store... I still miss it. It is the greatest experience I had in my life in terms of mind expansion and I guess intellectual intensity”, added another. The permanency of these changes was illustrated by one participant who emphasised that it was not about making money: “I have found that I am less interested in making money, and far more interested in devoting my time to accomplishing things that may be good for people, [and] for society.” One of the former premiers who was getting on in his years and who works in his own law practice stated, “I find I do a little less every day, but I like to be busy... I'm still very committed to the future of this province and the country.”

As one transitions from a lawyer to a lawyer-politician, there is a fundamental shift in the approach taken to solving problems, and making decisions. Commenting on how he found himself changed by the process one participant stated:

The experience of being in government gave me a greater insight as to the role of government, how politics worked and with that understanding... whether it was

in government politics or just situations where small “p” politics were involved [this understanding assisted me] in navigating those sorts of situations.

Another added, “when you're a Member of Parliament, you're surprised at the issues that become important to people, and you're surprised at the issues that people don't seem to care about.”

## VII. SUMMARY

This paper was written in reference to research findings uncovered by a study on lawyers who became politicians. Data from individual interviews and extensive quotes are included in this report. By using the participants’ own words, the researcher has attempted to build the confidence of readers by representing the real experiences of lawyer-politicians. Lawyers who endeavour to enter politics and consider these findings will hopefully have fewer blind spots. Although there is no replacement for actual experience, preparatory measures can be put in place to ease the burden of the career change and the associated emotional toll.

My findings are that the career transition from being a lawyer to becoming a lawyer politician was enabled by:

1. Leveraging previously acquired administrative skills;
2. Entering the job with a clear purpose;
3. Amplifying their role as a lawyer while in politics;
4. Shifting their mindset from a win to a win-win approach; and
5. Considering the time spent in politics as an “apprenticeship” in seeking subsequent opportunities.

While these findings enable a lawyer politician to establish vital linkages between law and politics, it is my thesis that another transformation takes place. As a lawyer goes through the career transition from being a lawyer to a lawyer-politician a change occurs whereby the subject moves from viewing law as apart from politics to instead accepting the law as a part of politics. In other words, law and politics are no longer considered as distinct and separate realms but rather law is part of the political realm.<sup>4</sup> In achieving this, the lawyer-politician, in a way unlike other professions, can participate fully in all facets of our democracy.

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<sup>4</sup> Peter H Russell, “The Politics of Law” (1991) 11 *The Windsor Yearbook of Access to Justice* 127 at 127.

