

NOTES FOR AN ADDRESS
BY THE
HONOURABLE MARK MACGUIGAN
TO THE
CONVOCATION OF THE GRADUATING CLASS OF THE
24TH BAR ADMISSION COURSE OF THE
LAW SOCIETY OF UPPER CANADA

NATIONAL ARTS CENTRE
OTTAWA, ONTARIO

APRIL 13, 1983

MR. CHAIRMAN, HONOURED GUESTS, LADIES AND GENTLEMEN, AND (IN PARTICULAR) GRADUATES;

I SUPPOSE THAT IT IS TRADITIONAL FOR ONE WHO HAS BEEN ASKED TO SPEAK AT A GATHERING SUCH AS THIS TO SAY THAT IT IS A PLEASURE TO BE HERE. AND THOUGH I PREFER TO BREAK WITH TRADITION WHENEVER IT IS APPROPRIATE, IN THIS CASE I FIND IT VERY DIFFICULT TO DO SO.

I SAY THIS BECAUSE IT IS INDEED A DISTINCT PLEASURE AND HONOUR TO BE WITH YOU THIS AFTERNOON TO TAKE PART IN THE CELEBRATION AND OFFICIAL AFFIRMATION OF WHAT IS LIKELY ONE OF THE MOST SIGNIFICANT ACHIEVEMENTS OF YOUR LIVES. ALONG WITH YOUR MANY RELATIVES AND FRIENDS GATHERED HERE TODAY, I WISH TO CONVEY TO YOU MY HEARTIEST CONGRATULATIONS AND BEST WISHES.

I MIGHT ADD THAT IT IS ALSO A WARM AND MUCH APPRECIATED EXPERIENCE FROM A PERSONAL STANDPOINT BECAUSE I HAVE NOT HAD NEARLY AS MANY OPPORTUNITIES TO INTERACT WITH STUDENTS AS I WOULD HAVE LIKED SINCE ENTERING POLITICS SOME 15 YEARS AGO. THIS IS SOMETHING WHICH I MISS A VERY GREAT DEAL AFTER MANY YEARS OF TEACHING LAW AT SEVERAL UNIVERSITIES IN THIS PROVINCE.

I SUPPOSE THAT IT IS ALSO TRADITIONAL FOR ONE DELIVERING AN ADDRESS SUCH AS THIS TO CAST OUT TO THE GRADUATES WHAT ARE CONSIDERED TO BE SIGNIFICANT PEARLS OF WISDOM AND ADVICE. FRANKLY, I WOULD PREFER TO REGARD WHAT I HAVE TO SAY AS SIMPLY OBSERVATIONS OR MUSINGS WHICH YOU

MAY OR MAY NOT FIND TO BE WORTHWHILE. AT ANY RATE, MY YEARS IN POLITICS HAVE TAUGHT ME THAT I CAN EXPECT NO MORE DESPITE HOW STRONGLY I FEEL ABOUT CERTAIN MATTERS. AND SO IT SHOULD BE, PARTICULARLY IN THIS CONTEXT. YOU HAVE JUST COMPLETED A LENGTHY EDUCATIONAL PROCESS WHICH HAS BEEN AIMED TO A LARGE EXTENT AT HONING YOUR ANALYTICAL AND CRITICAL SKILLS. I LEAVE IT TO YOU TO DETERMINE THE RELATIVE VALIDITY OF WHAT I HAVE TO SAY.

OF COURSE, I MUST ALSO ADMIT THAT I AM VERY HUMBLLED BY THE FACT THAT MANY OF THE HONOURED GUESTS ASSEMBLED HERE TODAY ARE PROBABLY MUCH MORE QUALIFIED TO MAKE AUTHORITATIVE OBSERVATIONS ABOUT THE LAW AND THE LEGAL PROFESSION THAN I. INDEED, I FEEL QUITE AKIN TO THE MAN WHO DIED WHEN THE RIVER NEXT TO HIS HOUSE OVERFLOWED ITS BANKS. HE WENT TO HEAVEN WHERE HE WAS MET BY ST. PETER AT THE GATES. ST. PETER TOLD HIM THAT IT WAS CUSTOMARY FOR EACH NEW ARRIVAL IN HEAVEN TO GIVE A SHORT TALK TO THE ASSEMBLED THROG ON A TOPIC HE KNEW SOMETHING ABOUT. WELL, THIS FELLOW DIDN'T FEEL THAT HE WAS AN EXPERT ON ANYTHING REALLY, SO HE DECIDED TO TALK ON FLOODS -- AFTER ALL, HE HAD LOST HIS LIFE IN A FLOOD. JUST BEFORE HE WAS TO BEGIN, ST. PETER LEANED OVER AND WHISPERED TO HIM -- "BY THE WAY, YOU REALIZE NOAH IS IN THE AUDIENCE"...

I MIGHT START BY SAYING THAT QUITE OBVIOUSLY YOU ARE BEGINNING YOUR LAW CAREERS AT A VERY SIGNIFICANT WATERSHED IN CANADIAN LEGAL HISTORY. THE IMPACT THAT THE CHARTER OF RIGHTS AND FREEDOMS WILL HAVE ON THE LEGAL PROFESSION AND THE LIVES OF CANADIANS IN GENERAL WILL NO DOUBT

BE PROFOUND. THE CHARTER STANDS AS A STATEMENT OF THE HIGHEST AND NOBLEST ASPIRATIONS OF CANADIAN SOCIETY THAT BOTH GOVERNMENTS AND INDIVIDUALS ARE BEING ASKED TO EMULATE IN ALL OF THEIR ENDEAVOURS. TO A LARGE EXTENT, THIS WILL INVOLVE TRANSLATING THE IMPORTANT ETHICS REPRESENTED BY THE CHARTER INTO PRACTICAL AND WORKABLE LEGAL PRINCIPLES. THE LEGAL PROFESSION, ALONG WITH THE JUDICIARY, WILL BE ON THE CUTTING EDGE AS THIS NEW FRONTIER IS PUSHED BACK.

OF COURSE, OTHER VERY SIGNIFICANT CHALLENGES WILL BE CONFRONTED BY YOUR GENERATION OF LAWYERS AS BOLD SCIENTIFIC AND SOCIAL CHANGES CONTINUE AT ALARMING RATES. I AM THINKING HERE OF SUCH THINGS AS THE IMPACT ON OUR LEGAL SYSTEM OF SPACE AND OCEAN EXPLORATION, NUCLEAR POWER, THE COMPUTER, ORGAN TRANSPLANTATION, LASERS, PERSONALITY AND BEHAVIOUR MODIFICATION, SUBLIMINAL LEARNING, GENETIC ENGINEERING, TEST TUBE BABIES, THE EVOLVING INSTITUTION OF MARRIAGE AND THE STATUS OF LEGITIMACY, CHANGING OUTLOOKS ON VARIOUS FORMS OF DISCRIMINATION AND THE PLIGHT OF THE DISADVANTAGED, THE IMMENSE PROBLEMS CONFRONTING THE ENVIRONMENT AND THE INCREASING THREATS TO OUR PERSONAL PRIVACY. ALL OF THESE INVITE A REAPPRAISAL OF OUR INSTITUTIONS AND OUR CONCEPT OF SOCIAL ORDER. AS LAWYERS, YOU WILL VERY MUCH BE INVOLVED IN THIS REAPPRAISAL, THOUGH I DARE SAY IT WILL REQUIRE A BROAD BASED MULTIDISCIPLINARY APPROACH. IN THIS VEIN, I FOR ONE, HOPE THAT LAWYERS WILL INCREASINGLY DRAW ON THE SOCIAL SCIENCES. INDEED, AS I WILL SUGGEST IN OTHER TERMS A LITTLE LATER, I BELIEVE THERE IS A LOT TO BE SAID FOR LAWYERS THEMSELVES BECOMING MORE LIKE SOCIAL SCIENTISTS IN THE FULLEST SENSE OF THAT TERM.

OF COURSE, ALL OF WHAT I HAVE JUST SAID IMPLIES THAT YOU WILL ALL ENTER THE PRACTICE OF LAW NOW THAT YOU HAVE RECEIVED YOUR CALL TO THE BAR. I REALIZE THAT SOME OF YOU WILL PURSUE OTHER CAREERS, AND THAT IS GOOD -- LEGAL EDUCATION IS VALUABLE TRAINING FOR A WIDE VARIETY OF OCCUPATIONS AS WE ALL KNOW. OTHERS MAY WANT TO PRACTICE LAW BUT BECAUSE OF THE JOB MARKET FOR LAWYERS RIGHT NOW THAT MAY NOT BE POSSIBLE. I AM SURE ALL OF YOU ARE VERY MUCH AWARE OF ALL THE ARGUMENTS THAT HAVE BEEN PUT FORWARD ON BOTH SIDES OF THE QUESTION OF WHETHER OR NOT THERE ARE TOO MANY LAWYERS IN CANADA. INDEED THE LAW SOCIETY OF UPPER CANADA HAS MADE SOME EXCELLENT CONTRIBUTIONS TO THIS DISCUSSION. I AM NOT SURE THAT I CAN ADD MUCH TO WHAT HAS ALREADY BEEN SAID -- AT LEAST NOTHING THAT WILL PUT BREAD AND BUTTER ON THE TABLE FOR YOU ...

HOWEVER, I CAN TRY TO ENCOURAGE YOU TO EXAMINE YOUR MOTIVES IN ENTERING THE STUDY OF LAW. SOME OF YOU, NO DOUBT, HOPED TO ACQUIRE A SKILL THAT WOULD ALLOW YOU TO MAKE A LOT OF MONEY. I SEE NOTHING REPREHENSIBLE IN THAT, IF NOT TAKEN TO EXTREME. DR. JOHNSON WAS QUITE RIGHT I THINK WHEN HE SAID THAT "MEN ARE SELDOM SO INNOCENTLY ENGAGED AS WHEN IN PURSUIT OF MONEY". BUT THOUGH IT IS NOT AN UTTERLY BASE MOTIVE IT IS NOT A TOTALLY ADEQUATE ONE EITHER, I THINK. AND, THE WAY THINGS ARE GOING, YOU ARE NOT LIKELY TO BE SATISFIED WITH YOUR FUTURE REWARDS.

A LAWYER FRIEND OF MINE RECENTLY HAD TO GET A PLUMBER IN TO FIX A LEAKY TAP. THE JOB TOOK ABOUT 15 MINUTES AND THE PLUMBER PRESENTED

MY FRIEND WITH A BILL FOR \$135.00. "ONE HUNDRED AND THIRTY FIVE DOLLARS" HE EXPOSTULATED, "THAT'S OUTRAGEOUS. I CAN'T CHARGE THAT KIND OF MONEY AND I'M A Q.C.". TO WHICH THE PLUMBER REPLIED: "NOR COULD I WHEN I WAS A Q.C.!"

SOME MAY SEE THE PRACTICE OF THE LAW AS A CAREER COMBINING POWER AND PRESTIGE. AGAIN, I AM AFRAID THAT YOU MAY WELL BE DISAPPOINTED. FOR OTHERS, IT IS A QUESTION OF PUBLIC SERVICE. STILL OTHERS REVEL IN ANALYSING THOSE RULES, CUSTOMS AND PRACTICES THAT ARE THE VERY SINEWS OF A SOCIETY AND WHICH MUST, LIKE THE SINEWS OF THE BODY, BE STRONG AND SUPPLE IF A SOCIETY IS TO BE HEALTHY.

HOWEVER, IT HAS ALWAYS STRUCK ME THAT THE REAL APPEAL OF THE LAW IS ITS UBIQUITY. IT PROVIDES A STARTING POINT FOR AN UNDERSTANDING OF ALMOST EVERY ASPECT OF HUMAN ACTIVITY. TO HAVE AS MANY PEOPLE AS POSSIBLE WITH THAT SORT OF BACKGROUND IN ANY SOCIETY CANNOT, TO MY MIND, BE ANYTHING BUT AN INCREDIBLE ASSET. AGAIN, THAT SENTIMENT WON'T PAY YOUR BILLS OVER THE NEXT FEW YEARS, BUT WITHOUT WANTING TO SOUND TRITE, IT IS SOMETHING THAT MAKES ME VERY OPTIMISTIC ABOUT THE FUTURE OF A COUNTRY SUCH AS THIS. IT SHOULD ALSO HELP TO REMIND YOU THAT YOU ARE VERY FORTUNATE AND PRIVILEGED INDIVIDUALS.

OF COURSE, I MUST EMPHASIZE THAT LAW USUALLY ONLY PROVIDES A WINDOW ON ALL OF THE MANY ASPECTS OF THE HUMAN CONDITION. MOREOVER, OUR REVERANCE FOR THAT LAW IS ONLY JUSTIFIED IF LAW IS SEEN AS POINTING TO SOMETHING HIGHER THAN ITSELF. WE MUST NOT IDOLIZE OR PLACE TOO MUCH RELIANCE ON IT.

TO A LARGE EXTENT WHAT YOU HAVE BEEN STUDYING FOR THESE PAST FEW YEARS IS POSITIVE LAW, AS I AM SURE YOU ARE AWARE. I STRONGLY BELIEVE THAT THIS LAW SHOULD SIMPLY PROVIDE THE STARTING POINT FOR AN UNDERSTANDING OF THE VARIOUS ELEMENTS OF NATURAL LAW. BY NATURAL LAW I MEAN THAT ALMOST DIVINE ORDERING OF ALL CREATION IN WHICH MAN AS A CREATED BEING PARTICIPATES. IT HAS BEEN SAID THAT NATURAL LAW BEARS THE SAME RELATION TO POSITIVE LAW IN YOUR LEGAL STUDIES AS THE SOUL DOES TO THE BODY IN MEDICAL STUDIES. NATURAL LAW IS AS OLD AS OUR CIVILIZATION AND THE SURVIVAL OF THAT CIVILIZATION DEPENDS UPON OUR EMBRACING THE MORAL AND ALMOST SPIRITUAL OBLIGATIONS THAT IT REFLECTS.

IN 1978, ALEXANDER SOLZHENITSYN DELIVERED A TRULY REMARKABLE ADDRESS TO THE GRADUATING CLASS AT HARVARD UNIVERSITY. THIS ADDRESS INCLUDED THE FOLLOWING CRUCIAL INSIGHT WHICH, THOUGH SOMEWHAT LENGTHY, DEFINITELY BEARS REPEATING:

"WESTERN SOCIETY HAS CHOSEN FOR ITSELF THE ORGANIZATION BEST SUITED TO ITS PURPOSES AND ONE I MIGHT CALL LEGALISTIC. THE LIMITS OF HUMAN RIGHTS AND RIGHTNESS ARE DETERMINED BY A SYSTEM OF LAW; SUCH LIMITS ARE VERY BROAD. PEOPLE IN THE WEST HAVE ACQUIRED CONSIDERABLE SKILL IN USING, INTERPRETING AND MANIPULATING LAW. EVERY CONFLICT IS SOLVED ACCORDING TO THE LETTER OF THE LAW AND THIS IS CONSIDERED TO BE THE ULTIMATE SOLUTION. IF ONE IS RIGHT FROM A LEGAL POINT OF VIEW, NOTHING MORE IS REQUIRED, NOBODY MAY MENTION THAT ONE COULD STILL NOT BE ENTIRELY RIGHT, AND URGE SELF-RESTRAINT OR A RENUNCIATION OF THESE RIGHTS, CALL FOR SACRIFICE AND SELFLESS RISK; THIS WOULD SIMPLY SOUND ABSURD. VOLUNTARY SELF-RESTRAINT IS ALMOST

UNHEARD OF: EVERYBODY STRIVES TOWARD FURTHER EXPANSION TO THE EXTREME LIMIT OF THE LEGAL FRAMES.

I HAVE SPENT ALL MY LIFE UNDER A COMMUNIST REGIME AND I WILL TELL YOU THAT A SOCIETY WITHOUT ANY OBJECTIVE LEGAL SCALE IS A TERRIBLE ONE INDEED. BUT A SOCIETY WITH NO OTHER SCALE BUT THE LEGAL ONE IS ALSO LESS THAN WORTHY OF MAN. A SOCIETY BASED ON THE LETTER OF THE LAW AND NEVER REACHING ANY HIGHER FAILS TO TAKE ADVANTAGE OF THE FULL RANGE OF HUMAN POSSIBILITIES. THE LETTER OF THE LAW IS TOO COLD AND FORMAL TO HAVE A BENEFICIAL INFLUENCE ON SOCIETY. WHENEVER THE TISSUE OF LIFE IS WOVEN OF LEGALISTIC RELATIONSHIPS, THIS CREATES AN ATMOSPHERE OF SPIRITUAL MEDIOCRITY THAT PARALYZES MAN'S NOBLEST IMPULSES.

AND IT WILL BE SIMPLY IMPOSSIBLE TO BEAR UP TO THE TRIALS OF THIS THREATENING CENTURY WITH NOTHING BUT THE SUPPORTS OF A LEGALISTIC STRUCTURE".

WHAT SOLZHENITSYN IS ENTREATING US TO DO IS TO SEEK A HIGHER LEVEL OF HUMAN EXISTENCE OR VISION -- A REFINED MORALITY AND SOCIAL JUSTICE IF YOU WILL.

AS TRAINED LAWYERS YOU ARE NOW IN A VERY UNIQUE POSITION TO MAKE A CONTRIBUTION TOWARDS TAKING STEPS TO REACH THAT HIGHER PLAIN WHICH IS MUCH BETTER SUITED TO NURTURING THE BEST OF WHAT HUMAN POTENTIAL HAS TO OFFER. YOU ARE NOW AWARE, TO A SIGNIFICANT EXTENT, OF THE LIMITS OF THE LAW, ITS PARAMETERS, STRENGTHS AND WEAKNESSES. AS LAWYERS, (AND HOPEFULLY CONCERNED HUMAN BEINGS) WE ALL HAVE A SERIOUS RESPONSIBILITY TO ASSIST IN DETERMINING WHAT MUST BE DONE

TO FILL THE DEBILITATING GAPS IN THE HUMAN CONDITION THAT THE LAW IS SIMPLY NOT CAPABLE OF DEALING WITH.

SOLZHENITSYN REMINDS US THAT LAW PROVIDES SOCIAL ORDER BUT ORDER, IN THE STRICTEST SENSE, WITH NO MORE NOBLE AND WORTHY GOAL WILL NOT SUFFICE AS WE FACE THE DIFFICULT CHALLENGES OF THE FUTURE. THE SPIRIT OF THE NEW CHARTER OF RIGHTS AND FREEDOMS IS A SIGNIFICANT START TOWARDS THIS BETTER EXISTENCE, BUT IT MUST BE EMPHASIZED THAT IT IS ONLY A START. THE OUTER LIMITS OF THAT EXISTENCE WILL PROBABLY NEVER BE ATTAINED BUT THE DRIVE TO ATTAIN IT IS A VERY NECESSARY ACTIVITY.

THE HAPPY COINCIDENCE OF COURSE IS THAT JUST AS THE GAPS IN OUR POSITIVE LAW POINT THE WAY TO THE MORE NOBLE ETHIC THAT I AM SUGGESTING WE MUST STRIVE FOR, THE EFFORT TO ATTAIN THAT ETHIC CAN HAVE A VERY ADVANTAGEOUS EFFECT ON HOW WE VIEW AND APPLY THE LAW. IT HAS BEEN MY OBSERVATION THAT MANY IN THE LEGAL COMMUNITY ITSELF ARE VERY CONCERNED ABOUT THE IMAGE THAT LAW AND OUR LEGAL SYSTEM HAS AMONG THE GENERAL PUBLIC. I THINK THIS REFLECTS A BURNING DESIRE FOR THE LAW ITSELF TO REFLECT THE MORE REFINED SENSE OF JUSTICE THAT I HAVE JUST MENTIONED. I THINK THIS GOES BEYOND SIMPLY COMPLAINTS ABOUT LAWYERS FEES OR THE VERY INFREQUENT UNETHICAL PRACTICES OF A VERY SMALL PERCENTAGE OF THE PROFESSION. IT EXTENDS, I BELIEVE, TO THE SOMETIMES INSENSITIVE WAY IN WHICH THE LAW IS PRESENTED AND ADMINISTERED.

I REALIZE THAT LAWYERS ARE SOMETIMES UNDULY VILLIFIED WITHIN SOCIETY, BUT I DO THINK THERE IS A LOT OF TRUTH IN THE SENTIMENTS OF INDIVIDUALS SUCH AS J.C. McRUER, FORMER CHIEF JUSTICE OF ONTARIO WHO HAD THE FOLLOWING TO SAY IN 1966;

WHAT IS TERMED "DISRESPECT FOR LAW" IN FACT MAY ONLY BE THE MANIFESTATION OF A BURNING DESIRE FOR JUSTICE. ORDER, LIKE LAW, TO BE RESPECTED, MUST DESERVE RESPECT. DISRESPECT FOR AN ORDER THAT DOES NOT DESERVE RESPECT OUGHT NOT TO BE CONDEMNED AS DEGENERATION, BUT COMMENDED AS A HEALTH REGENERATION. WHAT I AM CONCERNED ABOUT IS THAT LAWYERS AND JUDGES TOO OFTEN REGARD "ORDER" AS A SHIELD FOR THE PROTECTION OF PRIVILEGE .

AGAIN, I REPEAT THAT I STRONGLY FEEL THAT SIMPLY MAINTAINING SOCIAL ORDER AND TECHNICALLY ADMINISTERING HARD AND FAST LEGAL DEFINITIONS OF WHAT IS RIGHT AND WRONG IN SOCIETY WITH NO ATTENDANT SENSITIVITY OR GENUINE EQUITY IN EXERCISING THE DISCRETION INHERENT IN MOST OF OUR LAWS SIMPLY WILL NOT SUFFICE AS WE PROCEED INTO AN INCREASINGLY COMPLEX FUTURE. AS LEGISLATORS, LAWYERS AND JUDGES WE CANNOT SIMPLY PLACATE OUR CONSCIENCES BY STRIVING TO PROVIDE THE PUBLIC WITH BETTER ACCESS TO AND UNDERSTANDING OF THE LAW AND THE SYSTEM OF JUSTICE IN THIS COUNTRY WHEN, AT THE END OF THE DAY, THE JUSTICE THAT IS DISPENSED AND THE PROCESS BY WHICH IT IS PROVIDED AND DETERMINED IS NOT ONE THAT REFLECTS THE HIGHEST ASPIRATIONS OF HUMANITY. EVEN OUR VERY BEST LAWS CAN RISE WELL ABOVE THEMSELVES IF THEY ARE APPROACHED IN A GENUINELY HUMANISTIC MANNER. IN SHORT, THE DRIVE FOR COLD

OBJECTIVITY IN THE LAW, WHICH IN SOME CASES IS DESIREABLE, CAN BE TAKEN TOO FAR.

RECENTLY I SAW THE MUCH ACCLAIMED MOVIE "GHANDI" AND WAS REMINDED OF A STATEMENT, WHICH IS REALLY A TRUISM, THAT THIS NOBLE AND COURAGEOUS MAN ONCE MADE. HE SAID:

"THERE IS NO HUMAN INSTITUTION WITHOUT ITS DANGERS. THE GREATER THE INSTITUTION THE GREATER THE CHANCES OF ABUSE."

I AM NOT AT ALL TRYING TO SUGGEST THAT WE AS LAWYERS CONSCIOUSLY ABUSE THE POWER AND INFLUENCE WHICH BY NECESSITY WE EXERT WITHIN SOCIETY. I WISH TO STATE CATEGORICALLY THAT I BELIEVE THAT THE VAST MAJORITY OF LAWYERS IN THIS COUNTRY ARE INHERENTLY HONEST MEN AND WOMEN. I AM SIMPLY SAYING THAT BECAUSE WE ARE TO A LARGE EXTENT A SELF-REGULATING PROFESSION AND BECAUSE WE WIELD SIGNIFICANT INFLUENCE IN SOCIETY BY BEING THE ONES WHO GUIDE OTHERS THROUGH THE COMPLEX WEB THAT IS THE LAW, THE DISTINCT POSSIBILITY EXISTS THAT BECAUSE OF COMPLACENCY OR OCCASIONAL LAPSES IN OUR PERSPECTIVE WE MAY DO THINGS QUITE UNCONSCIOUSLY THAT DO NOT REFLECT THE HIGHER VALUES AND ETHICS THAT MANKIND DESERVES AND MUST EMBRACE. IN SHORT, WE MUST CONSTANTLY HAVE OUR WITS ABOUT US TO ENSURE THAT WE PROVIDE THE ENLIGHTENED AND MUCH MORE THAN MECHANICAL SERVICE THAT SOCIETY NEEDS TO RAISE IT ABOVE THE OFTEN PATHETIC BASENESS THAT PERVADES SO MUCH OF OUR DAY TO DAY LIFE.

IN A CLOSELY RELATED VEIN (AND THIS WILL BE MY FINAL POINT), I THINK IT SHOULD BE QUITE OBVIOUS TO ALL OF US IN THE LEGAL PROFESSION THAT THE PUBLIC'S VIEW OF WHAT LAW AND JUSTICE SHOULD BE ALL ABOUT AND WHAT IT SHOULD ACCOMPLISH MAY WELL BE VERY DIFFERENT THAN THAT OF LAWYERS OR THOSE OF US IN GOVERNMENT. WITH THIS IN MIND, I AM KEENLY LOOKING FORWARD TO A CONFERENCE TO BE HELD IN OTTAWA NEXT MONTH AND WHICH MY STAFF IS AT PRESENT ORGANIZING. THIS WILL BRING TOGETHER OVER 400 DELEGATES, MAINLY LAYMEN, FROM ACROSS THE NATION. I HAVE LONG FELT THAT A SIGNIFICANT AND UNFORTUNATE GAP IN THE PROCESS OF LAW REFORM IN THIS COUNTRY IS THE LACK OF AN EFFECTIVE FORUM FOR THE EXPRESSION OF GENUINE AND TRULY REPRESENTATIVE PUBLIC OPINION. SUCH A FORUM IS ESSENTIAL IF THE GOVERNMENT IS TO BE ABLE TO DEVISE AND ADMINISTER A LEGAL SYSTEM WHICH IS CONSONANT WITH THE NEEDS OF CANADIAN CITIZENS. I AM VERY CONCERNED THAT THERE IS A DANGEROUS AMOUNT OF TRUTH IN LON FULLER'S STATEMENT THAT "OUR PARLIAMENTARILY DEMOCRACY IS SO CONSTITUTED THAT MUCH OF OUR LEGISLATION IS, IN FACT, THE LEGISLATION OF WELL ORGANIZED, ARTICULATE AND POWERFUL MINORITIES".

THE PEOPLE'S LAW CONFERENCE WILL FOCUS ON A RECOGNITION THAT OUR SYSTEM OF LAW AND JUSTICE BELONGS NOT TO LAWYERS OR THE GOVERNMENT, BUT TO THE PEOPLE. THE GATHERING WILL CLARIFY WHAT CANADIANS WANT FROM OUR LEGAL SYSTEM AND HOW FAR THE SYSTEM IS CAPABLE OF RESPONDING. THE RESULTS OF THE CONFERENCE, ALONG WITH THE ONGOING PROCESS THAT WILL BE ESTABLISHED AS PART OF THE FOLLOW-UP TO THE MEETING WILL BE INVALUABLE TOOLS IN AID OF THE EFFORTS OF MY DEPARTMENT TO FORMULATE REFORMS WHICH WILL MAKE LAW MORE RELEVANT TO THE SOCIAL NEEDS OF CANADIANS.

IN SHORT, THE ETHIC BEHIND THIS CONFERENCE IS A VERY SIMPLE AND AGE OLD ONE. PERICLES, PROBABLY ATHEN'S GREATEST STATESMAN, SUMMED IT UP QUITE NICELY WHEN HE SAID:

"THE ACTIVE INVOLVEMENT OF OUR CITIZENS ENSURES THAT WE WILL HAVE JUST LAWS".

THOUGH SOCIETY IS MUCH MORE COMPLEX THAN IT WAS IN PERICLES' TIME, I FEEL THAT HIS ARGUMENT REMAINS AS COMPELLING TODAY AS IT WAS TWENTY-FIVE CENTURIES AGO.

SO IN CONCLUSION, MAY I AGAIN WISH YOU, THE GRADUATES OF THE 24TH BAR ADMISSION COURSE, WELL IN YOUR FUTURE ENDEAVOURS.

I WOULD ALSO LIKE TO SINCERELY THANK THE LAW SOCIETY OF UPPER CANADA FOR TODAY BESTOWING UPON ME AN HONOURARY DOCTORATE OF LAWS.

I REALIZE THAT MINISTERS OF JUSTICE NORMALLY RECEIVE THESE BY DEFAULT BUT I WILL TRY NOT TO BESMIRCH THE EXCELLENT REPUTATION OF THE LAW SOCIETY BY PRETENDING, AT LEAST FOR TODAY, THAT I ACTUALLY DESERVE THIS HONOUR!

I THANK YOU FOR YOUR KIND ATTENTION.