

CALL TO THE BAR

speech Feb. 7/92

June Callwood

You are disparate people in your look-alike, mournful gowns. You come from all kinds of backgrounds, a wide age range; you are men and women of both sexual orientations (with some undecideds), many races, and different religions -- including none. Yet this is a unifying experience of such haunting resonance that you will return years from now to a reunion, seeking to taste again the oceanic oneness of this blissful commonality. You are lawyers now. You've got your own secret handshake. You're special. Don't ever scoff at the self-pleasure of Shriners on parade. They are you, without the red fezzes. The long ordeal of your education is behind you. This is probably not the time to tell you that it may happen along the way in your long and distinguished careers in law that CLE will become mandatory.

In a lifetime there are few peak moments which are self-selected, which are a personal construct, a definite rite of passage perceived by all. Birth isn't self-determined. Death is usually the result of forces beyond the individual's control. The impulses which lead to mating are not often the result of logical consideration, so marriage -- though a peak moment for some -- doesn't count as a deliberated event. But you chose law, and you persevered, and here you are at last.

What you share is that on February seven, 1992, you are being called to the Bar. That unites you firmly. What separates you, most profoundly, is not your sex, or age, or colour, but the reason you wanted to be lawyers.

This afternoon in Roy Thomson Hall is not an ending, though it is a completion of sorts, but it marks the acquisition of the means to the end you had in mind when you entered law school.

Some of you are rascals. You are in law to get even for past humiliations and disappointments and the absence of love. You figure you're owed by the big bank called clients. You are going to look for opportunity to advance financially -- your favorite and indeed only measure of personal development. You are going to cut corners; you'll run scams of unimaginable beauty; your starved eye will fall hungrily on the feast of your trust accounts. Be assured that, unlovely as you are, the Law Society of Upper Canada cares for you dearly. Because of you, the Law Society's splendid Complaints Department under the excellent Scott Kerr receives more than 4,000 complaints in a year, enabling many people to find useful employment. The Discipline Department, headed by the exceptional Gavin McKenzie, is similarly busy and brimming with resources. Fear of detection and disgrace is a primitive level in the development of ethics but it is the only one to which rascals respond, so I take this opportunity to remind rascals that wrong-doing is an option with a poor future.

A great many of you are pragmatists. A legal education, as you see it, is the springboard for a satisfying career. The practice of law, indeed, is only one of the options. Bob Edwards of the Calgary Eye-Opener wrote 90 years ago of the preponderance of lawyers in government. "A fair sprinkling," he grumbled, "gives tone to any legislative body but there is no need for a cloudburst." The deluge continues to this day and, as you know full well, lawyers abound in commerce and finance as well.

But some of you -- a precious some of you -- came into law because you see the profession as a tool to make this a better world. You're here this afternoon to launch yourselves into the struggle against the enemies that Gandhi defined. These are: injustice, untruth, and humbug. Yours is not the difficulty the rascals face, which is an incurable absence of empathy. Despite your legal training which imposes the pugilist posture of adversarial analysis on the subtleties and ambiguities of reality, you idealists are aware that good and evil are rarely absolutes. And you can feel another's pain.

In December 1990 I was part of a bootless conference in Ottawa named (they all have names, these bootless conferences in Ottawa) the National Conference on Human Rights and Solidarity. A year later the cabinet minister involved in this conceit wrote all the participants to announce the breath-taking headway that has been made since the conference. Thirty-seven "ideas and concerns" -- his language, I assure you --- have been compiled and he shared them with me. I looked in vain for "end child poverty" or "feed the hungry" but there were indeed many ennobling concepts. One of them, number 27 on the list, will interest you. It reads: "Expose law students to other disciplines (socio-cultural)."

What a world of bitter disappointment and pain is submerged beneath that iceberg tip poking out of the bureaucratic sea. Lawyers and, by inevitable progression, judges are less than likely to know that mothers on welfare are regularly unable to feed their children, that a very large number of men in our society are gripped by violent rages they can't control, that prostitutes very commonly have suffered from sexual abuse as children, that prison conditions in Canada damage already-damaged people and discharge them in a disturbed state, or that children must not ever be the tools of revenge when parents split. Nor do most lawyers know the daily bites of racism.

Lawyers, even women lawyers, are admirers of control. They do not associate an absence of passionate concern for others with insensitivity on their part, or a partial lobotomy. They prefer the pretense that no one lives with horror and despair, when in fact all of us do. The effort lawyers make to maintain a bland countenance is a poor defense mechanism. It is safer to open yourselves to your feelings, and to care.

And now, to good deeds. To involvement. To participation. In Tennessee, where the public defenders fund recently ran out of money, every lawyer in the state -- every lawyer -- is now required to do pro bono work. What a sobering experience that must be for many; but, also enlightening. Do you know that in those scummy courtrooms at Old City Hall, in the days before legal aid, every now and then a judge in the women's court would say wearily to a wretched prostitute, do you have legal representation. And a figure would rise, and a sonorous voice would say, "Your Honour, I represent the accused. My name is J.J. Robinette."

Do you know that the woman who this year won the New York State Bar Association Award for the outstanding young lawyer of 1991 is 63 years years old? She's Ree Adler, called to the bar only eight years ago -- which is why she qualified for "young" -- and she spends her time in a neighbourhood legal services office in Buffalo, where she has established a centre providing school and child-care for teenaged mothers, a protocol for people whose hydro and water have been cut off for non-payment, an advocacy group to help the poor receive health benefits, and a coalition of lawyers and doctors to discuss health issues. That's what she's doing with her life.

You idealists, do not flinch from plunging into the heart of things. Your survival is at stake. You who are the idealists, and you who are the pragmatic idealists, and you who are the idealistic pragmatists (I exclude the rascals, who stopped listening to me early on) never repudiate that person who went to law school in order to change the world. In order to help others. That person is not a fool; the goal is not fatuous. Altruism is not a way to save your immortal soul: it is your immortal soul.

The reward is not the lawyer's reward of winning a clear-cut decision, pleasurable as that certainly is. The point is that you care, and you tried. T.S. Eliot wrote, "For us there is only the trying. The rest is not our business."

The reward is in the effort. The effort is the reward. You'll see.