

**NOTES FOR SPEECH TO THE
CALL TO THE BAR CEREMONY
LAW SOCIETY OF UPPER CANADA
BY THE RIGHT HONOURABLE
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OTTAWA, ONTARIO**

Check against delivery

Thank you, Treasurer and Mr. Scott, for the honour you have bestowed upon me and for your generous words, and thank you, Ladies and Gentlemen, for giving me the opportunity to share this very important event with you.

Today, the legal profession is 180 times richer. That's the good news. The bad news is that the people who write lawyer jokes now have 180 more targets to shoot at.

Amazing, isn't it? Thirteen years of elementary and high school, six years or more of university, a year of articles, a bar course, and no one thought to teach you any of the skills you really need to survive out there: how to develop a thick skin, how to stay out of the line of fire, how to practice without clients.....a hundred and ten ways to fix canned tuna.

J'aimerais pour commencer ... adresser mes plus sincères félicitations à tous ceux et celles qui deviennent aujourd'hui membres du barreau du Haut-Canada.

Vous pouvez être fiers à juste titre d'avoir atteint cette étape importante de votre vie.

...Et je suis convaincu que vos familles et vos amis partagent votre joie et votre satisfaction.

Pendant de longues années vous avez travaillé avec ardeur pour réussir vos examens.

Vous avez présenté des travaux et poursuivi de nombreux cours dont ceux qui vous ont permis d'adhérer à cette vénérable institution...

Et ... aujourd'hui ... après tous ces efforts ... vous recevez enfin votre certificat d'admission au barreau.

Pour ma part ... je me contente d'un petit discours de dix minutes et j'aurai droit à mon doctorat honorifique en droit.

Qui a dit que la vie était juste?

It's rough out there, not for the lawyers my age but for the younger lawyers like yourselves. Looking back, I guess I had it easy; though it didn't seem that way at the time. I graduated as part of a class of only 33, and went to work in my father's firm.

Back then, low-key was the rule. Just looking at a perspective client sideways could be construed as touting or "bar rattling" depending upon whether your interest was on the civil or criminal side. Promotion and advertising were outlawed. About all you could do was stick a brass plaque on the door and wait for the clients to arrive.

And, by golly, arrive they did: house deals, fender benders, wills, a few cut and dried criminal cases, a little of this, a little of that. No one planned; no one worried about the bottom line. We just assumed everything would work out, and by and large it did.

But my gosh it was pretty predictable:

Family break-ups. Who gets the farm? What's the going rate for a second mortgage? Don't look now but they've changed the deed forms again.

Movies like To Kill A Mockingbird showed Gregory Peck fighting the good fight: standing up for the underdog, racial equality and justice for all. Great for Greg -- he got top billing and all the good cases. For the rest of us there was remand court on Monday morning.

Forty years ago the jobs were plentiful but the opportunities for self-fulfilment, few and far between. Today, just the opposite is true. Traditional legal jobs are rarer than generation Xers at the Rideau Club. But the opportunities, particularly for those with a bit of the adventurer in their spirit, are practically unlimited.

To you, out pounding the sidewalks, searching for an opening, it may sound unbelievable, but there are more doors closed and closing out there on people my age than there are on you. No doubt, the realities of fiscal restraint and downsizing seem to cast an almost unpenetrable pall over your career goals. But the phenomena is purely temporary. The economy is finally recovering. The market place is expanding. Growth is inevitable. But growth where, and for whom?

Not in the sectors I was trained to service -- Canada's traditional revenue producers -- raw resources, smoke-stack industries, the products of land and sea. Those days are gone. The keys to wealth and achievement in the future lie in information, sophisticated value added, technology transfers, bio-discovery, new materials and problem solving, not through protracted courtroom battles but by consensus building.

I marvel at the skills required to succeed in such a world. I meet the articling students and new associates that join our firm and I'm humbled. Thank goodness for honorary degrees. If I'd had to compete with you for a parchment scroll this afternoon, I would have been out of luck.

My fate was to be born during the Industrial Age. The reward was stability, the cost was conformity. You are fortunate enough to be in on the birth of a new epoch, the Information Age. The cost is temporary uncertainty as the world adjusts. The reward is unlimited scope for growth and self-fulfilment.

In the next very short while, cheap and fast communications and omnipresent computers will change the way everyone works and lives. The rise of the Internet is but a hint of what's to come. The notion of service providing will change drastically: stock brokers, bankers, retailers, travel agents, and almost every other form of go-between will be forced to either completely alter the way they do business or fade away as competition against the seamless web becomes impossible.

Why, for example, would anyone pay a brokerage fee when for a few hundred dollars a person can purchase software that will constantly surf the world's networks in search of stock exchange deals? Any of us could ask enough similar questions to send a shiver down the spine of almost any service provider in the country.

But what chills the blood of the existing establishment, warms the cockles of the next generation's heart. Every change on the horizon is an opportunity for those who possess the skills to anticipate and facilitate it. That's you, certainly not me. To my generation, "bits and bytes" are a brand of snack food. I've spent a lifetime in private and public life urging clients and voters to concentrate on reality. Now, along comes virtual reality and I don't know what to say any longer.

I stand before you as neither a Luddite, urging a return to the tried and true, nor a futurist with speculative visions of what might be. At this stage in my life, I strive to be no more than a reporter, a chronicler of what I see around me.

I read, I observe, I try to keep up with trends and developments. More and more frequently, however, I find myself shaking my head in something akin to stunned disbelief at how quickly the rules of the game as I have long understood them are changing.

I see the notion of distances become as anachronistic as the telephone lines that once spanned them. I see the time when a phone call between Ottawa and Paris will cost no more than one between two local law firms. I see new life forms being created, new materials, new production methods. I see the old commercial yardsticks of manufacturing and distribution costs rendered irrelevant by such developments as digital copying and satellite-connected networks.

I see all this as clearly as you. The difference is, the fundamental difference, is that you have the freshness of mind to convert these developments into opportunities.

This new Information Age cries out for new solutions, new processes, new rules, and new regulations. Almost every conceivable area of private and public law will require amendment and revision. Copyright, patents, contracts in a paperless world, privacy, defamation, international governance: these are but a few of the many areas of law that will require re-thinking and re-engineering if our system of justice is to respond to the new demands of the Information Age.

Whether you are counsel for a government, a corporate stakeholder, a ratepayers' association, an interest group or an individual, the problem won't be finding work, it will be finding the time to get the work done.

Perhaps solving that problem is something my generation can help yours with. We have a lesson to teach, albeit a negative one, about dealing with workloads. Put simply, the lesson is this: don't do just what we did. Find better ways, better structures, more reasonable value systems.

En cours de route, trop d'avocats de ma génération ont perdu de vue certaines réalités fondamentales de la vie. Leurs cabinets sont devenus des centres de profits et les objectifs de rentabilité ont pris le dessus sur les objectifs d'excellence. L'estime de soi se mesure en dollars. Et que reste-t-il quand les valeurs humaines disparaissent sous un amas d'heures facturables? Des vies -- et des rêves -- brisés!

Nous commençons aujourd'hui à mesurer les retombées d'une commercialisation et d'une déshumanisation excessives de notre profession. Les coûts sont dramatiques, voire scandaleux. Les taux de suicide, d'alcoolisme, de toxicomanie et de pratiques frauduleuses augmentent. Et que dire du nombre d'avocats et d'avocates radiés. Au lieu de savourer les meilleures années de leur carrière et de leur vie, plusieurs juristes d'expérience sombrent dans le désespoir et se demandent ce que tout cela veut dire.

For all of our talents, we have not adjusted well to world forces and changing conditions. Rather, we have been swept along by forces we only thought we could control and swept away from the values and traditions that had so long been the foundation stones of our profession.

I believe that your generation has the talent, energy and clarity of vision to put things right, to avoid the mistakes we made, to find a healthier balance between professional achievement and personal contentment. I believe that you have the courage and inventiveness to turn your back on existing structures and accepted processes and to seek better ways to practice and more fulfilling ways to service clients.

I am confident that you will not repeat our mistakes. You will build flatter, leaner, friendlier organizational structures. Law will once again become a collegial profession. Clients will bond with the lawyers who service them personally. I think your generation has what it takes to put the humanity and, dare I say it, the fun back into the practice of law.

I hope I have not been too hard on my own generation. I have pointed out our failings; I have done so not as a critic, however, but merely as a reporter, a chronicler, as I said earlier. It is important to understand that the mistakes we made were honestly made; they were the results of our best efforts to adjust to changing circumstances. To borrow a long-accepted legal concept, there was no malice aforethought, only a genuine effort to respond to changing demands.

You will do a better job, but I take considerable solace in the knowledge that had we not gone before you, you might very well have done no better than us.

The well-known Canadian writer, Charles Templeton, once categorized the search for satisfaction and fulfilment in a way that I think may be particularly applicable to you as you begin your lives in the law. He said:

"Most people want to find happiness, but you don't find happiness any more than you find steel. You refine steel from rough ore and you fashion happiness from life's opportunities."

If Templeton is correct, then I believe that your chances of finding happiness are high. You constitute that rarest of human phenomena: a group of individuals ideally suited to the time in which you live. You possess the skills and the mindset required to extract and refine the rough ore of this Age of information. I am confident that in so doing, you will find the happiness you seek.

Thank you and God bless.

Merci beaucoup.