

CALL TO THE BAR CEREMONY

REMARKS

by

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It is a great honour for me to be here today to receive this honorary degree -- an unanticipated and probably undeserved honour, may I add. But of all the satisfactions life offers, perhaps the unanticipated and undeserved are the sweetest. In any case, I humbly accept this honour and thank the Law Society for having bestowed it upon me.

The Mayor of New York, Alberto Guiliani, once began a convocation address by noting that a convocation speaker is like the corpse at an Irish wake; she is essential to the proceedings but nobody really cares if she says anything.

Like the Irish at a wake, I suspect that for all your dutiful attention, you are really more in a mood for celebrating than listening to sermons at this special moment of your life. The program organizers, no doubt cognizant of the analogy between Irish wakes and convocations, took that into account and wisely instructed me not to speak for more than fifteen minutes. Having already used some of that precious time, not much sand remains in my minute-glass. So I will be brief!

The message I wish to leave with you can be summed up in one word - professionalism. Today you join the noble and historic profession of law. This is an awesome privilege. It is also an awesome responsibility.

In my view, professionalism in the legal world is about commitment -- commitment to three things: (1) to the learning and discipline of the law; (2) to the service of society; and (3) to yourself. Let me elaborate.

The first ingredient of legal professionalism is commitment to the learning and discipline of the law. The law is more than a way to earn a living, although your parents will be happy to know that it holds that prospect. The law is, above all, a way of thinking, a way of ordering society and a way of solving, or even better, preventing, the conflicts and tensions that can arise in our society. It is also a repository of learning that has been passed on to us, and which we in turn, with some adjustments, will pass on to others. To be a good lawyer -- a true professional -- you must immerse yourself in your chosen area of the law. You must seek, not just a quick fix to the problem on your desk, but the best solution. That best solution is revealed only to those who possess a profound and enduring understanding of their particular area of the law. It is

this thorough understanding that separates the mediocre practitioner from the true professional. Lawyers who make a mark in their profession and a mark on the world all, to the last man or woman, possess a passionate and profound interest in the law in general, and in their chosen field of practice in particular.

The second requirement of true professionalism is commitment to the service of society. Professional lawyers are distinguished from other workers, whether in the law or elsewhere, not only by their commitment to their chosen discipline, but by their commitment to the society that they serve. The life of the law is not only experience, as Oliver Wendell Holmes wrote. In a different and equally true sense, the life of the law for the professional lawyer is service. Service to her client, to be sure. But through that service, and overarching it, service to the community.

The notion of service is embedded in our legal language. The lawyer serves the client. The lawyer renders -- and bills for -- services. The old phrase at the end of those accounts you will soon be sending to your delighted clients says it all, succinctly and profoundly -- "to services rendered".

The professional lawyer sees service not as a duty, but as part of the privilege of practicing law. The law has great power to improve society and improve people's lives. Our society is not perfect, nor is the law. But think of the ways in which lawyers, dedicated to service, have bettered society. It was the law that won the right for women to be considered "persons" so they could take up professions and participate in the governing of society; I refer, of course, to the famous decision of the Judicial Committee of the Privy Council in the "Persons Case". But it was also the law, through various human rights cases, that tackled and continues to tackle the evil of discrimination based on false and stereotypical notions of people's abilities and worth. It is the law that has identified and addressed sexual abuse and sexual harassment.

When I was growing up, there were few women lawyers and no women judges. But there was an increasing awareness that fairness required equal opportunities for women and that the law must work to ensure this. I truly believe that the fact that I am Chief Justice today is more than anything else a testament to the justice of Canadian society -- a society where people without money or connections or the usual gender for a certain job, will be allowed to do it and, having done it, will be allowed to succeed. More than anything else I

could personally bring to the task, I am the beneficiary of that sense of fairness and of the laws and practices that cast it in concrete form. This is an important part both of what the law is, and what it is capable of. Professional lawyers must look for these possibilities and seize them, as part of their commitment to service.

The professional lawyer also owes the client not just a duty of competency but a duty of fidelity and loyalty. The lawyer is the client's bondsman or woman. The lawyer also owes the client and the community absolute ethical integrity. True service is much more than staying out of trouble and not getting caught. True service is uncompromisingly doing the right thing whether anyone knows or not.

As I have said, true professionalism requires commitment to the discipline and learning of the law and commitment to service. But even this is not the whole story. In fact, it is not even the most important part of the story. True professionalism involves yet a third commitment -- commitment to oneself. The poet Kipling captured the essence of this commitment in his memorable line of advice, "Above all, to thine own self be true."

The "self" to which you must be true is the "self" of a trained lawyer. Your years at law school have affected you in many ways. But most profoundly, they have transformed you, your "self", quite literally, from lay person to lawyer. The law is now a part of you. You are forever changed. If you are true to this new self, the other commitments of which I have spoken -- commitment to the learning and discipline of the profession and commitment to the service of society -- will follow naturally. That is why this third commitment is the most important of them all.

Being true to yourself requires understanding yourself and figuring out how you -- the unique bundle of talents and energy and experience and, yes, flaws that is "you" -- can best serve your clients, your profession and your society. Some of you may already have decided how you can best be true to yourself and to your special gifts through the profession of law. Others will use the next few years to explore the options. There is no set path to finding one's place in the law and thus oneself. But I offer this piece of advice: avoid getting prematurely boxed into an aspect of the law that you do not truly enjoy. Keep your options open. Keep trying until you find something that suits you and gives you deep and lasting satisfaction. Do not be put off by a bad day, three

bad days or even five. But if all the days -- or even most of them -- are bad, perhaps the reason is that you have wandered into an aspect of the legal profession that does not suit you, that does not maximize your potential, that does not, to return to Kipling's phrase, allow you to be true to yourself.

Before I finish, lest you think that some or all of what I have said amounts to a string of idle and self-righteous nostrums, I should like to point out that most of what I have said bears true in my own profession -- the judiciary. The Courts can render justice only through judges committed to the learning of the law. The task of the judge is to take the wisdom of past decisions and Parliament's laws and apply it in a way that makes sense in the contemporary social context. And above all, the task of judges and the Courts is to serve well. The Courts exist not to create law or spin abstract principles, but to serve the public. We no longer serve clients in the same way as we did when we were lawyers, but we nevertheless serve -- serve through our commitment to the law, to the people of Canada, and, what is the only salvation for the conscientious and professional judge, to the best part of our own selves.

The Supreme Court of Canada is one of the institutions through which Canadians seek and express their sense of justice. This year, the Court marks its 125th anniversary and its 50th anniversary as the final appeal court for Canada. Over the past 125 years and particularly in the last 50 the Court has played a vital role in preserving the basic rights of individuals. Through thousands of decisions, the Supreme Court of Canada has woven the tissue of Canadian justice. If one searches one can find missed stitches. But usually one finds that they have been taken up and reworked to make a fabric that is strong, serviceable and satisfying to our sense of how things should be in this, our part of the world. I think it is not exaggerating to say that in its first century and a quarter, the Supreme Court of Canada has served Canadians well. We on the Court are proud, indeed lucky, to inherit that legacy. Our challenge -- indeed our sacred trust -- is to ensure that when our tenure on the Court closes, you in the legal profession and the Canadian public will still be able to say, "The Supreme Court has served Canada well".

You, the graduates of the Bar Admission Course, are now lawyers. But your adventure in your chosen field is just beginning. You are about to move on the business of becoming professionals -- true professionals in the most

profound sense of the word. You will accomplish the transformation to professional through three commitments: commitment to the learning and discipline of your profession; commitment to serving clients and society through competence, diligence, loyalty, ethical integrity and community responsibility; and finally the commitment from which all the other commitments flow -- commitment to your true self.

The best of luck to you and Godspeed.
