

MINUTES OF SPECIAL CONVOCATION

Toronto – Friday, 22nd February, 2002  
9:45 a.m.

The Treasurer, Benchers and their guests proceeded to the auditorium at Roy Thomson Hall, Toronto for the Call to the Bar ceremonies of the 283 graduates of the Bar Admission Course and 6 transfer candidates.

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CONVOCATION WAS CALLED TO ORDER AT 9:45 A.M.

The Treasurer asked all present to stand for the National Anthem sung by Tamara Hummel.

PRESENT: (Platform)

The Treasurer (Prof. Vern Krishna, Q.C., FCGA), Larry Banack, Gordon Bobesich, John Campion, Thomas Carey, Earl Cherniak, Andrew Coffey, Gillian Diamond, Edward Ducharme, Neil Finkelstein, Avvy Go, Donald Lamont, Gavin MacKenzie, Ronald Manes, Gregory Mulligan, Daniel Murphy, Marilyn Pilkington, Julian Porter, Judith Potter, Joanne St. Lewis, Heather Ross, Gerald Swaye.

and

Justice Karen M. Weiler, Justice Ronald E. Stauth, Dr. Irving Abella, Huguette Thomson, Dean Bruce Elman, Shelley Gavigan, Igor Ellyn, Malcolm Heins, Ian Lebane, Cindy Pinkus, Roman Woloszczuk and Leah Daniels.

The body of the auditorium was occupied by the candidates and their guests.

CONFERRING OF AN HONORARY DEGREE

Mr. Edward Ducharme, Chair of the Admissions Committee introduced the Doctoral candidate, Dr. Irving Abella, and read the following citation:

“Treasurer, it is my pleasant duty to present to you Dr. Irving Abella and request that you confer upon him the degree of Doctor of Laws, *honoris causa*.

Dr. Irving Abella, historian, educator and activist, is widely known for his scholarly works on the history of the Canadian labour movement and the history of Jews in Canada. His contributions to Canadian history have been enormous. Through his writings and his lectures he has helped to promote a richer appreciation of the diverse roots of this nation and to ensure a greater understanding of the contributions made to this country by its immigrant population.

Born in Toronto, he received his B.,A., M.A. and PH.D. from the University of Toronto. His desire to be an educator then led him to accept a lecturing position at York University. His talent as an educator earned him a full professorship in the Department of History at York University. He is currently, the J. Richard Shiff Chair for the Study of Canadian Jewry at York University.

In 1993, he became a Member of the Order of Canada in recognition of his outstanding contribution in a specialized field. The Latin motto of the Order means, “they desire a better country.” Dr. Irving Abella not only promotes the principles of these words, he lives by them.

He is deserving of the highest honour this Society can give and I request you, Sir, to confer upon Dr. Irving Abella the degree of Doctor of Laws, *honoris causa*.”

The Treasurer admitted Dr. Irving Abella to the degree of Doctor of Laws, *honoris causa*.

Dr. Abella then addressed the candidates and their guests:

“Thank you for so warmly and generously welcoming a historian into the justice profession.

And let me in return congratulate all of you in this auditorium who are being called to the bar for the great achievement today represents for each of you.

Justice seems to run in my family. My son Jacob was called to the bar last year and now works in the human rights law section of the Federal Department of Justice.

My other son Zachary is in his final year at Osgoode Hall Law School, and will, I hope, be called next year. And of course my best friend, my wife Rosie received an Honorary Doctorate at last year Convocation for her enormous contribution to the legal profession.

And so I would like to thank the Treasurer for including me in this year’s call, to maintain the tradition of always having an Abella at Convocation.

Although, as you heard, I am a historian, throughout my career I have been pre-occupied with questions of justice in Canada. My interest has always been in writing about those people and groups fighting for justice, battling for their rights in Canada.

My first few books were about oppressed, hungry workers in the depression, trying desperately to survive and to organize unions. I then moved in to immigration history and wrote about the frightful conditions and hostile attitudes confronting newcomers in Canada, especially Jews in the first half of the 20th century. And my most recent work is on refugees, and their poignant attempts over the years to find a haven in this country.

And so in our respective ways, we are collaborators. You deliver justice; I record it.

But there is another way history is relevant today. Each of you must be thinking of your own personal histories, and how events, families, friends and sheer luck have converged to bring you to this wonderful ceremony.

I am a historian of Canada. I became one, because I love this country and what it stands for. There are things in our past which are maddening and have outraged me; there are others which are glorious and have inspired me. It is important to acknowledge them all, to remember who we are and what we once were and then to focus, as you must do, on what we want to be, and how to get there.

As a historian my role is to be a flashlight on the past, to expose events and people to public scrutiny so that we may pay homage to what has made us great, and to pay heed to what has held us back.

Remember as you begin your careers in the profession, that justice has a long history in this country. But so does injustice. And unless we pay attention to the injustices history reveals to us, we will not be able to create the environment in which justice can flourish.

Law is about justice. It is about fairness. It is about making the world around us a better place. Laws that are relevant are laws that are humane. Lawyers who are relevant are lawyers who are humane. But humanity and fairness have not always been part of our history.

Not so long ago, just over a generation ago, this was a far different country than it is today. It was a country permeated with intolerance, xenophobia, racism and anti-semitism. Justice, for many, was still only a distant dream.

Minorities, especially Jews, were the pariahs of Canadian society, targets of abuse, demeaned, despised, discriminated against. They were totally excluded from many professions, found it difficult to get jobs in others, including ironically, your profession, justice; they faced quotas in most universities, confronted restrictions in most sectors of Canadian society, and were legally prevented from living and vacationing in a wide variety of areas from coast to coast.

Sadly this country's most telling and symbolic export in those days, were the thousands of young Canadian men and women, mostly Jews, who, prevented from contributing to their own society, emigrated south of the border to make their mark in the United States .

But one of them decided to return. It was to the Canada of the 1930s that a brilliant young law student came home after achieving top grades at the Harvard Law School.

For several years he tried desperately to find a job in Canada. He applied to various universities, but was told sorry, we are not hiring Jews. He tried the major law firms, but he knew that they too were not hiring Jews, or any minority for that matter. And so for 3 or 4 years he survived by writing head notes for a law journal at 50 cents per note.

Finally his mentor the Chairman of Law at the University of Toronto wrote a bizarre letter to the university president assuring him that while the young man was Jewish he was nonetheless a loyal British subject who would not disgrace the university, and that he was not a subversive.

Only then did a very reluctant president approve the hiring of Bora Laskin.

Thirty years later, Laskin, one of this country's greatest legal minds, was appointed, at a different time, and by a different government, Chief Justice at the Supreme Court of Canada.

His appointment was a symbol at how much this country had changed from the prejudice-ridden society of the 1930 years to the progressive, open, multicultural nation it is today.

As you leave Convocation today to take your place in the legal profession, you will also, over the next generation, play an increasing role in our national debate and in setting our national agenda. Let me ask you to keep some things in mind as you do so. Please remember that Canada is a great country, but it is a country with some peculiarities. It is a country of immigrants that hates immigration. Almost every public opinion poll done over the past fifty years indicates that most Canadians, including apparently immigrants themselves, do not want any substantial increase in the number of people admitted in the country.

Remember too that for most of our history, Canada's immigration policy has been racist and exclusionary. We know exactly what kind of people we wanted and how to keep out those we did not. Our immigration acts were so designed as to divide the world in two: the preferred races, who were always welcome in Canada, and the non-preferred, who rarely were. And of course the non-preferred races make up most of the world – people from Asia, the Middle East, Africa, Latin America and the Caribbean. With a few exceptions, these were immigrants barred from coming to Canada.

It was not until the 1960s that, bowing to the pressure from several human rights groups, including, pointedly, from a many members of your profession and members of this society, Canada finally abandoned its racially discriminatory policies and opened its borders to immigrants from places that had never been recognized as potential sources for new immigrants. And wonderfully ironic, given our history, the vast majority of new immigrants and refugees who have arrived in Canada over the past 30 years to begin their lives anew, are from precisely these places.

And what a contribution these newcomers have made to this country. They have helped create a new nation whose watchwords are now tolerance, openness, diversity, generosity of spirit and decency.

Over the past 25 years we in Canada have created a unique country, and what make us unique is our pluralist culture. The Canadian mosaic is our national cliché; it is our single most important national characteristic. Here, all of us – the country's so called founding peoples of British and French origin, plus other Europeans, Asians, Africans, West Indians, Catholics, Jews, Muslims, Hindus, Sikhs and Jews – arrived trailing our own roots, which are now firmly transplanted into fertile new ground. And along with Canada's First Nations, we have built a new country. What makes Canada so special is the unwritten compact that bigotry will not be condoned, that instead of abusing another, we can always talk about our problems and sometimes even our prejudices.

We are unique as well because not only do we have freedom of speech, we have freedom from speech. We do not allow hatemongers to peddle their poison publicly. We protect our minorities because we respect both their contributions and their sensitivities.

And yet, sadly, those values that define us a nation are under attack. It is clear that intolerance is on the rise throughout the industrial world. We see it everywhere; we hear it on the ubiquitous "talk radio" shows, we watch it on television; we feel it. We don't need public opinion polls to corroborate it, but they do. Intolerance, it seems, is the growth industry of the new century.

And of course the events of September 11 have set off all sorts of alarms throughout Canadian society. But we must not allow real concerns for security to become an excuse for intolerance. Of course, open minds do not mean open borders for those who wish to come here to undermine the open society we have so carefully crafted in Canada. Those people do not belong here.

But open minds mean we must make certain our reaction to September 11 respects and strengthens not only the security of all Canadians but their civil and human rights as well.

That will be your challenge as representatives the justice system as you leave this room to take up your role in the Canadian legal system. Be proud of what you have achieved and be proud of the country you have achieved it in. Defend its values; protect its rights; and never ever forget the lessons of its history.

Above all, let history be your guide; but also remember it will ultimately be your judge. Let your actions be guided by how you wish history to record them.

Today each of you starts your own history as a member of this great profession. Over the months and years ahead, you will be presented with countless opportunities to fill that history with stories of how your professional commitment kept injustice at the periphery and justice at the core of this country's soul.

As a historian I can assure you that my profession looks forward to chronicling in pride your inevitable successes. But more important, as a member of the Canadian public you will be serving, I look forward to being the beneficiary of you dedication.

Thank you once again, for the great honour of allowing me to share this wonderful day with you, and good luck to each and everyone of you".

PRESENTATION OF PRIZES

Ms. Cindy Pinkus, Director, Bar Admission presented the prizewinners to the Treasurer.

The Treasurer presented the following prizes to the respective recipients:

Awarded The Osgoode Society for Canadian Legal History Prize; a share of The Stuart Thom Prize; and a share of The McCarthy T9trault Business Law Prize – Toronto

*Peninah Ila Brickman*

Awarded The Osgoode Society for Canadian Legal History Prize, and The S. J. Birnbaum Q.C. Scholarship First Prize

*Christopher Gordon Tortorice*

Awarded The Osgoode Society for Canadian Legal History Prize, and a share of The S. J. Birnbaum Q.C. Scholarship Second Prize

*Moira Anne Gracey*

Awarded The Osgoode Society for Canadian Legal History Prize, and a share of The Margaret P. Hyndman, O.C., Q.C., D.C.L. Prize

*Drew James Morier*

Awarded The Osgoode Society for Canadian Legal History Prize

*Mark Robert Crow*

Awarded a share of The Stuart Thom Prize, and a share of The McCarthy T9trault Business Law Prize – Toronto

*Michael Ronald Troy Krushel*  
*Gregory Stephen Joseph Temelini*

Awarded a share of The McCarthy T9trault Business Law Prize – Ottawa, and a share of The Margaret P. Hyndman, O.C., Q.C., D.C.L. Prize

*Michael George Robb*

Awarded The Herbert Egerton Harris Advocacy Scholarship (second highest grade)

*Sharmini Mahadevan*

Awarded a share of The Margaret P. Hyndman, O.C., Q.C., D.C.L. Prize

*Erica Jill Baron  
Gustavo Fabian Camelino*

CALL TO THE BAR

Mr. Larry Banack, Mr. Thomas Carey, Mr. Neil Finkelstein and Mr. Gavin MacKenzie, representatives of the Admissions Committee presented to the Treasurer 289 candidates for the Call to the Bar as follows:

BAR ADMISSION COURSE 2001 – 2002

289 CANDIDATES FOR CALL TO THE BAR

(Enclosed in Convocation file is a list of the candidates for Call to the Bar)

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

CONVOCATION ADJOURNED

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Following Convocation a Special Sitting of the Court of Appeal for Ontario and the Superior Court of Justice convened, with The Honourable Justice Karen M. Weiler, Court of Appeal for Ontario presiding.

The candidates were presented to Justice Weiler before whom they took the Oath of Allegiance, Barristers Oath and Solicitors Oath and acknowledged their signatures on the Rolls in the presence of the Court.

Justice Weiler then addressed the new Barristers and Solicitors.

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At the conclusion of the formal proceedings, the Treasurer and Benchers held a reception and luncheon at Osgoode Hall and had as their guests, Justice Karen M. Weiler, Justice Robert A. Blair, Dr. Irving Abella, Justice Rosalie S. Abella, Jacob Abella, Zachary Abella, Anna Porter, Maria des Tombe, Catherine Porter, Huguette Thomson, John Solorsh, Michael Solorsh, Stein Lal, Morag McLean, Alan Minsky, Diane Minsky, Belle Ginsberg, Charles Kazaz, Alyssa Minsky, Dean Bruce Elman and Noel Crewe.

Confirmed in Convocation this 25th day of April, 2002

Treasurer