

MINUTES OF SPECIAL CONVOCATION

Toronto – Friday, 22nd February 2002

2:45 p.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 281 graduates of the Bar Admission Course.

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CONVOCATION WAS CALLED TO ORDER AT 2:45 P.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 Champion, Thomas Carey, Earl Cherniak, Gillian Diamond, Edward Ducharme, Neil Finkelstein, Avvy Go, Donald Lamont, Ronald Manes, Janet Minor, Gregory Mulligan, Marilyn Pilkington, Heather Ross, Joanne St. Lewis, Gerald Swaye, Robert Topp and Donald White.

and

Justice Robert A. Blair, Justice Silja Seppi, Anna Porter, Huguette Thomson, Dean Bruce Elman, Lois Chiang, Janet Leiper, Jeffrey Cowan, Nola Crew, Paul Tushinski, Roger Fisher, Malcolm Heins, Ian Lebane, Cindy Pinkus, Roman Woloszczuk

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, Ms. Anna Porter.

“Treasurer, it is my pleasant duty to present to you Anna Porter and request that you confer upon her the degree of Doctor of Laws, *honoris causa*.

Anna Porter is one of this country’s most prominent publishers and a major force in the publishing world. Throughout her career, she has endlessly promoted the work of Canadian authors both at home and abroad. Her efforts to enhance the cultural identity of our nation have earned her an Officer of the Order of Canada for national service and achievement.

Born in Budapest, Hungary, she and her mother were forced to leave their native home for New Zealand during the Revolution of 1956. In New Zealand, she continued her education, earning a Bachelor and Master of Arts from Canterbury University, Christchurch.

Anna Porter’s publishing career began as a junior editor, in England, with Cassell and Company. She quickly advanced in her profession and moved to Canada where she became the Vice President and Editor-in-Chief with McClelland Stewart. Today, she is the Chief Executive Officer of Key Porter Books, an accomplished author and well-known lecturer. Perhaps, most importantly however, she is an outstanding Canadian.

She is deserving of the highest honour this Society can give and I request you, Sir, to confer upon Anna Porter the degree of Doctor of Laws, *honoris causa*”.

The Treasurer admitted Ms. Anna Porter to the degree of Doctor of Laws, *honoris causa*.

Ms. Porter addressed the candidates and their guests:

“Treasurer, Justice Blair, Benchers of the Law Society of Upper Canada, those of you hardy souls about to be called to the Bar, and your families and friends:

This is an extraordinary occasion for all of us. Above all, it is a great day for you, who have struggled mightily to be part of this occasion, through long hours of painstaking, often dull and repetitious work, through sleepless nights, parties unattended, vacations not taken, families neglected. The sacrifices have been great. More than thirty years after my last examinations, I still have nightmares about vanishing ink on the long exam answers, about arriving at the right time but in the wrong place, of being in a room with the clock ticking, only to discover the exams are over. All that is now behind you.

And this is a wonderful occasion for family and friends who, no doubt, look forward to welcoming you back as the fully functioning human beings you used to be before you began your quest for the call to the Bar. Many of them will have made sacrifices, if not as great as yours, almost as stressful, and, in some cases, as financially gruelling.

This is not only an extraordinary occasion for me, but also a great honour. The Law Society’s choice of a publisher and writer is gratifying not only for me, but for my strange and endangered profession of books and words. I have been thinking long and hard about what our two professions share and concluded that we share the great importance, the respect we both accord to the use of words.

In 1930, Lord Macmillan, in his address to the American Bar Association when he was elected an honorary member of that august body, said this: Most of the disputes in the world arise from words. The experience of every practicing lawyer will confirm this saying Great questions of principle may turn upon a word and valuable rights and interests depend on the meaning assigned to it. He went on to say that his own career of more than thirty years had revolved around arguing or determining the exact meaning of words.

My husband, Julian Porter, who is a practicing lawyer, and here today both as a Bencher and as a determined supporter of his wife, has handled numerous cases of libel and defamation. He would tell you that the meaning of words and the harm they can do has supplied him with a steady stream of outraged clients over the years. As one of Canada’s delegates to the Copyright conference in Paris, he could also tell you about the strange effect that the insertion of the seemingly innocent word “not” had on the members of all delegations including his own.

This may also be an extraordinary occasion for the Law Society of Upper Canada, and at least an unusual one because, Treasurer, Justice Blair, honoured Benchers, you have just conferred an honorary law degree on an unrepentant felon. Not only was I an inmate of a correctional institution at the early troublemaking age of five, but worse; my mother, Maria des Tombe, who is also here to celebrate today, was incarcerated after due process of law had been followed, and served at the state’s pleasure for eight months in 1949. She had been found guilty of trying to leave the country of our birth and of getting caught. There is more. Her father, my grandfather, spent two years at, what used to be called, “hard labour”, a punishment some governments reserve for the habitual criminal, for those likely to reoffend.

They were right. My grandfather would certainly have reoffended, had he been given a chance. At a time when being bourgeois was a sin, he was an unabashedly civilized man, fond of material comforts well earned, a gentleman swordsman who fought more than a hundred duels over matters

of honour, a magician who could make white doves appear from his shirtfront, an Olympic athlete, an outspoken critic of injustice, and defender of the defenceless. He was precisely the kind of man totalitarian governments like to see dead or in jail.

Needless to say, he was my childhood hero.

As you will already have guessed, I am talking about another country. It was, then, a country without an independent judiciary, where the courts served the ruling Communist elite. They, in turn, were subject to the dictate of their Soviet masters in Moscow.

Those of you who know history, know about the Stalinist show trials, the Gulag, and the institutions for the insane where the fortunate political prisoners were sent. The less fortunate were executed. Russian judges often found themselves in the uncanny situation of condemning former colleagues for beliefs they, themselves, still held, but hadn't been found out yet.

We, here, today are remarkably fortunate to live in a place that respects the rights of individual citizens, where we can celebrate a system of justice that exists to ensure the continuation of those rights. And you, who are called to the Bar, will be there to make certain that the public's trust in our system of justice will not falter. Justice Rosalie Abella has said, and I agree with her: justice is at the heart of how democracies define themselves. It is about a sense of fairness and the knowledge that everyone is entitled to fairness.

This is where our democracy differs from the kind of government that felt justified in incarcerating my family. And the terrifying reality of their decision was that it, too, was based on law. There was a semblance of process, a trial, a judge, there were arguments by both sides, and there was a judgement. For a while, at least during my grandfather's trial there was some doubt as to the specific charges. The state could not make up its mind whether to choose spying, hoarding of gold, or the theft of buttons from a button-manufacturing factory. What, however, there was no doubt about was the eventual verdict.

I have told you this story not only so that we can all rejoice in our good fortune for living in a just society, but also as a warning for the overly confident. The law can be used and abused. It can be perverted and become a weapon in the hands of the powerful. And you don't have to reach as far as Eastern Europe, or the dictatorships in South America, and North Korea to alarm you about what can be done with laws in the wrong hands. Look no further than our doorstep: the McCarthy era in the United States is still remembered by the older lawyers here, and in the firms you will be joining.

You, the future practitioners of the legal profession, must ever remain on guard against those who would pervert the course of justice.

History, as you have all read, has a nasty habit of repeating itself. The outrages of the past are all too easy to forget and all of us have a great penchant for forgetting the worst of the past.

As you know, your struggles are not really over. Chances are you will be expected to work long arduous hours whatever branch of the law you have chosen. A busy life leaves little room for history. Yet, I urge you to continue reading, so you will continue to learn and enrich your lives.

I have been fortunate to have chosen a life where reading is part of what I do for a living. I have been very fortunate in being able to work with people as diverse and astonishing as Margaret Atwood and Margaret Lawrence, Mordecai Richler, and Farley Mowat, Allan Fotheringham and Peter C. Newman, John Keegan and Pierre Berton, W. O. Mitchell and Josef Skvorecky. Every one of them, and their predecessors in my wondrous reading life, Jane Austin, T. S. Eliot, Thackeray, the Brontes, Dostoevsky, Tolstoy, Dickens who had a lot to say about lawyers of his day, the great Romantic poets, and even Chaucer and sometimes E. E. Cummings, they have all opened my eyes to things I had not known, or sensed but could not express.

I hope that you, too, will take the time to read good books, discover worlds you cannot hope to see for yourselves because they have vanished, or have never existed. I hope you will read to enjoy, to discover, and to sense how others feel and are. For a lawyer, empathy is surely a great tool of the trade. Perhaps not as useful as words, but useful.

For a lawyer, the understanding and use of words is as important as knowledge of the law. Writers, even those who only aim to entertain, are great practitioners of words. “In such company”, said Lord Macmillan during the address I referred to early, “is found the corrective for the narrowness of mere professionalism fortunately the law has always been on excellent terms with the Muses”.

All of whom I recommend to you.”

PRESENTATION OF PRIZES

Mr. Ian Lebane, Director, Bar Admission presented the prizewinners to the Treasurer.

The Treasurer presented the following prizes to the respective recipients:

Awarded The Law Society’s Third Prize, The Osgoode Society for Canadian Legal History Prize, and The Practitioners’ Prize in Real Estate

Beth Margaret Deazeley

Awarded The Osgoode Society for Canadian Legal History Prize; a share of The Stuart Thom Prize; and a share of The McCarthy T’Straut Business Law Prize – Toronto

Charles Christian Nicholson

Awarded The Osgoode Society for Canadian Legal History Prize; The International Academy of Trial Lawyers Plaque; and The Herbert Egerton Harris Advocacy Scholarship (highest grade)

Samuel MacKenzie Robinson

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

Leslie Meredith Sole

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

Sean David Vanderpol

Awarded The Osgoode Society for Canadian Legal History Prize

*Karen Rima Bock
Michaele Raffaele Buonaguro
Pei-Ching Huang
Andre Laird Jeanrie*

*Denise Lorraine Lacombe
Phuc Quy Hung Nguyen*

Awarded The Margaret McNulty Award

Charles Landron Wang

Awarded a share of The Isadore Levinter Prize

Mark Steven Borer

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

*Xiaojun Ma
Shahen-Aram Mirakian*

CALL TO THE BAR

Mr. Thomas Carey, Mr. Donald Lamont, Mr. Gregory Mulligan, Ms. Heather Ross, Ms. Joanne St. Lewis and Mr. Robert Topp, representatives of the Admissions Committee presented to the Treasurer 281 candidates for the Call to the Bar as follows:

BAR ADMISSION COURSE 2001 – 2002

281 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 Robert A. Blair, Regional Senior Justice of the Superior Court of Justice, Toronto Region, presiding.

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

Justice Blair then addressed the new Barristers and Solicitors.

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At the conclusion of the formal proceedings the Treasurer, Benchers and their guests returned to Osgoode Hall.

Confirmed in Convocation this 25th day of April, 2002

Treasurer