

MINUTES OF SPECIAL CONVOCATION

Toronto – Thursday, 3rd October, 2002
2:30 p.m.

Prior to Convocation, the Treasurer and Benchers held a reception and luncheon at Osgoode Hall. Their guests were Chief Justice R. Roy McMurtry, Justice J. Stephen D. O’Neill, Justice Robert P. Armstrong, Huguette Thomson, Dean Bruce Elman, Dean Alison Harvison Young, M. Virginia MacLean and Bonnie Tough.

Following the luncheon, the Treasurer, Benchers and their guests proceeded to Roy Thomson Hall for the Call to the Bar ceremonies of the 246 graduates of the Bar Admission Course and 3 transfer candidates.

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CONVOCATION WAS CALLED TO ORDER AT 2:30 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), Gordon Bobesich, Thomas Carey, Abdul Chahbar, Earl Cherniak, Gillian Diamond, Todd Ducharme, Avvy Go, Gary Gottlieb, Niels Ortved, Gavin MacKenzie, Derry Millar, Gregory Mulligan, Daniel Murphy, Heather Ross, Joanne St. Lewis, William Simpson and Gerald Swaye.

and

Chief Justice R. Roy McMurtry, Justice J. Stephen D. O’Neill, Justice Robert P. Armstrong, Huguette Thomson, Dean Bruce Elman, Dean Alison Harvison Young, M. Virginia MacLean, Bonnie Tough, Malcolm Heins, Diana Miles, Roman Woloszczuk and Shari Slonim.

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

CONFERRING OF AN HONORARY DEGREE

Mr. Earl Cherniak, Chair of the Professional Development, Competence and Admissions Committee introduced the Doctoral candidate, The Honourable Justice Robert Patrick Armstrong and read the following citation:

“Treasurer, may I present to you and Convocation The Honourable Mr. Justice Robert Patrick Armstrong, B.A., M.A., LL.B., (Court of Appeal for Ontario) and request that you confer upon him the degree of Doctor of Laws *honoris causa*.

Robert Armstrong began his legal career at the firm of Kimber, Dubin under the tutelage of Charles Dubin, Q.C., later Chief Justice of Ontario. In 1972, he joined Torys and in 1973, became a partner in that firm.

As an advocate, Robert Armstrong appeared in a broad spectrum of cases in courts throughout Canada. His reputation as a master of incremental argument became firmly entrenched with his victories in cases such as the “*Dredging case*”, which was, at the time, the longest jury criminal case in Canadian history and the *Hill vs. Church of Scientology et al case*, in which he established the largest monetary award ever given in a libel case.

In 1995, he became a Bencher of The Law Society of Upper Canada and four years later, he was elected Treasurer of the Society. In this capacity, Robert Armstrong promoted professionalism, mentorship and continuing education for the members of the legal profession in Ontario.

After completing his term as Treasurer, Robert Armstrong was appointed to the Court of Appeal for Ontario.

Mr. Justice Robert P. Armstrong has had a remarkable career, thus far. He has served his profession admirably as an advocate, a Bencher, a Treasurer and now as a judge.

He is deserving of the highest honour this Society can give and I request you, Sir, to confer upon Justice Robert P. Armstrong the degree of Doctor of Laws, *honoris causa*."

The Treasurer admitted Justice Robert Armstrong to the degree of Doctor of Laws, *honoris causa*.

Justice Armstrong then addressed the candidates and their guests:

“Je tiens B f9liciter chaque candidat et candidate B l’admission au barreau. Vous vous joignez aujourd’hui B une profession grande et noble. Je vous souhaite de r9ussir vos vies professionnelles et personnelles et B tous et toutes, beaucoup de succIIIs.

As well as congratulating the candidates for the Call to the Bar, I also offer my congratulations to all of you out there who surely made this possible – mothers, fathers, husbands, wives, partners, friends and many, many others. I suspect it is you to whom the real thanks and congratulations are due.

For the next few minutes, I want to address my remarks to those of you who are to be called to the bar.

This is the day that you join one of the great professions. The legal profession is a unique profession for it is the only profession which is named in our country’s constitution and is given a special role to play in the administration of justice of this great country – through the Constitutional guarantee of the right to counsel.

Today your names will be inscribed on the rolls of the Law Society of Upper Canada which is one of the oldest, if not the oldest, professional organizations in the country. It was founded in 1797 – interestingly enough nearly 50 years before the incorporation of the Law Society of England and Wales. Today, when your name is inscribed on the rolls of the Law Society, your name will join the names of some of the really great Canadians.

There are three former Prime Ministers who were members of the Law Society of Upper Canada: Sir John A. Macdonald, Sir Robert Borden, and the Right Honourable John Turner. The present Prime Minister, the Right Honourable Jean Chretien is an honorary member of the Law Society. Fourteen former Premiers of the Province of Ontario were members of this Society. The current Premier, the Honourable Ernie Eves, is a member of the Law Society. Seven Chief Justices of Canada were members of the Law Society and included the Right Honourable Sir Lyman Duff, and the Right Honourable Bora Laskin, two of the great jurists of the twentieth century. And of course, virtually every Chief Justice of Ontario has been a member of the Law Society of Upper Canada including the present Chief Justice, the Honourable Roy McMurtry, who is with us today and who by virtue of his having served as Attorney General is a life Bencher of the Law Society. Now I am conscious that the list I have just given you is exclusively male. However, many great Canadian women have adorned the rolls of the Law Society. They include the Honourable Bertha Wilson of the Supreme Court of Canada; the Honourable Louise Arbour of the Supreme Court of Canada; the Honourable Rosalie Abella of the Court of Appeal for Ontario; Margaret Hyndman, one of the leading litigation lawyers of the twentieth century. I also think of Laura Legge and Susan Elliott – two former Treasurers of the Law Society. The list goes on and no doubt will increase exponentially now that more than 50% of law school classes and of the Bar admission course are comprised of women. I was reminded of this yesterday in the Court of Appeal when six of the eight counsel who appeared in the court in which I sat were women.

I am sure that it is with a great sense of pride and accomplishment that you come to this day and the moment when the Treasurer will call you to the Bar and the Chief Justice will take your oath as barristers and solicitors. It is right that you should feel that sense of pride and accomplishment after all these years of hard work and study, and for many of you and your families, at considerable cost and personal sacrifice. However, I would ask you to put your personal sense of accomplishment in the context of what is really happening here today. What is really happening is that society at large, through the legislature, is conferring upon you the privilege of calling yourself a lawyer. I ask you to remember that it is a privilege and not a right. What does that privilege mean?

The privilege of calling yourself a lawyer means more than simply earning a living by the practice of law. I share a concern that many of us have today that the practice of law has become far too commercialized. There is too much emphasis on dockets and billable hours. There are some who would argue that we have embraced the world of advertising and marketing and have lost our professionalism in doing so. In my view, there is nothing wrong with employing good business practices as long as the profession of law is not replaced by the business of law.

It is no mistake that today you are being called to the Bar rather than admitted to the Bar as is done in some jurisdictions south of the border. For in my view, the law is a calling in the truest sense of that word.

It is on occasions such as this that I am reminded of a story that I have heard told by Mr. Justice Iacobucci of the Supreme Court of Canada. The story takes place in Italy, perhaps a hundred years or so ago when a stranger was walking by a construction site. The stranger came upon three stone masons and he stopped to observe what they were doing. He asked the first stone mason: "what is it that you do there?" The first stone mason replied: "Sir, I am cutting stone." The stranger moved along to the second stone mason and again asked the question: "what is it that you do there?" The second stone mason replied: "Sir, I am earning so many lira an hour". The stranger then moved along to the third stone mason and again asked the question: "what is it that you do there?" The third stone mason replied: "Sir, I am building a great cathedral".

I say to you that is what the legal profession is really all about. We in the legal profession have to stop seeing ourselves as merely cutting stone and earning so many dollars an hour. We have to get back to what this noble profession once was and again start building great temples and cathedrals. I say to you today that there is no better place to start than with those of you who are being called to the Bar in 2002. My wish for each of you is that today will be the beginning of the building of your personal temple or cathedral in the law.

What else does the privilege of calling yourself a lawyer mean? When each of us is called to the Bar, each of us in a way becomes a minister of justice. For whether you as a lawyer draft a will, close a real estate deal, or represent an accused person in court, it is through you and your expertise that you provide access to the legal system of this country for your clients. At a time when unfortunately access to justice is no more than a faint hope, not just for the poverty stricken and other marginalized groups, but for large segments in our society, we as lawyers must rededicate ourselves to being ministers of justice to ensure that no one is denied his or her constitutional right to counsel.

I also think that the privilege of calling yourself a lawyer means that you can make a difference. You may say to yourself "I'm just a junior lawyer, how can I possibly make a difference?" There are lots of things that you can do that can make a difference. You can involve yourself in *pro bono* work, in any number of organizations. Those of you who are joining large urban law firms can go to your senior partners and encourage them to support the establishment of a *pro bono* group in your firm. I think you will be surprised at how receptive most of them will be. I say that because when I was honoured to occupy the position of Treasurer of the Law Society for the two year period ending in June 2001, like the present Treasurer, I had the opportunity to meet and speak regularly with lawyers, judges and members of the public all over this province and indeed across Canada and beyond. What lawyers, in particular, told me was that they were anxious to rediscover the nobility of this great profession.

I was told by lawyers right across Canada that they believe the very essence of the privilege of calling yourself a lawyer is service to one's fellow human beings. My old constitutional law professor, the Honourable Bora Laskin, used to say that law is simply social engineering.

The privilege of calling yourself a lawyer also means that you accept a public responsibility to uphold the law and to foster the rule of law in society. While you owe particular responsibility to the client who retains you in any given case or matter, at the same time, you owe a responsibility to the administration of justice generally to ensure that nothing which you do as a lawyer can ever be perceived to bring the administration of justice into disrepute. Put another way you shall be true to the Barrister's oath which you will take in a few minutes which says in part: "You shall in all things conduct yourself truly and with integrity".

Lest all of this sounds a bit preachy and a little heavy, let me say that the privilege of calling yourself a lawyer also means that you are entitled to enjoy doing what you do. I say to you, have fun and take time to smell the roses.

There can be no more challenging and no more exciting time to embark upon a career in this great profession. The challenges and opportunities are endless whether you find yourself working in a downtown legal aid clinic, a reservation in Northern Ontario or a large law firm in one of the great urban centers in Canada, or indeed almost anywhere else in the world. So to you the Class of 2002 I invite each of you to take up the challenge that faces you today, to accept the privilege of calling yourself a lawyer and dedicate yourselves to the service of your fellow citizens. May I add this note in conclusion, I have no doubt that from time to time those services that you perform for your client for which you never dictate a docket nor render an account will at the end of the day be your most rewarding.

You are now about to enter what I hope for you will be a long, exciting and exhilarating journey. I am honoured to be here to wish you well on the start of that journey and I do so in the words of that great Irish blessing:

May the road rise to meet you;
 May the wind be always at your back;
 May the sun shine warm upon your face;
 And may the rains fall soft upon your fields;
 And until we meet again; may God hold you in the hollow of his hand".

PRESENTATION OF PRIZES

Ms. Diana Miles, Director, Professional Development & Competence presented the prizewinners to the Treasurer.

The Treasurer presented the following prizes to the respective recipients.

Awarded The Law Society's Second Prize; The Osgoode Society for Canadian Legal History Prize; a share of The Isadore Levinter Prize; and The Herbert Egerton Harris Advocacy Scholarship (second highest grade)

Aman Shantilal Patel

Awarded The Law Society's Third Prize, and The Osgoode Society for Canadian Legal History Prize

Robert Brian Dawkins

Awarded The Osgoode Society for Canadian Legal History Prize; a share of The McCarthy Tétrault Business Law Prize – Toronto; and a share of The Margaret P. Hyndman, O.C., Q.C., D.C.L. Prize

Meghan Louise Thomas

Awarded The Osgoode Society for Canadian Legal History Prize, and The Stuart Thom Prize

Mark Darryl Ableman

Awarded The Osgoode Society for Canadian Legal History Prize

*Jason Donald Brock
Aaron Michael Dantowitz
Tara Ann Mackay
Stacy Elizabeth McLean
Derek Bart Charles Ronde
Matthew Peter Sammon
Erin Michelle Toole*

Awarded The Vera L. Parsons Prize; The Joseph Sedgwick, Q.C. Prize; and a share of The S. J. Birnbaum Q.C. Scholarship Third Prize

Maija Christine Laitinen

Awarded a share of The S. J. Birnbaum Q.C. Scholarship First Prize

*Nicola Chiera
Tat Kau Fan
Geoffrey John North*

Awarded a share of The Isadore Levinter Prize

Christopher Michael Goodridge

Awarded a share of The Isadore Levinter Prize

Fung-Yin Anita Leung

Awarded The E. J. McGrath Prize

Robin Deryck Linley

Awarded a share of The S. J. Birnbaum Q.C. Scholarship Second Prize

Keary Frances Grace

Awarded a share of The S. J. Birnbaum Q.C. Scholarship Third Prize

*Julia Marie Evans
Sally Anne Hemming*

CALL TO THE BAR

Mr. Thomas Carey, Mr. Niels Ortved, Mr. Mulligan and Mr. MacKenzie, representatives of the Professional Development, Competence and Admissions Committee presented to the Treasurer 249 candidates for the Call to the Bar as follows:

BAR ADMISSION COURSE 2002

249 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 R. Roy McMurtry, Chief Justice of Ontario presiding.

The candidates were present to Chief Justice McMurtry 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.

Chief Justice McMurtry 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 27th of February, 2003

Treasurer