

## MINUTES OF SPECIAL CONVOCATION

London – Tuesday, 8th July, 2003  
2:30 p.m.

Prior to Convocation, the Treasurer and Benchers held a reception and luncheon for their guests at the London Convention Centre.

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Following the luncheon, the Treasurer, Benchers and their guests proceeded to the auditorium for the Call to the Bar ceremonies of the 45 graduates of the Bar Admission Course.

## CONVOCATION WAS CALLED TO ORDER AT 2:30 P.M.

A quorum of Convocation was present.

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

The Treasurer asked all present to stand for the National Anthem sung by Eva Marie Misinski.

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CONFERRING OF AN HONORARY DEGREE

Mr. Earl Cherniak, Chair of the Professional Development, Competence and Admissions Committee introduced Chief Roberta Jamieson, LL.B., LL.D., C.M. and read the following citation:

“Treasurer,

It is my distinct honour to present to you and to Convocation, Chief Roberta Jamieson and ask that you confer upon her the degree of Doctor of Laws, *honoris causa*.

Roberta Jamieson is an outstanding individual. She has dedicated her life to challenging injustices in Aboriginal and human rights issues. She has worked tirelessly to build a stronger community for future generations by shattering racial and social barriers. In doing so, Roberta Jamieson has become an inspirational role model for First Nations people across this country.

Throughout her remarkable career she has celebrated many accomplishments. First Aboriginal woman to earn a law degree, the first Aboriginal Commissioner of the Indian Commission of Ontario, and the first woman appointed as Ombudsman for the Province of Ontario. In 2001, she became the first woman to be elected to serve as the Chief of the Six Nations of the Grand River Territory.

Although personally proud of her many achievements, Chief Roberta Jamieson believes that the true importance of these achievements lies in what they mean to First Nations people. They demonstrate that through pro-active action obstacles can be overcome and stereotypes can be shattered.

Chief Roberta Jamieson is deserving of the highest honour this Society can give and I request you, Sir, to confer upon her the degree of Doctor of Laws, *honoris causa*.”

The Treasurer admitted Chief Roberta Jamieson to the degree of Doctor of Laws, *honoris causa*. Chief Jamieson then addressed the candidates and their guests.

“Good afternoon everyone. I want to say what a tremendous honour it is for me to receive this, Mr. Treasurer and all distinguished platform guests. I am particularly pleased to receive this honorary doctorate with my life partner, Tom Hill, in attendance, my mother, Phyllis, who is here, and very good friends, Julie Monture and Melba Thomas, who traveled from Six Nations of the Grand River, to be part of this ceremony. And I also see some brothers and sisters here from very close by.

So I’m delighted that all of you were able to come. You know, as a woman, I’m a Mohawk, and at Six Nations we are Mohawk, Cayuga, Oneida, Onondaga, Seneca, and Tuscarora Peoples. I have always been—and this floods back to me as I drove here today for this wonderful event. I’ve always been only too aware of the very mixed views that my people have about the law and the legal system and its impact on our people, indeed on our Aboriginal People in Canada. You know, historically, it’s the law that was used in this country as a very powerful tool in the days of colonization, a tool when the Indian reserves were created. I’m talking about the Indian Act, of course, or, as it was then called in the 1880s, an act “for the gradual civilization of Indians”. Of course, it was used also to prohibit the practice of many of our ceremonies, it was used to support the removal of our children who were taken from our communities and sent to residential school, or, in the words of the day, “to civilize and Christianize our people”. It once was used to outlaw our traditional systems of government, which, I can tell you, I am so proud of to this day. And few people know of our traditional systems of governance. Women and men, children, Elders, all have a voice in decision-making. Systems of conflict resolution, of law-making, of consensus building, all of them have very rich things to offer all society. And these, of course, were outlawed at the time. In fact, our right to vote in Canada at the same time was denied until 1960.

And, remarkably, and I share this with the new graduates today, lawyers in the early part of the 1900s were prohibited from taking a case forward on behalf of our people having to do with a land claim. This was against the law. And even today, the Indian Act regulates such things as who is a member of our community according to someone else’s rules, according to gender, and requiring some things that, very simply put, do not fit who we are or who we have been historically in this country. So I’ve seen the use of the law in this fashion.

I’ve also seen the law and its incredible power to create change, positive change. I’ve seen, for example, it has created change in the ‘70s with the Calder decision, which recognized we still had rights to the land, and with then Prime Minister Trudeau, even though it was a minority decision in the Supreme Court, he was moved to adjust his opinion and started to sit down with Our People and address outstanding law claims.

And since then there has been an impressive list of cases, which has caused Canada to look again at its relationship with First Peoples...

These were landmark cases which basically said yes, the First Peoples of Canada do continue to have rights in this country. Yet we continue to see the effects of the historical impact of the days of old. So today it is not by coincidence that Our People continue to be grossly represented in the jails across Canada, grossly unrepresented in the courts. It is not unrelated to our history, the fact that this past week the announcement came that Canada, once rated number one by the United Nations Human Development Index, has slipped – first to third, and now to eighth, and the United Nations has noted the reason for that is very much about the situation of Aboriginal People in Canada and the social conditions that all too often are out of sight and out of mind.

But let me share with you one small fact that the Auditor General has recently reminded us of, and that is, social deficit in our communities tallies 8,500 housing units that are desperately needed amongst the First Peoples of this land.

Well, I’ve said there have been some very difficult things and some positive things. In 1982, perhaps the most remarkable and positive thing happened in this country, and that was when Canadians took the ultimate step by recognizing in your Constitution our Aboriginal and Treaty rights, something that was clearly not the case when I graduated from law school. Indeed, when I used to talk about our Treaties and I used to challenge the fact that wait a minute, I don’t think the Queen owns all of the land, there was very little patience for that point of view, shall we say. Well, times have certainly changed, and the Constitution fully recognizes that yes, indeed, there are some other folks that have property rights in this country. Well, we know that constitutional change set the stage for many of the court decisions I have referred to earlier and has provided an opportunity to really begin a new chapter in Canada’s history, a new relationship.

And I was at the constitutional discussions in the early '80s. I managed to chair the legal task group that advised the first Nations representatives, and I can attest in those days to the tremendous sense of hope and anticipation. People were wanting to do what my brother called “constructive damage to the status quo”. And we were energized. So perhaps you will understand why it was with great sadness that I witnessed the introduction this past year of a sweep of legislation, with the First Nations Governance Act as its cornerstone, introduced by the Minister of Indian Affairs reaching back into those 1800s and pulling forward the crumbling foundation of the Indian Act and trying to create a new relationship on that crumbling foundation.

Again, I witnessed the law being used to dictate matters of governance, law-making, decision-making in our communities and all the rest. And so I've spent a lot of time in the last year and a half, not having done this for about 25 or 30 years, marching on Parliament Hill, reliving my youth, finding myself also—this last week another news story broke. Through an “access to information” request it was discovered that the Department of Indian Affairs variously spied on and put many of the leadership under surveillance as we marched in this open, peaceful demonstrations.

Remarkable. Just remarkable. I led them so I'm, you know, now the subject of modern-day surveillance in Canada.

What this tells me is that as far as we've come we have a ways to go yet. When you regard someone like me as a real concern to democracy in Canada I think we have a problem. In any event, I don't believe that the majority of Canadians share that view. I believe—and I know it to be the fact because I've traveled widely and talked with Canadians throughout this country. I believe there is a commitment to treat our people justly and fairly in our time, and I believe there is an energy to take off the shelf those reports that are gathering dust: the Royal Commission on Aboriginal Peoples Report that cost Canadians \$58-million from the mid-1990s, the Penner Report, of which I was a part, and many others.

So let us on this day not think about the historical records that are made; let us think about moving forward. I hope with this brief explanation you can understand why I started this commentary by talking about the mixed views our people have about the law and the legal system. Yet I remain quite confident, quite convinced that the law provides ample opportunity, if we use it well, if we guard it well, if we shape it well, the opportunity to inspire and build a country and society of which we can all be part. And to the graduates today, I wish you congratulations, very hearty congratulations. You will take your place either as lawmakers, and lawyers are politicians – I joined the ranks quite recently, on the Bench, representing clients. Some of your clients will be governments, some of your clients will be First Nations, many of your clients will be corporations now working with First Peoples in development, areas of development. And I know, because I know what the curriculum holds these days, it's a much richer curriculum. You have learned the foundation of these issues about which I'm speaking today, and I know you are well equipped for the task that you are about to take up.

You will find that the task that you will take up in this and other areas requires, especially in this area, vision, courage, and something called political will, which is why I find myself where I am these days, now working to create that will. I think you are coming into a time in this country when you will help all Canadians give real meaning to the Constitution and, I hope, its recognition of the First Peoples. I also hope that you will inspire and support our own people to act upon our rights, to believe, to bring new life into our nations, our law-making, our dispute resolution, our sentencing circles, things that we need and we remain willing to offer to all Canada.

I hope that you will work with me and others in building a new relationship with Canada and that you will join me. And now—you know in '75 there were three Aboriginal people with law degrees in this country; today there are more than a thousand. And so there are many of us ready and waiting to work with all of you and to work also in conjunction with the Law Society, whose efforts I recognize this day. They have been unfailing in their determination to make this Society more equitable, more diverse, more representative of the people it serves, and I salute their efforts this day. Especially, they have worked to develop a positive and meaningful relationship between it and the First Peoples.

While it is clear we have got our work cut out for us, I am confident that it is within our grasp in our lifetime, and I am particularly heartened by the comments of one Paul Martin, largely rumored to be our next prime minister, who has spoken about the need for a new co-operation with First Peoples.

So on this day I invite all of you to keep in mind this continuing challenge before the law, for law-making, and for Canada in the days and years ahead. I extend to you my very best wishes. May you put your newly acquired resource to its best possible use and make your unique contribution to this world about to receive you.

And finally, may I extend nyaweh—which is how we say “thank you”—to your family, your friends, all those who are gathered here and who supported you throughout this trying time, because I know it can be trying and I know they have made tremendous sacrifices to see that you have gotten this far, and I also know that today with pride they rededicate their efforts to see you do even more, and I know you will serve that sacrifice with tremendous pride as well.

Thank you, all, for your attention...”

#### PRESENTATION OF PRIZES

Ms. Diana Miles, Director, Professional Development and Competence introduced the prizewinners to the Treasurer.

The Treasurer presented the following prizes to the respective recipients.

Awarded The Osgoode Society for Canadian Legal History Prize; The Margaret McNulty Award; and The Harrison Pensa Prize

*Kimberley May Thompson*

Awarded a share of The E. J. McGrath Prize

*Emily Kate Jansenberger*

#### CALL TO THE BAR

Mr. Abdul Chahbar, Ms. Heather Ross and Mr. William Simpson presented to the Treasurer 45 candidates for the Call to the Bar as follows:

#### BAR ADMISSION COURSE

#### 45 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 Roland J. Haines, Superior Court of Justice, presiding.

The candidates were presented to Justice Haines 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 Haines then addressed the new Barristers and Solicitors.

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At the conclusion of the formal proceedings the new Barristers and their guests were entertained by the Treasurer and Benchers at a reception in the Ballroom Foyer of the London Convention Centre.

Confirmed in Convocation this 27<sup>th</sup> day of November, 2003

Treasurer