

MINUTES OF SPECIAL CONVOCATION

Ottawa – Thursday, 10th July, 2003
10:00 a.m.

The Treasurer, Benchers and their guests proceeded to Congress Hall in the Ottawa Congress Centre for the Call to the Bar ceremonies of the 144 graduates of the Bar Admission Course, three transfers and one academic.

.....

CONVOCATION WAS CALLED TO ORDER AT 10:00 A.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 Martine Richard.

.....

CONFERRING OF AN HONORARY DEGREE

Mr. Earl Cherniak, Chair of the Professional Development, Competence & Admissions Committee introduced the Doctoral candidate Professor Michael Trebilcock, LL.B., LL.M. and read the following citation:

“Treasurer,

It is my distinct honour to present to you and to Convocation, Professor Michael Trebilcock and ask that you confer upon him the degree of Doctor of Laws, *honoris causa*.

Known as the “father of law and economics in Canada”, Michael Trebilcock has had an illustrious career as a legal scholar, educator, mentor and policy advisor. His intellectual contribution to this country and the world beyond has been enormous.

After completing his LL.B. at the University of Canterbury and his LL.M. at the University of Adelaide, Michael Trebilcock immigrated to Canada where he began what would be an exceptional and distinguished teaching career – first, at McGill Law School and then, from 1972 on, at the Faculty of Law, University of Toronto.

His visionary use of economic analysis in the study of law has resulted in not only the creation of one of the world’s finest Law and Economics Programmes at the University of Toronto but has thrust his many scholarly works to the forefront of the international research scene.

Michael Trebilcock has been the recipient of several prestigious awards and honours, but the greatest testament to his enormous contribution to Canadian law lies with the many students he has mentored and encouraged throughout his teaching career. Their lives and professional careers have been indelibly shaped by his influence.

Professor Michael Trebilcock is deserving of the highest honour this Society can give and I request you, Sir, to confer upon him the degree of Doctor of Laws, *honoris causa*.”

The Treasurer admitted Professor Michael Trebilcock to the degree of Doctor of Laws, *honoris causa*.

Professor Trebilcock then addressed the candidates and their guests.

“Mr. Treasurer, Benchers, and convocating students, first let me say what an enormous honour it is to receive today an honorary doctorate in laws from the Law Society of Upper Canada. I am particularly honoured that the governing body of the legal profession in Ontario would choose to honour one of its academic members in this way. Second, let me congratulate most warmly all convocating students who are being admitted to the Bar of Ontario today and entering a profession that I have been proud to claim as my own. Thus, one chapter of your lives – formal education and preparation for the bar – is closing, while other chapters that will mark out the various phases of your ensuing professional careers are only beginning to open.

As one of the founders of the school of Law and Economics scholarship here in Canada, you might expect me, in advising people at the outset of their careers on career options, to support a long-term, rigorous, and rational cost benefit analysis of all available options in the selection of a career trajectory that is likely, over a lifetime, to maximize benefits net of direct and opportunity costs. While I do not discount the importance of this kind of clear thinking about the costs and benefits of alternative career choices, I want to reflect for a few minutes about the importance of serendipity and indeed opportunism (in the best of sense of the word) in fashioning and refashioning career choices over your professional lifetimes. In my own case, I was born and brought up in a small farming community in the South Island of New Zealand and was one of the first people from this community to attend university. I went straight from a country high school to law school, despite my mother’s efforts to persuade me to become a school teacher. The law school I attended was one of the worst law schools in the world, where admission was free to anybody who graduated from high school but where the total full-time faculty complement was one (the Dean) when I started law school. When I completed law school four years later we enjoyed the luxury of three fulltime faculty members. All other instruction was provided by practitioners. The curriculum over the four years was largely fixed, with almost no choice of courses, and students studied part time from the end of their first or second years, articling with local law firms simultaneously with pursuing their formal legal education. The physical and library resources were a disgrace.

My parents hoped that after graduation I would return to our farming community and become a country lawyer but an opportunity presented itself through the good offices of my Dean to apply for a teaching fellowship at the University of Adelaide Law School in South Australia after graduation, which I did thinking that a short period of overseas experience would be useful prior to settling down to a lifetime in private practice, probably in the same community and in the same law firm. Having been offered this lowliest of academic positions, I moved to Adelaide and completed an LL.M. in tax policy while providing low level tutoring to first year students. Then, a stroke of luck: the senior commercial lawyer decided to leave the faculty and I was offered his position. Several years later, I qualified for a sabbatical leave and I and my family decided to spend a year at McGill Law School. Again a stroke of luck. In my first few months there the senior commercial lawyer on the faculty – Professor Jacob Ziegel – decided to leave for Osgoode Hall Law School and I was offered his position. Several years later another stroke of luck. The senior commercial lawyer at the University of Toronto Law School – Bradley Crawford now at McCarthy Tétrault – decided to leave the Faculty for private practice and I was offered his position. Several years later, more or less on a whim, I and a colleague, David Beatty, decided to apply to a summer program in Law and Economics at the University of Rochester and my participation in this four week program completely changed the focus of my teaching and research activities in law over my ensuing thirty year career at the University of Toronto. When I started my academic career, I taught corporate law and commercial law.

Today I teach International Trade Law, Law and Developing Countries, Comparative Competition Law, and Contract Law, reflecting a major shift in focus, priorities, and opportunities over my career in a rapidly changing world.

The lesson I have drawn for myself and perhaps for others is the importance of being open to the diversity of opportunities that our great profession offers – from large to medium to small firms, from large urban to small town firms, from rapidly diversifying fields of specialization within firms, employment in government and regulatory agencies, employment in international institutions and NGOs, and employment in the academy. Moreover, these choices are not made once in a lifetime, at the outset of one’s career, but opportunities are likely to arise throughout your careers to take them in different directions and it is important to be open and indeed alert to seizing these opportunities as they occur. Students shouldn’t think that getting a summer job after first year law school, then an articling position with the same firm, then an associateship with the same firm and staying at the

same firm until the day they die or retire is necessarily their first – best option. Apply the Aged 65 Rule: ask yourself how you would want to think of your professional contributions looking back over your career at say aged 65 and how you want the people whom you respect most to remember your career.

Let me add a related thought about maintaining or developing the capacity to seize such opportunities when they arise. No doubt it will be tempting for you today to utter a hugh sigh of relief that your formal education is finally over. In an age of specialization and rapid technological, economic, and social change, this would be a grievous mistake. Your education is only just beginning. You will need to seize opportunities throughout your careers for extending your formal legal education through continuing education activities, conferences, symposia, and even perhaps graduate studies. Moreover, learning on the job from more senior and experienced practitioners now becomes a critical part of your educational experience and seizing opportunities for capitalizing fully on opportunities to learn on the job from those who may not be smarter than you are but may in many cases be wiser, more experienced, and more expert, will be a critical determinant of your ability to seize new career opportunities as they present themselves.

Let me close with one final thought. Whatever course your various careers take in the future, one guiding principle should be your own uncompromising commitment to excellence both as a matter of professional expertise and professional integrity in everything you do as a member of this profession. You owe this profession nothing less – to be the best or one of the very best at whatever kind of legal career you choose to pursue. Or as Martin Luther King put it in one of his sermons – “If you can’t be a pine at the top of a hill, be a scrub in the valley. But be the best little scrub by the side of the river. Be a bush if you can’t be a tree. If you can’t be a highway, just be a trail. If you can’t be the sun, be a star. It isn’t by size that you win or you fail. Be the best of whatever you are”. Let me reinforce this point with a story. During a television interview with Kenny “the Snake” Stabler, former NFL quarterback for the Oakland Raiders and the New Orleans Saints – a great quarterback but also a notorious “free spirit” – the interviewer read the following quote from novelist Jack London: “I would rather be ashes than dust. I would rather that my spark burn out in a brilliant blaze than that I should be stifled by dry rot. I would rather be a superb meteor than a sleepy permanent planet”. Then the interviewer asked Stabler: “What message do you think London was trying to convey?” Stabler thought for a moment and said, “Throw deep.” I, as one of your educators, expect no less of you. The great traditions of this profession expect no less of you. But most of all, you should expect no less of yourselves.

Three or four years ago I told the Stabler story at an awards ceremony. One of my favourite students from twenty-five years ago, John Stransmann, of Stikeman, Elliott, one of Canada’s most respected corporate lawyers, heard me tell this story and arrived unannounced one day a few weeks later at my law school office with a framed picture of Kenny Stabler in throwing mode, personally autographed by Kenny Stabler, with a brass plaque with the words, *Throw Deep*, at the bottom of the picture. Tragically, John became terminally ill with cancer a few months later and died cruelly prematurely about two years ago. However, the picture and the axiom occupies pride of place in my home study. Whenever I feel flat, enervated, or a trifle disjointed, I look at this picture and remember John and his and his family’s courage during their suffering. I tell myself to pick up my game and attempt another big play, given the bounties that life has been kind enough to bestow on me – the award conferred on me today being prominent among them. So set your sights high. God bless and good speed.”

PRESENTATION OF PRIZES

Mr. Terry McCarthy, Head, Program Development (Ottawa) 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 Gowling Lafleur Henderson LLP Prize; a share of The Herbert Egerton Harris Advocacy Scholarship (highest grade); a share of The International Academy of Trial Lawyers Plaque; and The Harcourts Advocacy Award

Melissa Ann Ernewein

Awarded The Osgoode Society for Canadian Legal History Prize; a share of The Vera L. Parsons Prize; and a share of The Joseph Sedgwick, Q.C. Prize

Bradley Donald Procter

Awarded The Osgoode Society for Canadian Legal History Prize, and The Isadore Levinter Prize

Katherine Marie van Heugten

Awarded The Osgoode Society for Canadian Legal History Prize, and a share of The Herbert Egerton Harris Advocacy Scholarship (second highest grade)

Meaghan Courtney Sunderland

Awarded The Osgoode Society for Canadian Legal History Prize, and The McCarthy Tétrault Business Law Prize (Ottawa)

Al-Nawaz Zulfikar Nanji

Awarded The Osgoode Society for Canadian Legal History Prize

Jennifer Elisabeth Marshall Duff

Awarded The Elisabeth Slasor Prize, and a share of The S. J. Birnbaum Q.C. Scholarship Third Prize

Matthew MacGregor Roy

Le prix Arthur Wentworth Roebuck est d9cern9 B l'9tudiante suivante

Marie Kim Nicole Patenaude

CALL TO THE BAR

Ms. Holly Harris, Ms. Joanne St. Lewis, Mr. William Simpson and Mr. Bradley Wright presented to the Treasurer the 148 candidates for the Call to the Bar as follows:

BAR ADMISSION COURSE

148 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

.....

Following Convocation a Special Sitting of the Court of Appeal for Ontario and the Superior Court of Justice convened with The Honourable Justice W. J. Lloyd Brennan, Superior Court of Justice, presiding.

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

.....

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 Colonel By Salon.

Confirmed in Convocation this 27th day of November, 2003

Treasurer