

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE LAW SOCIETY OF UPPER CANADA

CALL TO THE BAR - Wednesday, July 14, 2004

National Arts Centre, Ottawa, Ontario, Canada

9:30 a.m.

The Honourable James B. Chadwick, B.A., LL.B., Q.C.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

CD TRANSCRIPTION DISCLAIMER

Please be advised that this transcription was done from an compact disk recording. As such, the quality of the transcript is impacted by the quality of the recording and may not be as accurate as having a certified court reporter in attendance who can verify terminology and speaker identifications. Therefore, please note that the certification is to the "best of our skill and ability".

CALL TO THE BAR PROCEEDINGS
July 14, 2004

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HON. J.B. CHADWICK: Treasurer, Benchers of the Law Society of Upper Canada, candidates for the call to the bar, their family and friends.

I'd like to thank the Treasurer and the Benchers of the Law Society of Upper Canada for this great honour that you've bestowed upon me this morning by granting me an honorary Doctor of Laws degree.

I'd like to also thank Bill Simpson for the citation that he read. I think he ad-libbed and put in a few extra words in there. I hardly recognize the person he was describing, but that's Bill for you. Thank you very much, Bill, for the tremendous citation.

To each and every one of you, this is a tremendous occasion, just as it is for me and my family. It's tremendous that you're being called to the bar. Pretty soon you're going to take the oath of allegiance and swear the other oath. You're going to receive your Bachelor of Laws degree and receive the call to the bar of Ontario.

One of the things that of course it indicates to you is that you've finished your formal part

1 of your education and you're now proceeding to become
2 involved in the practise of law.

3 As you start your career, I'm winding up my
4 career. I was called to the bar 40 years ago, and in
5 considering my remarks this morning, I reflected upon my
6 call, and I came to the conclusion that I couldn't
7 remember who spoke at Convocation, let alone what was
8 said. It's not because of my memory that this has
9 happened; it just happens that when you're being called to
10 the bar, this is one of the biggest days in your life, and
11 you're focussed on your own call and not what someone else
12 has to tell you. I kept that in mind when I put together
13 some remarks for this morning so that they'll be fairly
14 brief. I know that you're all anxious to receive your
15 call and to celebrate your success with your family and
16 friends.

17 Numerous changes have taken place in the
18 law over the past 40 years. One thing has remained the
19 same, and that is the need for lawyers to provide free
20 legal services and pro bono assistance to those
21 individuals in the community who cannot afford to retain
22 lawyers. The need for pro bono services has always been
23 there. The nature and demand has varied from time to
24 time, depending upon circumstances and depending upon
25 government and their intervention in providing services.

1 It's interesting to note that some of the
2 larger firms have already set up in-house pro bono schemes
3 to assist people that can't afford to retain counsel.

4 You may have read that in May of this year,
5 the Law Society of Upper Canada, the Law Foundation of
6 Ontario, the Legal Aid Ontario and the Ontario Bar
7 Association held a convention in Toronto to consider how
8 the legal profession could best provide pro bono services
9 to the people of Ontario. The Attorney General of the
10 province has set up a task force to look into how the
11 government lawyers can help the people of Ontario by
12 providing some pro bono services.

13 You as new candidates to the profession may
14 say to yourself, well, my practice is going to be so
15 specialized that I have no room for pro bono services; no
16 one needs pro bono services in intellectual property or
17 some other specialized area. But I can assure you that
18 pro bono is not all about criminal law; pro bono is about
19 many areas of the law outside of the criminal law concept.
20 And if you look around your community, you will find that
21 there are all sorts of areas where you can assist, even if
22 it's landlord and tenant, debt counselling, they all need
23 lawyers to help people and guide them through some of the
24 legislation which affects their day-to-day life.

25 And all of you have so much to offer. You

1 have varied interests. Your undergraduate degrees
2 probably cover a range of subjects. And one of the most
3 important things is most of you, anyways, are young and
4 energetic. And I appreciate that starting a practice is
5 time-consuming and it's a lot of pressure on you, and I
6 also appreciate that you have your own personal
7 commitments, but I can assure you that you will receive
8 tremendous personal satisfaction by helping people in the
9 community who are unable to help themselves.

10 When I was called to the bar in 1964, there
11 was no formal Legal Aid program. As a result, all the
12 lawyers were expected to take on their share of free Legal
13 Aid services. After my call to the bar, I received a
14 telephone call from David Scott, who had graduated from
15 University of Ottawa a couple of years ahead of me, who
16 was running the voluntary Legal Aid program in Ottawa. I
17 thought he was calling me to ask me to defend someone in a
18 criminal case, but he was calling me to tell me that I was
19 the new voluntary director of the Legal Aid program and
20 that he had just resigned.

21 (laughter)

22 HON. J.B. CHADWICK: Having accepted this
23 unsolicited appointment and non-paying appointment, I
24 thought I'd be able to handle it quite well until the
25 first Monday morning when I received a call around nine

1 o'clock in the morning telling me that there was an
2 accused ready for trial at ten, judge and jury, get
3 someone down there, and of course the someone was me. I
4 arrived down there, found a gown that fit, found the
5 accused -- he was in custody, so it wasn't too far out to
6 look for him -- selected a jury, found out what the
7 charges were, and we started the trial at ten o'clock.

8 During my first year of practise, I did
9 fifteen criminal jury trials, all pro bono, and I can
10 assure you, it was very, very difficult, because that was
11 the way we were called upon, but you have to remember, in
12 those days, we used to be able to do a murder trial in
13 three to four days as opposed to three or four months.

14 I was very fortunate, because I had some
15 very supportive and understanding partners. Most of the
16 people I defended in my first year of practise have since
17 been released from Kingston Penitentiary by now.

18 (laughter)

19 HON. J.B. CHADWICK: And I still get cards
20 from them from time to time.

21 (laughter)

22 HON. J.B. CHADWICK: One thing that always
23 struck me about doing pro bono work was that people
24 thought that you were a welfare lawyer, and I recall one
25 accused who was actually fortunate enough to be acquitted,

1 and the judge ordered him discharged, and he jumped out of
2 the prisoner's box, and on the way by, he said to me, "You
3 know, you wouldn't be a bad lawyer if you weren't a
4 welfare lawyer." So there is a stigma so attached to it,
5 but I think as you get involved in pro bono services,
6 you'll find that the people really appreciate what you're
7 doing for them.

8 There's a need in every community for
9 people with your talent and your qualifications. There
10 are numerous non-profit agencies, numerous non-profit
11 areas that you can assist in, even if you don't do
12 criminal law or you don't do family law. You can sit on
13 the boards of these agencies and give them guidance and
14 direction. And if you look around at the heads of most of
15 the boards in these agencies, you'll see lawyers there all
16 the time who are donating their time and their effort to
17 the community. They make a tremendous contribution to the
18 community and get very little recognition. So in
19 providing pro bono services, you do serve your community,
20 you gain a knowledge of areas of the law that you may not
21 know much about when you start, and you get a tremendous
22 understanding of people along with the personal
23 satisfaction that I've already referred to.

24 In closing, there's one other matter I'd
25 like to just touch upon, and that is becoming involved in

1 supporting your law society and various bar organizations.
2 If you articulated in Ottawa, you may have noticed that the
3 Ottawa bar is very supportive of the Carleton Law
4 Association. The reason for this is that everyone takes
5 great pride in the Association here in Ottawa, and if you
6 look at their educational programs which they put on
7 throughout the year, you will see that they are one of the
8 finest educational programs held anywhere in Canada. The
9 reason they're so successful is because the lawyers in
10 Eastern Ontario donate their time, take pride in what
11 they're doing, and are able to present a program that is
12 second to none.

13 But in order for these associations to
14 continue and in order for them to prosper, they require
15 the input from younger people as well, so I really
16 encourage you to take part in your associations and your
17 law societies, take an interest in them, become involved,
18 and I think you'll find some great rewards from doing
19 that.

20 In conclusion, let me congratulate each and
21 every one of you on your call today. I hope that you
22 receive as much joy and satisfaction from the practise of
23 law that I did over the 40 years, and I wish you all the
24 very best.

25 (applause)