

MINUTES OF SPECIAL CONVOCATION

Toronto – Friday, 23rd July, 2004
2:30 p.m.

Prior to Convocation, the Treasurer and benchers held a reception and luncheon for their guests at Osgoode Hall.

Following the luncheon, the Treasurer, benchers and their guests proceeded to Roy Thomson Hall for the Call to the Bar ceremonies of the 236 graduates of the Bar Admission Course and one transfer candidate.

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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 Gail Morgan.

CONFERRING OF AN HONORARY DEGREE

Mr. George Hunter, Chair of the Professional Development, Competence & Admissions Committee introduced the Doctoral candidate Professor Mary Jane Mossman, B.A., LL.B., LL.M., LSM, and read the following citation:

“Treasurer, may I present to you and this Convocation Professor Mary Jane Mossman, LSM and request that you confer upon her the degree of Doctor of Laws *honoris causa*.

Having earned an Honours B.A. from McGill University, an LL.B. from Queen’s University and an LL.M. from the University of London, Mary Jane Mossman embarked upon a brilliant academic career, which would garner her the reputation of being one of Canada’s leading scholars. A Professor of Law at Osgoode Hall, York University from 1977 to present, she has had a profound impact upon generations of students. Her dedication to those students and her continuing interest in their lives after they leave Osgoode Hall is well known.

Mary Jane Mossman has written extensively in the areas of Property Law, Family Law and Gender & Equality. Her thought provoking works have forced Canadians to question their perceptions of the law and have served as a source of inspiration for members of the legal profession, as well as members of academia.

Mary Jane Mossman has made immense contributions to the legal profession and has garnered the respect of her students, her colleagues and, indeed, the legal profession as a whole.

Professor Mary Jane Mossman 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 Professor Mossman to the degree of Doctor of Laws, *honoris causa*.

Professor Mossman then addressed the candidates and their guests.

“Chief Justice McMurtry, members of the Judiciary

Mr. Treasurer, Benchers and members of the legal profession

New lawyers, families and friends:

This is a special day! I am honoured to share this celebration with all of you who have worked hard to achieve academic degrees in law, worked hard again in the Bar Admission course, and worked *especially* hard in articling and clerking positions to arrive here today – this is a special day. Un jour pour vous et vos familles, que vous ont supporté d’arriver ici: après tous les défis, le but achevé! A day of joy to be shared with your families and friends: felicitations!

But, if this is a special day because you have *finally* achieved your goal of being called to the bar, it is *even more* special because it is the *first day* of your life and work as a member of the legal profession in Ontario. In saluting you on this day, I want to offer three wishes for your life in the law and in the legal profession.

As I remember some of you as law students, my first wish is that you *keep on* asking difficult questions! In making this wish for you, I am reminded of John Stuart Mill, who on being inaugurated as Rector of St Andrew’s University in 1867, suggested that we should all remember:

To question all things – never to turn away from any difficulty, to accept no doctrine either from ourselves or from other people without a rigid scrutiny... Letting no fallacy, or incoherence, or confusion of thought, slip by unperceived; above all, to insist upon having the meaning of a word clearly understood before using it and the meaning of a proposition before assenting to it – these are the lessons we must learn (Emphasis added).

Words of advice for lawyers, especially; and not unimportantly, words of advice from a man with a lifelong commitment to reform of the law, particularly in relation to women’s equality. His words of advice about “questioning all things” remain just as important today – for lawyers who are behind the scenes in matters of corporate governance, in the intricate discussions of international diplomacy, or in the background of constitutional decision making – even when asking questions may create controversy, discomfort and challenge. Remembering to ask hard questions means that lawyers also need to challenge the traditional assumption that the law in books is always the same as the law in action; and it means that, as lawyers, we must be true to our role as independent and creative guardians of the rule of law in our communities. And so, my first wish is that you keep on asking hard and important questions in your life in the legal profession.

My second wish is that you go on learning throughout your career – not just for purposes of your practice, but as a way of connecting your work to the past and the future – a way of connecting *you* to the best that has gone before you and of inspiring you for the challenges that lie ahead. Learning will happen in many different ways and contexts: formal programmes of continuing legal education are, of course, essential. Yet, if the life of the law is experience, as Justice Holmes claimed, my early experiences in representing legal aid clients, first as an articling student and then as Director of a community legal clinic, offered a dramatic but rewarding learning opportunity: to see the face of justice in the lives of the poor, the disadvantaged, the aboriginal, the immigrant, the non-unionized labourer, and the young people living on the street (because it was safer than in their own homes), and to find ways for the law to assist these clients, have been some of the “defining moments” in learning the law for me. Opportunities to learn from clients about the role of law and justice are all around us as lawyers: some years ago, I asked a lawyer why she had adopted a highly idealistic, even “off the wall” legal argument on behalf of her woman client, *an argument that subsequently established a new legal precedent as a remedy for such situations*, and she said simply,

“Well, it was a matter of justice on the facts of the case”. This view, that listening to the needs of the most needy clients is an appropriate task for lawyers, was described more than a decade ago by former Justice Bertha Wilson, when she said that, as lawyers:

We are familiar with the witness on cross-examination who wants to explain his or her answer, who feels that a simple yes or no is not an adequate response, and who is frustrated and angry at being cut off with a half truth. It is so much easier to come up with a black and white answer if you are unencumbered by a broader context which might prompt you...to temper the cold light of reason with the warmer tints of imagination and sympathy.

And so, I wish you opportunities to use *your imagination and your sympathy* as well as *your reason*, to learn – and to grow – in meaningful work as members of the legal profession.

And finally, my third wish is that you take courage to pursue your ideals. *Whatever you choose to do* with your legal qualifications, the legal profession has need of your commitment to fundamental professional values, including both integrity and perseverance. In the face of dire warnings about the loss of a collective sense of professionalism, it is all of us, the men and women who are the human face of the legal profession, who bear responsibility for the future of our profession: to find courage to work every day with integrity, and to persevere when we experience setbacks and difficulties. In her book *Three Guineas*, first published in 1938 as the world spun ever nearer to another world war, Virginia Woolf reflected on the significance of the professions, and their responsibilities in the face of impending war. In many ways, the analysis in *Three Guineas* is extraordinarily contemporary, with its urgency about finding peace and not war, but also in its focus on the professions and their responsibilities. Indeed, Woolf was critical of the professions, saying that they were possessive, jealous, pugnacious and combative, all attributes which impeded their effectiveness. All the same, she ended up concluding that women and men of courage could join the professions and transform them. As she said (paraphrasing a little), by joining the professions:

...You can rid them of their possessiveness, their jealousy, their pugnacity, their greed. You can use them to have a *mind of your own and a will of your own*. And you can use that mind and will to abolish the inhumanity, the beastliness, the horror, the folly of war. Take this guinea then, and use it, not to burn the house down, but to make its windows blaze [with the spirit of justice] (emphasis added).

Don't give up on idealism. In recent years, it has resulted in the fall of the Berlin Wall and in the triumph over apartheid in South Africa, and some of the idealists who accomplished these goals were lawyers! In the world of the 21st century, we need lawyers, perhaps especially *Canadian lawyers*, who "have a mind of their own and a will of their own" to pursue – with idealism – hopes and challenges of our world. So, my third wish is that you take courage, to hope and to persevere with integrity, as you face the challenges for law and justice in the 21st century.

Remember that:

You are not required to complete the task; neither are you free to desist from it.

Bonne chance!"

PRESENTATION OF PRIZES

Mr. Gerald Swaye presented the prizewinners to the Treasurer.

The Treasurer presented the following prizes to the respective recipients.

Awarded The Osgoode Society for Canadian Legal History Prize; a share of The Margaret P. Hyndman, O.C., Q.C., D.C.L. Prize; and a share of The William Belmont Common, Q.C. Prize

Emma Miranda Evans

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

Tauna Michele Staniland

Awarded The Osgoode Society for Canadian Legal History Prize, and a share of The William Belmont Common, Q.C. Prize

*Robert Joseph Druzeta
Lize-Mari Swanepoel*

Awarded The Osgoode Society for Canadian Legal History Prize

Benjamin James Blackmore

Awarded a share of The Stuart Thom Prize; The Robert J. Cudney Prize; and a share of The McCarthy Tétrault Business Law Prize (Toronto)

Nadine Michelle Arendt

Awarded The Isadore Levinter Prize

Charles Andrew Toth

Awarded a share of The Vera L. Parsons Prize, and a share of The Joseph Sedgwick, Q.C. Prize

Bruce William Price

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

Sandeep Jagdish Joshi

Awarded a share of The William Belmont Common, Q.C. Prize

*Arti Melanie Banka
Anthony Michael Bugo
Andrea Megan Chafe
Julia Monique Forward
Jay Francis King
Allison Gail Kuntz
Tara Jean Lamacraft
Erin Michael O'Toole
Marie-Eve Henriette Thérèse Rehayem
John David Sawicki
Sean Michael Sells
Dena Naomi Varah
Scott Campbell Yelle*

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

Elina Eduardovna Poberezkina

CALL TO THE BAR

Ms. Constance Backhouse, Ms. Mary Louise Dickson, Ms. Judith Potter and Ms. Heather Ross presented to the Treasurer 237 candidates for the Call to the Bar as follows:

BAR ADMISSION COURSE

237 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 presented to Chief Justice McMurtry before whom they took the Oath of Allegiance, Barristers Oath and 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 guests returned to Osgoode Hall.

Confirmed in Convocation, this 23rd of September, 2004.

Treasurer