

CONVOCATION ROSE AT 12:30 P.M.

Thursday, 23rd September, 2004
3:30 p.m.

CALL TO THE BAR (Roy Thomson Hall)

The Treasurer and benchers proceeded to Roy Thomson Hall for the Call to the Bar ceremony of the 124 graduates of the Bar Admission Course, 11 transfer candidates, 18 mobility candidates and two academic candidates.

CONVOCATION WAS CALLED TO ORDER AT 3:30 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 Angela Morgan.

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CONFERRING OF AN HONORARY DEGREE

Mr. Neil Finkelstein, a representative of the Professional Development, Competence and Admissions Committee introduced the Doctoral candidate, The Honourable Irwin Cotler, Minister of Justice and Attorney General of Canada, and read the following citation:

“Treasurer, may I present to you and this Convocation, The Honourable Irwin Cotler, Minister of Justice and Attorney General of Canada and ask that you confer upon him the degree of Doctor of Laws *honoris causa*.

Possessing a sharp intellect and a strong sense of justice, Irwin Cotler has dedicated his life to the law and to the goal of attaining equal access to that law for all people.

As a professor and a noted author, he has helped to create an awareness of human rights issues and has promoted the use of the law as an effective and peaceful tool to end social injustices.

As an international human rights lawyer he has acted as counsel for political prisoners in many countries. He has argued before the Supreme Courts of both Canada and Israel and he has testified before parliamentary committees in Canada and abroad.

As a Member of Parliament and the Minister of Justice and Attorney General of Canada he has tirelessly continued his efforts to promote access to justice for all people.

In recognition of his commitment to the advancement of human rights, he was appointed Officer of the Order of Canada, received the first Justice Walter Tarnopolsky Memorial Award, became the first academic to receive The Medal of the Bar of Montreal and was the first recipient of the Martin Luther King Jr. Humanitarian Award.

The Honourable Irwin Cotler 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 The Honourable Irwin Cotler to the degree of Doctor of Laws, *honoris causa*.

Mr. Cotler then addressed the candidates and their guests.

The following address was transcribed from a video recording.

“I’m very moved by this honour and by the privilege of addressing you today as a fellow graduate and candidate for admission to the Bar.

Indeed, this is an important moment, as Treasurer Frank Marrocco said in his opening remarks - and I want to thank both you, Mr. Treasurer, and Neil Finkelstein for your undeserving, but appreciated, warm remarks.

As you mentioned, this is an important moment of reflection and remembrance for each of us here and for myself, and I just might add parenthetically this is the fortieth anniversary of my graduation from McGill Law School and the thirty-fifth anniversary of my first teaching appointment at Osgoode Law School, and I am struck by how different life and the life in the law is today from the times when I was a law student or even subsequently as a law professor. For we are living through a series of transformative events, indeed revolution in law and learning that were not even on the radar screen, not even a blip on the radar screen at the time that I was a student or subsequently as an academic, including the constitutional revolution, the Charter of Rights as its centerpiece, where we have moved from being a parliamentary democracy to a constitutional democracy, from judges being the arbiters of legal precedent, which they still are, to judges being the guarantors of human rights in the Charter as we, parliament, authorize them to do, from individuals being the objects of processes to individuals being the subjects of rights, rights-holders, rights claimants.

Secondly, the international human rights revolution, the humanization of international law and the internationalization of human rights.

Thirdly, the globalization phenomenon where globalization is not just an economic phenomenon but has its juridical counterparts, including, in particular, the globalization of injustice today - war crimes, crimes against humanity, genocide - the need, therefore for globalizing justice antidote, as in the International Criminal Court, the most dramatic development in international criminal and humanitarian law in the past fifty-five years; the Aboriginal rights revolution, involving recognition, redress, title, identity, and the like; the litigation explosion, a dramatic increase in the volume and complexity of cases; the judicialization of public policy, mass tort actions, class actions, environmental actions - indeed, high-impact litigation; and where, for example, the Department of Justice at this point has some 50,000 civil litigation cases a year and 180,000 criminal prosecution files in our inventory.

As a law professor, whenever we would teach a case or a student would study a case we would say “X” and the Attorney General of Canada. Well, now I have to tell you I take these things personally, and since we are mostly a defendant in these civil litigation cases we need to take these things seriously.

Finally, and increasingly, a diverse legal community. When I graduated, we had amongst our class regrettably no Aboriginal students, no representatives of visible minorities, and only one woman in the graduating class. You can see here the transformative nature in terms of the diversity of the legal community.

It was against this changing, transformative backdrop that I received a call on December 11th from the Prime Minister designate at the time, Paul Martin, and the conversation was brief, if I may recall with you as follows.

The Prime Minister said, “Irwin, what do you do with somebody who has bizarre ideas about human rights in relation to justice?”

I answered, “Well, Prime Minister, I always thought that human rights meant justice.”

The reply came: “Congratulations, Irwin. You’re the new Minister of Justice and Attorney General of Canada.”

That was the whole of the conversation.

The next day I was sworn in, and we were ushered out into the proverbial media scrum, but before any of the media could put a question to me I decided it was important then, and I will reaffirm with you now, to set forth what would be my overriding philosophy as Minister of Justice. I stated then that I would be guided, and reaffirm today, that I will be guided by one overarching principle, the principle of justice: “Justice shall you pursue” and within that, the promotion and protection of equality - equality, not just however important a principle in the Canadian Charter of Rights and Freedoms, but equality as an organizing principle for the establishment of a just society and the promotion and protection of human dignity, of human dignity as the cornerstone not only of a just but a humane and compassionate society.

Shortly after that, I went across the country to dialogue with Canadians, particularly younger Canadians, with law students, with stakeholders, and including, where it occurred, meeting with victims of human rights violations and the like, to ask them what do you think the justice agenda should be? If you were the Minister of Justice how would you identify the priorities on the justice agenda? One of the things I came away with from that dialogue was the pursuit of justice - and this was something my father taught me; he was almost my first law teacher, you might say - that the pursuit of justice must involve having a sense of injustice; you have to feel the injustice in order to effectively pursue justice.

May I now with that reference identify to you the priorities, the challenges that I distilled from those conversations. Indeed, it is an on-going discussion and conversation, and so I invite each of you here to join with me in articulating and implementing a justice agenda.

Number One: The relationship between “security” and “rights”. The basic principle is that there should not be any contradiction between the protection of human security and the protection of human rights.

In other words, transnational terrorism involves an assault on the security of democracy and on the fundamental rights of its inhabitants, the right to life, liberty, and security of the person. In fact, anti-terrorism law and policy is in the pursuit and protection of human security and human rights.

But there is another human rights dimension that we need to bear in mind, and that is that in the enforcement and application of our anti-terrorism law and policy we have to ensure that it always conforms with the imperatives of the rule of law; that no one in our society is singled out for differential and discriminatory treatment in the course of the enforcement and application of the law. The protection of human rights involved in anti-terrorism law and policy must be undertaken also in accordance with the protection of the rule of law.

Priority and Challenge Number Two: The protection of the most vulnerable amongst us. The test of a just and humane society is how it treats the most vulnerable in that society: children, women, refugees, minorities, gays and lesbians. The test of that society is how we will treat the most vulnerable.

And here if I may take one example, and that is with regard to children’s rights. And I’m happy here to cite my daughter with respect to this, who, when she was 15 years old, now 24 and now herself a law student, taught me one of the most profound understandings about human rights in relation to children’s rights. She said as follows: “Daddy, if you want to know the real test of human rights always ask yourself at any time, in any situation, in any part of the world: Is it good for children? Is what is happening good for children? That’s the real test of human rights, daddy.”

Which brings me to the third priority: combating racism, hate, discrimination, and all forms of intolerance.

Regrettably, we have been witnessing, and particularly in 2004, a growing incidence if not intensity of hate crimes against identifiable groups. What is needed now is a common front against hate, the mobilization of a constituency of conscience, of solidarity with the victim, where Jews speak up on behalf of Muslims when Muslims are attacked, where Muslims speak up on behalf of Jews when Jews are attacked, where Jews and Muslims together in concert with others speak up no matter who is the identifiable group or minority that is under attack, for the message that we have to send out as a government and as a society has to be clear and unequivocal, that in this country there will be no sanctuary for hate and no refuge for bigotry.

The fourth and final principle and priority is the combating of impunity and mass atrocity, which would involve preventing the mass atrocities to begin with. It is as trite as it is profound that the best protection against mass atrocity is preventing it to begin with, and as a Carnegie study showed, regrettably we spend eight times as much to reconstitute a country after the conflict than we do to prevent the conflict to begin with. And if prevention is unavailable and if we have entered upon killing fields, mass atrocities, war crimes, crimes against humanity, or the unthinkable and unspeakable, genocide, then there is an international duty to protect. And so if we have a situation like Darfur, there is a responsibility on the part of the international community to protect, to protect those who are the victims of these international atrocities.

And finally, accountability, the importance of bringing war criminals to justice.

If the twentieth century was the age of atrocity, it was also the age of impunity. Few of the perpetrators were brought to justice. We have to ensure that in the twenty-first century those who perpetrate these atrocities will be brought to justice.

In conclusion, these are some of the transformative events and the compelling challenges that are faced by our country, that are faced by the community of nations, that are faced by all engaged in the pursuit of justice. But there is also a more personal dimension, a moral responsibility, a personal responsibility of each of us with respect to the pursuit of justice.

If I can sum up my vision today and indeed my challenge on-going to myself as I shared with you, it is this: A call to action, a call to action to all of us who have been blessed with a unique legal education and training, who have chosen law as our vocation and can see it as our calling, to be at the forefront, to be at the forefront for the struggle of the public good, to be part of a growing pro bono movement in this country. Each one of us - each one of us - can play an indispensable role in the struggle for justice; each one of us can be, as it were, private attorneys general who can make a difference; each one of us has the capacity to do something every day on the part of some victim of discrimination and disadvantage somewhere.

We need not only dream of building a just and humane society. We, as lawyers, can help build it. This would be the best expression of the great public trust that has been bestowed upon us.”

PRIZEWINNERS

Awarded The Osgoode Society for Canadian Legal History Prize for the twenty-five students attaining the highest grades in the Bar Admission Course; a share of The Vera L. Parsons Prize, and The Joseph Sedgwick, Q.C. Prize for Criminal Law for the student attaining the highest grade in Criminal Law; and a share of The S. J. Birnbaum Q.C. Scholarship Third Prize for the student attaining the third highest grade in Estate Planning

Melanie Deborah Szweras

Awarded The Osgoode Society for Canadian Legal History Prize for the twenty-five students attaining the highest grades in the Bar Admission Course; and a share of The Vera L. Parsons Prize, and The Joseph Sedgwick, Q.C. Prize for Criminal Law for the student attaining the highest grade in Criminal Law

Christopher John Tanzola

Awarded a share of The Vera L. Parsons Prize, and The Joseph Sedgwick, Q.C. Prize for Criminal Law for the student attaining the highest grade in Criminal Law

Christopher Mark Hogan

Awarded a share of The William Belmont Common, Q.C. Prize for Criminal Law for the student attaining the second highest grade in Criminal Law

*Sarah Jane Atkinson
Noelle Denise Hamersley
Gosha G. S. Sekhon*

CALL TO THE BAR

Mr. Gavin MacKenzie, Ms. Judith Potter, Ms. Joanne St. Lewis and Mr. Gerald Swaye presented to the Treasurer 155 candidates for the Call to the Bar as follows:

BAR ADMISSION COURSE

155 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 Mr. Justice Archie G. Campbell, Judge of the Superior Court of Justice, presiding.

The candidates were presented to Justice Campbell 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 Campbell 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 for a reception at Osgoode Hall.

Confirmed in Convocation this 28th day of October, 2004

Treasurer