

**Call to the Bar – London Convention Centre**  
**Speech by James Lockyer, LL.D.**  
**July 18, 2005**

Mr. Treasurer, Mr. Heins, Ms. Carpenter-Gunn, Justice Leitch, Benchers, Guests and all of you about-to-be-lawyers:

Thank you, Law Society, for this great honour. I am humbled by it, and want to stress that I am only a part of AIDWYC. There are many more within our ranks who are as deserving. I am especially moved by the tributes that Guy Paul Morin and Joyce Milgaard gave for me to the Law Society. My work for the wrongly convicted began with Guy Paul Morin's conviction on July 30, 1992 in this very city for a murder that he did not commit, the murder of Christine Jessop in Queensville. Sadly to this day her killer has never been apprehended. Joyce Milgaard, another huge figure in our criminal justice system, loves to tell the story, apocryphal I promise, of how I telephoned her out of the blue in 1992 to seek her help on Guy Paul's case. She pleaded exhaustion because her son David had only been released months earlier after a 23 year campaign. She says that not even 5 minutes had passed from the end of our conversation before Guy Paul's mother was on the phone begging her to help. Joyce could not refuse another mother. But she has never believed that the timing of Mrs. Morin's call was purely coincidental and had nothing to do with me.

It is an extraordinary privilege for me to be addressing all of you who are about to realize such an important goal in your lives; a call to the Bar that will enable you to practise our profession.

I have been through two calls to the Bar myself. The first in London, England in 1973 when I was called to the Bar with my parents in attendance. It was, like today, a hot, humid day, and I must say I remember little of the ceremony because of a distraction. As a product of the 60s, I had hair halfway down my back at the time and yet was required to wear a wig of horsehair on my head, which was designed for a person with a minimal amount of hair. To the horror of my parents, not having foreseen the problem in advance, I had to clump my hair, and stuff it down beneath my shirt collar, and then keep my neck stiff and straight throughout the ceremony for fear it might suddenly pop out and knock my wig off. Unfortunately, it didn't work. As this mysterious figure with a wig even longer than my hair, Lord Diplock, shook my hand, my hair popped out, the wig went flying, and I was left scrambling to pick it up with my hair dangling all over my face in front of an audience of two or three hundred people.

My second call was less dramatic but no less memorable for me, and took place in 1977 before the late Chief Justice Howland. My hair, by then, was a little shorter.

This ceremony is as important and memorable for you as it is for me. You are about to embark upon a career, Shakespeare notwithstanding, in an honourable profession. The sentiments to be expressed on an occasion such as this, a form of advice to those stepping into my shoes of old, and the shoes of those up here on the platform, whom I would not dare call old, do not change

over the years.

You have achieved a place of enormous privilege in our society, an achievement which, yes, gives you privilege, but, more importantly, puts considerable and legitimate expectations on you from our society.

May I make two small practical suggestions to help you meet these expectations.

First, remember that you have skills that can be far too expensive for many people and organizations to access. Find, then, a field in which you might be interested in helping and make it your mission to volunteer your services, legal and otherwise, to those people or that organization. For me it was a non-profit agency in Sharon, Ontario called New Leaf Living and Learning, which provides homes and good lives for dual diagnosed developmentally disabled adults. I have now been on their Board for 22 years and find it to be the most rewarding work I do.

Second, remember that you can never work hard enough for justice in our society. Often that work will be unrewarded financially - the latin expression *pro bono*, for good, is apt - and because you are working for good it makes you feel good. So, I can tell you that on those occasions where a person wrongly convicted of a crime is exonerated, I always cry for, and usually with, that person in the emotion of the moment. And, it is a victory for justice each time it happens.

I thought I might share with you something said by Lord Justice Rose in 1999 in the English Court of Appeal. A Somali seaman, Mahmoud Hussein Mattan, was convicted in 1952 in Cardiff, Wales, of the murder of a shopkeeper, Lily Volpert. On September 8, 1952, he was hanged for the crime. His wife, a local Welsh lady who spent her life as a cleaner in a local hotel, campaigned tirelessly for 46 years to clear her husband's name. In 1999, the Court of Appeal reviewed Mr. Mattan's conviction, and found that the main prosecution witness had likely committed the murder. One M.P. described the case as having been a 'legalized lynching'. In exonerating Mr. Mattan, Lord Rose said:

It is, of course, a matter for very profound regret that in 1952 Mahmoud Mattan was convicted and hanged and it has taken 46 years for that conviction to be shown to be unsafe. The Court can only hope that its decision today will provide some crumb of comfort for his surviving relatives. ... Capital punishment is not perhaps a prudent culmination for a criminal justice system *which is human and therefore fallible*.

Mahmoud Mattan's case should be required reading for everyone and not just because it speaks to the awful finality of the death penalty, something we never want back in Canada:

- It speaks to how racism can pollute a society, an acute and relevant fear in the present day.

- It speaks to how a justice system must be prepared to admit it makes mistakes.
- It speaks to the strength of the human spirit as Mrs. Mattan toiled year after year to clear her husband's name. This parallels the 28 year fight of David and Joyce Milgaard to clear David's name. It wasn't until 1997 that AIDWYC obtained the DNA results which not only finally cleared David of Gail Miller's murder but also proved that Larry Fisher was her killer. In 1999, 30 years after her murder, Larry Fisher was convicted of the crime and is serving a life sentence for it. Steven Truscott, another person for whom AIDWYC is working, has been struggling for 46 years to clear his name of the 1959 murder of 12 year old Lynne Harper. He was 14 years old when he was convicted and sentenced to hang. He is 60 now and is still fighting. The indefatigability of the human spirit is remarkable. But these people need us, you and me, the lawyers, to have the same determination, spirit and patience in advocating their cases.

Our justice system contains checks and balances where it can, but remember human beings, which is all we are, have and will continue to make mistakes. We are fallible. Your job, and mine, is to minimize these mistakes, to correct those that have already been made, and to proactively work for justice whenever and wherever we can help. You have a lot to do, and good luck.