

Call to the Bar – Roy Thomson Hall
Speech by Mr. Justice David Watt, Superior Court of Justice
July 21, 2005

Mr. Treasurer, Benchers of the Law Society of Upper Canada, members of the graduating class, your families and friends.

It is an enormous honour for me to receive from the governing body of our profession in Ontario an Honourary Doctor of Laws Degree. As judges, we are required to provide reasons for our decisions, preferably reasons that reflect a correct understanding of the law and show at least a nodding acquaintance with the evidence adduced at trial. I am extremely grateful to the Benchers for their generous interpretation of that rule for me today.

This is a very important day for you who are about to formally enter the legal profession. You have had to work very hard to advance to this threshold. And you are, each of you, worthy recipients of our congratulations and praise. But do not lose sight of the many who have helped you along the way. Family. Friends. Spouses. Significant others. This is their day too, as it will be for others with your help.

The legal profession occupies a unique position in Canadian society. It, alone amongst the professions, has a place in our constitution, the supreme law of our country. As a member of that profession, you will be accorded some measure of respect. But we must remember, all of us, that respect is not self-sustaining. It requires nurture to survive and flourish.

There is no magic formula to follow to foster respect for the rule of law and our profession. But as you begin your formal careers, you might consider three modest suggestions.

The first has to do with the language we speak and write in our professional activities.

Nearly 30 years ago, Richard Wydick wrote in his article, *Plain English for Lawyers*:

“We lawyers cannot write plain English. We use eight words to say what could be said in two. We use old, arcane phrases to express commonplace ideas. Seeking to be precise, we become redundant. Seeking to be cautious, we become verbose.”

The same may be said of judges whose language often carries the additional burden of pomposity. We are not easily convinced of John Kenneth Galbraith’s observation that there are no important propositions that cannot be stated in plain language.

As professionals, who spend much of our time in the company of others in the same profession, we converse in our *langage de travail*. Legalese. Lawyerspeak. Judgespeak. Other professions do the same. Engineers. Dentists. And doctors.

To write and to speak good English or French is a difficult task, even if we set out to do so. It is easier and takes less time to speak and write wordy and complicated prose that parrots the precedents. Clear and simple English or French is hard work. But it is well within our grasp.

Our conversational partners or correspondents are not always fellow legal professionals. Sometimes they are clients. At other times they may be witnesses. On yet other occasions, they may be members of the public with no direct interest in the outcome of a case or transaction in which we may be involved.

The law and our profession achieves respect through understanding. Communication that facilitates rather than impedes understanding nourishes respect. Our communications should not be abracadabra. We are all the more honourable and deserving of respect if we communicate in plain simple language, the product of clear original thinking.

The second suggestion concerns civility.

Our method of resolving disputes is through the adversary system.

In our adversary system many participate. The parties. Their witnesses. Judges. Jurors. Spectators. Your participation may be as counsel, instructing solicitors, or sometimes as a witness. Participation in an adversarial system is not a licence for incivility to others. Not to those opposed in interest. Not to those who testify. Not to those who will do their best to decide the case. Incivility to others, any others, irrespective of their position in a case or transaction and their station in life is the antithesis of professionalism. To maintain respect, we need show it. And civility in our dealings with others is crucial. The gracious and principled are remembered long after the disrespectful and uncivil.

And finally, tradition.

The legal profession is an old and honourable profession, rich in tradition. Like some others, it is a helping profession. We apply our professional skills to help others. Many times, but not always, those we help are less fortunate than ourselves. But being a lawyer involves much more than giving legal advice and carrying out instructions. Lawyers are human too. They are members of the community in which they work and live. And lawyers have a rich history of participation in the activities of their community. As volunteers in charitable works. In providing *pro bono* services. As supporters of initiatives to better their communities. As coaches and managers of athletic teams. As community leaders. Our contributions to society are not and should not be limited to billable hours.

This glorious day, the 21st of July, 2005 will be etched in your memory for the balance of your lives as the beginning of your professional career. It is a day that is indelibly imprinted in my mind as well, in gratitude for the honour conferred upon me by our profession. We, you and I, are privileged to serve in a noble profession. We are, all of us, committed to the values of decency, justice and respect for one and all in our free and diverse society.

Thank you Mr. Treasurer and Benchers for honouring me and permitting me to share this day with you and our newest colleagues, their families and friends.

Thank you very much.