

**Call to the Bar – Roy Thomson Hall, Toronto**  
**Speech by Claude Thomson, Q.C., LL.D., FCI Arb**  
**July 22, 2005**

Chief Justice McMurtry, Mr. Treasurer, Benchers of the Law Society of Upper Canada, distinguished guests, budding members of the Ontario Bar, our families and our friends.

I begin by welcoming today's graduates most warmly on your admission to the Bar of Ontario and by congratulating your families and friends who have provided help and encouragement in bringing you to this triumphant point. I joined your ranks 47 years ago and I am proud to be honoured here with you. It seems fitting that the young, the newest members of the profession, should spend some time on this significant day in company with those who are older, who have done the things that you will do, have fought the battles you will undertake, who, as many of my friends on this platform have done, will achieve eminence in the practice of law, and in service in Canadian society, in business, and in politics. Some of us may appear a little weather-beaten, but our presence proves we have endured and have, at least so far, prevailed. We demonstrate the continuity of life and of learning, and above all we represent, I believe, the great traditions of the rule of law.

And by the way, don't write us off yet. True, we are passing the torch to you, but some of us are keeping one hand on the shaft. You may still find yourselves face to face with some of us in a courtroom or in a tough negotiating session. It will be an interesting test for all concerned. You will find we are not patsies. Experience still counts.

After your years of study, the last thing you need from me is a lecture on the basics of the law. It has been said that the new lawyer knows more law on graduation day than he or she will ever know again. I shudder to think where that leaves me and the distinguished men and women who are present today. Still, if we have forgotten a few things, we have had to learn a thing or two as well.

One of the things you have learned and hopefully will always remember is that our primary duty is to society, to the justice system, and to our clients.

I am impressed by the following declaration of the American College of Trial Lawyers that describes the duty of a lawyer.

“To a client, a lawyer owes undivided allegiance, the utmost application of his or her learning, skill and industry, and the employment of all appropriate legal means within the law to protect and enforce legitimate interests. In the discharge of this duty, a lawyer should not be deterred by any real or fancied fear of judicial disfavour, or public unpopularity, nor should a lawyer be influenced directly or indirectly by any considerations of self-interest.”

I want to underline one phrase in that paragraph; the words “employment of all appropriate legal means within the law and to protect and enforce legitimate interests.” Some would say that to

use the words legal, law, and legitimate in one short phrase is redundant, that they all convey the same meaning. I believe that this deliberate repetition contains and emphasizes an important message. That message is: work within the laws; don't cut corners; be careful and conscientious; don't try to win by trickery (if you do try trickery, you lose anyway, in your own estimation and in the eyes of your peers, even in the eyes of your client).

Seemingly minor matters can be important. Let me share an experience I had early in my practice. I was approached by a stranger in the Registry office to commission an affidavit of land transfer tax on a deed. I did what I was asked to do and put the matter out of my mind. Several years later I was subpoenaed to give evidence at a trial in which a witness had asserted that the affidavit which I had commissioned had been signed by her in blank and therefore was not her sworn statement. I had no recollection of the witness or the transaction, but I was able to save my reputation. I stated under oath and the judge believed me, that I have never commissioned an affidavit except in the presence of the deponent. Therefore, while I did not remember this affidavit or this witness, I was certain that it was sworn by the deponent in my presence. It is easy to be lax about such things, but my evidence was accepted and here I am today.

A small thing, perhaps, but a stern lesson to me, and, I hope, to you, that lawyers must be fastidious in their execution of their duties. Of course we must avoid conflicts of interest, we must protect confidentiality, we must reject instructions from clients which go beyond the bounds of legality and propriety. We must be careful and conscientious about the way we handle clients' money. I have known lawyers who were essentially honest, but fatally careless about clients' money, or who in the face of temptation or desperation misused funds within their care. Tragedy resulted in many cases. They lost their profession, their livelihood, their reputation.

You will be asked to maintain your professional standards in a large and diverse world of practitioners, (some of whom appear to be driven by personal financial goals to the exclusion of other values). Remember the collegiality and civility that is expected of lawyers in dealings with others, including opposing counsel. Whatever you choose to do with your legal qualifications, the profession and the public need your continued commitment to professional values that include integrity, candour and responsibility.

You have chosen a profession that is generous in the career options that are available. You may chose to be a lawyer in private practice as a sole practitioner, in a small firm or in a large partnership. Many of you will chose to be advisors to corporations or governments, some will be advocates for the community interest in the area of criminal law, human rights, or the environment. Some may chose to teach and some eventually will accept the responsibility to serve as judges. Many of you will have several careers in one lifetime. Do not fear change. The skills and experience that you acquire as a lawyer open many doors.

I continue to be shocked by the negative public perception of lawyers. A popular movie thrills theatre audiences with a masterful scene of a dinosaur devouring a lawyer. A best selling novel and the movie based on it describes activities in a prestigious law firm dominated by criminals. Regardless of these kinds of calumnies and of the bitter jokes we sometimes hear, Canadian voters continue to choose lawyers in large numbers to serve in our local councils, legislatures and Parliament. I think most people keep the jokes and the jobs in perspective.

As President of the Canadian Bar Association and International Bar Association I met many impressive lawyers working as volunteers to achieve justice for fellow citizens and to bring the rule of law into all aspects of their societies. The IBA aggressively supports the activities of Bar Associations around the world, particularly those in developing countries. It has developed a program to encourage defence of human rights, particularly the rights of lawyers and judges who are oppressed or restricted because of their work in the justice system.

During my term as IBA President I met with the Union of Arab Lawyers in Tunisia to encourage it in its struggle for human rights and the independence of the judiciary and, of course, to protect lawyers from abuse by the police and governments. Of special interest and satisfaction to me was that following our meeting it was reported that the Government of Tunisia had decided, apparently as a result of concerns expressed by me and by the President of the Tunisian Bar, to release a lawyer who had served two years of a four-year prison term for human rights activities.

As Canadians we take the rule of law for granted. We know that the rule of law is more than a charter of rights and collection of statutes. Even the most brutal and oppressive dictatorships have statutes and documents that look like charters. But of course, they are not supported by an independent legal profession, independent judiciary and a tradition of upholding the law even against the government, the wealthy and the influential.

Important as the law is as part of your life, remember that it is not your entire life. A whole person has other commitments and interests, particularly to families, friends and society. I was struck recently by the words of perhaps the greatest Canadian artist on the international cultural scene today - Ben Heppner, the great operatic tenor. He is in demand constantly in the famous opera houses of Europe and North America, but he stresses the importance of maintaining an appropriate balance in his life. He told an interviewer, "I don't hunger after the adulation and the money to be out there constantly. I want to spend time at home, to be a husband and a father." That's a simple comment, but believe me, these are words to live by.

In supporting the interest of our clients we must always remember that as officers of the court our professional duty calls us to serve justice. I urge you to always act with professionalism and efficiency, to not confuse obfuscation with good advocacy and continue to pursue initiatives that will allow all members of society to participate in and benefit from our justice system. Be diligent and efficient in your commitment to your professional responsibilities and be charitable and courageous as you serve the system of justice.

The profession today's graduates are entering has been built on the efforts and achievements of many generations of Canadian lawyers, and of their predecessors in the countries from which our diverse population has been drawn. You have a great inheritance. Perhaps 47 years from now one of you will stand here, speaking to the Call to the Bar Class of 2052, as I am speaking to you today. I would love to be here to listen to that speech, but I don't think I'll book it in my calendar just yet. I have a great trust that this graduating class, and your generation of lawyers, will be passing on to your posterity the inheritance we entrust to you today - handing it on not just whole, but greatly enhanced.

Thank you very much. Congratulations again, and good luck.