

MINUTES OF SPECIAL CONVOCATION

Ottawa – Wednesday, 12th July, 2006
9:30 a.m.

The Treasurer (Gavin MacKenzie), benchers and their guests proceeded to Southam Hall in the National Arts Centre for the Call to the Bar ceremonies of 219 candidates listed in the Report of the Professional Development, Competence and Admissions Committee.

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CONVOCATION WAS CALLED TO ORDER AT 9:30 A.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 Stuart MacKinnon.

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CONFERRING OF AN HONORARY DEGREE

Professor Vern Krishna, a representative of the Professional Development, Competence & Admissions Committee introduced the Doctoral candidate, Dr. Ed Ratushny and read the following citation:

“Treasurer, may I present to you and to this Convocation Ed Ratushny, C.M., Q.C., S.J.D. and request that you confer upon him the degree of Doctor of Laws, *honoris causa*.

The legal profession is a noble, learned and honorable profession with a passionate dedication to justice. Entry to its membership comes with a two-fold obligation – to provide rigorous, disciplined advice and to serve the public as the occasion may require.

Over his eminent legal career, which has spanned more than forty years, Ed Ratushny has worked tirelessly to fulfill his professional obligations.

He is a distinguished legal scholar and professor with an impressive, if not enviable, academic background. He has worked assiduously through his speeches and writings to improve the legal and justice system and through his lectures to educate, challenge and inspire the future generations of the profession.

Ed Ratushny has further applied his abilities to serve his country and society in a number of capacities and ways. He has worked for and in government advising on complex constitutional and administrative law issues and as an adjudicator in human rights, labour and sports cases.

Ed Ratushny has devoted his professional life to performing in the finest traditions of the Bar and in doing so provides a role model and source of inspiration to those who follow him.

He 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 Dr. Ratushny to the degree of Doctor of Laws, *honoris causa*.

Dr. Ratushny then addressed the candidates and their guests.

“The prolific British author, G.K. Chesterton, was called to serve on a criminal jury and then wrote an essay about his experience. That was a time when capital punishment was still administered. In the essay, he said:

Now it is a terrible business to mark a man out for the vengeance of men. But it is a thing to which a man can grow accustomed, as he can to other terrible things... And the horrible thing about all legal officials, even the best, about all judges, magistrates, barristers, detectives, and policemen, is not that they are wicked (some of them are good), not that they are stupid (several of them are quite intelligent), it is simply that they have got used to it.

Strictly they do not see the prisoner in the dock; all they see is the usual man in the usual place. They do not see the awful court of judgment they only see their own workshop.

(As an aside, I would say this is pretty good circumstantial evidence that there weren't too many women in the criminal justice system in those days.)

But the message I want to convey to you is the importance of us seeing beyond “our own workshop” over the course of our legal careers.

Our legal training teaches us to critically analyze facts and to discard irrelevant facts and issues. We must avoid sentiment and be objective in our analysis. But there is a danger that this clinical approach, combined with workplace pressures, may affect our human relations in dealing with clients and others who enter our “workshop”.

Early in my legal career, I was appointed by the Minister of Justice of Canada as the first Special Advisor on Judicial Affairs. The responsibilities included recommending names of lawyers for appointment to judicial vacancies in all of the superior courts. This, in turn, required consultations with provincial attorneys general, chief justices and other judges and lawyers. I must confess it was a most enjoyable experience as I suddenly became extremely popular in the legal profession throughout Canada. Lawyers knew that if they were to become a judge, the first call would be from me asking if they would be prepared to let their name stand for appointment. It was a rather idyllic time in my legal career when lawyers went out of their way to be available to take my calls and, if unavailable, to return them very promptly.

But my point is to tell you about the consultations I conducted, always in private and always under the condition of strict confidentiality. At first, I was rather surprised that,

when assessing lawyers, the comments were very seldom about legal brilliance or a lawyer winning big cases against great odds. These attorneys general, judges and leaders of the bar inevitably assessed other lawyers on the basis of human qualities:

Fairness; Common Sense; Diligence; Honesty; Decency.

Such human qualities only emerge in the context of dealing with other people and they do not emerge because of singular incidents. They are acquired incrementally over many years and over hundreds and even thousands of personal interactions. And layer by layer, they ultimately form our "Reputation". And your Reputation will be the most important achievement of your legal career.

I will close with one specific example to illustrate what I am attempting to convey. As you know, the criminal courts, in particular, are faced with great time pressures to move cases along without delay and to accommodate over-burdened dockets. My example arises out of a sentencing in a murder case. Two police officers were assigned to look after the families of the victims during the trial. After the case was completed, the police officers took the unusual step of writing to the trial judge. This is what they said:

Your Honour

Julie and myself just wanted to let you know how impressed we were in the way you handled the sentencing at the Kurd trial. As you can appreciate especially with this trial the family has dealt with a lot of ups and downs. They never verbalized it but it was evident that they felt the trial would never end and that they were the forgotten ones not allowed input. This however changed after the plea and sentencing. The family of the deceased commented how they were made to feel that the court actually listened to what they had to say, they felt that they were involved.

On a personal note we would like to thank you for the way you dealt with the mother and father in-law of the deceased. Shortly after the murder they came to Canada as their daughter had very little support. They left a 10 year old son at home and have not seen him since. They have been a great support for Bassima and Nour throughout this ordeal. Although not aware of the Canadian laws, and having a language barrier they have greatly assisted in keeping the family together. They have both sat through the proceedings as support but have understood little of what was taking place. How you permitted them to sit in the witness stand and have their impact statements read to them in Arabic allowed them to feel involved and allowed some closure. The time you took to look at the pictures of Nour, along with the comments made meant a great deal to the mother-in-law. She is so proud of this little girl and in the eyes of a grandmother your actions made her the unforgotten one. We applaud you for this.

I guess what we are saying is that most times the criminal court process is very cold and leaves the family of victims with an emptiness. Although a very difficult situation your professionalism and compassion made things a lot easier and assisted one large family with the healing process. They now have a little piece of closure due to your actions.

Again thank you for permitting a personal touch in such a regimented structure.

What did the judge actually do in this case?

Firstly, the judge took the initiative to have the Victim Impact Statement read in Arabic rather than in the English translation so that the Witnesses could actually experience the telling of the consequences of the crime in court.

Secondly, the judge carefully examined the photographs of the Witness's young granddaughter, and she commented. What did she say? What do you say to a proud grandmother? Perhaps, "What a beautiful child", "She has lovely eyes", "What a sweet smile". The words are not as important as conveying genuine interest and sincerity.

What is significant is that these simple acts were enough to cause two experienced police officers, who have probably "seen it all", to convey how important these acts were to a family that was living through a terrible tragedy.

In your legal careers, I encourage you to look beyond your "usual workshop" for simple opportunities to treat others with dignity, respect and kindness. If you do, you will have an excellent reputation and a successful and satisfying career."

CALL TO THE BAR

Ms. Anne Marie Doyle, Dr. Richard Filion, Ms. Joanne St. Lewis and Mr. Bradley Wright presented to the Treasurer the 219 candidates for the Call to the Bar.

219 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.

The Treasurer addressed the new Barristers.

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 Madam Justice Monique Métivier, Regional Senior Judge, East Region, Superior Court of Justice, presiding.

The candidates were presented to Madam Justice Métivier 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 Métivier then addressed the new Barristers and Solicitors.

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At the conclusion of the formal proceedings the new Barristers and their guests were received by the Treasurer and benchers in the Southam Hall Lobby.

Confirmed in Convocation this 28th day of September, 2006.

Treasurer