

## MINUTES OF SPECIAL CONVOCATION

Toronto – Thursday, 20<sup>th</sup> July, 2006  
2:30 p.m.

Prior to Convocation, the Treasurer (Gavin MacKenzie) and benchers held a reception and luncheon for their guests at Osgoode Hall.

Following the luncheon, the Treasurer, benchers and their guests proceeded to Roy Thomson Hall for the Call to the Bar ceremonies of 281 candidates listed in the Report of the Professional Development, Competence and Admissions Committee.

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## CONVOCATION WAS CALLED TO ORDER AT 2:30 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 Morgan.

CONFERRING OF AN HONORARY DEGREE

Ms. Laurie Pawlitza, Chair of the Professional Development, Competence and Admissions Committee introduced the Doctoral candidate Diana Margaret Majury, and read the following citation:

“Treasurer, may I present to you and to this Convocation Diana Margaret Majury, B.A., LL.B., LL.M., S.J.D., and request that you confer upon her the degree of Doctor of Laws, *honoris causa*.

Like so many other young idealists of the 1970s, Diana Majury went to law school in order to acquire the tools to change the world. While her idealism may have been tempered with pragmatism, her commitment to social justice has remained unwavering throughout her career.

A professor in the Department of Law at Carleton University, she has written extensively in the area of women’s rights with particular focus on equality, sexual identity, women’s health and disability issues. Recently, she was chosen by the Minister of Health and Long Term Care to create a vision for research in women’s health for Ontario and to implement a Women’s Health Institute for the Province.

Diana Majury works tirelessly to support other feminists. She is deeply committed to building and sustaining the feminist community both inside and outside of law.

One of the founding mothers of the Women’s Legal Education and Action Fund (LEAF), she is also an active member of the National Association of Women and Law and the recipient of the Augusta Stowe-Gullen Medal.

Diana Majury is a source of inspiration for those who follow in her footsteps.

She is deserving of the highest honour this Society can give and I request you, Sir, to confer upon her the degree of Doctor of Laws, *honoris causa*.”

The Treasurer admitted Ms Majury to the degree of Doctor of Laws, *honoris causa*.

Ms. Majury then addressed the candidates and their guests.

“Thank you Laurie for those kind and generous words.

Mr. Treasurer, honourable benchers – thank you for this amazing honour.

I want to offer my heart-felt congratulations and a warm welcome to you new lawyers ... and to your families and friends.

I feel extremely honoured and a lot overwhelmed to be here speaking to you today. And I feel very proud – not just for myself –although I have to confess I do feel that too – but I feel proud to be a part of the Law Society of Upper Canada and what today represents to me about the Law Society. I stand before you this afternoon as a human rights and equality activist and as a feminist and a lesbian. And I am being honoured today – not despite those things – but because of them. It is because of my feminism and my lesbian activism that I am being honoured and that makes me very proud. In honouring me, the work and lives of many others are also being honoured. We honour the front line feminists upon whose hard and courageous work my more removed work totally depends. These are the women who work tirelessly and relentlessly to end violence against women, to ensure that women’s reproductive rights are protected, and who hold us to the equality aspirations of feminism that include fighting racism, ablism, homophobia and classism, as well sexism. We honour the work of lesbians who want to make it safe and positive for young women and young men to be who they are in terms of their sexuality and their identity. In honouring me as a lesbian feminist activist, the Law Society is affirming its commitment to equality and affirming to you as new lawyers the importance of equality as a principle and as an aspiration in all of the work that you do.

In my few minutes speaking with you this afternoon, I want to talk about equality because I cant imagine another topic more appropriate or more worthy of this special occasion. Because equality is of course not just about section 15 of the Charter; it is about everyday life – how you treat your colleagues and your staff; how you react when someone makes a racist joke, how you talk to a person who is deaf, how you respond to a homophobic slur. It is about who you are as a lawyer and as a person.

And today, I am letting my law and literature self come to the fore by invoking the childhood classic of the Wizard of Oz. I think that story points to the qualities – brains, heart, courage and community – needed to pursue the equality path.

Some of you will feel like you have just come through the tornado of law school and articling, transporting you to the foreign land of law. Articling is/was for most of us a tornado time – a time of uncertainty, permeated by a fear of failure, and overshadowed

by the feeling that one has somehow attained this place fraudulently. I have to tell you – for some of us those feelings never go away. Today, I most definitely have the feeling that I am here by some terrible mistake and that I will be yanked off the podium at any second. But you have survived the articling tornado and hopefully have learned the classic lesson of the tin man, the scarecrow and the lion – that what you need in order to do the job is already within you – you had the knowledge the experience and the chutzpah you needed.

But hopefully that experience also taught you that uncertainty, fear of failure and feeling like a fraud can be positive and expansive attributes rather than containing or constraining barriers. These are attributes that will keep you open and nonjudgemental, that will protect you against absolutisms and arrogance. Equality work is uncomfortable work, full of uncertainty, questions and wrong turns. First Nations Judge Mary Ellen Turpel describes what is needed to do the hard work of equality:

“A situation of ... difference should be and must be a situation of not knowing which direction to go, a situation involving choices about reasoning that may not be defensible or acceptable. It involves episodes of undecidability, self-judgement and uncertainty. It would involve the imperative of admitting mistakes and recognizing ignorance, not as a knowledge gap to be filled but as an opportunity for loosening or shifting the paradigm.”

And as we progress along this uncertain equality path, we, like Dorothy, encounter the need for brains, for heart and for courage.

Brains: Presumably, having gotten this far, you have the basic brains needed for the practice of law. But the brains needed to further equality are more sophisticated. You will need insight and creativity – brains that enable you to see through the systemic inequalities that are hard for many of us to recognize because they are so engrained into our daily lives and into our institutions. You will need the vision to enable you to imagine new ways of being and doing, to imagine a world where peace and equality prevail and to uncover the ways to get us there or at least to head us in the right direction. These need to be agile, flexible brains capable of what Mari Matsuda calls multiple consciousness and what Patricia Williams calls multivalent ways of seeing, that is being able and willing to recognize and engage with multiple perspectives, most importantly the perspective of the oppressed. It is not easy to step out of our own tunnel vision but it is key to doing equality.

In addition to brains you will need a heart, an open heart that will enable you to embrace and celebrate difference and diversity. It will need to be a Janus heart that looks both inward and outward simultaneously to recognize that difference is a comparative concept, meaning that we are all equally different from each other. It is not that some of us are different and others are not. This heart is not defensive or retributive. It will be a heart that never simply accepts the story as told, but is willing to rethink the stories it has taken as its own. Even the story I am relying on here, the story of Oz, comes under scrutiny requiring us to reconsider the characterization of the witch of the west as wicked. Was this witch we love to hate really wicked and if so what made her so? The equality heart is a heart that questions all ascriptions of evil, asking what factors create the evils that we decry and what is our role in creating those factors. Not to deny the west witch's responsibility for her evil deeds but to take responsibility for our part in who

she is, who she became, to recognize her actions as in Matsuda's words, part of "a web of cause that comes home always." This is the open, connected heart we need.

But brains and heart are not enough. We need the lion's courage to make any real progress on the equality path. We need courage to forge ahead in the direction that our brain and heart lead us. We need courage to stand up against the inequalities and injustices that we see. Bonnie Robichaud had that courage when she fought against sexual harassment all the way to the SCC. Judge Corrine Sparks, and then lawyer now judge, Anne Derrick had that courage when each of them named racism as a factor in the police treatment of young black youths. The Chinese Canadian National Council and their lawyers had that courage when they laid a complaint with the judicial council about the anti-Chinese comments made by a court of appeal judge in the Chinese redress head tax case. There are lots of inspirational examples of courage in law – but these courageous people who become the heroes of history are often in their own day seen as troublemakers, as rabid radicals, as agitators. They are criticized and ostracized for standing up for equality and social justice. And that is where all of us come in – we need to have the courage to stand beside the agitators, to publicly (not just among the safety of like minded people) support them. This is what Patricia Williams speaks of when she describes "the boundary crossing from safe circle into wilderness... The willingness to spoil a good party and break an encompassing circle, to travel from the safe to the unsafe. It is the courage to realize something beyond bounds."

So we need all three – brains, heart, courage, and we need Dorothy as the catalyst that brings them all together. And that is the final message from Oz that I want to invoke this afternoon – the message of community, the importance of doing things together – of learning from each other, challenging each other, and supporting each other in the quest for equality. Even the wizard of Oz turns out to be just a regular guy who needs the help and support of others to get back home. Working with others is one of the great joys and challenges of equality work. All of the most interesting and stimulating times of my legal career have been working with others – sitting around a LEAF table discussing/arguing/coming to agreement on how to frame an intersectional equality argument or sitting with a NAWL committee sorting through a position on same sex marriage that respects our divergent views on marriage while steering clear of a homophobic denial of rights. If those of us advocating equality cannot work through and with our differences with our passion, conviction and integrity in tact, then equality is the mirage that some say it is. But I see equality as an aspiration, an aspiration that all of us as lawyers can participate in and contribute to. The equality path is not an easy one -- like Dorothy's yellow brick road, it is full of challenges and hurdles and complexity, uncertainty and fear – but it is an exciting and rewarding path.

So for you graduands, I wish the following as you go forth on your legal careers: -- the adventurous and indomitable community spirit of Dorothy, the creative brain of the scarecrow, the open heart of the tin man and the risk-taking courage of the lion. And I wish for all of us a better, more equal world that we have all joyously participated in creating.

Thank you."

CALL TO THE BAR

Ms. Andrea Alexander, Ms. Judith Potter, Ms. Joanne St. Lewis and Mr. Gerald Swaye presented to the Treasurer the 281 candidates for the Call to the Bar.

## 281 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 The Honourable Justice Marvin A. Catzman, Court of Appeal for Ontario, presiding.

The candidates were presented to Justice Catzman before whom they took the Oath of Allegiance, Barristers Oath and Solicitors Oath and acknowledged their signatures on the Rolls in the presence of the Court.

Justice Catzman then addressed the new Barristers and Solicitors.

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At the conclusion of the formal proceedings, the Treasurer, benchers and guests returned to Osgoode Hall.

Confirmed in Convocation this 28<sup>th</sup> day of September, 2006.

Treasurer