

## MINUTES OF SPECIAL CONVOCATION

Toronto – Friday, 21<sup>st</sup> July, 2006  
9:00 p.m.

The Treasurer (Gavin MacKenzie), benchers and their guests proceeded to the auditorium at Roy Thomson Hall for the Call to the Bar ceremonies of 279 candidates listed in the Report of the Professional Development, Competence and Admissions Committee.

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## CONVOCATION WAS CALLED TO ORDER AT 9:00 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 Gail Morgan.

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CONFERRING OF AN HONORARY DEGREE

Mr. Julian Porter, a representative of the Professional Development, Competence and Admissions Committee introduced the Doctoral candidate The Honourable Patrick J. LeSage, and read the following citation:

“Treasurer, may I present to you and to this Convocation The Honourable Patrick J. LeSage, Q.C. and request that you confer upon him the degree of Doctor of Laws, *honoris causa*.

Patrick LeSage has had a long and distinguished legal career. Known for his intelligence and his humility he is a born leader who inspires confidence and loyalty.

Called to the Bar in 1963, he originally intended to practise tax law in Eastern Ontario. Instead, he accepted a position as an assistant crown attorney in Toronto rising, in just nine years, to the position of Ontario Director of Crown Attorneys.

In 1975, Patrick LeSage was appointed to the County and District Court. His patience, common sense, and ability to listen, quickly earned him the respect of his judicial colleagues.

Spanning more than twenty-nine years, his judicial career culminated in his appointment as Chief Justice of what is now the Superior Court of Justice. During those years he presided over some of Canada’s most complex and high profile cases.

In 2002, he returned to the practice of law. He chairs commissions of inquiry and sits as a member of the Ontario Securities Commission.

Patrick LeSage genuinely cares about the public he has served for more than forty years. Throughout his career he has treated everyone with dignity and impartiality and has endeavoured to improve access to the justice in this country.

He is most 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 The Honourable Patrick J. LeSage to the degree of Doctor of Laws, *honoris causa*.

Mr. LeSage then addressed the candidates and their guests.

“Chair/Treasurer, Chief Justice McMurtry, Judiciary, Bencher Julian Porter, Benchers, Honoured and Distinguished guests, and most importantly, you, the new graduate lawyers, friends and family. This is an exciting day for each of you. This is also a day of excitement, pride, honour, gratitude and “oh my God, it finally happened” for spouses, partners, parents, siblings, children as well as your close friends who have nurtured you, watched you, encouraged you, so that this wonderful day could come to fruition. As proud as each of you who will be called today is, of your achievements, I know those supportive persons to whom I have referred, are equally proud and justifiably so – they have been an important component of that achievement.

You will remember this day, probably for the rest of your lives. Experience tells me, however, you will not remember who the doctoral candidate was; let alone what he said. For that reason, I will keep my remarks relatively brief. But for a lawyer, whose experience has been as a litigator, that is difficult.

In preparation for these comments, I came across a retirement letter written by the Honourable Justice Lawrence Pennell (from Brantford Ontario) when he retired as a judge some 20 years ago. There was something in that letter that caught my attention and I thought you, too, might find it of some interest. He referred to the law as:

“... that around which there clings an aura of reverence for the eternal principles of right and justice; of all the fair and good things addressed to the human spirit that I have learned during my sojourn under its roof; and above all, of the precious privilege .... over the years to work with those whose questing minds and spirits blaze new trails and tread the ancient paths of the law to make the law a more fit instrument of justice.”

His comments caused me to think of Sir Thomas More, a Lord Chancellor in the 16th Century. Throughout his life he was dedicated to upholding the twin objectives of perfect justice as an ideal; and the rule of law as a means of its achievement. This duality he believed to be at the heart of the renaissance view of life, which, in the 16th Century, was giving birth to European western civilization as we know it.

More was an extraordinarily successful politician and a judge who strived to shape often imperfect law to the goal of perfect justice.

More was, above all, a practical man, a pragmatist and a consensus maker. His career exemplifies the fact that there are few, if any, moral absolutes in either politics or the law. He was a powerful advocate, a legal scholar, a writer of distinction, an ambassador, and finally, as I mentioned, Lord Chancellor.

More was associated with certain policies of the King that he opposed on personal principle. Nonetheless, he was largely able to accommodate his differences and usually able to find his way through the complexities, not simply in order to keep his august position, but, more importantly, because he recognized that without adherence to the law, no civilized society would long survive.

He recognized that the rule of law, even when it fails to achieve perfect justice - and fail it inevitably will - has a value all of its own as the cement of human institutions designed to achieve a civilized and humane world.

So when our fellow citizens say to us, as they often do, "is there no justice" the answer surely is, what there is ... all there is ... is law - a process devised by fallible men and women who work by their human hands ... but in the end the law and its process is as imperfect as life itself ... an imperfect mirror of an ideal.

And thus the real question becomes, not "is this perfect justice," but, rather, "can we do better?"

What should be our response when law produces a result that for some, seems less, and often is less, than justice?

We must begin with the recognition that no civilized man or woman would seek to live out their lives without developing a series of moral imperatives as a guide to conduct. But it will often happen, indeed it has been the history of humankind, that one's moral imperatives, one's sense of justice, may not be reflected in the law or the legal process adopted by the society of which we are members. It may – undoubtedly will – happen from time to time that the democratic process in a pluralistic society will not permit our own moral views to be reflected in law. Every generation and every culture has its examples of such dilemmas. For some, particularly those of my generation - capital punishment posed such a dilemma. For you, for those of your generation, the controversial issues are different, as they will be again for the generation that comes after you.

What do we do if our own moral views, upon which our concept of life is firmly grounded, are not reflected in law or process? What then? Do we opt out of the rule of law? Do we indulge in civil disobedience? Do we take to the barricades? Do we take the matter, the law, into our own hands?

More was faced with just such a dilemma, the precise issue doesn't matter, but even then, when his life was on the line, he would not dishonour the law. All he did was simply refuse the demand of the King.

The lesson that we might take from this is, adherence to law, which we are sworn to uphold, may from time to time prove a serious impediment in the pursuit of a "morally correct" solution to social problems. Yet we must remain committed to law and its rule because we know that the benefits of this system far outweigh its cost. We must be

mindful of arbitrariness, be it by the state or by others, because we know from experience of the terrible injustice that can be perpetrated by those armed with such power, intent on pursuing their “right answers.” We must maintain and enforce all laws, even those we find morally incorrect. This is reflected in the distinction that Thomas More draws between the laws of God and the laws of man.

Politics and law in a democracy must reflect a compromise between many competing and conflicting views rather than the dictates of a faction ... small or large ... rich or powerful.

Our challenge is to continue to strive towards perfect justice within an imperfect system in order to provide the best justice we can to the public we have all sworn to serve. Perfect justice should be always within us as a great yearning. It may be unattainable, but it is a noble pursuit and calling and one worth nurturing throughout our professional lives.

When you look for role models for your professional lives, as surely you will – you can find no finer example of role models than those that surround me on this dais, and although all luminaries, I must specially refer to my long time friend Chief Justice McMurtry, one who has contributed so immensely to society – municipally – provincially – nationally and internationally as a lawyer, a politician and a judge – truly a “man for all seasons.”

Thank you for affording me this privilege of speaking to you. My most sincere hope for all of you is that you enjoy, and find as satisfying and gratifying, your career as I have mine. You embark on a career of service to others. May you do yourselves, your families, and the profession, proud – always maintaining your faith in the rule of law by serving your clients with integrity, wisdom, skill and compassion. Enjoy the journey.”

### CALL TO THE BAR

Mr. Gary Gottlieb, Ms. Laurie Pawlitzka, Ms. Joanne St. Lewis and Mr. Gerald Swaye presented to the Treasurer the 279 candidates for the Call to the Bar as follows:

### 279 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 R. Roy McMurtry, Chief Justice of Ontario, Court of Appeal for Ontario, presiding.

The candidates were presented to Chief Justice McMurtry 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.

Chief Justice McMurtry then addressed the new Barristers and Solicitors.

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At the conclusion of the formal proceedings, the Treasurer and benchers held a reception and luncheon for their guests at Osgoode Hall.

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

Treasurer