

**Address Delivered by The Honourable Justice Frank N. Marrocco
at the Call to the Bar Ceremony, June 19, 2008
Roy Thomson Hall**

Treasurer, Regional Senior Justice Then, Madam Justice Himel, Benchers, Justice Mandamin, Esteemed Platform Guests,

I am deeply honoured by this award and I thank the Treasurer and Convocation for a citation that so very generously acknowledged a legal career that was fully lived and truly loved.

I now have the great privilege of speaking to you, the class of 2008, as you embark on that career. After more than 35 years, I could make **any** number of observations about the practice of law. But the few thoughts that I'm about to offer you, I offer with a sense of humility – humility tinged with a certain trepidation.

You see – I remember vividly what it felt like to be called to the Bar. I was the first person in my family to become a lawyer. I remember the beaming faces of my parents and of my wife. I remember the congratulations from and to my classmates...

But I can't for the life of me remember the name of the honoree who spoke to our class. Nor do I remember a single word he said to us. *I do remember that he was a he.*

Acknowledging that reality, I offer you today the observations of a witness – think of it as a testimony of sorts – a testimony that represents my personal take on what it means to be a practising member of our profession.

In preparing to practise law, you have all engaged in a process that is usually referred to as legal training. But I think a better word is formation. It's a legal formation that invariably leads to transformation. From the first moment that you begin to study law, you never look at a problem the same way again. And while this transformation may be a

gradual process, the end result is a liberating experience. There comes that moment when suddenly you realize that institutions and offices are no longer intimidating. Rather – they are subject to laws and you have the knowledge to appreciate what those laws are and the training to know how to make them work.

This notion *process* is captured in the first reference to legal formation *training* that I could find. In 1292, King Edward the First, issued a proclamation to the Chief Justice of that time, Chief Justice Meetingham, which enjoined him to "provide and ordain, at his discretion, from every county, the better, worthier more promising students and those so chosen and no others should follow the court and take part in its business."

The notion that those chosen should be **ordained** to follow the court and take part in its business in my mind carries with it the idea of a calling, a vocation. Indeed, we describe today's ceremony as "A Call to the Bar"

But what of this calling? What is it that we are supposed to answer?

I do not have a facile response to that question, but I do think both the question and the answer are fundamental.

And I make the obvious collateral observation that you begin to compose your answer today, not later on when you are established, when your children are grown up if you have a family, or when your house is paid for. If you postpone composing your account of yourself until those things come to pass, you may find that you have no time left to write anything.

A Calling or Vocation is NEVER JUST about making money. Don't get me wrong. Making money is a basic component of any professional activity. Many of you have debts to pay. Many of you have family obligations. I am not a fool and neither are you; we both know that those obligations have to be taken care of.

But despite that, I think it's easy enough to see what I mean. Fast-forward 40 years. Now it's you who are being asked to "testify" about your professional life. Picture, along with the family and friends who are with you today, all the loved ones you have yet to meet: partners, children, even grandchildren – will they be proud of the person whose testimony *account* begins and ends with a litany of billable hours?

So the question is really: how will you spend your hours?

The essence of that question was captured, I think, by Dame Freya Madeleine Stark, DBE. She was born in Paris in 1893. She became famous as a cartographer of the Middle East and a successful writer. She wrote about her experiences in the Middle East. She was not only one of the first Western women to travel through the Arabian deserts but she traveled alone into areas where few Europeans let alone European women had ever been.

In her autobiography she makes this comment, "**There can be no happiness if the things we believe in are different from the things we do**".

It seems to me that the challenge is two-fold. Firstly, how do you in fact achieve an integration of the two things, that is: what you do and what you believe in? And secondly, how do you avoid the danger of getting distracted?

The answer to the first question could be on a selective basis to provide your services to someone who needs it, regardless of their ability to pay. You cannot do it all the time. But you can do it some of the time. And you don't have to become Atticus Finch – hero and martyr – in order to do that.

In our community today, there are a significant number of community agencies that are beneath the radar of established community organizations. These community organizations struggle from year-to-year to survive; they try desperately to reach people who are in the most compelling circumstances. If you are going to be a solicitor, adopt one; take *one* of them on as a client. Use your gift of a legal education for their benefit.

If your tastes are more established, take an interest in organizations like Pro Bono Law Ontario and see if there is a project they are doing that you can participate in.

If you want a more global, human rights oriented approach and your personal circumstances permit, look to organizations like "Lawyers without Borders" and see if you can find a way to be useful.

I think this idea was fundamental to the law which created the Law Society in Upper Canada in 1797. This law, "An Act **for Better** Regulating the Practice of Law", declared that the purpose of the Law Society was "to secure to the province and the profession a learned and honourable body to assist their fellow subjects as the occasion may require."

I think when we assist from time to time, as the occasion requires, we are just being consistent with the purpose for which we were created, as defined by the law that created us.

I **do believe** that it's important that we live up to our end of the deal – the deal that our profession, **as of today yours and mine**, made with the people of Ontario in 1797 – "to assist, our fellow citizens, as the occasion requires". It clearly was a deal because in 1797, just the same as in 1292, only those chosen could participate. Whenever our society has created a monopoly, it has always insisted that the monopoly serve the public interest. It usually established a public body to supervise. The exception is ours. We in the legal profession were given the privilege of supervising ourselves. With such a rare privilege comes an even greater obligation.

As I see it, if each person, throughout their professional life, contributes, according to their beliefs and their abilities, then collectively, our profession lives up to its responsibility.

As for the second question – how to avoid getting “distracted” – that’s a tough one. I think you can get distracted in two ways. First, you can let the everyday realities consume you – all the the pressures and stresses of practising law. The tasks and the deadlines and all the minutiae that take away your minutes and your hours. The second way you get

distracted is more insidious and occurs when you are confronted by setbacks or defeats – some of them resulting from circumstances beyond your control but some – and these are the worst – resulting from your own errors in judgment. When that happens, self doubt takes up more space in your mind than it should and you resolve to change. Change under those circumstances is **not** always for the better.

Today is a good antidote for that. My hope is that you will remember this day to end of your days. That you will remember not only the day but **also the person who celebrated** it. That person sat here today having achieved a success. That person sat here today enjoying the respect and love of family and friends. Ask that person today what he or she believes in. Remember the answer. Have faith in that person. We all do.

Finally, and this is in a little different vein. You are here today with the most important people in your life. Wherever they are 40 years from now, I believe that if you are able to say to them **I found a way, to make what I believe what I did**, they will be as proud of you then, as they are right now.

Welcome to a learned and honourable profession.

Treasurer , Benchers, thank you again for this singular honour;

Candidates, family and friends of the candidates, thank you for your attention.