

**Address Delivered by The Honourable Vibert A. Lampkin  
at the Call to the Bar Ceremony, June 20, 2008  
Roy Thomson Hall**

Mr. Treasurer, Chief Justice Winkler, Chief Justice Smith, Chief Justice Bonkalo, Your Honours, Honourable Consul General, Mr. Attorney, Benchers, new graduates about to be admitted to the Bar, ladies and gentlemen:

First of all I wish to thank the Law Society and the Benchers for bestowing this signal honour upon me. It is an honour, which I accept with deep humility and with the full knowledge that there are so many, much more worthy than I, to be so honoured. It is also an honour which is to be shared with others, too many to mention.

In a letter to me dated March 18, 2008 Treasurer MacKenzie in sending greetings to me on my then forthcoming retirement from the Bench, wrote *inter alia*:

‘You have made enormous contributions to the administration of justice over the course of your judicial career and the Law Society and its 38,000 members are indebted to you’.

Let me say Sir that I am the one who is indebted to The Law Society and its members. Indeed, my debt goes much further than that. I am indebted to Canada and the Province of Ontario that saw fit to admit me and my wife as immigrants in July 1967. I am indebted to my principal, the late Joseph Rosenfeld Q.C., for accepting me as an articling student within a month of my arrival on the strength of one interview even though his firm already had its complement of articling students for the year. I am indebted to The Law Society for accepting me as a student member in the Bar Admission Course although I had done none of my legal studies in Canada. I am indebted to Honourable R. Roy McMurtry, Q.C., who as Attorney General of the Province recommended my appointment to the Bench in September 1982. I am indebted to all those lawyers who appeared before me whether as Crown Counsel or from the Defence Bar, lawyers who

taught me much more than I was able to impart to them. This honour is to be shared with all of them and many more.

But today is not about me. It is about all these young people – and I say ‘young’ advisably, because anyone younger than my age of seventy-five is ‘young’- eagerly waiting to be called to the Bar and be admitted as Solicitors. You have travelled the course. You have applied yourselves diligently to the task. You have worked hard to reach this point. You, each and every one of you and your families must be congratulated on your achievement.

But, as you know, your work is not done. This is just the beginning. In fact, you have just got your foot in the door. Now you have to enter the room and put into practice what you have learned over the years.

When you take that oath of office and you are called to the Bar and admitted as a Solicitor you will become a member of one of the oldest and noblest professions known to man. Your best days are ahead of you.

Not all of you will practice as Barristers, advocating your clients’ causes in court. Not all of you will practice as Solicitors, drafting complicated wills and completing intricate real estate transactions and business negotiations on behalf of clients.

Law has always been regarded in the British Commonwealth of which Canada is a member and even in the United States – which started life as a British colony and was such until 1776 – as a good foundation for other endeavours. Legal qualifications are highly valued not only for knowledge of the law but also for transferable skills that come with the study of law. The field is wide open and there is always room at the top.

Some of you may wish to go into politics. A look at the history of Canada shows that the very first Prime Minister of Canada, Sir John A. Macdonald, Q.C., was a lawyer. Rather surprisingly, Sir John began his legal career at the age of 15 when he had to leave school

and start work to assist his family because his father's business was failing. He successfully passed an entrance examination set by The Law Society of Upper Canada. As you know, there were no law schools in those days and prospective lawyers learned the business on the job by being articled to an established lawyer – just as they are today except in those days it was for a much longer period. He became articled to George Mackenzie, a successful lawyer in Kingston, in 1830. At the age of 17, he was managing a branch office for his principal in Napanee. He was not called to the bar until February 1836.

And so it has been through the ages. You could reel off some other Prime Ministers who have been lawyers: William Lyon Mackenzie King, Pierre Elliot Trudeau, Brian Mulroney, Jean Chretien, and Paul Martin, to name a few.

Lawyers have also been most prominent in provincial politics – John Robarts, William Davis, Bob Rae, and Dalton McGuinty. As well as municipal politics – Mayor David Miller.

Some of you may wish to enter other areas of public service. Lawyers are always needed on public commissions such as the Ontario Securities Commission or the Human Rights Commission.

Some may think of entering the diplomatic service. No better example could be found than Honourable R. Roy McMurtry, Q.C. Like so many others, he was in practice before he entered politics during which period of his life, as Attorney General of the Province, he was one of the architects of the Canadian Charter of Rights and Freedoms. Then he became a diplomat and was appointed as Canada's Ambassador to the Court of St. James, and subsequently crowned his career when he was appointed Chief Justice of the Province.

Some of you may think of a career in the commercial or financial professions where a legal background is very useful. Paul Martin was a lawyer and a successful businessman long before he entered politics.

But many of you, I suspect, will wish to practice law as a profession, either as barristers or solicitors. There are a few ideas I would like to leave with you – and these are equally applicable in whatever field you turn your steps – whether it be to politics, business or the practice of law, because they are lessons of life. You will now be “Ladies and Gentlemen of the Law” and your conduct must be such as to have earned that title.

First and foremost, you must be honest and truthful in all your dealings. With the court. With your fellow lawyers, including those in opposition to you. With your clients. They must always be able to rely on your word. Your reputation will depend not only on your ability as a lawyer, important as that is, but also on your good name. This is what Shakespeare had to say about the loss of one’s good name speaking through Iago in Othello:

Good name in man and woman, dear my lord,  
Is the immediate jewel of their souls:  
Who steals my purse steals trash; ‘tis something, nothing;  
‘Twas mine, ‘tis his, and has been slave to thousands;  
But he that filches from me my good name,  
Robs me of that which not enriches him,  
And makes me poor indeed.’

You must treat everyone with courtesy and civility. Live by Newton’s third law of motion: ‘To every action there is an equal and opposite reaction’. That is as true of life as it is of mathematics. If you treat someone with courtesy and respect, you will similarly be treated with courtesy and respect.

Some of you will undoubtedly be judges. It is just as important for a judge to be courteous and civil as the following story shows. Rufus Isaacs, Q.C., was the first Jewish

Attorney General of England. He subsequently became Lord Reading, the first Jewish Lord Chief Justice of England. He was appearing as counsel before a rude and discourteous Judge who did not agree with his submissions. They were probably way above his head. Rufus Isaacs was a short little man. The Judge was the essence of rudeness. The Judge said:

“Oh, Mr. Isaacs. You are so small that I feel I could reach down and put you in my pocket”.

Back came the reply from Isaacs:

“And if Your Lordship were to do that, Your Lordship would have more brains in your pocket than you presently have in your head”.

Action and reaction are equal and opposite. The rudeness of the Judge was an invitation to Counsel to be rude in reply.

Keep up to date. When you receive your degree today, that is the best evidence that at this time you possess certain knowledge. It is no evidence that five years down the road you will be as knowledgeable. The law is a living tree. It is constantly growing, changing and developing whether by legislation or by decisions of the courts, to meet the challenges of the society that it serves. Continue your legal education by reading the law reports and attending the various seminars sponsored by the Law Society, the Canadian Bar Association, the Young Lawyers Association, The Advocates Society.

If you wish to practice as a Barrister, go to any court and watch the leaders of the profession at their work. It is perhaps the best way to learn and improve the art of examining and cross-examining a witness. This may also give you an insight into how particular judges approach the task with which they have to deal. Alan Gold will tell you that if you have a case to argue in court before a particular judge, you will be well advised to read some of his or her judgments before you get to the court.

He will tell you that if you fail to do that, you are probably guilty of negligence. Listen to the language the judge uses and try to understand how he or she thinks.

Do some reading beyond the law reports. Follow the lives of the great lawyers through the ages: from Cicero to Sir Lionel Luckhoo, Q.C., from Denning to Laskin and Dickson. You are bound to find a hero among them that you can emulate.

Be not afraid to put forward a novel argument if it is reasonable. The judge may accept your argument. Remember the comment of Denning, L.J., as he then was, in *Packer v. Packer* in 1954 in the Court of Appeal in England:

What is the argument on the other side?

Only this, that no case has been found in which it has been done before. That argument does not appeal to me in the least. If we never do anything which has not been done before, we shall never get anywhere. The rest of the world will go on whilst the law stands still and that will be bad for both.

Every breakthrough has been made by someone who did something that had not been done before. When Sir Alexander Fleming discovered penicillin by accident, he was the first person to stumble upon it. Two weeks ago, the world witnessed an event in the United States of America that had not been done before and which most of us believed we would never see in our lifetime. An African American, ‘a skinny kid with a funny sounding name’ – as he once described himself - and a woman were for the first time the nominee and the runner-up respectively of the Democratic National Party, a major political party, for the presidency of that country. It is perhaps no accident that they are both lawyers whose spouses are also lawyers. So don’t be afraid to try a new argument or a new strategy in your practice.

Finally, I can do no better than repeat the words of Shakespeare in Hamlet, speaking through Polonius to his son Laertes, as Laertes was about to leave Denmark to complete his studies in France. The advice contains important lessons although all of it is not to be taken literally. This is the advice Polonius gave to his son:

And these few precepts in thy memory  
Look thou character. Give thy thoughts no tongue,  
Nor any unproportion'd thought his act;  
Be thou familiar, but by no means vulgar;  
The friends thou hast, and their adoption tried,  
Grapple them to thy soul with hoops of steel;  
But do not dull thy palm with entertainment  
Of each new-hatch'd, unfledg'd comrade. Beware  
Of entrance to a quarrel, but being in,  
Bear't that th' opposed may beware of thee.  
Give every man thine ear, but few thy voice;  
Take each man's censure, but reserve thy judgment.  
Costly thy habit as thy purse can buy,  
But not express'd in fancy; rich, not gaudy;  
For the apparel oft proclaims the man,  
And they in France of the best rank and station  
Are most select and generous, chief in that.  
Neither a borrower, nor a lender be;  
For loan oft loses both itself and friend,  
And borrowing dulls the edge of husbandry.  
This above all; to thine own self be true,  
And it must follow, as the night the day,  
Thou canst not then be false to any man.

Now go forth and be the best lawyer you could be. And always remember that anything worth doing is worth doing well.

Good luck and best wishes to all of you.

*Vibert Lampkin*

**June 20, 2008**