

## MINUTES OF SPECIAL CONVOCATION

London – Monday, 15<sup>th</sup> June, 2009  
2:30 p.m.

Prior to Convocation, the Treasurer (W.A. Derry Millar) and benchers held a reception and luncheon for their guests at the London Convention Centre.

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Following the luncheon, the Treasurer, benchers and their guests proceeded to the auditorium for the Call to the Bar ceremonies of 99 candidates listed in the Report of the Director of Professional Development and Competence.

## 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 Denise Pelley.

The Treasurer welcomed the candidates and their guests.

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CONFERRING OF AN HONORARY DEGREE

Ms. Janet Minor, a representative of the Professional Development and Competence Committee introduced the Doctoral candidate the Honourable Sidney B. Linden and read the following citation:

“Treasurer, may I present to you and this Convocation Mr. Justice Sidney Linden and request that you confer upon him the degree of Doctor of Laws, *honoris causa*.

Called to the Bar of Ontario in 1966, Sidney Linden was in private practice until 1980, specializing in criminal and administrative law. From 1980 to 1985, he was the first Police Complaints Commissioner for Metropolitan Toronto and Chair of the Police Complaints Board. In 1985, he was selected as the first Executive Director of the Canadian Auto Workers Prepaid Legal Service Plan. In 1987, he was appointed as Ontario’s first Information and Privacy Commissioner and in 1990, Chief Justice of the Ontario Court of Justice. As Chief Justice, he reformed and modernized the court. From 1999 to 2003, he served as the first Chair of the Board of Legal Aid Ontario. In 2003, he was appointed Commissioner of the Ipperwash Inquiry. His report released in 2007, was hailed as a landmark report on Aboriginal, police and government relations. In 2007, he was appointed Ontario’s first Conflict of Interest Commissioner.

Mr. Justice Sidney Linden is an innovator and trailblazer. He is most deserving of this honour and I request you, Sir, to confer upon him the degree of Doctor of Laws, *honoris causa*.”

The Treasurer admitted the Honourable Sidney B. Linden to the degree of Doctor of Laws, *honoris causa*.

Mr. Justice Linden addressed the candidates and their guests.

“Mr. Treasurer, Honourable Justices, Benchers, new graduates, friends and family – thank you for that very kind introduction.

Today is a day of celebration, as all of you, our newest colleagues, after long years of study and sacrifice, are becoming members of a noble profession. I offer you my heartfelt congratulations and I’m honoured to share this proud moment with you and your families and friends. I’m truly honoured to receive this doctorate of law degree from the Law Society as recognition from one’s own profession is very gratifying.

I would like to acknowledge all the esteemed platform guests who are here today because each of them in their own way has made an important contribution to our profession and our society.

I would also like to acknowledge some of the members of my family who are here.

My father believed that everyone should have a legal education as preparation for life, and both he and my mother always encouraged us. Perhaps that explains why there are so many lawyers in our family. Apart from myself and my brother Allen, the distinguished torts professor, author and Justice of the Federal Court of Appeal, and counting spouses, my parents had 9 grandchildren who are lawyers. My eldest son is an architect and my father never stopped trying to convince him to go to law school, even after he graduated from architecture. If my mother and father were here today, they would be as proud of their family as we always were of them. My parents came to this country from Europe after the First World War, hoping for better opportunities for their children and grandchildren and theirs is a truly Canadian story.

The new graduates are the focus of attention today, and it’s probably true for many of them, as it was for me, that they would not have reached this day without the love, support, and encouragement of their families and friends. And so, I salute all of you on this wonderful occasion.

I believe that it is a great honour and a privilege to become a lawyer. I think you will find that your hard work and sacrifice have been worth while. You will have opportunities and options that would not otherwise have been available to you. You are at the very beginning of a great adventure, and you can’t possibly know where it will lead you. Some of you may have a good idea of where you would like to be in five or ten years, but most of you couldn’t possibly anticipate the twists and turns that await you. That was certainly the case for me. I remember my own call to the bar, 43 years ago, which took place at the O’Keefe Centre in Toronto. If someone would have suggested that the road would lead me to this day and this great honour, I would not have believed them. I was just worried about getting a job and paying back my student loans.

Some years ago when Professor Peter Hogg received this award, he asked a rhetorical question: "Why is it important for a society to have lawyers?" He referred to that famous line in Shakespeare's Henry VI, Part II, where Dick the Butcher says to Jack Cade "The first thing we do, let's kill all the lawyers." The implication usually drawn from that line is that Shakespeare had a low opinion of lawyers, but that may not be entirely accurate. Jack Cade was the leader of a rebellion against the King and he was organizing an army to seize the throne and abolish parliament. Dick the Butcher was saying that, in order to do that, he would first have to kill all the lawyers and supplant the existing King and laws. What Shakespeare probably meant was that lawyers are protective of a society ruled by law. He recognized that the rule of law could easily be set aside by a despot if there were no independent legal profession willing to represent people who have been treated arbitrarily or unjustly.

As a profession, we are committed to respecting and upholding the rule of law in a democratic society, and fundamental to that is an independent bar and judiciary. Our challenge is to constantly strive towards the pursuit of justice within a very good, but certainly not perfect system. We have an obligation to provide the best justice we can to the public that we have sworn to serve. When my friend, former Chief Justice Patrick LeSage received this award, he said and I agree with him that "perfect justice should always be 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."

The Constitution Act, 1982 which includes the Charter of Rights and Freedoms has become one of the bedrocks of our legal system. It is important for every lawyer, new and not so new, to understand the basic values that are enshrined in that document.

As a profession, we are duty bound to uphold the Constitution and its enduring values which includes, certain fundamental freedoms, such as freedom of conscience and religion, freedom of thought, belief, opinion and expression, freedom of peaceful assembly and association as well as democratic mobility, legal and language rights, The constitution also includes equality rights that are designed to promote human dignity and ensure equal protection and equal benefit of the law without discrimination.

When your names are inscribed on the rolls of the Law Society later today, they will join the names of many great Canadians who were also members of this Law Society, including Prime Ministers, Premiers, Justices of all levels of the court, Academics, and so many others, too many to mention, who have made an important contribution to Canadian life and society.

If we as lawyers wish to maintain our profession's independence and high place in society, we have to continually demonstrate not only that we possess current knowledge and skills, but that we also possess the core values of honesty, integrity, and diligence. These are the values that distinguish our profession and justify our right to practise law.

Our traditions run deep. Each new generation of lawyers should understand that, although we have to earn a living and support our families, we also have a responsibility to society and to the administration of justice. With the high honour of being a lawyer comes the obligation of concern for those who are less fortunate. The notion of public service, of putting something back, is very strong. Our profession is more than just a business, it is a calling, and you are being called to the bar.

Of course there is nothing wrong with making money, but that should not be the only thing that drives you. No less an authority than Oliver Wendell Holmes once said,

“While we ... do not pretend to undervalue the worldly rewards of ambition, we have seen with our own eyes, beyond and above the gold fields, the snowy heights of honour.”

There are so many different ways to practise law and to use your legal education. Many of them have not yet been invented. Regardless of what you do and where you go, I encourage you to think about more than the hours you bill. It is estimated that a lawyer can bill approximately 70,000 hours during his or her professional career. Please keep in mind, to paraphrase the great sports writer Grantland Rice, that when the one great scorer comes to write beside your name, he cares not whether you won or lost but how you played the game--- neither is he interested in how many hours you have billed.

In recent years, our profession has begun to pay more attention to the time-honoured concept of civility. In a recent issue of the Law Society Gazette, the Treasurer pointed out that civility is a fundamental part of professionalism and essential to the efficient and fair administration of justice. He reminded us that the administration of justice depends upon the parties involved treating each other and the proceedings with respect. Our *Rules of Professional Conduct* place explicit obligations upon us to treat our clients, our colleagues at the bar, and members of the judiciary with candour, fairness, and courtesy. By doing this, we promote, respect for the justice system.

The Treasurer, Derry Millar, served as the lead counsel on the Ipperwash Inquiry. On a daily basis, for more than two years, I was able to observe him as he demonstrated the highest qualities and traditions of our profession. His career could serve as an inspiration to all of you.

A few weeks ago, President Barack Obama spoke at the commencement exercises at Notre Dame University. His main topic was about abortion, but he had much to say about diversity and about the concept of civility, that is relevant for us. He said, “We must find a way to reconcile our ever-shrinking world with its every-growing diversity – diversity of thought, diversity of culture, and diversity of belief. We must find a way to live together as one human family.... [O]ur very survival has never required greater cooperation among all people from all places than at this moment in history.” He was telling us that people can disagree without being disagreeable, and that we should return to a more civil public discourse and open up our hearts and our minds to those who may not think precisely as we do, or believe precisely what we believe.

One final thought. As important as it is to become a lawyer, it's not the only important thing in your life. Very few, if any, ever succeed in this life without family, friends, and outside interests. We know that the law can be a ‘jealous mistress’, and so it is important to cultivate and maintain a balanced life.

I advise you to sing, dance, read novels, go to movies and plays, and spend time with your spouse and your children, if you have any. As important as your career is, do not let it consume you.

The heroes and role models that you choose are always important but you do not need many heroes if you choose them carefully. My wish for you on this happy day is that you find at least a few heroes for yourselves and that they inspire you to live the best life that you possibly can.

My new learned friends; I congratulate each and every one of you on your achievement, and wish you many more great achievements in the future.

Good luck, and thank you.”

### CALL TO THE BAR

Ms. Potter and Messrs. Caskey and Chahbar presented to the Treasurer the 99 candidates for the Call to the Bar.

#### 99 CANDIDATES FOR CALL TO THE BAR

(list of candidates in Convocation file)

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 Regional Senior Justice Lynne Leitch presiding.

The candidates were presented to Justice Leitch before whom they took the Oaths and acknowledged their signatures on the Rolls in the presence of the Court.

Justice Leitch 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 Ballroom Foyer of the London Convention Centre.

Confirmed in Convocation this 24<sup>th</sup> day of September, 2009

Treasurer