

MINUTES OF SPECIAL CONVOCATION

Ottawa – Wednesday, 17th June, 2009
12:30 p.m.

The Treasurer (W.A. Derry Millar), benchers and their guests proceeded to Southam Hall in the National Arts Centre for the Call to the Bar ceremonies of 215 candidates listed in the Report of the Director of Professional Development and Competence.

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CONVOCATION WAS CALLED TO ORDER AT 12:30 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 Rod McKenzie.

The Treasurer welcomed the candidates and their guests.

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CONFERRING OF AN HONORARY DEGREE

Mr. William Simpson, a representative of the Professional Development and Competence Committee introduced the Doctoral candidate, Mr. George M. Thomson and read the following citation:

“Treasurer may I present to you and this Convocation, George M. Thomson and request that you confer upon him the degree of Doctor of Laws, *honoris causa*.

Called to the Bar of Ontario in 1967, George Thomson has had a long and varied career as a practitioner, law professor, judge, Executive Director of the National Judicial Institute, Deputy Minister of three Ontario ministries, and as Deputy Minister of Justice and Deputy Attorney General of Canada.

He is widely recognized as a highly respected problem-solver who has been called upon to chair a number of public inquiries and provincial reviews, including an inquiry into reform of social assistance policies and programs and a review of the appeal process of Ontario’s regulated professions.

His career exemplifies the best of our profession – public service, versatility, innovation, a commitment to social justice in the fullest sense, and leadership in the public, educational, and judicial spheres.

George M. Thomson 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 Mr. Thomson to the degree of Doctor of Laws, *honoris causa*.

Mr. Thomson then addressed the candidates and their guests.

“Justice Rosenberg, Treasurer, Benchers, Candidates for the Bar, Your Families and Friends, Ladies and Gentlemen:

It is a great privilege for me to be part of this ceremony that marks your call to the Ontario bar. It is also a true honour for me to receive a honorary Doctor of Laws from the Law Society of Upper Canada. I was for three years an employee of the Law Society as its Director of Education. I have always thought of that time as one of the best examples of great bravery or foolhardiness because I ran the bar admission course and tried to make it a positive experience for the students who attended it when it was a six month, full-time course.

I remember vividly my call to the bar 42 years ago, although as I prepared this speech, I realized that I don't recall the speaker that day. My parents were in attendance, as many of yours are today, and wore the proud faces of those who support us every step of the way and so richly deserve to share in our accomplishments.

What you have achieved is remarkable. Your accomplishments belong also to your partners, parents, families, mentors, and teachers. Congratulations to them too. They have helped you open a door onto limitless possibilities—some already glimpsed at, some not yet imagined. Through so much hard work and financial worry and late nights, you have gone the distance.

At this moment, as I look back to the beginning of my career, when I took the oath that a previous recipient of this honorary degree said summarizes “the essence of our individual and collective duty as lawyers in society,” I am struck by how much more focused and defined a career in the law seemed to be at that time. I also remember how accurate was the general description of the lawyers who were called as “a remarkably homogeneous-looking group of men sporting ties, jackets and brush cuts.” Contrast that to the diversity that is reflected in those who now enter the profession. It is one of the most powerful statements about the health and strength of the profession. Its impact will be that much greater once that diversity is equally apparent in all parts and at all levels of the profession and the justice system.

Most of all, I think of the collective contribution that has been made both within and outside the practice of law by those I stood with in 1967. They have left, and continue to leave, a remarkable legacy.

You will also shape and profoundly affect the world of law and beyond in ways my generation could never have imagined.

- Lawyers here today will help determine our response to environmental crisis – which I believe will be the defining issue of your generation, very much because it was not the defining issue of mine.
- Others will help to keep Canada safe from threats to its security.
- Many of you will be part of the essential effort to make Canada competitive in a perilous global economy.
- Some of you will be part of the urgent need to make the justice system accessible and affordable.
- You will collectively help guide the *Charter of Rights and Freedoms* into a world where challenges to the fundamental values it protects will be even greater and more complex.

The list is virtually endless and includes issues and challenges not yet even envisaged. It reinforces what a significant day this is and how much you will affect the world of the law you now officially join.

Let me offer you four modest suggestions as you are called and continue to plan your lives and careers. They are four things that have helped make my own career enjoyable and fulfilling.

My first suggestion is to be open to the breadth of possibilities that are available to you: in law, near the law, or in completely different roles that will allow you to use the extraordinary skills that you now possess. Be careful not to see the road too clearly, too narrowly, or too soon. I stand here as a poster person for the possibilities of career change, as someone who has done just about everything except the private practice of law. If I were to identify the one thing that has most brought me personal and professional satisfaction, it would be this openness to change, the chance to learn something new, and the opportunity to contribute in ways that I couldn't have imagined when I graduated.

Susan Doyle is a colleague of mine and she is being called here today to the bar of Ontario as a lawyer from another province with several years of experience. In that time, she has engaged in private practice, worked on public legal education to make the law and legal processes understandable, and now helps to design and deliver education programs to Canada's judiciary. Most recently, she is working with an institute in Rwanda that is rebuilding its judiciary, which was devastated by the recent genocide. It is this openness to new possibilities that I recommend to you.

Some of you will be thinking: in this economy, there is no choice. The truth of that, I think, needs to be balanced by that well-worn aphorism: necessity is the mother of invention.

Opportunities come in different ways, of course—some planned, some unexpected. Be open to making new plans and changing your course if you are inspired by a new direction or by a new challenge, if the job you're in is preventing you from contributing to your community in the way that you would like, or from performing equally important roles as a partner, parent, or child.

Some opportunities are the results of uncertainty, flukes, setbacks, even perceived failures. After my call, I went to Berkeley, California, for my LL.M., eager to study under one of the great labour law professors. I arrived in the middle of the Vietnam War protests and the free speech movement...and discovered that the labour law professor was on sabbatical. The combination of Berkeley in the sixties and my own bad planning led me to make choices I hadn't anticipated – away from private labour law practice and into family law and public policy.

One choice I made often, and some of you will have made already, involved legal or policy work in the public sector, or with organizations that implement, challenge or advocate in relation to the policies of government.

There is little that is more daunting, fascinating, frustrating and rewarding than providing advice on what is in the public interest. John Tait, a former Deputy Minister of Justice, has written, "The choices are difficult; the way ahead is not always clear; [and] the debate over public purposes is often messy, and sometimes raw..." When that is combined with the challenge of articulating when the law, and in particular, the Constitution, defines or limits the choices available, the complexity and the importance of the task are that much greater. I encourage you to keep the possibility of public service in your toolkit of options.

My second suggestion is that you remain open to possibilities in another sense – by welcoming new perspectives and challenging the assumptions we can too easily make. For the last few years, I have been part of the National Judicial Institute, the organization that educates Canada's judges. We offer a course to judges on Judgment and Legal Reasoning. They are first asked to consider a hypothetical case that interests them both legally and personally. Their reactions are varied on both counts, and, as is the case with all of us, are partially shaped by their backgrounds and experiences, and the unconscious tendency to be attracted to information that reinforces what we already believe. Then they listen to a variety of brief submissions on the case, each made from a different legal or philosophical perspective, and are asked to discuss the case again. Some change their positions, most don't, but the richness and intensity of the discussion change dramatically.

Professor Jennie Nedelsky then reminds them that "real judgment requires diversity"—not abandoning our own perspectives, but rather "enlarging" our own thoughts by being open to the perspectives of others who see the world differently. The best of your education has done just that. My sense, however, is that it becomes more difficult to do this as our personal and professional lives move forward. It requires, I think, a conscious effort to maintain that openness, even to perspectives that are not yet well heard within today's law firms. As lawyers, we are trained well to challenge the positions of others. Equally important, however, is to challenge the often unacknowledged assumptions that guide much of our own personal and professional decision-making.

Third, you are now joining the justice system as fully qualified lawyers – a system that, for the most part, has the capacity to serve well the interests of those whom you will represent, advise and otherwise assist. As your skills grow in protecting those interests, I suggest that the obligation to find ways to help maintain and improve the integrity and fairness of the system as a whole grows as well.

Recently, I have had the opportunity to participate in international justice reform projects supported by Canada. I have always come away with enormous admiration and respect for those in other countries who attempt, often at great risk, to rebuild devastated justice systems, to introduce stronger human rights protections, or to develop an independent and skilled judiciary.

This experience has increased my respect for Canada's remarkable system of justice. It also reinforces for me our collective obligation to respond forcefully to those events that demonstrate the fallibility and fragility of our own system – for example, the discovery that one expert can potentially contribute to many wrongful convictions, or increased politicization of the judicial appointments process, or the now familiar reports of how inaccessible and unwelcome the system can be to those who are poor or of modest means.

My last suggestion may sound like a simple one, but I offer it to you because it is something that has proven vital to me throughout my career. In the epigraph to his novel, "Howard's End," E.M. Forster entreats us to: "only connect." In this world of Facebook and YouTube, it may seem slightly antique to hearken back to what E.M. Forster wrote 100 years ago.

While I have often changed jobs and roles, there are persons such as Marc Rosenberg and many others who are not here, who have been a part of most of them. I have carried these personal and professional connections with me from role to role. These are the persons who bring perspectives you might otherwise miss, who challenge your assumptions, who bring skills you lack, and teach and mentor you, while welcoming the same in return. Technology can support but never fully create and sustain these connections. As you keep moving forward so rapidly, don't forget to look back. This core of people will sustain and nurture you through your career and your life.

Those of you being called here and in other cities have been connected for close to five years with others who have made this important journey with you. After today, that connection will weaken. Leave yourself with a mental photograph of your colleagues and all that you have accomplished together. It will remind you of people to connect with as you find yourself in the thick of your career and needing advice, a mentor, a fresh perspective, a willing ear, another pair of hands, or simply a good laugh.

I thank the Law Society again for this great honour and I wish the best that life has to offer to each of you."

CALL TO THE BAR

Ms. McGrath and Messrs. Conway and Wright presented to the Treasurer the 215 candidates for the Call to the Bar.

215 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 Justice Marc Rosenberg presiding.

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

Justice Rosenberg then addressed the new barristers and solicitors.

At the conclusion of the formal proceedings the new barristers and their guests were received by the Treasurer and benchers in the Southam Hall Lobby.

Confirmed in Convocation this 24th day of September, 2009

Treasurer