

MINUTES OF SPECIAL CONVOCATION

London – Tuesday, 14th June, 2011
2:30 p.m.

The Treasurer (Laurie H. Pawlitz), benchers and their guests proceeded to the London Convention Centre for the Call to the Bar ceremonies of 77 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. Potter, a representative of the Professional Development and Competence Committee introduced the Doctoral candidate, P. Marion Boyd, and read the following citation:

“Treasurer, may I present to you and this Convocation Marion Boyd and request that you confer upon her the degree of Doctor of Laws, *honoris causa*.”

Marion Boyd served as an Ontario MPP for London Centre from 1990 to 1995. She held several Cabinet posts, including Minister of Education (1990 – 1991). In 1993, Marion was appointed Attorney General, the first woman ever to hold that post, and the first non-lawyer.

Marion is only part way through a distinguished career, devoted to public service. She is a leading advocate for abused women and children and for the protection of women and children’s rights overall. As the Executive Director of the Battered Women’s Advocacy Centre from 1984 to 1990, she developed a local, national and international reputation for her expertise and action on the issue of abuse of women and children.

In 2004, at the request of Ontario’s Attorney General and Minister Responsible for Women’s Issues, Marion conducted a review of the Arbitration Act culminating in the report, “Dispute Resolution in Family Law: Protecting Choice, Promoting Inclusion.”

She has served as an ex-officio bencher for the Law Society of Upper Canada and since 2007 has been a lay bencher appointee, bringing her experience to Law Society committees and regulatory matters.

Marion Boyd is deserving of the highest honour this Society can bestow and I ask you to confer upon her the degree of Doctor of Laws, *honoris causa*.”

The Treasurer admitted Marion Boyd to the degree of Doctor of Laws, *honoris causa*.

Ms. Boyd then addressed the candidates and their guests.

“Treasurer, Justices, Fellow Benchers, Candidates, Families and Friends,

I am deeply touched and honoured to receive this recognition from the Law Society of Upper Canada. And I am especially delighted that so many of my friends and colleagues as well as my family were able to join us today in London. As many of you know, I am not much inclined to the use of honorifics; but I will truly cherish this honour for the rest of my life.

To those being called to the bar today, please accept my warmest congratulations. You have worked hard for this achievement and you and your families and friends can rightfully celebrate your entrance into the legal profession. As you go forward, I would ask you to always remember. The justice system does not belong to lawyers, paralegals, court services personnel and judges; while it cannot function without those legal professions, it exists to serve the public. Without real access to due process before and under the law, the public is not served and justice is not done.

I am extremely fortunate to have had many opportunities over my lifetime to appreciate the crucial nature of the rule of law in a civil and democratic society, from the perspective of a citizen, a feminist, a social advocate, a Member of Provincial Parliament, a Minister of the Crown, an adjudicator and a Bencher of the Law Society. It is my firm conviction that it is both our duty and our privilege as citizens not only to act in accordance with the law of the land, but to envision the formulation, enforcement and interpretation of the law as vital creative forces in which we all participate. As Attorney General, public access to justice was my highest priority; it continues to be the focus of my work.

When I, as the first lay person and woman, was assigned the position of Attorney General in 1993, many expressed concerns about the appointment. How could someone not trained as a lawyer possibly fulfill the onerous responsibilities prescribed by the Attorney General's Act? I recall my first meeting with the then Chief Justice Frank Callaghan, who many expected to be outraged by my appointment. I have asked my colleague John Callaghan, his son and a fellow Bencher, if I may share the story of our first meeting and he has graciously agreed.

It was the practice for the Justices of the Appeal Court to entertain a newly appointed Attorney General to dinner at Osgoode Hall shortly after the announcement. I accepted the invitation with some trepidation. The late Frank Callaghan was reputed to be a gruff,

rather outspoken traditionalist. When I entered the judges' dining room, the Chief Justice had not yet appeared. Justice Rosie Abella and Justice Louise Arbour were concerned about the Chief Justice's initial responses. They assured me that his "bark was worse than his bite" and bade me be of good courage in response to whatever he might say.

For those of you who were not privileged to know him, the Chief Justice was a large and imposing person, with a deep resonant voice. When he entered the room, he immediately approached me; we all held our breath. Beetling his brows as he looked down at me he said, for all to hear, "Well, they are all waiting to hear what I am going to say about a layperson as the Attorney General. Madame Attorney, the law is 90% common sense and I've observed that you have lots of common sense. Besides, you have 900 lawyers working for you; so you should be able to get good legal advice." You could feel the tension in the room ease and then abruptly escalate as he went on, "However, you are a WOMAN."

I felt as if my career as Attorney General and my credentials as a feminist, rested entirely on my response. Inspired by Rosie Abella, who wrote the book on employment equity, which our government was in the process of legislating, I bravely said, "But sir, surely in these days of employment equity, that is an added qualification!" He barked out a laugh and from that moment on we enjoyed a respectful and cordial relationship until his untimely death not many months later.

Whether lay person or lawyer, every Attorney General faces the challenge of ensuring that the justice system works efficiently and effectively for the people in her or his jurisdiction. To do so requires a willingness to examine all aspects of the system to determine what will serve the public best, meet identified legal needs and ensure that the integrity of the system is not compromised as it evolves. Attorneys General must be prepared to face political storms that may impact their professional and political careers. When I am asked about my challenges as Attorney General, reporters expect me to cite high profile criminal cases, like the Bernardo case or findings of wrongful conviction as in the case of Guy Paul Morin. I would much rather emphasize the gallant but failed attempt to enshrine equal rights for same sex couples and my decision not to defend the constitutionality of our adoption law, which discriminated against same sex adoption; eventually my positions on both matters were confirmed by the Courts. Or I'd mention the reforms to the Courts of Justice Act which enabled the first expansion of the Unified Family Court since the pilot project began in Hamilton in the '70's. Or the first phase of Civil Justice Reform. Or the omnibus changes to the Statutory Powers and Procedures Act, which impact so significantly on administrative justice in the Province.

None of these issues was either riveting or attractive to risk-averse politicians facing re-election. Attorneys General often have to battle hard in caucus even to get legislative air time, particularly if proposed legislation is at all controversial—and changes to the justice system seem always to be controversial.

I venture to say that every Attorney General has experienced an even greater challenge: the reluctance of the bar, bench and courts administration to embrace changes in the rules, practices and procedures which are not legislated. Let me hasten to acknowledge that this reluctance is often rooted in a genuine fear that individual or group rights may somehow be trampled but it is also tempered by the fear of how change may impact the legal professions themselves. I suggest we are at a point where we must face our fears and contemplate brave and creative reforms to the delivery of legal services.

Our justice system is foundering under the pressure of the demands placed on it. Courts and adjudicative tribunals have huge backlogs. Cases are delayed at every level and, as we know, justice delayed is justice denied. The infrastructure is inadequate to meet demand in many locations. Court facilities are hard to adapt to emerging needs. New court configurations are rejected because the current standards for accommodation agreed upon by the Ministry and the judiciary tend to prohibit creative use of existing resources. Jurisdictional issues continue to plague us, especially in family law. Technology is not being fully utilized to stem the flow of paper, to allow electronic filing, to ensure timely and full disclosure, or to allow electronic remands, bail hearings and case conferences. While many individual lawyers routinely use technology in their own practices, there continues to be a general scepticism that carefully designed on-line information and interactive tools can be used safely by the public. While there is justifiable concern about the “unrepresented” public, there is little empathy for those who choose to be “self-represented.”

Many within the system blame each other for the barriers to change. Quick to identify what others in the system need to do, many remain resistant to change in their own area of practice. We tend to look to governments for more resources to support the system as it is, rather than work together to optimize the resources we already have; we resist efforts to analyze the cost/benefit of how we do things because we are apprehensive of the results. Those turning to the justice system for resolution of their legal matters are losing faith in its ability to actually deliver justice in a timely, cost-effective and efficient way.

Access to justice is at the top of the agenda from the Chief Justice of the Supreme Court to the Attorneys General, the Law Societies and all the legal organizations throughout the country, and everyone pays lip service to this priority. The problem is that there is no agreement on solutions and most are reluctant to consider what changes they themselves or their particular professional group must accept if we are to achieve improved access to justice for the public, whose interest we are called to serve.

You, who are celebrating your entry to the legal profession today, may be the key to our salvation. You are just beginning your careers; you are still at the stage when you ask why an issue is approached in a certain way and are still likely to be dissatisfied with the answer, “Because that’s the way we’ve always done it.” Your education has been based in computer technology and you understand its possibilities to improve the efficiency of the system. Because you are among the “google” generation, you understand why the general public is eager to gather information themselves from the net and willing to fill

out interactive forms if they are provided on line. You may be able to hear the demands and suggestions of the public about what concerns and priorities they want addressed in the justice system rather than pronounce what you think they need. You may even be willing to challenge current billing practices and to accept new partners in the provision of legal services.

One thing is certain. Change is inevitable. I am convinced that the legal professions will prosper only if they are willing to evolve and to drive reform within the justice system in the public interest. I hope, as lawyers, you will play an active role in encouraging and informing this change process. Again, please accept my congratulations and best wishes for your future.”

CALL TO THE BAR

Mr. Lerner, Ms. Horvat and Ms. Potter presented to the Treasurer, 77 candidates for the Call to the Bar.

77 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 Edward W. Ducharme presiding.

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

Justice Ducharme then addressed the new barristers and solicitors.

Confirmed in Convocation this 22 day of September, 2011.

Treasurer

