

MINUTES OF SPECIAL CONVOCATION

Toronto – Thursday, 16th, June, 2011
2:30 P.M.

The Treasurer, (Laurie H. Pawlitz), benchers and their guests proceeded to Roy Thomson Hall for the Call to the Bar ceremonies of 322 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 Erica Huang.

The Treasurer welcomed the candidates and their guests.

CONFERRING OF AN HONOURARY DEGREE

Mr. Bredt, a representative of the Professional Development and Competence Committee introduced the Doctoral candidate, Professor John D. McCamus, and read the following citation:

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

John McCamus has served the profession as a scholar, teacher, author, adjudicator and reformer. He is a Professor of Law and University Professor at Osgoode Hall Law School, a faculty which he served as Dean from 1982 – 1987. Prior to joining the Faculty at Osgoode he served as law clerk at the Supreme Court of Canada for Chief Justice Laskin. A renowned scholar, he has published books on contracts and restitution, and is the recipient of the Mundell Medal for Excellence in Legal Literature and the Walter Owen Book Prize. His passion and dedication to justice is evident in lectures and writings that have served to educate, inspire and challenge generations of lawyers.

John has contributed significantly to law reform in Ontario. He served as Chair of the Ontario Law Reform Commission (1993 – 96) and as Chair of the Ontario Legal Aid Review, a task force that examined the legal aid system in Ontario and led to its reform. He is currently the Chair of the Board of Directors of Legal Aid Ontario and is the Chair of the Canadian Civil Liberties Association.

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

The Treasurer admitted Professor John McCamus to the degree of Doctor of Laws, *honoris causa*.

Professor McCamus then addressed the candidates and their guests.

"Honourable Justices, Benchers, Candidates for the Call to the Bar, Family and Friends
Let me begin by thanking Chris Bredt, a distinguished advocate, a Bencher and a good friend for his kind and overly generous citation.

Let me also express my sincere appreciation to the Law Society of Upper Canada and the Benchers in particular for bestowing this wonderful honour upon me. I now know what a singular pleasure it is to be recognized by one's professional peers as having enjoyed some success in my legal career.

I have enjoyed enormously the privilege of being a member of the Faculty at Osgoode Hall School of York University for several decades. I have also enjoyed enormously the various other opportunities that have come my way both in the public sector and in the private practice of law. All of this work has been enormously stimulating and fulfilling and I can tell you now, what I did not realize when I began, that I could and would enjoy, and I am certain that you can and will, enjoy a career in any sector of legal professional work.

To be rewarded by the Law Society for carrying out responsibilities that have been such a great source of personal pleasure and professional fulfilment may seem a bit unfair. But I accept the honour with alacrity.

I have no doubt that you can understand why I found my teaching career so fulfilling. It involves working with you and your predecessors as students. What could be better than that?

Some of your predecessor students of mine are here, no doubt, in other capacities. I remember the rude awakening I received when a student approached me after class and indicated that she was bringing kind regards on behalf of her mother, Ellen Smith, who was, she said, in your class. I replied that there were only three female students in my class at law school and I was sorry to say her mother was not, as best I could remember, one of them. She quickly replied, "No, you *taught* my mother". I live in mortal fear of the day which I know is coming, when a student approaches me after a lecture and says, "My grandfather asked me to say hello."

It is also a very great pleasure for me to be able to share this moment with you, the candidates for the Call to the Bar today and, with your parents, friends and other relatives. This is your day and what a wonderful day it is.

I offer heartfelt congratulations to those who will in a few minutes be called to the Bar. This is the culmination of a long and, at times I'm sure, arduous road. As you well know, it is extraordinarily difficult to gain admission to a university law school program. It is also no easy task to emerge from the law school program successfully. All of this you have done. Whatever second thoughts or doubts you may have had along the way, you have done it and I hope you will enjoy to the full this moment of triumph. Well done! From this day forward, you will be known to your family, friends and the public as a lawyer.

Let me congratulate you as well on your decision to study law and on your choice of a professional career. I share your passion for law and your pride in becoming a member of the legal profession. I know that I do not have to persuade you of the critical role played by the profession in preserving and protecting our core democratic values and institutions, our fundamental rights and freedoms. Any lingering doubts you may have on this point can be resolved by visiting, as I have recently, countries that are struggling to establish such institutions.

Although you and I are obviously at different stages of our career, I am sure that we have much in common.

First, I am and will be eternally grateful to my parents and to others who supported me with no little financial sacrifice through a lengthy period of academic study – I am sure they wondered if it would ever end. I know that you are grateful as well. This, of course, is their day too. They have every reason to be proud of your achievements just as you have every reason to be appreciative of their support. So let me add my expression of appreciation and congratulations to them also. Well done.

Second, I suspect that many of you, like me, are the first member of your family to join the legal profession. We may note in passing that the legal profession has been a tremendous engine of social mobility in our society. I firmly believe that this is, in itself, a major contribution the legal profession has made to our communal life. Indeed, I must tell you that I find worrisome the dramatic increases in law school tuition fees that have occurred in recent years. I know that the Ontario law schools have each undertaken that they will organize their affairs, including various forms of student awards, so as to ensure that admission to law school remains accessible to worthy candidates of modest means. In my view, we need to be vigilant to ensure that the law schools deliver on this promise.

Another wonderful and serendipitous feature of today's ceremony, from my point of view, is that the second member of my extended family to join the legal profession, my niece Jessica Clare Grant, is being called to the Bar this afternoon. Like other families here assembled, we are all very proud of her achievement.

I suspect that, like me, some of you at least did not adore absolutely every minute of your law school program. I must say that I developed a visceral hatred for law school exams, the memory of which still haunts my nightmares from time to time, all these many years later. If it is any comfort to you at all, I can tell you that your professors have a similar distaste for the process. Indeed, though I do not expect sympathy, I have found that the setting of an exam and, worse still, the grading of a set of exam papers is even more painful than the process of preparing for and writing them as a student. On that score, then, perhaps, we are even.

Finally, I suspect that some, perhaps many of you will feel, as I did at the same stage in my career, a bit overwhelmed by the responsibilities to be assumed along the road ahead. I offer two comforting thoughts.

First, as I have already mentioned, keep in mind that you have accomplished remarkable things already. You obviously have great resilience, intelligence and an ability to surmount obstacles thrown in your way. That will not change.

Secondly, keep in mind that there are many others more senior to you who will be happy to lend a helping hand along the way. The legal profession is very collegial and you will find, if you look, many senior members of the profession who are willing to act as mentors and advisors. This will be so even if you decide to practice on your own. You will find that colleagues are willing to share their time and expertise with you and, indeed, the Law Society itself and other legal organizations will be an important source of such support.

I can tell you, for example, that I get frequent phone calls from former students asking for assistance in the analysis of points of difficulty. Indeed, some of them seem to feel that in return for the privilege of having taught them, I am now on a free life-time, retainer to deliver quick advice on tricky matters. I do extract a fee of a kind. I insist on having them tell me what they are doing and how they are enjoying it. I do enjoy maintaining contact with former students in this way. It often gets personal. Are you married? Any kids? Some don't call back.

There are, however, also some differences between us. I suspect that, unlike me, you are all very computer literate and savvy and that you enjoy and use effortlessly handheld devices of various kinds, perhaps two at a time. Indeed, my experience in the lecture hall suggests that you may be using one or more as I speak. I do not hate the BlackBerry as much as I hated law school exams, but I do not love it. Every new version has increasingly tiny keyboards and all kinds of new apps that are of no interest or use to me. The worst email message I receive at work is that "your new BlackBerry is now ready for you".

Your computer literacy is an enormous advantage and I have no doubt that you will find that it is one of many reasons why you are very well equipped to successfully transition into the practice of your profession.

The composition of your graduation class is also very different from mine. I have mentioned the issue of gender composition. More than that, it is a simply wonderful experience to stand before you and survey such a diverse and multicultural group of new lawyers, truly representing the multicultural community in which we all now live.

Indeed, if asked to identify the most dramatic and exciting social transformation that has taken place in our community during my lifetime, I would unquestionably rate as number one the gradual transformation of Ontario society and the broader Canadian community from a society in which attitudes of intolerance and bigotry were far more common than they are now, to a multicultural and tolerant society that is rapidly becoming known as a model for others. Some sceptics still ask, can it really work? When I hear such comments I respond, "Come to the law school. You will see the future of our community and it is very, very bright."

It is perhaps fitting on the occasion of your call to the Bar to note that the law and lawyers performed a role in this remarkable social transformation. We should not exaggerate that role. The role of politicians, teachers, religious leaders, parents, children and others, of course, is of enormous importance. The relationship between reform of the law and social transformation is, as you well know, a subtle and complex matter. But in this instance the law certainly did play a role, and so did many lawyers. I want to mention only one of them, a name that is known to you, that of Bora Laskin.

Laskin's basic biographical data are probably well known to you. He was born into a Russian-Jewish family that had recently emigrated from Russia. They had settled in the Lakehead where Bora Laskin was born in October of 1912. I know little of his childhood in the Lakehead, though it is widely rumoured that he was a spectacular baseball player. I suspect that he was not unfamiliar with the reality of anti-Semitism. In due course, he went off to the University of Toronto and flourished. After his B.A., he entered the U of T law school, graduated with a splendid record and moved on to Harvard for his LL.M. When he returned to Toronto, however, he experienced directly the attitudes of his fellow citizens not uncommon at that time.

Notwithstanding his impressive credentials, he had great difficulty securing an articling position. Eventually, he was able to have his articles signed by a very good friend, Samuel Gotfrid, who had only the year before been called to the Bar while Laskin was studying in Harvard. A few years later, I note parenthetically, Mr. Gotfrid hired Lincoln Alexander as his articling student.

We know that this story turns out well. Laskin went on to have a spectacular academic career, as a Professor at both Osgoode Hall Law School and then at the University of Toronto where he spent the majority of his academic career. In due course, he was appointed to the Ontario Court Appeal and, in turn, to the Supreme Court of Canada where he presided as the Chief Justice of Canada until his untimely death in 1984.

What came to my attention only recently, however, was his direct and extensive involvement in the promotion of a more just and tolerant society during his time as a law professor. Laskin obviously had a dream, no doubt inspired by personal experience, of creating a world in which the rights of all, regardless of race, colour or creed, were respected. In his years as a member of the faculty of law at both schools, in addition to his teaching and prolific publication record, he was very active behind the scenes with various Jewish organizations promoting racial and ethnic equality. He participated in test cases, including the famous case of *Re Drummond Wren* in which a restrictive covenant prohibiting the sale of a particular piece of land "to Jews or persons of objectionable nationality" was struck down by an Ontario court as unenforceable. Laskin and his colleagues, however, came to believe that real change was only likely to come through legislative enactment. They conducted a persistent campaign to persuade the Ontario Government to legislate on these issues.

My favourite story from that period involves Laskin as a professor testing the merits of early forms of fair accommodation practices legislation in the following fashion. Laskin had a student, Julius Isaac by name, who was black. Laskin persuaded Isaac to participate in an experiment designed to show the inadequacies of then current law. Isaac was sent out in response to various advertisements for the rental of flats to apply

to become a tenant. When Isaac was turned away by the landlord in question, Laskin would send out a white student who would find, miraculously, that the flat was still available. Julius Isaac would later become the Deputy Minister of Justice in Ottawa and, in turn, the Chief Justice of the Federal Court of Canada. It seems rather likely that the landlords he met as a young man did not foresee the great professional future that lay ahead of him. They saw only a young black man. Reports of these incidents added to the growing pressure on the government to act. The ultimate enactment of the Ontario Human Rights Code in 1962 was the culmination of lobbying efforts which Laskin and others had participated in for two decades.

Bora Laskin had a dream of a better future for our community. He participated in its achievement. You will have your own dreams of how the legal system and the world around you can be improved. I hope that you will be inspired by Laskin's example to pursue them. Many others have been. Myself included. Rest assured, there remains much good work yet to be done.

Many of you, I know, came to law school in part because you thought that one might be able, as a lawyer, to make a difference to one's community. I also urge you to hold on to that thought. And, further, I would encourage you in the belief that if it's not necessary to have a gargantuan career of the kind that Laskin had to make such a difference.

In my work with Legal Aid Ontario, I meet, every day, lawyers who are making a difference to the lives of their clients and to the communities in which they live across the province. As you well know, criminal defence lawyers and family lawyers help people caught up in circumstances that may be the most difficult they have faced in their lives. Poverty lawyers in the clinics assist poor Ontarians in dealing with basic issues of shelter, disability support and income maintenance. But, of course, one does not have to do legal aid work – though I would encourage you to consider it – in order to make a difference. Lawyers working in virtually every field of law can and do make a difference.

Lawyers working in the public sector obviously have opportunities to do so. But what about less obvious contexts such as commercial law or a general practice in a smaller community.

I have a friend who is a commercial lawyer whose work involves corporate restructuring, that is to say, assisting large Canadian corporations in financial difficulty to avoid insolvency. His work and that of his colleagues has saved literally thousands of jobs across the province and, indeed, across the country. During his career he has, through his leadership, built a law firm from its origins as a small boutique to a large multi-national firm. He has mentored many younger lawyers in the firm. He is a member of the Board of Directors of a Toronto hospital. His name is not widely known. But he is making a difference.

I met a wonderful lawyer in a small town in Northern Ontario who described her practice to me as one involving criminal law, family law, wills and estates, family corporate law and tax planning. Also, she said, "I occasionally act as a referee under the Ontario Employment Standards Act". "You have no idea," she said, "how satisfying it is to be able to meet a broad range of legal needs of people you know in your community". She enjoyed chairing the local United Way. She makes a difference.

In conclusion, then, let me simply say that there is no doubt in my mind that lawyers in every location and in every type of legal work can make a difference in the lives of their clients and their communities by doing their professional work well and with integrity – highlight integrity, the indispensable component of professional success – and also, by giving back to their communities through various forms of public service.

Lawyers can make a difference. Lawyers do make a difference. I know that you will make a difference. I also know that it will be great fun for the rest of us to watch you do so.

Let me conclude by wishing you every professional success and personal fulfilment in the years ahead.”

CALL TO THE BAR

Messrs. Anand, Callaghan and Falconer and Ms. Murchie presented to the Treasurer the 322 candidates for the Call to the Bar as follows:

322 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

.....

Following Convocation a Special Sitting of the Court of Appeal for Ontario and the Superior Court of Justice convened, with the Honourable Madam Justice Bonnie Wein presiding.

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

Justice Wein then addressed the new barristers and solicitors.

Confirmed in Convocation this 22 day of September, 2011.

Treasurer