

MINUTES OF SPECIAL CONVOCATION

Toronto – Friday, 22nd July, 2005
9:00 a.m.

The Treasurer (George D. Hunter), benchers and their guests proceeded to the auditorium at Roy Thomson Hall, Toronto for the Call to the Bar ceremonies of 260 candidates listed in the Report of the Director of Professional Development and Competence.

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CONVOCATION WAS CALLED TO ORDER AT 9:00 A.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 Gail Morgan.

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CONFERRING OF AN HONORARY DEGREE

Ms. Beth Symes, a representative of the Professional Development, Competence and Admissions Committee introduced the Doctoral candidate Ms. N. Jane Pepino, C.M., Q.C., LL.M., and read the following citation:

“Treasurer, may I present to you and this Convocation N. Jane Pepino, C.M., Q.C., LL.M. and request that you confer on her the degree of Doctor of Laws, *honoris causa*.

Called to the Bar in 1973, Jane Pepino entered the legal profession at a time when it was still considered a non-traditional career choice for women. Inspired by Charlotte Whitton, she was never daunted by the obstacles and challenges facing her. In 1985, she was appointed Queen’s Counsel and today, she is one of the most successful land administration and development lawyers in this country. A tireless activist and champion of women’s rights, Jane Pepino has served as a member of the Human Rights Commission, the Toronto Police Commission, the Canadian Advisory Council on the Status of Women, as well as numerous public task forces and community boards. In 2000 Jane Pepino was appointed to the Order of Canada in recognition of her contributions.

The mother of three, she has been able to achieve an astonishing balance between her professional and personal life. Although admittedly difficult, Jane Pepino has faced this challenge like she has others throughout her life by meeting the issue head on, identifying the obstacles and then systematically working to remove them. At a time when the legal profession is attracting more women but failing to retain them, Jane Pepino serves as a role model and a source of inspiration.

She is deserving of the highest honour this Society can give and I request you, Sir, to confer upon her the degree of Doctor of Laws, *honoris causa*."

The Treasurer admitted Ms. Pepino to the degree of Doctor of Laws, *honoris causa*.

Ms. Pepino then addressed the candidates and their guests.

"Mr. Treasurer, Chief Justice Smith, Benchers, Colleagues, and Honoured Guests of our about-to-be-called lawyers, greetings. And to you students, about to be called as Ontario's newest lawyers - our colleagues - welcome. Welcome not only to the proud standing as a full member of the Law Society of Upper Canada and its traditions, but welcome also to a profession of great history, a profession which carries with it onerous rights and empowering responsibilities.

When I learned that I was going to receive the great honour just now bestowed on me, I was also told that I was to give "appropriate comments, not to exceed 10 minutes". Those latter instructions seemed more challenging than the burden of finding something "appropriate", but that rapidly reversed. I can confess to having spoken to a number of family members and colleagues about what they remembered from speeches at their graduations and convocations. Almost without exception, it was nothing!

The burden of life-altering advocacy thereby lifted, I've decided simply to share with you some stories from my life over the last 38 years, with the hope that you will find in those stories something that you can use and stitch into your own.

In those stories, I'd like you to hear some themes about living a life of integrity, by which I do not mean simply following rules to stay out of trouble, but rather of fierce determination to demonstrate the qualities of fairness, trustworthiness, and courage. To me, that can be done by simply developing core values which can then be applied in very disparate situations. These core values will be fundamentally important because there will be great change in your lives, and it is only having the touchstone of those values and concepts, that will allow you to continue with confidence. By living a life of integrity, I also mean a conscious effort to stretch, to take risks, to integrate everything you learn into everything else you do, whether in your lawyer's work, or while living in a community as a lawyer. Being in a profession is not just a job; it is a life: it shapes how you see the world, and how the world sees you.

First, let me start by saying I love being a lawyer. Since the day in 1967 that I started at Osgoode Hall Law School, then still downtown, I have been intrigued by the law, caught up in the web of intellectual challenge and stimulation, often played out in arenas of pressure and risk for the client, individual or institutional. I am firmly of the belief that what a lawyer does, matters. It matters not only to our individual clients, but also because of the obligation we take on to uphold the "rule of law". What lawyers do matters within our society: law sets out not only rules for civil order, but also reflects, and sometimes leads, the social constructs that define our rights both individually and collectively.

So let me take you back to 1967. Unlike today, when the majority of you being called are women, law was a very non-traditional education for women. I am sure it was pure happenstance and not a quota that had 10 women in my year, 10 the year before that, and 10 the year before that. I had a professor who would not call on women on the

grounds that because he could make male students cry, it would un-chivalrous to do the same to "the ladies". In 1970, while at graduate school in the USA, a beauty contest for women law students was sponsored by the Student Association, to name the most beautiful of them, "Portia". In 1971, one articling position I was offered was on the stipulation that I not be allowed any litigation experience, on the basis that that firm was not prepared to have a woman carry its name into Court. But as Darwin said, "it is not the strongest of the species that survives, nor the most intelligent, but the one most responsive to change". In this, I am not speaking of myself, but rather of our profession.

Because, you see, it is my firm belief that lawyers, and the law, have both reflected and driven change over the last 30 years, the kind of change that has made it improper, illegal and almost impossible that any of my women colleagues in this room will be referred to as a lawyerette, as I once was - and for any of the others in this room to do so. It was lawyers and judges, who pushed for and created the laws which set equity and equality as a standard and a goal - and those laws in turn, created the kind of change that has allowed equity and equality to not merely survive on the fringes of our careers, but also to find a place in the substance, process and structures with which you will involve our working days. For this we should all be grateful, and recognize that, in large measure, it was lawyers and the law which brought about this change, and lawyers who will have to continue on that path.

Change in our profession, however, has never been accomplished at the expense of abandoning our profession's core values. What we do protecting and advancing client's interests, assisting people to meet regulatory standards or defending their rights against the state, are all things lawyers have done since the beginning, and which continue to this day. The why of what we do has not changed much, either, in my judgement. What has changed and changed dramatically, is how we do it.

When I was a summer student, having just completed my first year of undergraduate work, I secured a job as a switchboard operator, relief receptionist and general dogs body at the venerable law firm of Fasken Calvin Williston Swackhammer and Rolls. My day started at 7:00 am when I assisted the person who really ran the office, the commissionaire, Charlie, to open every piece of mail and stack it into 3 piles for the respective heads of the litigation, corporate, and commercial/estates/"other" departments. Each department head read every piece of correspondence before forwarding it to the responsible file lawyer. By the time I was articling there were electric typewriters, although still no photocopies, and certainly no fax machines, email or post-its: cut and paste meant just that. Almost Dickensian, isn't it? One of the skills I have had to add to what law school taught me is learning how to type and recently, how to type with my thumbs. I could not have conceived of this the day I was called.

My point is simply this, how we do things will inevitably be different, and often rapidly different. We have been taught, however, to be life long learners, which applies at least as much to the tools we use for lawyering, as to the content and substance of the law. It is all new and fresh to you today and may well feel finite. However, I can state with confidence that 5, 20 and 35 years from now will be different both in the legal details of what you do and how you do it.

And my other message is this: unless you too, are different, 5, 20 and 35 years from now you will have missed the biggest part of the gift that it is being handed to you today. Yes, of course, you have earned certification, you have been rewarded in marks, or job

offers, or practice options, in some rough relation to your interests and working style and effort. But what I'm talking about is truly a gift, offered in equal measure to each one of you, by this Convocation. You have been accepted as a member of a profession, and that profession will shape not only your work, but your life.

The gift you are being handed today, by being brought into this profession, is the ability - and the challenge - to live a life of integrity. Of course, you can say being a lawyer brings the expectation of integrity - but my belief is that the gift comes from the broadest definition of the word - one that encompasses not only abiding by the law, not only by being fully truthful, and open, and honest, but also by being bold, or courageous, and by explicitly recognizing that everything you do is connected: - integrated, in other words.

To do this requires that you find something, some cause, some value, some ethos, and make it your own. I can't imagine more than a few of you sitting here today, would have an inkling of what that might be. For me, it is only looking back that I realize that my functioning creed is something my grandfather always said: "Unless you stand for something, you will fall for anything." And we, as lawyers, constantly face change, and challenge. In my volunteer life, when issues would come up, no matter how disparate, some of them just felt like something I had to stand for, to get involved in, even without any inkling of where, the cause might lead or what the process might be. All I know is that my training as a lawyer gave me the confidence that somehow changes could be made and a way could be found to make those changes. Equally important, was just doing the gut check of whether this met our profession's core values: Did it protect or advance the interest of an individual or an institution, did it defend rights against the State? Was it the right thing to do, and 'was it done in the right way?

I am today challenging you to take risks, to create change and not merely be shaped by it, to stretch - and I can tell you with confidence, that your training has provided you with the tools. I can also say, that a commitment to explicitly putting a value into action seems to spark external forces into action which can then be marshalled and used for momentum - where it comes from, I can't tell you - I only know it happens. Malcolm Gladwell has written about it very recently in his book "The Tipping Point". I prefer to think of it in terms of the old adage "You make your own luck", - good or bad. I believe, fervently, after all my jousts and battles and projects and initiatives and task forces and all those myriad of processes that a lawyer stumbles into, that, in large measure, we make our own luck, and this too is a part of living a life of integrity. Everything is connected to everything else, and by simply taking action you can make a difference for yourself and others.

Let me tell you a story about coping with challenge, and the integration of those lessons into your life. I need to start with two confessions. First, I have never been athletic, and second, I am afraid of heights in open areas. So how could it possibly be, then, that 8 years ago I found myself on a high ropes course at an Outward Bound camp. I can tell you that I was nauseous with fear and wept through a good part of it, but I can also tell you that I completed it with neither style nor grace, but with great pride.

Why am I telling you this? Because I encourage you all to do it within the next 2 years, instead of waiting 25 years as I did: Take something that is beyond your realm, that takes you well away from your comfort zone, and try it. If you don't do it the first time, try it again and for as long as it takes for you to conquer it. Having conquered the ropes

course, I am still frightened of heights over open places, but I now understand what is to be gained by placing yourself beyond the limits of comfort and competence with the only goal being completion, not excellence. For us, driven to win, used to excelling, wanting to be better each time we do something, lessons are to be learned from tackling something frightening or difficult or daunting, with the goal of simply completing it. It was in this spirit and in the quest of health that I have now trained for and run a handful of marathons with the goal of crossing the finish line upright and smiling, - and perhaps knocking a few minutes off each time. The first time I crossed a finish line I realized there was nothing that was not capable of being tackled and perhaps accomplished. For the first time in my life, I felt that intellectual and social competencies were finally integrated with fitness and health and stamina and determination - all things that help better service to clients and community. My challenge to you today is don't wait to learn this.

Let me end as I have begun, by urging upon you a life of integrity – of not simply living the best ideals of our profession while practicing law, but by bringing those values to every facet of our lives, in how we deal with our family, in how we serve our community and how we treat ourselves and our own personal growth.

So enjoy your gift. Bring it out at least once a year to look at and make sure you are using it to the fullest. Maybe even consider how you can burnish it. The gift you are given today is the opportunity to have a life of integrity.”

PRESENTATION OF PRIZES

Ms. Diana Miles, Director, Professional Development & Competence introduced the prizewinners to the Treasurer.

Awarded The Osgoode Society for Canadian Legal History Prize; a share of The Vera L. Parsons Prize; and a share of The Joseph Sedgwick, Q.C. Prize

Michele Marie Warner

Awarded The Osgoode Society for Canadian Legal History Prize, and a share of The S. J. Birnbaum Q.C. Scholarship First Prize

Richard V. Cheung

Awarded The Osgoode Society for Canadian Legal History Prize

*Basil Shea Alexander
Hilary Joan Braden
Courtney Vanessa Raphael*

Awarded The Beverley Genest Prize

Katharine Mei Ying Ho

Awarded a share of The William Belmont Common, Q.C. Prize

James Alexander Cowan Levine

Awarded a share of The Herbert Egerton Harris Advocacy Scholarship (second highest grade)

Bradley Parris Kudar

CALL TO THE BAR

Ms. Laurie Pawlitza, Mr. William Simpson, Mr. Gerald Swaye and Ms. Bonnie Warkentin presented to the Treasurer 260 candidates for the Call to the Bar as follows:

260 CANDIDATES FOR CALL TO THE BAR

(Enclosed in Convocation file is a list of the candidates for Call to the Bar)

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

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 Madam Chief Justice Heather J. Smith, Superior Court of Justice, presiding.

The candidates were presented to Chief Justice Smith before whom they took the Oath of Allegiance, Barristers Oath and Solicitors Oath and acknowledged their signatures on the Rolls in the presence of the Court.

Chief Justice Smith then addressed the new Barristers and Solicitors.

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At the conclusion of the formal proceedings, the Treasurer and benchers held a reception and luncheon for their guests at Osgoode Hall.

Confirmed in Convocation this 22nd day of September, 2005

Treasurer