

## MINUTES OF SPECIAL CONVOCATION

London – Friday, 15<sup>th</sup> June, 2007  
2:30 p.m.

Prior to Convocation, the Treasurer (Gavin MacKenzie) 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 97 candidates listed in the Report of the Professional Development, Competence and Admissions Committee.

## 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.

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CONFERRING OF AN HONORARY DEGREE

Ms. Judith Potter, a representative of the Professional Development and Competence Committee introduced the Doctoral candidate the Honourable W. Dan Chilcott and read the following citation:

“Treasurer, may I present to you and this Convocation the Honourable W. Dan Chilcott and request that you confer upon him the degree of Doctor of Laws, *honoris causa*.

Called to the Bars of Nova Scotia, Ontario and the Northwest Territories, Dan Chilcott began his career as the Senior Assistant Crown Attorney for the County of Carleton in 1956. In 1958, he entered private practice with the firm of Binks, Chilcott & Simpson and was appointed Deputy Magistrate for the Northwest Territories, later becoming its Special Prosecutor. In 1967, he was appointed Queen’s Counsel.

Elected a bencher of the Law Society of Upper Canada in 1979 and the Society’s Treasurer in 1987, Dan Chilcott has been, and continues to be, a dedicated member of Convocation.

He was appointed a justice of the Superior Court of Justice in 1988 and in 1999, a Deputy Judge of the Nunavut Court of Justice.

Dan Chilcott has had an exemplary career and has given extensively to his profession. I request you, Sir, to confer upon him the degree of Doctor of Laws, *honoris causa*.”

The Treasurer admitted Mr. Chilcott to the degree of Doctor of Laws, *honoris causa*.

Mr. Chilcott then addressed the candidates and their guests.

“Treasurer, Justice Killeen, benchers, soon-to-be barristers and solicitors – honoured guests and dedicated and long-suffering parents.

Thank you Judith Potter for your kind and generous remarks.

Treasurer – I wish to sincerely thank you and the benchers for this honour which you have given to me – I am truly grateful.

Mind you, I have always felt that when these honours were being given – that it would be wiser and safer to hear what the recipient has to say before the honour was bestowed so that if there was a bad address, the honour would not be given.

Treasurer – on the way in this afternoon I heard a couple of candidates for the “call” discussing how thankful they were that the day had finally arrived – after undergraduate – law school – bar admission course – and articles – when they were to get their degree. I felt like telling them to be patient, that it had taken me 78 years to get a degree from the Law Society of Upper Canada.

I had a great deal of difficulty in finding a topic that would be suitable for my short remarks today.

I did not feel that you would appreciate a learned dissertation on the law, or an analysis of a recent decision of the Supreme Court of Canada, or another exhortation to do *pro bono* work after you are called – although I think that is very important, commendable, and necessary.

However, being a traditionalist, I felt it would be more appropriate to keep to the usual themes that are used in addresses at call to the bar ceremonies.

These addresses usually start out, and correctly so, to the effect that after today – you will forever be different – you will be a barrister and solicitor.

As a consequence of holding this privileged position in society – you will have a larger role and greater responsibility than those of your fellow men who have not had the same educational advantage.

Having been at the bar for over 50 years, may I be so presumptuous as to mention a few attributes that may be helpful in your practice whether you are a litigator or doing solicitor’s work – I will not expand on them as their everyday meaning is perfectly clear – you need imagination – energy – discipline – civility – compassion and trustworthiness.

Some say the 4 H’s will be enough – hard work – humility – honesty and humour.

These four are certainly a good foundation but I think you must add integrity – common sense (the greatest gift of all) – independence and commitment or courage.

All of these factors add up to REPUTATION – and that is the most precious asset that a lawyer can possess.

But remember that an excellent reputation can take a lifetime to achieve – but is so fragile and fleeting that it can be lost with one bad act or lapse of sensibilities.

However, as a caveat – and I get this from the practicing bar of all ages – the practice of law today is a high stress level vocation and the victims of burn-out are evident everywhere – so remember to also relax – enjoy yourselves and your family and the world about you – life is much more than dedication and slavery to the practice of law.

Now having said all that, which deals with outer conflicts and which I am sure is trite to all of you, may I turn to the main thrust of my address today – a topic that is seldom, if ever, addressed at these convocations, and that is the matter of INNER CONFLICT that most, if not all of you, have at this point as you stand on the threshold of entering the real world.

In my own experience – as I was about to be called to the bar – I was in awe – terrified – fearful of what the great unknown would hold for me – peer pressure – and the ever present fear of failure, after all the time, effort, and money spent to get to this point.

As I was searching for material to support that theme message, I found in a 1989 personal file a humorous, moving, and meaningful letter from a student-at-law who was being called to the bar at one of the convocations in Toronto on April 14, 1988.

To get such a letter was astonishing in itself because I thought no one ever listened to me.

However, it is necessary that I give you some background to this letter – and my reply. In my remarks to the newly called members of the bar in 1988 I gave two quotations, and they were given in the context of hopefully reassuring and giving confidence to those who had just been called.

I gave these quotes almost 20 years ago and I give them again to you today – they are old, source unknown, but in my opinion they still fit, and are in style.

Quote 1 – REMEMBER, A PERSON WOULD DO NOTHING, IF HE OR SHE WAITED UNTIL HE OR SHE COULD DO IT SO WELL, THAT NO ONE COULD FIND A FAULT.

Quote 2 – IT MUST BE BORNE IN MIND THAT – THE TRAGEDY OF LIFE DOES NOT LIE IN NOT REACHING YOUR GOAL. THE TRAGEDY LIES IN HAVING NO GOAL TO REACH. IT IS NOT A CALAMITY TO DIE WITH DREAMS UNFULFILLED – BUT IT IS A CALAMITY NOT TO DREAM. IT IS NOT A DISGRACE NOT TO REACH THE STARS – BUT IT IS A DISGRACE TO HAVE NO STARS TO REACH FOR. NOT FAILURE BUT A LOW AIM IS THE SIN.

I have abridged and edited the letter, and my reply, in an attempt to conform to time restraints.

He wrote:

“Dear Mr. Chilcott:

I was one of the 400 students-at-law called to the Ontario bar on April 14, 1988 at Convocation Hall in Toronto. As I waited for the ceremonies to start, I overheard a fellow student remark about how typical it was that the Treasurer should be the head of the Law Society.

With that cynical remark embedded temporarily in my subconscious I watched you nod or smile in welcome to each of us as we crossed the platform, and thought somewhat absentmindedly that you must be some sort of a machine or something, a mere perfunctor.

However, to my complete shock, the first words you spoke to us upon our call were addressed to the very problem that had been gnawing at me for some time, but which I had trouble really even defining.

You said “if a man were to wait until he could do something perfectly he would do nothing in his life.”

It was as if this were directed right at myself, and what it is that had me “standing in pause” as far as my career is concerned.

I felt like I’d been struck by lightning in so suddenly becoming aware of my inner conflicts.

The fact, and you might take note of this Treasurer as an indicator of the high esteem in which this position is held, that the revelation came from someone who I had, rather carelessly, perceived to be a foreign, inaccessible, impersonal figurehead, who couldn’t possibly nod and smile 400 times and mean it was just too much for me.

So you defined the problem – what is the solution? – is it to go ahead anyway and just do your best – even though you know at times you will mess things up – that you will not be perfect?

But in making that pronouncement to us all did you really want to give a “carte blanche” to some of the “success at all costs” people?

I’m talking about those who are lacking in tolerance, compassion and charity, who are driven by concerns of “success” financially and in prestige, and who will repeat that phrase to themselves and others when their consciences become queasy.

Perhaps you uttered those few words because you sensed an uncertainty in those of us that you had spoken with.

I suffer from it myself and I admit I am on the verge of the paralysis you foretell. I hope the uncertainty will benefit from your instigative remarks.”

My reply

May 9, 1989

Dear So and So:

"May I thank you for your letter of April 18<sup>th</sup>. Needless to say, I appreciate receiving it even after the lapse of a year. More importantly, I thank you for the question you pose but for which I have no ready answer at the present time.

Let me assure you, however, that the quotes that were made, although addressed generally, were really directed to each individual in that audience to take in his or her own way, and were not necessarily directed to achieving success or monetary gain but rather to each individual's ability to try to do what he or she wants to do even though they may fail or achieve only part of their individual goal.

I would suppose that everyone at some point in their lives, having been suddenly thrust into the real world and being so ill-prepared to cope with it, is going to be intimidated not only by his or her peers, but also by those who have gone before. I suppose, therefore, the real message that I was trying to convey was not to be intimidated, but if you wish to try something new, try it. There are always going to be those who seek success and wealth above all else and who totally lack tolerance, compassion, charity and, most of all poor souls, understanding. They, I presume, cannot be changed.

Yours truly,"

To you soon to be barristers and solicitors I am sorry I still don't have a clear answer – if you find one, please let me know.

I congratulate you and may you have a satisfying, successful, and rewarding career in whatever you may do.

Good luck – bonne chance.

Thank you again Treasurer and benchers for this great honour you have bestowed upon me. I am truly humbled."

### CALL TO THE BAR

Mr. James Caskey and Ms. Heather Ross presented to the Treasurer the 97 candidates for the Call to the Bar.

### 97 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 Gordon Killen, Superior Court of Justice, presiding.

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

Justice Killen 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 20<sup>th</sup> day of September, 2007

Treasurer