

## MINUTES OF SPECIAL CONVOCATION

Toronto – Thursday, 21st, July, 2005  
2:30 p.m.

Prior to Convocation, the Treasurer (George D. Hunter) and benchers held a reception and luncheon for their guests at Osgoode Hall.

Following the luncheon, the Treasurer, benchers and their guests proceeded to Roy Thomson Hall for the Call to the Bar ceremonies of 269 candidates listed in the Report of the Director of Professional Development and Competence.

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## 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 Gail Morgan.

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CONFERRING OF AN HONORARY DEGREE

Mr. Paul Copeland, a representative of the Professional Development, Competence and Admissions Committee introduced The Honourable Justice David Watt and read the following citation:

“Treasurer, may I present to you and this Convocation The Honourable Mr. Justice David Watt and request that you confer upon him the degree of Doctor of Laws, *honoris causa*.

As a practitioner, a judge, an educator and an author, David Watt has made immense contributions to the legal profession in this country. After his Call to the Bar in 1972, he soon made a name for himself as a counsel for the Ministry of the Attorney General of Ontario arguing criminal appeals and participating in special prosecutions. By 1977, he had become the Ministry’s Senior Counsel (Criminal law), a position he held for eight years.

In 1985, David Watt was appointed a judge of the Superior Court of Justice (Ontario). His career as a judge has been outstanding. He has presided over a significant number of murder trials and guilty pleas and leads the Toronto Homicide and Long Trial team. He is often referred to as “the most experienced trial judge in murder cases in this province”. In addition to his vast experience, his sense of fairness, his subtlety and personable character have earned him the respect of both the Bench and Bar.

Cognizant of the fact that implementing the rule of law fulfils only part of his obligation to his profession, David Watt has worked tirelessly to also contribute to its growth and renewal by chairing the National Criminal Law Program since 1984 and lecturing extensively across the country. His written works have become definitive texts in Canadian criminal law.

The Honourable Mr. Justice David Watt is deserving of the highest honour this Society can give and I request you, Sir, to confer upon him the degree of Doctor of Laws, *honoris causa*.”

The Treasurer admitted Justice Watt to the degree of Doctor of Laws, *honoris causa*.

Justice Watt then addressed the candidates and their guests.

“Mr. Treasurer, Benchers of the Law Society of Upper Canada, members of the graduating class, your families and friends.

It is an enormous honour for me to receive from the governing body of our profession in Ontario an Honourary Doctor of Laws Degree. As judges, we are required to provide reasons for our decisions, preferably reasons that reflect a correct understanding of the law and show at least a nodding acquaintance with the evidence adduced at trial. I am extremely grateful to the Benchers for their generous interpretation of that rule for me today.

This is a very important day for you who are about to formally enter the legal profession. You have had to work very hard to advance to this threshold. And you are, each of you, worthy recipients of our congratulations and praise. But do not lose sight of the many who have helped you along the way. Family. Friends. Spouses. Significant others. This is their day too, as it will be for others with your help.

The legal profession occupies a unique position in Canadian society. It, alone amongst the professions, has a place in our constitution, the supreme law of our country. As a member of that profession, you will be accorded some measure of respect. But we must remember, all of us, that respect is not self-sustaining. It requires nurture to survive and flourish.

There is no magic formula to follow to foster respect for the rule of law and our profession. But as you begin your formal careers, you might consider three modest suggestions.

The first has to do with the language we speak and write in our professional activities.

Nearly 30 years ago, Richard Wydick wrote in his article, *Plain English for Lawyers*:

“We lawyers cannot write plain English. We use eight words to say what could be said in two. We use old, arcane phrases to express commonplace ideas. Seeking to be precise, we become redundant. Seeking to be cautious, we become verbose.”

The same may be said of judges whose language often carries the additional burden of pomposity. We are not easily convinced of John Kenneth Galbraith's observation that there are no important propositions that cannot be stated in plain language.

As professionals, who spend much of our time in the company of others in the same profession, we converse in our *langage de travail*. Legalese. Lawyerspeak. Judgespeak. Other professions do the same. Engineers. Dentists. And doctors.

To write and to speak good English or French is a difficult task, even if we set out to do so. It is easier and takes less time to speak and write wordy and complicated prose that parrots the precedents. Clear and simple English or French is hard work. But it is well within our grasp.

Our conversational partners or correspondents are not always fellow legal professionals. Sometimes they are clients. At other times they may be witnesses. On yet other occasions, they may be members of the public with no direct interest in the outcome of a case or transaction in which we may be involved.

The law and our profession achieves respect through understanding. Communication that facilitates rather than impedes understanding nourishes respect. Our communications should not be abracadabra. We are all the more honourable and deserving of respect if we communicate in plain simple language, the product of clear original thinking.

The second suggestion concerns civility.

Our method of resolving disputes is through the adversary system.

In our adversary system many participate. The parties. Their witnesses. Judges. Jurors. Spectators. Your participation may be as counsel, instructing solicitors, or sometimes as a witness. Participation in an adversarial system is not a licence for incivility to others. Not to those opposed in interest. Not to those who testify. Not to those who will do their best to decide the case. Incivility to others, any others, irrespective of their position in a case or transaction and their station in life is the antithesis of professionalism. To maintain respect, we need show it. And civility in our dealings with others is crucial. The gracious and principled are remembered long after the disrespectful and uncivil.

And finally, tradition.

The legal profession is an old and honourable profession, rich in tradition. Like some others, it is a helping profession. We apply our professional skills to help others. Many times, but not always, those we help are less fortunate than ourselves. But being a lawyer involves much more than giving legal advice and carrying out instructions. Lawyers are human too. They are members of the community in which they work and live. And lawyers have a rich history of participation in the activities of their community. As volunteers in charitable works. In providing *pro bono* services. As supporters of initiatives to better their communities. As coaches and managers of athletic teams. As community leaders. Our contributions to society are not and should not be limited to billable hours.

This glorious day, the 21st of July, 2005 will be etched in your memory for the balance of

your lives as the beginning of your professional career. It is a day that is indelibly imprinted in my mind as well, in gratitude for the honour conferred upon me by our profession. We, you and I, are privileged to serve in a noble profession. We are, all of us, committed to the values of decency, justice and respect for one and all in our free and diverse society.

Thank you Mr. Treasurer and Benchers for honouring me and permitting me to share this day with you and our newest colleagues, their families and friends.

Thank you very much.”

### PRESENTATION OF PRIZES

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

The Treasurer presented the following prizes to the respective recipients.

Awarded The Treasurer’s Medal; The Ronald O. Daly Scholarship; The Edwin George Long, K.C. Memorial Scholarship (highest grade); The Osgoode Society for Canadian Legal History Prize; and a share of The William Belmont Common, Q.C. Prize

*William John Samuel Willis*

Awarded The Law Society’s Second Prize, and The Osgoode Society for Canadian Legal History Prize

*John Cameron Mc Kercher*

Awarded The Osgoode Society for Canadian Legal History Prize; The Margaret McNulty Award; The McCarthy Tétrault Business Law Prize (Toronto); and a share of The Margaret P. Hyndman, O.C., Q.C., D.C.L. Prize

*Michele Leah Joseph*

Awarded The Osgoode Society for Canadian Legal History Prize, and The S. J. Birnbaum Q.C. Scholarship Third Prize

*Dina Mejalli*

Awarded The Osgoode Society for Canadian Legal History Prize

*Roy Wing Yeung Lee  
Kirk Robert Rauliuk  
Robin Leanne Reinertson  
Romda Ann Jao Velez*

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

*Laura Fernanda Cassiani  
Paula Yeuk-Wah Ho*

CALL TO THE BAR

Ms. Andrea Alexander, Ms. Laurie Pawlitzka, Ms. Judith Potter and Ms. Heather Ross presented to the Treasurer 269 candidates for the Call.

269 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 Mr. Justice James M. Spence, Superior Court of Justice, presiding.

The candidates were presented to Justice Spence 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 Spence then addressed the new Barristers and Solicitors.

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At the conclusion of the formal proceedings the Treasurer, benchers and their guests returned to Osgoode Hall.

Confirmed in Convocation this 22<sup>nd</sup> day of September, 2005

Treasurer