

## MINUTES OF SPECIAL CONVOCATION

Toronto – Friday, 19<sup>th</sup> June, 2009  
9:00 a.m.

The Treasurer (W. A. Derry Millar), benchers and their guests proceeded to the auditorium at Roy Thomson Hall for the Call to the Bar ceremonies of 313 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 Keith Klassen.

The Treasurer welcomed the candidates and their guests.

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CONFERRING OF AN HONORARY DEGREE

Ms. Marion Boyd, a representative of the Professional Development and Competence Committee introduced the Doctoral candidate the Honourable Frances P. Kiteley and read the following citation:

“Treasurer may I present to you and this Convocation Madam Justice Frances Kiteley and request that you confer upon her the degree of Doctor of Laws, *honoris causa*.

After her Call to the Bar of Ontario in 1976, Frances Kiteley began a successful practice in civil litigation and family law. In 1987, she was elected a Bencher of the Law Society of Upper Canada and served in that position until 1995.

Elected at a time when women Benchers were still few in number, Frances Kiteley made enormous contributions to Convocation and initiated great changes that shattered the stereotypical attitudes held by many of her male colleagues. During her term as a Bencher, she served in a number of high profile positions and was particularly effective in making women’s issues a Law Society priority. In 1994, she was awarded the Law Society Medal in recognition of her contributions.”

Madam Justice Frances Kiteley was appointed to the Superior Court of Justice in 1995. In addition to her judicial duties, she is the Co-Chair of the Board of Directors of the Canadian Centre for Court Technology and the Chair of the Ontario Justice Education Network, a position she has held since 2002.

She is most deserving of this honour and I request you, Sir, to confer upon her the degree of Doctor of Laws, *honoris causa*.”

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

Justice Kiteley then addressed the candidates and their guests.

“Chief Justice, Treasurer, Benchers, Candidates and your friends and families:

I am delighted that the Benchers have conferred this Honourary Doctorate. I quite like skipping the Masters of Law and going straight from a Bachelor of Law to a Doctorate of Laws.

I am very excited to be with you all today to recognize the extraordinary effort that you and your families and friends have made to reach this point.

I'd like to use this opportunity to speak about three things, all of which are tied together by the common theme of technology. Those three are: the role that technology will play in your careers; the role that technology can play in responding to the challenging work/life balance conundrum; and the role of technology in expanding the ability that each of you has in giving back to your respective communities.

The average age of the candidates this year is between 29 and 30. What is the significance of that? Your age means that you belong to the **Net Generation**. For about the last 15 years, you have been at the centre of social networking. You probably can't remember when you didn't have a cell phone. You use cell phones and blackberries and iPods constantly either for voice communications, texting, or pictures. You use Google and Wikipedia before ever thinking about going to a library. Life before the Web does not exist for you.

You use these media for social and educational and research purposes. Just this week we have had a demonstration of the power of technology in a political environment. Approximately half of Iran's population is under 25 years old. Those 20 somethings are using Twitter and Facebook to organize themselves in reaction to the recent election. Richard Susskind is a lawyer and writer. His most recent book is “The End of all Lawyers?” It is a question, not a statement. I encourage all of you to read his book.

As the flyleaf describes it, Susskind sets a challenge for all lawyers. He urges lawyers to ask what elements of their current workload could be undertaken more quickly, more cheaply, more efficiently, or to a higher quality using different and new methods of working. He argues that the market is unlikely to tolerate expensive lawyers for tasks that can be better discharged with the support of modern systems and techniques. He claims that the legal profession will be driven by two forces in the coming decade: by a market pull towards the commoditisation of legal services, and by the pervasive development and uptake of new and disruptive legal technologies.

He uses the term “disruptive” to describe innovative technologies that fundamentally transform markets.

Susskind foresees that for entrepreneurial lawyers who can adapt to innovative technologies, different law jobs will emerge that will be highly rewarding, even if very different from those of today.

I daresay that some of you are a little disappointed at how archaic some of our processes are. You have to go to the tribunal or to the courthouse to find out where your matter is to be heard. You can't find out on-line the night before where you're going (which in Toronto could be 3 court locations for civil matters) and who your judge or master will be. You can't have electronic access to the pleadings and motions you have filed. You can't find a court order except by trolling through a huge file that has been sent to storage and must be retrieved every time you need it. You do all of the legal research on line, then stand at the photocopier making multiple copies of case law with passages highlighted. You take the documents that the clients have prepared in digital form and you print them and have them bound, indexed, tabbed and duplicated countless times over.

You and your principals and now you and your clients must attend court or the tribunal in person for every transaction in a case.

Our Chief Justices have collaborated with Attorneys General in attempts to ameliorate some of these obstacles but clearly more must be done. The Chief Justices of all courts in Canada are cognizant of the potential and the need for technological change as was evidenced by their invitation to Richard Susskind to address them at their recent national meeting.

Armed with your law degrees and your status as lawyers, you are the leaders of the connected generation. You have the opportunity to bring that knowledge to bear in the legal world both as service providers and as service consumers. You know better than the thousands of lawyers that have preceded you what consumers of legal services are expecting. You know how to respond to that expectation.

I am confident that there will be enormous changes in your professional lifetime in the ways in which legal services are delivered; in the ways in which legal disputes are avoided; in the ways in which legal disputes are resolved. I'd ask you not to advocate for universal online dispute resolution at least until I retire!

I am also confident that such enormous changes will happen sooner if you promote them. There is no part of your professional future that is not impacted by technology. What is unique about the Net Generation is that you have the knowledge, the skills and the enthusiasm to push the envelope.

The second aspect of technology has to do with the impact on the work/life balance debate.

For the baby boomers, there wasn't a debate. You worked and your personal life had to be accommodated around that. Between 1980 and 1988, Beth Symes and Liz McIntyre and I carried on the practice of law together. I like to say that the partnership produced 4

children. But Beth and Liz did all the work when they each had two children. Those were very challenging years.

For almost 20 years, the Law Society of Upper Canada has been a leader in responding to those challenges. It's been an uphill battle. Recently the Benchers of the Law Society have taken very exciting initiatives. I encourage all of you to read the Report on the Retention of Women in Private Practice Working Group. Two of the benchers about to be name readers (Laurie Pawlitzka and Janet Minor) were members of the Working Group along with others including Marion Boyd and my former partner Beth Symes. Following that report in 2008, the Law Society launched the Justicia Project designed to engage law firms across Ontario to adopt programs for the retention and advancement of women. There are over 45 participating law firms. The Law Society also recently introduced the Parental Leave Benefit Pilot Program that provides a fixed sum of \$3000 a month for three months to cover expenses associated with maintaining the practice during a maternity, parental or adoption leave.

Those are just two of the many initiatives that the Law Society has undertaken. With the leadership in law firms, in the Law Society, and in professional organizations such as the Canadian Bar Association, the Ontario Bar Association and the Advocates' Society, change is inevitable.

As you know from your articling experience, there is an increasing intolerance for the lack of balance. This too is where there technology is relevant although there is good news and bad news. On the good news side, you know that some of the legal work you do can be done more efficiently. You understand that work can be going on even without "face time" in the office. You appreciate how to maximize your effort and your time using technology. You are positioned to use technology to help achieve greater balance without isolating yourself in front of a computer.

The pervasiveness of technology imports some bad news. According to Susskind, the legal profession is moving to a demand for 24/7 availability on the network. He suggests that if you aren't there for your clients, your competitors will be there.

I resist that trend and I hope you will too. Don't take it from my comments that a new mom should be docketing time while breastfeeding her newborn or a new dad who takes paternity leave should be using technology to do memos of law to keep his dockets at the same level as if he were working full time.

What is important is that technology can provide greater efficiencies and that you can – and will – establish boundaries between your many professional and family responsibilities.

The third area where technology will have an impact is in that very important part of your lives as professionals that involves giving your skills and knowledge and enthusiasm to people and organizations in need. Again you are unique. Many of you were educated in a culture of volunteerism.

Before you could graduate high school, you had to prove that you had fulfilled your 40 hour commitment. That was intended to provoke good citizenship. But it has had a very important consequence: the volunteerism that you were introduced to in high school has probably become a lifelong expectation.

I know that thousands of law students have been involved in Pro Bono Students Canada. As PBSC's web site indicates, it is the world's only national pro bono student organization. It operates in most law schools across Canada with more than 1000 law students each year working with 300 PBSC partners. Some of you who graduated from the University of Toronto were introduced to LAWS (Law in Action Within Schools), a unique program designed to match law students with local high school students to promote mentoring, tutoring and life skills. I expect the relationships you developed there will continue to thrive both to your benefit and the benefit of the students.

Having fulfilled all of your professional qualifications, you now are situated even more to help your communities. Whether it's Pro Bono Law Ontario, or the Ontario Justice Education Network that Marian Boyd spoke about in her remarks, or outreach through legal clinics you have been associated with, or sitting on Boards of Directors of non-profit organizations, you will undoubtedly not only continue your commitment to volunteerism, you will promote it.

And technology will assist. Whether it's arranging meetings or circulating minutes or draft proposals or sending newsletters, much of the administrative functions will be done electronically. You know how efficient and effective technology can be in accomplishing objectives.

Those of us with post-secondary degrees are very privileged. While you might now be burdened by debt and while some of you are concerned that the economic crisis is impacting on finding a job, you have knowledge and skills that you will be able to use to enhance the very significant benefits that those of us who live in Canada enjoy.

Before closing, let me recognize your families and friends and how proud all of you are that so much has been accomplished. I remember as if it were yesterday, although it was in 1976, how proud my mom and dad were on the occasion of my call to the bar.

A vous, monsieur le Trésorier et à tous les Directeurs du Conseil, je vous remercie encore une fois de m'avoir conféré cet honneur.

Aux candidats et candidates, félicitations.

Je vous souhaite un avenir intéressant et plein de défis.

Treasurer and Benchers, thank you again for this honour.

And to the candidates, I hope each of you will have an interesting and challenging future.

### CALL TO THE BAR

Ms. Minor, Ms. Pawlitzka and Messrs. Pustina and Swaye presented to the Treasurer 313 candidates for the Call to the Bar as follows:

313 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 Chief Justice Heather Forster Smith presiding.

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

Chief Justice Smith 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 24<sup>th</sup> day of September, 2009

Treasurer