

MINUTES OF SPECIAL CONVOCATION

Ottawa – Friday, 13th June, 2008
9:30 a.m.

The Treasurer (Gavin MacKenzie), benchers and their guests proceeded to Southam Hall in the National Arts Centre for the Call to the Bar ceremonies of 205 candidates listed in the Report of the Director of Professional Development and Competence.

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CONVOCATION WAS CALLED TO ORDER AT 9:30 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 Martine Richard.

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CONFERRING OF AN HONORARY DEGREE

Ms. Laurie Pawlitzka, a representative of the Professional Development and Competence Committee introduced the Doctoral candidate, Dr. Margaret Helen Ogilvie and read the following citation:

"Treasurer, may I present to you and this Convocation, Margaret Helen Ogilvie, and request that you confer upon her the degree of Doctor of Laws, *honoris causa*.

Margaret Ogilvie is a prominent and prolific legal scholar, an exceptional teacher, and an innovative researcher. Her contributions to the legal profession both in Canada and abroad have been impressive.

Called to the Bars of both Nova Scotia and Ontario, she has had an extremely successful academic career at Carleton University's Department of Law, where she is highly respected by both students and faculty. Her publications are extensive and she is considered one of the leading experts in banking and commercial law and church and state relations in Canada. Her reputation as a legal scholar is reflected in the honours that she has been awarded in the university, the broader academic community and the province of Ontario.

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

The Treasurer admitted Dr. Ogilvie to the degree of Doctor of Laws, *honoris causa*.

Dr. Ogilvie then addressed the candidates and their guests.

"Treasurer, distinguished members of the Bench and Bar, Students-at-law, Ladies and Gentlemen.

I would be seriously remiss if my first words today did not add my congratulations to the many congratulations already received by the soon-to-be newest member of the Bar of Ontario. Warmest congratulations to each of you. And also, of course, to your families and friends who have nurtured, supported, sustained and occasionally consoled and financed you, throughout your lives to this happy moment. While this is your moment in which you rightly exult and enjoy a well-deserved sense of achievement, each of us has had and hopefully will continue to have family and friends for whom we are grateful and who uphold and sustain our lives in our achievements and in our failures. For some of you, the road traveled to this place will have been smooth; for others, that road will have been rocky and required tenacity to overcome obstacles of race, poverty or disability. But however you have come here today, you have all arrived at the same place, and go out from this place as fellow members of the Bar of Ontario. You will all have learned the lessons which only a legal education can provide: reading, thinking and writing critically; an unrivalled knowledge of how our institutions, both public and private, operate; and, a sense, yet to be matured, of the principles and policies undergirding our institutions and laws, that is, undergirding our society, our common lives together. These are lessons, together with the collegiality and friendship of the Bar, which you will carry into your future endeavours.

Not all of you will persevere in the practice of law. Some will find, or have already found, that it does not match their temperaments, interests, or goals in life. Some will pursue other careers in business, public service, or in non-governmental organizations. A few will write, paint, sculpt, act, sing, or make music. But whatever paths each of you take from this day forward, you will find that the educational process you have experienced, and at times, endured, will provide you with the knowledge and skills to negotiate a successful and fulfilling life.

Of course, there are no easy times in which to begin your life's work. Every age and every generation has its unique challenges and opportunities. Ours is no different. You are the inheritors of a rapidly fragmenting world. My generation had it easy. We are the Charter children. We brandished a deeply principled document to break down barriers to our own desires for authority, power and wealth. Many of us have done well by doing good. But it is easier to destroy than to create. Canada is now by many measures a more egalitarian and affluent society than in the past and there is much for which to be thankful. Yet, much more needs to be achieved if all citizens are to enjoy the flourishing of their full humanity, to the extent to which they are able.

Daily, the press presents us with evidence of how our society has fragmented along lines of race, class, gender, orientation and religion. Daily, the press presents us with the challenges we must as a society overcome if we are to recover a common life together. As your legal education has taught you, the law plays a unique role in binding societies together. It will be your task, in your own places in the world, to remold and renew our common law so that it may become the means for healing fragmentation and for facilitating our life together as citizens of this northern kingdom. I hesitate to suggest to

you where you might find the resources for this task, but I can think of two no more better resources than the common law itself, and the people, your clients, whom both you and the law are dedicated to serve.

Today, you take an oath to uphold our laws. You may have noticed that generally today we speak of the law or the laws, but increasingly rarely of our common law, perhaps out of respect for our civilian cousins across the river. Or perhaps because we no longer believe in a common law. Yet, it may be salutary to remind ourselves that our now almost 1,000 year old understanding of the law in the Anglo-Canadian tradition, as a common endeavour, was rooted in a society as fragmented as ours, when from before time immemorial (1189), Henry II's justiciars began the noble and unprecedented experiment of using law to bind together disparate nations, languages and customs, into a peaceful society where disputes are resolved without resort to physical violence. With a few exceptions over the past millennium, the history of the countries of the common law have been free from widespread violence and war, and those exceptions, the English Civil War, the American Revolution, the Rebellions of 1837, were prompted more by a desire to restore the common law for the common good than to destroy or replace it.

I believe that the reason for this deep attachment to the notion that we must all be subject to the same laws in the same ways is rooted in that law itself. Below the sometimes seemingly capricious rules, which your legal education has taught you to manipulate to achieve desired results, are the characteristics which every human being shares, and which are the requisites for fulfilling family relationships, friendships, and for successful societies, small or large. They are almost too embarrassingly simple and obvious for me to state publicly: honesty, trustworthiness, promise-keeping, respect for the dignity and humanity of others and its fullest expression, reverence in the face of the mystery of our very existence, and the use of the quality that sets us apart in the created world, our reason. After some 30 years of reading and thinking about the myriad, minute rules of law, I remain impressed by how embedded in the common law these characteristics are, just below the surface of the rules. When laws no longer reflect these characteristics, they become truly capricious and undeserving of respect, but when they reflect them, they reflect our common humanity and are truly our common law.

They are the undercurrent of the common law as it flows down the centuries and irrigates societies through which it flows. They are the moorings on which societies are built alone. Indeed, the metaphor of a river, imperfect as it is, seems more appropriate to the common law than the economist's pie of fixed dimensions over which children fight for the largest piece. The common law is like a river, fed by many streams and sustaining many human projects in its turn. Search below the surface of the legal rules and you will find that the wisdom of the common law is the wisdom of our common human nature.

And you will find reinforcement for this in those whom you pledge today to serve. Whether a client is rich or poor, whether their problem is simple or complex, each person who comes to you, comes in vulnerability and in the hope that you will have the skills and knowledge to resolve their problem. That the deepest satisfaction in life is experienced in helping others is well known to all of us from personal experience. Power, wealth and status are satisfying but do not completely fulfill our deepest human needs and desires. I believe the reason for this is that when we help others, we become, in some sense, united with them in our common humanity.

Your clients will expect you to be honest, worthy of trust, a keeper of promises, a respecter of all persons and of the mystery of their lives, and that you will exercise your reason, not your passions, to resolve their problems. They will share their human vulnerability with you and will expect you to share your human wisdom with them. This is the momentous responsibility for which you have been trained and on which you will embark when you leave this place today. But in that responsibility, you will find your own deepest humanity and human satisfaction, and also the wisdom of our common law.

As we approach the beginning of the second millennium of our legal tradition, we are fortunate to be able to stand, in the oft-quoted words of Bernard of Clairvaux, on the shoulders of giants. Look behind you. Look beside you. Look within yourselves and to your higher selves. And you will find models for your lives, both professional and personal. To succeed, you will need energy, a capacity for hard work, discipline, humility, common sense, civility and compassion. You may also need the courage to take unpopular positions and the independence to see them through. The independence of the Bar is not just a nice myth which we trot out on occasions such as this to feel good about ourselves, but has been a characteristic of some of the finest lawyers over the centuries, enabling them to resist fiercely crowns, parliaments and public opinion in order to ensure equality under the law and the equal protection of the law for all. Law is a noble calling. Ennoble it and you will be ennobled by it, and therein find great happiness and your own true humanity.

But I have gone on too long. So, in closing, please permit me once more to offer each of you my warmest congratulations and to wish you every happiness and success in your callings."

CALL TO THE BAR

Mr. Conway, Ms. McGrath and Ms. St. Lewis presented to the Treasurer the 205 candidates for the Call to the Bar.

205 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 Justice David McWilliam, Regional Senior Justice, East Region, Superior Court of Justice, presiding.

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

Justice McWilliam then addressed the new Barristers and Solicitors.

At the conclusion of the formal proceedings the new Barristers and their guests were received by the Treasurer and benchers in the Southam Hall Lobby.

Confirmed in Convocation this 25th day of September, 2008

Treasurer