

MINUTES OF SPECIAL CONVOCATION

Toronto – Friday, 20th June, 2008
9:00 a.m.

The Treasurer (Gavin MacKenzie), benchers and their guests proceeded to the auditorium at Roy Thomson Hall for the Call to the Bar ceremonies of 292 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.

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CONFERRING OF AN HONORARY DEGREE

Mr. Alan Gold, a representative of the Professional Development and Competence Committee introduced the Doctoral candidate the Honourable Vibert Lampkin and read the following citation:

"Treasurer, may I present to you and this Convocation, the Honourable Vibert A. Lampkin and request that you confer upon him the degree of Doctor of Laws, *honoris causa*.

Vibert Lampkin has served the judiciary, the legal profession, and the wider community in Canada and his native country Guyana with integrity and distinction for over forty years.

After completing his legal education in England, he practised as a solicitor in Guyana until his family moved to Canada. In 1969, he was called to the Bar of Ontario.

In 1982, with his appointment to the Provincial Court of Ontario, he became one of the first black judges in Ontario. Throughout his judicial career, he earned a reputation as a leader of the court, a trailblazer, a mentor, and a legal scholar.

Vibert Lampkin is deserving of the highest honour this Society can bestow and I ask you to confer upon him the degree of Doctor of Laws, *honoris causa*."

The Treasurer admitted the Honourable Vibert Lampkin to the degree of Doctor of laws, *honoris causa*.

The Treasurer invited the Honourable Vibert Lampkin to address the candidates and their guests.

"Mr. Treasurer, Chief Justice Winkler, Chief Justice Smith, Chief Justice Bonkalo, Your Honours, Honourable Consul General, Mr. Attorney, Benchers, new graduates about to be admitted to the Bar, ladies and gentlemen:

First of all I wish to thank the Law Society and the Benchers for bestowing this singular honour upon me. It is an honour, which I accept with deep humility and with the full knowledge that there are so many, much more worthy than I, to be so honoured. It is also an honour which is to be shared with others, too many to mention.

In a letter to me dated March 18, 2008 Treasurer MacKenzie in sending greetings to me on my then forthcoming retirement from the Bench, wrote *inter alia*:

'You have made enormous contributions to the administration of justice over the course of your judicial career and the Law Society and its 38,000 members are indebted to you'.

Let me say Sir that I am the one who is indebted to The Law Society and its members. Indeed, my debt goes much further than that. I am indebted to Canada and the Province of Ontario that saw fit to admit me and my wife as immigrants in July 1967. I am indebted to my principal, the late Joseph Rosenfeld Q.C., for accepting me as an articling student within a month of my arrival on the strength of one interview even though his firm already had its complement of articling students for the year. I am indebted to The Law Society for accepting me as a student member in the Bar Admission Course although I had done none of my legal studies in Canada. I am indebted to Honourable R. Roy McMurtry, Q.C., who as Attorney General of the Province recommended my appointment to the Bench in September 1982. I am indebted to all those lawyers who appeared before me whether as Crown Counsel or from the Defence Bar, lawyers who taught me much more than I was able to impart to them. This honour is to be shared with all of them and many more.

But today is not about me. It is about all these young people – and I say 'young' advisably, because anyone younger than my age of seventy-five is 'young'-eagerly waiting to be called to the Bar and be admitted as Solicitors. You have travelled the course. You have applied yourselves diligently to the task. You have worked hard to reach this point. You, each and every one of you and your families must be congratulated on your achievement.

But, as you know, your work is not done. This is just the beginning. In fact, you have just got your foot in the door. Now you have to enter the room and put into practice what you have learned over the years.

When you take that oath of office and you are called to the Bar and admitted as a Solicitor you will become a member of one of the oldest and noblest professions known to man. Your best days are ahead of you.

Not all of you will practise as Barristers, advocating your clients' causes in court. Not all of you will practise as Solicitors, drafting complicated wills and completing intricate real estate transactions and business negotiations on behalf of clients.

Law has always been regarded in the British Commonwealth of which Canada is a member and even in the United States – which started life as a British colony and was such until 1776 – as a good foundation for other endeavours. Legal qualifications are highly valued not only for knowledge of the law but also for transferable skills that come with the study of law. The field is wide open and there is always room at the top.

Some of you may wish to go into politics. A look at the history of Canada shows that the very first Prime Minister of Canada, Sir John A. Macdonald, Q.C., was a lawyer. Rather surprisingly, Sir John began his legal career at the age of 15 when he had to leave school and start work to assist his family because his father's business was failing. He successfully passed an entrance examination set by The Law Society of Upper Canada. As you know, there were no law schools in those days and prospective lawyers learned the business on the job by being articled to an established lawyer – just as they are today except in those days it was for a much longer period. He became articled to George Mackenzie, a successful lawyer in Kingston, in 1830. At the age of 17, he was managing a branch office for his principal in Napanee. He was not called to the bar until February 1836.

And so it has been through the ages. You could reel off some other Prime Ministers who have been lawyers: William Lyon Mackenzie King, Pierre Elliot Trudeau, Brian Mulroney, Jean Chretien, and Paul Martin, to name a few.

Lawyers have also been most prominent in provincial politics – John Robarts, William Davis, Bob Rae, and Dalton McGuinty. As well as municipal politics – Mayor David Miller.

Some of you may wish to enter other areas of public service. Lawyers are always needed on public commissions such as the Ontario Securities Commission or the Human Rights Commission.

Some may think of entering the diplomatic service. No better example could be found than Honourable R. Roy McMurtry, Q.C. Like so many others, he was in practice before he entered politics during which period of his life, as Attorney General of the Province, he was one of the architects of the Canadian Charter of Rights and Freedoms. Then he became a diplomat and was appointed as Canada's Ambassador to the Court of St. James, and subsequently crowned his career when he was appointed Chief Justice of the Province.

Some of you may think of a career in the commercial or financial professions where a legal background is very useful. Paul Martin was a lawyer and a successful businessman long before he entered politics.

But many of you, I suspect, will wish to practise law as a profession, either as barristers or solicitors. There are a few ideas I would like to leave with you – and these are equally applicable in whatever field you turn your steps – whether it be to politics, business or the practice of law, because they are lessons of life. You will now be “Ladies and Gentlemen of the Law” and your conduct must be such as to have earned that title.

First and foremost, you must be honest and truthful in all your dealings. With the court. With your fellow lawyers, including those in opposition to you. With your clients. They must always be able to rely on your word. Your reputation will depend not only on your ability as a lawyer, important as that is, but also on your good name. This is what Shakespeare had to say about the loss of one's good name speaking through Iago in Othello:

Good name in man and woman, dear my lord,
Is the immediate jewel of their souls:
Who steals my purse steals trash; 'tis something, nothing;
'Twas mine, 'tis his, and has been slave to thousands;
But he that filches from me my good name,
Robs me of that which not enriches him,
And makes me poor indeed.'

You must treat everyone with courtesy and civility. Live by Newton's third law of motion: 'To every action there is an equal and opposite reaction'. That is as true of life as it is of mathematics. If you treat someone with courtesy and respect, you will similarly be treated with courtesy and respect.

Some of you will undoubtedly be judges. It is just as important for a judge to be courteous and civil as the following story shows. Rufus Isaacs, Q.C., was the first Jewish Attorney General of England. He subsequently became Lord Reading, the first Jewish Lord Chief Justice of England. He was appearing as counsel before a rude and discourteous Judge who did not agree with his submissions. They were probably way above his head. Rufus Isaacs was a short little man. The Judge was the essence of rudeness. The Judge said:

“Oh, Mr. Isaacs. You are so small that I feel I could reach down and put you in my pocket”.

Back came the reply from Isaacs:

“And if Your Lordship were to do that, Your Lordship would have more brains in your pocket than you presently have in your head”.

Action and reaction are equal and opposite. The rudeness of the Judge was an invitation to Counsel to be rude in reply.

Keep up to date. When you receive your degree today, that is the best evidence that at this time you possess certain knowledge. It is no evidence that five years down the road you will be as knowledgeable. The law is a living tree. It is constantly growing, changing and developing whether by legislation or by decisions of the courts, to meet the challenges of the society that it serves. Continue your legal education by reading the law reports and attending the various seminars sponsored by the Law Society, the Canadian Bar Association, the Young Lawyers Association, The Advocates Society.

If you wish to practise as a Barrister, go to any court and watch the leaders of the profession at their work. It is perhaps the best way to learn and improve the art of examining and cross-examining a witness. This may also give you an insight into how particular judges approach the task with which they have to deal. Alan Gold will tell you that if you have a case to argue in court before a particular judge, you will be well advised to read some of his or her judgments before you get to the court.

He will tell you that if you fail to do that, you are probably guilty of negligence. Listen to the language the judge uses and try to understand how he or she thinks.

Do some reading beyond the law reports. Follow the lives of the great lawyers through the ages: from Cicero to Sir Lionel Luckhoo, Q.C., from Denning to Laskin and Dickson. You are bound to find a hero among them that you can emulate.

Be not afraid to put forward a novel argument if it is reasonable. The judge may accept your argument. Remember the comment of Denning, L.J., as he then was, in *Packer v. Packer* in 1954 in the Court of Appeal in England:

What is the argument on the other side?
Only this, that no case has been found in
which it has been done before. That argument
does not appeal to me in the least. If we never
do anything which has not been done before,
we shall never get anywhere. The rest of the
world will go on whilst the law stands still and
that will be bad for both.

Every breakthrough has been made by someone who did something that had not been done before. When Sir Alexander Fleming discovered penicillin by accident, he was the first person to stumble upon it. Two weeks ago, the world witnessed an event in the United States of America that had not been done before and which most of us believed we would never see in our lifetime. An African American, 'a skinny kid with a funny sounding name' – as he once described himself - and a woman were for the first time the nominee and the runner-up respectively of the Democratic National Party, a major political party, for the presidency of that country. It is perhaps no accident that they are both lawyers whose spouses are also lawyers. So don't be afraid to try a new argument or a new strategy in your practice.

Finally, I can do no better than repeat the words of Shakespeare in *Hamlet*, speaking through Polonius to his son Laertes, as Laertes was about to leave Denmark to complete his studies in France. The advice contains important lessons although all of it is not to be taken literally. This is the advice Polonius gave to his son:

And these few precepts in thy memory
 Look thou character. Give thy thoughts no tongue,
 Nor any unproportion'd thought his act;
 Be thou familiar, but by no means vulgar;
 The friends thou hast, and their adoption tried,
 Grapple them to thy soul with hoops of steel;
 But do not dull thy palm with entertainment
 Of each new-hatch'd, unfledg'd comrade. Beware
 Of entrance to a quarrel, but being in,
 Bear't that th' opposed may beware of thee.
 Give every man thine ear, but few thy voice;
 Take each man's censure, but reserve thy judgment.
 Costly thy habit as thy purse can buy,
 But not express'd in fancy; rich, not gaudy;
 For the apparel oft proclaims the man,
 And they in France of the best rank and station
 Are most select and generous, chief in that.
 Neither a borrower, nor a lender be;
 For loan oft loses both itself and friend,
 And borrowing dulls the edge of husbandry.
 This above all; to thine own self be true,
 And it must follow, as the night the day,
 Thou canst not then be false to any man.

Now go forth and be the best lawyer you could be. And always remember that anything worth doing is worth doing well.

Good luck and best wishes to all of you."

CALL TO THE BAR

Ms. Potter, Mr. Schabas, Mr. Strosberg and Ms. Symes presented to the Treasurer the 292 candidates for the Call to the Bar as follows:

292 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 Romain Pitt, Superior Court of Justice, presiding.

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

Justice Pitt 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 25th day of September, 2008

Treasurer