

MINUTES OF SPECIAL CONVOCATION

Ottawa – Friday, 27th September, 2002
10:00 a.m.

The Treasurer, Benchers and their guests proceeded to Southam Hall in the National Arts Centre for the Call to the Bar ceremonies of the 184 graduates of the Bar Admission Course and 8 transfer candidates.

.....

CONVOCATION WAS CALLED TO ORDER AT 10:00 A.M.

The Treasurer asked all present to stand for the National Anthem sung by Gary Dahl.

PRESENT: (Platform)

The Treasurer (Prof. Vern Krishna, Q.C., FCGA), Leonard Braithwaite, Kim Carpenter-Gunn, Earl Cherniak, Andrew Coffey, Marshall Crowe, Todd Ducharme, Abraham Feinstein, Neil Finkelstein, Patrick Furlong, Holly Harris, George Hunter, Barbara Laskin, Gavin MacKenzie, Frank Marrocco, Janet Minor, Gregory Mulligan, Daniel Murphy, Ross Murray, Niels Ortved, Helene Puccini, Heather Ross, Joanne St. Lewis, Judith Potter, William Simpson, Gerald Swaye, Robert Topp, Donald White, Richmond Wilson, Bradley Wright.

and

Justice J. Douglas Cunningham, Justice Michel Bastarache, Justice Charles D. Anderson, Justice Robert J. Smith, Justice Claire L'Heureux-Dub , Lucille Bordeleau, Dean Bruce Feldthusen, Mary Gold, Dean Ian Holloway, Jane Emrich, M. Virginia MacLean, James Leal, Fergus J. O'Connor, Jonathan Brunet, Malcolm Heins, Diana Miles, Terry McCarthy, Roman Woloszczuk and Dagmar Janssen.

The body of the auditorium was occupied by the candidates and their guests.

.....

CONFERRING OF AN HONORARY DEGREE

Mr. George Hunter, Vice-Chair of the Professional Development, Competence & Admissions Committee introduced the Doctoral candidate The Honourable Claire L'Heureux-Dub  and read the following citation:

“Treasurer, may I present to you and Convocation The Honourable Claire L'Heureux-Dub  and request that you confer upon her the degree of Doctor of Laws *honoris causa*.

The Honourable Claire L'Heureux-Dub  recently retired from the Supreme Court of Canada, ending yet another chapter in a remarkable life of public service. One of the great legal pioneers in this country, she has devoted her entire professional life to advancing and preserving women's rights and social justice. In doing so, she has been a source of inspiration for many women.

N e dans la ville de Qu bec, Madame L'Heureux-Dub  a obtenu en 1946 son baccalaur at des arts, avec distinction, du Coll ge Notre-Dame de Bellevue et, en 1951, sa licence en droit, avec distinction, de la Facult  de droit de l'Universit  Laval.

In 1952, after being called to the Quebec Bar, she entered private practice. Seventeen years later, in 1969, she became a Queen's Counsel.

She accomplished all this at a time in Canadian history when women were still essentially unwelcome in the legal profession and were being encouraged, instead, to pursue careers more "befitting" their gender. Claire L'Heureux-Dubé had the courage to challenge the prevailing patriarchal ideologies and, in time, to shatter many of the socially accepted stereotypes.

In 1973, Madame L'Heureux-Dubé became the first female judge to be appointed to the Quebec Superior Court and, in 1979, the first to be appointed to the Court of Appeal for Quebec. In 1987, she became the second woman to be appointed to the Supreme Court of Canada.

Elle est digne de la plus grande distinction d'écarter par le Barreau, et je vous demande, Monsieur, de conférer à l'honorable Claire L'Heureux-Dubé le titre de docteur en droit *honoris causa*."

The Treasurer admitted The Honourable Claire L'Heureux-Dubé to the degree of Doctor of Laws, *honoris causa*.

Justice L'Heureux-Dubé then addressed the candidates and their guests.

"Today is a day of celebration. You, my new confreres and consœurs have, after long years of study and sacrifice, become members of a noble profession. I offer you my heartfelt congratulations, and I am honoured to share this proud moment with you and your guests. This is a moment of repose, a time to reflect upon the significance of law and the legal profession, both in your own lives, and in the life of a democratic society. There are perhaps some in this audience who have read my judgments and therefore doubt that I can express myself in anything approaching a moment, but as I reflect today on my many years in practice and on the bench, I am impressed by the fleeting quality of time.

Nous nous trouvons à la croisée des chemins; moi, déjà à la fin de ma vie professionnelle, et vous, à l'aube d'une carrière qui offre des possibilités infinies.

Many years ago, I was one of only two women in my criminal law class at Laval University, and when it came time to discuss the issue of offenses of a sexual nature, we two were given a week's holiday. Years later, I wrote the dissent in *R. v. O'Connor*. I held that courts in sexual assault cases should consider the privacy and equality rights of complainants, as well as the rights of the accused and it is now the law in Canada.

What can be learned from these two points in the arc of my legal career? I believe that taken together, they counsel the importance of hope, and warn of the dangers of complacency. In the face of injustices, large and small, we must not despair. Institutions and rules can change. Patriarchal patronizing prejudices can give way when exposed to the clear light of reasons informed by conscience.

Malgré les progrès importants réalisés par notre société, ne serait-ce que depuis ma naissance, beaucoup d'entre nous menons encore une existence marquée par des souffrances inutiles. Un juge à la Cour suprême du Canada peut influencer l'état du droit en matière d'agression sexuelle, mais un nombre disproportionné de femmes continuent de subir les atrocités de ces agressions. Nous, qui avons choisi d'exercer le droit, devons demeurer constamment à l'écoute des besoins des personnes vulnérables et impuissantes de notre société.

The isms and phobias – racism, sexism, homophobia, and the malevolent rest – are all fountainheads of discrimination and harassment. They have no place in this era of human rights, in a world where each and every individual has the right to be treated with the same respect and consideration. The words of Cesar Chavez apply to every corner of our vast global village: "Once social change begins, it cannot be reversed.

You cannot uneducate the person who has learned to read. You cannot humiliate the person who feels pride. You cannot oppress the people who are not afraid anymore.” Equality will be the battle of the millennium. At times, equality’s standard bearers will feel like they are standing alone and will be harshly criticized for their positions. But, for those who do what is right, affirmation and solidarity come in due course. For it is my firm belief that justice without equality is no justice at all.

We should always be aware of the full measure of our responsibility. The story of justice is inscribed in the daily life of every citizen, and in all the institutions of society. I urge you to bring the concern for justice that is the soul of our profession to all that you do, and everywhere you go.

A l’heure actuelle, dans l’esprit de beaucoup de gens, le droit est illégitime parce qu’il est inaccessible. Aidez à remédier à cette situation. Donnez généreusement de votre temps et mettez votre expertise au service des personnes qui sont dans le besoin.

Let empathy and compassion inform your understanding of the law. Professor Matsuda of Georgetown University has described how this can be done, and I can do no better than to quote her. She has urged that lawyers make a deliberate choice to see the world from the standpoint of the oppressed. That world is accessible to us all. ... We can choose to know the lives of others by reading, studying, listening and venturing into different places.

This approach to law has animated much of the Supreme Court’s jurisprudence. To take but a small sampling, we can see this spirit alive in Chief Justice Dickson’s reasons in *Action Travail des Femmes* and in *Pettus v. Becker*, in Justice Wilson’s reasons in *Lavallee* and in *Morgentaler*, and in Justice Cory’s reasons in *Peter v. Beblow*. Keep this spirit alive as you make your career choices, and as you interpret the law. More than this, a life committed to justice is not only a series of discrete choices; it is a temperament, a disposition. In Camus’ magnificent phrase: la justice n’est pas seulement une idée, c’est un chaleur de l’être.

Now perhaps this all sounds quite daunting. But you have all passed your bar exams, so I know that you can take it. Fortunately, as you pass through your life in law, you will not be alone. You will face difficult times, professional and personal, and I can only hope that your colleagues will offer you the same kind of support that I have been so fortunate to receive from mine. I have been privileged to be a member of many professional bodies, including that quite small, rather collegial one at Wellington and Kent from which I have recently retired. I am so very moved today to be receiving an honorary doctorate from another.

The career of the Law Society of Upper Canada, had, as did mine, rather modest beginnings. On the seventeenth of July, 1797, ten lawyers, who together made up two thirds of all the lawyers in Upper Canada formed the Law Society of Upper Canada. Of this group, only three had legal training of any description. It was to be a unique institution. To that point, judges, not lawyers, governed the profession in British colonies. The English Inns of Court, which were the Law Society’s historical antecedents, relied upon an informal unwritten gentleman’s code. By contrast, the members of the Law Society were to be governed by formal written rules and regulations.

Les membres de la profession juridique voulaient, par l’entremise du Barreau du Haut-Canada, contrôler la formation et les normes professionnelles ainsi que les conditions d’admissibilité à l’exercice de la profession. Ils ont cherché à définir la profession et à la légitimer. Selon les termes de sa loi constitutive, le Barreau a été créé [TRADUCTION] « pour fournir à la province et à la profession une institution honorable et éminente appelée à aider les sujets en cas de besoin. »

At this point, I would like to pay a special tribute to your Treasurer, Professor Vern Krishna. He is the epitome of the superb professional. He is respected and admired; he is learned and he put his immense talent at the service of his profession in many capacities. It is no small achievement for a law professor to have been elected the Treasurer of the Law Society of Upper Canada. His career of hard work, dedication and competence is a model for you all to follow.

Over two centuries later, the challenges are different. The task today is not to obtain legitimacy, but to retain it. The goal is not to render norms into textual form, but to give life to the aspirations expressed in written norms. The responsibility for meeting these challenges is individual and collective in nature. Each time a member of this Law Society acts unprofessionally, the entire profession is tarnished. Each time this body acts in its own interest, and ignores the needs of the wider society, the credibility of each of its members is compromised.

I hope your life in the law will be long, but remember that it will not be infinitely so. Make valuable each moment. The legacy you inherit today is invaluable. Make sure that at each moment, you are worthy of it.

Vous recevez aujourd'hui un h9itage inestimable et assurez-vous d'en Atre dignes en tout temps.

Bonne chance, good luck, to each and every one of you."

PRESENTATION OF PRIZES

Mr. Terry McCarthy, Head of Bar Admission (Ottawa) introduced the prizewinners to the Treasurer.

The Treasurer presented the following prizes to the respective recipients.

Awarded The Law Society's First Prize; The Osgoode Society for Canadian Legal History Prize; The Isadore Levinter Memorial Award; The Edwin George Long, K. C. Memorial Scholarship (second highest grade); and The Gowling Lafleur Henderson LLP Prize

Kathleen Patricia McDormand

Awarded The Osgoode Society for Canadian Legal History Prize; a share of The S. J. Birnbaum Q.C. Scholarship First Prize; and a share of The Elisabeth Slasor Prize

Wendy Jean Montgomery

Awarded The Osgoode Society for Canadian Legal History Prize

Natasha Yewmee Kim

Awarded a share of The S. J. Birnbaum Q.C. Scholarship First Prize, and a share of The Elisabeth Slasor Prize

Mark David Young

Awarded The McCarthy T9trault Business Law Prize – Ottawa, and a share of The Margaret P. Hyndman, O.C., Q.C., D.C.L. Prize

Kelly Lynn Miranda

Awarded a share of The Margaret P. Hyndman, O.C., Q.C., D.C.L. Prize

Devin Reginald Mitts

Awarded a share of The S. J. Birnbaum Q.C. Scholarship Second Prize

Karin Louise Vermander

Awarded a share of The S. J. Birnbaum Q.C. Scholarship Third Prize

Valerie Priya Phillips

CALL TO THE BAR

Mr. Abraham Feinstein, Mr. Todd Ducharme, Ms. Helene Puccini and Mr. Bradley Wright, representatives of the Professional Development, Competence and Admissions Committee presented to the Treasurer the 192 candidates for the Call to the Bar as follows:

BAR ADMISSION COURSE 2002

192 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

.....

Following Convocation a Special Sitting of the Court of Appeal for Ontario and the Superior Court of Justice convened with The Honourable J. Douglas Cunningham, Regional Senior Justice of the Superior Court of Justice, East Region presiding.

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

.....

At the conclusion of the formal proceedings the new Barristers and their guests were entertained by the Treasurer and Benchers at a reception in Southam Hall Lobby.

Confirmed in Convocation this 27th day of February, 2003

Treasurer