

MINUTES OF SPECIAL CONVOCATION

Toronto – Thursday, 22nd, July, 2004
2:30 p.m.

Prior to Convocation, the Treasurer 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 the 228 graduates of the Bar Admission Course.

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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. George Hunter, Chair of the Professional Development, Competence and Admissions Committee introduced Professor Vern Krishna, Q.C., FRSC, FCGA and read the following citation:

“Treasurer, I present to you and this Convocation Professor Vern Krishna, Q.C., FRCS, FCGA, and ask you to confer upon him the degree of Doctor of Laws, *honoris causa*.

Based solely upon his remarkable curriculum vitae, Vern Krishna would be considered a worthy recipient of this honour. Distinguished professor of law, world-renowned tax counsel, author, Executive Director of the National Accreditation Committee, Executive Director of the University of Ottawa’s Tax Research Centre, former Treasurer and Life Bencher of the Law Society of Upper Canada. Professor Krishna has made a mark upon the legal profession as enduring as anyone in our lifetime.

Professor Krishna holds four university degrees, including a Master of Laws from Harvard University. Notable among a vast array of publications is *The Fundamentals of Canadian Income Tax*, the definitive text in Canadian tax law, now in its 7th edition. He is this country’s most renowned tax law specialist. The mind of Vern Krishna is a most protean mind. He is a raconteur, writer, educator and teacher. To Professor Krishna countless students now owe, in large measure, their understanding of and respect for a field of knowledge they thought was beyond their capabilities. They are also profoundly grateful for his insistence that they grapple with and learn a sometimes difficult intellectual regime without which no apprentice can become a master. Treasurer, I present to you the master, and ask you to confer upon him the degree of Doctor of Laws, *honoris causa*.”

The Treasurer admitted Professor Krishna to the degree of Doctor of Laws, *honoris causa*.

Professor Krishna then addressed the candidates and their guests.

“Treasurer, Your Honour, Benchers, members being called to the bar, family and friends. I must confess, I am tempted to court your popularity today by telling you that this is the last speech you will hear today.

Unfortunately, that is not true.

But I am privileged, Treasurer, to be allowed to address Convocation first before we partake of this traditional ceremony on the road to your professional career. I thank you, Treasurer, for allowing me to share this auspicious day with the graduates being called to the bar. On this day, you make your transition from the world of academia to the world of professional life; from the world of the gown into the world of the town. Today, you replace your academic robes for your professional gowns, which will symbolize your professional life as lawyers from here on in.

For me, too, it’s an auspicious day. As one who has spent the last 30 years in academia, I am honoured today by my profession with this colourful crimson robe that symbolizes the history of our profession and the Law Society of Upper Canada. I must tell you, however, that although we wear different gowns today, you have the better bargain. Three hours from now, the Chief Executive Officer of the Law Society of Upper Canada will strip me of this gown.

You, at least, get to keep yours.

Nevertheless, despite the differences in our colours, we share a common bond. Your gown represents the beginning of your professional career. My gown, albeit more flamboyant, represents the near-culmination of a very happy professional and academic career.

The common bond that we share is that your future and my past are both rooted in the honour of the profession. But we’re here today not only to celebrate symbolism and ceremony but also to recognize the contribution of our profession: one, to maintaining the rule of law; two, to an independent legal profession and judiciary; and three, our commitment to a just and democratic society. These are our enduring values. These are the values that have lasted and taken us from 1797 in this province to today, and these are the values that take us forward.

Truth is not a wiry Methuselah that it is made up to be. It has a life span at best of 25 years or so, or so said Justice Oliver Wendell Holmes. Only yesterday, Stephen Hawking, Dr. Stephen Hawking, the world-renowned astrophysicist, admitted in Dublin that his black hole theory that he had been espousing for more than a decade was now wrong. But there are certain values that continue and that we cherish and that will endure in our profession if we make it and continue to do so.

But neither you nor I are here today only because of our hard work and commitment, despite all the generous comments of George Hunter, who read my citation. We have been supported en route by our families and loved ones. Seated behind you are those who have supported you, both financially and emotionally, during the many years of your education and professional training. They sit behind you. From my vantage view, I can see how they reflect their pride in your achievements.

I can see as I look out into this vast room behind you the glowing happiness of your families and friends as they enjoy this day with you. For me, too, seated in the visitors’ gallery are my family and friends. They have helped to sustain me in an eventful and exciting journey through life that has crossed three continents.

We have a long and colourful history. Many have gone before us who have made it possible for us to be here today. Although the law has changed and will continue to evolve to meet new and increasing needs, our core values remain the same: service to our clients with the utmost loyalty; commitment to an independent bar that supports the rule of law; public service for our communities; and service to our self-governing profession, as epitomized by the Benchers on stage today.

As newly admitted members of the legal profession, you may look forward with enthusiasm to fully participating in all aspects of professional life. Not all of us stem from the same origins or from the same socio-economic segments of society. Many of you are here today as the first generation of professionals in the family. Not

all of you have come from wealth and economic advantage. We represent the diversity of cultures and backgrounds. Many have sacrificed, and your families have sacrificed, in seeing you to this position. And so I recognize and we recognize your desire to serve your own self-interest and the well-being of your families, and you're perfectly entitled to do so. However, we have but a small window of opportunity in our lives to contribute not only to our own well-being but also to the well-being of those, whether individuals or institutions, whom we cherish and trust.

There are really basically three types of persons in this life: those who make things happen; those who watch it happen; and those who say, "What happened?"

Your life, about 35 years of your professional life, is made up of approximately 70,000 billable hours.

You do not want to come to the end of your professional career and when asked on your exit, and what did you do?, answer, "I billed 70,000 hours."

You want to consider the many ways in which you can serve your profession, your community and society. Legal Aid needs your help, pro bono needs your help, governments and the profession need your help, communities need your help.

We have a long professional history, some of which has been commented upon with cynicism and doubt. You know that famous line, sometimes said in jest and sometimes in half-jest: The first thing we do, we kill all the lawyers."

Canada's national newspaper, The Globe and Mail, on Tuesday, July the 13th, just nine days ago, on its editorial page has a cartoon where it says: "What do you call 500 human rights lawyers encased in concrete?" And the answer attributed unfortunately, to Prime Minister Sharon of Israel says: "A good start."

This is an unkind and untrue half-joke. Few will remember, except for those who may have studied Shakespeare many years ago, that that phrase emanates from "King Henry VI", in which Dick says, when he is asked, "The first thing we do, let's kill all the lawyers." But why does he say it? Because Cade is planning a revolution and wants to proclaim himself as King. And he says – Cade says – "There shall be no money. All shall eat and drink on my score, and I will apparel them all in one livery, that they may agree like brothers and worship me, their lord." It is then that Dick says, well, in that case, the first thing we must do is we have to kill all the lawyers. Because so long as lawyers are around, they will not permit that to occur. They will not tolerate that to happen. They will not stand by idly to see the usurpation of the rule of law.

So I say you have an opportunity that you must seize. I can say this: After 30 years of teaching students, I can think of no more enjoyable reward than the psychic income—may I say non-taxable psychic income – that I have derived from teaching generations of students and members of a learned profession. And although you and I may wear different gowns, I take this opportunity to state that my involvement in the teaching of this and many prior generations of law students has been the source of great personal satisfaction.

I recognize that many of you seated here today would probably have preferred not to have studied the intricacies of tax law and that you are glad to have put that behind you. And so as you pass from the gown to the town, I offer you all the best wishes that a teacher can offer his or her students and wish you and your family great joy and happiness from your personal successes.

I say only to you that you must guard your reputation. Reputation is the single most important business asset of a professional person. Preserve it and it will reward you; destroy it and you will be shunned. Reputation implies more than what the legal rules state. It implies decency beyond what the law requires. As the English historian Macauley said, the measure of a man's or woman's real character is what he would do if he knew he would never be found out.

Or, as they say in the Midrash, the Genesis Raba, if one man says you're a donkey, don't mind. If two say so, be worried. If three say so, get a saddle.

And so on this glorious 22nd day of July, 2004, a day that will be etched in your memory for the rest of your lives as the beginning of your professional career, a day that is etched in my mind in gratitude for the honour conferred upon me, we, you and I, are privileged to serve in a noble profession committed to the values of decency.

I thank you, Treasurer and Benchers, for allowing me to share this auspicious day with you, my professional colleagues, my academic friends, my students and all your families. Thank you.”

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 Osgoode Society for Canadian Legal History Prize; a share of The Vera L. Parsons Prize; a share of The Joseph Sedgwick, Q.C. Prize; and a share of the S. J. Birnbaum Q.C. Scholarship Third Prize

Bari Suzanne Crackower

Awarded The Osgoode Society for Canadian Legal History Prize; The S. J. Birnbaum Q.C. Scholarship First Prize; and a share of The William Belmont Common, Q.C. Prize

Robert Ian Mitchell

Awarded The Osgoode Society for Canadian Legal History Prize; a share of The Vera L. Parsons Prize; and a share of The Joseph Sedgwick, Q.C. Prize

Andrew Mark Sader

Awarded The Osgoode Society for Canadian Legal History Prize, and a share of The William Belmont Common, Q.C. Prize

Kenneth Wade Wright

Awarded The Osgoode Society for Canadian Legal History Prize

*Benjamin Réal Douglas Alarie
Matthew Michael Errol Grant*

Awarded a share of The William Belmont Common, Q.C. Prize, and a share of the Margaret P. Hyndman, O.C., Q.C., D.C.L. Prize

David William Pletsch

Awarded a share of The Vera L. Parsons Prize, and a share of The Joseph Sedgwick, Q.C. Prize

*Elliott David Behar
Frances Bertucci
Anastasia Theodora Soldatos
Natalie Alicia Zawadowsky*

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

Shane Aaron Priemer

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

*Alexa Rose Abiscott
Joseph Ashley Berkovits
Elizabeth Amy Brost
Kristin Melanie Alexa Kasper
Andrew Christopher McLachlin
David James Graeme McKechnie
Catherine Barbara Nicholson
Timothy John Harold Reibetanz
Krystyne Helena Rusek
Elizabeth Jane Sale
Karen Segal
Edward Peter Tenki*

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

Robert Ernest Blair

CALL TO THE BAR

Mr. Gavin MacKenzie, Ms. Laurie Pawlitzka, Ms. Heather Ross and Ms. Joanne St. Lewis presented to the Treasurer 228 candidates for the Call to the Bar as follows:

BAR ADMISSION COURSE

228 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 John O'Driscoll, Superior Court of Justice, presiding.

The candidates were presented to Justice O'Driscoll 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 O'Driscoll 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 23rd day of September, 2004

Treasurer