

MINUTES OF SPECIAL CONVOCATION

Toronto – Friday, 22nd July, 2005
2:30 p.m.

Prior to Convocation, the Treasurer (George D. Hunter) 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 263 candidates listed in the Report of the Director of Professional Development and Competence.

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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.

CONFERRING OF AN HONORARY DEGREE

Mr. Gavin MacKenzie, a Vice-Chair of the Professional Development, Competence & Admissions Committee introduced the Doctoral candidate Mr. Claude Renwick Thomson, FCI Arb., Q.C., and read the following citation:

“Treasurer, may I present to you and this Convocation Claude Renwick Thomson, Q.C., FCI Arb, and request that you confer upon him the degree of Doctor of Laws, *honoris causa*.

As a litigator, an arbitrator and a national and international leader of the Bar, Claude Thomson has made immense contributions to the legal profession and earned a reputation for impartiality, integrity and professionalism. Called to the Bar in 1968, his legal career has been extensive and distinguished. As a practitioner, he has long been regarded as one of this province’s best counsel in general commercial litigation. In recognition of his professional contributions, Claude Thomson was appointed Queen’s Counsel in 1976.

His extensive litigation experience provided him with the knowledge and background necessary to continue on to a highly successful and renowned career as an international mediator and arbitrator in the second phase of his professional life. Claude Thomson has proven himself a strong voice of the profession and a strategic leader. As President of the Canadian Bar Association he worked tirelessly to promote improvements to the administration of justice in Canada and as President of the International Bar Association he visited many countries and provided support and leadership to lawyers around the

world. His work in the international arena was recognized in 1985, when he was awarded the World Lawyer Award from the World Peace Through Law Centre.

Claude Thomson is deserving of the highest honour this Society can give and I request you, Sir, to confer upon him the degree of Doctor of Laws, *honoris causa*.”

The Treasurer admitted Mr. Thomson to the degree of Doctor of Laws, *honoris causa*.

Mr. Thomson then addressed the candidates and their guests.

“Chief Justice McMurtry, Mr. Treasurer, Benchers of the Law Society of Upper Canada, distinguished guests, budding members of the Ontario Bar, our families and our friends.

I begin by welcoming today’s graduates most warmly on your admission to the Bar of Ontario and by congratulating your families and friends who have provided help and encouragement in bringing you to this triumphant point. I joined your ranks 47 years ago and I am proud to be honoured here with you. It seems fitting that the young, the newest members of the profession, should spend some time on this significant day in company with those who are older, who have done the things that you will do, have fought the battles you will undertake, who, as many of my friends on this platform have done, will achieve eminence in the practice of law, and in service in Canadian society, in business, and in politics. Some of us may appear a little weather-beaten, but our presence proves we have endured and have, at least so far, prevailed. We demonstrate the continuity of life and of learning, and above all we represent, I believe, the great traditions of the rule of law.

And by the way, don’t write us off yet. True, we are passing the torch to you, but some of us are keeping one hand on the shaft. You may still find yourselves face to face with some of us in a courtroom or in a tough negotiating session. It will be an interesting test for all concerned. You will find we are not patsies. Experience still counts.

After your years of study, the last thing you need from me is a lecture on the basics of the law. It has been said that the new lawyer knows more law on graduation day than he or she will ever know again. I shudder to think where that leaves me and the distinguished men and women who are present today. Still, if we have forgotten a few things, we have had to learn a thing or two as well.

One of the things you have learned and hopefully will always remember is that our primary duty is to society, to the justice system, and to our clients.

I am impressed by the following declaration of the American College of Trial Lawyers that describes the duty of a lawyer.

“To a client, a lawyer owes undivided allegiance, the utmost application of his or her learning, skill and industry, and the employment of all appropriate legal means within the law to protect and enforce legitimate interests. In the discharge of this duty, a lawyer should not be deterred by any real or fancied fear of judicial disfavour, or public unpopularity, nor should a lawyer be influenced directly or indirectly by any considerations of self-interest.”

I want to underline one phrase in that paragraph; the words “employment of all appropriate legal means within the law and to protect and enforce legitimate interests.” Some would say that to use the words legal, law, and legitimate in one short phrase is redundant, that they all convey the same meaning. I believe that this deliberate repetition contains and emphasizes an important message. That message is: work within the laws; don't cut corners; be careful and conscientious; don't try to win by trickery (if you do try trickery, you lose anyway, in your own estimation and in the eyes of your peers, even in the eyes of your client).

Seemingly minor matters can be important. Let me share an experience I had early in my practice. I was approached by a stranger in the Registry office to commission an affidavit of land transfer tax on a deed. I did what I was asked to do and put the matter out of my mind. Several years later I was subpoenaed to give evidence at a trial in which a witness had asserted that the affidavit which I had commissioned had been signed by her in blank and therefore was not her sworn statement. I had no recollection of the witness or the transaction, but I was able to save my reputation. I stated under oath and the judge believed me, that I have never commissioned an affidavit except in the presence of the deponent. Therefore, while I did not remember this affidavit or this witness, I was certain that it was sworn by the deponent in my presence. It is easy to be lax about such things, but my evidence was accepted and here I am today.

A small thing, perhaps, but a stern lesson to me, and, I hope, to you, that lawyers must be fastidious in their execution of their duties. Of course we must avoid conflicts of interest, we must protect confidentiality, we must reject instructions from clients which go beyond the bounds of legality and propriety. We must be careful and conscientious about the way we handle clients' money. I have known lawyers who were essentially honest, but fatally careless about clients' money, or who in the face of temptation or desperation misused funds within their care. Tragedy resulted in many cases. They lost their profession, their livelihood, their reputation.

You will be asked to maintain your professional standards in a large and diverse world of practitioners, (some of whom appear to be driven by personal financial goals to the exclusion of other values). Remember the collegiality and civility that is expected of lawyers in dealings with others, including opposing counsel. Whatever you choose to do with your legal qualifications, the profession and the public need your continued commitment to professional values that include integrity, candour and responsibility.

You have chosen a profession that is generous in the career options that are available. You may choose to be a lawyer in private practice as a sole practitioner, in a small firm or in a large partnership. Many of you will choose to be advisors to corporations or governments, some will be advocates for the community interest in the area of criminal law, human rights, or the environment. Some may choose to teach and some eventually will accept the responsibility to serve as judges. Many of you will have several careers in one lifetime. Do not fear change. The skills and experience that you acquire as a lawyer open many doors.

I continue to be shocked by the negative public perception of lawyers. A popular movie thrills theatre audiences with a masterful scene of a dinosaur devouring a lawyer. A best selling novel and the movie based on it describes activities in a prestigious law firm dominated by criminals. Regardless of these kinds of calumnies and of the bitter jokes we sometimes hear, Canadian voters continue to choose lawyers in large numbers to

serve in our local councils, legislatures and Parliament. I think most people keep the jokes and the jabs in perspective.

As President of the Canadian Bar Association and International Bar Association I met many impressive lawyers working as volunteers to achieve justice for fellow citizens and to bring the rule of law into all aspects of their societies. The IBA aggressively supports the activities of Bar Associations around the world, particularly those in developing countries. It has developed a program to encourage defence of human rights, particularly the rights of lawyers and judges who are oppressed or restricted because of their work in the justice system.

During my term as IBA President I met with the Union of Arab Lawyers in Tunisia to encourage it in its struggle for human rights and the independence of the judiciary and, of course, to protect lawyers from abuse by the police and governments. Of special interest and satisfaction to me was that following our meeting it was reported that the Government of Tunisia had decided, apparently as a result of concerns expressed by me and by the President of the Tunisian Bar, to release a lawyer who had served two years of a four-year prison term for human rights activities.

As Canadians we take the rule of law for granted. We know that the rule of law is more than a charter of rights and collection of statutes. Even the most brutal and oppressive dictatorships have statutes and documents that look like charters. But of course, they are not supported by an independent legal profession, independent judiciary and a tradition of upholding the law even against the government, the wealthy and the influential.

Important as the law is as part of your life, remember that it is not your entire life. A whole person has other commitments and interests, particularly to families, friends and society. I was struck recently by the words of perhaps the greatest Canadian artist on the international cultural scene today - Ben Heppner, the great operatic tenor. He is in demand constantly in the famous opera houses of Europe and North America, but he stresses the importance of maintaining an appropriate balance in his life. He told an interviewer, "I don't hunger after the adulation and the money to be out there constantly. I want to spend time at home, to be a husband and a father." That's a simple comment, but believe me, these are words to live by.

In supporting the interest of our clients we must always remember that as officers of the court our professional duty calls us to serve justice. I urge you to always act with professionalism and efficiency, to not confuse obfuscation with good advocacy and continue to pursue initiatives that will allow all members of society to participate in and benefit from our justice system. Be diligent and efficient in your commitment to your professional responsibilities and be charitable and courageous as you serve the system of justice.

The profession today's graduates are entering has been built on the efforts and achievements of many generations of Canadian lawyers, and of their predecessors in the countries from which our diverse population has been drawn. You have a great inheritance. Perhaps 47 years from now one of you will stand here, speaking to the Call to the Bar Class of 2052, as I am speaking to you today. I would love to be here to listen to that speech, but I don't think I'll book it in my calendar just yet. I have a great trust that this graduating class, and your generation of lawyers, will be passing on to your posterity

the inheritance we entrust to you today - handing it on not just whole, but greatly enhanced.

Thank you very much. Congratulations again, and good luck.“

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 Law Society's Third Prize; The Osgoode Society for Canadian Legal History Prize; The Isadore Levinter Prize; and The Practitioners' Prize

Lauren Elizabeth Harris Temple

Awarded The Osgoode Society for Canadian Legal History Prize

*Leonard Norman Nesbitt
Amanda Jean Stacey
Daliah Szechtman*

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

David William Wilson

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

*Andreea Ioan Baiasu
Man Fu Michael Lee
Maryth Rachel Ann Yachnin*

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

John Hickner Quinn

CALL TO THE BAR

Mr. John Campion, Ms. Joanne St. Lewis, Mr. William Simpson and Mr. Gerald Swaye presented to the Treasurer 263 candidates for the Call to the Bar.

263 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 Marvin A. Catzman, Court of Appeal for Ontario, presiding.

The candidates were presented to Justice Catzman before whom they took the Oath of Allegiance, Barristers Oath and Solicitors Oath and acknowledged their signatures on the Rolls in the presence of the Court.

Justice Catzman then addressed the new Barristers and Solicitors.

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At the conclusion of the formal proceedings, the Treasurer, benchers and guests returned to Osgoode Hall.

Confirmed in Convocation this 22nd day of September, 2005

Treasurer