
For Immediate Release

January 30, 2012

News Release

Driving force for judicial change receives honorary doctorate from Law Society

Toronto: The Law Society of Upper Canada presented a degree of Doctor of Laws, *honoris causa* (LLD), to The Honourable Heather Forster Smith, Chief Justice of the Ontario Superior Court of Justice, at its Call to the Bar ceremony at Roy Thomson Hall on January 27, 2012.

As part of its call ceremonies each year, the Law Society awards honorary doctorates to distinguished people in recognition of outstanding achievements in the legal profession, the rule of law or the cause of justice. Recipients serve as inspirational keynote speakers for the graduating classes of new lawyers.

Chief Justice Smith received the honour in recognition of her distinguished legal career, which has been marked by her ongoing passion for sound judicial process, good governance and the better administration of justice.

Law Society Treasurer Laurie H. Pawlitzka congratulated Chief Justice Smith and offered words of welcome and advice to the 149 newly called lawyers attending the ceremony.

Photos of Chief Justice Smith are attached, along with her biography and her remarks to the call ceremony.

The Law Society regulates [lawyers and paralegals](#) in Ontario in the public interest. The Law Society has a mandate to protect the public interest, to maintain and advance the cause of justice and the rule of law, to facilitate access to justice for the people of Ontario and act in a timely, open and efficient manner.

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For more information, please contact Susan Tonkin at 416-947-7605, stonkin@lsuc.on.ca.



Law Society of Upper Canada CEO Malcolm Heins presents The Honourable Heather Forster Smith, Chief Justice of the Ontario Superior Court of Justice, with an honorary Doctor of Laws (LLD) hood at the January 27 Call to the Bar ceremony in Toronto. Chief Justice Smith received the honour in recognition of her distinguished legal career, which has been marked by her ongoing passion for sound judicial process, good governance and the better administration of justice.



The Honourable Heather Forster Smith, Chief Justice of the Ontario Superior Court of Justice (seated), received an honorary degree of Doctor of Laws (LLD) from the Law Society of Upper Canada at the January 27 Call to the Bar ceremony in Toronto. Here, she signs the LLD Register while Law Society Treasurer Laurie H. Pawlitza looks on.

Photos by Della Rollins for the Law Society

Biography of The Honourable Heather Forster Smith

A graduate of Queen's University Law School, The Honourable Heather Forster Smith was called to the Bar in 1973. Known as a trailblazer, she entered the legal profession at a time when that career choice was still considered a non-traditional one for women, particularly in her area of practice — criminal law.

Following her call to the Bar, she was hired by the Department of Justice (Canada) as its first female Crown prosecutor. Her success in that role led to her appointment as senior counsel.

She was appointed a judge of the County and District Court in 1983. When that court merged with the High Court in 1990, she became a member of the Ontario Court of Justice (General Division). In 1996, Chief Justice Smith was appointed Associate Chief Justice of the Ontario Court (General Division). She was appointed as Chief Justice of the Ontario Superior Court of Justice in 2002 and is the first woman to hold this esteemed position.

Throughout her legal career, Chief Justice Smith has served as a leader for women and for the administration of justice.

As Chief Justice, her passion for sound judicial process, good governance and the better administration of justice has been a driving force for change in the judicial system in Ontario, and for continuous improvement in access to justice for all Ontarians.

Chief Justice Smith is a member of the Canadian Judicial Council. She is married to Senator David Smith, Q.C., a former federal cabinet minister.

REMARKS OF CHIEF JUSTICE HEATHER SMITH

HONORARY DOCTORATE OF LAWS DEGREE

CONVOCATION

**JANUARY 27, 2012
ROY THOMSON HALL**

Madam Treasurer, judicial colleagues, distinguished guests, barristers and solicitors, ladies and gentlemen.

I am so honoured to accept this honorary Doctorate of Laws degree conferred on me today. I sincerely thank the benchers of the Law Society of Upper Canada for granting this distinguished degree to me. I feel very privileged, not only to accept this degree, but to be a member of Ontario's legal community, where I have had the opportunity to serve the public for almost 40 years. To me this public service is a badge of honour that I wear with great pride!

To the new lawyers here today, I offer my warmest congratulations to each of you as you become a member of the Ontario Bar! Hard work, perseverance and dedication have brought you here. Take pride in your accomplishment. You should feel tremendously fortunate to have the great privilege of participating in a justice system that is the envy of the world!

Your call to the Bar ceremony is a time not only to celebrate your achievement, but also to pause and to acknowledge those who have assisted you in reaching this significant milestone. I would like to take a moment to acknowledge your families and friends, many of whom are here today. They are clearly recognizable by their beaming faces and their palpable pride in your accomplishments. No doubt, your families have played a pivotal role in supporting and motivating you to this very point -- the formal launch of your legal career.

I would be remiss if I did not take a moment to thank my own family. I am so delighted to have my husband David, my children, Laura, Kate, Alexander, my daughter-in-law Kavi, and my sister Elizabeth here today. I am blessed to share this wonderful moment with them. My family has been a constant source of love, encouragement and support to me -- they have taught me to value each day and to embrace life with great optimism.

Standing before you on this momentous occasion, my thoughts are thrust back to my own call to the Bar, so many years ago. To be honest, I don't remember, now, who spoke or much of what they said. I am sure the same will be true of today. So, I will do my best to heed former Supreme Court Justice Willard Estey's advice to public speakers: "Be heard, be clear, be brief [and] be gone!"

I do recall the feeling I had at my own call to the Bar. My head was filled with thoughts of the future and the uncertainty about the course my life would take. One chapter in my life had ended and another -- as a "legal professional" -- was about to begin. I know that I did not appreciate, then, what it really means to be a "legal professional". Perhaps the meaning is vague to you, too.

No doubt, during law school and your articles, you were immersed in learning the fundamental core values that exemplify all professionals – professionalism, civility, ethical conduct and respect. These values are critical. But, another value lies at the heart of many professions, and the legal profession in particular – the essential duty of public service. By choosing a career in law, you have chosen to reference your life by your service to the public. That is my message for you today. Treasure, honour and relentlessly pursue this commitment to public service.

Give back to the community around you and you will build a life in the law that is both fulfilling and meaningful. It was the great Winston Churchill who wisely said, “We make a living by what we get, but we make a life by what we give.”

The duty of service to the public was the “spark” that ignited my passion for the law at every stage of my own career. As a federal prosecutor, a judge, Associate Chief Justice and now Chief Justice, my greatest sources of satisfaction have been my opportunities to make a contribution to the public. My greatest wish for you is that you will have those opportunities and that you will seize them.

The lawyer’s duty to serve the public is not an act of charity or goodwill. Rather, fulfilling that duty is the very essence of the true legal professional. Madam Justice Eleanore Cronk captured this idea so succinctly when she said:

Central to professionalism is the duty of service to the public: not to some of the public; not to only the dominant majority; but, to all the public, including the disadvantaged, the unpopular and the marginalized. Any contemporary definition of professionalism can import no less.

The lawyer’s duty of service is more important today than ever before. In these challenging economic times, the gap between the rich and poor is expanding. More unrepresented parties appear before the courts each year. The cost of hiring a lawyer has become too great for too many litigants. The law is more complex but, at the same time, public resources to assist litigants are stretched to their limit.

As lawyers, you have a duty to respond – to ensure that the justice system is accessible to everyone, regardless of their social status, their pocket book, or the popularity of their cause. Certainly, a lawyer’s paramount duty is to the client. Serve your clients faithfully, vigorously and passionately. But never forget that your responsibility as a lawyer is not only to improve the lives of your clients, but to enrich the broader community in which you live.

Chief Justice Beverley McLachlin put it this way:

[T]he law is not only about rules and rhetoric – it is about respecting and helping people and trying, in ways small and not so small, to make our particular worlds a little better.”

My own path to public service started in 1973 when I accepted a job with the Federal Department of Justice. It was a different era and I found myself as the only woman in the Prosecutions section. Working for the Department of Justice in the 1970s was the most exciting entrée to law and the finest imaginable legal education. Most significantly, the experience opened my mind and my heart to the lawyer’s professional duty to serve.

I can't pinpoint the exact moment when I fully appreciated the legal profession as "a profession of service", but I can certainly discern the two illuminating forces that inspired me to serve.

The first was the mentorship of my legal hero, the late distinguished jurist, the Honourable Julius Isaac, former Chief Justice of the Federal Court of Canada. As a young lawyer, my great fortune was to receive his expert guidance. He was a wise and complex individual who was appointed to the Superior Court of Ontario after 28 years in very senior positions with the Federal Department of Justice. Less than 2 years later, he was appointed Chief Justice of the Federal Court of Canada.

When I first encountered Julius Isaac, I knew little about his background and the road that had led him to the Department of Justice. Much later, I learned that the young Grenadian arrived in Canada and worked as a coal miner in Cape Breton. Then, he paid his way through two degrees at the University of Toronto by working as a railway porter and as a janitor.

As one of only a "handful" of black law students, finding an articling position and, later, a job, proved immensely difficult for Julius Isaac. Amazingly, he bore neither grudges nor bitterness. His hallmarks, instead, were his tenacity, his unfailing sense of fairness and his exceptional work ethic. The enormous obstacles surmounted by the Honourable Julius Isaac would have felled many a lesser mortal. Instead, as I came to appreciate, they only made him stronger. They instilled in him a passion for serving the public and for improving the administration of justice. He remained, throughout his life, relentless in his pursuit of a fair and effective justice system.

As an outstanding mentor and legal colleague, Julius Isaac's fundamental ethic of public service was his gift to me – a gift that has remained with me throughout my judicial career. It drives me, each and every day, to consider how I can use the great privilege I was given the day I received my own call to the bar.

Wonderful mentors in the legal profession are waiting for your arrival. Seek them out. Let someone in the legal community know you need their guidance. Their dedication to your success will immensely enrich your career.

The advent of the Canadian Charter of Rights and Freedoms was the second seminal force that drove my passion for public service. It is difficult for me to describe to you the seismic shift in the legal profession, and in Canada, caused by the Charter's arrival. At the time, the new supreme law of Canada was simply ink on a page with the rights and freedoms of Canadians awaiting definition. Much like a painter facing an empty canvass, no court had yet interpreted the document. No Oakes test, no precedents and few comparable instruments anywhere in world to guide lawyers and judges.

The Charter revolutionized the Canadian legal landscape. Its implications for public rights and public interests became breathtaking and far-reaching. Notably, the lawyers' focus shifted too. Lawyers began to use this great instrument of justice to pursue causes in the public interest – not just an individual client's interest. Lawyers started to speak of enhancing equality and breaking down the barriers that prevented full access to justice for the disadvantaged.

This is the remarkable legal landscape that you inherit today. Cherish it. Honour it. Embrace the great legal tradition of public service. If you do, you will enhance your professional reputation, you will open doors for your career, but most of all, you will enjoy immense personal satisfaction.

You might be asking: “How do I go about serving the public”? Actually, as lawyers, opportunities abound for you. In seeking those opportunities, don’t cast your net too narrowly. Remember that a lawyer’s service to the public doesn’t have to be limited to law-related activities. Your legal education has taught you to think in a marvelous way. You can apply that new skill to many different endeavours. Be active in education, or in the life of your religious or social community. Engage in the arts. Be a constructive force in the many activities that support our increasingly diverse community.

Above all, do not limit your perception of success or great accomplishment to the number of cases you win, the number of billable hours you log or the speed at which you achieve partnership. Those can be laudable goals, but they won’t distinguish you in the eyes of your broader community. Distinction is almost guaranteed, however, by demonstrating lifelong generosity to your community.

Today, as I look out on so many vibrant faces, full of promise, I am reminded of how quickly the years and a career go by! Remember the importance of maintaining a balance between your personal life and your professional life. Make meaningful time for your family and friends.

Each of you has abundant talent, skill and ability. You can make a profound and positive difference in the lives of others. Harness those valuable attributes to better your community. Find work that you connect with. Above all, don’t allow the challenges you may face to dampen your passion and enthusiasm for life and for the law!

Whatever path you pursue in the legal profession, my hope is that your career will thrive and bring you immense satisfaction. I am confident that no greater or more rewarding profession exists than the one you join today.

My sincere congratulations to each of you!!!

Thank you for this wonderful opportunity to address you.