

Remarks of the Honourable Louise Charron
Swearing-in Ceremony of The Honourable Rosalie Silberman Abella and The
Honourable Louise Charron
October 4, 2004

Chief Justice, distinguished guests. I wish to thank the speakers for the generosity of their comments this morning. It must be either the excitement of the day or the thin air up here, but I thought they sounded pretty credible.

I also wish to thank my sister, Justice Abella, for her kind words. Since this will be the only time that I will have the benefit of speaking after her, I'm very tempted to just say, I concur, but I don't think that would be fair. By her eloquent words and her obvious brilliance, Justice Abella leaves no one in doubt as to the reason for her appointment to this Court.

In my case, I think I have to come clean, and I apologize, Mr. Minister, but I feel compelled in good conscience to reveal the truth about the process behind my appointment. In the months leading to my nomination to the position, I was told by a number of persons who professed to be "in the know" that there was no doubt that I would be appointed to the Supreme Court of Canada. Canadians had spoken loud and clear that they wanted their tax money put into healthcare, and with two appointments on the horizon, there was just not enough money to make adjustments to two ceremonial gowns. One had to be a perfect fit.

There is no question that my predecessor, Justice Louise Arbour, left immense shoes to fill, but she left a little gown. And your choice of candidate turned out to be just right - the gown fit without adjustment. There was the added benefit that the tailors only had to change one letter at the back, the A had to be changed to a C, because we do have initials in the back of the gown. So I think the truth had to be known that that's the real reason behind my appointment.

Despite the idiosyncrasy of the process that I have just described, I am truly honoured to take this oath today. Mostly I feel very privileged, and the profound sense of privilege that I feel is one that we all share as Canadians. It is the privilege of living in a peaceful and free country. Unfortunately we need not do any more than read newspapers on just about any day to realize how fortunate we are. We cannot afford to take for granted the quality that peace and freedom brings to our daily lives. This is why ceremonies such as this one today are important. Although much attention is bestowed on the individuals who happen to come onto or leave the Court at the time, the *raison d'être* of this ceremony is

not about the individuals themselves. Rather, we are recognizing and celebrating the Supreme Court of Canada as one of the institutions whose mandate is to guard those values that are fundamental to our continued existence in peace and in freedom.

As Canadians, we are committed to democratic governance, respect for fundamental rights and the rule of law, and accommodation of difference. They are the values that are reflected in our country's constitution. And our constitution is not some abstract legal document that politicians can use to make points and lawyers to make money to suit their purposes. It's a very real declaration of who we are and what we stand for.

And it is our courts which ensure, thanks to judicial independence, that that declaration is not devoid of meaning, but rather that it reflects the day-to-day experience of all Canadians. Anyone who feels he or she has suffered injury because of some action by the state is entitled to appeal to an impartial court to have it determine whether the limit imposed by the state is consistent with the rights and freedoms guaranteed by our Constitution. The courts are places where disputes between parties, be they individuals or the government, can be settled peacefully and in accordance with the fundamental values that make us different and ensure our collective well-being.

When I was sworn in as a judge for the first time 16 years ago, for those who are quick at math you have undoubtedly figured out that I was 14 at the time. Thank you. It wasn't meant to be funny. At that time I made a personal commitment to bring to the task the best of whatever skill, ability and knowledge that I could offer, not just over the general course of my judicial career but to each case, on every day. Being true to this commitment was not always easy. It was tempting, at times, to relax the norm. I can think, more particularly, perhaps, at the end of a long motions day, or upon reading for the tenth time some draft judgment.

But as a judge I felt I could not do that, because every case that comes before the court is important, even if only to the parties themselves, in some cases. I would therefore often repeat to myself this personal commitment: to bring it my best, whatever that could be at the time.

To the extent that my appointment to this Court may be viewed as a measure of some success at meeting this commitment, I am proud of it. However, I do not consider the time and energy that I have devoted to my judicial duties as extraordinary, but rather as a simple adjunct of the office. Canadians are entitled

to expect no less from their judges. Today I am renewing the same commitment with respect to my new role as a member of this Court.

I am very mindful of the fact that my continued role as a judge has now acquired a greater significance because of the impact of the decisions of the Court on the lives of Canadians, and I will confess that the added responsibility does seem daunting at times. However, what gives me comfort is the certainty that this institution is so much greater than the sum of its parts. I've experienced that phenomenon at the Court of Appeal, albeit on a smaller scale and undoubtedly in a different way, but enough to feel confident that it is the group dynamic that generates the necessary strength and wisdom that allow this institution to, hopefully, be up to the task.

I come here today with no preconceived notion of what my personal contribution to this Court will be; that is not something I am concerned about. My approach will of course be the same, because I do not know how to live my life other than moment by moment. I suppose that in the context of my judicial duties that means case by case, applying my knowledge and skills to the full and drawing on the fundamental values we all share.

Before the music starts to signal the end of my allotted time, I wish to acknowledge and thank a few persons. I'll be brave and start with family. It might be a mistake but ...

First, my family. To my husband and my best friend, Bill, in terms of our immediate lives, thank you for uprooting yourself again and moving with me. On the longer term, I believe that you know to what extent it is true that I could not be here without you and without your continuing support.

Gabriel, my only son, who is also a unique person, you are my kindred spirit. So I feel today that in a way it is our adventure that continues to unfold. Needless to say, it cannot happen without you.

Emily, thank you so much for coming from Boston to share this day with us. My two other sons, Michael and Steve, and their spouses, Amanda and Erin, this event and my life would not be the same without you. Thank you for supporting your evil stepmother.

I am grateful that all my siblings, their spouses, some of my nephews and nieces, as well as many of Bill's siblings are here.

Nothing can take the place of family. I feel that I should on this occasion mention the contribution of my brother-in-law, Guy Goulard. Many of you have come to know Guy Goulard in his previous roles as a Family Court Judge, Registrar of this Court, Commissioner for Federal Judicial Affairs. What you may not know is that it is, in great part, his fault that I'm here. You now know who to blame. We are not - I should correct perhaps - were not a family of lawyers and judges until he came along. I was five years old when he came along. I don't really remember my life before that, but he certainly, undoubtedly had a lot of influence on us because I can tell you there are now a lot of lawyers sitting around the turkey at Christmastime in our family.

To my dear friends Viviane and Nicole, who I've known forever, thank you for coming. I heard once that friends are God's way of apologizing for giving you family. I have to stress, in my case no apology was needed. But as my friends from childhood, you are nonetheless still precious. I can't think of us as old, so stick around. I need that feeling more and more.

I am grateful for the presence of several people from my past lives that have meant so much to me in my personal and professional development. I have spoken to many of you personally, and I will risk missing some by naming a few. As for my former colleagues with whom I began my career as a lawyer, Paul Lalonde, now Justice Lalonde, and Robert Chartrand, to me you have always epitomized the honest, conscientious lawyer, undoubtedly because you had your wives, Ena and Claire, standing behind you.

Several friends that go back to a very memorable period of time at the Crown's office are here: Malcom Lindsay, his wife Carol, Hilary McCormack and Vic Duret, Brian Lennox better known as Chief Judge Lennox. You have always been, and still are, so committed through your respective careers to making our community a better place to live. I'm proud to count you as my friends.

My mentor, Bert Hubbard, from the University of Ottawa couldn't be here. He had some excuse like a 50th wedding anniversary in Paris. However, I wanted to acknowledge the influence he had on me, both as a student and later as a professor. Others from my teaching days could not be here, but I'm really thrilled to see Lee Stuesser coming all the way from Winnipeg for this. It's been a privilege to be associated with such an outstanding scholar and teacher as you, Lee.

Several of my assistants are here, starting with Louise Ladouceur, who I hired when she was 16 years old. There are Mimi Baziw from New Brunswick, Janet Charron and Michèle LeBlanc, who I haven't yet let go of completely. Thank you for all your help throughout my career, not only for your work, but also for your good humour and compassion, for being who you are, for being there.

I've always been so fortunate with the assistants throughout my career. I was afraid to comment publicly about that, just in case that whoever is in charge here figured it was time to give the luck to someone else. But if I judge from my first month here, I think I've lucked out again. The team that I have inherited from Justice Louise Arbour is extraordinary and, like the gown, seems to be a perfect fit.

Some of my past judicial colleagues are here. I would have wanted to invite so many more. However, the space is limited, so is the time. I will have the occasion to say more about you in due time, and in any event I want to keep you in suspense. I will reserve my special thoughts for you in the judgments that I will write about your judgments.

Finally, I wish to thank my new colleagues on the Court. As my colleague Justice Abella, I am proud to become part of this group. I have admired your writings and your judgments, and am very pleased to come and work with you. I have heard only good things about the existing collegiality on the Court. So far my experience, I must say, has exceeded my highest expectations. Your warm welcome has made me feel at home. That's why I unpacked so early, Chief Justice. And each one of you has been so very helpful in bringing me along in the past month so I could be ready, as I hope I am, to start the session this week.

Thank you.