

Remarks of the Right Honourable Beverley McLachlin, P.C.
Swearing-in Ceremony of The Honourable Rosalie Silberman Abella and The
Honourable Louise Charron
October 4, 2004

Distinguished guests, dear friends, it is my great pleasure to welcome you to the Supreme Court of Canada this morning. On this very special day, we are joined by

- The Honourable Irwin Cotler, Minister of Justice and Attorney General of Canada
- The Honourable Michael Bryant, Minister of Justice and Attorney General of Ontario
- Ms. Susan McGrath, President of the Canadian Bar Association
- and Mr. Frank Marrocco, Treasurer of the Law Society of Upper Canada,

who have come to bring greetings to the two new members of the Supreme Court of Canada, the Honourable Rosalie Silberman Abella, and the Honourable Louise Charron.

I would like to extend a very special welcome to the former justices of the Supreme Court of Canada who are with us this morning:

- The Right Honourable Antonio Lamer, former Chief Justice of Canada, and the Honourable Danièle Tremblay-Lamer
- The Honourable Bertha Wilson and Reverend Wilson
- The Honourable Claire L'Heureux-Dubé
- The Honourable Charles Doherty Gonthier and Doctor Mariette Morin-Gonthier
- And the Honourable Frank Iacobucci and Mrs. Nancy Iacobucci

We are also most honoured to welcome among us, as very special guests, His Excellency Mr. David Reddaway, British High Commissioner for Canada, as well as the Secretary of State for Constitutional Affairs and Lord Chancellor of the United Kingdom, the Right Honourable Lord Falconer of Thoroton. Within this unusually full Courtroom, we are also greatly pleased to welcome many Chief Justices and distinguished members of the Canadian Judiciary, members of Madam Justice Silberman Abella's family, members of Madam Justice Louise Charron's family, their many, many friends. Welcome to everyone.

Dear guests, allow me now to say a few words on this most significant day in the life of Justices Silberman Abella and Charron. Each of you in the audience this

morning undoubtedly feels the racing heart and butterflies in the stomach that come with ceremonies like the one today, these moments full of meaning in the life of an individual or the life of an institution.

To those of use who went through this ceremony some years ago, donning the ceremonial gown and witnessing the formality of the oath of office brings back intense memories. For my part, I remember the sense of awe that I felt as I walked into this Courtroom for the first time, as a member of the Court. On days like today, I still feel many of the emotions I felt when I was sworn in : a deep respect for the wisdom of the ages that emanates from this room ; the joy of being honoured with the trust of the Canadian people ; the desire to meet the expectations of others, and my own, in the performance of a difficult task ; and the anticipation of many years of participation in a very special form of collegial intellectual life. I know that Madam Justice Silberman Abella and Madam Justice Charron feel many of these emotions, as today they take the oaths of office and become full-fledged Justices of the Supreme Court of Canada.

Many of the feelings we are sharing this morning can be explained by the importance of the Supreme Court's role in the life of the law in Canada, and also in the lives of the citizens of this country. The Supreme Court plays a crucial role in Canada's democratic discourse. Canadian citizens are well aware of the role played by this Court in adjudicating constitutional matters, in ascertaining the boundaries of the respective jurisdictions of the federal and provincial legislatures, and in giving concrete shape to fundamental rights and freedoms guaranteed in our Charter. This Court does not speak of its own initiative. Its role is the more modest one of responding to the legal questions Canadians bring before it. What it says when it is asked to speak, however, can have important impact. Impact on the lives of citizens. Impact on our public institutions. The Supreme Court of Canada is an infrequent, but essential actor in our democratic governance. For all these reasons, donning the red robes and becoming a member of this Court is a momentous and humbling experience.

This being said, it is sometimes forgotten that this Court is also Canada's court of last resort, the institution responsible for resolving the thorniest issues of Canadian law, and although some of those issues may attract less media attention, they are no less important. The most important part of the Court's work, which often takes place behind the scenes, consists in identifying the boundaries of our legal system in all areas: from criminal law to tax law, from family law to commercial law, from the regulation of new technologies to the

interpretation of old treaties between Canada's First Nations and colonial powers.

These fundamental roles of the Supreme Court of Canada, the well-known and the more obscure, call for the appointment of individuals who have demonstrated high competence in the law, unswerving commitment to the ideals of judicial independence, profound humility in the performance of their judicial duty, and the ability to listen, to empathize and, in the end, to decide.

This morning, we are most fortunate to welcome among us not just one, but two learned judges who bring such qualities to this Court. As Canadians, we are grateful that they have agreed to put their skills and humanity in the service of this Court and in the service of democratic governance in Canada.

Our guests this morning will no doubt speak of the exceptional skills and personal qualities of Rosalie Silberman Abella and Louise Charron. I leave to their eloquence a detailed catalogue of the strengths these exceptional individuals bring to our Court.

Suffice it to say, on behalf of my colleagues, how delighted we are to welcome Rosie and Louise as new friends and as new colleagues.

We have discovered, in Justice Rosalie Silberman Abella, a uniquely warm and outgoing human being. Since her arrival, she has generously distributed greetings, kisses and bear hugs, and only slowed down last week, when she injured her knee while putting up her favourite picture of Fred Astaire. While we have urged Rosie to be more careful, we are not so naive as to suppose that cautionary words and a ban on ladder-climbing will keep her down very long. We look forward to the great contribution she will make to the Court and to Canadian Justice in the new role she now takes up.

In Justice Louise Charron, we have discovered an unaffected and unpretentious woman with a tactful sense of humour and, above all, an absolutely extraordinary sense of organization. Justice Charron unpacked her boxes, set up her office and bought a house in Ottawa within just a few days. It is said that some judges have retired from this Court before they managed to unpack all of their belongings. Others manage it in a couple of months. The few days that Justice Charron took must be an all-time record. Now she is preparing to focus her energy on the Supreme Court, and we are already scrambling to keep up. Next week, for instance, she will be seen on the Bench with her portable

computer, if we can only find a way to power it up. Justice Charron, by contrast, needs no powering up; she provides a source of energy that will power and empower the Court for years to come.

Allow me to add one thing about our two new judges, something that you may have already noticed: they are women. A few years ago, on the occasion of the Court's 125th anniversary, Canada Post issued a stamp representing the members of the Court as five men and four women. The artist clearly was a visionary, and the vision is now reality. No other comparable Court, anywhere in the world, to my knowledge, has come so far in giving women a voice in its deliberations. I am proud that, with the appointment of Rosalie Silberman Abella and Louise Charron, the composition of the Supreme Court now approaches an accurate reflection of the place of women within the judiciary, within the legal profession, and within Canadian society more generally. For this reason too, this is truly a memorable day.

The face of the Court changes today. But the Court, the institution my colleagues and I joined with such strong emotions, carries on as in the past, larger than any of its members. Each of us contributes through his or her own experience to ensure a human scale for the Supreme Court. But, as this morning's ceremony shows, the justices of the Supreme Court are merely trustees of the seats we occupy, and we have a responsibility linked to the durability of this institution. I am delighted to welcome Rosalie Silberman Abella and Louise Charron as the new trustees of this treasured institution, the Supreme Court of Canada.