

**Dalhousie Law School
Halifax, NS**

**“CLASS OF 1967” 50TH REUNION
15-16 September 2017**

NOTES FOR ADDRESS AT UNVEILING OF PLAQUE FROM CLASS OF 1967 TO

DALHOUSIE SCHULICH SCHOOL OF LAW, HALIFAX,

16 SEPTEMBER 2017, 11 AM

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Graduate, Class Of 1967**

Unveiled, and to be dedicated, this morning in the shadow of the Weldon Law Building, is a cast bronze plaque studded onto a granite plinth. Raised, in perpetuity, on its sand-textured maroon surface is a message to Dalhousie Law School—now the Schulich School of Law. The message, elegantly and eternally, expresses gratitude for the School’s pivotal role in sculpting the lives in law of graduands of the “Class Of 1967.”

Copious scrutiny of the plaque’s face imparts precious little—if anything—about personas and Law School department, a half-century ago, of the “Class Of 1967”. That is not surprising. The plaque’s surface is limited to 432 square inches.

More the wonder is that the plaque was ever crafted. Ours is a digital world: where much—at least in law—is memorialised in an amorphous environment called a “cloud.”

For that reason, permit me—nay, whether you permit me or not—to briefly do what the plaque cannot: illuminate the constituents of the “Class Of 1967”, and how Dalhousie Law School immeasurably benefited us.

As Law School student novitiates in September 1964—then unbeknownst to us—we were embarking on a legal education as itinerants; or, should you choose, gypsies. We never enjoyed a continuously-permanent academic whereabouts.

Granted, we had a fixed Halifax social address, for two years, at an aging, formerly-private residence, which became Domus Legis Society House; whose temporal existence is now but a memory. The joint, at civic number 1255 Seymour Street, opened in 1965.

Domus Legis is, however, an entirely different story, to be recalled on some other occasion. And, when talked about, we need to respect two caveats. They were, during our law course lectures, often bellowed by Jack Lovett, Q.C., a classmate said to have generated modest tsunamis when he single-skulled over Dartmouth's Lake Binook, and by his Law School chum, William 'Billy' West, Q.C.. One caveat is: "no names"; the other: "murmur".

Year one of our legal education occurred in a basement bunker of the Henry Hicks Building. Year two brought us above ground into what was the former Law School; now the University's Faculty Club. And for year three, we were again relocated: to this place, from which we became its first graduating class.

We entered Dalhousie Law School as a class of about 65 to 70. They included several Americans, and two Kenyan nationals. Only two were women. Some students subsequently left; or joined us in progress from other law academies. We departed as a class of 57, including three women. Eighteen of the "Class Of 1967" are present today.

Our Professor of Legal Research and Writing—now emeritus—was John Yogis. His recent student-rating, incidentally, was 92%. He conducted our first Law School class in our first year, in September 1964. The class was a strolling and loitering tour through the 'stacks' of the law library.

No Quicklaw or LawSource or CanLII then there. Rather, we encountered shelves creaking under weight of the English Reports dating back to 1220. Their spines were imprinted with odd nomenclature; such as Peere, Peake, and Plowden. Even more numerous were volumes of another report series; now inaccurately called “Dominion Law Reports” [emphasis added]. And there were myriad text books, with titles foreign to my knowledge; like *Gourlie on General Average*, *Kerr on Receivers*, *Scrutton on Charterparty and Bills of Lading*, and *Broome’s Legal Maxims*. Several copies of one title on offer appeared to me to be a biography about an elderly person named “Old Bailey”. Most unusual was a text book about the law of zoophilia—that appeared more use-worn than any other library volume.

We were required to personally sign a sheet acknowledging attendance at each lecture in each year. Classmate Thomas J. O’Reilly, Q.C. purloined, and has since been constructive bailee of, the last of the sheets, dated in April 1967.

End of our first year, 1965, coincided with the 750th anniversary of the sealing of Magna Carta.

Magna Carta: handwritten in Latin for King John’s French-speaking barons and illiterate English-speaking peasants.

The word “Latin” entered the vernacular of the “Class Of 1967”, in August 1966. After a class member then submitted a supplementary examination answer book, the responsible law faculty professor summoned the student to his office. There, he held out the answer book and said,

“Might as well have been written in Latin. I can’t read Latin well, or your writing at all.” He passed the answer book to the student, and invited him to read it aloud. Viewing this a rare opportunity, the student obliged. In so doing he took liberties, to liberally and frequently correct and supplement his written text. The professor then engaged the student in a spirited political dialogue. He ended that discussion with the invitation, “go register for your third year.”

1967—when, coronated with mortar boards, we exited our legal studies with the designation LL.B.—marked the 150th year of Dalhousie University: years 1818 to and including 1967, and the 85th year of Dalhousie Law School: years 1883 to and including 1967.

1967 was also the last year the National Hockey League comprised six teams, and the Toronto Maple Leafs Hockey Club captured the Stanley Cup. At 4:15 the morning after the Club captain received the Cup, a “Class Of 1967” student—his final exams behind him—celebrated both. He secreted himself in, climbed, and engaged the mechanisms of, the bell tower at what is now University of King’s College. The rapturous, unrelenting peal of the bell was eventually overtaken by the peal and squeal of seven—count them, seven—police cruisers and a gun metal grey vehicle from Department of National Defence. No suspects were identified. No names. No indictments. Murmur.

More by chance than design, were we graduated from the Weldon Law Building in 1967.

Visit with me, will you, the plaque on the plinth.

You will note the Weldon Law Building, as depicted on the plaque, consists of four floors. On the fifth floor, at 8 PM of a week night, in April 1967, a cadre of third year law students assembled. There and then, they were locked up until 8 AM following day. During the intervening 12 hours they were expected, for a particular final semester course, to compose a question, then answer it in 1500 or less words. The overnight proved a trifle incandescent. Early during the consensual confinement, one of the students accidentally started a fire in a teak wood waste basket. The fire gained strength. But, before spreading beyond the basket, the fire was extinguished by a brigade of other examination candidates.

Peter McDonough, who led the brigade, was to become a global traveler. On 30 September 1972, for example, he was sighted—nattily attired in a blue-grey tweed overcoat—being towed in a cart by a combine tractor over the grounds of The Hermitage, in what is now St. Petersburg, Russia.

As all are aware, the Weldon Law Building would not again escape the peril of fire, eighteen years later. Before dawn on Friday, 16 August 1985, the fifth floor, housing part of the Sir James Dunn Law Library, was destroyed—a casualty of lightning which shorted the electrical system which generated a fire when a wall-switch was activated. The fifth floor was never replaced, although an elaborate annex was added to the Building.

When members of the “Class Of 1967” opened the final edition of the student newspaper, *The Dalhousie Gazette*, before their final semester exams in April 1967, they were startled to read about what purported to be a new examination process for them. The invented story had

surreptitiously been inserted into the paper by a “Class Of 1967” member. He had furtively—though lawfully—entered the Dartmouth printing facility where the paper was then printed, hours before publication. The newspaper claimed that, in 1967, law students would be required, during exam week, to muster each morning in the Weldon Law Building, where a card would be drawn from a hat by the Dean, announcing the subject of that day’s examinations. The Law School swiftly denied the story. No suspects were identified. No names. No indictments. Murmur.

Composing our faculty were distinguished academics, and former practitioners with cred. They encouraged us to preserve the ‘Weldon Tradition’: which included ensuring everyone succeeded, by helping fellow students who struggled to learn the law. Not least of the faculty were:

- a previous Dean—the sixth—Horace E. Read, Q.C., a Royal Air Force captain in World War I, and a Major in the Minnesota Civil Air Patrol in World War II; he introduced us to the common law of contracts, and reminisced about his role in development, generally, of common law as if he had been present at its birth on 03 September 1189;
- Graham Murray, who began each property lecture with the inquiry: “does anyone care?”;
- Edwin Harris (a.k.a. “Fast Eddie”), now privately-practising in Halifax, whose depthless knowledge and seminal articulation of the law of torts, corporations, income tax, and legal accounting were both intimidating and eternally-memorable;
- Professor Arthur Foote, the conflict of laws professor, who was to discover the 1985 Weldon Law Building fire;

- Robert ‘Bobby’ Donald, an especially-benevolent faculty member who taught commercial transactions, and would become the eighth Dean;
- Murray Fraser, who would become Acting Dean of Dalhousie Law School; then the founding Dean of Victoria University Faculty of Law and, even later, president of University of Calgary;
- Arthur Meagher, whose volcanic laughter relentlessly punctuated every civil procedure and practice class;
- William Charles, Q.C., who would become the tenth Dean, and
- Andrew “Andy” MacKay, our beloved, implacable Dean—the seventh—later a Federal Court Justice.

A persisting past-time of some in the “Class Of 1967” involved games of chance with a standard 52-card deck. From the first morning of the first day of the first year of their law program, they convened before and between and after each of their lectures. The regularity and intensity of the activity reminds me of “obsessive-compulsive” as defined in *DSM V*. Embedded in the main memory of my cerebral hard drive are recollections of the players: their faces as inscrutable as those of dead sheep; each card played with heroic discipline; each game pursued with industrial strength resolve.

Certainly, the players were more focused at the gaming table than during some curriculum course lectures. Speaking of which: one of the “Class Of 1967” was chosen to present a gift to our Professor George ‘Double V’ Nicholls during a graduation dinner in the Lord Nelson Hotel in May 1967. As approached by the student, Nicholls was visibly incredulous. He adjusted his spectacles.

He continued to scrutinize the student, as if he was from a specie Nicholls thought to be extinct. Nicholls had no recollection of him. The reason? The student had passed the course taught in third year by Nicholls, although he was absent from all, save part of the first, of the course lectures.

Members of the “Class Of 1967” were, in large part, academically competitive, yet consistently collegial. Ours was a unique association of fledgling professionals. Were we components of The Periodic Table of chemical elements, the chemistry would have been compelling. We have, this morning, been interacting as if our Class Of 1967 never disbanded.

Most Class members later dedicated themselves to lengthy, productive private law practices. Many still do.

A few graduated from practice, to accept appointment to the Bench, including provincial superior appellate courts: Leo D Barry and Norman Carruthers; provincial superior trial courts: George Mullally, Peter Richard, and William Kelly; provincial court: David Cole, and Family Court: David Hubley and Paul Niedermayer. One of them—Barry J.A.—still sits. Others remained in law practice and concurrently presided as Masters—historically described as Assistant Judges—and Taxing Officers. Some still preside, including Thomas J. O’Reilly, Q.C., currently most senior continuously-practicing barrister in Newfoundland and Labrador.

Surely close to achieving similar status elsewhere—having reached the quinquagenarian year of law practice—include a bushel of Queen’s Counsel such as John Cooper, Alan Hayman, Peter McDonough, Ed Raymond, David B. Ritcey, all in Halifax; Ronald Twohig in Kentville, and Barry Oland in Kelowna, British Columbia.

About a half dozen of the “Class Of 1967” pursued distinguished careers as law professors, at Dalhousie University and elsewhere. One classmate, Les O’Brien, taught at, and served as Associate Dean of, Dalhousie Law School. Another classmate to teach at the Law School was Leo D. Barry. Yet another, Robert Kerr, became president of the Canadian Association of Law Teachers and is remembered at University of Windsor, where he law-lectured, by a building named for him.

Having acquired an LL.B., some classmates continued their formal education. For example: in 1968, John M. Hanson Q.C., of Fredericton, was graduated with a corporate Master of Laws from New York University. The same year, Leo Barry received a Master of Laws degree from Yale University. And, 36 years later, in 2003, Barry Oland, Q.C. was graduated from University College, London with a Master of Laws specializing in maritime law.

One classmate, Milton Zwicker, Q.C., supplemented law practice with prolific writing about law office management. Another, Robert Forbes (a.k.a. “Bomber”), retired from practice to author children’s books. My favourite, among his published titles to date, is “*Laugh with Me – Book #2*”.

Some classmates supplanted law practice with political life. Historically, Terry Donahoe served in a Nova Scotia government portfolio, and Leo D. Barry, in a Newfoundland government Cabinet. Presently, R. Peter Muttart, Q.C. is first mayor of the Municipality of the County of Kings, Nova Scotia.

Some practiced law and also became property barons, restaurant and pharmaceutical magnates and, in one instance, potentates of independent and assisted retirement living facilities. All were businesses—other than the business of law which now best describes the law profession.

Regrettably, more than a few [12] of the “Class Of 1967” have passed; one of them as recently as 17 June 2017 in Portland, Maine: Bobby Napolitano, age: 78.

Among those surviving, I commend in particular my classmates who imaginatively arranged for the plaque on the plinth, this ceremony, and this weekend’s reunion of the “Class Of 1967”; all of them Queen’s Counsel: Diane Campbell (nee Daley), Alan Hayman, Ed Raymond, Peter McDonough, and Arthur F. Miller (a.k.a. ‘The Baron’).

‘The Baron’ generously funds the Arthur F. Miller Scholarship in Law at the Dalhousie Schulich School of Law, in memory of a very special lady; his mother, Jean F. Miller.

And, we all acknowledge the tireless contribution, to Reunion arrangements, of Hayman Q.C.’s exceptional legal assistant, Kelsey L. Regan.

Imbued in law—or so he thought—one of the “Class Of 1967” graduates presented for his first day of practise on 26 February 1968 with a lawyer in St. John’s; who was to become the graduate’s senior partner for 49 years. The hiring lawyer was Honorable P. Derek Lewis, Q.C.. He never attended law school. When he passed January last, he had practised for 68 years, three months—longer, ever, than any other Newfoundland lawyer, or most lawyers elsewhere, at any

time. His only advice to the graduate contrasted markedly with lessons in law from Dalhousie Law School. The advice was candid and concise. Those of you currently enrolled at the Law School, who aspire to financially profit—or at least ‘break even’—from law practice, need to digitize his advice: “Get work. Get work done. Get paid.”

Ours is a country of ever-mounting numbers of self-represented and of unrepresented and of accounts-overdue represented. Ours is also a country where more than a few who qualify to be represented by state funding burden the pockets and clutch purses of those who do not, by resorting to prolix proceedings. Ours in a country where, as retiring Newfoundland and Labrador Chief Justice J. Derek Green, a Dalhousie Law School James Dunn Scholar, stated on 25 January 2016, “[l]awyers have effectively priced themselves out of the market for many people. There may be reasons for this, but the fact remains that, whatever the reason, many people cannot afford to be represented by a lawyer.”

Many in the “Class Of 1967” have striven to address these concerns. LL.B. candidates present this morning and their colleagues can be expected to continue their predecessors’ initiatives to economize legal expense.

“Practice” has always struck me as a curious descriptive of a profession in which persons repose trust, for resolution or, at least, alleviation of their legal difficulties. “Practice” implies the creating of ‘Beta’ versions of data systems; or baseball spring training; or bench testing. But, each of the “Class Of 1967” says in unison: we are beneficiaries of a priceless law school education. That education vitally enabled our careers in law, public life, commerce, and even literature. And,

that education taught us a signal lesson. The lesson, never forgotten, is that: interpreting and applying law—like life itself—is not a dress rehearsal.

On behalf of graduands of the “Class Of 1967”—here present in person or in spirit—I dedicate to Dalhousie University’s Schulich School of Law the plaque on the plinth, unveiled this morning by Diane Campbell, Alan Hayman, and Camille Cameron, the current, sixteenth Dean. May the plaque ever serve as constant expression—and frequent reminder—of the gratitude of the “Class Of 1967” to the Law School: gratitude for the opportunity to qualify for life in law; gratitude for the masterclass teaching and boundless empathy of the School’s faculty; gratitude for the abundantly-enhanced quality of the professional lives we since have experienced.

Join me, will you, in assembling around the plaque for a “Class Of 1967” photograph.