

**Allocution de Brian H. Dickson lors
de l'inauguration de la Salle de
lecture et de la Bibliothèque de droit
Brian Dickson**

**Remarks of Brian H. Dickson at the
Inauguration of the Brian Dickson
Reading Room and Law Library**

**Faculté de droit
Université d'Ottawa
le 19 octobre 2000**

**Faculty of Law
University of Ottawa
October 19, 2000**

Rector Hamelin, Chief Justice McLachlin, Dean Feldthusen, Dean Perret, distinguished guests, friends,

Good evening.

On behalf of our family, it is a great pleasure to welcome you tonight to inaugurate the Brian Dickson Reading Room and Law Library. We are very grateful to the University of Ottawa for the honour of naming the Library and Reading Room after my father. This evening's event marks the culmination of the efforts of many people over the past two years to establish a memorial, which at the same time will act as a catalyst to advance the ideals he represented. While my remarks will be brief, I would like to give you an idea of how the concept of a Reading Room developed, how the Room itself is organized and how we hope it will work.

After my father's death, the family considered a variety of ways, not only to commemorate his life, but to look toward the future. One guiding principle was that we wished to keep his life story together, in one place, and not dispersed across the country. Second, we wanted to create an environment for learning and research, taking advantage of the innovation, energy and enthusiasm of youth. The University of Ottawa Faculty of Law seemed to be a perfect choice. My father had, over the years, sponsored two prizes in the Law Faculty, one in the Common Law Section, and the other in the Civil Law Section. He felt strongly that Canada was indeed fortunate to have two great systems of law and he encouraged both interaction and mutual support between them. The University also seemed an appropriate location since my father, when he retired from the Supreme Court in 1990, had donated his records to the National Archives, including documents from the Manitoba Court of Queen's Bench and Court of Appeal, and from his tenure as Judge and then Chief Justice of the Supreme Court. We are delighted that the University and the National Archives are cooperating with great enthusiasm on this project.

A word about the Reading Room itself. As you enter, on your left, you will notice a timeline of my father's life, from his early days in Saskatchewan, the war years, his life in Winnipeg as lawyer and judge of the trial and then Appeal Court, his Supreme Court years, and finally his contributions to Canada during his retirement. At the far end of the Room, his study has been reproduced and contains the desk at which he wrote many of his judgments. Apart from this historical aspect, the Reading Room will be open to students and scholars and will provide new opportunities for research in both common and civil law. We also hope that it will be a focal point for other activities which may in the future be carried out under his name.

This achievement has been a team effort, which includes our family, those who have contributed ideas, advice and financially, and those who have directly worked on the project since its inception. On behalf of the family, I would like to thank Rector Marcel Hamelin and former Dean Sanda Rodgers for their early and continuing support, and to Dean Feldthusen and Dean Perret who have worked with us and with each other to underscore the complementarity of Canada's two legal traditions. I would also like to thank architect Claudio Brun del Re and his team, who have done a magnificent job on a multi-facteted endeavour. The quality and detail of the construction is remarkable and I express our appreciation to Aurel and Denis Lévesque of C.L. Construction for their long hours and dedication. Finally, I would like to acknowledge and thank my mother, who has been the mainstay in bringing this initiative to a successful conclusion.

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**La très honorable Beverly
McLachlin, C.P., Juge en chef du
Canada**

**The Right Honourable Beverly
McLachlin, P.C., Chief Justice of
Canada**

**Pavillon Fauteux
Université d'Ottawa
le 19 octobre 2000**

**Fauteux Hall
University of Ottawa
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So much has been said about Brian Dickson – scholar, soldier, lawyer, judge, great Canadian. I cannot usefully add to the encomiums that attest to his contributions. There can be no doubt, as my colleague Justice Frank Iacobucci has said, that “Brian Dickson was an outstanding jurist and leader.” So I will content myself with a few personal remembrances.

Someone asked me recently, “When did you first meet Brian Dickson?”

I replied, “When I first read *R. v. Bannerman*¹.” I was a young lawyer. I had never heard of Brian Dickson. But when I read his clear, compassionate and common sense prose about the silliness of the old rules that required children to profess a belief in eternal punishment in the hereafter if they lied under oath, I knew that here was a judicial mind willing to venture into new territory.

I did not get to know Brian Dickson the man until years later, when on his invitation I participated in a U.S.-Canadian exchange sponsored by the American Trial Lawyers Association. By then I had read and taught and applied as a trial judge many of his decisions, and was a staunch admirer. Sometimes one finds oneself disappointed when one finally meets a person one has admired for so long. But Brian Dickson did not disappoint. He was every inch the Chief Justice, organized and in charge. But he was also very human. He enjoyed people. And he enjoyed himself.

A year and a half later, Brian Dickson welcomed me to the Supreme Court of Canada. In fact when the Prime Minister gave him the news he searched me out on a ship in the Pacific to telephone his welcome to me. I was honoured and more than a little anxious at the thought of joining such august company. And deeply chagrined when my very first act of office was to disappoint him. He asked me to clear up in B.C. and come to Ottawa immediately, as he had some very important cases pending that he wanted a nine-person bench for. I agreed. But when I got to Ottawa I discovered that the cases in question were the mandatory retirement cases, several of which I had written on. So I found myself telling my new Chief Justice that he would have to be content with a seven-person bench after all. He professed regret and went on to reverse me!

My time under Brian Dickson, Chief Justice, was not long. He retired a little

¹ (1966), 55 W.W.R. 257, 48 C.R. 110 (Man. C.A.), aff'd (1966), 57 W.W.R. 736, 50 C.R. 76 (S.C.C.).

more than a year after I came to the Court. Yet that short time marked me indelibly. Brian Dickson was a complex man, a complexity that led to contrasts. While he was calm and even-handed, there were things that got to him, like being told that the Supreme Court roof, that had cost a fortune in minor repairs over the decades, was producing its own internal weather systems due to a fundamental design error (an effect otherwise known as Cormier's revenge upon Mackenzie King, for ordering a peaked roof instead of the flat one the architect wanted). While Brian was supportive, taking pains to encourage his judges, particularly the new ones, he also instilled a sense of solemn duty not to let the side – i.e., the Court – down. While Brian was proper in dress and decorum – before my first Royal Assent he sternly instructed me to go home and change into something black – he was also warm and demonstrative. While I'm sure bussing had never been the thing on the streets of Saskatchewan where he grew up, once in Ottawa he adopted with evident enthusiasm the Gallic practice of greeting ladies – even the ladies of his Court – with a kiss on the cheek.

To me Brian Dickson's greatest strength as a judge – and he had many – was his ability to use his imagination to place himself in the shoes of others. I doubt he had personally experienced the bewilderment of a child being told that a lie would send him to hell, yet he wrote *Bannerman* as though he had. I doubt he had personally experienced the helplessness of a woman who worked for years on her common law partner's farm, only to be told upon breakup that she had no share in the operation, yet he wrote *Pettkus v. Becker*² as though he had lived that affront. He could not have known the feelings of a woman discriminated against on the basis of pregnancy, or unable to obtain an abortion because of the objection of her abusive partner, yet he eloquently seized their anguished realities in *Brooks*³ and *Daigle*.⁴

Part of Brian Dickson never left the Court. His heart remained in its halls. When I would meet him at lunch or some other affair after he retired, his first words always were, "How's the Court?" He was careful never to criticize or express concern – although I know he must sometimes have bit his tongue – but he often encouraged. "The Court's doing fine," he would say, and the way he said it, I knew he still was there.

This reading room will stand as a permanent testament to the work and memory of Brian Dickson. Those who unlike us were not privileged to know this man, will come here and learn a little of him – his love of people, his love of law, his love of the Court. While I know he would prefer to be with us, perhaps he's looking down from his reading room up there to this reading room down here and saying, "You're doing just fine."

Merci à la famille Dickson de même qu'à tous ceux et celles qui ont travaillé si assidûment à cet événement. Cette salle de lecture constituera un hommage permanent à ce grand homme et grand juge. He would have approved.

Thank you.

² [1980] 2 S.C.R. 834, 117 D.L.R. (3d) 257.

³ *Brooks v. Canada Safeway Ltd.*, [1989] 1 S.C.R. 1219, 59 D.L.R. (4th) 321.

⁴ *Tremblay v. Daigle*, [1989] 2 S.C.R. 530, 62 D.L.R. (4th) 634.