

Interview of Justice John D. Takach by Lou Frapporti

Q. Your Honour, very nice to meet you.

A. And you as well.

Q. Let me begin with the word ‘decorous’ - exhibiting dignified propriety. It’s a word, I’m given to understand that carries particular meaning and weight in the management of your courtroom. Would you agree with that?

A. Absolutely. I think one thing that the profession and the bench has lost over the years is ‘decorum’. There’s no question in my mind that it’s important - an offshoot of the old expression ‘justice must not only be done but it must appear to be done’. I think the public has an expectation of the courtroom and the court process and that expectation must be met in order that the public perceives that justice is actually being done. It’s not to say that appearance is more important than substance, clearly it is not, but the court is a serious place. While our proceedings are not typically a matter of life and death insofar as the participants are concerned, the more serious the charge, the more it should be apparent to the public that the court is taking it seriously.

Q. Was this always the case in your career as a jurist?

A. Things have changed tremendously over the years. I started out in 1968/1969 and then the court was regarded very differently. We’ve all heard those stories of counsel appearing with brown shoes and repeatedly being told by the judge, ‘I cannot hear you, Mr. X.’ And Counsel would raise his voice and again be told, ‘I cannot hear you, Mr. X.’ because he was improperly attired in court.

A. A lot of that formality, of course, had to do with the then Supreme Court, but it applied also in the Ontario court or provincial court. I can remember that counsel would not wear a sports jacket and matching pants to court. It would be a suit all the time. That’s changed. And sadly in my view both male and female lawyers appear in court improperly dressed by traditional standards. And I’m sure that must give a horrible impression to their clients.

Q. Do you feel that in modern era our current popular culture is wanting in decorum relative to periods past?

A. Oh, absolutely. And you know I don’t want to leave the impression that decorum relates solely to attire. That’s a small fraction of it, it includes the respect that counsel pay to each other in court. I don’t have any experience in the civil courts, but I remember reading two or three years ago about this outbreak in Toronto of an extreme lack of courtesy from one counsel to the other, in particular in civil proceedings. And it was just very unpalatable from a judicial point of view and from, I’m sure, the lay point of view. What must people think about the profession/the bench/the lawyers when that type of disrespect is shown in the courtroom and I’m very concerned, even though I’m a judge, about the future of the profession’s behaviour. There has been a deterioration in the

behaviour of counsel. Years ago, counsel would never wrangle and fight with each other in open court And now from time to time that takes place.

Q. Is it your experience that that the decline in standards of public decorum have manifested themselves in the nature of the crimes committed or the criminals committing them over your many years as a judge?

A. Not really. Don't forget I'm dealing with the State against the individual and the individual really hasn't changed in 30-40 years. Where I see the difference is the respect that the public in general has for the court along with the respect counsel appear to show to the process and each other. And when I say the public, I'm talking about people who come to the court with a can of coke and a Tim Horton's donut. In the old magistrate's court in Toronto years ago, you wouldn't think of doing that. First of all, if you did, three court security officers or police officers would pounce on you. I can remember that you couldn't walk into a court to interrupt the proceeding when the judge or magistrate, at that time, was speaking. There was no way you could make it to the seat. Whereas now, people come and go in the middle of an oral judgment, which is a part of decorum. And that can have a substantive effect rather than just a decorum or procedural effect. If I'm composing an oral judgment in court, which is not always the case (more and more there are reserved judgments and I issue written judgments), but when I am doing that, it's only courtesy that people not come to and fro, not interrupt, not approach the counsel's table to whisper to the Crown about a forthcoming case and that happens unfortunately.

When I first came to Hamilton it took awhile for it to be known that that should not happen and it does not happen any longer in my courtroom.

Q. Let me change gears a little. My sources tell me that you're a dog lover.

A. Absolutely.

Q. I've had dogs most of my life and my wife and I recently rescued a German Shepherd. What type of dog do you have?

A. Well, I had a German Shepherd when I was the Crown Attorney here back in the 70s.

Q. As befitting a Crown Attorney.

A. Absolutely. And the dog's name was Crown.

Q. Obviously.

A. And everyone got a kick out of that but she was just a beautiful dog and I just loved her to bits. After that we inherited a Cocker/Retriever mix and I had her for awhile. They both lived to ripe old ages. I had to sadly put my Shepherd down because of a hip problem, which is common, but the other dog, Blondie, lived until, I think she was almost 17. And again, it was the rear end that gave out. And in recent years, I have what they call a Shih-poo, a Shih Tzu/Poodle cross who is just the best little guy in the world.

Q. Why?

A. He's just the most lovable dog. He is a watch dog, he's a lap dog, he is intelligent. I guess another endearing quality is that he doesn't shed so I'm not continually vacuuming the house and the odd day I'll bring him up and he'll sleep in my chambers. I feel sorry for him. I'm alone most of the time, my son-in-law or daughter are with me from time to time. My son-in-law lives with me at the moment while my daughter is in England in law school but, you know, I hate leaving him alone for extended periods and if I have a commitment at night, I try to bring him in during the day so he's not completely alone.

Q. Do you like cats?

A. I've had three cats and then my daughter wanted cats when she was small and the last one we just had to put down. She got off the plane about a month ago and we had to go right to the Vet to put the cat to sleep and that was sad because that cat was 19 years of age. My daughter's 30 so imagine how long they had been together.

I'm like my daughter when it comes to animals. I can't even watch a movie where there's a sad ending about an animal because I get so sad. I think for that reason people generally don't bring cruelty to animal cases in front of me.

Q. That's an interesting observation. Is it their vulnerability and innocence?

A. Absolutely. A colleague and I have both ruled on that – that people may tend to regard cruelty to animals cases as inconsequential, not as serious as an assault on a human, but in a lot of ways, it's more serious because animals have no way of speaking, no way of protecting themselves, they are a captive of their environment and the only people who can speak for them are those who enforce the law whether it's the humane society officials or whether it's the judges or counsel.

Q. Let's talk a little bit about your background. Where were you born?

A. Toronto. I was there until I was in Grade 7. Went to high school in Oakville for a number of years. My parents moved to Oakville in the late '50s and my Dad worked in Hamilton at the time.

Q. Were they born in Canada?

A. My mother was born in Canada. My father was born in Hungary and emigrated from Hungary in the pre-Depression era and I would not be wherever I am but for my parents who were the most magnificent, hard working, honest people.

Q. I take it they're no longer with us?

A. They're not. No. Sadly.

Q. Were they alive when you were appointed?

A. They were. Yes.

Q. Can you tell me about that? That must have been a quite a thing for your father and your mother to see.

A. Well, you know, I'm sure it was but they did not talk a lot about it. I know they loved me dearly. I know they were very proud of me in whatever I did because I had a great career before the bench, so there wasn't an awful lot said. My father was less demonstrative than my mother but that was his way. But I have no doubt that they were proud and absolutely delighted.

Q. Do you have siblings?

A. I had a brother. He was developmentally delayed, as the expression is today, and he died about 7 or 8 years ago.

Q. Returning to your high school days in Oakville, did you enjoy high school?

A. Oh, absolutely. One of the best times of my life. I played football for Oakville/Trafalgar and played against all of the local high schools, you know, Burlington, Dundas, Waterdown, Stoney Creek...

Q. So you were athletically inclined?

A. I don't know that I would go that far [laughs]. It's like people today ask whether I'm a golfer and I say, 'No, but I play a lot of golf.' But I still have a couple of sports I play and enjoy. I ski regularly, golf regularly.

Q. When we use the expression 'student athlete', were you more the athlete or the student?

A. More the athlete unfortunately.

Q. Well, things worked out okay.

A. Well, they did, but it was by the skin of my teeth. I'm sure that my teachers at OTHS at the time were astounded I achieved my Grade 13 matriculation, but I coasted through high school and even Queens ... I don't think I really started to study until I got to law school at U of T because that was where you had to read and you had to buckle down. Queens was, in a sense, tough but undergrad is not, even when I graduated, not as hard as post grad.

Q. What did you study at Queens.

A. Commerce. Bachelor of Commerce.

Q. What did you aspire to do with that degree?

A. I switched back and forth. My mother told me I was going to be a lawyer and that was what she wanted. My Uncle was a lawyer, her brother was a lawyer who practiced in Toronto in the old days at a time when private a practitioner could do great public service, be a great contributor to society and yet make a really good living for himself and he did. He was a sole practitioner. He had a partner from time to time. In fact, originally he joined a firm where there was a senior partner, a one man operation, and that gentleman passed away, and then he took on another partner or associate, but he did really well and he gave away an awful lot of free time, pro bono work, and still did well.

Q. Was this is a civil practice or criminal practice?

A. It was a general practice.

Q. He did both?

A. Everything.

Q. Whatever came at him.

A. Whatever came at him. I can remember going to criminal court with him. I worked as a summer student with him one year and he was good enough to take me on even though I'm sure I was more of a pain than an asset.

Q. At what point in your under grad did you come to the view that you might apply to law school?

A. Well, as I said, I switched back and forth. I can remember my Dad, who had a number of friends who would have been in their mid-50s and I think this recollection came back to me as I was part way through my Bachelor of Commerce degree which was a four year course, but I remember my Dad's friends finding themselves out of work in their mid-50s. They worked for a company in the business end of things, either in the accounting end or the management end, and all of the sudden they found themselves out of work. So if I looked forward, and I was partly through commerce, I thought, 'Geez, I don't want to be in my mid 50s finding myself out of work, looking for work. I want to be solely responsible for myself and one of the ways you could do that was to be a lawyer so this old wish of my mother's, that I become a lawyer, started to rise again. So towards the end of my commerce degree, I thought, gee, maybe I want to go further than business. And I was in the marketing end of my commerce degree, that was what I did an awful lot of, and I worked at certain ad agencies during the summer, and PR firms, but it just seemed that at the end for some reason or another I thought, I'm going to apply to law school. And it was, I don't want to say on a whim but it was one of the options and then all of the sudden I got into U of T within three days of my application because a Queens degree in business was a good degree even way back then so I ended up in law school.

Q. Was your father University educated?

A. No.

Q. What did he do for a living?

A. He was a blue collar/gray collar worker. He was a plant superintendent, both here in Hamilton (down on Cannon Street) and then in Toronto when he changed jobs in the late '60s / early '70s probably. My timeline isn't quite accurate there but, in any event ... probably earlier than that now that I think of it because I was in high school in Oakville and graduated in 1960, went off to Queens and they had moved in that first year they moved back to Toronto so that meant the job in Hamilton ended and he went back to a job in Toronto. But he worked for Dominion Kitchen Equipment here in Hamilton for quite awhile and then ended up in a company called VisiRecord which was a manual business records company which I'm sure has gone South because everything is all automated. So that happened in the early '60s.

He was a hard working individual. He didn't have an awful lot of money, certainly they treated money with a great deal more respect that I have treated it over the years. I mean, going out to dinner with them was a once in a year event. Even to go out to lunch on a Sunday afternoon to the Hollinger Bus Terminal in Toronto, which I just thought was the cat's meow, this is when I was 9 or 10, I was excited on those Sundays after church that we could do that; whereas other people did that regularly. But my parents watched their pennies and, as a result, ended up very comfortable in retirement.

Q. Tell me about your experience at law school?

A. I started law school in 1964.

Q. The Year of my birth.

A. Wow. {Ed. In retrospect I'm not sure whether the incredulity was a function of my age or his}

Q. What was law school like at the University of Toronto in the mid 60s?

A. Horribly competitive.

Q. Well, that hasn't changed much!

A. In fact, I'm sad to say, there was a person or persons unknown who used a razor to take cases out of the book so that others couldn't see them. And this was at a time when you could go to a photocopy machine and photocopy the case and take it home. So, it was horribly competitive. It was a bit of a culture shock the first year.

Q. In what respect?

A. All the reading you had to do. All the work. And my marks were always more than adequate but by the third year, I had raised the level of them considerably and then was called to the bar and passed with honours. But it took awhile for me to learn to read in a concentrated fashion. So that was the biggest thing.

I had no social life at all. I think I played intercollegiate rugby the first year then gave it up because the work was too onerous. I might have worked a bit through law school, trying to put myself through because my parents didn't have a lot of funds, working in the underwear department of Eaton's both at Eaton's College Street and down at the main store.

Q. Male or female?

A. Male. [laughs]

Q. The unmentionables counter.

A. The unmentionables counter and some not so palatable tales about returns.

Q. That would be more appropriate for a different magazine interview, I think.

A. Right.

Q. In listing to you, I'm reminded of the old movie *The Paper Chase*. Do you recall that movie?

A. Absolutely.

Q. Is that evocative of your experience?

A. Yeah, it is. And you know what? It's even evocative of my daughter's experience in England. She's a mature student there, so to speak, she's going to be 31. She graduated from Queens with a Bachelor of Commerce as well. Worked for four years in marketing and then decided she wanted to go to law school notwithstanding my attempts to dissuade her from that endeavour. But she told me in first year how professors said 'Half of you will become nothing. You don't have it. It's not like the old days.' And they would disparage the students, embarrass them in class, which was also evocative of the Paper Chase, but it was a little bit like that in law school. Not as dramatic but clearly profs who didn't show an awful lot of respect for the poor individual and used the Socratic method to embarrass students in class.

Q. Not that you would necessarily know what the environment is like in law school today, but things have changed considerably; some might call it progress, others not. Are you nostalgic about your time in law school?

A. I don't know. I have no idea what goes on now. But I'll tell you, I am not nostalgic about law school at all. Ask me about high school and I'm nostalgic about it. As me about Queens and I'm nostalgic about it. Whether that is a fact of the University, going

to the University of Toronto in Toronto is a completely different experience than it is, I'm sure, going to Windsor or London or Queens.

Q. For many of us, going to University and law school marked the beginning of our gaining a sense of the world and our place in it. Many of us developed our political leanings during this period. Was that your experience?

A. Yeah, absolutely. I became involved in student government but student politics as well, particularly when I was in law school. I was active with one party in particular, which shall go unnamed, and had a view that now is changed and is completely different from what I had at the time. I shouldn't say completely different because the social component of my political views is pretty well the same, but the non-social component has changed and what I mean by that is – my social conscience is the same as it was 30 or 40 years ago if not more so; but my view of what goes on in the justice system is completely different. I think when one is in law school, one is educated from almost the point of view that we have to challenge authority, we have to challenge the police, the rights of the individual are paramount, the public interest is somehow left far behind or not emphasized. When you get out in the real world, you find that in whatever capacity you occupy, i.e. Crown, defence, judge, that the public does not have unlimited resources; that every police officer is not a perfect police officer as depicted on TV, every police officer does not have the ability to determine forensic analysis within three hours of a DNA sample being taken. The world is just completely different from that which you gain a view of when you're in law school.

Q. I'd like to explore this further. Have you found your personal philosophy or political opinion to be at odds with your judicial responsibilities

A. I think my own philosophies are consistent with my judicial responsibilities. You know, I've often said, and it was probably a borrowed quote when I first said it, but there is good in the worst of us and bad in the best of us. And there isn't one individual who comes before me that I don't have compassion for. No matter what my responsibility is in that courtroom, the whole system is premised on sentencing principles and I follow those principles and do not have any difficulty in reconciling them with my own personal philosophy.

Q. As you know, Former Chief Justice Lesage, presided over the Bernardo case. He raised some eyebrows in his post sentencing remarks in the case when he wished Bernardo well in the serving of his sentence. I understand that he had a practice of doing that with the individuals who were before him. I take it that can relate to that practice?

A. Absolutely. And I've done the same thing and I'm sure that raises eyebrows even on a far less public or horrendous case. It's something that victims or the family of victims understandably have a hard time understanding. But these individuals, the majority of those we deal with, are individuals that merit compassion. Ten percent, and I don't know if the percentages are exactly correct, but the top 10 or 20% of individuals who come before me will never be there again. The bottom 10 or 20% will. I cannot possibly have

any effect on them because they are so steeped in their culture that they are not going to change. But that middle group are people who are going to change and, accordingly, it's very easy to have compassion for. And the way you deal with them and the compassion you show for them, notwithstanding the fact that you are enforcing the law in the strictest way possible, based on sentencing principles, is aimed at hopefully effecting a change. And I think it's wrong not to have compassion for them, even though you may be sentencing them to a significant term of incarceration.

Q. More philosophically, I asked both Justice Whitten and Justice Emery about their religious views. Without delving into that specific question again, but in light of the horrific things you have seen on the bench, do you see evil as a force outside of human volition?

A. I have. Whether it's outside of human volition, I just don't know. What I do see though are people who come from a background where evil is almost a foregone conclusion or if not evil, misconduct. Sadly, that is the case in this jurisdiction probably as much as anywhere else in Canada. And I tell this story, I've told it in court to the students who come to court and I've told it outside of court. Without mentioning names, I had a murder preliminary that I presided over which was a highly contested case. It was a serious case. It was a case where a drug dealer was murdered in an apartment. There were four young female witnesses. At least three of the four were hostile to the Crown's case. One or two of the witnesses recognized her plight in life. They were all street workers, they were all young and they were all addicted to drugs. One day, at the noon recess, I was driving out of the parking lot and right in front of the doors that opened up I saw three of those witnesses walking across the driveway. And what struck me and brought a tear to my eye was to see three young toddlers toddling along behind them and, of course, it was obvious that these three young toddlers had two strikes against them right at that point in time no matter what they did in life because they were being raised by mothers who had no concept of right and wrong, drug use, hiring themselves out as prostitutes, running with people who were selling drugs. And that's just unfortunately a fairly typical story in many large jurisdictions – that the generation repeats itself.

Q. A cycle of despair and dysfunction.

A. It's a cycle. And I have adjudicated on cases where I prosecuted the parent or grandparent back in the 70s – same person, a couple of generations later. So, in that sense, there is an inherent evil that people may have no way of resisting because of the situation they're born into.

Q. Would you then agree with the observation that although criminality might arise from a variety of causes, the dissolution of the family structure may be a more significant cause than poverty?

A. Absolutely. I couldn't agree more and I have said many times that one of the main causes of difficulties is not just poverty, it's the family breakdown and one of the reasons that the family breaks down is that there has been a decline in morality, in the concept of what is right or wrong. And, in my view, that relates to a break down in religious

adherence, no matter what the religion is because most of our religions have core values that are identical and once those core values break down, there is no measuring as to what is right and what is wrong. Your view is as good as mine as to what is ethical or what is not ethical, or what is good or what is bad. You hear it every day, not just in court. You see it on the street corner. There is a decline in respect for one another and there's an overlap with that decline in the law.

Q. My thirteen year old son Michael engaged me in a conversation when I mentioned that I would be interviewing you in which he expressed the view that much more emphasis appeared to be placed on the apprehension, conviction and punishment of criminals as opposed to their rehabilitation. Do you have an opinion on that? Do you think we have the balance right or the balance wrong?

A. I don't know that there is an imbalance. Clearly, I'm not in the best position always to talk about the success of the rehabilitation so to speak that does take place, the programs that there are for individuals. But I clearly have a sense that if an individual who is apprehended and who is punished or does receive the disposition that there are a whole host of rehabilitative programs available to them. Now whether it's enough, I'm not in a position to say, but what I can say is that there are a lot of people who are sentenced who do not take advantage of those programs that are, in fact, available and the reason I know is that they come back.

And if they come back, inevitably, it's not a case of trying and failing, it's a case of simply not trying. There's no question that people do try and fail, but there are inevitably given second and third and fourth chances. No one wants to give a second, third or fourth chance more than a judge and I often say to offendants, the worst part of my job, even though I regard myself as a law enforcement or justice oriented individual who is not afraid of protecting the public interest, the worst part of my job is to send people to jail. It's the part that I hate the most. So I want you to succeed, give me a reason not to have to impose an incarcerative sentence on you in the future whether I'm giving them a break and suspending sentence or giving me them a conditional sentence for dealing with them in a non-jail fashion. I try to make it clear to them that that's the last thing I want to do and I think it's the last thing any judge wants to do. But we have a framework. We have sentencing principles. We have case law. We have precedent that we're bound to follow. But where there is an exit, an escape, even the most public minded judge is going to opt in favour of the individual.

Q. Returning to your earlier days, what in heaven's name prompted you to get into criminal rather than civil law?

A. That's a good question. I really can't answer that. I suppose it was shaped by the fact that criminal law seemed exciting whether it was defence work or Crown work, it was always the subject of courtroom drama. There were no TV programs and movies about working in an office. *Witness for the Prosecution* wasn't about a solicitor in his office doing real estate deals or commercial law and so it looked like the exciting place to go. The more interesting question is why I decided to do Crown work at the beginning rather than defence work.

Q. So I invite you to answer that.

A. ...and that was because I wanted to do defence work. And why did I want to do Crown work to begin with? So that I would get experience and not go out and make a monkey of myself in private practice. I would learn at the public expense. The difficulty is that once I got into it, and it feeds back into something I said before, whereas my social views of the justice system, i.e. our obligation to our fellow individuals to help them, give them a hand up, and to help people, to have rehabilitative programs, etc., have remained the same, but once I got on the Crown side, I thought - whoa, it's not quite as it was portrayed in law school. Everyone is not innocent. In fact, the vast majority of the individuals charged with an offence are at least guilty of something, so it's not quite all of these law school examples of the abuse of police power that results in an innocent man being convicted. I developed a different perspective after a couple of years with the Crown.

Then the other aspect is – I kept getting promoted and, I guess, self interest took over. And I was happy in what I was doing and I felt that I could do my duty to the public as well as my duty to the accused as a prosecutor. Coupled with that was a horrible example of some cases where I thought the prosecutors were without heart and I thought I could do better. I have colleagues who were going to go into defence practice as well, fell into the prosecution or Crown attorney system and, indeed, start to feel the same way – that we could do better as prosecutors than that group of prosecutors were doing and do it with fairness and with a balancing of the public interest.

Q. I am told that you did wonderful work in rehabilitating the Hamilton Crown Law Office in the 70's. What memories would you like to share, if any, of your experiences in that role?

A. The people. My success, if there was any success, was due to the people I had who are now leading members of the Hamilton bar, the criminal bar: Dean Paquette; Jeffrey Manishen; Geoff Read, David Carr, who is on the bench in Kitchener; Fred Campling, who is a colleague of mine here; to name a few.

Q. Did you pre-date all of them here?

A. Yes. I was appointed here in 1975 and, of course, Anton Zuraw was here when I got here but he was the only one really. The Hamilton office was basically a bunch of part time Crowns at the time with one or two other full time people but they would be hired per diem? There was a horrible practice of doing Crown work while doing your own legal practice. And so I was asked to come here and ensure that stopped and I was given, by the Deputy Attorney General of the day, the mandate to hire additional people. And so my best praise of that time was for those individuals who helped make this happen. At the time, this was the best law office in Ontario. We were looked to as guidance for the rest of Crown attorney system.

Q. Would you agree with me, Your Honour, that you had rather more success in drafting and recruiting in that time than the Leafs have had in recent years?

A. Yeah. Absolutely. I think they should consider me for the next General Manager because I know people.

Q. I hear they're looking. You may get a call.

A. But, seriously, I think if I had a skill it was attracting and getting those people because they were excellent people. I have maintained my friendship with all of them.

Q. What prompted you to seek an appointment to the bench?

A. You know, I had been a Deputy Minister for three years and that was as far as you could go in the public service. You only have a short period of time, in my view, at a senior position. Some Deputy Ministers have hung on for awhile. I was only interested in two Deputy Ministerships – one would have been Deputy AG and the other was Deputy Solicitor General. Both were related to the Justice system. Some Deputy Minister colleagues had already been moved out of their Ministry. I was going to be moved to another Ministry which was not Attorney General and was not going to be a Ministry that I was particularly interested in so I thought the time had come to leave the public service. And I applied to be a judge.

And if I have one regret, it's taking an administrative appointments too early or too soon or at all because, in my view, the best job is being a trial lawyer and I loved that period of time. But, at the same time, it takes a horrible toll. Being a trial lawyer, whether you're for the Crown or defence, is a horrible sacrifice, I think, to your family life, to your own personal life. I remember those days when I was doing it. And I did trials right up until the end... my last trial finished sometime in 1985 because I came back to Hamilton regularly to do trial work. I always felt that you had to keep your hand in doing cases and as soon as you got too wedded to the administrative position, you were weakening your own position or strength. The last trial I did was in 1985 and two hours later, just by coincidence, I got the call to be a Deputy Ministry. As soon as being an ADM ended, I could not do trials anymore because it would always involve the police so that was always a concern – to get out of the mainstream of litigation – but, as I say, I could have done legal work right until my retirement or, you know, counsel work right to my retirement and been completely happy.

Q. You alluded to the fact that you felt, and I'm sure you probably still do, that to be an effective trial lawyer, it requires a fair amount of consistent practice.

A. You have to go to court.

Q. Now, of course, this may be something that is less of a concern for the criminal bar, but it's something that is very concerning to the civil bar - the cost of litigation is so prohibitive that the opportunity to train younger lawyers is greatly diminished. Any advice, thoughts on that?

A. Well, I don't know if this answers your question, but one of the things that has changed over the years is the mentoring system or the junioring system and I know on the criminal end of things there are too many who get out on their own too quickly and they do not

have the opportunity to learn. To your question, I don't know how you get court experience and at the same time do your duty to your client because, and we haven't touched on this as a whole other area that you would have better views on than I, but the costs of legal assistance is prohibitive and it applies in every area of the law whether it's family law, commercial law for the small businesses, criminal law for the criminal practitioner or any type of law and I don't not know how people afford it. On the other hand, law is expensive and in this day and age when we talk about technical support, research support, people look at the hourly rate of a lawyer and think that's ridiculous and yet I know what is involved in preparing a case and I feel for the people who come before me, the lawyers who come before me, who are not making a princely living contrary to the views of the public. It is so hard for them to get ahead, maintain that duty to the client and at the same time support themselves financially.

Q. Who were your mentors as a young lawyer?

A. I articulated with John Morden and he was eventually a Justice of the Court of Appeal. I did an awful lot of work for and articulated for Robert Reid who was a Superior Court Judge. And for a lawyer called Ted Woolcombe who has since passed on. For the year that I articulated, I worked for all three and just learned how to prepare cases and it's preparation, preparation, preparation. That's what I learned. I remember I appeared before John Morden at a trial and he was very complimentary to me after the murder prosecution I did, and he said 'How did you ever learn all of this?' And I said, 'I learned it from you.' And from the law firm where I was articulated. And all it involved was preparation, preparation, preparation.

Once I was with the Ministry there were a number of senior lawyers, Clay Powell was one of them back then and there were other people in the Crown law office who were role models but I think it all comes down to work, hard work.

Q. How do you get to Carnegie Hall? Practice, practice, practice.

Just a few more questions. You're nearing retirement. What will you do with your time?

A. I don't know.

Q. Will you miss this?

A. Absolutely. There has never been a day since I've been at the bar and the bench that I have not been happy to come to work both as a lawyer and as a judge. And there have been difficult days, no doubt, but I will absolutely miss it and if I did not have to retire, I would not retire. But, by the same token, to quote the book of Ecclesiastes, for everything there is a season. Having said that if I were on the Supreme Court of the United States or if I even sat in Manitoba, where there is no mandatory retirement.. But, on the other hand, I will be happy in whatever I do, I'll see what happens. There are a number of Boards and Commissions that don't have age requirements and I will consider application to those. I do have a lot of leisure activities - I love technology, I'm a techno nut. I still have leisure activities - I rebuild cars which is fun for me because it is completely

removed from this environment. I still ski a lot all over the country and I love to do other sporting activities.

Q. Are you familiar with the TV series *The Big Bang Theory*?

A. No. Not really. I'm aware that there is such a show.

Q. They play a game called 'Would You Rather'. Let me give you an example of two things and ask you what you'd rather do.

Q. So you're charged with murder – would you rather be represented by Horace Rumpole or Vinny Gambini of *My Cousin Vinny*.

A. Vinny Gambini.

Q. Would you rather have to contend, and this is probably a slightly more serious question – do you prefer contending with unprepared counsel or unrepresented litigants?

A. Unrepresented litigants.

Q. Why?

A. Because I can assist them. When you have ill prepared or incompetent counsel, it's very difficult.

Q. You can drive only one car for the rest of your life – would you rather drive a '66 Shelby 427 Cobra or a '64 Aston Martin DB5?

A. I'm afraid I'll have to opt for the Aston Martin.

Q. Well, as we're on the subject of Aston Martin – Sean Connery or Daniel Craig?

A. Daniel Craig.

Q. Would you rather relive the '70s or the '80s?

Neither. But if I guess if I were to choose, I really didn't like those bell bottom trousers so I'm going to go for the '80s.

Q. Would you rather coach the '92/'93 Leafs with Doug Gilmore, Wendel Clarke and Dave Andreychuk) or the '62/'63 Leafs with Johnny Bower, Dave Keon and Frank Mahovlich?

A. The '93 Leafs so that I could scream at Kerry Fraser face to face for the worst non-call in NHL history!!

Q. And, lastly, and this is a question of enormous import – Ginger or Mary Anne?

A. Well, everyone will say ‘I knew it’, but Mary Anne.

Q. Fantastic. We’re all done. That was delightful.