



F.R. SCOTT AWARD ACCEPTANCE SPEECH
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By Stephen Halperin

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I am very proud and honoured to receive an award named for our legendary Professor Scott. Probably unbeknownst to whomever chose me for this, he has been something of a hero to me since I first became acquainted with him in law school and learned about his extraordinary life and work. I think he was one of the most fascinating and underappreciated Canadian public figures of the last century, and as we get deeper into the 21st century and the age of social media, pop celebrity and 15 minutes of fame, truly heroic figures like him are at risk of being completely forgotten.

So I want to do something a bit unusual for an event like this. I'm going to take a few minutes to share with you some highlights from the incredible career of the person for whom the award was named. And just think - if I do that You won't have to google him!

Frank Scott was a McGill treasure and a great Canadian renaissance man. His principal day job was law professor. He was an exceptional, beloved and revered teacher at McGill for more than 40 years. Toward the end of his academic career, at long last, he was appointed Dean of Law, a position to which he had aspired for the better part of a generation, but which had been denied him by the Board of Governors because of his politics, which I will return to.

He was a brilliant constitutional scholar and theorist, whose ideas and vision were very influential on a slightly younger cohort of his academic peers at other Canadian law schools, such as Bora Laskin at Osgoode and later U of T and Pierre Trudeau at L'universite de Montréal. Both frequently acknowledged

Scott's influence on their thinking. And both obviously went on to jobs beyond the academy where they had the opportunity to apply his ideas to real life. And they did - although not always. When his old friend Trudeau as Prime Minister offered him a seat in the Senate, he declined, saying "rather than putting me in the Senate, you should abolish it".

In the midst of that full time academic gig, he moonlighted as a litigator, testing some of his theories in real courtrooms. And he was a hugely successful advocate in the Supreme Court of Canada in some of the most important and iconic civil liberties cases in the court's pre charter history.

In all three high profile Supreme Court cases in which he appeared for appellants from Quebec, he persuaded the Court to reverse the appeal and trial decisions on issues of political and religious freedom, censorship and free speech and most famously, the rule of law in the Roncarelli case.

Scott was basically inventing Canadian civil liberties law on the fly. And for a Quebecker to have taken those cases during the Duplessis years, he had to have been utterly fearless. It is no coincidence that his long overdue appointment as Dean didn't happen until shortly after Maurice Duplessis was safely dead, and his long ruling Union Nationale government had been defeated.

In his spare time, Scott co-founded a new national political party, which we know today as the NDP. He served as its National Chair for eight years, and was its intellectual beacon for 30. That was the politics that really deprived him of the deanship until he was 62 years old, and made him a poster child for the original purpose of academic tenure.

And famously, probably more famous than he was for his academic, or legal or political achievements, he was, of all things, a world class, prolific, award winning poet. Imagine winning a Governor General's award for "Essays on the Constitution" and another one four years later for "Collected Poems". Scott did that. He was one of the founding fathers of Canadian modernist poetry. If you were paying attention during high school literature class, you would have read at least a couple of his poems.

And it was as a poet, or partly as a poet and partly as a law professor, that this very public man did something very privately one day that might have resulted in his most enduring impact on the culture, one that still resonates more than 60 years after it happened and more than 30 years after his death. You won't find this on Google.

On that fateful day, this giant of Canadian literature was discussing poetry with a first year law student, which he rarely did because how many law students care about poetry? This particular student showed him some poems he had written. Scott read them, and urged the young man to stick with it and keep writing. Unclear whether he meant - "and drop everything else", but the student, thus inspired, did not show up for second year and was never seen in the law school again.

His name was Leonard Cohen.

Now this might be a stretch, but is it possible that without Frank Scott's encouragement and inspiration, Leonard Cohen might have spent his life writing.....wills?

(Not that there is anything wrong with that!)

Cool postscript to the story. If you listen to Cohen's 2004 album "Dear Heather", you will hear him singing something called "Villanelle For Our Time". Music, L. Cohen; lyrics, F.R. Scott. Two great McGill writers.

And when I think of great McGill writers, I am reminded of a fund raising campaign in which I was involved years ago for our new law library, which was to be called, and of course is called, the Nahum Gelber Library. While that campaign was ongoing, another law school up University Avenue was raising funds for its new library, the Bora Laskin Library. We were competing with them. People who I approached to solicit support for our project would frequently say "we know who Bora Laskin was and why you would want to name a law library after him, but who is Nahum Gelber?" I would patiently explain that Mr. Gelber was among McGill's greatest writers. "What did he write?" I would invariably be asked.

"A cheque!! A big cheque!!!"

McGill has always honoured its great writers.

But the real reason this recognition is so meaningful to me, not being such a great writer, is that it speaks to my lifelong symbiotic relationship with the University and especially the Faculty of Law. Whatever success I have enjoyed in my career, I have never forgotten that it all started back in Chancellor Day Hall. And while I worked pretty hard while I was there, for me, for the most part, it was a labour of love. The faculty instilled in me a love of law from the earliest days which has stayed with me all these years. It might have started in Frank Scott's lecture on the Roncarelli case.

And beyond the classroom and the library and the moot court, I remember my years there as among the best of my life. Some of my closest and most enduring friendships were formed there and some of those friends are here tonight - which makes this even more special for me.

So if I have given back to McGill in various ways over many years, and the Chancellor very generously described some of my endeavours, that is just a small payback for what I have derived, and continue to derive, from my McGill connection. As I always say when people comment on my commitment to the school, I got a lot more out of McGill than McGill ever got out of me.

If part of what is being honoured are my achievements as a lawyer, then I must share this with my professional home for the past 31 years, and which I am happy to say will continue as such in the post partnership era. My career success would not have been possible without so many talented and dedicated colleagues, past and present, several of whom honour me with their presence here. You have always made me, and made me look, better and smarter than I am, and certainly better and smarter than I would have been without you. So many great lawyers, most of whom have had to limp through life without the benefit of a McGill education! It's a tribute to how talented you are that you've achieved such greatness in spite of that disadvantage.

I want to particularly salute my friend Herb Solway for two reasons. First, he convinced me to join the firm when I relocated to Toronto 10 years into my practice, but more importantly Herb, more than anyone, is the architect of how this firm has been built - one great lawyer, one great person at a time. And his successors in our firm leadership, Allan Leibel and Dale Lastman continued, and in Dale's case continues to this day, to lead with the values that Herb inherited from Eddie Goodman and passed on to them: excellence, decency and class in everything we do. I am very proud of Goodmans, and grateful for

everything the firm has done for me and my family. Up to and including sponsoring this reception, which was unexpected and unnecessary but greatly appreciated!

I would also thank Thomson Reuters for its kindness in hosting this event, at a convenient location in the Goodmans elevator bank, and to my friend and fellow McGillian Neil Sternthal, who was one of those great Goodmans colleagues I just mentioned, before he went on to great success in the real world.

Finally I share this with my family, starting with those who go all the way back with me to a third floor tenement walk up in a working class Montreal neighbourhood. My brother Mark is here; my sister Nancy is out of the country but she is well represented by her daughter Stacey and sons-in-law David and Michael.

But mainly I share it with my only remaining partner, and fellow two time McGill grad, Andrea. You met me before law school, you dated me through law school, you married me after law school and you have kept me around for more than 400,000 billable hours! Thank you for the love and support and understanding that have allowed me to have this career, and this marriage, including the move to Toronto which was mainly about my career, and challenging to you in the early years with two very small children and a career of your own to navigate. And thank you especially for the extra burden you carried and the brilliant job you did in raising our daughters in the years when I was spending way too much time at the office.

If you know me at all, you know how proud I am of my wonderful daughters. The only thing they ever did that caused me any real concern was they both married out of my faith - they married Leaf fans! But they gave me two otherwise terrific sons-in-law so I let it slide.

Older daughter Ilana and her husband Noah who are here are the parents of our two fantastic grandsons who I hope might one day be McGillians like their mom. I know they won't be Hab fans.

Younger daughter Sara and her husband Adam who are lucky enough at this time of year to live and work in South Florida are the parents of our three fabulous granddaughters, which has introduced Andrea and me to a bizarre world, where grandparents go to Florida to visit grandchildren.

Let me end with this. Many years ago another great renaissance man, sociologist, diplomat and US senator Daniel Patrick Moynihan, whose academic specialty was urban studies, was asked, in India where he was serving as US Ambassador, how they could create a great city. If you want to build a great city, he responded, create a great university And wait 200 years.

McGill, on the verge of its 200th birthday, is a great university. Montreal didn't need 200 years to become a great city. To me their greatness is inextricable. How lucky I am that each has played such an important part in my life, and each will always have a special place in my heart.