

Law students honour Black judges, lawyers

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Roger Rowe

Two Ontario judges, including the first woman appointed to the Bench in the province and several prominent legal professionals, were celebrated at the York University Osgoode Hall Law School Black Students Association's fundraising gala last Saturday night.

Justices Micheline Rawlins and Kofi Barnes, along with lawyers Verlyn Francis, Shirley Woodley Griffin, Donald McLeod, Frank Walwyn and Roger Rowe were recognized with Legal Excellence awards at the event to honour the contributions of distinguished African-Canadian legal practitioners.

A graduate of McGill University and the University of Windsor Law School where Juanita Westmoreland-Traore made history as the first Black dean of a Canadian law school, Rawlins served as an Assistant Crown Attorney in Kent county prior to being appointed to the Bench in 1992.

She captured the attention of the legal community eight years ago when she took exception to defense lawyer Laura Joy's attire in her Windsor courtroom. She advised the lawyer that she would not hear her case until she changed into a conservative outfit.

"I don't want to see bra straps, cleavage or belly buttons," Rawlins said at the time. "Is that too much to ask in a court of law?"

Canada requires lawyers to wear traditional black gowns during appearances in national courts, before the Queen's Bench and in federal appeals court. But there are no explicit dress codes for the provincial courts that handle most minor criminal cases.

"I took a lot of heat for that stand, but again I wouldn't have gone there if I didn't believe in what I was doing," said Rawlins who is also a qualified hockey trainer and coach.

Barnes became Canada's 25th Black judge when he was sworn in on March 8, 2004 in Oshawa.

Called to the Bar 17 years ago, the Trent University and Osgoode Hall Law School graduate and former Ontario Court of Justice prosecutor became one of Canada's youngest judges at age 39.

"The law is a noble profession and it's an indispensable component of a free people and democratic society," said Barnes who helped design and implement Canada's first drug treatment court combining therapeutic principles with legal case-processing. "It's a rewarding profession. However, many challenges still remain, ranging from the increasing cost of legal education, difficulties in finding articling positions, the under-representation of African-Canadians in the judiciary and a certain segment of the legal practice.

"The accomplishments of tonight's award recipients fill us with that hope and belief that all these obstacles can be overcome. It also illustrates that our goals and objectives are attainable...The recipients have added value to the profession, to their communities and to their country."

Barnes was the last African-Canadian appointed to the Bench in Canada. Guyanese-born Maurice Charles, who now resides in South Africa, became Canada's first Black judge in 1969.

Rowe, a long-time Jane-Finch resident, has appeared before all levels of court, including the Supreme Court of Canada where he successfully argued the landmark case of *Baker vs. the Minister of Citizenship and Immigration* which established a new standard for the duty of procedural fairness in administrative law.

In 1989, the Supreme Court of Canada reversed the deportation order of Jamaican-born Mavis Baker, ruling that immigration officials failed to take into account the interests of her four Canadian-born children. The court found that immigration officials were biased against Baker and "completely dismissive" of the interests of her children when they turned down her application to stay in Canada on humanitarian grounds.

A York University graduate and Canadian Association of Black Lawyers (CABL) co-founder, Rowe was a staff lawyer at the Jane & Finch Legal Clinic for five years before entering private practice in 1993. He's also the immediate past president of the Promoting Economic Action and Community Health (PEACH) organization that runs programs for youths in the Jane-Finch community and the first recipient of the Pro Bono Law Ontario award for Community Service.

"It's important that we as lawyers give something back or we can pay later when the problems become so entrenched and so complicated that they are beyond repair," said Rowe, the recipient of the 2007 Law Society of Upper Canada's Lincoln Alexander award that recognizes an Ontario lawyer who has demonstrated a commitment to the public and its well-being through community service.

"There are lots of non-profit agencies doing exciting work who are always looking for lawyers or legally-trained people to share their skills. It doesn't take a lot of time, but it could make a big difference in the long run."

Kittitian-born Shirley Woodley Griffin, the first Black lawyer to practice in Dufferin county, spoke of the challenges she faced in making her mark in the profession while current CABL president Frank Walwyn, Queen's University law graduate Donald McLeod and Verlyn Francis, who was called to the Bar in 1997, said they were honoured to be part of the distinguished group of legal professionals recognized with awards.

The theme of the event was "Raising the Bar".

"Too often, we lawyers think of ourselves as a group that is set apart from our clients and community," noted Francis who began her legal career as a court reporter with the Ministry of the Attorney General. "We forget we earn a living by providing a service. By understanding this concept, you are indeed raising the bar."

Ontario's Health Promotion Minister Margaret Best, who juggled two jobs to put herself through law school, was the keynote speaker. Called to the Bar in 1995, she ran a practice specializing in real estate and family law before entering politics three years ago.

"We need only reflect on our history to see how far the bar has been raised," she said. "As a member of the legal community, I am intimately aware of the power of the law in influencing and shaping the future of this great province and beyond. We need only scratch the surface of our collective memory to realize that not too many generations ago, not only our rights and objectives in society, but our very status as individuals turned on

nothing more than a series of words on paper because we were considered possessions dispossessed of our honour and dignity by the said instrument which today is a symbol of justice and that is the law."

Best paid tribute to Canada's first Black bencher Leonard Braithwaite who she had lunch with last week in the Ontario Legislature's dining room.

"He's someone who raised the bar, not only for persons of African descent but many others," she added. "His lifelong actions have helped to effect changes in the law."

Proceeds from the gala will go to the Osgoode Hall Black Law Students Association's bursary initiative to financially assist African-Canadian law school applicants taking preparatory courses for the Law School Admission Test (LSAT).