

# An Interview with Chief Justice Alfred M. Monnin (English Translation)

---

THE HONOURABLE CHIEF JUSTICE  
ALFRED M. MONNIN\*

## I. INTRODUCTION

In this interview, Chief Justice Monnin discusses the practice of law, his family and his decades of legal experience. The interview was conducted by Professor Darcy MacPherson in May of 2012.

## II. COMING TO THE PRACTICE OF LAW

DLM: What drew you to the law as a profession?

AMM: I finished at St-Boniface College, the Jesuit College in 1939. There were not many jobs available at the time. It was the end of the [Great] Depression. I looked around, and I saw that the last law student, or the last lawyer, was Laurier Regnier, who is now deceased, and he had finished his legal studies 15 years before, so he finished his course in 1924 or thereabouts. Therefore, there were very few lawyers. I told myself “I should go into that profession. There should be work available; if not now, there will be in a few years.” And as it happened, the war came. And at the end of the war, there was as much work as we wanted, as much work as we could do. So that’s that. That’s how I got here.

---

\* O.C., O.M., Q.C., LL.D (Manitoba), B.A., LL.B. Chief Justice of the Manitoba Court of Appeal 1983-1990.

DLM: In your opinion, how is the teaching of law today different than how it was when you studied it?

AMM: First of all, the profession wasn't structured like it is today. We looked around, we saw that there was work was to do, and we would throw ourselves in it once we had the required qualifications. And that's what I did. And I have always had a lot of work, so much so that at a certain point we were six in the office, six lawyers, and we had all the work we could do.

### III. PRACTICING LAW

DLM: And you used to work many hours in your office, like today?

AMM: I don't know what they do today, but back then we worked many hours. We worked almost four to five nights a week. We worked Saturday morning, until about 1pm. After 1pm we left in little groups with our accountant and we went to the north of the city to Sammy's to have a sandwich and to talk. Then we would go back to the office with the accountant to look at what needed to be done, and what had been done and what we could charge, and what we could take as fees.

DLM: And your education was more based on learning from older lawyers?

AMM: Yes. I was with Joseph Thomas Beaubien. Beaubien had become a judge, a judge of the Court of Queen's Bench and then of the Court of Appeal. But he had a big clientele. In fact he told me to "hurry up and get here, because I have a huge quantity of work." So, for a while we were up to 6 in the office. I was the senior [lawyer], because Beaubien had become a judge. I kept the others busy, I would distribute the work. I would do my part, then I would distribute and we always had lots and lots of work. Part of it was never remunerated. Not *pro bono* but...kind of *pro bono*, people didn't pay me. Therefore it was *pro bono* without meaning for it to be. That was how it went.

DLM: Therefore, it was very practical; your education was very oriented towards the practice of law?

AMM: Yes. [Regarding] interviews with the clients then: we didn't have many corporate clients ~ so it was specific issues for individuals. Therefore, it demanded more meetings and more explanations to be given.

DLM: Did you enjoy your studies?

AMM: Oh yes, oh yes, I appreciated my studies. Like I said, it wasn't structured like it is now but...

DLM: You spent how many years as a student?

AMM: I believe it was a four year course. Three or four, I could be wrong, but I think it was four. At the beginning we didn't know much, so we would bring messages from one office to the next, we went to the Land Titles Office, we went to court, we would go deliver documents, we would also go get documents. It was very practical, we would learn while working.

DLM: Without revealing confidences, what was the most interesting case you worked on as a lawyer?

AMM: Well I think it was the case with the three boys from Québec that were running away from Québec because they had committed a small theft, a very trivial theft. And then they got caught in a tornado of activity. That I think was the most important. Other than that, I had a good, I had a big clientele. Almost all, like I said, individuals, so it was very interesting.

DLM: So you did a lot of litigation?

AMM: Litigation? No. I did not do a lot of litigation. I was a lawyer but really I was a notary, a Québec notary. Therefore it was office work.

DLM: The case you were speaking of was of...

AMM: Yes some of my litigation work was related to that case. It was the murder of a priest on the highway to Brandon, a place called Justice.<sup>1</sup>

Yes it was a murder, they didn't know it was a priest. They were out of money, and they needed money, so they asked him for some and when he refused, well they shot him.

DLM: And you did that case with Harry Walsh?

AMM: With Harry Walsh, yes. Yes that's it, that was the most important case I had I think from that point of view, but I had a big clientele. I wasn't looking for clientele. Clientele came, it was there.

DLM: And it was the most interesting for you because it was very important to them?

AMM: Yes that's it, and we can't forget that everything was done in English at that time. We didn't have the right to use the French language. We would interview the clients in French if the client was a Francophile or a francophone but after that the rest, from one office to another, all the conversations, the correspondence, took place in English.

DLM: In that case, did your clients speak English?

AMM: In that case, maybe [a little,] not a lot, but my clients from Manitoba, yes, they all understood English.

DLM: It seems to me though that for the francophones, you were really important. A francophone lawyer that could translate English to French

---

<sup>1</sup> *R v Paquin*, [1955] MJ No 5 (QL) (QB), aff'd (1955) 111 CCC 312, 15 WWR 224 (CA), (regarding trying the accuseds as adults); *R v De Tonnancourt* (1955), 114 CCC 240, 17 WWR 26 (QB) Freedman J (as he then was) (a hearing on evidence admissibility at the trial). This hearing and the ultimate verdict were upheld in *R v De Tonnancourt* (1955), 115 CCC 154, 18 WWR 337 (CA). For more information on this case from the perspective of Justice Freedman (as he then was), see page 130 of this volume.

and explain the English legal terms was really important at that time because they didn't have a right to have a French judge.

AMM: Yes, that's right. Therefore we had to do translation continuously, and explain what was going on or what was going to happen.

DLM: Was there a file or a case that was more fun for you, that was more interesting, or amusing?

AMM: There wasn't much amusement in that. It was work. And it's hours of work that can be at times really painful. Like I said, it all had to be explained to the clients, but all the clients understood English, well almost all, maybe the old, old francophones from Québec didn't but they were very rare.

DLM: Therefore you spent the majority of your professional years in English?

AMM: Oh yes, almost entirely in English, except when I would discuss with clients. Then the conversation would be in French. But with the other lawyers, it was always in English.

DLM: You did your studies here, in Manitoba?

AMM: Yes I did all my studies in Manitoba.

DLM: Without revealing confidences, why did you want to become judge?

AMM: There is a question of remuneration, and that's it. Because as a judge you don't have to go ask for money from your clients. And it's the state that pays you a salary, yearly and monthly, and it's a good salary at that with a good retirement plan, with an indexed pension. So much so that now I have more income than I did when I was practicing, when I was an active judge. What else...it's a question of not having to go look for or ask for an advance on your work. You were guaranteed payment at the end of the month. And that was interesting when I had five children to support.

DLM: Who was your favourite advocate to listen to on the bench?

AMM: Well, there was Harry Walsh who was a great lawyer, difficult sometimes because he was very demanding but it was a pleasure to have him in front of us. He argued very well, he knew where he was going. He would go directly to the point and would not waste his time. No I like that, and what else? No, that's it. I was happy to that job.

DLM: You spent a lot of time as, as a trial judge no?

AMM: Five years if my memory serves me correctly. Five years as trial judge, then I went to the Court of Appeal.<sup>2</sup>

DLM: How were those two roles different?

AMM: There was not much difference because it was the same type of work; except at the Court of Appeal. You were always three and sometimes five, so there you had to work in a group. When you were the lone judge you could say when it was time to stop or when to ask questions or to tell a lawyer, "enough, don't waste your time." Whereas when you work as a group of five there can often be several opinions.

DLM: 33 years is a long time to be a judge.

AMM: Yes.

DLM: What was your motivation to each day say "I still want to do this"? You had the option to take your retirement earlier then you did.

AMM: Yes, I retired at 70 years old if my memory serves me correctly.<sup>3</sup> I could have worked up to 75, but at 70 I decided enough was enough and I had enough revenue to keep me going for the rest of my life and here I am at 92, 93 soon with a good revenue and I live well.

---

<sup>2</sup> Justice Monnin was appointed to the Court of Queen's Bench in 1957, and the Court of Appeal in 1962. In 1983 he was appointed Chief Justice.

<sup>3</sup> Justice Monnin retired at the age of 70, in 1990.

DLM: For many people having the opportunity to become Chief Justice of a province is a question of legacy.

AMM: Legacy...yes but more of a political legacy if you want. You have to have some good friends in Ottawa to become Chief Justice.

DLM: Oh yes for sure. But I am saying that many would have liked to become Chief Justice simply to make certain that they would be recognised once their career was over. But I think that your legacy would have been secured even if you never became Chief Justice. So why did you accept that position?

AMM: Listen, like I said in the beginning, there is a question of remuneration that is important. As Chief Justice, it's you who presides.

DLM: Do you like presiding?

AMM: Yes, I liked presiding. If it's not you who presides, then it's the next.

DLM: Why did you like presiding so much?

AMM: I liked it because I liked the work. I like that type of work. I like the work, I never refused the work. I also worked hard.

DLM: Your position as Chief Justice corresponded almost with the beginning of the Charter, the *Canadian Charter of Rights and Freedoms*.

AMM: Yes, yes, but it went well.

DLM: And it was the first time in Canadian history that we changed our constitutional rights. The *Charter* changed the Canadian constitution in question between the division of power between the different levels of government. How was it like to be Chief Justice during that time?

AMM: I was happy. It was something new, something new, it was something that everybody likes to do when there is new law if you want or that we do something that others have not yet done.

DLM: It's a little like being Buzz Aldrin or Neil Armstrong?

AMM: Yes, it's true. It's a little like Neil Armstrong. I never thought of it like that.<sup>4</sup>

First off when we are at the Court of Appeal we take what comes, we don't have a choice, on an appeal has been filed we knew we were going to get it, so we prepared accordingly, we would do research if you like, we had people to help us do research, although that was very recent, when I began my career we had absolutely no one to help us, we would do our own research. So we started to research as soon as we knew we were going to get an appeal of this and that nature and after that we had help. So it worked well.

DLM: For six years, you served on the same court with Brian Dickson. Much has been written by him and about him. Can you share any personal insights about the man beyond the judge?

AMM: Well Brian Dickson was a bit older than me. He came from Saskatchewan if my memory is correct, but I knew him at the very beginning of his career in Manitoba. We hung out. He was a very hard worker, he prepared his files well, he was a pleasure to work with, always very pleasant, a superior quality guy, but he didn't believe in his own superiority. Dickson was very pleasant. A very good companion.

DLM: You spent some time together outside of Court?

AMM: Oh yes we socialized. He was very pleasant, he was a charming individual, a good friend, a very good friend

---

<sup>4</sup> Justice Monnin decided dozens of *Charter* cases in the 1980's including the following selection: *R v Belton*, (1982), 146 DLR 3d 34, 3 CCC (3d) 427; *R v Burrows*, (1983) 150 DLR (3d) 317, 6 CCC (3d) 54; *Law Society of Manitoba v Savino*, (1983) 1 DLR (4th) 285, [1983] 6 WWR 538; *R v Sabourin*, (1984) 13 CCC (3d) 68, 29 Man R (2d) 101; *Blackwoods Beverages Ltd v R*, (1984) 15 DLR (4th) 231, 16 CCC (3d) 363; *R v Roebuck*, (1985) 36 Man R (2d) 270 (available on WL Can).



DLM: Justice Dickson was a corporate lawyer before becoming a judge and not a litigation lawyer. This is not very normal today.

AMM: No, that is true. He was in the big Aikins firm. He had a big clientele, a corporate clientele, not a lot of individuals as clients, but corporations. He did his work well and it was a pleasure to work with him.

DLM: Some have argued that Chief Justice Dickson is one of the greatest judges Canada has ever produced. Do you see that type of potential for greatness in him when you sat alongside him?

AMM: No, because we didn't know he would go all the way to the Supreme Court of Canada.

DLM: Why not?

AMM: It's a question of...I forget how it works, but you always had 3 judges chosen from Québec, three from Ontario and three from the rest of Canada. So the chances that someone from Manitoba was chosen was quite small. Because there was always one that came from the Maritimes, then after that one from British Columbia and then about one from Manitoba, Saskatchewan and Alberta. Therefore there is not much chance for it to happen. But Dickson was very competent, and I could definitely see it, if there was an opening, and if the government in Ottawa was smart they would nominate him and thank God that is what happened. They nominated him. It was a very good choice.

DLM: Could we talk a little bit about the Monnin Inquiry?<sup>5</sup>

---

<sup>5</sup> The "Monnin Inquiry" was undertaken to ascertain the truth of allegations of improper electoral conduct in the 1995 provincial election. Famously he concluded that "In all my years on the bench, I never encountered as many liars in one proceeding as I did in this inquiry." Taras Sokolyk, "Vote-rigging inquiry judge rules three conservatives guilty" *CBC News* (10 November 2000) online: [CBC News <www.cbc.ca/news/canada/story/1999/03/29/manitoba990329.html>](http://www.cbc.ca/news/canada/story/1999/03/29/manitoba990329.html); For more information, see also Manitoba, Legislative Assembly, *Official Report of Debates (Hansard)* 36<sup>th</sup> Leg, 5<sup>th</sup> Sess Volume XLIX No 13A (22 April 1999)(Gord Mackintosh); A shared ethical code of conduct was developed by Elections Manitoba was created upon recommendation from the inquiry, Shared Code of Ethical Conduct, online:

AMM: If you want. Of what I can remember.

DLM: Why would you want to do more work after taking your retirement?

AMM: I can't remember why. They asked me and I was dumb enough to accept. But I was happy to have done it; it was pleasant work, at moments difficult. But it worked and I made my report. That was that, at least for me that was that. For some it went further. I was happy(to have done it)

DLM: Did you think that your report was going to be a piece of dynamite let's say?

AMM: No, at the time I didn't realize it was going to be so important. I don't think I would have accepted at that time, but I was ready to do work and I was asked and I did it.

DLM: My grand-father comes from Montréal, and according to him retirement is what we do when we are ready to go to bed to sleep. Retirement in the professional sense for him was being a professional loafer. But for you it seems that you like having something to do.

AMM: No, you are right, I like having something to do. I liked, not anymore. I liked having something to do, I liked having something to do that was useful to society.

DLM: The Monnin Inquiry still has some political effects today. Did you realise that it would bring such effects?

AMM: No, that's true, I hadn't realised the implications. I hadn't realised. But still, I am happy that I succeeded.

DLM: It's certain that you succeeded, as all the facts have been recognized. Was that your objective when you wrote the report?

AMM: Yes, that's what I think they wanted from me and that's what I wanted. I wanted everything to come out. For all the details to come out.

DLM: And it was up to someone else to make the final judgment?

AMM: Yes that's it, not up to me.

#### **IV. FAMILY MATTERS**

DLM: Can we talk a little bit now about your family?

AMM: Yes if you would like.

DLM: You have two sons sitting at the Court of Appeal right now. One was, until recently, Chief Justice of the Court of Queen's Bench.

You have one daughter-in-law who is a powerful judge in her own right, and another daughter-in-law who is a former Associate Deputy Minister of Justice for Canada. Your grandson (Christian) and his wife are both lawyers. In the eyes of many, the name "Monnin" is simply synonymous with the law and judging in the province of Manitoba. Why do you think that is so?

AMM: You are right. There is a little dynasty. But my sons and my grandchildren followed the career. I entered this career because my father was a notary in Switzerland, notary by profession. So it's in the family, it's in...it's in the guts, it's in the system, yes.

DLM: You are Franco-Manitoban. Can you tell us a little bit more about that? You mentioned your father was from Switzerland, can you tell me a bit more about your parents and grand-parents?

AMM: I never knew my grandparents and they never came to Canada, so no, I can't talk about them.

My father came to Canada in 1905, if my memory serves me well. My mother came much later with a brother and a sister. I was only born in 1920, after the First War. I was raised in St- Boniface. I did all my studies in French at Provencher School, at St- Boniface College. Then I went to law school in Winnipeg.

DLM: In English?

AMM: In English, so yes, I had to learn.

DLM: Was it the first time that you spent so much time in an English-only environment?

AMM: In English, yes. It was the first time that I had courses in English. At St-Boniface College we had professors that taught English, but the rest of the courses were in French.

DLM: It was a little like French immersion?

AMM: Yes, it was more than immersion, it was total immersion in French. We were happy. We had great professors.

DLM: And the majority of your friends were Franco-Manitobans?

AMM: Yes, Franco-Manitobans. I had very few friends from the other side of the river if you will, from the English side. I made some at law school, but before that I had very, very little. Even though I lived in Norwood because my parents had a place that they rented at 200 Kitson Street. I went from Kitson Street to St-Boniface College for many years. So Norwood was a very English neighbourhood then. What else? No that's it. It worked well.

DLM: Your father who came here, worked for?

AMM: Listen, I am not too sure of that, but he was at the Franco-Manitoban credit company, Franco-Canadian, he had a credit company. He was an agent.

He was also involved with the Consulate of Switzerland. He came in 1905, why exactly he came to Canada, I don't know. Something must have happened, but I don't know what. He arrived, then my mother with my brother and sisters a few years later.

DLM: It was your brother and sister with whom your mother arrived in Manitoba. I thought it was her sister and your uncle.

AMM: No, my sister and my brother.

DLM: How many sisters and brothers do you have?

AMM: I had one brother and one sister. But there was a big age difference. They were born in 1903-1904, and I was born in 1920. So there was about a 15, 16, 17 year difference between us. I came late if you will. And I did my studies at St-Boniface, Provencher School, and the College before going to law school.

DLM: While reading your biography, it is very evident that your Francophone heritage is very important to you.

AMM: Yes it is very important.

DLM: Why so?

AMM: It's a heritage from my ancestors that were French language speakers...

DLM: Did they all come from Switzerland?

AMM: Yes, my parents, my father and my mother were from Switzerland. My mother was German—from a Swiss canton— but she must have spoken French I believe in Switzerland, in the schools. Although in Switzerland, depending on the region you are in. There are cantons or regions that are German speaking only and you only learn French in secondary school and vice versa too. There are regions where French is the language of communication and the school's language and it is only when you get to the 8th grade or secondary school that you would start to use German.

DLM: So did your mother speak to you in German?

AMM: No, no, my parents must have noticed that it would be difficult enough to learn French and English in Manitoba so they didn't try German at all, not at all. And I don't know a single word in German either.

DLM: A trophy presented to the best oralist at the Laskin Moot, the only moot competition in which every team is bilingual, is named in your honour. What does that mean to you?

AMM: It's a great honour to have a competition in your name. I appreciate it but I didn't do anything to contribute to it for example. I didn't push the issue. And I also never participated.

DLM: But the competition didn't exist when you were a student.

AMM: But it didn't exist. It wasn't available.

DLM: What question or questions do you wish that I had asked you?

AMM: I think that you covered everything. I think that there is nothing else. No I don't think so. Thank you for your interest in me and what I stand for.

DLM: It was my honour.

AMM: It was my pleasure to do it.

DLM: Thank you.