

# An Interview with The Chief Justice of Manitoba\*

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THE HONOURABLE RICHARD J.  
CHARTIER, CHIEF JUSTICE OF  
MANITOBA

DLM: Where did you grow up, and what was your early life like?

RC: While I hail from St. Boniface, at a young age my parents moved to St. Norbert, which is in the south end of Winnipeg. So that is where I grew up. St. Norbert was mostly Francophone in those days, but there was a strong Anglophone presence as well.

DLM: And that is right by the university?

RC: Yes, and in those years, what separated St. Norbert from the university were fields – miles of fields: there was no development. Fort Richmond didn't exist when I was growing up. Then, when I was 12 years old, my parents sent me to a private Catholic school, le Petit séminaire, the minor seminary of St. Boniface. So from Grade 8 to Grade 12, I went to this private boarding school.

DLM: Was that with the expectation that you would join the ministry?

RC: Well, it was always the expectation: it was a minor seminary. The parish priest from each of the Francophone communities across the province would recommend the names of a couple of young boys to this seminary. I'm told, the names considered were typically the best students from each community. My brother, who's also a judge, went through the same seminary, so I left home to go to this boarding school in St. Boniface. I was 12 when I left, and it was quite the experience.

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\* This interview was conducted by Darcy L. MacPherson in September of 2013.

DLM: So you were boarded there?

RC: Yes. We'd have the right to go home every weekend, but it wasn't encouraged, so we'd go back every two or three weeks. At one point in time I became the president of that school, and so, as president, I didn't return home as often because I had other responsibilities. The hope, I must tell you, was to try and make priests out of all of us, but I think I can count on one hand the number of people that became priests. The others, for the most part, became professionals – lawyers, doctors, chartered accountants etc. It was a school where, of course, education was very important, sports were very important, and culture was also very important – theatre, musical bands, music, and service – doing public service – were all emphasized. Whenever there was a snowstorm, we, the young boys from the seminary, would walk the streets of St. Boniface with shovels, and shovel walks and driveways for people. For nothing, of course – we did it as a public service. So it was an interesting five years, and I enjoyed it very much.

DLM: And that was from Grade 8 to Grade 12?

RC: Yes. We went to school at St. Boniface College, which in those years was still private. I believe that during the second year that I was there, it became a public school, and then years later it became Collège Louis-Riel. But at the time I was there, it was still St. Boniface College. That's where I did my secondary schooling.

DLM: So what drew you to law?

RC: My undergraduate studies were in pre-med – I wanted to become a doctor. Two things were happening, though, which changed my course – I had been president of my school, and then after that I became president of the Conseil Jeunesse Provincial, which is a Franco-Manitoban youth organization for 15 to 25-year olds. So I was president of that organization when I was very young, and that happened to be at the same time as the whole debate with the Quebec separation question. It was near the late '70s. The PQ had taken power, and there were all kinds of discussions going on. I would travel the country and have debates and give speeches and whatnot. I then became the national president of the youth organization and as a result,

I also automatically became a board member of the Fédération des Francophones hors Québec, as the youth representative. While on that board, I happened to meet someone called Michel Bastarache (who would, of course, later become a Supreme Court of Canada Justice), who was a lawyer, and who was involved in opening a new law school in Moncton, New Brunswick.

DLM: That was 1978?

RC: That was 1978. He asked me what my plans were, and I told him: "Well I'm going to medical school." But there was a bit of a problem – I faint at the sight of blood.

DLM: Not a good sign for a doctor-to-be.

RC: Not very good indeed. So I was having second thoughts about becoming a doctor. I thought I would be able to overcome it, but it was, and still is, clearly a phobia. I remember in St. Norbert, when the Red Cross (now Canadian Blood Services) would come and ask for blood, my parents would always give blood. In those years, I don't know if it's still the case, but when you were 15 or 16 years old you could give blood. My sister went first, and then I, as the second of five kids, was invited by my parents to go with them to give blood once I turned 15. So I went. I was a young 15 year-old guy, and I went to the school to give blood, and I don't remember anything after attending – I fainted at some point. And it was so embarrassing for me – I don't know if that incident created this phobia, but to this day, when I have to give blood, or I have to go for a medical test where blood is drawn, I faint. I have to warn people, and I usually lie down, but I will still typically pass out. So no, medical school was not a good idea.

Anyway, because of my involvement in national organizations and giving speeches and so on, Michel Bastarache said, well, why don't you come to law school in New Brunswick? It's a new law school that we're putting together where we will teach the Common Law in French – it's the first school in the world that will teach the Common Law entirely in French. They were getting some assistance from Great Britain in terms of filling up their library, because they were starting from scratch. 1978 was the first year of the law school, and I went in 1979.

DLM: And Michel Bastarache was the Dean?

RC: He wasn't the Dean at that point; he was one of the professors. He later became Dean. He taught me a number of courses, and I still remember that he was also in charge of the moot court competition. I was one of the four students chosen to represent our school in the Jessup International Law Moot. In those days, there weren't as many moot court competitions as there are now, but there was the Jessup Moot. Michel Bastarache was our supervisor for that moot, and we definitely got the sense from him that it was important for us to do well in the competition. He was very demanding. And I was OK with that. I had a very good experience in Moncton. It is an excellent law school.

DLM: That must have been quite a move though, from the west to the very far east coast.

RC: Yes, it was, but I think that when you're doing your post-graduate studies, that may be a good time to leave your province and see another part of the country. But you're right, the Maritimes are very far from Manitoba. I never wore a cowboy hat in my life, except when I was over there. I was so proud to be a Western Canadian that I bought a cowboy hat and wore it. During the moot competitions I would just leave it on the counsel table, just to let everyone know that I was from Western Canada.

DLM: How was your experience learning law in Moncton different from what you see from the students who have graduated after you?

RC: That's a good question, and it's a difficult one for me to answer. Since coming to the Court of Appeal in 2006 I've had occasion to go and speak to the students at the faculty. Now as Chief, I'll certainly have more opportunities to do that, and I look forward to them. I'm not sure that I'm really qualified to answer that question, but I have found that, on the occasions that I've spoken, I've been a bit surprised that there weren't more questions being posed by the students. I remember in my day, when someone would come and speak and they would open it up to questions, there would be questions galore. The students now seem to be fixated on their computers – we didn't have computers in my day. But that being said, when I was at the faculty yesterday afternoon, attending a reception following my presentation, I

was completely surrounded by students. I must say, I had some very interesting debates and exchanges with a number of them. I think the students now hold more worldly views – I find them very philosophical for their age and that's a good thing. I don't know if that comes as a result of being hooked up to the web more, but people are knowledgeable on a variety of topics and have an assortment of life experiences. They also seem to be a little older than when I was in law school. In my day, we would do our undergraduate degree in the three years that it took, and then go immediately into law. Today, many students are more mature and have a greater life experience going into law school than what we might have had.

DLM: Was there any reason why you chose to study in Moncton, other than the influence of Michel Bastarache?

RC: It was as simple as that. He was encouraging me to go, and French was my first language. As well, the Moncton Law School wanted to have a national reputation and wanted to attract students from across the country – I thought that was a great project, and I wanted to be a part of it; to have a law school where they teach the English Common Law in French. Now, the University of Ottawa has made common law in French part of its program, but in those days, that didn't exist.

DLM: Now as Chief Justice, you follow in the footsteps of Alfred Monnin, and you sit with two of his sons. He was a very well-known Franco-Manitoban with a lot of connections across the country, and I think even the world. Does that history of this court and its connection to Franco-Manitoban roots have any impact?

RC: Oh, absolutely. When you look at the history of Manitoba, and I'm a history nut – I love history: not only the history of our province, but the history of Canada, and of different societies across the world. I can't get enough of it. When I was a kid, there was no internet, so we'd have encyclopaedias at home. Whenever we'd travel with the family, I would simply grab an encyclopaedia and sit in the back of the car and read it. Then there would be exchanges amongst my siblings and my parents in the car while we were travelling across the country. Encyclopaedias were where I learned about the history of different societies and different countries, and it was very, very interesting to me. So when you speak to someone like Alfred

Monnin, who had a vast legal experience, and was involved in so many things – from fighting in World War II, to starting his legal practice, to getting involved in national commissions, and then coming to the Court of Appeal and becoming the Chief Justice of the province – it can only be a stimulating conversation. Our paths intersected at different times, for all kinds of reasons. I'm sure he would tell you the same thing, but I think he had an interest in my career, because every time we happened to be at the same function, while I didn't dare approach him, he always made his way to me. This was before I was a lawyer, and he would give me all kinds of advice. I was just awestruck by him.

DLM: So you knew him before you were a lawyer? He had a reputation outside the Franco-Manitoban legal community?

RC: Oh my goodness, yes, he was a leader, a natural leader, in St. Boniface, and so I hold him in high regard, and I always loved having the chance to talk with him. It was similar when I was at Aikins with Mr. Samuel Freedman. When former Chief Justice Freedman retired, he went to Aikins as general counsel, and by the luck of the draw, his office was right next to mine. So I had occasion to spend countless hours having conversations about nearly everything with him. I cherished those moments. Those conversations have stayed with me and the knowledge and wisdom that he imparted to me have served me well over the years.

DLM: Now you've done a lot of public service, going back all the way to your time in high school, but after leaving college, much of your public service work was in St. Boniface, and much of it was seemingly involved with hospitals and health, and the Franco-Manitoban community. Can you talk a little bit about that?

RC: Yes, and again, it's just by coincidence. When I was 19, my father suffered a massive stroke that left him in a vegetative state. This caused all kinds of difficulties for our family because, all of a sudden, my mother found herself solely responsible for five kids at home, all still in school or at university. After a couple of years of keeping our father at home, it became an untenable situation. Fortunately, we were able to place my father at Centre Taché, which is a home for the elderly, and for people who are incapacitated. My father went there, and to my surprise, when we arrived, we

were welcomed only in English – this is in the heart of St. Boniface, a Grey Nuns institution – we were welcomed only in English. This was in the mid '80s. There was no service at all in French, and I was taken aback by that.

DLM: Especially at a place with a name like Centre Taché.

RC: Right. Moreover, most of the staff was unilingual English. It struck me that, when people suffer strokes, or enter different stages of dementia, because they oftentimes revert to their first language, service in their own language became even more important. So with that concern, I started meeting some of the Grey Nuns, and I indicated that I'd be interested in sitting on the Board of Centre Taché. Soon thereafter, I became a Board member.

DLM: And how old were you at this point?

RC: I had been to law school, and then returned, so it would have been the mid '80s.

DLM: So around 25?

RC: Yes, I was very young when I started sitting on their boards, and soon thereafter, I became chairperson of Centre Taché and the Foyer Valade, another personal care home. And we quickly moved towards implementing bilingual services at Centre Taché. We also put in place systems that focused on the needs and expectations of the residents. We did surveys, and what became clear was that the number one need and expectation was the food, if you can believe it.

DLM: The food?

RC: Yes, what was important for the residents was the food. When you think of it, it really should not come as a surprise. In those days, we didn't call them residents, we called them patients. And to address their needs, we focused on this concept of continuous quality improvement (CQI) – I'm going to have to go on a tangent to explain this.

DLM: Not a problem.

RC: People in Manitoba may know this, but across the country they probably don't: Manitoba is a hub of transportation. In the late '80s and early '90s, out of the 13 largest trucking companies in Canada, eight were headquartered in Winnipeg. A number of those large trucking corporations were clients of Aikins. One of them believed in the concept of continuous quality improvement. This concept comes from a guy named Edwards Deming. Deming was an American mathematician who was sent to Japan after the Second World War to help rebuild Japan, and he put in place the concept of CQI – continuous quality improvement – which involves simply identifying who the stakeholders are in a different business, and identifying what their needs and expectations are and whether or not they're being met. It's a system. A plan is put in place to address the needs and expectations, and then, after seven or eight years, the plan is re-evaluated and improved, at which point we have the Deming Cycle. So one of the trucking companies said to me, as our lawyer, we want you to understand this concept of CQI, and we want you to go to Charlotte, North Carolina to take an intensive one-week program with Edwards Deming. Deming was born in 1900, on the dot, so when I went to Charlotte it was 1992 – he was 92 years of age. It was a fascinating, fascinating week, and I became, without sounding doctrinaire, a follower – I decided to follow his methods. So when I came back to the personal care homes, I used this method of management. We began by identifying the stakeholders in these homes. Why were we there? We were not there for the employees; we were not there for the Grey Nuns. We were there, first and foremost, for the people we serve, the people who reside there. So one of the first things we did was change the terminology from patient to resident.

DLM: So this was in the early '90s?

RC: Yes. That was, I believe, one of the first times that the Deming philosophy was applied to something that was not business related. Using this philosophy, Japan recovered from the war, and then rose as an economic force. Why? Because they were continuously improving everything – their cars, their sound systems and their technology – based on Deming. One the most important awards in Japan, to this day, is the Deming award. So I've used that philosophy in a number of projects that I've been involved in: French language service – the Chartier Report, domestic violence front end



projects, the reforms that were brought to the front-end systems in the Provincial Court – it was all based on following this philosophy. In the Chartier Report, it was laid out very clearly: here's the Deming philosophy, here's the Deming Cycle, and we're going to apply it to government services. And it works very well, and it's something that I've continuously applied, and I'll continue to apply it, now as Chief Justice of the province. But to come back to what happened with respect to how I got involved in healthcare, it was through what happened to my family – specifically to my father – that I got involved in healthcare. Then my involvement evolved into creating a primary health care centre based on preventative health, the Centre de santé Saint-Boniface, where you have doctors, advanced nursing practitioners, dietitians, psychologists, sociologists all working together as a team, under one roof, in one centre.

DLM: So you would go there for whatever your medical needs are?

RC: One-stop shopping. And it has worked very well. We opened up the centre in 1999, so it's been almost 15 years, and it's worked very, very well. Since, the Manitoba Government has opened similar centres.

DLM: How does that type of public service experience affect how you view the judicial role?

RC: Well, I should clarify that, the only reason I was able to sit on all of those boards was because I was at the Provincial Court (Chair of the Centre Taché, the Foyer Valade and the Centre de santé Saint-Boniface and Vice-chair of the St. Boniface General Hospital). If I had been at the Court of Queen's Bench or at the Court of Appeal, I couldn't have been on those boards, as the possibility of conflict would have been too great. However, as a Provincial Court judge, there was no possibility, or very little possibility, that I'd be in conflict. Health institutions are sued regularly, and their matters come before the civil courts, but as a Provincial Court judge, which is essentially a criminal court, I was able to sit as a volunteer, non-paid member, and assist with the governance of health care institutions. As soon as I came to the Court of Appeal, I had to resign from those boards, because I would have found myself in a conflict very quickly.

DLM: So that was a result of where your judicial career happened to begin?

RC: Yes.

DLM: But having those experiences with your family, and with these various healthcare organizations, does that affect how you look at cases now?

RC: Absolutely. I mean, I think it's important for judges to have life experiences outside of their work. People oftentimes forget that judges have lives outside of court – that they've gone through difficulties and challenges of their own, and that's what makes them a complete person. So when people appear in front of you, you can relate, you can have that compassion, you can understand. When I was a young guy, I lived a very full life. And all young people, as they grow up, try different things, get into different situations, and I think it's important to remember that judges go through this, the same as anyone else. When I was in the Provincial Court I would say, "Look, I was once your age. I did things that I regret when I was your age, so (if you have no prior record), I'm going to be lenient. I'm going to chalk this up as a youthful indiscretion, and give you a discharge. But if you do come back, we'll be aware of this conditional discharge, and next time it won't be as lenient." I like to think that I was probably one of the most lenient judges in the Provincial Court for non-violent crimes, when someone appeared in front of me for the first time without any prior record. And I'm sure all judges think in those terms – they will be lenient in those circumstances. But, of course, when it's a violent or serious crime, the outcome will typically be very different.

DLM: How long did you practice law?

RC: Ten years. Ten years and one month.

DLM: Did you see changes within that period? You worked at one of the biggest firms in the province, with some of the biggest and best names of the time. Did anything strike you as being notably different than it was when you started practice?

RC: I enjoyed the practice of law immensely. At Aikins I was working with people who had been around for a long time: the Lorne Campbells, the Knox Fosters, I worked closely as well with Chuck Chappell, Colin MacArthur, Joel

Weinstein, Frank Lavitt – when I started at Aikins I was in the tax area, so I worked closely with Joel Weinstein and Frank Lavitt. These were not just great lawyers, but great people.

DLM: That must have been quite a shift, from tax to criminal law.

RC: Well as you know, life brings you to different places. I knew a lot of people, and the tax practice brought me more and more into the commercial practice, to the point where I was doing very little tax, and almost exclusively corporate law. I wasn't a civil litigator; I was a corporate lawyer, but, as well, while I was at Aikins, I was Deputy Chair of the Residential Tenancies Commission; I was the Expropriation Hearing Officer for the province, and I was the Disciplinary Court judge at the Stony Mountain Penitentiary. So I had a lot of different work experiences, in addition to being a partner at Aikins – I'm not saying I was groomed to become a judge, but, by having to sit in those decision-making positions, I gained a vast experience in administrative law. In Disciplinary Court, I don't know if people are aware, but when a prisoner commits minor crimes – something that is relatively minor in a prison environment, the prisoner is not tried in the normal criminal court system. There's a court inside the institution, and I was the judge there. So here I was, a corporate lawyer, doing criminal law as a Disciplinary Court Chair. The Residential Tenancies Commission was also a completely different experience for me. There, people appeared in front of you without counsel, on very basic everyday issues like disputes over rent, about being thrown out of their apartment for non-payment of rent, or seeking the return of a damage deposit, or settling disputes between landlords and tenants. And then expropriations – where land is being expropriated for the construction of a school, for the widening of roadways, and how there were some requests for taking more land in order to have more room for bicycles. This was in the '80s and early '90s. I believe I was the first expropriation hearing officer who held that it was reasonable for the expropriating authority to ask for more land, to allow for wider roadways to accommodate bicycles. With these types of hearings, you're dealing with a person's land, a person's abode, and in an institution like Stony Mountain, a person's liberty. These decisions all have a real impact on the lives of people.

DLM: They are issues of a person's relative freedoms.

RCL: Yes, I mean, what are the options in terms of penalties when someone's already incarcerated? It's limiting their freedoms even more: ordering them into complete segregation, or taking away some of the duties they enjoy, taking away visits, taking away telephone privileges. Things like that.

DLM: It doesn't sound like much unless it's all you've got.

RC: Absolutely. So going from Aikins to the Provincial Court was quite the jump, but my time as Disciplinary Court Chair for six or seven years prepared me somewhat for that court.

DLM: But you were still a very young lawyer when you were doing these things? You had only been a lawyer for ten years, but at least six of them were spent in these different capacities.

RC: I was, yes.

DLM: Can we talk a little bit about mentorship? You've already mentioned mentors already, in Michel Bastarache and Alfred Monnin, but who were your mentors at Aikins, and who were your mentors in public service?

RC: In terms of the legal profession, Joel Weinstein and Frank Lavitt were great mentors, both of them. And even when I started moving out of the tax law area and into the commercial practice, commercial clients always need tax advice, so I was able to continue working with them. Mentoring is important because there are certain things that you cannot teach in law school because there are too many possibilities. For example, ethical dilemmas – yesterday I gave a speech on integrity at the First Year Law Orientation, and those things – morality, and moral principles – a lot of that will be transferred to a young lawyer through mentorship. Mentorship also comes into play in terms of how to deal with files, and precedents – it's very important, and unfortunately I think a lot of that has been lost through the years. I'm not sure why – I can't say that for a fact, because I've been on the bench for 20 years, but when I see the lawyers who are appearing in front of us, sometimes you can say, "This person was not mentored at all." There are bad habits that come into play, in terms of how to address the court, showing the proper respect, how to cross-examine a witness, and other things like that. As a judge, when a young lawyer started off on the wrong foot – I would say, "Okay, I want to see

counsel in chambers.” And I’d have a talk about conduct that was not appropriate, in the sense that it was being disrespectful, whether to the court, or to a witness, or what have you. And it was done in a helpful way; it wasn’t done in public, so no one was going to be embarrassed. Opposing counsel would be there, and oftentimes opposing counsel would be senior, and I’d ask them about their views, and everyone would contribute. It would be for the benefit of all, and it’s not really the role of the judge to do that, but to this day, some lawyers will approach me and say, “Thank you so much for taking me in, right in my first year, and talking to me about those things. It was greatly appreciated.” It was done respectfully, and it wasn’t done to embarrass, but to improve. This brings me back to the concept of continuous quality improvement. Continuing to improve systems, continuing to improve yourself as a lawyer, continuing to improve yourself as a person – we have to continuously learn, and continuously improve. I strive to do that every day. I always want to improve.

DLM: Now just to bring together some of the threads that we’ve been talking about, did you get to practice much law in French?

RC: Yes, I did some. Not often in commercial law, but on wills, on real estate transactions and mortgages through the Caisse Populaire movement, which is the French equivalent of Credit Unions. That’s where the practice in French would be, for me – in wills, real estate transactions and filing documents in French in the Land Titles Office or the Personal Property Registry.

DLM: So you generally represented the Caisse Populaire?

RC: Sometimes I would, but oftentimes I would represent the individuals. As well, for some reason my clientele was not very much Francophone. Oddly enough, I probably had a larger Jewish clientele than Francophone.

DLM: You’ve talked a little bit about the fact that your practice was largely tax and corporate. That’s an unusual combination for a judge, much like Brian Dickson, actually, but uncommon for judges. Was that yet another transition, to move from that realm to litigation?

RC: That’s true, but when I look here at the Court of Appeal, there are other examples. Madam Justice Barbara Hamilton was a commercial lawyer. Until

very recently, we had Mr. Justice Martin Freedman who was another corporate lawyer. They're few and far between, that's true, but I am not the only one.

DLM: You had some good role models.

RC: I had some very good role models. We had worked together at Aikins and it was a joy to work with them again at the Court of Appeal. But going from a corporate practice to the Provincial Court was a more difficult transition than moving into the realm of litigation. The other challenging transition was coming directly from the Provincial Court to the Manitoba Court of Appeal. I'm told it was the second or perhaps the third time in the history of Canada that a Provincial Court judge had been appointed directly to the Court of Appeal.

DLM: I think a judge named Norman Caruthers in P.E.I. did that, but it certainly doesn't happen often. Now, without revealing confidences, what was the most interesting file you ever worked on?

RC: I have to go a long way back, but the most interesting file for me involved the Hotel Fort Garry – when a family from Quebec City bought the Hotel Fort Garry on a tax sale.

DLM: On a tax sale?

RC: It had been in default, and the City of Winnipeg had become the owner. That family bought it off a tax sale. They then spent millions of dollars to bring it back to its past grandeur.

DLM: And then they sold it?

RC: They did. They ran into financial difficulties themselves. What was also interesting was when the family brought the casino to the hotel. This was the late 80s. I drafted the casino lease, and it was the first time that there was a large casino in a downtown hotel. So negotiating and drafting that lease was probably one of my most interesting files.

DLM: So was it a private operation?

RC: Well the Manitoba Lotteries Commission leased the whole seventh floor of the hotel from the Hotel Fort Garry. I still remember one of the big debates was who was going to run the coat check – the Hotel or the Lotteries – it was such a small item, but we couldn't close the deal until it was resolved. Neither the Lotteries nor the Hotel wanted to be responsible for the coat check. But, at the end of the day, the Hotel gave in. As it turned out, the coat check was an absolute gold mine for the Hotel. The casino had a dress code – you couldn't walk in with your coat – you had to check it. There were hundreds of people that attended the casino every day, and the Hotel had one or two employees manning the coat check. They charged a dollar for each coat, and it was essentially clear profit. So, who knew that the coat check – the one small item which no one wanted – would end up generating so much money?

DLM: Was that the most fun you ever had with a file?

RC: That was fun, but there were many other interesting files. Those expropriation hearings were challenging, and very interesting, dealing again with the difficult issue of taking one's land away, and hearing the different arguments.

DLM: What was the most important case that you ever worked on, in your view, or what you hoped would be the most important case?

RC: One of our clients at Aikins was the Winnipeg School Division, and they wanted to expropriate land to build the new Sister MacNamara School in downtown Winnipeg. This was in the late '80s. I wasn't yet an expropriation officer. Trying to assemble land so close to downtown, was quite a challenge. It was probably one of the most important files I worked on. Those hearings went on for quite a while. A number of challenges had to be overcome before the school was finally able to open its doors.

DLM: Now moving on to your career as a judge, what made you want to join the judiciary? It certainly wasn't money – you were probably making more as a partner at Aikins at that point – so what was it?

RC: I had been offered the opportunity to go to the Provincial Court, and I still remember, to this day, taking Martin Freedman (who was the managing partner at that time) aside, and telling him that I was going to accept it. And he asked me that very same question. I had enjoyed chairing commissions – Disciplinary Court judge, Deputy Commissioner of the Residential Tenancy Commission, and Expropriation Hearing officer – I had enjoyed dealing with those files, being able to judge, to come to a decision. I enjoyed that aspect very much, and that’s why I went to the Provincial Court – I wanted a new challenge. I’m the sort of person that needs challenges.

DLM: Change is as good as a rest?

RC: Absolutely – I said it at my swearing-in, and I’ll say it now – I will be Chief Justice for eight to ten years, and then I will move on to something else. I’ll step down and leave that position to someone else. Why? Because in eight to ten years, I will have been a judge for almost 30 years. Former Chief Justice Scott had been a judge for about 30 years. I’ll have been around for about the same amount of time, so I’ll be ready to move after that and take on new challenges. I had been a lawyer for 10 years and it was time for a new challenge. I went to the Provincial Court and stayed there for 13 years, and when the opportunity came to join the Court of Appeal, it was the right time for a new challenge. Seven years after that I had the opportunity to be the Chief Justice and again it was the right time for this new challenge. During this last period of time, I had the opportunity to work with a master, former Chief Justice Scott. He took me under his wing. I learnt a lot from him and feel well prepared to take on this new role.

DLM: You’ve heard a lot of advocates advocate a lot of positions over the last two decades. What makes a good advocate?

RC: To me, a good advocate is someone who is succinct and is clear. Being able to explain their position very simply and concisely is the sign of good counsel. This can only be done if you master the subject. Being concise and clear also makes for a good decision. And I try to write my judgments in that fashion: very concisely, very clearly, and very much to the point. Now, when you’re writing as a judge, it’s a bit different, especially at the appellate level, in the sense that you don’t want to box the law within certain parameters. You’ve got to make sure that there will be room for movement; to allow the



law to evolve and to change with the times. But a good advocate to me is someone who is able to succinctly state what their position is, and get right to the point, and explain it in clear, simple terms.

DLM: Was there anyone that you really enjoyed listening to?

RC: Oh yes, for sure. We all have our favourites. There are many names that come to mind, but I don't want to name them, because they either still appear before me, or they're now members of the judiciary, and I don't want it to go to their heads.

DLM: Thank you for your time and remarks.

RC: *Le plaisir est le mien.*

