

Preface

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The Manitoba Law Journal is committed to preserving the voices of distinguished jurists from this province. In that context, we are honoured to present this issue. It includes reflections on his retirement by the Honourable Chief Justice Richard Chartier. This is accompanied by remarks by Chief Justice of Canada, the Right Honourable Richard Wagner, as well as the Honourable Justice Freda Steel of the Manitoba Court of Appeal and the Honourable Margaret Wiebe of the Provincial Court of Manitoba.

We first had the privilege of publishing a dialogue with Chief Justice Chartier a decade ago,¹ at the beginning of his tenure as Chief Justice. This is the first time we have done two different interviews with the same subject. Readers of this issue can compare the hopes and expectations from this prior interview with the achievements and experiences reported in his follow-up interview here.

This issue also contains a comprehensive analysis of the jurisprudence of Chief Justice Chartier, by Melanie Bueckert and Michael Rice. The final contribution in the volume is a focused look at the judgments of the retiring Chief Justice in the area of civil procedure, by Gerard Kennedy.

This volume is the latest addition to our focus on oral histories of the judiciary that we have pursued since our commencing as Editors-in-Chief of the Manitoba Law Journal. We have attempted to collect or conduct and publish the memoirs or histories of the Chief Justices of Manitoba over the course of the past six decades. In 2014, the MLJ issued *A Judge of Valour: Justice Samuel Freedman – In His Own Words*.² By publishing the memoirs of this remarkable jurist and public servant, the MLJ gave its audience a

¹ See The Honourable Richard J. Chartier, “An Interview with the Chief Justice of Manitoba” (2013) 37:1 Man LJ 43.

² *A Judge of Valour: Justice Sam Freedman – In His Own Words* (2014) 37: Special Issue Man LJ; Please see also, the contributions of Jack London et al, “Stories of Sam Freedman: Speeches from the Exhibition” (2012) 36:2 Man LJ 141.

retrospective glimpse on a life that began in 1902. Justice Freedman first joined the Court of Appeal in 1962 and became its Chief Justice in 1971, serving until 1983. We have also had the honour of conducting and publishing interviews with all of Chief Justice Freedman's successors in this role, including in our *Five Decades of Chief Justices* special issue.³ The subjects of these oral histories include the Honourable Chief Justice Alfred M. Monnin,⁴ and the Honourable Chief Justice Richard J. Scott.⁵ An oral history with the current Chief Justice of Manitoba, the Honourable Marianne Rivoalen is available in pre-print on the Manitoba Law Journal website,⁶ and is soon to be printed in Volume 47(2) of the Journal.

Our "preserving voices" historiography program goes back even further. The Honourable Chief Justice Esten Kenneth "E.K." Williams served as the Chief Justice of the Manitoba Court of King's Bench (as it was then known) beginning in 1946. He would serve until 1962. Following the ascension of Queen Elizabeth II to the British throne in 1953, the name of the Court was changed to the "Court of Queen's Bench". To recognize the important contributions of Chief Justice Williams to legal education in Manitoba, the Law Library at the University of Manitoba was named in his honour.

We were not able to find an autobiography or to conduct an interview with Chief Justice Williams. However, as part of our two-volume series on the *Great Transition in Canadian Legal Education*,⁷ we were able to publish his reflections on legal education.⁸ Interestingly, Chief Justice Scott provided an essay on legal education as part of our *Five Decades* issue.

³ *Five Decades of Chief Justices* (2012), 36: Special Issue Man LJ.

⁴ See L'Honourable Juge en Chef Alfred M Monnin, "Une Entrevue avec le Juge en Chef Alfred M. Monnin" (2012) 36: SI Man LJ 91; The Honourable Chief Justice Alfred M Monnin, "An Interview with Chief Justice Alfred M. Monnin (English Translation)" (2012) 36: Special Issue Man LJ 105.

⁵ The Honourable Chief Justice Richard J. Scott, "An Interview with Chief Justice Richard J. Scott" (2012) 36: Special Issue Man LJ 1.

⁶ Bryan Schwartz & Darcy MacPherson, "An Interview with Chief Justice Marianne Rivoalen" (2025) 47:2 Man LJ [Preprint].

⁷ *The Great Transition in Canadian Legal Education* (2016) 39:1& 39:2 Man LJ [Great Transition]. Volume 39:1 is primarily concerned with oral histories; Volume 39:2 is primarily with documents with respect to the history of legal education in Manitoba.

⁸ See EK Williams, "Legal Education in Manitoba: 1913-1950" (1950) 28 Can Bar Rev at 759-779, 880-892, reproduced in the document supplement of *The Great Transition in Canadian Legal Education* (2016) 39:2 Man LJ 55.

Reaching even further back in Manitoba judicial history, we were able to locate from archives a memoir⁹ from The Honourable Hugh Amos Robson, the man in whose honour the building which houses the University of Manitoba's Faculty of Law is named. Robson was born in 1871 in England and arrived in Manitoba in the last year of the 19th century. Justice Robson served on the Manitoba Court of Kings Bench from 1910 to 1912. Justice Robson served on the Manitoba Court of Appeal from 1929 to 1944. He was appointed as Chief Justice of the Court of King's Bench in 1944, serving until his death the following year. He was also the founder of the Manitoba Law School, the predecessor to the Faculty of Law. We were able to present selections from his official writings and his autobiography in our special issue on his life and career.¹⁰

Placing this issue in an even wider perspective, our judicial history of the Court of Appeal is part of our larger dedication to preserving the voices of jurists in Manitoba. We have an active program of oral histories with Court of King's Bench Judges¹¹ and others as well. We have also conducted projects involving interviews with practising members of the bar¹² and legal educators¹³ in this province, who trained most of those lawyers. Another series of interviews was done with the senior elected officials¹⁴ and civil

⁹ See, Hugh Amos Robson, "H.A. Robson's Autobiography", (2019), 42:2 Man LJ 46.

¹⁰ *Chief Justice Hugh Robson: His Original Voice and Contemporary Reflections* (2019) 42:2 Special Issue Man LJ; see in particular Bryan Schwartz, "An Introduction to the Manitoba Law Journal – the Life and Works of Chief Justice Hugh Robson" (2019) 42:2 Special Issue Man LJ ii.

¹¹ See for example Bryan Schwartz & Murray Sinclair, "Interview with Murray Sinclair" (2020) 41:2 Man LJ 263.

¹² The interviews are contained in *Online Dispute Resolution: Lessons from the COVID-19 Pandemic* (2024) 46:3 Man LJ.

¹³ *The Great Transitions in Legal Education*, *supra* note 7; Interviews were conducted with full-time academics Dale Gibson (at 25), Arthur Braid, C.M., Q.C. (at 77), Cameron Harvey (at 97), Janet Baldwin (at 117), Gerald Nemiroff (at 135), Jack R. London, C.M., Q.C. (at 191), David Deutscher (at 217), Alvin Esau (at 257); Justice Freda Steel (formerly an academic, who was, at the time of the interview, a member of the Manitoba Court of Appeal) (at 277); Lee Stuesser (at 297), and John Eaton (at 353). Justice Charles Huband, who at the time of the interview was former member of the Manitoba Court of Appeal, and had served for many years as a sessional lecturer at the University of Manitoba, Faculty of Law, was also interviewed (at 1) in this volume.

¹⁴ See the discussion in *Famous Legislative Crisis* (2003) 30:1 Man LJ at 1-47 [*Famous Legislative Crises*]. The editors at that time (Bryan Schwartz and Erin Melrose) also did interviews with politicians Gord Mackintosh (at 49), Howard Pawley (at 61), Andy

servants¹⁵ who produce many of the laws that lawyers and judges in our province apply on a daily basis.

We wish to conclude by thanking Chief Justice Chartier and all of the eminent contributors to this volume. We believe that their contributions will be of enduring value.

Anstett (at 71), Roland Penner (at 79), Steve Ashton (at 89), Stuart Murray (at 111), Jon Gerrard (at 117) and Darren Praznik (at 125). Each of these people were involved in one or more of the crises referred in the volume.

¹⁵ *Famous Legislative Crises*, *ibid.* See also Bryan Schwartz & Erin Melrose “Interview: Norm Larsen: ‘Draftstoevsky’” (2001) 28:2 Man LJ 201; Bryan Schwartz & Darla Rettie “Interview: Rick Mantey: Exposing the Invisible” (2001) 28:2 Man LJ 187.