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Preface

Beverley McLachlin P.C

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Preface

It is a privilege for me to contribute, in a modest way, to a volume in honour of Bertha Wilson, an extraordinary woman, a talented lawyer and a distinguished judge.

As a female lawyer, she broke through the many barriers that stood in the way of her contemporaries. She will be remembered as one of only five women enrolled in her class at Dalhousie Law School, the first woman to be hired by the firm Osler, Hoskin & Harcourt, the firm's first woman partner and the first woman appointed to the Court of Appeal for Ontario or the Supreme Court of Canada. As a judge, she demonstrated an empathy for the plight of the underdog and an ardent dedication to the defence of rights and justice. Her judgments on issues such as abortion, battered-wife syndrome as self-defence and mandatory retirement profoundly influenced the administration of justice and the development of Canadian law. Ultimately, she will be remembered as one of the most progressive voices of her century.

The essays in the pages that follow stand as a permanent reminder of these accomplishments. The volume opens with the words of Justice James C. MacPherson, who eloquently describes the life of Bertha Wilson. This eulogy sets the scene for an examination of Bertha Wilson's role as a female jurist. Mary Jane Mossman writes on the transformation of the role of women in the legal profession, Marie-Claire Belleau, Rebecca Johnson and Christina Vinters consider Bertha Wilson's influence on the nature of judicial opinions, and Constance Backhouse and Colleen Sheppard address her relationship with feminist principles. Subsequently, the impact of classical liberalism on Bertha Wilson's ideas is explored by Kent Roach. However, as a judge, it is the effect of her judgments that serves as her legacy, hence the inclusion of a series of essays that honour Bertha Wilson's contribution to Canadian law. In this context, Robert Leckey provides a contemporary analysis of Justice Wilson's family law judgments. Kate Sutherland examines her judgments in the area of tort law, Benjamin L. Berger in the area of criminal law and Philip Bryden in the area of administrative law. Finally, since Bertha Wilson's arrival on the Supreme Court of Canada coincided with the coming into force of the *Canadian Charter of Rights and Freedoms*, no tribute could be complete without an acknowledgment of her pioneering role in its

interpretation. Tanya Lee, Robert Yalden, Adam M. Dodek and Jamie Cameron illustrate Bertha Wilson's unique and long-lasting contribution to the Charter's scholarship.

As a whole, these pages offer a profound insight on the ability of one woman, Bertha Wilson, to make a meaningful difference to many Canadians. Even in the face of contrary sentiment, she demonstrated the courage to stand up and fight for what she believed was right. Through it all, she never lost her wry sense of humour. Just after I was sworn in as the third woman to the Supreme Court of Canada, she leaned over to me, and with a twinkle in her eye, she said in her characteristic Scottish brogue, "Three down, six to go!"

Beyond the intelligence, the diligence, the passion for fairness and equality, behind the public persona as a justice on this country's highest court, Bertha Wilson was a humble woman who saw beauty in her fellow human beings. Living the philosophy she articulated in 1982 at her swearing-in ceremony, she "shaped our future with sensitivity, imagination and flair". It is for all these things that we remember Bertha Wilson.

The Right Honourable Beverley McLachlin, P.C.
Chief Justice of Canada