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Book Note

MEMOIRS AND REFLECTIONS, by Roy McMurtry¹

JONATHAN SILVER

FROM ATTORNEY GENERAL OF Ontario, to part-time painter, to arguing the *Patriation Reference*,² to CEO of the Canadian Football League, to Chief Justice of Ontario, few have lived a life quite like the Honourable R Roy McMurtry. In his distinguished career, McMurtry played a pivotal role in the evolution of the Canadian legal system. In his lucid and engrossing autobiography, *Memoirs and Reflections*, McMurtry recounts his life with humorous anecdotes and insider details. McMurtry's compassion, civility, and commitment to public service emerge as consistent themes throughout the book.

The memoir is divided into six parts, each detailing a period of McMurtry's life. Part I discusses McMurtry's family history and youth. McMurtry describes his relationship with his father, a prominent Toronto lawyer, as well as his years playing football for the University of Toronto Varsity Blues.³ This part of the book also provides a unique depiction of Osgoode Hall Law School in the 1950s.⁴ While McMurtry acknowledges that he was raised in a "comfortable professional world,"⁵ he often reflects on his own privilege in the book and the vast inequalities he perceives in society. McMurtry has always been motivated by a desire to improve the lives of

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1. (Toronto: University of Toronto Press for the Osgoode Society for Canadian Legal History, 2013) 562 pages.
 2. *Re Resolution to amend the Constitution*, [1981] 1 SCR 753, 125 DLR (3d) 1 [*Patriation Reference*].
 3. *Supra* note 1 at 32-34.
 4. *Ibid* at 48-57.
 5. *Ibid* at 68.

those around him, and he views the legal profession as a “helping profession,”⁶ not a business.

Part II details McMurtry’s early years in practice as a criminal lawyer as well as his entry into Ontario politics. McMurtry’s accounts of his early criminal trials are fascinating. To tell one story, the memoir includes copies of letters exchanged between a convicted US murderer and the wife of a wrongfully convicted Canadian inmate that McMurtry helped exonerate.⁷ It is through these early experiences that we learn of McMurtry’s deep commitment to the rights of the accused and the importance of a fair justice system.

Part III discusses McMurtry’s ten years as a Member of Provincial Parliament and Attorney General of Ontario. McMurtry passed 59 statutes as Attorney General, implementing a comprehensive social reform agenda.⁸ Legislation such as his *Family Law Reform Act, 1978*⁹ continue to have implications in the province. McMurtry clearly eschewed a partisan agenda; he was guided by his sense of the public interest.¹⁰ In this section, McMurtry also recounts the legal drama of patriating the Canadian Constitution and his participation in the negotiations that led to the creation of the *Canadian Charter of Rights and Freedoms*.¹¹ McMurtry’s depictions of Prime Minister Pierre Trudeau and Quebec Premier René Lévesque illuminate many nuances of these dominant political personalities.¹² McMurtry also reflects on our current government at many points in the book. Known for his civility in politics, McMurtry is clear in his admonishment of the partisan nature and “mean-spiritedness” of Prime Minister Stephen Harper’s Federal Government.¹³

In Part IV, McMurtry shares his experiences as High Commissioner of Canada to the United Kingdom and his involvement in the Commonwealth’s push to end apartheid in South Africa. McMurtry’s reflections on his relationship with British Prime Minister Margaret Thatcher¹⁴ and his views on the social utility of sport¹⁵ are particularly interesting.

6. See *e.g. ibid* at 56, 531.

7. *Ibid* at 93-105.

8. *Ibid* at 199.

9. SO 1978, c 2. For example, this act introduced equal spousal division of property upon divorce. For the current renamed legislation, see *Family Law Act*, RSO 1990, c F3.

10. *Supra* note 1 at 176.

11. Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11 [*Charter*].

12. *Supra* note 1 at 308-28.

13. *Ibid* at 476-77. See also *ibid* at 360, 529.

14. *Ibid* at 413-15.

15. *Ibid* at 434-49.

Part V details McMurtry's years as a judge, from his time as Associate Chief Justice of the Superior Court of Justice to his tenure as Chief Justice of Ontario. While Chief Justice of Ontario, McMurtry heard *Halpern v Canada (Attorney General)*,¹⁶ the landmark case that modified the common law definition of marriage to include same-sex relationships. His elucidations on *Halpern*,¹⁷ the rule of law,¹⁸ and the role of the Chief Justice¹⁹ are important contributions to the literature on these topics. McMurtry concludes his memoirs in Part VI with details of his post-retirement activities and general reflections on his experiences.

McMurtry's interspersed ruminations on issues such as gender, race, youth violence, and social justice reflect his progressive ideals and sympathetic character. As significant barriers to access to justice remain, McMurtry's memoir serves as an important reminder that the legal profession must return to its roots. Yet, at its most basic, McMurtry's memoir inspires readers of the capacity of one individual to shape and guide the law in the service of others.

16. 65 OR (3d) 161, 225 DLR (4th) 529 (CA) [*Halpern*].

17. *Supra* note 1 at 464-69.

18. *Ibid* at 479-88.

19. *Ibid* at 457-63.

