

FOX SCHOLARSHIP

By Matthew R Crowe

‘Well, Mr Lenczner’ said one Court of Appeal Judge, ‘it seems there is no case law on this, are there any publications you can point me to?’ Without pause, the commanding Alan Lenczner QC retorted: ‘There will be after this!’ The Court of Appeal descended into laughter. I did too. This was a hearing in my first few weeks with Alan – a founding partner of Lenczner Slaght Royce Smith Griffin LLP. This firm was my home for a year in Toronto as a Fox Scholar. My mentor was David Quayat and my principal was Will McDowell, both akin to pupil supervisors.

The Fox Scholarship gives many scholars the chance to travel some 4000 miles and experience a foreign jurisdiction, work at a firm, the Court of Appeal and the Supreme Court of Canada.

In my first week at the firm, I felt as though I was an imposter; it is an exaggeration to say Lenczner Slaght LLP is the intellectual, legal and litigation powerhouse of Canada. In my last week at the firm, I may have been many miles away from England, but I felt as though I was home.

It is difficult to convey my experiences; however a select few memories always stick in my mind:

- (1) The ‘mega inquest’: a Coroner’s inquest into the deaths of three individuals. Each of the three were shot and killed by the police when suffering a mental crisis. I was fortunate enough to cross examine some witnesses;
- (2) The *Jarvis v Swan’s Tours* Case: assisting in a case involving \$300,000 holiday which was not as advertised;
- (3) India: bringing a defamation case against Indian newspaper organisations for allegations of criminal conduct made about two Canadian businessmen;
- (4) The Other Side: I was cross examined after a dispute about supposed submissions by counsel to the Court of Appeal;
- (5) Toronto University: this world-renowned institution welcomed me as a visiting researcher to use their facilities while writing some book chapters.

I spent time at the Court of Appeal of Ontario too, attached primarily to Justice MacPherson, and at the Supreme Court of Canada, attached to one of Canada’s foremost jurists – Mr Justice

Cromwell – which was humbling. My trip to Kingston and the ‘Rob Ford Appeal’ were two of my most memorable moments while there:

- (1) The Rob Ford Appeal: an appeal which did not concern drugs, but did concern defamatory remarks made by Rob Ford. I was tasked with considering the merits of the appeal and advising the Justices accordingly. He was successful on appeal;
- (2) Kingston: Canada makes good use of their judicial clerks to help those incarcerated in Ontario prisons to write and perfect appeals against conviction and sentence. The appeals were heard in Kingston – the former capital of Canada. I was allocated various appeals to consider and advise the Justices on.

I had some time to travel too. Canada, as a country, is resoundingly beautiful. Had the chance to visit Montréal, Ottawa, rural Ontario and the incredible Toronto islands.

Overall, the Fox Scholarship was an adventure of firsts: my first time in Canada, watching hockey, working as a Judicial Assistant, cross examining and being cross examined.

The sheer amount of gratitude I owe is impossible to recount here. I would be remiss if I forgot to thank six people who helped me and led me astray for an adventure. They are eminent lawyers, but more importantly, fantastic friends: David Quayat, Will McDowell, Danielle Glatt, Chris Kinnear Hunter, Julia Brown and Jaclyn Greenberg.

I must also thank every individual at Lenczner Slaght, at the Court of Appeal of Ontario particularly Justice MacPherson, everyone at the Supreme Court of Canada, mainly Justice Cromwell and the Fox Scholarship Trust, principally Joseph Markson and Karen Lane.

To all those in Canada, for the experiences you afforded me, thank you; they stay with me every day while I attempt to find my feet in England.

Can I fault Canada and the Fox Scholarship? Well, yes. Arriving at work after a gauntlet run and work in -32°C is something to behold