

**Remarks by Chief Justice J. Derek Green
On the occasion of the Administration of Oaths of Office to
Newly-appointed Masters of the Supreme Court**

**Court of Appeal
St. John's, NL
June 12, 2015**

I am pleased this morning to preside during the administration of the oaths of office to four newly-appointed Masters of the Supreme Court. They are: **Katrina Brannan, Q.C., Augustine F. Bruce, Q.C., James E. Merrigan, Q.C.** and **Stacy C. Ryan.**

I welcome on the Bench with me this morning Chief Justice Raymond Whalen of the Trial Division. Although the appointment of Masters is the prerogative of the Chief Justice of the Court of Appeal, the fact is that most of the work done by Masters is Trial Division work, so I felt that I would give Chief Justice Whalen a ringside seat so he can eyeball the merchandise, so to speak, as the new Masters are being sworn in. I am also pleased that Pamela Ryder-Lahey, CEO of the Court, and Darlene Wells, Senior Deputy Registrar, are present as well. Welcome.

I will now ask the Deputy Registrar of the Court of Appeal to read the Commission appointing the four Masters in question.

[The Registrar reads the Commissions]

I will now ask each of the newly-appointed Masters to swear and sign the oaths on the sheets provided.

[Each Master reads and signs the oath of allegiance and oath of office, as required]

Chief Justice Whalen and I extend our congratulations to each of you on your appointment and thank you for agreeing to undertake the responsibilities of Master in the service of the administration of justice in the province. I think it is safe to say that – notwithstanding the reference to “profits and emoluments” in the Commission that was read - a person does not agree to occupy the office of Master for the remuneration that will result. The fees that are chargeable to litigants for the work masters do are not nearly sufficient to compensate for the lost opportunity of earning regular legal fees when performing work for clients. By giving of their time and expertise in performing very important quasi-judicial functions, Masters provide a very important service and we are grateful for the sacrifice they make in assisting the court system to run smoothly and more efficiently than it otherwise would.

The appointment of Masters on this occasion has been motivated in part by the resignation of Corwin Mills, Q.C. as Master in 2014. I want to take this opportunity to thank Mr. Mills for his contribution to the legal system in this regard.

Katrina A. Brannan, Q.C. brings to the office of Master 28 years of experience as a practitioner in private practice, first as an associate with my old firm, White, Ottenheimer & Green in St. John’s, and thereafter in partnership with James Hughes in Clarendville. She is a well-known litigator especially in the area of family law. Her experience in this regard makes her an ideal choice for performing Masters’ duties and will provide needed coverage in the Avalon area outside St. John’s.

Augustine “Gus” F. Bruce, Q.C. has been a member of the Bar since 1985 with a broad practice that has been focused on general litigation with appearances in all levels of court. He has been listed in *Best Lawyers in Canada* in the area of Health Care Law and was named lawyer of the year in 2014 by that publication. He has also served as President of the Law Society of Newfoundland and Labrador. His 30 years of legal practice makes him admirably suited to performing the duties of a Master, especially in the St. John’s area.

James E. Merrigan, Q.C., a bencher of the Law Society, has been a lawyer since 1997, having practiced in both British Columbia and Newfoundland. In this province, his legal practice has been conducted out of his base in Corner Brook. He carries on an extensive litigation practice throughout the province, appearing in all levels of court, including the Supreme Court of Canada. His service as a Master will provide needed coverage on the West Coast of the province.

Stacy C. Ryan has devoted most of her 15 years of legal practice to serving clients of the Legal Aid Commission in Labrador in what can only be described as a demanding and high pressure environment. Focusing on criminal, family and aboriginal law, she has gained considerable experience in litigation that will enable her to provide the services of a Master, especially in the Happy Valley-Goose Bay area.

I am sure the office of Master will be enhanced with the addition of these new appointees.

In previous swearing-in ceremonies, I observed that the office of Master of the court is a very ancient one. The origin of the office is to be found in England in the Royal clerks who staffed the office of the Lord Chancellor. They existed probably as far back as Norman times but at least since the reign of Edward the

Confessor. Originally, they were priests who knew something about civil and canon law. It was not until the Reformation that they ceased to be clerics and, as a result of a statute enacted in 1522, they were allowed to marry and still hold office. I am sure that will be a relief to some of you.

The office has evolved over time. As the Court of Chancery developed under the Lord Chancellor, the clerks – or Masters as they eventually came to be called – became assistants to that developing court. Eventually, they took over functions performed by the Lord Chancellor arranging proceedings and settling preliminary matters prior to the hearing of causes. This was the beginning of the work Masters now do in some jurisdictions dealing with interlocutory applications. They also took work from the courts on references to inquire into matters, take evidence and report back to the court on matters of fact. This was especially so in the area of taking accounts in estates and commercial matters.

Slowly, the office moved away from the notion of assisting the judge to become more of an independent decision-making office in certain defined areas.

The office continues to evolve. The role varies throughout Canada. In some places like Ontario and Alberta, Masters can be full-time office holders who work in the court. They perform many of the functions a judge could do in Chambers, ruling on all sorts of pre-trial applications. In others, like this province, Masters have traditionally had a more limited role involving, primarily, taxing bills of costs and lawyers' accounts. Occasionally, however, Masters in this jurisdiction are also involved in taking accounts in estate matters and mortgage foreclosures, assessing damages and acting as referees under Rule 43 of the Rules of Court. It has been suggested from time to time that Masters can be put to greater uses under existing court procedures than they are presently doing.

In short, the office of Master can – and in my opinion should – involve a host of quasi-judicial functions within the court system. One writer described the characteristics of a Master as follows:

He [or she] needs not only the judicial skills but becomes in turn an administrator, a spiritual advisor, an accountant, a conveyancer, an auctioneer and a detective.

While that may be overstating the case a little, nevertheless it can safely be said that the master plays an important part in our system. I am glad we have four more who have undertaken the task.

I would also observe that in recent years an effort has been made to develop communication and collaboration between Masters with a view to sharing ideas and discussing problems. At the initiative of James Oakley, Q.C. and David Day, Q.C., these Masters have been meeting annually to discuss matters of Masters' concerns and to share ideas about taxation practice. I encourage each of you to participate in these meetings.

Let me once again express my appreciation and that of Chief Justice Whalen to each of you for agreeing to become a Master of the Supreme Court. Go forth and do justice!