



Emory Bankruptcy Developments Journal

Volume 29
Issue 1 *A Tribute to Justice Geoffrey Morawetz*

2012

The Honourable Mr. Justice Geoffrey B. Morawetz

Steven Golick

Follow this and additional works at: <https://scholarlycommons.law.emory.edu/ebdj>

Recommended Citation

Steven Golick, *The Honourable Mr. Justice Geoffrey B. Morawetz*, 29 EMORY BANKR. DEV. J. 1 (2012).
Available at: <https://scholarlycommons.law.emory.edu/ebdj/vol29/iss1/2>

This Tribute is brought to you for free and open access by the Emory Bankruptcy Developments Journal at Emory Law Scholarly Commons. It has been accepted for inclusion in Emory Bankruptcy Developments Journal by an authorized editor of Emory Law Scholarly Commons. For more information, please contact law-scholarly-commons@emory.edu.

**THE HONOURABLE MR. JUSTICE
GEOFFREY B. MORAWETZ**

*Steven Golick**

The American scholar, Warren Bennis, is quoted as saying “Great things are accomplished by talented people who believe they will accomplish them.” Based on the record of accomplishments of our honoree, there can no doubt that he is a talented person, with a deep seated belief that he can accomplish great things, because he has.

I am privileged tonight to present the *Emory Bankruptcy Developments Journal* Distinguished Service Award for Lifetime Achievement. This award celebrates individuals who have shown exemplary professional commitment to others in the profession, and community service. Prior honorees have been pillars in the US insolvency community. This however, is the first time that the honor is being bestowed on an honoree from outside of the US.

They say that the “apple doesn’t fall far from the tree.” In Justice Morawetz’ case, that would be an understatement. His father, Carl Morawetz, was the undisputed dean of the bankruptcy bar in Ontario, perhaps in Canada. He literally wrote the book (which is still the bible used today by all insolvency practitioners in Canada, and which Justice Morawetz now co-edits with Janis Sarra). Justice Morawetz’ brother, Richard, is an insolvency practitioner with FTI. One could say that the Morawetz’ are a Canadian insolvency dynasty.

Allow me to share some background about our honoree. Justice Geoffrey Morawetz received his Bachelor of Laws from Western University in 1978 and was admitted to the Ontario Bar in 1980. He practiced almost 20 years with the law firm of Borden & Elliot and was on their executive committee. In 1999 he joined Goodmans where he continued his practice in the area of corporate restructuring, with an emphasis on cross-border and international insolvency transactions.

* Steven Golick is a senior partner in the insolvency and restructuring group of Osler, Hoskin & Harcourt. He practices in the areas of bankruptcy, insolvency, debtor/creditor, secured transactions, workouts and restructurings. He advises financial institutions, trustees/receivers, secured and unsecured creditors, debtors and purchasers. He acted as adviser to the Canadian government on amendments to the Bankruptcy and Insolvency Act enacted in 1992 and 1997.

Since his appointment to the Ontario Superior Court of Justice in 2005, Justice Morawetz has been based in the Toronto Region, hearing civil and commercial matters. As a judge on the Commercial List, he has supervised many complex insolvency cases.

He is a prolific judge. In preparation for this talk I did a quick search of his reported cases. There are over 250 reported decisions. In addition, there are many hundreds of unreported reasons that he has written which have further advanced the law.

His cases span all industries and sectors. A quick review reveals decisions that deal with receiverships, CCAA, BIA proposals, and cross border recognition, in short, the whole gamut of debtor creditor and insolvency matters.

As a judge he is courageous, and is prepared to make decisions that reach a pragmatic result, even if it requires a creative twist to reach the correct conclusion. The notes in the program brochure discuss his involvement with Nortel, with over 30 reported decisions, but many of his other decisions are equally noteworthy, for example, the recent decisions in Indalex and Timminco, both cutting edge cases in the area of employees, pensions and DIP financing.

In 2011 he was named in Canadian Lawyer magazine as one of the “Top 25 Most Influential in the Justice System and Legal Profession in Canada,” with the comment: “A judge who is practical and realistic, shaping the common law and making the law make sense.”

Justice Morawetz is also an editor of the only insolvency case law reporter series in Canada, the Canadian Bankruptcy Reports.

He is an active participant in judicial education. He has organized and participated in every National Judicial Institute program on insolvency law since 2005.

Outside of the law, Justice Morawetz has held a number of executive roles in various community organizations. He is also a golf enthusiast from April to November and curling novice in the remaining months of the year. He is married with three children, who currently live or study in Toronto, Ottawa and Montreal.

That's enough of a CV to warrant honoring Justice Morawetz. But I couldn't pass up the opportunity to reach out to some other senior members of the insolvency bar in Canada to get some of their thoughts about Justice Morawetz.

Not surprisingly, all the comments were glowing. They include appreciation of his court room style, that he is a gentleman, and treats everyone with respect, to admiration for his work ethic, quality and capacity. It would be embarrassing to repeat them all—but let me share one. His former partner, Jay Carfagnini's observation was, in his usual style, concise and to the point. Jay said . . . “Justice Morawetz is a better judge than he was a lawyer, and he was a really great lawyer.”

I would like to recognize my friends and colleagues from Canada from various accounting, financial advisory, and law firms who have made the trip down to Atlanta today to honor Justice Morawetz. In addition, I have a surprise for the journal. A group of firms and individuals in the insolvency community from Canada have put together a donation of almost \$11,000 to the *Emory Bankruptcy Developments Journal* to help support all the hard work of the students in putting the journal together and in honor of this special recognition of Justice Morawetz.

Albert Einstein once said “You have to learn the rules of the game. And then you have to play better than anyone else.” Justice Morawetz not only learned the rules of the game, and played better than anyone else, but he now also makes up new rules for all of us to follow.

Please join me in honoring and celebrating the recipient of the 2012 *Emory Bankruptcy Developments Journal* Distinguished Service Award for Lifetime Achievement, Mr. Justice Geoffrey Morawetz.