

Michael Bergman's legal vocation

By P.A. Séigny

Thirty eight years after he left McGill University in order to get ready to join the bar, Michael Bergman still considers the law to be just as much an inspiration as it was when he was a young lawyer working on his first case.

"In my day, there were no legal specialists," he said. "We were just lawyers who had to practise law for a living."

Decades later, Bergman is known to be a veteran legal strategist with almost forty years of experience in front of the trial and appeal courts in both Ontario and Québec, the nation's federal courts and before the Supreme Court of Canada. Aside from his international work during which he helped guide and coordinate commercial litigation between several countries, Bergman has also represented several clients before official committees in both the Canadian Parliament and before Québec's national Assembly.

"Our reputation is our benchmark," he said. "At the end of the day, we're only as good as the results of our last case."

During an extensive interview that took place in his office that's located only a couple of hundred meters down the street from Montreal's McGill University, Bergman talked about his career, several cases and what nearly four decades in front of the bar has taught him about the law such as it exists in Québec as well as in the rest of the nation. Although he tacitly agrees that the legal 'specialties' have become the spokes of a "...very big wheel," he went on to insist that "...the hub is the law," and it's the law that remains at the heart of the matter and that it's up to the lawyers to deconstruct and reconstruct the law and to do whatever is legally possible for their client.

"It's been 800 years since the king (England's King John the First) signed the Magna Carta (1215) and we're still working on the jurisprudence," he said with a smile. "In the end,



words make up the law, but words are finite and it's up to us (lawyers) to expand about what's (really) meant by the written word."

When asked about the case that still keeps him up at night, Bergman hesitated before he simply said "...the spoiled ballots."

Although he was reluctant to discuss its details, he did say that the issue was certainly worth at least a PHD in any Canadian University and that the last word has yet to be heard about the Québec's spoiled ballots and what actually happened during the fateful day when the provincial government held its second (1995) referendum.

"At least one judge (un-named) congratulated me for the work I did on the case," he said. "When I asked why, he said that I established the right of every voter in the nation to seek redress in the nation's courts."

According to Bergman, there's still a lot to be done in order to bring the law up to date in order to have the law define the society we live in.

"If the law is your vocation," he said, "...there's a lot to do for people who really want to make a difference." Michael Bergman is on the board of the Bar of Montreal as treasurer of the English-speaking section for 2016-17.