

## Bittersweet departure for judge



### Stayshyn recalls joys, pressures of the bench

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An honorary sheriff of Hamilton escorted Superior Court Justice Walter Stayshyn out of the courtroom yesterday for the last time after nearly 35 years on the bench.

Stayshyn, 75, who has been a supernumerary judge for the past decade, sat during a rarely held swearing-out ceremony beside by his one-time law partner and lifelong friend, Justice Nick Borkovich, and another esteemed colleague, Justice James Turnbull.

The ceremony was attended by family, friends, many sitting and retired judges and lawyers who have appeared before Stayshyn throughout their careers.

"I must admit that it is mostly with sadness as for almost 35 years I have been fortunate to have been a part of an insightful and wonderfully exciting court, which dealt with every possible human problem during very challenging and interesting times," said the departing judge.

He said local judges during his time on the bench have pushed for reforms, such as pretrial conferences to help judges and lawyers sort out legal issues early on, which reduced the backlog of civil cases. Pretrials were soon incorporated into the Ontario Rules of Practice.

The Hamilton courts then introduced judicial pretrials for criminal cases in the late 1970s, much to the dismay of the chief justice of the time. Since then, pretrials have become accepted practice and have been adopted across Canada by amendment to the Criminal Code.

Stayshyn said some think a judicial appointment is a "cushy" 10-4 job with no weekends. But he put that notion to rest with several colourful anecdotes about job-related interruptions during some of the most important moments of his personal life. He could be called upon at any hour of the night or day to sign a wiretap authorization or endorse a search warrant.

The judge recalled a Sunday morning at 7 a.m. following his daughter Katherine's wedding when the telephone rang and shortly after police delivered three banker boxes of material for him to read. Johnny Papalia, a local reputed mafia boss, had been murdered and police desperately wanted a wiretap.

"Not the type of day one would expect for the day after a daughter's wedding, but as the family celebrated I was locked in my study preparing for the wiretap."

Before graduating from Osgoode Hall Law School, Stayshyn attended McMaster University where he played basketball and football and met his friend Nick Borkovich in September 1954.

While at McMaster, they met future Superior Court justices Eugene Fedak and Bill Festeryga.

"We were four local boys who went to school together, who became lawyers and went on to become judges," said Borkovich.

The judge was choked with emotion as he spoke of their hardworking immigrant parents and how they could not have dreamed their sons would one day be appointed to the bench.

"By the way," said Borkovich, "this is the first time I have ever become emotional in a courtroom."

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