

On the Front Cover

Brian R. D. Smith

By Jack Giles, Q.C.

When Winston Churchill was first appointed First Lord of the Admiralty, he is reported to have said the only thing he knew about the job was that he was completely at sea. When Brian Smith was appointed Chairman of the Canadian National Railroad, he is reported to have agreed that his knowledge of "railroading" was entirely confined to the circumstances of his own appointment. He claims to know, though, when to blow the whistle.

Brian Smith was born in Victoria in 1934. He attended Willows School, and graduated from Oak Bay High School in 1952. His first and second years at university were spent at Victoria College. His third and fourth years at the University of British Columbia. In 1956 these efforts were rewarded by an Honours Degree in English and History. There followed two years at Queen's University on a fellowship in Canadian History. For this he was favoured with a Master's Degree in history. It was awarded in 1960 after he completed his thesis. The title of this work was revealing: "The First Tory Premier of British Columbia, Sir Richard McBride". While this thesis was in preparation, Brian attended UBC Law School and was able, in 1960, to add a law degree to his collection of letters.

During university years Brian distinguished himself by receiving the Southwell Memorial Scholarship at UBC in 1955, the Sir James Atkins Memorial Fellowship at Queen's, and after he returned to UBC, he was awarded the Legal Writing Scholarship in 1959.

Brian served in the Canadian Officers Training Corps during the summers of 1955 and 1956, and spent the summer of 1958 with the Canadian Army in Germany with the rank of Second Lieutenant. His military career continued during the three succeeding years when he taught military history at the Royal Military College in Kingston, as brevet Captain — wherein lies the explanation for the nick-name "captain" attached to him by his friends at UBC, and which stayed with him for many years after.

Following graduation from law school, Brian continued his military career, at least to the extent that he articulated to the late General J. A. Clark, Q.C., of Clark, Wilson. He was called to the bar in 1961. He practised with Clark, Wilson, and then with Lawson Lundell until he returned to Victoria in 1964, where he practised with Pearlman & Lindholm for many years, until 1979. During these eighteen years Brian was heavily engaged in criminal, family, adoption, labour, commercial and administrative law cases. He is highly regarded as counsel, and prosecuted *ad hoc* from 1966 through to 1979 in Provincial Court, as well as conducting numerous criminal jury trials both for the Crown and the defence. He was responsible for Crown criminal appeals for Vancouver Island for eight years. For thirteen years he lectured at the University of Victoria in Canadian Constitutional History, a course he initiated himself. During part of the same time he also lectured in Advanced Criminal Procedure. During the 1970s he spent many years as Provincial Director of Legal Aid, and Director and Founder of the Law Centre in Victoria. In 1978 he headed the Legal

Task Force on Youth Employment. In 1982, during Alan Williams' tenure as Attorney General, he was appointed a Q.C. All this was accompanied by a career in municipal politics. From 1969 to '73 Brian was an Oak Bay alderman, and served as Mayor of Oak Bay from 1973 to 1979.

In 1979, Brian entered provincial politics, leaving the practice of law to serve as Minister of Education from 1979-82, and Minister of Energy and Petroleum Resources from 1982-83. In 1983 he returned to his profession as Attorney General of the Province. He was the first Attorney General in as many as thirty years to argue cases for the Crown in Court. These include a number of reported decisions, including: **R. v. Hurst**, (1984) 12 DLR (4th) 309; **Hundal v. Superintendent of Motor Vehicles**, [1985] 64 BCLR 273; **R. v. LeGallant**, [1986] 6 WWR 372, and **O'Hara and Kirkbride v. The Queen**, [1988] 45 DLR (4th) 527. Brian served as Attorney General until June of 1988 when (whistle in hand) he resigned his portfolio. He then returned to his practice at Pearlman & Lindholm until his present appointment.

A lawyer, an historian, a constitutional scholar and a brevet soldier may not know how to drive a locomotive, but they are not bad hands to have on the whistle.

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