

ON THE FRONT COVER: THE HONOURABLE MR. JUSTICE J.D. TAGGART

By The Honourable Allan McEachern, Chief Justice of British Columbia

On November 14, 1993, the kindly face that graces the front cover of this edition of the *Advocate* completed a quarter of a century of useful service on the Court of Appeal of British Columbia. He joins a select group of only five Justices of Appeal who have served that long. The other members are MacDonald, C.J.B.C., Martin J.A. (briefly C.J.B.C.), McPhillips and O'Halloran J.J.A.

After these 25 years, the Honourable Mr. Justice John David Taggart (Jack to almost everyone) has decided it is time to move on to other things. For purposes which will be mentioned in a moment, he has been persuaded to stay a little longer, but all the members of the Court welcome this opportunity to express their sincere appreciation for his most distinguished contribution to the legal-judicial history of the province.

Born in Saskatchewan, Jack's university education in the Faculty of Engineering, at the university of that province, shared with other judicial "futures" Estey and McIntyre J.J. (the original Saskatchewan Mafia), was rudely interrupted by the unpleasantness sometimes known as World War II in which he served with the Royal Canadian Engineers from 1941 to 1945. He was originally engaged in setting up the base at Chilliwack, but he then went overseas where he served with distinction in England, Italy and northwest Europe, where he was mentioned in dispatches.

After that distracting interlude, he decided he had had enough engineering for a lifetime so he enrolled in the second class of the new Faculty of Law at U.B.C., and graduated as president of his class in 1949. It is not well known that discussions then took place with his friends Alan Macfarlane (now J.A.) and Lloyd McKenzie (now L.) about a partnership in Victoria. What a powerhouse that would have been! It is said that negotiations were unsuccessful because each thought rightly that Jack would have to do all the work.

When these negotiations failed, and Jack was called to the Bar in 1949, he settled for his next best option which was to stay with Farris & Co. (as it now is), where he had worked during law school days, and where he had articulated with the redoubtable Senator J.W. de B. Farris. The Senator and John Farris Q.C. were then, and remained for many years, amongst the preeminent barristers at our Bar.

Jack's own work was largely in litigation with an emphasis on public utilities work for grateful, public-spirited, God-fearing joint stock companies such as B.C. Telephone, Westcoast Transmission and Inland Natural Gas. These clients must have been served well in those early days for they are still with us, creating a modicum of legal work for his former firm.

During those busy days, however, Jack also found time to marry, raise four children, serve as president of the Vancouver Bar in 1967, and for two years on the Council of the Canadian Bar Association. He learned to cook like a chef and says

that kneading bread still gets rid of frustrations. He was also provincial commissioner of the Saint John Ambulance Association, a member of the Vancouver Police Commission, a fund-raiser for Pearson College of the Pacific, and a director of the P.A. Woodward foundation. He became Queen's Counsel in 1964.

In 1968, grown weary of ruining every summer with another gas or telephone rate hearing, Jack was translated, as the *Advocate* of the time described it, to the Court of Appeal, replacing Mr. Justice Tom Norris who had retired. At that time, this new young judge is quoted in the *Advocate* as saying that he did not expect to remain a judge until the compulsory retirement age of 75, as he believed "elderly judges will be encouraged in one way or another to retire earlier in the future."

True to his word, but for entirely other reasons, this wise and extremely popular judge has decided that the time has come, even though (in his case) there has been no sign of the predicted encouragement. If the members of his court had their way, he would stay forever, with no dissents.

Mr. Justice Taggart's years on the bench have been most productive ones. It is estimated that he must have decided in excess of 2,500 appeals in his years on the bench. Polite and kind as he always was with counsel, he was even more understanding with his colleagues who always enjoyed working with him and profiting from his wisdom and experience. In spite of carrying an enormous workload, it may truly be said that he has also served as the unofficial judicial advisor to every new judge.

Like most great men, he had his time of sorrow when his first wife, Marian, died of cancer. But he soldiered on with his judicial work, and found time for other pursuits, especially after 1981 when he married the Hon. Judge Valerie Taggart (as she still is), who also belongs to the Class of '49. They have greatly enjoyed their many children, nine grandchildren and three great grandchildren (who call His Lordship "Tag"), and travelling. Most recently they have made several pilgrimages to Disneyland, and to various less exotic places in Europe and Asia including an archaeological expedition to Turkey, a boat trip down the Yangtze and a cruise from Singapore into the Gulf of Thailand. We wish them continued fair winds in their future travels.

When Mr. Justice Taggart announced that he proposed to retire after completing his 25 years without parole, he responded quickly to the request of the Canadian Judicial Council to undertake a comparative study of the operation of Canada's Courts of Appeal. That is what will engage his judicial energy and curiosity for the next several months. After that, he proposes to rejoin his old firm where it is said by some envious souls that Peter Butler, as the most unlikely managing partner in Christendom, needs some help remembering the combination to the vault!

What I have said thus far is largely historical. I have not come close to capturing the measure of this wonderful man who has served his country, his court and his profession with such dedication for so long. Simply stated, there could not be a better judge, colleague and friend. He leaves us much richer for the pleasure of our association, and we wish him and Valerie every possible happiness in their future endeavours.

As a postscript, I might add that one of the many things Mr. Justice Taggart does best is his incredible ability to deliver literate and coherent oral judgments. Another judge in another age was not nearly so articulate, but a paraphrase of one of his memorable pronouncements describes Mr. Justice Taggart perfectly. In the 1830s Arabin J. instructed a jury: "If there ever was a clearer case of murder than this case, then this case is that case."

To paraphrase that memorable pronouncement: if there ever was a better person or a better judge than Mr. Justice Taggart, then he is that person.