



## ON THE FRONT COVER

### **BENJAMIN B. TREVINO, Q.C., TREASURER-ELECT**

*By Michael W. Hunter*

**B**enjamin Benito Trevino, Q.C., the greatest lawyer, cook, gardener and fly fisherman ever to come from Brownsville, Texas, Nimpo Lake and, soon, Furry Creek, B.C., is about to become our next Treasurer.

He almost didn't make it this far. This has nothing to do with his penchant for smoking (his extra-large, extra-deep ashtrays are designed to cradle at least three lighted cigarettes while the fourth is being smoked); or for martinis, which are kept pre-mixed, in the freezer, in an authentic Bombay Gin bottle: 2 drops of scotch, a sniff of vermouth, never frozen yet. The truth is that Ben's attraction to British Columbia was an accident of diplomacy: his father opened the first Mexican consulate in Vancouver after the war, and Ben came along to attend Magee High where he met Jackie, his wife of 46 years, on a blind date. They were married in Texas at age 19. Ben's mother had to sign for him — he wasn't legal until 21 in Texas.

After graduating from high school, Ben drove to Bellingham and enlisted in the Marines, expressing a desire to serve in the Korean War. Unfortunately, he scored too high on the military exams and they sent him to North Carolina to the audit department. This was too boring for Ben, so he returned to Vancouver and entered UBC law school, paying his way as a sleeping car conductor on the CPR. Along the way, he was president of the Alma Mater Society in 1957 (and, later, a member of the senate and the board of governors of UBC). He obtained his Canadian citizenship in 1959 while articling at Russell & DuMoulin; he had to serve for 18 months due to his alien status. His citizenship papers have been carefully preserved in the R&D archives, and he is described thus: height 5 foot 10; complexion "ruddy"; and distinguishing marks "none". We always thought the "ruddy" came from the martinis, but, on the other hand, he has certainly made some distinguishing marks as a "lifer" at the firm.

In those days, there was no such thing as a labour lawyer. Ben was a litigator and served under courtroom legends such as Len DuMoulin, Doug Brown and Wilfred Heffernan. The archives tell us of a trip Ben took to Ottawa with Brown. At the hotel, in preparation for the next morning's appeal, Brown suggested Ben should go and fetch something to drink. "Would a mickey of scotch be sufficient?" Ben asked nervously. Doug's reply, given with a steely gaze, was: "I haven't bought a mickey since I was 13 years old." When Wilf Heffernan died, Ben successfully appealed one of Wilf's "losers", a labour case called *Pacific Produce*, a case still cited by counsel seeking to avoid provincial labour laws by arguing the client's business was federal. After

that, in 1970, Ben juniored Brown on a case called *CPR v. Teamsters*, which went for 45 days of trial and 15 more in the Court of Appeal. This was the start of R&D's labour and employment department, which Ben has now seen grow to more than 20 lawyers, with many more alumni sprinkled at various labour boards and firms across the country. Ben and his offspring were denigrated by the famous litigation tigers in the firm, including Messrs. McEachern, Goldie, Hood and Harvey, for indulging in a practice of negotiations, arbitration and mediation instead of "practising law". How the world changes (except the "lawyers" now call it "ADR")!

Ben was no slouch in court. He had many memorable battles on behalf of MacMillan Bloedel against the IWA. In one case, Ben was defending the company over the dismissal of a notorious Port Alberni faller who was fired for stealing wood. Pressed in cross-examination as to where he got the wood if it wasn't stolen from MacMillan Bloedel, the faller said he "found it on the beach". Ben, anticipating this lame excuse, had arranged to have the wood tested, and the chemist testified that the wood contained no salt. The dismissal was upheld.

Appearing before Ted Hinkson, Ben sought an injunction against the Fallers' Society, which MacMillan Bloedel had long suspected was an underground organization formed to orchestrate work stoppages over piece-rate prices. In cross-examination by Ben, the president of the fallers testified the purpose of the society was "investment". "Ask him what he thinks of MB stock," whispered Alex Macdonald, counsel for the IWA. The injunction was granted.

Ben was noted for practical advice to his clients. During a strike against B.C. Tel, the telephone workers picketed a plant where a new line of phone poles had been partly installed. Ben's advice to the client: cut the poles down. The pickets were ordered to leave.

Perhaps Ben's biggest client over the years were the doctors — the B.C. Medical Association and later the Ontario Medical Association. Ben was retained for many years to negotiate the medicare budget for the doctors — a retainer involving hundred of millions of dollars. It was, he noted, the only time in his life he ever acted for a union. He has recently been made an honorary member of the B.C. Medical Association — perhaps a first for a lawyer.

Ben's private life consists of a love for gardening (rhododendrons and roses); and cooking Mexican country dishes for special occasions (gorditas for New Year's Day, home-made salsa made with imported peppers so it's hot enough — the smallest red ones will scald even a Trevino's tongue). The favourite place, however, is Ben's retreat at Nimpo Lake, far away from voice mail and the crowds of Williams Lake. It is now solar powered, with a propane fridge for the martinis; and Ben's barn, called the "hangar" due to its size, supplies all the locals with hardware and fishing equipment due to Ben's penchant for buying everything by the dozen. He cannot be reached, even for a picket line around a pulp mill, save for a call to the nearest phone (Nimpo Lake 3X) and a long boat trip across the lake.

He makes a much better lawyer than a plumber. On a recent attempt to repair the water line, Ben nearly sliced off his hand with a knife. The nearest medical help was the nun at a nearby Indian reserve. The nun ordered him to be flown to Vancouver, but Ben, anxious to return for some more trout on the Dean River, persuaded her to do the stitches herself. Later, having asked what Ben did for a living, the nun exclaimed: "If I'd known he was a lawyer I would never have sewn him up."

Ben and Jackie have a son, André, a daughter, Sarita, and two grandchildren, Jordan and Matthew. After Ben's stint as Treasurer, they are planning to depart from the treasured rhodos and roses in West Vancouver for a yet-to-be built "extended family home" on the benchlands at Furry Creek.