



# ON THE FRONT COVER

## THE HONOURABLE CHIEF JUSTICE DONALD I. BRENNER

*By Scott W. Fleming*

**O**n May 12, 2000, the Honourable Mr. Justice Donald I. Brenner accepted the invitation of Prime Minister Jean Chrétien to become the 14th Chief Justice of the Supreme Court of British Columbia. In what has been described by many from both the bench and bar as a touch of genius, his appointment brings to the office of Chief Justice the skills and personal attributes for which Don has become so well regarded and which will serve the court well in the years to come.

After a private swearing-in held on May 18, Don was welcomed to his new position in a public ceremony held on June 9. Friends, colleagues and family joined with the largest assembly of Supreme and Appeal Court judges in recent memory to hear the provincial Attorney General, as well as representatives from the federal government, Canadian Bar Association, Law Society and Vancouver Bar Association, extend their welcomes and best wishes. From among an abundance of aviation metaphors, Associate Chief Justice Dohm perhaps best captured the moment by assuring those in attendance that, with Chief Justice Brenner in command, the "Fasten Seatbelts" sign had now been turned off and it was once again safe to move about the cabin.

A brief look at Don's biography might well explain why his most recent appointment can best be characterized as yet another chapter in a varied and accomplished career.

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After graduating from St. George's in 1962, Don set out on his first career, in aviation. While his classmates were practising parallel parking, Don began flying lessons and received his pilot's licence on his 17th birthday. His encore performance saw him with a helicopter pilot's licence one year later.

Academic studies then followed at the University of British Columbia, where he obtained his undergraduate degree in 1967. During the summers he flew helicopters throughout western Canada in support of forest-fire operations and general charter work. During the summer of 1964, Don flew helicopters in Panama and Colombia on behalf of the Organization of American States, which was undertaking survey work for the completion of the Pan-American Highway.

In his third year of undergraduate study, Don was hired as a pilot by Canadian Pacific Airlines and began his airline career as a first officer on the venerable DC-3. But soon after he decided to continue his academic career, and he began his legal studies at UBC during the fall of 1967. The next three years saw him changing hats between those of law student, airline pilot and husband. Law texts and case books were often found in the cockpit of the DC-6 as Don flew the evening flight from Vancouver to Kelowna and return. Weekends found him flying into any location in the province that had more than 4,000 feet of flat asphalt heading in one direction.

After graduating with the class of '70, Don articulated with the Vancouver firm of Shulman, Tupper, Rumour has it that at one point he thought that securities law might be his calling. In the fall of 1971, he and Brian Abraham set up practice under the firm name of Brenner, Abraham. They were subsequently joined by Ean Maxwell and Andy Dulkan, allowing Don to develop a keen appreciation for the finer points of family law while watching distraught clients ravage the Kleenex dispenser on Maxwell's desk.

Don continued to juggle both his airline and legal careers for four years. However, as his reputation and success as an aviation lawyer continued to grow, it became clear that his flying would have to take second place to law. In January 1975, Don completed his last flight for CP Air, retiring as one of the airline's youngest 737 captains.

In the late 1970s, each of the partners agreed to pursue his separate area of practice, and Don established the firm Brenner & Company. He became a member of the bars of the N.W.T., Yukon and Alberta and was appointed Queen's Counsel in 1987. He continued to practise with his partners Howard Barends and Scott Fleming until his appointment to the Supreme Court in June 1992. During those years, the firm developed a nationally recognized practice in aviation litigation, and Don became one of Canada's most respected aviation lawyers.

Although best known for his aviation cases, he also acted as counsel in a number of accounting, construction and professional liability actions. During his years as a trial judge, Don has often been asked to hear many large and complex commercial and bankruptcy cases as well as other lengthy and high-profile trials. His reputation as an excellent judge for criminal cases is testimony to the depth of his knowledge and his ability to master new areas of legal endeavour.

During his eight years as a trial judge and as a member of the Judges Executive Committee, Don has taken on a leadership role in court initiatives related to information technology and litigation management. As Chief Justice, he will continue to work towards achieving greater efficiency and accessibility through the introduction of new technologies and alternative means of dispute resolution. Although his new role will involve greater administrative responsibilities, Don has already promised to continue to hear cases throughout the province, as is the case with his 86 fellow judges.

Through all of his endeavours, Don has enjoyed the love and support of his wife, Robin, and his two equally accomplished daughters, Megan and Erin. He is an avid skier and golfer, and he continues to fly his Beaver floatplane to his summer home at Vaucroft on the Sunshine Coast.

For those who have come to know him, Don has always exemplified those hard-to-define qualities for which most people would hope to be known but few actually possess. His even temperament, quiet confidence, good humour and unfailing courtesy have earned him the affection and respect of his colleagues at the bar. His intellect, tempered by an innate sense of justice and common sense, has made him an outstanding judge. His clear vision for a court that remains accessible, objective and independent, together with his ability to draw on the talents of his fellow judges in achieving those objectives, will undoubtedly make him an outstanding Chief Justice.

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