



ON THE FRONT COVER

RICHARD R. SUGDEN, Q.C.

By Robin N. McFee, Q.C.

The recent unexpected retirement of Richard R. Sugden, Q.C., from the practice of law is a loss to the legal profession in British Columbia. Rick made truly exceptional contributions during his 34 years at the bar. He rose to the pinnacle of the profession and is universally acknowledged as one of the finest advocates and civil litigators to ever grace the courts of this province.

Rick's many contributions to the bar will be sorely missed. He is the quintessential barrister. He was a role model for all aspiring barristers. As an advocate, he battled mightily for his clients' causes, yet always treated opposing counsel and their clients with the utmost courtesy. As a session leader in the UBC Trial Advocacy Program for third-year law students, Rick urged his students to develop their own style as, in Rick's words, "No one has a monopoly on style." Hopefully Rick does not have a monopoly on *his* style, as all students and all aspiring barristers could benefit from emulating it. It is no coincidence that Rick's peers at the bar asked him to author a chapter entitled "Civility in the Legal Profession" in the anthology of essays prepared as a tribute to former chief justice Allan McEachern on the occasion of the chief's retirement. Rick's highly individualistic style reflected the very best the profession has to offer. Rick was always well organized and highly focused. His courtroom appearances were always laced with charm, humour and submissions that were well prepared and academically sound.

Rick is the product of humble beginnings. He was the first member of his family to go to university and the first to become a lawyer. He was born in 1947 in

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Prince George, B.C., the son of Howie and Jessie Sugden. Rick's father was a colourful character, achieving considerable recognition as a skilled hockey player in the rough and tumble Senior A leagues. Although hockey was his forté, Howie loved all other sports, instilling this love in Rick. Howie supported his family by working as what can be best described as an itinerant bookkeeper in the forest industry in the B.C. Interior. As a result, Rick as a young lad moved with his parents from one small sawmill town to the next. Rick fondly tells how he spent four of the best years of his early life in Salmon Arm. Apparently Howie had secured a job in the town of Enderby; however, while travelling with his family to take up the new job, he somehow missed Enderby and ended up in Salmon Arm. Fortunately Howie, ever resourceful, secured an equivalent position in Salmon Arm.

Ultimately the Sugdens settled in Vernon, where Rick spent his senior high school years. Rick excelled as both an athlete and scholar. His natural athleticism became a hallmark of all his future endeavours. Indeed, his intellect and athleticism were such that he was one of the few graduating students to receive both an athletic and an academic scholarship. In 1966, Rick entered Simon Fraser University, which, at the time, was the only Canadian university that granted athletic scholarships. While at Simon Fraser, Rick made a number of lifelong friends, including Glen Orris, Q.C. Glen recalls meeting Rick when they were both vying for a position on Simon Fraser's varsity football team. Glen recalls how he and other members of the team believed that Rick would not make the team. Rick was trying to be a defensive back; Glen recalls that he was too small and too slow. Proving them wrong, not only did Rick make the team, but he became a starting defensive back and ultimately one of the defensive captains. He demonstrated the self-discipline, perseverance and work ethic that would serve him so well in all of his future ventures, including the practice of law.

Also while at Simon Fraser, Rick met his future wife Karen. Rick and Karen were married in June 1970, binding the two together in a relationship of undivided loyalty and love that has never wavered and continues to this day.

In September 1969, Rick entered the UBC Faculty of Law. He plunged into the study of law with vigour. Once again, he excelled academically while at the same time maintaining his love for sports. Throughout his career, Rick has professed a complete lack of understanding of the principles of tax law (which he attributes to a scheduling conflict between his second-year tax class and drop-in hockey at the Thunderbird Winter Sports Centre).

In May 1972, Rick commenced articles with the Vancouver firm of Braidwood, Nuttall and MacKenzie. Rick's intellect and work ethic caught the eye of the senior partner, Thomas R. Braidwood, Q.C. (as he then was). By 1973, Tom Braidwood had established himself as one of the leading advocates in British Columbia. He was somewhat unique in that he was equally comfortable conducting a criminal jury trial or a complex commercial case. Rick benefited from Tom's mentoring, having the opportunity to junior Tom on numerous criminal and civil cases in all levels of court, including the Provincial Court, the County Court, B.C. Supreme Court, the Court of Appeal and the Supreme Court of Canada.

At the same time, Braidwood, Nuttall and MacKenzie's growing litigation practice permitted Rick to handle his own cases. In doing so, he learned to deal with all forms of adversity and challenges as trial counsel. Often when others would moan of the difficult tasks or briefs they had been handed, Rick would describe his first superior court trial. Apparently Graham MacKenzie had asked Rick as a young advocate to defend a claim being advanced by a contractor against the developer of a shopping mall in northern B.C. The contractor's claim was founded on the assertion that the developer had not properly preloaded and prepared the site, thereby causing the contractor significant extra costs and delays. The first witness for the plaintiff was the machine operator for the paving subcontractor who operated the packer. The packer operator testified, with excruciating detail, how immediately upon driving the machine onto the newly paved parking lot, the pavement gave way, causing the packer to disappear into a depression in the ground. The next witness for the plaintiff was the cat operator, who testified succinctly that the depression into which the packer had fallen was sufficiently deep that his D6 cat couldn't pull it out. Therefore, the services of a much larger D8 cat had to be engaged. Despite Rick's relentless cross-examination to the effect that the hole wasn't that deep and you didn't really need a D8, the judge was sufficiently impressed by the merits of the plaintiff's claim that Rick did not emerge victorious. His disappointment led to a momentary consideration of becoming a solicitor, which, fortunately for the litigation bar, he quickly cast aside. Rather, he evolved into one of the most skilled barristers in British Columbia, handling with confidence the most difficult of cases.

On October 31, 1988, Rick formed the boutique litigation firm known as Sugden, McFee & Roos with his long-time friends and fellow Braidwood & Company barristers, Robin McFee and Albert Roos. Under Rick's leadership, Sugden, McFee & Roos has grown into one of the most widely respected and most frequently recommended litigation firms in western Canada. Rick and the firm do not have ongoing clients. Rather, Rick's clients and the firm's clients come in large part from referrals by other law firms. There can be no greater testament to Rick's integrity and his professional accomplishments than the fact that he was constantly entrusted with his legal colleagues' valued client affairs. Lawyers referred their most valued clients to Rick, confident that these clients would receive exceptional service and that upon completion of the retainer the client would be directed back to the referring law firm. Rick as a rule would never accept a subsequent retainer from a client referred by another lawyer unless the referring lawyer agreed.

Rick's skill as an advocate inevitably led to recognition, including his appointment as Queen's Counsel in January 1991 and his election as a Fellow of the American College of Trial Lawyers in October 1992 and as a Fellow of the International Society of Barristers in July 1999.

Although engaged in a very busy practice, Rick always unselfishly gave his time and talents to the benefit of members of the bar through the Lawyers Assistance Program, the Inns of Court, the Continuing Legal Education Society, the Trial

Lawyers Association of British Columbia, the UBC Trial Advocacy Program and the Federal Judicial Appointments Committee. While all of the foregoing contributions are important and deserving of recognition, Rick for many years was one of a very few lawyers who regularly appeared before the Discipline and Credentials Panels of the Law Society of British Columbia representing members who faced serious and potentially career-ending consequences before that body. Many of these members' professional problems were a direct result of personal tragedies, including emotional crisis, substance abuse and marital breakdown. Rick did not limit his role to that of an advocate before the Law Society; rather, he always took a personal interest in these unfortunate members' problems. Rick became in part their personal counsellor, assisting them to obtain the appropriate treatment to overcome their problems. Often these members were in financial crisis, and therefore Rick would act on their behalf without a fee. Rick was proud to let it be known that he would not turn away a retainer from a fellow lawyer facing difficulties with the Law Society if that lawyer could not afford a fee.

Rick and Karen are blessed with two children, Adrienne and David. Rick did not allow his busy practice and devotion to his clients to interfere with the important responsibilities of family and children. He always ensured that he attended his children's school events, and he coached David's baseball teams over many years. Rick and Karen's devotion to their children has reaped its rewards; both of their children enjoy success, Adrienne as a fashion designer and David as a lawyer. David and Adrienne now reside in Newport Beach, California, where Rick and Karen visit them frequently, especially now that Rick and Karen's first grandchild, Abigail, has arrived.

Despite all the accomplishments and the accolades that have been heaped upon him, Rick always maintained his basic humility, his self-effacing manner and his ability to deal with people at their level (whatever level that may be). Rick has carried these characteristics through his personal life and his professional life. Well prior to his retirement, Rick became a leader of the profession and certainly is the quintessential barrister. Upon being informed of Rick's retirement, John McAlpine, Q.C., wrote a letter to Rick quoting from Dean Emeritus Roscoe Pound of the Harvard Law School:

No professional man...thinks of giving according to measure. Once engaged he gives his best, gives his personal interest, himself...The real payment is the work itself, this and the chance to join with other members of the profession in guiding and enlarging the sphere of its activities."

John closed his letter with the words that Rick Sugden is the mirror of Pound's definition and ideals. All who were touched by Rick cannot help but agree.

Readers are invited to contribute to the Richard R. Sugden, Q.C. Trial Advocacy Endowment Fund at the UBC Faculty of Law. The fund will be managed in perpetuity by UBC and will generate annual income for scholarships to be awarded to students in financial need with an interest in trial advocacy. The endowment will also fund ongoing coordination and administrative support for the Trial Advocacy Program at the Vancouver Law Courts. Contact J.M. Johnson, J.D., development officer, Faculty of Law, UBC, 1822 East Mall, Vancouver, B.C, V6T 1Z1. (Tel. 604-827-5026; e-mail: <jmij@law.ubc.ca>).