

Andrew Schuck

Andrew Schuck passed away in Edmonton, Alberta on May 11, 2016. He was two weeks shy of his 72nd birthday.

His father, Andy, was a Canadian soldier from the prairies stationed in England in the Second World War, who fell in love and married a beautiful local lass, Freda. Andrew was born in Earlswood, part of the municipal borough of Reigate, Surrey, just a few days before his father departed with his regiment for the fighting in Normandy and parts beyond.

In due course, Andy, Freda and their son crossed the ocean to a new life together in Canada. Soon Andrew found three brothers and a sister to keep him company through his childhood and school years—and his stints as a paper boy, milkman and bakery delivery man—in Regina, Saskatchewan.

Those who came to know Andrew many years later came to respect deeply both his tenacity and his abiding sense of sportsmanship and fair play, which were instilled in him in his youth. His prowess as a defensive end saw him acclaimed as the Football King of Scott Collegiate High School in Regina. Handy with his fists, he was particularly proud to have held the Saskatchewan light middleweight amateur boxing title for two years, retiring undefeated. His love for and association with boxing never diminished.

Andrew attended the University of Regina and UBC, and obtained a law degree in 1968. After articling in White Rock, he was called to the bar in 1969. Thereafter, Andrew embarked on his singularly peripatetic and, indeed, rollercoaster legal practice, which took him to the north—practising in Fort St. John, Fort Nelson and Prince George—before eventually centering in the latter stages of his career in Vancouver.

He was also keenly interested in all things political and was, like his parents, forever aligned with the CCF and New Democratic cause for which he unsuccessfully ran for election both in Fort St. John and in Prince George. His endeavours in municipal politics bore more fruit and resulted in his becoming the Mayor of Fort Nelson and retaining that position for four terms.

It was while practising in that locality that Andrew's name first became familiar, with perhaps a touch of envy, to the broader legal fraternity. For Andrew in 1974 had taken on the case of the Fort Nelson Slave Indian Band



in their long struggle to secure some financial benefit and interest from the bounty of oil and gas royalties being reaped from their traditional territory. Even though the case was then regarded as hopeless and unwinnable, Andrew agreed, as the band had no money, to act on a five per cent contingency fee basis with expenses paid from his own pocket. He firmly believed in the justice of this case in particular and of the burning injustice that, in his perception, Canada's Indigenous peoples had suffered throughout our history. In the result, the tireless and all-consuming efforts put in by Andrew over the ensuing years led to a settlement in 1980 valued at \$100 million. Andrew's fee was settled at \$3 million—an enormous and all too heady sum in those far off days of the early '80s.

Suffice it to say that new-found financial wealth was not found to be an unalloyed blessing. For Andrew and for his family, the lack of proper planning and some gravely ill-judged investments caused such stress and strain, as to lead to marital disharmony and virtual bankruptcy. Andrew, perhaps more by necessity than by desire, once again entered the lists and resumed practice in Prince George and later in Vancouver, relocating his home to Tsawwassen for many years.

Almost always a single practitioner, Andrew allied himself with others on bigger cases—for example, in the very lengthy Tackama Forest Products case, where David Lunny was his co-counsel at trial (you can't win them all!) and Tom Berger and Gary Nelson were enlisted to retrieve the day in the Court of Appeal. He enjoyed the company of his friends on the bench (the late Mr. Justice Low, Mr. Justice Clancy and Mr. Justice Shaw), of his legal colleagues (too many to mention—even an adversary was as often as not viewed as “a fine fellow”, who did a “good piece of work”) and of his loyal clients—men of the north—such as Dick Doyle, Bob Lunde and Ed Bulley. Andrew's boxing background accounted for his enduring links to the Astoria and Eastside Boxing Clubs and to a warm friendship with the late George Angelomatis.

All who were close to Andrew looked forward to a weekly get-together exchanging stories at the Hotel Georgia or to the annual pig roast at the family ranch in Brewster, Washington, where Andrew delighted in the role of mine host.

Variouly, he worked out of the offices of other firms—his longest duration being at the premises of what was then known as Swinton and Company—whence he was to knock at fortune's door for the second time, this time on behalf of the McLeod Lake Indian Band.

Again as a result of tireless effort and tears of unremunerated work, Andrew spectacularly succeeded in once more establishing the rights of his

First Nations clients to have a fair and proper share of their land and its resources. And again he was rewarded appropriately.

Lightning had indeed struck twice, but this time his healthy compensation was carefully husbanded to permit yet another radical change in Andrew's life and circumstances. For Andrew fell in love with and married Ikram, a delightful lady originally from Lebanon, and soon he was retired from active practice and settled with Ikram on a farm in the Bekaa Valley, rejoicing in the love of their Lebanese family and the company of the neighbouring villagers. Andrew became close to the Arab shepherds with whom he found himself able to communicate by sign and expression rather than by language.

The catastrophe in Syria signalled the end of this idyllic existence. The Bekaa Valley became no longer a haven of tranquility. Andrew and Ikram returned to live in False Creek. For several years, except for short visits, we had missed our friend. Ever a gallant, the man of hidden erudition and sparkling conversation, belied by his tanned good looks, twinkling eye and mischievous smile, was with us once more.

Shortly after, however, he was diagnosed with pulmonary fibrosis—the wasting disease of the lungs which was to take his life in St. Albert, Alberta, where he had moved shortly before the end to be closer to his family to whom he was so strongly attached. He leaves behind his widow, Ikram; his mum, Freda (still going strong in her nineties); his sister, Lesley; his brother Geoff; and his five children, Deborah, Karla, Andrew, Anneke and David and families.

It is surely the mark of a man that his childhood friends remained his lifelong friends. This was the case with Andrew and it would be remiss not to quote just one example from his memorial service held in Edmonton:

I am greatly sorrowed by the passing of my more than 60 year friend. Andy got me my first job at Foodland when I was 14. We took my first trip out of Saskatchewan by bus to visit his cousins in B.C. when I was 15. He was my defensive end when I quarter backed the Scott Collegiate football team. Andy took Law in Saskatoon when I took Engineering. We played eight man football then and there was this guy grinning at me on the defensive line when I was at QB. He broke through the line and face to face said "I got you Roy" and I said "Is that you Schuck?" We kept in contact all these years and when I talked to him three weeks ago he was sounding better and upbeat. I will greatly miss our conversations about the Riders and world politics. Farewell my friend.

Gratitude was also expressed by many—here is just one example:

I did not get the chance to thank Mr. Shuck. At a young age, I was making bad decisions. He took the time to talk to me and taught me respect and discipline. He was a great boxing coach. Thank you, Mr. Shuck, for help-

ing me see the good in me. I am very honoured to have crossed paths with you. Always in my thoughts.

And from Gary Nelson, of Berger & Nelson, still working to augment Andrew's success for the McLeod Lake Indian Band:

Twenty years ago, Andrew asked Tom Berger and me to help him out on a case he had brought for the McLeod Lake Indian Band against the province. We worked hard on the case as colleagues, and became friends. Andrew's persistence and negotiating skills eventually brought home a settlement for the Band after they had worked on the claim for a decade or more. Andrew had retired when the boundaries of Treaty 8 were later raised in the courts and the McLeod Lake Band thought to become involved; Andrew suggested they approach us. We built on Andrew's work. We hired the experts Andrew had hired and had them update their research. We went to trial with a mountain of material filed by the parties and heard witnesses who testified for over 50 days in court. In the end, after everything had been said, it came down to six volumes of documents assembled by Andrew 20 years before and maybe a few more. I turned to Andrew's 1997 draft argument for guidance in writing my own. His draft sat within arm's reach on my desk throughout the last three months. I always expected to hand him the final argument, structured after his draft, and see what he said. For my client's sake, I hope our argument is successful, and for Andrew's sake too, so it can be his last legacy in the law.

Andrew always said he didn't know any law. And from time to time, I thought him right. Yet he always knew what the law should be, and what it would probably become. More than that he knew people and understood their interests and motivations. He could analyse a legal situation in practical terms better than anyone. He loved to turn conventional thinking on any issue upside down and inside out—using humour or scorn to expose its frailties. Those who embraced conventional thinking would have thought him rough-hewn, and he could be so when it served to puncture pretensions. His friends knew his generosity of spirit, his sense of justice, and his frank good humour. Conversation at his table was always lively.

He was a rare man. I was privileged to know him.

Tom and Bev Berger asked me to pass along their condolences as well.

We will always miss Andrew.

Several members of the McLeod Lake First Nations travelled to Andrew's celebration of life and spoke movingly of their gratitude to him for having put them on the map and for ensuring that they had a place at the table and a key to prosperity for the first time in their history.

Despite his two major triumphs for the First Nations bands, it would be wrong to think of Andrew as a "big case" lawyer. The fact is that he tried to help everyone in need, no matter how humble their circumstances and means and how small their problem, be it criminal or civil, might seem. Money was never a bar to receiving his wise advice.

Andrew Schuck was never a lawyer's lawyer—he was a people's lawyer. Indeed, he would probably be more comfortable being thought of simply as someone who cared passionately for the rights of ordinary people and who just happened to be a lawyer. All who had the honour and pleasure of knowing Andrew mourn his loss. All of the many people whose lives were enriched by him as a lawyer, colleague, friend or family member cherish his memory.

It is fitting to close with a quote from Mark Twain, an author greatly admired by Andrew: "Let us endeavour to live that when we come to die even the undertaker will be sorry."

The undertaker is sorry.

David Lunny

