

The Honourable Bruce Harvey



The Honourable R. Bruce Harvey passed away on October 25, 2015 at Lion's Gate Hospital, after a brief illness. Bruce is survived by Marilyn, his beloved wife of 60 years; brother Art; children Paul, David, Anne and Lynn; and grandchildren Christopher, Kelly, Jennifer, Lindsay and James.

Bruce's family hailed from the Canadian prairies. His paternal grandfather was a pioneer in the settlement of the western provinces at the turn of the last century and served as a Justice of the Peace in Saskatchewan from 1906 to 1927. Bruce's father, Thomas (Tom), had aspired to a career in the law, but the onset of the Great Depression made higher education an unaffordable luxury. Opportunities were few in his hometown of Weyburn, Saskatchewan, which prompted Tom and his wife, Lucille, to move to Vancouver. It was there on March 3, 1931, that Ronald Bruce Harvey was born.

During the Second World War, the family, which now included Bruce's brother Art, moved to the bustling interior town of Prince George. Bruce completed his secondary school education at Prince George High School in the spring of 1949. He was an excellent student, but it was his athletic prowess that attracted the attention of the local press. His goal-scoring abilities with the high school hockey team were the subject of comment by the *Prince George Citizen* newspaper as were his visits to the mound as a starting pitcher for the Prince George Timbar baseball team. But it was his skill as a first string basketball player that was his chief claim to fame with the local media.

In the fall of 1949 Bruce enrolled at UBC in the combined Arts and Law program. During the summers, Bruce held a variety of jobs in the B.C. interior. Probably the most memorable was his time with the B.C. Forest Service, where he developed a lifelong aversion to ketchup and macaroni and cheese, a staple diet in the work camps.

Bruce was a member of the UBC graduating class of 1954. He joined the law firm then known as Russell & DuMoulin, as an articled student. Upon his call to the bar, he remained with the firm as an associate and subsequently a partner. Bruce was fortunate indeed to be tutored and inspired by two of the emerging giants at the bar, Douglas McK Brown, Q.C., and Allan McEachern.

Bruce's time at Russell & DuMoulin was interrupted by a stint as a prosecutor. Bruce's participation in a case involving Sunday baseball caught the eye of Alan Russell, then the senior partner in the firm, who advised Bruce that if he wanted to be counsel, the best crash course in handling a large volume of cases and learning the rules of evidence was to be found at the Crown Prosecutor's office. Bruce wisely accepted the advice and in 1956, took a leave of absence from Russell & DuMoulin to join the team of prosecutors working out of the old Main Street Police Courts. This was an exhilarating time for Bruce. The learning curve was steep but Bruce quickly adapted to the rough and tumble of criminal prosecutions.

In his last year at the Crown Prosecutor's office, Bruce was lead prosecutor in what was then known as Court Room #1, presided over by the legendary magistrate, Oscar Orr. It was there that Bruce learned the importance of tempering justice with compassion. In many cases, particularly those involving charges against veterans for non-violent crimes, Bruce would present a proper Crown submission for either acquittal or a sentence that avoided imprisonment.

When Bruce returned to Russell & DuMoulin in 1959, he put the skills he had acquired at the Crown Prosecutor's office to good use in a general litigation practice. It has been said that the 1960s, '70s and '80s were the "golden years" for litigation in Vancouver. The number of lawyers engaged solely in counsel work was relatively small, litigation was plentiful, and the cost of litigation services had not yet escalated to the prohibitive heights seen in subsequent decades. Bruce found himself in an ideal environment. Early victories—in one instance securing a dismissal of a factually complex civil action against his client and in another, managing to keep the damage award substantially below the amount of a payment into court—confirmed to Bruce and demonstrated to others that he had truly found his calling. His practice flourished. Bruce earned a reputation as a leading member of the insurance and defence litigation bar. He managed a high-volume file load that included a number of leading cases addressing issues relating to products liability, insurance coverage, medical negligence, and assessment of damages in personal injury claims.

There was a time before computers and e-mail when lawyers would emerge from their offices to actually talk directly to one another, socialize and through these personal interactions develop a strong sense of collegiality. This was certainly true of the lawyers at Russell & DuMoulin. Bruce was well liked by his partners, associates, students and support staff. He always found the time to discuss files, recent cases and the latest goings on in the legal community. He actively participated in the affairs and management of the firm, eventually becoming the head of its litigation department.

Younger lawyers acknowledge the important role he played in the development of their own careers. His door was always open to share in the exhilaration of victory and the despondency of defeat. He could be relied on to offer practical advice and help untangle difficult legal problems. More often than not, all that was really required was reassurance and encouragement, which Bruce was always ready to provide. Bruce demonstrated through his conduct the virtues of hard work, careful preparation, attention to detail, the importance of listening and the power of the spoken and written word. He was also a man of high ethical standards who believed that one could vigorously defend or prosecute the interests of one's client and still remain courteous and congenial with opposing counsel, even in hotly contested and difficult cases.

Bruce was admired and respected by counsel and by the judges before whom he appeared. He chose his words carefully. He meant what he said. He knew when to press a point and when to concede that compromise was in the interests of all parties. An appointment as Queen's Counsel is an honour conferred on a variety of criteria but when Bruce received his appointment in 1982, it was clear that he was being recognized for his skills as a member of a select tranche of leading counsel in the province. This was subsequently confirmed by his induction as a Fellow of the American College of Trial Lawyers.

Of his many recreational and sporting activities, there were two that Bruce particularly enjoyed. One was golf, which was an endless quest for improvement, never quite achieved but enthusiastically pursued. The other was horse racing. How this passion came about remains a mystery, but during the racing season, Bruce could often be found at Exhibition Park carefully handicapping the racing card. He claims to have been quite good at it, and certainly most of his stories were about his wins, seldom about his losses. Bruce's fascination with the ponies and his interest in how the business of horse racing operated led to his appointment as the chairman of the B.C. Racing Commission in April 1976. He enjoyed the confidence of the racing community and remained chairman of the Commission until events in 1989 required him to relinquish his post.

It came as no surprise to the profession when in 1989, Bruce was appointed to the Supreme Court of British Columbia. Bruce was an excellent judge. His judgments were thoughtfully reasoned and carefully crafted. The word in the barristers' lounge was that His Lordship was courteous, a good listener and even-handed and that he managed his trials in a respectful but efficient manner. It was said that litigants left his courtroom confident in the knowledge that their case had been given a fair and full hearing.

Bruce retired from the bench in 2004. He had served the people of British Columbia well but it was time to begin the next chapter of his life.

Bruce and Marilyn were long-time residents of West Vancouver. The backyard of their home bordered a rugged ravine which, over the years, Bruce and Marilyn transformed into a park-like setting complete with all manner of flowering plants and shrubs, manicured walkways and cedar decks. After retiring, Bruce spent a great deal of his time keeping his garden in pristine condition. He loved the fresh air, the exercise and the satisfaction of relaxing on a deck chair, a single malt whiskey in hand, admiring his handiwork.

Throughout his life Bruce enjoyed a wide circle of friends including lawyers throughout the profession, judicial colleagues and members of the broader community, all of whom were well represented at his recent Celebration of Life. For some, Bruce's friendship and his quiet intervention on their behalf materially contributed to improving the quality of their lives.

One of the traditions in the Harvey family was the annual vacation in Hawaii. After visiting a number of different locations, they settled in at the Kamaole Nalu on the island of Maui where they stayed each November for over 20 years. They were usually joined by other couples and always by some combination of children and grandchildren. It was a time for sun, refreshing swims in the ocean, catching up on recreational reading, dinners with friends and family and the occasional martini at sunset. Bruce often spoke of these happy times.

No tribute to our friend and colleague would be complete without acknowledging one of Bruce's foibles. During conversations Bruce would, on occasion, preface his remarks by saying: "In the interests of time I will give you the abridged version". What followed could not, by any stretch of the imagination, be described as abridged. His remarks tended more towards the real-time reporting end of the spectrum. But Bruce was a good conversationalist and storyteller. Many found his prolixity endearing. After all, it gave one the opportunity to practice the art of listening or hone the skill of subtly trying to change the subject.

Bruce was not a person who allowed the demands of his professional life to compromise or diminish his role as husband, father and grandfather. He was devoted to his wife, Marilyn, and frequently acknowledged that their marriage was the best thing that had happened in his life. Those who knew him well understood how sincere he was in his expression of affection. Bruce regarded himself fortunate indeed that all of his adult children lived on the North Shore where their proximity allowed them to be intimately involved in his life. His grandchildren were his joy. He spoke about them often and they, in turn, worshiped him.

Bruce's unexpected death came as a great shock to his family, his many friends and his colleagues. Those whose lives he touched console themselves with the many happy memories of a special man who will be missed but not forgotten.

Daniel Webster, Q.C.



Brian J. Wallace, Q.C.

Brian was a liberal (lower case always, upper case sometimes), in thought, action and life. His interests were eclectic and always evolving. He was not just tolerant of others, but genuinely fascinated with any new ideas or activities they could expose him to. He was never too successful, much less too old, to learn new ways or new tricks.



Brian was born into an intellectual household in Victoria in 1942. His father, Robert T. Wallace, was a revered professor of mathematics, first at Victoria College, and later, the University of Victoria. Brian grew up in Victoria, attending Margaret Jenkins Elementary School and Victoria High School. A graduate of the University of British Columbia, he obtained his B.A. in Political Science in 1964 and his law degree in 1968.¹

Brian began his legal practice in Victoria before joining the Foreign Service as a Trade Commissioner. After two years in Mexico City, he moved to Ottawa to work in the Department of Justice in tax litigation, but left in 1976 to move to Vancouver to join the firm then known as Lawson Lundell Lawson & McIntosh.

His timing and choice of firm were characteristically opportune. In 1976, Lawson Lundell was primarily a solicitor's firm focusing on the resource industry. It had a solid client base in the forestry sector, but needed someone to serve the increasing demand for a lawyer who could help the firm's clients cope with escalating demands from government. Within a year of joining the firm, Brian became involved with a host of Toronto and New York lawyers on a very large and complex income tax dispute for one of the