

Euan was a kind, patient and loyal colleague, always ready to lend a hand or provide insight on some tangled problem or another. He patiently explained the same basic tenet of patent law to his non-patent-law colleagues countless times, while always being overly respectful of everyone else's time. And he was always up for a good smoothie on a warm afternoon.

Euan was as involved outside the office as he was inside it, and was a master at balancing work and family life. He loved the outdoors and made the most of what B.C. has to offer, whether it was hiking and camping in the backcountry, running along Vancouver's beaches and through its forests, cycling long distances with friends or colleagues, or by himself, attending a boot camp in a local park or schoolyard, or just walking his dog through his Kitsilano neighbourhood. Euan was often seen in the gym on workdays, muttering to himself about a strained this or sciatica that.

Finally, and most importantly, Euan was a loving and devoted husband to Joy and proud and doting father to Teagan and Phoebe. We will miss him greatly.

Chris Bennett and David Spratley

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The Honourable A. Brian B. Carrothers, Q.C.

Brian was born in Saskatoon in January 1923, the second of four brothers. Their father was a professor of economics and for a time had George F. Curtis (later the first dean of UBC law school) as a student. One of Brian's brothers was Fred Carrothers. Fred was at various times dean of law at Ottawa and Western, president at the University of Calgary, and a long-time member of the Faculty of Law at UBC; he was an authority on labour relations, and an accomplished arbitrator and mediator.

In 1928, Brian started school in England, where his father spent a sabbatical at the London School of Economics. After returning to Saskatoon, Brian's father was induced to move to UBC, and in 1930 drove the family, "all-Canadian" on dirt and gravel roads, camping in a tent carried on the run-



ning board, to Vancouver, where Brian continued his formal education at University Hill School and UBC.

Canada joined World War II in September 1939 and Brian served and trained in the C.O.T.C. He rose to the rank of company sergeant-major. At the end of his third year at UBC, after a bout of pneumonia, Brian joined up as a private and received training at Gordon Head (now the site of the University of Victoria), Alberta, Ontario and England. By then a 21-year-old lieutenant with the Can-Scots, he landed on Juno Beach on June 6, 1944, and was involved in hard fighting to hamper the Germans from moving west towards the U.S. landings on Utah Beach. Between June 6 and 8, 1944, almost one third of the Can-Scots were killed or wounded.

Brian was wounded in the fray and hospitalized in England. Ultimately, with his injured left knee repaired and immobilized in a full-length cast, he had the good fortune to be transferred for rehabilitation at Garnons, the 6,000-acre country estate of Sir Richard Cotterel. In addition to the supervising doctor, there was a Harley Street physiotherapist there who specialized in massage and manipulation to free joints frozen by long periods in a cast. Determination and time brought Brian's leg back to full use.

After recovery, Brian got a welcome Christmas leave at his grandmother's home in Cambridge. She was a graduate, in history, of Newnham College, Cambridge. On Christmas Eve 1944, she hosted a party for boy choristers not going home for the holidays. At the party, the boys ducked for apples, ate, played games and frequently sang without any prompting—a real Dickensian Christmas in the blackout! Wartime experiences were not all bad.

Early in 1945, Brian was promoted to captain and spent the remaining months of the war as an instructor at the live ammunition Canadian Battle School on the South Downs of England. He was sent there by Lt. Col. Douglas Forin, who had been in Italy with the Seaforth Highlanders and after World War II practised law with the Campney firm in Vancouver. After VE Day in May 1945, Brian got leave to visit his father's relatives in Northern Ireland before going to the South Carolina Jungle Warfare School in preparation for the Pacific Theatre. Fortunately the war ended, leaving Brian to wait his turn to go home.

On returning to UBC, Brian entered the new law school in its second class. As the law school was without proper quarters and had no library, the students articulated for the three years of law school and spent every afternoon and most evenings in the law library either in the courthouse or in their principals' offices, reading cases for the next day. Brian was articulated to Sherwood Lett at E.P. Davis & Co., where the students outnumbered the five partners. Brian was called to the bar on July 30, 1949.

While at Davis & Co., Brian met Jean, who was a junior secretary (one of the few with the courage and skill to take dictation from D.N. Hossie, K.C.). She became Brian's secretary and, more importantly, his wife. They were married in 1950 and moved to West Vancouver to live in the Gables, an apartment building in West Bay that can still be seen as you drive along Marine Drive. Their son Douglas was born there but, with Robert on the way, they bought their first house on Ottawa Avenue in 1952. Their daughter Linda completed the family in 1956.

Sherwood Lett, who was a partner at E.P. Davis & Co. and the Law Society bencher in charge of articling, had a tremendous influence on Brian's career. Lett participated in the war crimes trials and, when absent on these, turned his student Brian over into the care of Hossie, who took this assignment seriously, to Brian's great benefit. One never came in contact with Hossie without learning something new.

Lett's prominence as a brigadier in World War II made him the Canadian choice to serve, along with representatives of India and Poland, on the United Nations International Supervisory Commission in Vietnam, supervising the turmoil following the collapse of European control of French Indo-China. Lett was most reluctant once again to leave his home and family, not to mention his law practice. However, in the stands watching the rowing races on the Vedder Canal during the 1954 British Empire Games, Lester Pearson and Prince Philip persuaded him to take on the task for Canada.

Brian did not realize the momentous consequences for him. He became caretaker of Lett's law practice, and when Lett returned in 1955 to take up his appointment as Chief Justice of the Supreme Court of British Columbia, Lett's clients became Brian's. Brian must have satisfied those clients as they substantially followed him to Douglas Symes and Brissenden ("DS&B") a year later, when he became a partner of that firm. Included among these clients were the Medical Services Association, Newmont Mines of Canada, Anaconda Minesaphea and Anaconda Brass, Boyles Bros. Drilling (world-wide) and the 23 companies in the Evans, Coleman and Gilley Bros. Ltd. group, which Brian amalgamated into Ocean Cement & Supplies Limited.

Brian arrived at DS&B after discussing with Dal Grauer (a fraternity brother and then head of B.C. Electric) his discontent with Davis & Co., where many years earlier Grauer had been a student. After this conversation Dal went next door to the office of his vice-president and general counsel, Bruce Robertson (with whom Brian later served on the Court of Appeal), who phoned Pearley Brissenden, who phoned Brian, who happily

accepted a partnership at DS&B. At that time the firm included the retired but ever-present A.H. (Sandy) Douglas, K.C., Pearley Brissenden, Bob Douglas, Bob Plommer, Jack Thompson and Harry Bell-Irving.

Brian had a wide-ranging commercial practice. In addition to his creation, by amalgamation, of Ocean Cement & Supplies Limited in 1957, he was responsible for the legal work on the Granduc mine north of Stewart, B.C. Not only was a major mine created by Newmont in a location that could be reached only by crossing into Alaska at Hyder, but a lengthy tunnel had to be drilled through the mountain to allow the ore to be brought out to the new deep-water port at Stewart. Through his work with Bulkley Valley Forest Industries Limited, Brian was also involved in putting the little-known town of Houston on the map of British Columbia, and took many trips to that town.

At Pearley Brissenden's urging, Brian became active in the affairs of the legal profession. He served 18 years on the councils of the CBA, serving as vice-president for British Columbia (the position now called president) in 1967-68 and attending 18 consecutive annual conventions across Canada. He also served 10 years as a bencher of the Law Society, the last year as master treasurer (another position now renamed president). Through the 1950s and on into the 1960s most of the benchers were re-elected term after term with the expectation that in due time, each would be in line to be elected master treasurer, who then served for a two-year term. In the result, 15 years after the first graduates from the UBC law school entered the profession, none of them had become a bencher. Pearley Brissenden had served two terms as a bencher and concluded that it was time the benchers became more relevant to the needs and aspirations of the then prevailing junior bar. At Brissenden's suggestion, Brian ran in the 1963 benchers' election and ended up as the first non-elected candidate after all seats had been filled with old-timers. Shortly afterwards Angelo Branca, Q.C., who had just been re-elected, was appointed to the Supreme Court of British Columbia and the benchers appointed Brian a bencher in Branca's place. Thereafter, Brian was re-elected a bencher biennially until 1972 when, at the annual meeting at Jasper, he was elected master treasurer. In his acceptance speech, he reminded listeners of how things had changed since he had first entered the practice of law, and the days when "pot" was a vessel for cooking things in, and 'hooked' was what grandmother's rug may have been ..., and of course when "roll" meant a bun, and 'rock' was a stone, and 'hang-up' was something you did with the phone.

Among Brian's major achievements for the legal profession was organizing in the 1950s, with the help of the UBC Extension Department, annual

one- or two-day Law Refresher courses, following a survey (conducted by Brian as the federal chairman of the CBA's Legal Education section) of continuing legal education across Canada. When Brian persuaded any lawyer to participate as a lecturer or on a panel, he immediately had both the treasurer of the Law Society and the vice-president of the CBABC deliver to each such lawyer a letter of thanks, so that the consenting lawyer could not back out. Ultimately the benchers (including Brian, who was by then the bencher responsible for legal education) established the Continuing Legal Education Society of British Columbia and its full-time program.

To foster the litigation aspect of legal education at the UBC and UVic law schools, Brian initiated and ran for over a decade the annual B.C. Superior Court Judges Competitive Moot. To provide some incentive to the law students of those two schools, Brian procured from the sculptor Ralph Sketch, as a winning prize, a bronze statue (with a large base to carry the names of the winning teams). The statute was of Chief Justice Sir Matthew Baillie Begbie holding court on his horse, which he did in the Interior of B.C. before there were buildings available for the purpose. The judge's gown is authentically modelled on the actual gown of Mr. Justice M.W.T. Drake, a contemporary of Chief Justice Begbie in the previous century and grandfather of Mr. Justice Monty Tyrwhitt Drake, who provided the gown for Sketch to sculpt. The Begbie trophy was later adopted by the benchers for the Law Society Award.

In 1959 the CBA incorporated the Foundation for Legal Research in Canada to initiate and sponsor legal research directed toward the day-to-day practice of law and the administration of justice in this country. In order to perpetuate and stabilize income, the "Fellows of the Foundation" were established in 1968. Membership as a fellow is limited arithmetically to 5 per cent of the legal profession in Canada and is limited qualitatively to those having an interest in the law and in legal research. To become a fellow (on invitation) a pledge to contribute \$100 a year (now \$200) for 10 years was required and, if paid, elevated the donor to life fellow. Donations were invested and income used only for research grants. Brian was elected the first chairman of the fellows, with responsibility under the direction of the trustees for recruiting, collecting and investing the contributions of the fellows and reporting to them annually. Some years later, when the Honourable Walter S. Owen, Q.C., the first chairman of the trustees, became Lieutenant-Governor of British Columbia, Brian succeeded him as chairman of the trustees. Brian recalled fondly the monthly lunch meetings he had for a time with Owen and Dean George Curtis, who for some period was chairman of the Research Committee.

In 1973, Brian realized that his law practice demanded a great deal of time away from his home. This was a particular issue, as Jean's health had deteriorated. Brian was offered an appointment to the Supreme Court of B.C. but he declined, believing that, as a commercial solicitor, he had enjoyed too little experience of litigation to qualify him for trial work. A few months later he was offered a seat on the Court of Appeal. Brian decided that a justice of appeal could prepare for the hearing of appeals and write judgments with the aid of a good law library at home. He accepted the appointment and sat in the Court of Appeal until his 75th birthday in January 1998.

Probably the most quoted judgment that Brian wrote was his decision in the Morrison Knudsen case (the appeal from the decision of Jim Macdonald J. in the W.A.C. Bennett dam matter). The trial in that case had lasted over a year.

The Honourable Mary Southin, Q.C., remembers sitting with Brian and Toy J.A. on an appeal by a self-represented logger who had been fined \$250 for possession of marijuana. The logger said in his submission, "I work hard in the woods all day and when I get home I like to enjoy a joint. It's much the same as you, though you enjoy a martini instead." Brian was amused and sympathetic to this plea, and reduced the fine to \$50. Toy and Southin J.J.A. concurred.

Jean passed away at Stonehaven in 1981. This was the family home in Caulfeild in West Vancouver, which in 1942 had been rented by Sir Thomas Beecham (a celebrated English conductor). On Jean's death, Linda moved back home to keep Brian company, and Linda and Robert learned to their utter amazement that their father was fully capable of maintaining the weekly Sunday dinners (his specialty being a delightful stuffed salmon). In 1982, Brian married Sheila, a retired anaesthetist, and they enjoyed many years of travelling together.

On retirement from the Court of Appeal, Brian was invited back to DS&B as a consultant, joining his son Robert and his own old law school classmates Harry Bell-Irving and Malcolm King. Brian compiled a history of DS&B and supplemented his own autobiography with additional details highlighting what he considered to be interesting aspects of his practice and his major contributions to the bar.

One might wonder how Brian found time to practise law in the light of his many contributions to the bar, but in fact he was, in every year of his partnership, the most productive partner in the firm. This proves the maxim that if you want a job done well on a timely basis, you give it to a busy person.

Brian carried on in an unofficial capacity with Legacy Tax & Trust Lawyers (once DS&B was dissolved) until the onset of senile dementia prevented him from coming to the office on his own. He passed away peacefully in December 2014.

Robert Carrothers and Harry Bell-Irving, Q.C.



Harvey Bowering

Harvey Bowering was born in Vancouver, noisily, on August 21, 1928, and died there peacefully on December 22, 2014. He practised law for 45 of those 86 years, all at the firm now known as Bull Housser LLP, but called, when he joined it, Bull, Housser, Tupper, Ray, Carroll, Guy & Merritt, Barristers & Solicitors. He cut his legal teeth practising among the "giants of the bar", as he liked to call them, and as head of the firm's insurance litigation department he trained an impressive array of legal talent.



Born of solid Newfoundland stock, Harvey attended King George High School in Vancouver's West End before studying economics and history at the University of British Columbia. He then turned to law at UBC, starting his studies in army huts and graduating in 1952. He financed his education working for a burglar alarm company until he commenced his articles with the admiralty firm then known as McMaster, Boyle & Parks, fittingly located in the Marine Building.

Upon his call in May 1953, Harvey secured a job with Bull Housser, junioring Alfred Bull. From Harvey's oft-expressed perspective, there were three giants who practised as counsel in Vancouver in the late 1940s and early '50s: Senator Farris, K.C., Alfred Bull, K.C., and Neil Hossie, K.C. (all duly evolving into Q.C.s). Their ranks later grew with the addition of luminaries such as C.K. Guild, Q.C., Douglas McK. Brown, Q.C., and Bae Wallace, Q.C., but in the "early days", he maintained, there were but three counsel of such stature. And he was attached to one of them.