



Professor Donald J. MacDougall

The value of a life lies not in its length but in the use made of it. Don was not born into wealth or privilege. Quite the contrary. At the age of ten his parents split up, and thereafter he was brought up by his mother. Times were hard.

He had two mentors who had a significant impact upon his choice of courses. The first was his school principal who, recognizing his potential, urged him to pursue further education. Overcoming some family doubts about the utility of attending university, Don applied for, and received, Dafydd Lewis Scholarships to cover three years studying law at the University of Melbourne. That award was tailor-made for Don's situation. It was intended to address the plight of boys whose parents could not afford a university education for them. It covered not only fees for full-time degree courses, but also books, food and clothing. Don met the requirements of both need and academic excellence.

Admitted to law school in 1952, Don performed with distinction, receiving exhibitions (awards) in no less than six separate subjects over the course of his studies. He did so despite finding time to serve as editor of, as well as a contributor to, *Res Judicatae*, the predecessor of the *University of Melbourne Law Review*, and being a student representative on the council, the governing body of the university.

Don's academic journey began with his appointment as senior tutor at Melbourne. Encouraged by Zelman Cowen, then dean at Melbourne, to

spend time abroad, Don chose the USA over England for his graduate work. He spent the academic year 1958 to 1959 at the University of Chicago as a British Commonwealth Fellow and Fulbright Scholar, earning his J.D. degree. Selecting Chicago proved to be a momentous decision, life-changing in its consequences, for it was there that he met Jony, his wife to be.

Moving back to Australia, Don was appointed senior lecturer at the University of Sydney law school in 1959. From 1961 to 1965 he served as editor of the law review. In February 1963, he and Jony were joined in a marriage that was destined to last almost 50 years.

He came to UBC in 1965 as a visiting associate professor, received a permanent post the following year, and was promoted to professor two years later. Save for sabbatical leaves he served without a break until 1999, when he reached compulsory retirement age, was granted emeritus status and ceased to teach full time.

His teaching and research interests changed somewhat over the years. I understand that the main focus of his work in Chicago was conflict of laws. Initially he taught that at UBC. He wrote an article on Conflicts in the *UBC Law Review* in 1967. He contributed in 1968 to the first Australian conflicts text. However, according to his curriculum vitae he last taught the subject in 1991 to 1992. More recently his profile listed his teaching and research interests as including family law, children and the law, law and aging, and negotiations and dispute resolution. Upon occasion, juvenile justice was substituted for law and aging. As Don himself explained his career, "When I began, I taught conflicts. As a new father, I moved into family law. As I grew older I developed an expertise in law and aging."

He also taught in other faculties such as Graduate Studies (law and the elderly), Medicine (genetics and the law), in the Schools of Nursing and of Rehabilitation Medicine, and the Faculty of Education (short course for principals) as well as courses in family law, negotiation and mediation for the CLE Society of B.C. However, it was in the field of family law that Don earned not only a provincial and a national, but also an international, reputation.

Starting with the last point first, he joined the International Society of Family Law ("ISFL") in 1973, became a member of its executive council in 1982, and was vice-president from 1988 to 1991. He helped organize a World ISFL Conference in Tokyo, two regional conferences in North America and presented papers at World Congresses on family matters and on child health in Sidney and Vancouver, respectively.

Apart from the influence of his teaching and writing, he participated in the CBA National Family Programs in the 1990s. He was managing editor of the *Canadian Journal of Family Law*. He served as a director of the Family Law

Foundation and as consultant to the Law Reform Commission dealing with the field of family law and the Berger Commission on Family and Children's Law. But perhaps he had the most significant impact on the family law bar generally, and members of the judiciary, through his work for Continuing Legal Education and, in particular, his work on the editorial advisory boards of the successive updates of the *B.C. Family Practice*, the *Family Law Source Book for B.C.*, and the *Family Law Agreements Manual*.

Don never revealed to me the inner workings of the advisory committees. I only know from him that it was a massive task. Apparently, discussion sometimes became heated and were often concluded by Don, in his typically calm way, very quietly referring to his meticulous notes, where he tracked all Canadian and probably most Commonwealth cases too. While the membership of the editorial board changed from time to time, Don served from the beginning. He was remembered for his attention to detail, his vast understanding of policy and legal principles, his gentle humour and his dedication to the task, notwithstanding his medical problems.

He was variously described to me by colleagues on the projects as "a wonderful academic"; "always incredibly well-respected by family lawyers"; as "knowing the law inside out"; "extremely calm, confident and unflappable"; the "voice of reason and caution"; "a very remarkable guy"; "practical"; "much admired" and "a pleasure to work with".

Clearly, those in family law practice enjoyed the great benefit of Don's scholarship in putting the manuals together and keeping them up to date. He played a large role in family law education in the course of his long career.

There was a remarkably strong link between Don and Continuing Education, dating from the time that he chaired the UBC Senate Committee. He was regarded with particular respect and admiration by the Continuing Legal Education Society. He contributed many hundreds of hours to key CLES projects and made an outstanding contribution to B.C. law on many fronts, and in particular, the flagship manuals to which reference was made earlier. He is remembered as a faithful and extremely dedicated volunteer who served the cause of continuing education for a good many years. Indeed, after his retirement in 1999 he continued his work on the various family law projects for a full seven years or more.

Students have described him as "very generous with his time", "always ready to help" and "greatly admired for the depth of his knowledge". One or two did reflect upon the state of his office and, in particular, upon the fact that they could not see the occupier of the office behind the piles of papers on and around his desk.

It would be remiss of me not to mention Don's role in the broader community—as a director (in sequence) of VCLAS, later of the Family Law Foun-

dation and of the United Way of B.C., culminating in his presidency from 1977 to 1979 of the United Way of the Lower Mainland, and finally three years as a director of the Mediation Development Association of B.C.

Don MacDougall was a much valued colleague. A true friend. A special person. A kind, compassionate and caring person, one who respected others. Not a spiteful bone in his body. A sad loss to all who knew him. Truly a man of faith who not only participated fully in his church, but never sought to impose his views on others.

He leaves behind Jony, his wife of almost 50 years; four sons (two lawyers, a pediatrician and an accountant), all of whom provide testimony to the parenting skills of Don and Jony; and thirdly, the sad memory of their daughter Katie, who died prematurely and is memorialized in the Katherine Genevieve MacDougall Memorial Prize, donated by Don and Jony. That prize is offered for Children and the Law when that course is offered. Otherwise it goes to a student who achieves high standing. An award is proposed to commemorate Professor Donald John MacDougall. Donations should be made to the Faculty of Law at UBC.

Tony Hickling

