



# ON THE FRONT COVER

THE HON. LANCE S.G. FINCH,  
C.J.B.C.

*By the Hon. Mr. Justice Kenneth C. Mackenzie*

**W**e have a new Chief Justice of British Columbia. Lance Finch follows Allan McEachern in the highest judicial office in the province. Chief Justice Finch has been a colleague of Chief Justice McEachern for 18 years, first on the Supreme Court of British Columbia and, since 1993, on the Court of Appeal. Continuity will be the hallmark of this transition.

Lance Finch was born in Edmonton and moved to Victoria at an early age. He attended the UBC Faculty of Law, graduating in 1962 as part of that celebrated class, which included Frank Jacobucci and Martin Taylor. He articulated with the firm of Guild Yule & Co. (as it then was and still is) and spent his entire career at the bar with that firm after his call in 1963.

The Guild Yule connection with the bench has not escaped notice, and it may be of interest to attempt to sketch the legal culture at that firm in Chief Justice Finch's formative years at the bar. In that era the firm was relatively small, never more than 20 partners and associates. The firm's practice was predominantly civil litigation, with many of the files coming from insurance companies that had been clients for many years. Litigators are a notoriously unruly group and the firm had a "hip pocket" style of management (or lack thereof). It has never had a designated managing partner, management committee or office manager. The tone was set by the senior partner, K.L. Yule, Q.C. By the time Lance Finch had arrived, Mr. Yule had stopped going into court himself but he called the shots on major litigation. He hid a warm heart under a gruff exterior. He was a generation older

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than the firm's front-line counsel, which included Frank Collier, Ted Hinkson, Bert Schmitt, Bud Hollinrake and Pat Nowlan. Mr. Yule approached cases with great intensity, and he ordered Bromo Seltzer in by the carton.

Mr. Yule perfected his own unique management technique. All incoming mail other than personal mail was opened in the mail room in the morning and outgoing letters were also collected there in the afternoon before being folded and placed in envelopes. Mr. Yule attended regularly and reviewed all the incoming and outgoing correspondence. He followed what was happening in all the files. If a reporting letter to a client was not to his satisfaction, the author got it back marked up by Mr. Yule's pen with terse instructions for correction. It was peremptory but effective.

The firm had a reputation for settling most of its cases but there were always some that for one reason or another could not be settled. On the eve of a major trial Mr. Yule became general commanding officer and virtually the whole firm would be swept up in the preparations. For juniors the atmosphere was exhilarating when it wasn't terrifying. That type of general call to arms would appear woefully inefficient today because much of the activity was not billable time. But it was wonderful experience for Lance Finch and other juniors, and it contributed to a sense of shared purpose. Despite its varied personalities, the firm had cohesion and a commitment to excellence. Litigation tactics were important but there were rules to the game. Professional obligation and courtesy were highly valued. A reputation for fair dealing was essential among opposing counsel, who would meet each other repeatedly and had long memories.

The business side of the practice did not have high priority. Time sheets were unknown and files were generally not billed until the matter was concluded. Unbilled work in progress was vast and unquantified. Other firms occasionally grumbled that the firm undercharged its cases and it may be that judicial appointment was more attractive to Guild Yule counsel because the financial sacrifice may not have been as great. The frequent departure of senior counsel to the bench created opportunities for those behind them.

This was the environment in which Chief Justice Finch learned the trade. He advanced rapidly to cases of increasing responsibility and complexity. He litigated all sorts of disasters great and small, including fires, floods and landslides as well as the usual assortment of motor vehicle accidents. He went to Japan to take evidence in a commercial dispute. He developed a specialty in heli-skiing accidents (and as a consequence prudently confined his own skiing to groomed slopes and cross-country trails).

In the firm tradition, he regarded the bench as the culmination of a career at the bar. He accepted a Supreme Court appointment after 20 years in practice. Over the next 10 years as a trial judge he earned a reputation for patience, courtesy and clear incisive judgments. He described his move to the Court of Appeal in 1993 as a shift from the quest for truth to a search for error. Fortunately, errors do not appear to have been in short supply (although opinions certainly differ among trial and appellate judges as to where most errors are made).

Distortion of perception resulting from total immersion in the law is a danger of legal life, both on the bench and at the bar. Chief Justice Finch has avoided this trap by maintaining a balanced life anchored in his family. For nearly 40 years he has been married to Judy, a gracious lady with an infectious sense of humour. They are each other's best friends. They have three children, Andrea, Michael and Laura, and a growing number of grandchildren. The family cottage on an island in the Gulf provides a rustic retreat from urban pressures and a centre for family gatherings. Chief Justice Finch can be expected to exercise his inherent jurisdiction (under direction from Judy) to ban cellular phones and other intrusive means of communication from the cottage environs.

The pressures facing judicial administration today come from all quarters. The tendency to seek legal solutions to social problems shows little sign of abating. Litigation continues to become more complex. New information technology must be added to cope with the avalanche of data and to improve court efficiency. Conversely, the courts are seeing more self-represented litigants who must be accommodated with patience and comprehensible procedure. The challenge facing our new Chief Justice will be to adapt the system to meet these new demands while preserving the enduring attributes of the rule of law. Like his predecessor, Chief Justice Finch exemplifies the best traditions of bench and bar. We wish him well as he takes up his new responsibilities.

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