

George Derek Gillis



Derek Gillis, an extraordinary man, died on September 8, 2014. Derek was born on April 11, 1934, in Sunderland, in the northeast of England. He was a Geordie, and proud of it.¹ His father, George, was a coal miner, a semi-professional soccer player and a bookmaker. His mother, Elizabeth, was a homemaker as well as an astute businesswoman who purchased and rented residential properties. As a child growing up during World War II, Derek actually loved wartime England—writing letters for his grandmother to his uncle who was a POW, knitting squares to be made into blankets for soldiers, sailing Huck Finn-like rafts across a lake created by a bomb crater in his football field.

As very good students, Derek and his sister Maureen were able to attend a “good school”, The Venerable Bede, Church of England Academy, where Derek fostered his love of languages and literature. In 1952 he attended the Marine and Technical College in South Shields, England, and applied his training there as a radio officer in the British Merchant Navy from 1952 to 1956, as a radio operator in the Royal Air Force (England) from 1956 to 1958 (including time stationed in Cyprus) and later with the Department of Transport (Vancouver) from 1958 to 1960.

As a teenager in the British Merchant Navy, Derek was a very popular radio officer. He could do almost anything he wanted on the ship, and although he attributed this to his outgoing personality, it appears it was only because of his ability to tune into any radio station, anywhere, and retrieve the music, the cricket matches, the horse racing results and the football matches the sailors wanted. He circumnavigated the globe three times on commercial vessels, stopping for various lengths of time in ports throughout the world. He delighted in exploring different places and cultures. When passing the Pitcairn Islands he particularly enjoyed making radio contact with descendants of the mutineers from the *Bounty*.

A voracious reader, Derek’s passions included literature, jazz, sports and movies. As a child he never missed a film that passed through town, thus spending his entire allowance. He was always able to recall the name of a movie, the actors and any songs in the movie. His adeptness with the short-wave radio permitted him to listen to interesting jazz programs from across Europe. On one occasion, while anchored in Buenos Aires, he took one of

the more rough-around-the-edges sailors with him to a tango bar to listen to a jazz guitarist. Eva Peron had recently passed away, and everyone was talking about how great she was and singing songs about her, thus delaying the start of the guitar performance. The sailor, a little drunk at the time, apparently became disillusioned with this delay and shouted, "F**k Eva Peron, bring on the guitarist!" Derek immediately grabbed the sailor and ran. Derek gleefully told this story, and added "ran ... to the sound of gunshots following us down the road, so it was a little serious you know".

On his return to England following his time in the National Service, Derek was tempted by a friend to come to Canada to work on the DEW (Distant Early Warning) Line. He talked his way onto a ship sailing to Montreal, and landed on May 2, 1958, only to learn there were no jobs on the DEW Line. He worked in the bush in northern Quebec as a radio operator until he agreed to drive a doctor's car out to Vancouver. He parked in front of the doctor's mother's home, into which he was welcomed, and years later, with his wife Brigid, he bought the house immediately across the street. This was the house in which they raised their family.

Derek first met Brigid Gerrard Lavery, a pediatric physiotherapist, in 1972 at one of the many ex-pat parties that took place in Vancouver. Brigid was talking with a friend, who had just been home to her native Belfast and who said something to Brigid regarding Brigid's "Daddy's pub". Derek heard this comment and without a moment's hesitation turned, looked at Brigid and said, "Daddy's pub? Will you marry me?" When Derek learned that the location of the pub was in distant Belfast, he as quickly changed his mind: "Forget that!" He did not, however, forget Brigid, and they were married in March 1974. Because of the location of the pub and the Troubles, Derek received only a few free beers out of this arrangement.

Brigid and Derek have three children: Maureen, Claire and Gowan. It was a great joy for Derek to sit in the front row in the Law Courts in May 2014 when Maureen was called to the bar.

Settled in Vancouver, Derek attended UBC and studied English and French literature. In the summers he worked in Haida Gwaii as the sole radio contact between Vancouver, Sandspit and Anchorage, and he had numerous great adventures ... most of which, no, *all* of which, cannot be shared on these pages.

In 1962, Derek was employed in a prominent position with the British Pavilion at the Seattle World's Fair, where he met and spent time with figures as diverse as George Shearing, Prince Philip, Danny Kaye and Richard Nixon, among others. Robert F. Kennedy took such a shine to Derek that he invited Derek along to see him interviewed by Edward R. Murrow.

When Derek acted as best man to his best friend, Gerry Robinson (later Q.C.), Gerry's father, Christopher Robinson, Q.C., suggested he go into law. "It's very easy," he said. "All you need to know are the facts. Don't bother yourself with the law, just learn the facts." Derek never forgot this advice and maintained throughout his career that fact-finding was the most important aspect of the law. Years previously he had been told by the sailors that they thought he might have a bent for the law because when any of them were in the drunk tank in a foreign city, he was the one who was sent to negotiate their way out without paying a fine. He had 100 per cent success and later saw this as the genesis of his advocacy skills. Doing so he also saw firsthand the most horrific jails and conditions he could ever have imagined.

After three years towards his B.A., Derek was granted admission to UBC law school. He attended from 1963 to 1966, articulated with Bull Houser & Tupper in 1966-67 and was called to the bar in 1967. From 1967 to 1969 he practised at Bull Houser & Tupper, where he specialized in admiralty law, using his radio and seafaring skills and working under the wise guidance of Colonel C.C.I. Merritt. Derek was relegated to their admiralty law division not because he knew any admiralty law, which he did not, but he knew how ships worked and how to deal with sailors. He also handled a wide range of other cases, including divorces and immigration. He later practised with L.A. King & Co., from 1970 to 1973, and with Constantini & Co. from 1973 to 1978. He then became associate counsel (litigation) with British Columbia Resources Investment Corporation, which had acquired Canadian Cellulose Company Ltd. (later Westar Timber), and assistant secretary, B.C. Timber Ltd., and practised a broad range of labour, environmental, aboriginal and commercial law. He was instrumental in negotiating key softwood industry agreements in Brussels.

With wide experience in private practice in general litigation, including commercial, family and criminal cases, Derek appeared in all courts and before many administrative tribunals as well as the European Economic Council. He also was actively involved in the early days of the Lawyers Inn, was a member of the Legal and Legislative Committee and was on the Council of Forest Industries.

When it was first suggested to Derek that he apply to become a judge, he was very wary, having a strong aversion to any environment he feared might breed pomposity. However, when offered a position on the Provincial Court, he felt this might be a good environment for him. He was a Provincial Court judge for 18 years. He found the position rewarding but challenging, and often deeply sad. He felt he derived a lot out of seeing not how "the other half" lived but, as he put it, how "the many, many, many other halves

of this province lived". His children always knew how seriously he took the job and how wearing it could be on him. He could often be seen mulling the day's events for hours after coming home.

Derek took pleasure in humanizing the bench. He enjoyed surprising counsel by informing them that he knew very well who Marilyn Manson was when a young offender referenced the singer. He also remembered an incarcerated father seeking custody who bragged that once he was out of jail, he would be a good father: his kids would have steak every night and would not wear any hand-me-downs, to which Derek replied that his own kids wore hand-me-downs and, as children, would have chosen Kraft Dinner over steak any day.

Derek became a cornerstone of the Vancouver Family Court from the original Yale Street location to its move to Robson Square. He cared deeply about the welfare of his colleagues and the integrity of the court. He was a terrific judge, with the ability to listen, learn and understand. Perhaps his humble beginnings and broad experience gave him the insight into the people who appeared in front of him. His career on the bench was primarily in the area of family law, and he was overturned on only one occasion: when he awarded a wife \$175 per month and the appellate judge felt it much too low—awarding her \$200 per month. He took particular pride in a judgment on appeal by Madam Justice Southin, who wrote that she adopted his judgment as her own.

Derek, with his unbelievably quick wit, was the king of one-liners. Indeed, despite his no-nonsense approach to the work, Derek was a joker, and while he constantly reveled in fun, he could always be counted on to provide kind and steady support. There are no doubt a number of lawyers with stories about Judge Gillis. There is one story that the transcript discloses involving a young person charged with theft of a motor vehicle valued under \$5,000. The lawyer had Judge Gillis read out the charge to the young person, and when he got to the part about the property being owned by one Sunni Stromberg-Stein, Derek looked up and ever so casually said, "Why don't we sentence him now?"

Derek was one of those very special individuals who touched everybody he came in contact with. When he retired in May 2004, the Court Registry staff put on a retirement dinner for him, to which only Derek, the staff and some judges he selected were invited. He had a wry wit and a quiet charm. Once a friend, he was loyal forever.

In late 2008, Derek was diagnosed with inoperable Stage III lung cancer and underwent chemotherapy and radiation. The cancer was reduced considerably, but left him with radiation pneumonitis requiring 24/7 oxygen.

Despite this, and a modest prognosis, he fought the disease and associated health issues for another five years. And he did so with good humour and strong spirits, supported by Brigid's exceptional care and advocacy. As Brigid put it in her annual Christmas letter, he never "took to his bed", and he enjoyed "terrorizing" the neighbourhood on his fast-moving scooter.

Brigid, Maureen and Gowan were with Derek when he died peacefully on September 8, 2014. His wit, wisdom and friendship will be fondly missed by family, friends and colleagues alike.

Bryan K. Davis and Maureen C. Gillis

ENDNOTE

- 1 Since at least the 1980s, people from Sunderland have referred to themselves as "Mackems" to distinguish themselves from the Geordies further up the river in Newcastle. It is thought that the term

"Mackem" might refer to the act of building ships in Sunderland before they were launched and removed by the purchasers ("we mak'em, they tak'em") —Ed

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