



John D'Arcy Gardner



On September 3, 2016 Mission Memorial Hospital witnessed the end of one of the most unusual yet quintessentially Canadian legal careers in the history of British Columbia. John D. Gardner was the first person to graduate from the University of British Columbia Faculty of Law in a wheelchair, but what really set him apart were his contributions to legal scholarship. As editor of Walter Tarnopolsky's *Discrimination and the Law*, revised by William Pentney, he became a hidden expert on human rights issues. He also carried the torch for that secret weapon of the law library: *Sanagan's Encyclopedia of Words and Phrases: Legal Maxims*. Rarely cited in legal judgments it was, all the same, the starting point of the research used to construct many a ground-breaking argument or to decon-

struct the ill-conceived notions of an opponent. Considered invaluable by judges, this important reference has provided reassurance that the incoherent baffle-gab they sometimes have to listen to in court really is off track. As stated by John's publisher at Thomson Reuters, the perspective he took in the commentary he provided was practical yet scholarly, and as such his works continue to be invaluable to librarians, lawyers, students and judges across Canada.

John was born in Estevan, Saskatchewan to Jack and Gladys Gardner on October 18, 1950. His father was a mining engineer. His parents had been living in South Africa, but they did not want their son to be born there. Gladys returned home to her parents' wheat farm near Midale while John's father stayed behind. John was nearly a year old when the family reunited in New York City. His earliest memories were riding the Staten Island Ferry, which cost only a nickel in those days. The family moved on to various copper mining locations in Arizona, Peru and California as Jack's job required. Gladys had worked as a school teacher in Saskatchewan and she home-schooled John until she eventually put her foot down with all the moving and stayed put with John in Los Altos, California while Jack returned to South Africa.

John was so far ahead of the other students in his school that he became bored, acting out and getting into lots of trouble. His parents managed to get him into a prestigious, scholastically oriented prep school where he graduated with the highest honours, winning many scholarships to university. Accepted at Berkeley and Stanford, he chose Grinnell, an elite and highly ranked liberal arts college in Iowa. His father sold their California home and moved John's mother, the dog and all the family possessions to South Africa permanently while John was left on his own.

This happened at the height of the Vietnam War and, like thousands of others, John did his best to avoid the draft. He planned to move back to Canada if his number came up and, on one of many partying road trips up north with classmates, he went to an immigration office in Winnipeg to formally renounce his U.S. citizenship. After completing his studies at Grinnell, he worked as a logger and in mining on Vancouver Island with a view to saving money to travel.

In January 1973, two of John's friends from Grinnell came up to Canada to visit. John got a few days off from the mine in Gold River to show his friends around B.C. One was driving John's car, with John in the passenger seat and the other friend in the back, when they hit an icy curve in the road between Port Alberni and Long Beach. The car rolled down a cliff, turning over and over again. A driver who had been following stopped and scram-

bled down the embankment to help. Never one to let adversity get the best of him, John was reciting *The Waste Land* by T.S. Eliot to ease the pain when the passerby lifted him up causing his spine to fracture.

As a star pupil in therapy at G.F. Strong Rehabilitation Centre, John became adept at moving around with crutches and braces when not in a wheelchair. He spent a few years sorting out his life, living with his mother and taking a variety of classes at Simon Fraser University. It was there that he met Karen Wellburn. Charmed, as we all were, by his enthusiasm and cheerful wit, she provided the practical support needed to get him through law school and go on to create a fulfilling life and career despite being wheelchair bound.

John was called to the B.C. bar in 1982 and set out on his career working first in private law firms, then as a prosecutor for Canada Immigration, before becoming a legal writer updating a variety of texts and reference books that are standards in Canadian law libraries. These included Harris' *Wrongful Dismissal* and Campion & Dimmer's *Professional Liability in Canada* as well as Tarnopolsky & Pentney's *Discrimination and the Law* and that classic staple, *Sanagan's Words and Phrases*, all of which made for a prodigious amount of reading and writing. Updates of *Words and Phrases* were originally made two or three times a year, but John stuck with it as it became a hectic monthly venture passing from Richard De Boos in Don Mills, Ontario to Carswell, then on to Thomson Reuters Canada where it became one of the company's best sellers.

On the home front, John and Karen adopted Pavel and Lisa from Russia, becoming active in adoptive parent groups in order to maintain their cultural connections. The children thrived in the rich and loving environment the family provided. As well as studying Russian, John's active intelligence led him through biblical studies, Hebrew and an on-going feast of musical and literary interests. When the family moved out to Mission with the creation of the West Coast Express, John's engaging personality led him to make many friends during commutes. One of these mentioned Opening Nite Theatre's desperate search for a piano player and John became a mainstay, lending his multifaceted talents to many musical and theatrical productions.

As he grew older, John's paraplegic body became increasingly fragile. Despite having enough mental energy and *joie de vivre* to last forever, it finally gave out. He had a gift for turning obstacles into episodes in the great adventure of life, leaving us all to wonder not why such a good man had to die so young, but why we were so fortunate as to have had him with us at all.