

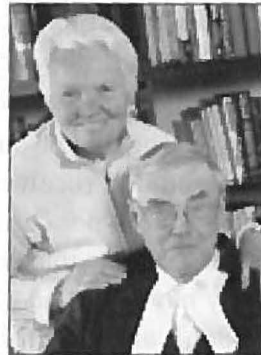
## The Honourable John Frederick Rowan, Q.C.

John Rowan was born in Regina, Saskatchewan on April 22, 1932 and died at Elger Bay on Camano Island, in Washington state, on May 23, 2016. John would say that couldn't have been born in a place he liked less and couldn't have died in a place he loved more.

John was the eldest son of Emma Jane Mustard and Frederick William Rowan, both of whom started teaching in Saskatchewan in the early part of the last century. John's father graduated from the University of Toronto in 1905. His mother, on the other hand, took her time. Emma Jane finally graduated with a B.Ed from the University of Manitoba in 1969 at the age of 71.

To John's mind, his time in Saskatchewan was mercifully short. All he ever talked about were very long winters consisting of bumper skiing behind the school bus and playing hockey on the backyard rink from Halloween until after his birthday at the end of April.

The Rowan family left Regina at the end of the school year in 1948. Upon their arrival in Vancouver, John swore he would never touch prairie soil again as long as he lived. He did all he could to remain true to his promise. In the early 1950s, while travelling by train to army training at Camp Borden, Ontario, he refused to get off the train to stretch his legs at any of the stops on the prairies.



While in the army, John participated in the 1954 British Empire Games. He did not do so as an athlete, though: he rode his army Harley Davidson in the opening parade. 1954 was significant for other reasons. His friend Eric Bendrodt introduced John to Helen Bryson at the Georgia Hotel Beer Parlour. Helen and John married five weeks later.

John graduated in 1955 from UBC law school. His class contained 78 men and 3 women. John and his classmate Danny Goldsmith remained the closest of friends until Danny's death ten years ago. They skied together at Mount Baker, Silver Star and Grouse Mountain, and eventually bought a cabin together at Whistler in 1983.

When John graduated in 1955, he and Helen moved to Kamloops to live with Helen's mother, Susan Bryson. John and Helen's first son, Gary, was born in June 1955. John articled to Paddy Colthurst and was called in May 1955. He received his bencher's interview from David Verchere (later Verchere J.) while jaywalking across a Kamloops street.

After articling, jobs were hard to get, so John took a position, with Reg Humphreys, where he was paid a share of what he brought in. John successfully defended a fellow and asked his boss how much he should charge, suggesting that he should charge \$200. John's boss said to charge \$500. John charged and received a fee of \$500. At the end of the month he got \$100. This was 50 per cent of the \$200 fee. John told his boss the number wasn't right. He was told that was the way it was. His boss said that John would only have charged \$200 so he only got half of what he would have charged.

John and Helen's second son, Mark, was born in August 1956. In 1957, Helen convinced John to move back to Vancouver. She was a small town girl with no desire to spend the rest of her life living in a small town. John obtained a position as a junior solicitor at Tysoe, Harper, Gilmore and Grey. For nine years John toiled away as a solicitor. He never did learn how to bill properly. In 33 years of practice the only people who complained about his bills were Helen and the other lawyers in his firm.

Soon after arriving in Vancouver Helen and John had their third child and only daughter, Susan.

At the Tysoe firm, John worked with his great friend David McDonald. They smoked, drank a bit of whisky and talked law. If John could have he would have continued smoking, but Helen made him quit in 1977. She never was able to slow down his other two loves, whisky and the law.

After ten years as a solicitor John stepped off an economic cliff. He had three children, a wife then not working outside the home, and 24 years to go on a large mortgage. He went from earning a comfortable living as a solicitor at Harper Gilmour Grey to earning less than one-third as much

working as a Vancouver City prosecutor for Stewart McMorran. Helen learned how to make macaroni and cheese five different ways as a result of this decision.

Within months, John went from being a solicitor to being one of the best criminal lawyers in Vancouver. John worked his way up in the prosecutor's office. Soon he had graduated from Magistrate's Court to doing the speedy County Court trials with his old friend Eric Bendrodt.

John was a liberal at heart, and Helen was known as Red Helen to their children's friends. In spite of that, John prosecuted some high profile cases that would be very unpopular today. He took on the role as an enforcer of order for the City of Vancouver. He prosecuted the Gastown Pot Riots and the Hari Krishna for making a noise at the corner of Granville and Georgia.

Throughout the years the Rowan house was a house where everyone was welcome and no topics were sacred. The conversations were always lively. Many young lawyers came over to draw on John's vast experience and generosity as a mentor. Their children's friends came over for the adult conversations about politics, law and life they could never have with their own parents. John and Helen treated the neighbourhood kids as equals and encouraged them all to challenge themselves intellectually.

John left the City Prosecutor's office in 1971. He briefly practised in Burnaby with a great group of young lawyers including Bill Stewart, Lynn Ramsay and Brian Coleman.

Then he moved to Gastown and set up an office at #1 Alexander with Jack Cram. They had a great group of young lawyers including Hamar Foster, Jo-Ann Prowse and Paul Williamson who sublet space from John and Jack in the same premises. There, John became a great mentor, wandering down the hall most days at 4:30 or so, often with beer in hand, to ask what the younger lawyers had done that day and what they were doing the next day, and then giving them suggestions, advice and hints about how to do it well, what tactics to employ, what questions to ask and what not to ask. And he was unfailingly right. He carried on the role of mentor for a generation of lawyers in Gastown.

And as to entertaining: John's Gastown offices were the space for serious legal work—but they were also a social centre. John was a social magnet. Lawyers from nearby offices, Crown counsel and Provincial Court judges from nearby Main Street were frequent visitors.

John prosecuted many important cases. He prosecuted the cross-bow murder trial of *R. v. Rouse and McInroy*. He laid the groundwork for the law of getting your own reluctant witness to adopt his or her previous statement. His good friend John Hall conducted the appeals in the British

Columbia Court of Appeal and the Supreme Court of Canada where John's position was upheld.

During the 1970s, John Rowan and John Hall prosecuted many of the most important criminal cases in British Columbia.

John prosecuted one of last capital punishment cases in Canada, *R. v. Miller and Cockriell*. He went to the Supreme Court of Canada with Helen in tow to keep him organized. They had to fly via the United States because of an airline strike. Josiah Wood and Terry Robertson were among the defence counsel. Parliament struck down capital punishment before the Supreme Court of Canada decision was rendered, but the court nonetheless proceeded and found that the death penalty was not cruel and unusual punishment within the *Bill of Rights*.

In 1977, John moved to 157 Alexander where he practised with Libby & Company. The tradition of great parties lived on with afternoon tea being enjoyed most days at the Medieval Inn. During the years at 157 Alexander, John had a very broad practice. He did a bit of solicitor's work, a bit of commercial litigation and a lot of criminal law for the defence and the Crown. He continued his work as a great mentor to many of the lawyers in Gastown. Many of those lawyers were later appointed as judges.

During the years at 157 Alexander, John became the lawyer's lawyer. Many lawyers went to John when they or their families were in serious trouble. One or two came a little late and John had to fix up their problems in the Court of Appeal.

John never did learn how to render a decent account. In his days of private practice the family had a string of cars received from one client or another in lieu of fees. Most of these cars were much nicer than any of the family cars.

In 1986, John's son Mark joined him after articling. John and Mark practised together until John was appointed to the County Court in New Westminster. While working together John and Mark defended lawyers, stock promoters and misunderstood citizens. These were great years together. It developed a bond that not many fathers and sons have. For the record, in spite of Mark's efforts, John still did not learn how to render a decent account. Fortunately for John and the general public, he never did have to learn, as he was appointed to the County Court in August 1988.

The now Chief Justice of Canada, Beverley McLachlin, swore in John as a judge of the County Court on September 26, 1988. After referring to him as one of the most distinguished appointees to the bench, she added that "John Rowan's reputation for integrity and competence, established over many years at the bar, auger well for a brilliant future on the bench."

Indeed, John developed a reputation as a very fair trial judge respected by the Crown and defence alike.

Many other judges were beneficiaries of John's generous and giving spirit. Frequently, they would go to his chambers seeking advice. He was always more than willing to accommodate.

He would listen patiently and then ask "Does the Crown really need this evidence?" If the Crown appeared to have a strong case without it, he would raise one of his famously bushy eyebrows, and say "Well?" and that was the end of the conversation. His view was, why clutter up a strong case with an iffy ruling that could jeopardize the whole case on appeal. And in cases where the Crown really did need the evidence, the eyebrow simply went up again.

This quickly became known throughout the court as "The Rowan Rule of Admissibility".

John read avidly and his knowledge of the law was unmatched. But one thing that made him stand out as a judge was his ability to include appropriate practicalities learned in a long and successful career at the bar. As Beverley McLachlin wisely and rightly predicted, John had a brilliant career on the bench.

Helen worked as a librarian next door to the New Westminster courthouse, at Douglas College. New Westminster was perfectly located for them. They could get into John's Land Cruiser after work on Friday and drive straight down to their cabin on Camano Island, Washington. They bought the property in 1976 and they spent as much time as they possibly could there. It is beautiful, with a quiet waterfront: their favourite place in the world. Eventually they built enough rooms for all of their children and grandchildren to stay. Many great parties were had at Camano Island.

When Helen and John were not at Camano Island or working, Helen was taking John on trips to Europe, Africa or South America. Helen was not your average housewife from the 1950s. She was much more progressive than most women two generations younger than she. If John had any feeling that he liked the way things were for husbands in the 1950s, Helen knocked those ideas out of his head.

Helen retired in 1991 and had more time to plan John's life beyond work. John was a Supreme Court judge until 2001 when he retired. Thereafter, from 2001 until 2008, Helen and John travelled and spent time with their children and grandchildren at Camano Island. Their town house was a 3,000-square foot apartment in Gastown that was designed for parties. Helen loved to host parties but never really took to cooking. She could cater a party for 100, all from Costco. John just made sure the drinks were taken care of.

In 2008, Helen died of a heart attack after fighting cancer for nine years. Between 2008 and 2013, John lived in the Gastown apartment and Camano Island with his caregivers Josee and Ross. He did his best to attend "Pizza and Plonk" on Thursdays with the New Westminster judges. Over time, his health slowly deteriorated so he moved into Hollyburn House in West Vancouver where he had 24-hour care and could be closer to his children and grandchildren.

In his three years at Hollyburn he maintained a very keen interest in the law. Four or five times a week he would have visitors who were always pressed for news from the world of law. His best days were when an old friend would come over and talk about law and lawyers.

John died at his cabin on Camano Island on the Victoria Day weekend. It was as if he had chosen his time and place.

John was destined to be a great lawyer and judge. To those whom he helped and taught, he was a great mentor. There have been few lawyers in this province who gave as much to the profession as John and expected so little in return. He was one of the good ones. A lawyer's lawyer to the end.

Mark Rowan, Paul Williamson J. and Bruce Josephson J.

