

NOS DISPARUS

Kelly Ann MacDonald

On May 18, 2014, Kelly Ann MacDonald passed away peacefully two and a half years after she was diagnosed with cancer. The open and honest courage and grace with which she met this ultimate challenge were an inspiration to her family and friends and mirrored the courage and strength with which she lived her life. She is survived by her daughter, Elizabeth; her parents, Ron and Betty MacDonald; and her sisters, Tracy and Lesley.



Kelly had an adventurous and daring spirit that, prior to law school, saw her working as a camp cook and rock hound in remote areas of British Columbia. Ever proud of her Tsimshian, Haida and Scottish heritage, Kelly sought to carry on the political legacy of her forebears. Kelly, who had developed her political awareness at a young age, continued her social and political activism while in law school at UBC (1988-1991). This activism, which extended throughout her life, was particularly evident in her passion for First Nations and child welfare issues.

Kelly loved the people in her life and sought out new connections at every opportunity. She made an incredible number and range of friends through her work, her community service and her travel, including the worldwide friendships she made at surfing camps. Whether surfing in Tofino or Nicaragua, California or Hawaii, Kelly came to embrace the "hang loose" attitude that comes when surfing gets in your blood.

But it wasn't all about fun and games with Kelly. After receiving her LL.B. at UBC in 1991, she went on to obtain her master's degree from UBC in 2000 with an analysis of self-governance issues related to First Nations child and

family services. Kelly asserted that all levels of government must begin the process of transitioning toward self-governance in child and family services based on traditional laws and practices in order to ensure the survival of aboriginal peoples.

In the years following university, Kelly's work was always oriented to benefiting the public good. She served on the National Parole Board, the Vancouver Police Board, the Child and Family Review Board and the Multi-Disciplinary Team to Review Child Fatalities. She spent several years as a senior adjudicator for the National Indian Residential Schools Alternative Dispute Resolution ("ADR") Process and for the Independent Assessment Process to resolve Indian residential schools claims. Kelly was very honoured to have presided over the very first tribunal hearing these claims. She made careful consideration, thoughtful analysis, professionalism and compassion the hallmarks of her commitment to the process to resolve these important claims.

Above all else, however, it was her work for First Nations child welfare of which Kelly was most proud. Kelly's frustration with the way in which First Nations children fell between the cracks as pawns in the jurisdictional battle between the federal government and the provinces led her to articulate, in a report on behalf of the First Nations Child and Family Caring Society of Canada, what became known as "Jordan's Principle". This principle can be summarized as the proposition that First Nations children are entitled to receive the same services as non-aboriginal children in the same timely manner. In practice, this means that the first government from whom payment is requested will pay without delay, and only after the child is safe and provided for will the governments fight over who is responsible for payment.

Since this principle was proposed in 2005, more and more jurisdictions in Canada, including the federal government in 2007 and the B.C. government in 2009, have adopted Jordan's Principle in legislation. In 2008, *The Vancouver Sun* highlighted Kelly's arguments in support of Jordan's Principle in an article entitled "A Sane, Simple and Humane Way to Help Save Children":

Vancouver lawyer Kelly MacDonald, a Tsimshian, wrote the 2005 report outlining Jordan's Principle ...

In addition to this being the only sane and humane approach to take, MacDonald argued that governments are legally bound to do so. Not only does the Constitution guarantee their right to safety and protection, it guarantees that all children—regardless of whether they are status Indians, non-status or non-native—are entitled to equal treatment. Those rights are also spelled out in the United Nations convention on children's rights, which Canada is a signatory to. (*Vancouver Sun*, February 16, 2008)

Kelly felt it was important to speak the truth on behalf of the most vulnerable in society. Thus, she was often impatient with a bureaucratic system that was slow to change as she remained steadfast in her beliefs and in the goals she wanted to achieve. But she marched on, because children needed to have a voice and she wanted to protect them from the violence and oppression perpetrated against them by the system and by social conditions.

Shortly before Kelly passed away, Patsy George, a close friend of hers, shared a quote from Rabindranath Tagore (a Nobel Prize winner for literature from India) that caught her attention and, in our view, captured both her indomitable spirit and her legacy: "I slept and dreamed that life was joy. I awoke and saw that life was service. I acted and behold service was joy."

Kelly loved, and was tremendously grateful for, her family, friends, and community and lived her life to the fullest to the very end. She made a point of connecting as many of the people in her life with one another as she could, knowing our lives would be the richer for it. Her departure leaves all of us with a profound sense of loss, but also with a renewed appreciation for the value of a life lived with purpose.

Alan Baycroft and Nancy Morgan

Jari Sokkanen

Jari left us on July 4, 2014, at only 37 years of age—far too young, and at the height of his life and career. His loss has been devastating for all who knew him, especially his family and friends.

Jari was born in Vancouver on November 21, 1976, to Arja and Markku. He was the first of two sons: his brother, Mikko, followed three years later. Jari spent most of his early years in Vancouver and Burnaby. He travelled to Calgary for his undergraduate years and returned to the city he had grown to love and call his home in 2005.

Jari was an old soul, a wonderful person. Even though his profession was to argue, in his private life he was never argumentative; he was a very soft-spoken man. Jari could be counted on always to greet people with a smile,

