

## David Stanley Nuttall



Dave graduated from the Faculty of Law at UBC in 1958. His father was a senior officer in the RCMP and had experienced various criminal cases with the Honourable Angelo Branca. It was through this connection that Dave met Mr. Branca and was accepted as an articled student and later as a lawyer in his firm.

I was already working at that firm when Dave joined; I had begun working with Mr. Branca in 1956. When Mr. Branca was appointed to the bench in 1962 he asked me to take over the law firm. At that time Mr. Branca's firm consisted of myself, Dave and three other lawyers including Mr. Branca's daughter, Dolores Holmes. I knew Dave's ability so I asked him together with Graham MacKenzie, who had major skills as a solicitor, as well as a general legal background, to form with me "Braidwood, Nuttall and MacKenzie".

Dave's practice included general litigation, automobile accident cases, family law and wills and trusts. He also acted for a number of doctors who lived on the Sunshine Coast and he was associated with St. Mary's Hospital. He was involved in giving general advice to families as well as small businesses. Often, he would incorporate their companies. He appeared in the Supreme Court of Canada twice and was successful on both occasions. We would say that Dave did not have clients, he had a following. On one occasion, he was stopped by a patrol officer for a traffic violation and the next day, that officer appeared in his office in order to retain [*"retain", not "detain", we note! - Asst. Ed.*] him.

In the early days when there were just the three partners and even later, when Robert Brewer became a partner, the partners' meetings remained brief and interesting. Dave was in charge of the staff and Graham was in charge of the firm. We had a card with each client's name on it. On one side was the fee in trust that we had received, and on the other our expenses were inscribed. How did the meetings work? For example, if the card related to Dave's client and the case was finished, he would say "TAKE IT!" and the trust money would be transferred to fees. After this, we went out for dinner at the William Tell.

Dave was generous to a fault. On the way from the Main Street courthouse to lunch he would give loose change to any beggar he encountered on the way, until his change ran out and he began dispensing bills.

On one occasion, Dave and I represented two accused in a case involving the theft of a safe from a commercial enterprise. This gave me the opportunity to observe Dave in court up-close. His style was folksy but not artificial or pandering. He was extremely persuasive and always on point.

Dave married Barbara Pye on January 10, 1981. Barbara joined the firm when she was 16, working with Mr. Branca. She became my secretary later on and was my secretary for 23 years. When she left to marry Dave, I said to Dave "it was okay the Christmas you took my turkey, but my secretary ... !"

Dave and Barbara had a great life together. They had many holidays at their place in Garden Bay. He was an ardent fisherman, even writing a book on mooching. This was not the only book he wrote. In 1993 Hancock House published a book of short stories by Dave, all about cases he had conducted. It was called *Good Lawyer Bad Lawyer*. Dave did not like the title, thought up by his publisher. It didn't make *The New York Times* bestseller list.

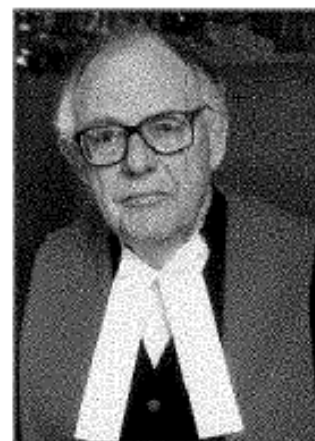
We will miss Dave. He was a great partner and a morally strong man. He is survived by his wife, Barbara, his sons Stephen (Mary) and Matthew (Karen), and his daughter Mary, as well as by his sister Erna Umer, many grandchildren, nieces, nephews and brother and sister-in-law Ken and Susan Robertson.

The Honourable Thomas R. Braidwood



## The Honourable Montague Lawrence Tyrwhitt-Drake

Montague Lawrence Tyrwhitt-Drake passed away on May 15, 2015. "Monty", as everyone knew him, was born October 14, 1922, to Constance Leticia Lawrence and Brian Hallsey Tyrwhitt-Drake. Monty was appointed to the County Court of Victoria in 1962. He was a Diefenbaker appointment, though we jump ahead of ourselves.



Montague Lawrence Tyrwhitt-Drake came from a family line closely associated with the legal profession. His grandfather (also Montague Tyrwhitt-Drake) came to Canada from England with dreams of making it rich in the gold rush. He didn't, but instead had settled in Victoria by 1863.