

Robert Duncan Ross, Q.C.



Some of us have remarkable careers. Some become legends. Fewer still attain the stature of lore within the profession. Bob Ross was one of the latter. He was much more than a remarkable lawyer. His professional status barely defined him. He was a maverick, a character, a philanthropist and a supporter of lost causes. His practice and his life were focused on helping the disabled. He was stubborn, tenacious and fiercely independent with a spirit of irreverence and adventure.

Bob passed away on August 7, 2016 at the age of 90 leaving his wife Sheila, their four children (Cathie, Robbie, Nancy and Gordie) and a multitude of grandchildren to carry on the family's legacies.

Bob graduated from the second UBC law class in 1949. When asked what he remembered from his prior undergrad years at UBC he said he only recalled playing rugby and the military drills that all young men of his age had to participate in during the World War II years. At his memorial service his daughter read a memorandum of an adventure he took during his articling years in 1950. One can still imagine the twinkle in his eyes when he left his articles unfinished and hitchhiked with a friend to Florida to find a berth on a sailing vessel that would take them on an adventure around the Caribbean for half a year. The sailing curse never left him. Bob was well known in the decades that followed for his competitive sailing at Royal Vancouver Yacht Club and eventually for his very pink wooden sloop, the *Penelakut*. He participated in ocean racing like Cape Town to Rio and many years of the Swiftsure race in Victoria.

After his Caribbean adventure he returned to Vancouver to marry the young Sheila Graham, and they began their grand adventure in life together. Bob told me he never liked conformity and he did not want to be cooped up in a partnership with others because he felt confined and bored. So he struck out on his own. He was an early pioneer in plaintiffs' personal injury law. He was well known for his trial work, particularly for disabled and spinal cord injury clients. He took on some very challenging and seemingly hopeless cases, often with success. To my knowledge all of Bob's cases were self-funded—i.e., he bore all the disbursements for the lost cases for his clients. He had significant successes with swimming pool diving cases, which had a direct impact on designs for home swimming pools.

Bob had a tradition on his birthday of taking out the counselors of the BC Paraplegic Association on his sailboat. We always motored because sailing was a challenge for the guests. We would pile everyone on board, lash the wheelchairs to the dock, and take off for a potluck motor sail around English Bay. One year the motor failed while we were off Kits Beach drifting a bit too close to shore. We said nothing to alarm the guests and with little more than a wink between us put up the sails. Together we maneuvered the pink *Penelakut* right up to the Royal Van dock perfectly under sail, but not without a reprimand and lecture from the dock master. Bob's size, strength and quick wit always got us out of jams in those situations.

Bob was an advocate for the disabled during and after his legal career. He received his Q.C. toward the end of his law career not just for his advocacy, but also for his support of disability organizations such as the BC Paraplegic Association. He was an early backer of Rick Hansen's Man in Motion World Tour and the Disabled Sailing Association. Bob was very proud that two of his beneficiaries became competitive para-athletes; one of them went on to compete in the 2010 Paralympics in Vancouver.

Bob made it a practice to call his clients and friends on their birthday even years after their encounters were long past. Over the years, many, including my own son, commented on how much they enjoyed these calls.

Bob brought me in as his last associate in the late 1980s toward the end of his law practice. He was one of those counsel who was known by all the court registry staff, the court reporters, many of the Supreme Court and Court of Appeal justices, and all the restaurant staff in the neighbourhood of the Vancouver courthouse. We could hardly walk a few paces before someone was razzing him, often because of his fashion sense, which was more Herb Tarlek than Harry Rosen. I was always amused at the kibitzing that went on between Bob and some of the justices we appeared before, like Sam Toy, who with his wife Margaret were Bob's great friends and neighbours. After Bob received his Q.C., he remained too penurious to actually buy his own silk gown. He had one of those very tattered old barrister's robes held together by a few safety pins and a positive attitude. When asked by one of the justices at trial why he was not wearing the appropriate silk robe befitting his title Bob replied, "*I'm waiting for you to die and Will me yours.*" Laughter ensued. As always, there was sarcasm and dark wit mixed with humility. People were drawn to Bob for that.

Once at trial Bob was about to commence his cross-examination of a defence expert. Before Bob got a word out the witness could not contain himself and confessed his sins—he exclaimed something like, "*Yes Mr. Ross, I know you're going to examine me so I'll just tell everyone now I am an alcoholic and I'm divorced and I haven't really done much in my field in the last few years.*"

Does that clarify things?" The witness was obviously recalling some dreaded past cross-examination with the old man.

But the cases were only a small part of Bob's adventure in life. He and Sheila became avid horse people and threw their support into various equestrian projects. It all started with their daughter Nancy who wanted to learn to ride. In the end Bob and Sheila created a stable (Grayross) on the Vancouver Southlands. They sponsored and rode in equestrian shows; they bought and sold show horses; and they bred race horses for Hastings Park. Sheila tells me Bob owned 26 horses at the end of his life. Integrating his passions Bob was instrumental in the creation and support for the disabled riding organization at the Vancouver Southlands, which continues to help people with disabilities learn to ride.

For all those who knew Bob well, this short reflection hardly does him justice. His life and career spanned a time of great change in the courts, the law and the profession. Like so many people who pass from our lives, we will miss him, but we will not forget the contributions made by Bob and his generation to the tapestry of our profession and the richness of our greater community. We could not be the way we are without the bold, independent and generous practitioners like Bob Ross who made the way better for the severely injured and carved out paths for others to follow.

Jonathan Simon

