



Tristan Richard Easton

If one person embodied the richness of human nature, it was Tristan Easton—on the one hand, irreverence and healthy cynicism, and on the other a deep love of music, literature and a good argument. Tristan provided his family and friends with a discerning window onto the genuine pleasures of life, while never dwelling too long on details such as money, rainy days or work. He valued wit, humour and reading, good food and wine, and, above all, good conversation.

Tristan, born in Dublin, Ireland, on April 9, 1948, narrowly escaped being born an Egyptian subject. His father, Richard Easton, was working for the University of Alexandria under the auspices of the British Council when his

wife, Bernadette, six months pregnant with her second child, was advised by her doctor to return home for the birth, partly due to an outbreak of cholera in the region. So Bernadette and her 15-month-old daughter, Juliet, left Alexandria just before Christmas 1947 in an Egyptian cargo vessel bound for Southampton, and then on to Dublin where Tristan was born. In September 1948 the family moved to London and lived in Chelsea, near the River Thames. That part of the city had been heavily bombed during the war, so young Tristan's life in London started in the ruins with strict food rationing, shortages of most essential products, and pea soup fogs.

Tristan was eight years old when he emigrated to British Columbia with his mother and sister after the separation of his parents. For four years they lived in the Fraser Valley, where his mother worked as a teacher. When she was offered a teaching job in Vancouver, the family moved to the city and Tristan settled into Lord Byng High School. He then graduated from UBC with an honours B.A. in English literature, followed by an M.A. with a treatise on the novelist Graham Greene. He worked as an assistant teacher at UBC for a year and then took up a position as a sessional instructor at the University of Regina, where he taught English literature for three years.

From Regina, Tristan moved back to Vancouver and taught communications at the B.C. Institute of Technology for seven years. During his BCIT years, Tristan did two one-year exchanges to colleges in China and England teaching English, literature and writing.

In 1983, Tristan decided to change careers and went back to UBC to study law. He then clerked for four Supreme Court judges, including the late Chief Justice Allan McEachern, and spent time as a clerk in Smithers during the legendary trial of *Delgamuukw v. British Columbia*. Tristan was called to the bar in 1988 and began work as an associate at Harper Grey LLP.

In early 1993, Tristan decided to become a sole practitioner. He set up his practice in association with an old friend, Bill Storey, in offices in the historic old Dominion Building on Victory Square, under the name and style of Storey and Easton. The pair worked largely in the field of family law, while Tristan also continued to work on civil litigation and medical malpractice cases. Tristan enjoyed the atmosphere of the Dominion Building. Working close to Gastown ensured good, cutting-edge restaurants and many post-court diversions.

Tristan and Bill decided to move their offices to Kitsilano, where they both then lived. They located their ideal office—a bright, spacious and airy space directly above what was then Jeremiah's Pub, at 4th and Alma in Kitsilano. Tristan and Bill entered into discussions with Eric Thomson, one of Tristan's law school friends, about coming aboard with them, and in June 1993 the three friends opened in their new premises as Storey, Easton and Thomson.

During this period, Tristan continued to expand his family law practice while still working in the fields of medical malpractice and general civil litigation. The firm's regular Friday night "board meetings" were held downstairs in the cozy confines of Jeremiah's, which was known as the "boardroom".

In early 1999, Eric Thomson left the practice and Tristan began work as a family staff lawyer with Legal Services Society's Vancouver clinic. He was immediately handling the most difficult of their files, including some of the most disadvantaged and at times the most intractable litigants in the family law system. He brought his strong research skills and talent for legal argument to what was often a fact-driven practice, taking on the role of mentor to junior lawyers in the clinic. The practice could be rough, and Tristan was once assaulted at the office by an opposing party. His managing lawyer returned to the office to find Tristan with a cold compress on one eye. After some persuasion, Tristan agreed to take a few hours off to recover.

Child protection was a substantial part of the clinic's practice. Tristan took on one of the clinic's more significant legal challenges in this area: the two appeals of *D.B. v. Director of C.F.C.S.* The children had been placed in continuing custody. The issue was inadequacy of trial representation by counsel. At the Supreme Court appeal level, the court referred to criminal law authorities, and held that although representation was inadequate, it would have made no difference. Tristan was unwilling to accept this. He felt there were broader *Charter* grounds available to the parents, and "good enough" child protection trials could not be made from bad ones.

The Court of Appeal hearing was typical of Tristan's style of advocacy—understated and long on preparation and analysis. The panel challenged him immediately. His factum seemed lacking, they opined, and far from persuasive. Tristan seemed taken aback, as if he were faltering. Hesitantly, he began in his quiet way. One at a time, pens were picked up. Soon all three judges were writing furiously. Unusually, they all took the trouble to write concurring decisions allowing the appeal, not quite able to agree why Tristan was right.

In 2002, the clinic was largely disbanded. Tristan made a transition to the Department of Justice, punctuated only by one of his many happy cycling trips in France. He joined DOJ in September 2002, becoming part of a legal team dealing with the legacy of the Indian residential schools—work that inspired him. He focused on co-defendant issues—the split in liability between Canada and the churches, in particular the Roman Catholic Church.

While sexual abuse issues dominated North American news, Tristan spent countless hours learning about and understanding Canon law. His work was topical, inspired and the source of much legal discourse among his colleagues. Indeed, Tristan, always the gentleman and ever up to the challenge of yet

another legal debate, ended his e-mails with a characteristic “Cheers”, having just deconstructed yet another legal theory.

Tristan made a lot of friends among his co-workers, a close-knit group dealing with difficult claims. He also worked closely with plaintiffs’ counsel, earning their respect, and treated the plaintiffs, all former residential school survivors, with empathy.

As 2006 began, Tristan and his beloved wife Liisa had happily settled into the final decade of their working lives when tragedy intruded to change everything—Tristan suffered a nearly complete destruction of his spinal cord at a high level, rendering him instantly quadriplegic. Major complications followed, with nearly a year in hospitals, followed by six years of poor sleep, trying personal care and the end of most of his *bon vivant* world. Liisa, his three children, Liam, Natalia and Emma, and their many friends helped to make life more manageable, but the daily struggle never ended. He bore it with great tenacity and courage, yet we all could see that it became intolerable at times.

It was inconceivable to his colleagues and friends that Tristan, who exercised at lunch and lived life to its fullest, could suffer such a tragic turn of fate. His DOJ colleagues were heartened when he gradually returned to work in 2008—a testament to Tristan’s incredible resilience and courage. Tristan once again applied his considerable interpersonal skills to help settle Indian residential school survivor claims—settlements he deeply hoped would help people move forward in their lives. In truth, Tristan’s professional and personal contributions live on.

Tristan had many loyal friends, and weekend gatherings were his greatest pleasure and his natural forum. Freewheeling discussions of books, music, movies and news provided the perfect forum for his opinions and his role-playing as a good-humoured intellectual snob. Tristan’s idea of nirvana surely consisted of new movies, new books, old friends, old wine and plenty of laughter. With some irony, Tristan’s body could not tolerate any wine in his final year—he might now chuckle, with a twinkle in his eye, and say that this is what really did him in.

After his untimely death, a very sunny and spontaneous memorial party (Tristan would have never agreed to a “funeral”) was held at the Jericho Sailing Centre—sailing had provided the one pastime whereby Tristan could feel truly free after his injury. Tristan’s immediate family later spread his ashes in a tranquil cove off Keats Island, where he and Liisa had passed many quiet summer days, enjoying what he always considered to be the truly finer things in life—conversation, food, the outdoors, and a good book.

Andrew Wilkinson, Q.C.