

NOS DISPARUS

Kenneth Tessovitch

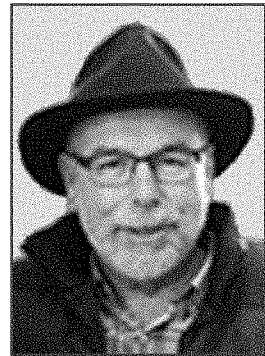
Kenneth Stephen Tessovitch was born in The Pas, Manitoba on March 15, 1947.

He was vague about his antecedents, describing himself only as “White Russian”. While no doubt this was in reference to the legendary cocktail, Ken’s taste ran more to cold beer and homemade red wine.

Although his ancestors may or may not have hailed from Eastern Europe, he certainly seemed built to withstand the type of weather one might experience in that part of the world. His parents eventually relocated to Prince George which had an equally inhospitable climate in wintertime.

Ken was an intensely social person. From a young age he amassed a vast network of acquaintances from all walks of life. In high school, Ken earned the nickname “Tank”, coined by fellow students in recognition of his distinctive physique and his distinct lack of subtlety. Following high school, Ken ventured to UBC, where he quickly settled into a campus fraternity. Despite the housing arrangements proving less than ideal for studying, Ken easily completed undergrad with a degree in political science. It was in his second year of law school in 1975 that he met his wife Delda, who at the time was a lab assistant working at St. Paul’s Hospital. They married in 1978 and had two daughters, Tina and Suzie, and one son, Stephen. All share their parents’ kind and generous spirit.

Ken completed law school at UBC and settled in Kamloops, quickly becoming a busy and leading criminal defence lawyer. A formidable adversary, Ken acted on thousands of files throughout his almost 40-year career. He was very passionate about the law. He deplored injustice or bullying in any form. If Ken thought something was wrong, he said so. He stood up to



authority figures. He didn't shy away from asking difficult questions. His cross-examinations were notoriously lengthy and frequently devastating. His work for First Nations women in the late 1970s brought about significant changes to the *Indian Act*. He had a booming yet oddly entrancing voice that was among the most distinctive in the history of the profession. It thundered in courtrooms and echoed throughout hallways.

Ken never worked for a firm in his life and was one of the most successful sole practitioners in Kamloops. He operated out of various offices in his career. In the nineties, he rented a poorly lit and chilly upstairs suite on Victoria Street that, once Ken had set up his mountains of files, looked like something out of a Mickey Spillane novel. By the early 2000s, he packed up and moved back to the basement of his house in Brocklehurst, hanging the hardware store sticker "Office" on the front of the door to a single room that nobody other than Ken ever entered, largely because of the disorganization and clutter that made sense only to him.

Ken spent most of his weekday mornings and afternoons, when he was not in court or on the road, at the Kamloops courthouse library. And although he knowingly violated every tenet of library etiquette (the "Quiet Please" signs that are staples of every library were anathema to him), his sub-office became a meeting place for lawyers and occasionally judges, and he was always happy to dispense advice, wit and wisdom from his chair. And while laypeople who wandered in were often bewildered by the cacophony that emanated from his office, Ken greeted everyone who came into the library and was happy to assist those who seemed overwhelmed by the court process.

That was simply part of his gregarious nature. Stories of Ken's kindness to others are legion. Ken said hello or good morning to all he met. He particularly enjoyed engaging servers in restaurants and was always a generous tipper. When his daughter's in-laws came to visit from Ireland one year, they insisted on picking up the tab at a restaurant in Vancouver. Knowing that gratuities are often incorporated into the bill in Ireland, Ken discreetly asked the server as to the size of the tip she had received, and then slipped her some extra money upon learning that she had been given less than was customary in North America.

He passionately supported the local arts and local businesses. If there was a major event in the city or a fundraiser, Ken and Delda were always there.

Ken often gave work to law students who were short of employment in the summers. One year he took on an articling student who had been let go mid-articling by his firm and started him on a path toward a productive

career in criminal law. As the constraints and attendant pressures of billable hours were foreign to Ken, he always had time to talk and to give practical advice to young litigators, and he took great pride in seeing them become fine lawyers.

Ken quietly gave money to charities and the impoverished, and he volunteered with many organizations, including the Kiwanis House, an addictions recovery centre in Kamloops and the Kamloops Ostomy Support Group.

As with all of us, Ken was not without his flaws. His intractability could be exasperating. If he said no to something, that was the end of it, and there was nothing one could say to sway him. Almost every case of his went to trial, and his refusal to make admissions on most files prolonged proceedings unnecessarily.

But that stance stemmed largely from Ken's ferocious advocacy. He believed that everyone deserved the best possible defence, and if that meant the Crown had to painstakingly prove every element of its case, no matter how trivial, so be it.

Ken did not distinguish between clients. From the wealthiest paying client to the poorest accused on legal aid, all were treated the same by Ken. "Equal justice for everyone" was Ken's guiding principle as a barrister.

In 2004 he was given the Legal Services Society Chair's Award for Distinguished Service in recognition of his outstanding work on behalf of those he represented on legal aid.

But Ken was first and foremost a family man. He loved his wife and children unconditionally, and his household was free of squabbles or strife. He became a proud grandparent in 2010 with the arrival of Tina's son, Jack. Suzie's daughter, Sophie, was born in 2015. His daughters texted photographs of his grandchildren to him daily.

He travelled the world with his family, meticulously planning all holidays and excursions. But he was happiest at home in the summertime, presiding over his backyard swimming pool. With one of his trademark hats on and a drink in his hand, Ken watched family and friends enjoy his hospitality into the late evening hours.

Although he would never be mistaken for an elite athlete (*vide* his nickname), Ken loved golf, skiing, biking, rafting and hiking. He played sports solely for the camaraderie, exercise and fun—indeed, the manner in which sports should be enjoyed, for those who are not professionals or aspiring professionals. He was the rare honest golfer, insisting on finishing every putt, and tracking his strokes according to the strict rules of the game, even when his score stretched into double digits on individual holes, as it not

infrequently did. He regularly went on and completed lengthy bike trips and hiking excursions that would tax a younger man.

In 2006 Ken became seriously ill with cancer, but he stubbornly battled through it and made a remarkable recovery.

Ken wasn't much for sentimentality, but occasionally, on warm summer days on the golf course, he would comment on how rich his life was and how fortunate he was to have good friends, a stable career and a loving family. In the two years before his death, he lost several close family members, but he handled those losses with his usual stoicism and positivity. "I don't worry about dying," he once said. "You live and you die, and all you can do is live your life to its fullest. If I die tomorrow, I've had a good life."

On February 10, 2017, while skiing with family on a beautiful sunny day at Sun Peaks, Ken passed away suddenly on the slopes. He was just shy of his 70th birthday.

It's clichéd to say that a lawyer is "a character", but Ken truly was, in the best possible sense of the word. Once you met him, you never forgot him. There has never been an individual quite like him. And there never will be.

Anthony Varesi

Jeffrey Jones

As the small boat sped down the backside of the large wave, I slid the forward hatch open, peered in and made sure I could reach a flare in case we needed one. This was a long way from your typical articling experience, but my principal, Jeff Jones, was a long way from your typical lawyer.

Jeffrey Jones was born in California in 1955 and moved with his family to Campbell River on Vancouver Island at the age of 12. In 1979 he earned a bachelor of arts in philosophy from the University of Lethbridge, where he met the love of his life and future wife, Marianne Mikkelsen. In 1980 he obtained a master's of philosophy from the University of Waterloo. In 1983 he earned his law degree from the University of Victoria, and he was called to the B.C. bar in 1984.

