

the mountains; he had a deep appreciation for nature. He was at his generous best taking people out in his boat and sharing with them his love of the coast, exploring the Broughton Archipelago, Echo Bay, Telegraph Cove and the abundant wildlife and rich cultural heritage of the area. He and Marianne, along with old friends, built a cabin getaway on Galiano Island called Fiddlesticks. He and Marianne also built a cabin at Mt. Cain, a North Island ski hill with incredible powder, glorious views and a strong sense of community. Skiing down its open bowls and through its cedar trees, Jeff was exuberance personified.

In the end, even Jeff's great love of life could not keep at bay the lung cancer, and then the brain tumours, he developed. After a long fight, the doctors ran out of treatment options. He was in pain and there was little quality of life left. He had perhaps a few more months to live, filled with suffering. He made the brave decision to go with doctor-assisted dying, taking back control and a measure of dignity. He died on September 15, 2017 in his Sointula home, with his wife and son beside him, surrounded, as he was in life, by love.

Michael Seaborn

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## The Honourable James William Jardine

Jim left behind two intertwined families: his first wife Heather and their two beautiful daughters, Julie and Erin; his current wife of many years Nola and their two sons, Drew and Ian; as well as his four beloved granddaughters, Tessa, Sofie, Sadie and Hollie. He also left behind the rest of us, a multitude of extended family and friends. And for most of us he left a huge void in our lives: Jim was a huge personality.

Many people skate, glide or walk through life, but Jim *marched* through life, mowing down any obstacle in his path—and we mean that in a good way. He loved life, he loved people, he adored his family and he loved to talk.

Jim was born on September 2, 1947 and was a lifelong Vancouverite. He attended John Oliver High School and then Simon Fraser University, obtaining a degree in history.

As a young man, Jim was a gifted athlete, excelling at baseball, soccer and football. A close friend of Jim's, Bill Smart, Q.C., recalls encountering Jim during high school soccer games, when Bill was a student at an opposing school, Magee: "I was a skinny right-winger and he was a big, strong left defence, and I used to hate coming down the field. I would have to get by him and I wasn't successful often."<sup>1</sup>

In his undergraduate days, Jim was the first quarterback of the Simon Fraser University football team. It was at Simon Fraser that he and Glen Orris, Q.C., met, in 1966. At that time Glen was 17 years old and a rookie; Jim had been there since 1965 and therefore he was a seasoned veteran. Glen had played lots of football before university, three years at Simon Fraser, and a little more afterward, but the hardest he has ever been hit by anyone was by Jim, when they were both playing defence. Jim had been heading for someone else to hit and Glen was witless enough to get in his way. Glen felt, he still recalls, like a no. 11 bus had hit him, and as he was lying on his back looking up at the stars in the middle of the afternoon on the field he was trying to figure out how this bus managed to get on the field and how he managed to get in its way.

They say that football teaches you life lessons such as teamwork, dedication and perhaps how you can do stupid things and still survive. One of the lessons that football taught Glen was that as far as Jim was concerned, even when you're on the same team, stay out of his way. Glen also recalls, after Jim had hauled him up by the front of his jersey and his shoulder pads and had started to yell at him in "mouthguard speak" ("Wookie, wookie, wake up, you okay? Wake up, wake up"), thinking, "Who is this guy?" As the years passed and their lives intertwined, Glen, and many others, were lucky enough to learn the answer to that question. One of the lessons learned from Jim was that sometimes we get to be very good friends with those people we least expect to become very good friends with.

In 2014 Jim was inducted into the Simon Fraser Athletics Hall of Fame. That honour was undoubtedly bestowed on Jim not only for his football career but also for his off-the-field attributes and dedication,<sup>2</sup> which were immense.

Jim attended UBC law school. After graduation, Jim went on to an extraordinary career as a lawyer, first as Crown counsel in Vancouver and later in his career as defence counsel.

As Crown counsel, Jim applied his unstoppable work ethic in the prosecution of cases including the prosecution of an urban terrorist group called the Squamish Five and the prosecution of Inderjit Singh Reyat in the Air India case and in particular the bombing at the Narita Airport in Japan. For the last six years of his practice, leading up to his judicial appointment in

1997, he was in private practice as defence counsel, though he also continued to be retained as a special prosecutor by the Crown on a number of cases.

Jim's skill as a lawyer was recognized in 1984 when he was appointed Queen's Counsel. Jim had been in practice for just 11 years at that time, so his appointment as Q.C. took place early in his career: he deserved to be recognized among the best of the best.

In 1997 Jim was appointed to the Provincial Court.<sup>3</sup> He was extremely well respected by his peers and by the legal community. As a judge he could be an intimidating figure, but Jim was not mean or cruel. At the end of the day he had a wide reasonable doubt and was extremely compassionate.

A prominent Surrey lawyer once noted that every lawyer remembers his or her first trial with Judge Jardine. Some thought that a trial with him was like an encounter with a grizzly bear: as a lawyer and as a judge, Jim would never enter a courtroom unless he was extremely well prepared, and frankly he did not take kindly to unprepared lawyers. If you were foolish enough to enter his courtroom unprepared, you might not do so a second time. As a result of Jim's approach, his courtroom could be a very emotional place. There was a lot of angst, anger and tears—and in Jim's courtroom, those were just the emotions of the lawyers.

But the good lawyers soon realized that beneath the grizzly bear exterior there was a real softie—a teddy bear. At the end of the day Jim was a very caring and compassionate person and an equally caring and compassionate judge. He could be lenient when a person was deserving of a second chance and tough when he had to be.

Jim also influenced the lives of fellow judges, as many of them have noted. Here's but one testimonial from one of his peers:

I first met Jim when I came to Surrey for orientation. After spending a couple of days with Jim, I thought, "This guy is really the full meal deal." In addition to being a brilliant judge vis-à-vis the law, he displayed to me over those two days a tremendous degree of common sense and compassion. I remember leaving Surrey that week thinking that he was the kind of guy that I would love to have as an older brother—a guy to look up to and to go to for advice, and to emulate.

After Jim's passing, Kim Bolan wrote an article in *The Vancouver Sun* remembering Jim's legal career.<sup>4</sup> The fact that a reporter would take the time to write such an article is an indication of how well respected Jim was for his many accomplishments. In the article, former justice of the Court of Appeal and later Attorney General Wally Oppal, Q.C., had this to say: "Jardine was very passionate about what he did. He loved being a lawyer and he loved being a judge and he was excellent at doing both of them ... .

He was a lawyer's lawyer." He also mentioned that Jim "loved to talk about his cases"—we did say that Jim loved to talk! Also in the article, Bill Smart described Jim as a "wonderful mentor", "outstanding athlete" and "one of the hardest-working lawyers" he had ever come across.

Jim retired from the bench in 2016.

Those who ran into Jim outside the courtroom probably remember him more as a teddy bear than as a grizzly bear. Jim was a hugger, not a handshaker, and countless people have commented on remembering a bear hug from Jim. But if you did receive a handshake from Jim you would know that Jim had a very firm handshake. Whether it was a hug or a handshake it was more than a formality for Jim: it was a sincere, heartfelt greeting and a meaningful connection between two people.

Glen Orris recalls a day after Jim had left the Crown ("the dark side", according to Glen) and had come over to the defence side and they were working together. As Glen later learned, Jim came into the office with his usual big smile on his face and asked, "Is Glen in?" "Yes," Jim was told, but in a bad mood, anxious and angry about a trial that was ongoing. (Those of you who do litigation would find it hard to believe that in the course of a trial something may occur that would cause you to be anxious and angry, but it does sometimes happen.) Glen was standing looking out the window of his office trying to figure out how to deal with this issue that had arisen (he has long since forgotten what that issue was) but the next thing that he knew, there was a hand on his shoulder. Glen turned and looked into Jim's huge smile with him asking, "You okay?" After a few seconds of looking at Jim, Glen couldn't help but smile too. Glen said, "Yeah, I'm okay." Jim paused a moment or two looking at Glen and still with a smile said, "Good," and proceeded to give Glen a great big hug! The hug didn't last very long, and Jim then turned and walked out of Glen's office. To this day, Glen has no idea why he came in except to make sure that he was okay and to make him feel better.

Glen never returned Jim's hug. He wanted to but it never seemed to be the right moment, and he thought they had lots of time. Another lesson that Jim imparted was that we may not have as much time as we think. Looking back there were many right moments, and Glen now wishes he had taken advantage of them. So, today and tomorrow and hereafter, when we are remembering Jim, smile, and if you are with somebody, make that smile count. And for those you love and care for, HUG THEM! It's always the right moment.

In addition to the work that Jim put in as a lawyer and then as a judge, he also had a strong interest in legal education. As a lawyer he taught locally at CLE programs and nationally at educational programs teaching both

lawyers and judges and was considered an expert in the area of search warrants and wiretaps. For many years he was a member of the faculty at the national criminal law program. Later as a judge he put in a lot of extra hours teaching justices of the peace and his fellow judges at annual conferences.

Another important facet of Jim's life was golf. The truly unique thing about golfing with Jim was how supportive he was. If a golfer hits a good shot it is pretty common for the rest of the group to say "good shot". The difference with Jim was that he really meant it. He had many friends at the Bellingham Golf Club, where he was a member, and many friends from the Tuesday Tour.

Jim, Judge Bill MacDonald, Bob Lemiski and Mike Smith went on an annual golf trip for each of the past seven years. Jim really looked forward to those trips, which were always hugely enjoyable. There was a lot of wine, martinis, restaurants and even a little golf.

They often talked about how important it was to enjoy the trips while they could and reflected on the fact that they were all getting older and "you never know how many more trips we would have together", not suspecting for a moment how true that was.

Jim of course was always mindful of the fact that his health was somewhat fragile and as he often said, he felt like he was living on borrowed time. But he lived life fully, as if he were going to live forever.

The group's last ten-day trip ended on November 4, 2017. During the trip Jim was pretty much his normal self. He was cheerful and upbeat. There really was not much to suggest that he was having any health issues, except in hindsight that fact undoubtedly explains why his golf game wasn't up to its usual standard.

After a round, Jim loved to describe his entire round, the good shots, the bad shots, how his partners played, the score and every other detail to anybody who would listen. Nola would often have to ask, "Do I have to hear the whole 18?" After the last golf trip, his son Ian asked him how the trip went, fully expecting that he would then have to listen to a long dissertation, but instead Jim replied with a single word: "Perfect." Ian was gobsmacked by the response but the explanation may be this: on the golf trip, Jim was having some coordination problems with his left side but he minimized it, so others did not think it was serious. Jim may well have suspected something more serious was going on, but in usual Jim fashion he did not show it to others. He was determined to have a good time and he did. He seemed calmer than normal and more at peace with life. His bad shots didn't seem to bother him as much as they normally would and he was just enjoying being with friends and doing something he loved to do.

Over the past ten years or so, Jim had to deal with some extremely serious health issues. It seemed as if he would just finish one life-threatening battle when he would be hit with the next. Jim was not a religious person but at some time he must have gazed heavenward and asked: "Come on, can't you pick on somebody else for a while?" If he didn't say that, many of us were thinking it. Jim had an indomitable spirit. He was extremely determined (some would say stubborn) and had an incredible will to live. Most of us would not have survived prostate cancer, blood cancer and thyroid cancer, but Jim did. He not only survived but he thrived. He was determined to live life to the fullest, to travel, to golf, to spend time with his family and indeed he did all of those things, and he did them all with a smile on his face. Anyone who had contact with Jim in the last ten years would have been hard-pressed to notice that he was suffering in any way. He looked great and he was always cheerful and upbeat and that was true till the end, which for Jim came on November 29, 2017.

Yes, it seems that even in the ambulance on the way to the hospital Jim was chatting to the attendants, telling them how he loved his family and was so proud of his children and grandchildren.

That's how we choose to remember Jim. A perfect golf trip with friends, a perfect last vacation with Nola to Mexico and talking about his wonderful family until his last breath. May he rest in peace.

Hon. William MacDonald and Glen Orris, Q.C.

#### ENDNOTES

1. Kim Bolan, "Long-Time Judge Jim Jardine Remembered as 'a Lawyers' Lawyer'", *The Vancouver Sun* (5 December 2017), online: <<http://vancouver.sun.com/news/crime/longtime-judge-jim-jardine-remembered-as-a-lawyers-lawyer>>.
2. As *The Peak* reported at the time: "Jardine was with SFU's football team at its inception, recruited by the Clan's founding athletic director, Lorne Davies, who was on hand at the ceremony as well. Despite being brought in as quarterback, Jardine switched to defensiveback where he'd anchor the Clan's secondary throughout his college career. The Clan's original Minister of Defence became a BC provincial court judge after graduation": Adam Van der Zwan, "SFU Inducts 2014 Hall of Fame Class", *The Peak* (7 April 2014), online: <[the-peak.ca/2014/04/sfu-inducts-2014-athletics-hall-of-fame-class/](http://the-peak.ca/2014/04/sfu-inducts-2014-athletics-hall-of-fame-class/)>.
3. See "New Judge: The Honourable Judge James W. Jardine" (1997) 55 *Advocate* 759.
4. *Supra* note 1.