

NEW JUDGES

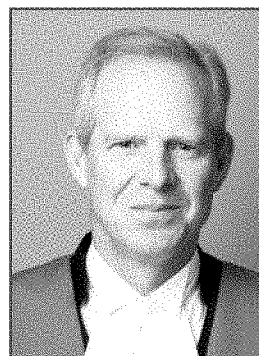
The Honourable Mr. Justice Michael Tammen

On June 19, 2017 Michael Tammen was sworn in by Chief Justice Hinkson as a justice of the Supreme Court of British Columbia. For Mike, that moment marked the end of nigh-on three decades of exacting toil in the courtrooms of this province defending persons accused of “remorseless, treacherous, lecherous” acts, often in the face of an overwhelming

Crown case and usually accompanied by paltry remuneration. He was a principled, tough and fearless advocate, and passionate about his craft. Now Mike will bring all that he has learned to his duties on the bench.

Mike was born in the Lower Mainland on February 26, 1964. He is the youngest of three siblings, his brother, Marty, being the oldest followed by his sister, Lori. The Tammen family epitomized the phrase “working class”, in the sense that they were all modest and hardworking in their trades. His father, Martin Tammen, was a skilled, self-employed plumber who plied his trade with a daunting work ethic. Martin is a quiet, thoughtful and utterly dependable man who imbues the quality of respectfulness which, sadly, is the disappearing in modern society. Mike’s mother, Sharon, worked as a part-time bookkeeper for small businesses on Vancouver’s east side. She also ran the household. Sharon has such an effervescent personality and *joie de vivre* that she could easily transform a procession of cowed monks into a dance troupe.

The family lived in East Vancouver during Mike’s elementary school years. They then migrated to Burnaby where Mike attended Burnaby South Secondary School, graduating in 1982. By September he was ensconced at UBC, “fast-tracking” himself through arts with a view to entering law school



as soon as possible. Mike wanted to become a lawyer, a goal which he had long embraced. The germination of this idea occurred when, as a boy, he devoured old television episodes of *Perry Mason*. He marveled at how, by a mere handful of questions in cross-examination, the protagonist was able to secure acquittal after acquittal. To the adolescent mind, the work of the courtroom lawyer appeared to be exciting, rewarding and easy. If he later discovered the practice of law in real life to be less glorious than the promises of television, he never let it affect his spirit.

After three years of English literature studies (predominantly the plays of Shakespeare, of which he is a devotee), Mike entered law school at UBC in September 1985. During those years he made the acquaintance of some great characters who would prove to be lifelong friends. These included Joe Doyle, Doug “Mookie” Stewart, Al Ross, Nick Smith, Todd McKendrick and Steve “Action” Jackson. Apart from the occasional foray onto the intramural rugby pitch, where he was inexplicably bestowed the nickname “Cubby”, Mike focused his studies on preparing for a career in advocacy.

When it came time for the daunting task of applying for articles, Mike set about hand-delivering letters of application, guided by a list of the names and addresses of “preferred” law firms. One of his first stops was at the office of the revered John McAlpine, Q.C. Having dropped off his material with the receptionist, he was heading back to the elevator when he espied the sign of the firm of Robertson, Peck, Thompson. The name was clearly not among those on his preferred list. On a whim, he dropped off an application. He thought little of his efforts until the next day when he received a phone call for an interview. Suffice it to say that it was not with the McAlpine firm.

Mike commenced his articles in May 1988. Any romantic notion he might have held about the structured and serene life of an articulated student was immediately dispelled. There was nothing restive or ethereal about practising in a small firm that focused on criminal defence work. This area of practice was and remains fast-paced and located squarely “where the rubber meets the road”. In discharging his duties, Mike quickly picked up the fine arts of appearing in more than one court at the same time, handling the admonitions of judges who believed punctuality was a virtue and ensuring that the firm's larder was stocked with the appropriate comestibles and potables. The tasks were varied and demanding.

By the time his articles were complete, Mike had “junioried” a number of serious trials and appeals, dealt with innumerable (and often difficult) clients and made some fast friends among colleagues at the bar. This latter

group included two of the associates at the firm, Gurmail Gill (now a judge of the Provincial Court) and Carolyn Bouck (now a master of the Supreme Court). Another was Mike Klein, with whom he would practise some years later. But he was chafing at the bit for his May 1989 call date so that he could handle serious briefs on his own. As the old proverb goes, be careful what you wish for, lest it come true.

Within a few short months of his call, Mike defended a man charged with attempted murder. The case attracted substantial notoriety given that the victim, a young woman, had been brutally assaulted and left in a near-vegetative state. As well, the accused was implicated in two other serious attacks where the female victims died. To put matters bluntly, the defence of this case was a tough assignment for any lawyer, let alone one in their rookie outing. Not many freshly called barristers would be up to the task. Mike's work was made more difficult by other factors. He was up against a senior and skilled Crown counsel (accompanied by a junior) and the trial judge was Justice Allan Stewart, a jurist with a formidable intellect who held counsel to the highest standards. The trial took place at the Begbie Law Courts in New Westminster in September 1989. The accused was predictably convicted. Mike took the experience in stride and moved on to the next case. This marked the beginning of a decades-long career at the bar where Mike distinguished himself as a courageous, dedicated and skilled advocate in many difficult and high-profile cases including the Air India trial and the Surrey Six case.

When still a young lawyer, Mike was hired by the provincial Crown and worked as a prosecutor at 222 Main Street. For him, this was new territory with a steep learning curve. Fortunately, he had help in this regard and, to this day, he is grateful for the guidance he was given by Conni Bagnall (later a judge of the Provincial Court), who was his supervisor.

After working at the Crown, Mike joined the venerable firm of Harper, Grey, Easton until August 1992 when he and Rick Peck set up practice as Peck and Tammen. The ensuing years were a blur—a veritable maelstrom of trials and appeals far too numerous to recount here. However, two events are of note. First, Liz Bennett (now Bennett J.A.) left the Crown criminal appeals office and joined the firm in 1993 for a two-year stint. During this time, the trio practised as Peck, Tammen, Bennett. Second, on March 15, 1994, Mike appeared in the Supreme Court of Canada for the only time of his career, representing an appellant who was there as of right, based on a dissent from the B.C. Court of Appeal. As he rose to address the court, he heard the rarest and sweetest of words from Chief Justice Lamer: “We need not hear from you, Mr. Tammen.” Mike had won the appeal without uttering

a single word. (For the uninitiated, counsel do not introduce themselves in that court; rather, the court introduces counsel.) Moreover, he can take pride in saying that he has never lost a case in the Supreme Court of Canada.

In November 1999 Mike decided it was time to establish his own firm. He shared office space with Mike Klein until 2005 when he rejoined Harper Grey as associate counsel. In 2010 he moved his practice to a criminal law chambers shared by Brock Martland and Joe Saulnier and that is where he was when, in the late spring of 2017, he received the phone call from the Minister of Justice, 28 years after his call to the bar.

Mike's accomplishments as an advocate have been significant, as have his contributions to the legal profession. Beginning in 1992 and for many years thereafter, he was co-sponsor of the Peter Burns Moot of the UBC Faculty of Law. He served on the executive of the VBA between 1994 and 1996. In the 1990s he was a member of the executive of the Vancouver criminal justice section of the CBA, also serving as chair. From 1997 to 2004 he was a supervisor with the UBC Criminal Clinic. Since 2002 he has been an instructor in the McEachern Advanced Trial Advocacy Program. In 2009 he was added to the special prosecutors list. Starting in 2010 he began acting as commission counsel for the Office of the Police Complaint Commissioner. In 2013 he was appointed Queen's Counsel.

In all his endeavours, Mike has benefited from the great support of his wife, Victoria Hanna. It is fair to say that absent her support he would not be where he is today. Fittingly, Mike and Victoria met in July 1993 at the Federation of Law Societies National Criminal Law Program in Montreal. At that time, and continuing to the present, Victoria was a member of the Crown counsel office. A year later, in the summer of 1994, they were married. Together, they have three sons and one daughter. Sean, 22, will graduate with a degree in engineering from the University of Alberta this year. Likewise, Sam, 21, is about to graduate with a business degree from the Ivey School of Business at Western University. Conor, 17, and Portia, 14, are both in high school and have bright futures ahead of them. Clearly, Mike and Victoria have much to be proud of.

Apart from family and the law, Mike is a dedicated jogger, voracious reader (from Shakespeare to Elmore Leonard), avid jazz fan (Coltrane, Bird and Miles) and devoted follower of the San Francisco 49ers and the New Zealand All Blacks rugby team. He is possibly the only judge in the western hemisphere who bears a tattoo of the All Blacks fern.

We are fortunate to have Mike Tammen as a justice of the Supreme Court. He has a quick intellect coupled with a wealth of experience. Put simply, he

“knows the courtroom”. He is steeped in the lore of the law and the people in it. This comes from the privileged hours he spent over the years in the company of the likes of Al McEachern, Bill McIntyre, Mike Goldie, Bill Esson, Lloyd McKenzie, Joe Wood, Bert Oliver, Mary Southin, Mary Newbury, Duncan Shaw and Peter Leask. He has, to use an apt saying, “stood on the shoulders of giants”.

Finally, a word of advice to younger members of the bar. Our new justice can, from time to time, assume a rather grim visage. You should not assume that he is angry. When he does it is likely because he is giving careful consideration to an aspect of the evidence or legal submission. Do not be flummoxed. If, on the other hand, you observe his face flush a shade of crimson, we recommend that you take note and conduct yourself accordingly. On all occasions, however, understand that this is a justice with a sharp, inquisitive mind coupled with a big heart.

The Honourable Judge Mark Jetté

Mark Jetté was sworn in as a judge of the Provincial Court of British Columbia on November 10, 2017. He sits in the Fraser Region, based in Surrey.

Mark was born in Ottawa. His father was in the financial business and was transferred several times. When Mark was about a year old, his parents moved to the San Francisco Bay area, and Mark decided to go with them. The family lived in East Bay, near Oakland, which explains

Mark’s lifelong devotion to the Oakland A’s and the Raiders.

The family left those warm, sunny climes when Mark was nine or ten years old, this time for Winnipeg. It was January. Mark learned some immediate lessons: never willingly get out of a warm, running car; if you are forced to go outdoors, dress as if for a moonshot; and at recess, minimize how long you must spend away from warmth by taking as long as possible dressing in your winter gear. When there is no longer an alternative to venturing outside, stand against a wall, sheltered from the wind, and marvel at classmates frolicking in the frigid elements. But the California kid eventu-

