



ON THE FRONT COVER

MARVIN R.V. STORROW, Q.C.

By Joanne Lysyk and Maria Morellato

If there is a single theme underpinning Marvin Storrow's accomplishments, it is one of overcoming adversity and injustice fearlessly, tenaciously and incisively with grace, compassion and humour.

Marvin was born on the east side of Vancouver in 1934. His father was a businessman, inventor and superb athlete, who unfortunately passed away when Marvin was only 14 years old. He describes his mother, Caroline Mary (née Stevens), as a "marvellous, inspiring woman" who provided him and his sisters with all of the support and encouragement they needed to become successful in their lives and careers.

When Marvin reflects upon his childhood, he speaks fondly of the various community and sports activities in his east end neighbourhood, and of those with whom he formed early and enduring friendships. He still meets on a monthly basis with fellow members of the "Clinton Park Beavers", 25 old friends who have known each other for over 50 years. Marvin's friendship with the Honourable Frank Iacobucci, retired justice of the Supreme Court of Canada, dates back to these early years. Mr. Iacobucci speaks very fondly of his friendship with Marvin, whom he describes as "extremely capable" and a "quiet leader", with "strong

Pierce Law Group

Disability Insurance Claims

We would be pleased to accept referrals for long term disability claims, and CPP appeals.

Our successes in these areas include:

- Warrington v. Great West Life 1996 (BCCA)
- Manning v. Unum Canada 1998 (BCSC)
- McIsaac v. Sun Life 1998 (BCCA)
- Ali v. Minister June 14, 2002 (Tribunal)
- Naicker v. Great West Life 2002 (BCSC)
- Balzer v. Sun Life 2003 (BCCA)
- Tanner v. Minister June 13, 2003 (Pension Appeals Board)

Our fees by percentage. Your fees protected/ disbursements paid promptly.

Lawrence Pierce, Wai Cheung #850-475 W. Georgia St. Vancouver B.C. V6B 4M9
604 681 4434 • 1 800 221 5772 WWW.BCDISABILITYLAW.COM

moral and personal principles which show in everything he does". He also speaks highly of Marvin's accomplishments as an "excellent athlete" whose "competitiveness and determination to win show in his advocacy".

Marvin demonstrated an interest in and aptitude for sports from an early age. He still has in his possession a boyhood sweater, completely covered with patches and badges, illustrating his achievements as a Canadian champion yo-yo player. Marvin has competed in soccer (including playing for a British Columbia championship team), in downhill and slalom skiing (being ranked number four in British Columbia as a junior) and in major men's fast pitch softball. He remains, as many of his younger opponents will know, a formidable tennis player who has competed in numerous tennis tournaments and has held a British Columbia ranking for a number of years in the masters division. There is little doubt that many of the attributes that have contributed to Marvin's success as a lawyer, including his courage, his determination, his strategic judgment and his keen sense of competition, have also contributed to his achievements as a sportsman.

Marvin entered the University of British Columbia Faculty of Law as part of the legendary class of '62, which included many future leaders of the legal profession, such as retired Justice Frank Iacobucci, Chief Justice Lance Finch, Martin Taylor, Q.C., Warren Mitchell, Q.C., Mr. Justice Bill O'Leary, Bruce Fraser, Q.C., Jim Baker, Q.C., Bill Britton, Q.C., Doug Mitchell, Q.C., Michael DuMoulin, Mr. Justice Robert Hunter, Mr. Justice Vaughan Hembroff, William Bice, Q.C., and the Honourable David Anderson. It speaks volumes that Marvin was elected by this illustrious company to be class president.

On graduation, Marvin articulated at Cowan Twining & Collins in Vancouver and then joined the City Prosecutor's Office under the leadership of A. Stewart McMorran, Q.C. After about three years, in 1967 Marvin left to form his own firm, DuMoulin, Storrow & Black, where he had a very busy criminal and civil practice and also continued to act for the Crown on an *ad hoc* basis in numerous prosecutions and appeals, including appeals to the Supreme Court of Canada. Between 1967 and 1971, Marvin took on hundreds of legal aid cases. He was told at one point that he did one seventh of all the legal aid work in the province of British Columbia. He also ran the evening traffic courts for a few years on a contract with the city of Vancouver.

Many of Marvin's most colourful tales come from this phase of his career, featuring bootleggers, bookmakers and adult entertainers along with the more serious criminals of the day. He was involved in a number of very high profile prosecutions, one of which (*R. v. Eros*) had a sequel illustrating the hazards of such a practice. After his release from prison, Mr. Eros accidentally blew himself up on the street with a home-made bomb. The police later found 19 bombs in Mr. Eros's apartment, together with a list setting out the names of judges and lawyers—including Marvin—for whom they were intended. Marvin's junior in the *Eros* case was a young articulated student, Davey Gibbons, who later became a close friend.

In 1969, Marvin married Colette Marie Bouvier, his wonderful wife and the mother of his two sons, Chris and Jamie. Marvin and Colette's marriage took

place on the fifth day of an appeal in the notorious Satan's Angels kidnapping case, *R. v. Black et al.*, in which Marvin was one of six defence counsel. The court graciously acceded to the request of H.A.D. Oliver, on Marvin's behalf, that Marvin be excused for an afternoon "to celebrate his nuptials". In the years that have followed, despite Marvin's very busy practice, he has been a devoted family man.

In 1971, Marvin and Colette went to Ottawa, where Marvin litigated large civil tax cases for the Department of Justice, conducting trials in every province in Canada except Prince Edward Island. The Storrows returned to Vancouver in 1975, and Marvin joined the firm of Davis & Company. In 1988, he joined the small boutique firm briefly known as Jordan, Gall & Storrow before its merger with Blake, Cassels & Graydon in 1989. Marvin's practice over the years has embodied varied and high-profile litigation, including both civil and criminal cases.

A full account of the significant cases that Marvin has litigated and that he continues to litigate, including his many successful appearances before the Supreme Court of Canada, would make a fascinating book but cannot be accommodated within this article. He has successfully advanced high-profile cases in many areas of the law, including tax law, commercial law, sports law, environmental law, human rights law, international trade law and criminal law. Any account of Marvin's professional life would be incomplete, however, if it did not mention the contribution Marvin has made in the area of Aboriginal law.

In the mid-1970s, Marvin became acquainted with Delbert Guerin, then chief of the Musqueam Indian Band. As a result of his own investigations into the circumstances surrounding Musqueam's 1957 surrender of a large parcel of land for lease to the Shaughnessy Golf Club, Delbert had become convinced that the band had not been fairly treated. He had consulted a number of lawyers who were unwilling to take the case, believing there to be little prospect of success. Delbert mentioned the case to Marvin. Marvin saw an injustice demanding to be rectified and was undaunted by the perceived legal difficulties. The rest is (legal) history.

The decision of the Supreme Court of Canada in *Guerin*, [1984] 2 S.C.R. 335, has been hugely influential, both in the area of Aboriginal law and in the area of fiduciary law. It has been cited in approximately 500 Canadian decisions and in a significant number of English and Commonwealth judgments. The Supreme Court of Canada itself has referred to *Guerin* in at least 30 cases, including some of the most notable Aboriginal law and fiduciary law cases of the last 20 years. Indeed, the principles stated in *Guerin* are now so familiar that it is difficult to imagine that the case was once considered virtually impossible to win. In the words of Chief Justice Finch, "It is difficult more than 20 years after the event to comprehend the ability, tenacity, courage and conviction necessary to take this case from an initial, casual conversation with Chief Delbert Guerin, all the way to the Supreme Court of Canada and ultimate success. Marvin has all those qualities and more. It is of such cases, and such lawyers, that our legal history is made."

The *Guerin* case illustrates some of Marvin's most characteristic traits. First, *Guerin* was pursued out of a conviction that the Crown's treatment of the Band was "just not right". How often have Marvin's colleagues heard that phrase and

understood immediately that nothing would deter Marvin from taking the case, to the Supreme Court of Canada and beyond if necessary? Second, the litigation in *Guerin* was conducted with commitment and determination, with a carefully thought out and realistic strategy, with the assistance of the best legal minds that Marvin had available to him and, perhaps most importantly, with the very serious intention of winning. Marvin does not take on a case, even a long shot, with any other intention in mind. Third, it bears mentioning that the membership of the Shaughnessy Golf Club included and still includes many prominent members of the legal and business communities in Vancouver. Marvin's own godfather was a director. Litigation calling into question the tenure of the club was unlikely to prove universally popular with Marvin's friends and colleagues; however, such concerns have never caused Marvin the slightest hesitation in addressing an injustice. Another famous phrase of Marvin's is apposite, but unprintable in full; it is to the effect that friends aren't worth having if they "can't take a joke". Luckily, those who can take a joke make up a large and valued network of friends and acquaintances, as is apparent to anyone who has walked a block or two through downtown Vancouver in Marvin's company.

Marvin followed up his victory in the *Guerin* case with a series of landmark Aboriginal law cases, including *R. v. Sparrow*, [1990] 1 S.C.R. 1075, the first case to consider the scope of constitutional protection accorded to Aboriginal rights under the *Constitution Act, 1982*; *R. v. Gladstone*, [1996] 2 S.C.R. 723, still the only case, to the authors' knowledge, which has recognized an Aboriginal commercial fishing right; and *Delgamuukw v. The Queen*, [1997] 3 S.C.R. 1010, the first Aboriginal title case under the *Constitution Act, 1982*. In 2000, the Canadian Bar Association's *National* magazine ranked two of these cases—*Guerin* and *Sparrow*—among the top 40 most significant legal events of the past 100 years,¹ with *Delgamuukw* also receiving mention as a close contender. More recently, the Supreme Court of Canada decision in *Chaoulli v. Québec (A.G.)*, [2005] 1 S.C.R. 791, in which Marvin represented a large contingent of interveners, was named by *Lexpert Magazine* as the most important business litigation decision of 2005. It is no wonder that Marvin was awarded the Milvain Chair in Advocacy by the University of Calgary, an award given only to those very few lawyers who are judged to be among the very top advocates in Canada. Marvin shares this award with the likes of J.J. Robinette, Q.C., Michael Goldie, Q.C., and Edward Greenspan, Q.C.

To each of his cases, Marvin brings his unique skills as a tactician. While deceptively simple and straightforward, Marvin's arguments are the product of careful analysis and exhaustive preparation. His renowned courtroom skills in strategically shaping a case, in cross-examining witnesses, and in assessing and managing courtroom dynamics, as well as the authority with which he presents legal arguments of first instance, evidence a subtle brilliance which has earned him a high degree of respect among the most discerning of his contemporaries. Mr. Justice Lambert has described him as a "plain but powerful" lawyer, whose submissions get to the heart of the case very quickly and who never fails to get his point across.

Marvin's contribution has not been limited to the courtroom. He has always been a firm believer in public service and in service to the profession, and has exemplified that belief. The Honourable Wally Oppal, attorney general of British Columbia, provides a fitting description of Marvin as "one of the true leaders of the bar for over 30 years" and a "wonderful person" who "every segment of the bar and bench highly respect". Marvin is a life bencher of the Law Society of British Columbia, and has also served as an elected member of the executives of the Vancouver Bar Association and of the Canadian Bar Association (B.C. Branch). He is a long-time supporter of the Justice Institute Foundation of British Columbia, and is currently vice-chair of the foundation. Marvin is also a judge of legal journalism for the Jack Webster Awards. In addition, Marvin has been a director of the Westcoast Environmental Law Society and the B.C. Epilepsy Society. He was an early supporter of Greenpeace, serving as a director of that organization in the early 1970s and continuing to be actively involved for at least a decade. With Colette, he attended the first anti-sealing protest in northern Newfoundland, camping on the ice and facing the blistering chill of both the maritime winter and the hunters.

Marvin's love of sports has been expressed not only on the courts and fields of various sports clubs, but also in his support of a number of sports-related charities and initiatives. He is vice-chair, and also a member of the selection committee, of the British Columbia Sports Hall of Fame. He is also a very committed supporter of the 2010 Olympics and was tireless in his efforts as a member of the ad hoc committee to win an Olympic bid for the city of Vancouver and subsequently as a member of the Vancouver/Whistler Olympic Bid Corporation. He has recently been appointed an Olympic ambassador to the 2010 games. He often emphasizes the importance of sports and physical exercise in maintaining one's health and a balanced lifestyle, particularly in light of the taxing demands of our law practices.

In the field of legal education, Marvin has generously given of his time. He has attended and presented at innumerable conferences and seminars in Canada, the United States and Asia, and also has a lengthy list of written articles and publications to his credit.

The writers of this brief tribute cannot close without mentioning Marvin's influence as a teacher and mentor of many young (or formerly young) members of the legal profession over the years. These include judges, First Nations and other government leaders, as well as many other men and women of diverse backgrounds who have contributed significantly to this profession and their communities. Anyone who works closely with Marvin cannot avoid becoming a better lawyer. The advice and guidance he freely imparts, the simple example of his courage and determination as a litigator, and the opportunities and encouragement he provides to explore the full limits of one's capabilities, continue to be highly valued by the very many lawyers whom he has mentored over the years. He has taught many of us not only about the technical skills that make an excellent lawyer but also about the qualities and values we are challenged as busy professionals to embrace.

Marvin often reminds us, in words and by example, that the practice of law is an honourable vocation which ought to be guided first and foremost by professional duty and responsibility and not merely by a narrow or strict adherence to business considerations. Marvin has been a champion of pro bono work and worthy causes, reminding us that when we receive a call by a disadvantaged individual or group who has suffered injustice, we have a professional obligation to assist. He has consistently reinforced the importance of volunteering our time for community and charitable work. His colleague and long-time friend, Frank Borowicz, Q.C., C.A. (Hon.), describes Marvin as "the relentless champion of the underdog. Yet, he is so realistic. He is a rare combination of street smart and spiritual. His sensitivity and stamina draw people like a magnet, because they know he cares." Mr. Borowicz also describes Marvin in a manner that resonates acutely with many of us: "[I]ndeed in everything he does, Marvin is a little pixie, who is larger than life. He is not just a litigator. He is a master of the courtroom. He does not just practise law. He practises law in the grand manner."

In his professional journey, Marvin has marked a trail that exemplifies the meaning and value of the practice of law. For this, the profession is indebted.

ENDNOTE

- I. The list included both judgments and other events, such as the repatriation of the Constitution; of the judgments, *Guerin* and *Sparrow* ranked in the top ten.



FOR YOUR NEXT ONTARIO REFERRAL PLEASE CONSIDER

MILLS & MILLS LLP
Barristers and Solicitors

millsandmills.ca
ESTABLISHED 1884

Anthony J. Frost
Ph. 416-682-7142
Fax. 416-863-3997
tfrost@millslawyer.com

- ▶ mid-size Toronto firm
- ▶ reasonable fee structure
- ▶ prompt and personal attention