

ON THE FRONT COVER



BRADFORD W. MORSE

By D. Michael Bain and Ludmila B. Herbst, Q.C.

Bradford (Brad) Wilmot Morse is well-known to many readers of the *Advocate* as the dean of TRU Law and, in that capacity, the regular author of TRU Law News (including in this issue). Brad does a tremendous job of promoting TRU Law, of which he is immensely proud—this column, for a change, is about Brad himself.

Brad was born in New Jersey and grew up there as well. His parents had moved to New Jersey from Los Altos in California, much to the chagrin of his sister, Donna, who is seven years older and had fond memories of growing up amid the orange groves of the west coast.

Brad's parents met as adults in Chicago Heights, Illinois, where they both grew up, before their travels first to Alaska and Seattle, and then to California. Their family histories were otherwise quite different. Brad's mother, Martha Ruesch Morse, was the daughter of Swiss immigrants and a school-teacher—clearly the passion that Brad feels for teaching runs in the family. His father, Donald Richards Morse—a corporate finance man who was at one time the controller general of a company that manufactured cigarette lighters and other products—came from an old American family with a history of naming children after illustrious ancestors. Each of Brad's three names is rooted in that family history: "Bradford" is after Governor Bradford, an early governor of the Plymouth colony; Mr. "Morse" came from Virginia and married Governor Bradford's granddaughter; another "Morse" (a "great + " uncle connected by various dots and dashes to Brad) was an inventor of code; and David "Wilmot" was a member of Congress from Pennsylvania, was one of the founders of the Republican Party, encouraged Abraham Lincoln to run for office, and was well known for introducing

amendments (the "Wilmot Proviso") to bills—no matter what the bill was about—calling for the abolition of slavery. Brad grew up in days when "James" was "Jimmy" and "Robert" was "Bobby", so "Bradford" (for which he was teased for sounding pompous) became "Brad".

Money was tight when Brad was growing up. His parents split when Brad was five years old, and his mother had an exhausting and losing fight for support payments and enforcement of court orders. Brad developed an early sense of the need for access to justice and how individuals can become worn down by the system. That and Perry Mason contributed to his desire to be a lawyer, most particularly at first in the area of family law.

Brad worked during his high school years at a supermarket, and was also a member of the tennis team and chess club. He was a good student and somewhat athletic, though not sufficiently to be on one of the big teams at school. Having been tortured by his sister's Connie Francis records for too long, Brad was relieved when she finally became aware of Motown. Those records and, as a result of the British Invasion, those of the Beatles and the Rolling Stones, became favourites.

Brad embarked on his undergraduate degree at nearby Rutgers University, hoping to later attend law school. His undergraduate degree was earned via a double major in history (at Rutgers College) and sociology (at the new Livingston College, across the river). He was involved in the anti-war movement, attending rallies and marches (sometimes punctuated by tear gas) as far afield as Washington, D.C., New York and Boston as well as closer to home. He was also on the editorial board of an underground newspaper called *All You Can Eat* ("AYCE") with a circulation of about 18,000, not only dealing with matters related to the Vietnam War but also containing reviews of the latest albums, concerts and art. Brad and other students joined as well in providing landlord-tenant advice to tenants, as the lawyers nearby with actual training to do so were not offering their services for free.

These were anxious years in the United States, with draft lotteries aired on national television (an unnerving form of early reality TV) to pick, by birthday, the latest group of young men destined to be drafted. Brad's fellow students watched from dorm rooms and pubs, and heard screams from fellow students as numbers corresponding to their birthdays (1 to 366) were picked. Many left the United States, some dodging the draft, some deserting; those who remained and had the opportunity often developed "coping mechanisms", whether feigning illness or new sexual preference, or volunteering for services that would see them posted far from the horrors of Vietnam.

Vancouver beckoned. A co-worker at a summer job during Brad's undergraduate years had married a Vancouverite, whose family lived just outside

the University Endowment Lands, and Brad heard good things. He thereupon researched Vancouver—in pre-Internet style—via an article in *National Geographic*. The city looked lovely and appealed to both Brad and his partner at the time, who was interested in studying nursing. Study at UBC was also relatively inexpensive, unlike the U.S. law schools to which Brad had been accepted but which, even with scholarships in hand, were pricey. Canada had further appeal given this was the era of Watergate and, for Brad, some considerable disillusion with U.S. politics; in addition, AYCE had collapsed, with various of Brad's colleagues joining communes and other alternative movements. While Brad did not join a commune, we do understand Brad may have worn his hair long and, of course, bell bottoms.

Brad's announcement that he was going to British Columbia was met even by university classmates with some confusion. Reactions included "Why are you going to South America?" and "I didn't know you spoke Spanish that well". Scepticism continued even after Brad attempted to explain the true state of affairs. Canada was best known to Americans at the time as the source of snow in the winter, though Montreal and Toronto had achieved some name recognition through their NHL teams.

Brad started at UBC Law in 1972 and graduated in 1975. At the time, the faculty of law was still located in the old Quonset huts. Brad's strong interest in Aboriginal law started at UBC, where he became friends with a classmate, hereditary and elected Chief Joe Mathias of the Squamish First Nation; he was the first, First Nations person that Brad had met. Most First Nations had long been pushed from the eastern seaboard of the United States and they were almost invisible in New Jersey as well as, to an extent, the United States more generally; in his childhood, Brad's exposure to matters Aboriginal had been through Hollywood movies.

It was only in his third year of law school that Brad took the sole Aboriginal law course then offered at UBC, but by then, he had already been immersed in the subject. Together with several other UBC law students he was recruited to work in the summer after second year with the Royal Commission on Family and Children's Law, chaired by Thomas Berger. Brad realized through his work that around 40 per cent of the children in care were First Nations and Métis, though these groups made up only about 5 per cent of the province's population. After the closure of residential schools, the apprehension of children from these communities had skyrocketed in what became known as the "Sixties Scoop"; it was clear that there were fundamental challenges to be addressed. Among other things, Brad helped to organize the special hearings of the Royal Commission held in Prince

George after low First Nations participation in other hearings that had previously been held around the province.

Brad was also asked to work with the B.C. Association of Non-Status Indians in responding to an initiative of then Premier Barrett to address unmet legal services and discrimination in the justice system. Brad assisted in drafting the terms of reference for a task force (ultimately known as the Native Legal Task Force of British Columbia) then being formed to address these issues. Brad himself was appointed by the Attorney General of the day, Alex Macdonald, as the Attorney General's representative on the task force. Brad's three colleagues on the task force determined that an executive director was required and that Brad should take on this role, so he had a very busy third year occupied not simply with law school but also all manner of task force-related activities. The task force was involved in doubling the budget for the Native Courtworkers' program and establishing Indigenous legal clinics, among other accomplishments. During this time Brad travelled widely across the province, including to many reserves. Ultimately the task force became institutionalized as the Native Legal Services Division in the Legal Services Commission, and continued its work for many years.

By the end of law school Brad had become a landed immigrant under a federal amnesty policy that allowed him, though already in Canada under a student visa, to "land" from within Canada. As this was prior to the *Andrews* case in the 1980s, however, he could not yet qualify to practise as a lawyer, so had time to kill. The life of a law professor seemed intriguing, with models at UBC like David Cruickshank and Michael Jackson enjoying their academic work and doing many interesting things besides, so clearly more school was in order. The choice came down to (1) attending Oxford with the benefit of a Commonwealth Scholarship, but without the prospect of learning much about Aboriginal law and also without job prospects in the legal field for his then partner (who also had graduated from UBC Law); and (2) attending a Canadian law school, with the benefit of another scholarship. Brad chose Canada, and specifically Osgoode Hall, for his LL.M. Through work on the Native Legal Task Force, Brad had met Fred Zemans, a professor at Osgoode Hall and founding director of Parkdale Community Legal Services, and this contributed to his decision to choose that school. Though Aboriginal law was also not a well-developed field at Osgoode Hall, Brad wrote his thesis on the subject, with Professor Zemans supervising.

Brad and his then partner planned to return to Vancouver after he obtained his graduate degree, but he received a job offer from the University of Ottawa. Life in the nation's capital sounded interesting and Brad accepted. His then partner (with whom he split in 1979, ending their time

in a log cabin in the Gatineau) became the executive assistant to Antonio Lamer when he led the Law Reform Commission of Canada.

Brad remained with the University of Ottawa from 1976 to 2009. He found teaching fun, loved research and writing, and enjoyed the variety of doing many other things as well, including work in the First Nations field. At the University of Ottawa, Brad served as vice-dean and director of graduate studies, among a variety of other administrative duties. He taught a wide range of courses concerning Canadian and comparative Indigenous law issues, as well as labour law, trusts, property and civil liberties and other subjects.

At a Halloween party in Ottawa in 1981, Brad met Deirdre Lyons. We understand that Deirdre may have been dressed as a sailor at the time (fittingly, as she is the granddaughter of a Great Lakes ship captain) but Brad, taken with Deirdre, does not remember what he was wearing (we are assured it was something). The party was thrown by Deirdre's boss and Brad later persuaded him—thank goodness for looser protection of privacy in those days—to provide Deirdre's phone number. Though Deirdre apparently gave her boss a good talking to for having done so, she agreed to meet Brad at a pub, and all turned out well. Brad and Deirdre married and have two children: 26-year old Lagina and 24-year old Robert. Deirdre is a travel agent, and still makes some of Brad's travel arrangements—which is very handy, given the amount he travels!

Not only is travel an activity Brad loves, but it has also characterized much of his work. Brad had started going to New Zealand in 1982, first on a sabbatical. In 2009, Brad became dean and professor of law at Te Piringa—Faculty of Law, at the University of Waikato in Hamilton, New Zealand. "Te Piringa" comes from a Maori proverb for "coming together", and now approximately 30 per cent of its law students are Maori in origin; it has been ranked as one of the top 150 law schools in the world. Robert was still in high school when Brad took on his role as dean and professor, and travelled to New Zealand to live with Brad and Deirdre. Robert has remained there, marrying a "Kiwi" in May 2015. Lagina had already started university at Acadia by the time that Brad, Deirdre and Robert went to New Zealand, and is now in her early stages with the Canadian Armed Forces.

The opportunity to apply to be dean of TRU Law first came to Brad's attention soon after he moved to New Zealand to take on his role at Te Piringa—Faculty of Law. Brad was reluctant to pursue this opportunity given he had just arrived in New Zealand to fulfil his commitment. When a new opportunity to take on the role came about several years later, Brad considered the possibility. Though he loved his work in New Zealand, the law school there was by that point well-established. He and Deirdre saw the

appeal of moving back to Canada to be closer to other family, and TRU Law sounded like a tremendous opportunity, including a chance to work with exceptional colleagues and students. Given a somewhat rocky recent history, the deanship also sounded like somewhat of a challenge—which itself had appeal to Brad.

Having become dean in January 2015, Brad is now firmly ensconced at TRU Law, though also remains a part-time professor at Te Piringa, is an adjunct professor at Beijing Jiaotong University, and teaches an intensive course in Munster, Germany—only the latest stops in a career that has seen him serve as a visiting scholar to a number of law schools including the Universities of New South Wales, Melbourne, Queensland, Monash, Hong Kong, and Victoria University of Wellington as well as serve as Senior Fulbright Scholar at the Native American Legal Research Center at Oklahoma City University.

Not surprisingly, Brad does not have much time for hobbies these days; his first game of golf in Kamloops (since arriving in early 2015) was in March 2016.

Brad is extremely well regarded at TRU Law. He is seen as very approachable and candid. His office door is open, and visitors are ushered in for a chat. He wears the mantle of deanship lightly; one moot competition coach noted that Brad graciously asked whether it would be “okay” for him to attend the relevant moot. He also displays an ease and familiarity with technology and current idiom that no doubt assists him in his communications with faculty and students, as in the text he sent to arrange a meeting that read “c u soon 😊”. One student recalls meeting Brad on a Sunday evening in early September, and initially not realizing that Brad was the dean: in a Foo Fighters t-shirt, Brad was sitting among students at a popular patio picnic table, “radiating approachability and confidence”.

Not only students, staff and colleagues, but also animals, appear to regard Brad highly. It is a poorly kept secret (we are, we realize, contributing greatly to the fact it is poorly kept) that several TRU Law professors routinely bring their dogs to work. Rumour has it that this began with a brace of pugs, years back, and now includes a French Brittany (named Brittany), a Great Pyrenees, a Bouvier and most recently a Labradoodle. Occasionally, one professor brings her rabbit, and another his pet goat (seriously). Faculty members were unsure, prior to Brad’s arrival, whether this practice would continue. Any doubts were soon put to rest when, during his first week at work, Brad was spotted in the foyer refereeing a wrestling match between his standard poodle and the Weimaraner of TRU Law’s Judge in Residence, the Honourable Richard Blair. Harlech, Brad’s dog, has become a regular visitor.

Brad's career has included activities that, we are sure, involved refereeing other fights as well. His appointments have included being the Research Director of the Aboriginal Justice Inquiry of Manitoba (1988–1991) and Chief of Staff to the Honourable Ronald A. Irwin, Canadian Minister of Indian Affairs and Northern Development (1993–1996). Brad has served as legal advisor to many First Nations in Canada as well as national and regional Aboriginal organizations since 1974 in a broad range of constitutional, land claim, governance, economic and treaty issues. He was General Counsel to the Native Council of Canada from 1984 to 1993, during which time he was directly involved in the First Ministers Constitutional Conference Process (1984–1987), Meech Lake Accord Constitutional proposals (1987–1090) and Charlottetown Constitutional Accord proposals (1990–1992). Earlier, he had advised the Association of Iroquois and Allied Indians during the development of the Canadian *Constitution Act, 1982* (1979–1982). Brad has also been a consultant to various royal commissions, government departments and Indigenous peoples' organizations in Canada, Australia and New Zealand (including the Royal Commission on Aboriginal Peoples, the Australian Law Reform Commission and Waitangi Tribunal) and has been a Chief Federal Negotiator on several land claims and treaty issues in Canada. Brad has authored over 100 articles, books, book chapters and commission reports.

It may have been a circuitous route to the role of dean of TRU Law, but British Columbians and its Aboriginal communities continue to be well served by this hippy from New Jersey.

