

he would have to give up his membership in the Law Society and his international role. He did not have to give up tennis at first, but that too followed. With June's care, and the company of his dog, he battled on until succumbing last year at 80. He will be missed.

Thomas R. Berger, O.C., Q.C.



## David Hector Campbell

"A life spent loving ... is a life spent well."

David (Dave) Campbell passed away on December 28, 2015 at the age of 90. Known by many and loved by all, he was the right man in the right place at the right time in the annals of British Columbia's legal history.



A native Vancouverite, Dave attended David Lloyd George Elementary School, Point Grey and Magee secondary schools. While in high school, he played intercity lacrosse with the Richmond Farmers (predecessors of the Vancouver Burrards), winning the Rookie of the Year award in 1943. Following graduation, he served in the armed forces with the Royal Canadian Signal Corps based in Kingston, Ontario, then returned to attend UBC. He was a member of the UBC Thunderbird basketball team and eventually played on the Canadian basketball team at the London Olympics in 1948. (Along with his basketball teammates, he was inducted into the UBC Sports Hall of Fame in 1996.) His was the second class to graduate from the UBC faculty of law in 1949. In 1951 he married his beautiful high school sweetheart, Joan. He articulated with Dan McPhee and Graham Ladner and later joined Drew Pratt to form the partnership of Pratt and Campbell in 1960. By all accounts, it was a successful practice for the next 15 years.

At this point most men could rest on their laurels but the next chapter of Dave's life, his judicial chapter, demonstrated the remarkable talents of this humble man.

On September 12, 1974 he was appointed as a judge of the County Court of Vancouver. In 1977 he was appointed Administrative Judge of the County Court of Vancouver. That same year he was elected by his fellow judges to be the single representative of all the County Courts of British Columbia on the Canadian Judicial Council. The election effectively confirmed what everyone knew—that Dave was the unofficial Chief Judge of the County Courts. While continuing as a full-time sitting judge and without any additional salary for the heavy administrative role he assumed, he continued in this role until his formal appointment to the newly created position of Chief Judge of the County Courts of British Columbia in 1987.

Dave's appointment was no doubt made with an eye to the hurricane of change that lay ahead. In 1987, the provincial government appointed a Judicial Reform Task Force under the stewardship of the retired Manitoba Justice Ted Hughes. The task force's mandate was to broadly consider ways and means of improving the public's access to justice, including a possible merger of the superior courts. While one might be forgiven for now believing the merger of the courts was a foregone conclusion, at that time the topic was the subject of intense and rancorous debate.

For all practical purposes, by 1987 the County Courts' jurisdiction was unlimited. As local judges of the Supreme Court, the County Court judges enjoyed concurrent jurisdiction with the Supreme Court in all but a handful of statutes. In criminal matters, only murder and treason remained outside the County Courts' jurisdiction. The majority of the criminal jury trials were held in the County Courts throughout the province. The bar knew and trusted this seasoned bench and the dockets were full. While the public might be clamoring for justice reform, from many judges' point of view the question was—why bother?

Each of the six counties outside the County of Vancouver was headed by its own senior judge (working solo or with 2–4 junior judges) who, under Dave's benign stewardship, ran the trial list in that county, sometimes even tailoring the trial calendar to suit the local fishing or hunting season. Depending on the personality and inclination of the resident senior judge, each county was its own happy (or unhappy) fiefdom. In many counties, neither the bench nor the bar favored merger. The prospect of merger with a resulting centralized administration of the courts by the "powers that be" in Vancouver was not at all appetizing. Many judges feared merger would result in the ugly scenarios played out in other provinces, where, despite merger in name, a two-tier court prevailed and internecine, hierarchical tensions festered. For many, Dave's appointment as the Chief Judge of all the County Courts in 1987 quelled these concerns, signaling to a nervous

bench and bar that Dave—the County Courts' team captain—was now properly positioned to represent the judges' interests in whatever lay ahead.

As expected, the Hughes Report recommended merger and without more than a few shouts and some grumbling from various quarters, the two courts (comprising 39 Supreme Court judges and 51 County Court judges) were merged on July 1, 1990. A new *Supreme Court Act* came into force on that date, the *County Court Act* was repealed, and the much larger Supreme Court was now governed by Chief Justice William Esson and by David Campbell, who was appointed to the newly created position of Associate Chief Justice.

An outstanding jurist, Bill Esson always preferred to tackle the law rather than administer a court, and he had apparently been very reluctant to step into the shoes of Chief Justice. He agreed to do so on being assured by Ottawa that Dave would be at his side. Who better to deal with the recently dissolved county fiefdoms as well as to administer the criminal list in Vancouver? And so, a story that had not gone well in other provinces (and would eventually not go well in Ontario) ended well in British Columbia. The combined court experienced its growing pains, but somehow, under Bill Esson's and Dave Campbell's guiding hands, the transition was remarkably smooth.

The secret undoubtedly lay in the fact that while the combined court was much larger, Dave continued to lead and to guide the judges just as he had for years as the Chief Judge of the County Courts. His style could be described as "den mother". As den mother, Dave spent a lot of time on the phone checking in with the judges in the outlying courthouses around the province. What did the senior judge think about this or that? Did he need any extra help with the upcoming trial list? Would Judge X be undergoing surgery soon and was it reasonable to expect him or her to sit? Would sitting on an upcoming murder trial prove difficult for a junior judge given the personalities of Crown or defence counsel or the local citizenry calling for retribution? When a judge was sitting out of town in a remote town, it was not uncommon for Dave to check in by phone. How are you doing? Do you need any help with the jury charge? Is all well?

The same occurred in Vancouver as Dave sat in the Judges' Lounge, seemingly chuckling and chatting, all the while absorbing valuable nuggets of intelligence about his troops (which now included both the original Supreme Court judges and the newly elevated County Court judges). The style was hands-on, interested, committed, and unfailingly kind. This was Dave's team. Well before a judge thought to walk down the hall or to pick up the phone to talk to Dave about any particular concern, Dave had identified it and had found a way to discuss it with the judge. The visit or the call

always started: "I was thinking ..." and by the end of the chat, the burden of a heavy load of reserve judgments, anxieties over a difficult trial, or perhaps a problem the judge might not even be aware of, was resolved or a solution was underway.

Dave's reputation as a compassionate soul carried over to the courtroom. He was known throughout the bar by the affectionate nickname "Old Marshmallow" or "Judge Marshmallow", in recognition of his tendency to treat most convicted criminals with compassion and leniency. Dave was well aware of his reputation and carried it with only a little embarrassment, since he cleverly used it to his own and the Courts' advantage. For years, he regularly presided in the fixed dates courtroom on Wednesday afternoons in Vancouver. His strategy was twofold: (1) as the Chief Judge, and later as the Associate Chief Justice administering the criminal trial list, he was able to keep his eye on the upcoming trial list and begin to plan his assignments; and (2) by simply sitting in that courtroom, he could expect a healthy number of guilty pleas and thus keep the volume of trials on the court list under control. The criminal bar operated on the assumption that a joint submission on sentencing could be worked out, which they could comfortably expect Dave to support. Even without a joint submission, a light sentence was expected. If for some reason Dave could not preside on fixed dates, he usually assigned Harry Boyle to sit in his stead since Harry was a close second to Dave in terms of marshmallow qualities.

The story goes that one afternoon, although scheduled to preside in the fixed dates courtroom, Dave could not make it and neither unfortunately could Harry. To everyone's surprise, the courtroom door opened and in walked Mr. Justice George Murray—a fine criminal jurist but certainly not Judge Marshmallow by any standards. Don Celle, senior Crown counsel in the Attorney General's Vancouver office, who regularly spoke to the majority of matters on the court list, turned to face the crowd of defence counsel in the courtroom and uttered (not entirely *sotto voce*): "All deals are off!!!"

When Dave retired in 1996, many a tear was shed by his fellow judges, court staff, and legal counsel. More tears were shed by those who had the good fortune of attending Dave's Celebration of Life held at the Point Grey Golf and Country Club on January 16, 2016. It was no surprise to learn that through all the years as the County and Supreme Courts' den mother, at home Dave was a consummate father and grandfather—a true family patriarch. One by one his grandchildren spoke eloquently about their grandfather—his close, personal attention to the entire family, how he drove to their football and rugby games (more recently hobbling to the side of the playing field on his walker), attended gymnastics and dance lessons, hosted

weekend play at the Bowen Island retreat, and consistently modeled the traits of character they all hoped to emulate. As with his judicial family, Dave was an ever-present, caring man.

Dave is survived by his wife, Joan, his daughter Margot (husband Geoff Langlill, sons Brent/Christine Kelland, Adam/Greta Barbosa, and Ross) and son Craig (wife Trina, daughters Tessa and Chantal).

All of us, the past and present members of the bench and bar of British Columbia, thank Dave for his leadership and his service. May you rest in peace dear friend.

The Honourable Mary Ellen Boyd



## Robert David Shantz

Robert David Shantz was born in Saskatchewan on June 14, 1942. He passed away on August 8, 2015. He had been under medical treatment and had voiced some prescience regarding his own mortality.

Bob was a renaissance man. Not only did he reinvent himself in his areas of practice, but he had a breadth of interests and a knowledge of humanity. He was a person of a superior skill set.

He practised mainly in the Fraser Valley. He articulated to Ronald Stewart in the old Andrews, Swinton and Smith firm in Vancouver and was called to the bar in May 1970. His first experience as a young lawyer was running a general practice in White Rock with the Thompson McConell firm. His associates included the Honourable Wallace T. Oppal, Q.C. (back then it was just "Wally").

Bob's refractory nature served him well in his barrister's practice. Bob was always a formidable opponent in whatever matter he chose to undertake. For many years he honed his skills as a criminal law barrister. He appeared usually for the defence and, the writer believes, also for the Crown on occasion. He was recognized as a capable counsel by the Crown

