

# ON THE FRONT COVER



## DAVID CROSSIN

By Leonard T. Doust, Q.C.

**D**avid Crossin is the newly appointed president of the Law Society. He is also a masterful advocate whose every word in the courtroom is obviously carefully chosen—he thus commands the absolute attention of the court whenever he rises to speak. He also commands the respect of all who are present by virtue of his attitude and the manner in which he carries himself. It is little wonder that he has attained such excellence in his chosen field as well as developed leadership, love of the law, compassion for and willingness to provide assistance in every way possible to fellow practitioners who find themselves in difficulty, given that his career was spawned in that nest of high-level counsel which was led for years by a leader who was undoubtedly the leading criminal defence lawyer in British Columbia in his day—Angelo Branca.

David articulated with that firm and grew up as a lawyer in it. The firm was led by Branca until his appointment to the Supreme Court and ultimately to the Court of Appeal. Thereafter it was led by another of the province's best criminal lawyers, Thomas Braidwood. He too was appointed to the Supreme Court and ultimately to the Court of Appeal. Braidwood broadened his practice to include civil litigation where he was equally adept as counsel and David benefited considerably in the practice of civil litigation by having worked with Braidwood.

Some of the other able counsel and leaders of the profession with whom David had the benefit of working at that firm included the late George Goyer, Q.C., the late Rick Sugden, Q.C., Robin McFee, Q.C., Albert Roos, Q.C., and the late David Nuttal, as well as many others. Is it any wonder that

the innate skill, ability, intelligence and effective form of presentation that David possessed would blossom and make him unquestionably one of the leading litigators in the province, both in the field of criminal law and civil litigation?

David was born in Vancouver and spent his teenage years in East Vancouver and Burnaby Heights. His teenage years, as he puts it, "had their ups and downs" and taught him many lessons about life and its problems. He came to the realization that some legal training might come in handy one day and his early lessons in life have helped him no end in understanding people—a knowledge that is essential to all good counsel.

He went to law school at UBC, graduating in 1976. He commenced his articles with the firm of Braidwood, Nuttal, McKenzie, Brewer and Greyell. He was called to the bar of British Columbia in 1977. Over the next ten years he rarely left the side of Tom Braidwood, who attracted the clients. Times were a bit different then. Indeed, if the clients ran out of funds they were not ushered out the door but were simply lowered down the food chain. Consequently, baptism by fire for a very young trial lawyer was simply the given.

For example, David was called to the B.C. bar on Friday and he went out for the traditional lunch with his parents. Braidwood had come to the ceremony and asked if David could return to the office for a moment that afternoon after lunch. Upon returning to the office, Braidwood handed David a brief on which David had been assisting him—a stock fraud defence. It was a County Court trial scheduled for three weeks commencing on the following Monday. Fortunately there was a co-accused that had common ground with David's client and who was represented by Thomas Dohm, a most capable defence lawyer who had come back to practice after serving on the bench. Dohm guided the two of them through to an acquittal. The case was prosecuted by the very able John Rowen, Q.C.

In 1986 David joined the firm of Doust and Smith. This was another firm that provided a number of capable role models for David, including Ken Smith, who was later appointed to the Supreme Court and then the Court of Appeal. In 1988 that firm merged with Shrum, Liddle and Heberton, which later came to be known as McCarthy Tétrault. David left that firm in 1993 to begin his own small boutique litigation practice. For the next 14 years his firm went through various iterations of a two- or three-person firm but the one constant throughout was Susan Coristine, who worked at his side consistently.

In 2007 David came full circle and joined the partnership of Sugden, McFee and Roos LLP where he continues to practise.

In addition to working together at Doust and Smith, David and I have crossed paths in many cases. In the early 1980s the Law Society retained Angelo Branca (after he retired from the Court of Appeal) to prosecute a case. John McAlpine, Q.C., had one brief for the defence and I had the other. Former Justice Branca quickly discovered that the case was far too demanding for him at that stage of his life and left it to his young junior David Crossin. This was a considerable responsibility that David undertook. The panel found both respondents guilty. The case went to the Court of Appeal where once again David did an outstanding job sustaining the conviction against my client. The Court of Appeal did set aside the conviction of the other respondent but that result was certainly not the product of any shortcoming on David's part. It was an important, complex and lengthy litigation process which a very junior David Crossin handled extremely well. It foreshadowed what was to follow in terms of his career.

Another example was the case of a lawyer charged with attempted murder. David handled this case shortly after coming to Doust and Smith. It was an extremely difficult case on the facts but David was able to secure an acquittal.

In another instance, David and I each had a client that had been convicted of indecent assault and in the Court of Appeal our only ground was founded on factual arguments. We were successful in obtaining a new trial on that basis, which is quite unusual and was in part the product of David's efforts. Of course perhaps the greatest victory in David's career was the acquittal shared with his good friend and co-counsel William Smart, Q.C., in the infamous Air India case.

David's list of successful cases goes on and on but the most important, to him, are the numerous instances where over the last 20 years or so he has represented, counselled or advised lawyers who found themselves in various types of difficulty. He consistently makes himself available to assist other lawyers in need.

Not only has he contributed to the profession by way of his representation as a bencher but he also served on the board of directors of the Legal Services Society in the mid-'90s and then again in the mid-2000s. He was the chairman of the Legal Services Society board in 2011, 2012 and 2013. He has an abiding interest in legal aid and access to justice. This is further evidenced by the fact that he is instituting a Legal Aid Task Force so that the Law Society of British Columbia can formulate a policy on legal aid in order to become a much stronger and louder voice in that regard. He declares himself to be determined to pick up where the Doust report on legal aid in British Columbia left off.

David is also a fellow of the American College of Trial Lawyers, an honour which can only be attained by way of specific invitation after a very fulsome and extensive peer review process. The honour remains available only to those who are clearly leaders in the profession

David has three wonderful adult children, two sons and a daughter who live in and around Vancouver and often show up for food at the home he shares in North Vancouver with his partner, Jean Whittow.

He tries very hard to succeed at fly fishing, considers himself a decent amateur cook and he rides a Harley Davidson. He is often accompanied on rides by his good friends Joe Battista, Q.C., and Herman Van Ommen, Q.C. He has ridden with them from Brownsville, Texas to Sturgis, South Dakota and beyond. This past summer he and Herman did a tour in the eastern United States ranging from the sacred ground of Gettysburg to the Blue Ridge Mountains of North Carolina.

David says that it was "like the practice of law, quite a ride."



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