Melvin Hunt

*Fiat iustitia ruat cælum*

While Mel Hunt's achievements would be remarkable for any lawyer, his start in life as an orphan made his accomplishments as counsel, a colleague and a father all the more remarkable.

Born in Toronto in 1942, Melvin was taken from his unwed mother at birth and placed in an orphanage—a fact Mel found out only late in life when he was finally able to obtain his records from the Children's Aid Society. He shared with comfort and pride the knowledge, obtained after all those years, that his mother attempted on several occasions to get him back—that she cared. The description in the records of his early years in the orphanage and later in a series of foster homes served as grim reminders of tough times.

While a teenager, his school attendance was sporadic as he was busy in what might now be described as “entrepreneurial” ventures to earn money. He was uninterested in his formal education, which he did not see at the time as having any relevance to his circumstances. Dropping out of school in grade 10 so he could work and be independent, he worked a variety of heavy-labour jobs. Inexplicably, one afternoon at age 17 he made a decision that changed the direction of his life. While working construction, he double-parked his work truck outside the Canadian Forces recruiting offices on St. Clair Avenue in Toronto and went inside. Mel was initially self-conscious (the word “intimidated” would never really apply to Mel) as an unannounced “drop-in” wearing construction clothes whereas everyone else was well dressed, sporting ties, and had scheduled their appointments. Despite appearances, he was warmly received and encouraged by the first of many
Canadian Forces personnel who recognized his talents and offered a series of life-changing opportunities.

He joined the military as a firefighter in the air force and was stationed at a number of Canadian Forces bases in Canada and Europe. While stationed in Europe he competed in boxing and judo. His very good friend who served with Mel, Sid Stephen, recounts two notable stories of this period in Mel’s life. The first involved a sergeant in a real boot camp saying to Mel, who was talking at the time, that they were there to get fit. He instructed Mel to do 20 push-ups, which Mel proceeded to do with one arm, thereby silencing the sergeant. The second involved Sid lending a book to Mel, which sparked in Mel an interest in reading that never waned. Fortunately, while stationed in Europe, Mel’s first fire chief recognized his potential and put him on a shift that allowed him to finish high school in his 20s. At this point in his life Mel was someone with a keen street sense, an athlete who knew how to compete and who was rapidly developing his intellect.

Several years later, Mel was selected for the Canadian Forces University Training Programme for Men (as it then was), which enabled him to complete an honours degree in philosophy. He then served as an administration officer. As a young officer at CFB Penhold, Air Defence Command HQ North Bay, Mel had an early test having to stand up to the base commander and his efforts at intimidation and coercion relating to the promotion of his girlfriend at the base canteen. This was one of the early examples, and there were many, of Mel standing up for just process regardless of the ramifications.

In 1974 Mel was selected for the new Military Legal Training Plan and attended law school at UBC. During the summers he worked for the Assistant Judge Advocate General in Esquimalt, ably assisting with a series of fraud investigations and prosecutions. Upon graduating in 1977 he articled under the tutelage of prominent Victoria counsel Dermod Owen-Flood, Q.C. (later Mr. Justice Owen-Flood), who was certainly a mentor to Mel—on occasion a challenging one as Mel often recounted. Owen-Flood together with the others at the firm gave rise to Mel’s attraction to criminal defence work.

Upon his call to the B.C. bar in 1978, Mel became a legal officer in the Office of the Judge Advocate General serving at the Directorate of Personnel Legal Services at National Defence Headquarters in Ottawa. As noted by Mel’s colleague Commander Sheila Archer, one of Mel’s fellow officers said “it was there that Mel honed a well-developed sense of outrage at the manner in which individuals could be (and were) abused, together with the knowledge and skills to mitigate the abuse by using the institution’s own rules and process.” Another colleague said of Mel during this period that
this happy blend of scholarship and pragmatism, advanced convincingly, concisely and persuasively, was a hallmark of his work. He was fearlessly honest in his approach to all matters, consistently demonstrated grace under pressure of competing priorities and had banked much credibility with his client base and his military legal peers and superiors.” Mel also did an admirable job prosecuting at courts martial including his well-regarded work in the highly publicized, complex and sensitive case of the ex-private who had deserted to East Germany during the Cold War era.

In 1980 Mel was promoted to the rank of major and in 1984 to lieutenant-colonel as the director of Law International. In 1985 Mel was promoted to the position of assistant to the Judge Advocate General Pacific Region in Victoria at CFB Esquimalt. In 1987, faced with the possibility of a posting in Ottawa, Mel chose to retire from the military and enter private practice in Victoria—much to the chagrin of the adjutant general.

Visions of Mel’s professional life after entering private practice in Victoria in 1987 begin with a devotion to work evidenced by the hours he worked and his love of the ins and outs of conducting trials and courts martial. His first of several appearances in the Supreme Court of Canada was with Jeff Green on a trafficking case in 1979. Very accomplished in criminal law, he was also the “go-to guy” in military legal matters, in which field he was accepted as an expert in the Supreme Court. While Mel also enjoyed success in a broad range of civil litigation, his heart in most cases lay with representing someone who had suffered from an abuse of authority or lack of due process—the underdog.

Professionally, Mel was applauded by his colleagues and associates as a fine teacher, thoughtful and considerate of those working with him. He was noted to have treated female lawyers (whether those he worked with or against) with respect, both in their professional capacities and personally, which at the time (as Commander Sheila Archer noted) “was not the mainstream perspective”. Senior Crown counsel Pinder Cheema, who met Mel in the early 1990s, commented on Mel treating her with respect in their dealings as well as his ability to balance his relationship with an adversarial Crown and his duty to his client.

Mel was known as a forceful and fearless advocate for his clients—resourceful, resilient, tough minded and smart. Mr. Justice Robert Johnson, in a memorial sitting of the court in Victoria, commented that “I had a few trials against Mel as a lawyer, and each time I came out of the trial thinking that I had a very worthy opponent and an opponent that had been a treat to oppose ... Mel was capable of taking on a tough case. He was not easily pushed, and he was always firm, but civil. This is to me one of the essences
of a really good trial lawyer—Mel Hunt was one of those." Judge Randy Callan, a former colleague of Mel's, described him as "a pugnacious and spirited defender for his clients who was willing and able to take on all comers as well as being known by those working on the other side of his files as a fair-minded champion of justice. Mel worked long and hard for his clients."

On a more personal note, Mel had a keen sense of humour. While in the military, he was the secret author of "the Moses letters"—purportedly authored by the mythical Major-General Moses. This infamous series of hilarious but wholly subversive communiqués lampooned the senior leadership of the Judge Advocate General branch and was subsequently banned. When prosecuting a court martial that Mel was defending, Randy Callan (now Judge Callan) in his submissions referred to the police apprehending the member on a possession charge after observing a large flame from his lighter. This comment caused Mel to jump up and object, accusing Randy Callan of making "an inflammatory remark."

While attending a symposium in Edmonton, Mel sent a telegraph to the director of personnel (legal services) advising, "unable to locate the site of the symposium however, time was not wasted as have been retained by the Hare Krishna society to defend them on charges of emotional fraud. Providing we wear our uniforms, we agreed."

For many years Mel was thought to have subsisted largely on work, Broadcast brand canned chili, coffee, beer, red wine and Colts cigars. He lived modestly. He was married twice to women who, despite the end of their respective marriages, he maintained good relations with. He was not hesitant to acknowledge his own shortcomings. Family was not something Mel was brought up with; however, it was highly valued by Mel and never taken for granted. Despite not having any role model, he was a loving and supportive father who enjoyed the devoted love of his daughter Nicole, her husband Pastor Garry Vanderveen (and their children, Hannah, Sarah, Josiah, Micaiah, Elijah, Torah, as well as Mel's great-granddaughter Eleora) and his son Raphael (and his son Kingston). His long-time trusted assistant, Carolee Punnett, noted that while Mel portrayed himself as a rock, he was in truth a very compassionate and caring man.

Almost six years ago Mel's health began to fail as a result of a kidney disease he inherited from his mother. He was supposed to retire. A remarkable retirement dinner was hosted for Mel and his family by his fellow members of the criminal bar (notably Peter Firestone) in Victoria. The dinner was attended by 35 members of the Crown counsel's office and defence bar with the speeches of Crown and defence counsel alike lauding Mel's skills as a lawyer, his fair dealing, and the respect he was held in by his fellow mem-
bers of the bar. Mel of course kept working until his kidney disease made that impossible.

Even in his last months Mel was always keen to leave the hospital in his wheelchair for a Colts cigar and lively conversation with family or a friend. He never lost his interest in people’s lives, current events, philosophy, notable trials and storytelling. His charm persisted in difficult circumstances, as evidenced by the delegation from the Royal Jubilee Hospital’s dialysis unit who attended his funeral and spoke in fond terms of their time with Mel.

Near the end, Mel said he lived a full and good life, satisfied with his professional accomplishments, the love of his family, not being alone, and the company of friends and colleagues he always enjoyed.

Having lived his life as a lawyer in accord with his adopted maxim, *fiat justitia ruat caelum,*

1. Literally, “Let justice be done though the heavens fall.”

Ross McLarty

ENDNOTE

John D’Arcy Gardner

On September 3, 2016 Mission Memorial Hospital witnessed the end of one of the most unusual yet quintessentially Canadian legal careers in the history of British Columbia. John D. Gardner was the first person to graduate from the University of British Columbia Faculty of Law in a wheelchair, but what really set him apart were his contributions to legal scholarship. As editor of Walter Tarnopolsky’s *Discrimination and the Law,* revised by William Pentney, he became a hidden expert on human rights issues. He also carried the torch for that secret weapon of the law library: *Sanagan’s Encyclopedia of Words and Phrases: Legal Maxims.* Rarely cited in legal judgments it was, all the same, the starting point of the research used to construct many a ground-breaking argument or to decon-