

# ON THE FRONT COVER



## MICHAEL FITZWILLIAM WELSH

By Preston S. Mott

What can a grandson of Irish immigrants, a student of perhaps the foremost philosopher of the 20th century and its most renowned extra-terrestrial thinker, an Ivy League university graduate and a small-town boy bring to our profession? Strange how lawyers deal in such questions. When considering the new president of the Canadian Bar Association (B.C. branch), the lawyer-like answer is probably: "We shall see!"

While Michael Welsh is a true son of the Okanagan, he has had rich and diversified life experiences throughout British Columbia and elsewhere. His father's family came from Ireland to Summerland in 1920 when Michael's father was only four years old. Michael's paternal grandfather was an engineer who managed an ammunition factory in Glasgow during World War I and suffered from PTSD due to the many explosions and other accidents he encountered. His paternal grandmother was a captain in the Salvation Army (his grandfather joined and became a corporal!). They purchased an orchard in Summerland and ran it until Michael's grandfather died. Michael's father had summer jobs at the Summerland Research Centre and decided to study agriculture, obtaining his Ph.D. in plant pathology, working as head of that section at the research centre for decades, and for a period of time as the acting director. Being from Summerland myself, I knew Michael's father, who was a well-respected and involved member of the community and, while recognized as Dr. Welsh, was affectionately referred to by everyone as "Maurice".

Michael's mother was born in Kellogg, Idaho, where his maternal grandfather worked in the mines. He was also a carpenter, a farmer and auto

mechanic over the years, and Michael's maternal grandmother was a teacher. Both were Canadian and they moved back to Canada after a few years, living mostly in the Kootenays. Michael's mother became a nurse.

After service in World War II in the Italian campaign, Michael's father was stationed for a time in Creston for Agriculture Canada, where he met Michael's mother. Soon after their wedding, they moved to Summerland where they bought acreage by Okanagan Lake, built a house and planted an orchard.

Michael, the oldest of the four children in his family, was born in Penticton in 1953 and raised in Summerland. He graduated from Summerland Secondary School in 1971.

As Michael's father periodically obtained opportunities to work abroad in his field, the family lived during those periods in another country. After Michael's high school graduation his father received an offer to be an associate professor at Cornell University in New York. Michael thereupon applied and was accepted to the university and, after his family returned to Summerland, stayed on to complete a degree in philosophy *cum laude*, writing his honours thesis on Ludwig Wittgenstein. Inspired by his thesis professor, who was Wittgenstein's protégé and best friend, Michael also took a course in astronomy from Carl Sagan and a course in wine appreciation, perhaps to provide enlightenment for both courses. The wine appreciation course required Michael to write a term paper after much "study", which set him up well for his current "research" when he writes his wine columns for the *Advocate*, as well as on a life-long quest for good wine.

After graduation in 1975 Michael returned to Summerland to look for work while he figured out what to do next. (In today's vernacular, that means "looking for your passion".) Michael quickly found out the value of an Ivy League liberal arts degree, getting a job pulling glue-covered boards from a glue machine and slapping them into presses at a local laminated beam factory. After being so employed for a few months to put some money aside, Michael then moved to New Westminster to live with an aunt while looking for work in the big(ger) city. Michael then claims he decided it might be fun to find something in the legal field. He cannot recall why he thought this, but he does recall telling this idea to a job counsellor at the UIC, as they used to call it (now EI), and immediately being disqualified for being unrealistic in his job search.

Fortunately for him, the Dave Barrett NDP government had just come into office and, like kids at the candy store, started spending money on a raft of social programs, including setting up a comprehensive legal aid system. Michael was hired as a paralegal at a community law office in New

Westminster where he worked for about two years, doing paperwork for uncontested divorces, welfare and UIC appeals, setting up public legal education programs and eventually becoming a court worker in criminal cases in Provincial Court. There, among other things, he did sentencing hearings in minor cases, becoming skilled at obtaining discharges. Interestingly, that seems to have resulted in a local lawyer reporting Michael to the Law Society for unauthorized practice of law and (fortunately for the one and only time before or after he became a lawyer) Michael was investigated. As the government was paying his salary and not the clients, and as he was supervised by a lawyer, he was cleared. However, that experience led him to decide that perhaps it was time he invested in a law degree to avoid similar problems in future.

Michael enrolled at UBC law school in 1977 and graduated in 1980. After graduation Michael clerked for a year at the British Columbia Supreme Court, along with Brown J., Barrow J. (retired) and Sandra Bannister, Q.C., among others. Michael then articulated with Russell & DuMoulin (now Fasken Martineau) along with former Attorney General Geoff Plant, Q.C., Geoff Cowper, Q.C., Dinyar Marzban, Q.C., Tom Manson, Q.C. and a number of others who, in Michael's opinion, are far more illustrious than he. After practising with that firm for a while Michael decided to look for other alternatives when the partners decided they had too many junior associates with no particular expertise and they needed to have them specialize. Michael was told his future lay in contested wills and estates work, which had driven the associate before him to a nervous breakdown. Michael decided there was more to life than death and moved on, joining a small firm with offices in Vancouver and the Sunshine Coast and moving to lovely oceanfront property in Gibsons. Michael became a partner in that firm, Eastwood & Welsh, and remained there for several years.

With the arrival of his and his former wife's first child he decided that the "to and fro" on the ferry was becoming too much and in 1988 they set up a practice together in Sechelt, called Welsh & Gray. In this practice Michael litigated in courts in the Lower Mainland, on Vancouver Island and along the coast, including acting as local standing agent for the federal Director of Public Prosecutions for the Sunshine Coast.

Michael joined the Rotary Club in Gibsons in 1988. He was one of the founding members of the Sechelt Rotary Club and became the club's president.

Michael says he enjoyed his time being part of the Sunshine Coast bar, especially as the bar meetings were actually held in a bar in the old Peninsula Hotel (since burned down) in Roberts Creek.

In late 1997 the Okanagan lured Michael and his family back and they moved Osoyoos, where Michael tore out an old apple orchard and planted a ten-acre commercial vineyard which had to be subsidized for several years by Michael's returning to the practice of law. Michael discovered that establishing both a vineyard and a law practice from scratch in his late 40s while raising a family was a challenge and then some. He learned the truth about the old adage that the best way to make a small fortune in the wine business is to start with a big one!

Michael threw himself into the wine industry, joining the BC Grape Growers Association (of which he was president for two years) and, some thirteen years ago, becoming a BCVQA wine judge while also serving on a number of other wine industry associations. It was probably in a moment of weakness from the wine, but thirteen years ago Michael also started writing the wine column for the *Advocate*. We have all been the beneficiaries of Michael's wine column (initially with the late Ralph Hutchinson, until his death). Michael comments that over the years he finds that the column is often the only thing that other lawyers know about him, saying, when introduced, "Oh you're the wine guy." Envy, perhaps!

For the first year or so after setting up his Okanagan practice, Michael had an office in Osoyoos and then joined his present firm in Penticton, now called Mott Welsh & Associates, where he kindly claims that he has had the pleasure and privilege to work with some great lawyers of the Okanagan bar. Michael continued to commute between his farm in Osoyoos and the office in Penticton until he sold his vineyard in 2007.

One of Michael's great accomplishments has been with Rotary International, where, in addition to his service as president of the Sechelt Club he later organized and was the Charter president of the Rotary Club in Osoyoos at the invitation of the District Governor. He is now a member of the Penticton Rotary Club and has gone abroad to work on Rotary projects in Honduras and Haiti.

In the late 1990s Michael took courses in mediation and has since mediated disputes in addition to his litigation practice. In the past few years he has shifted much more of his efforts into ADR work, both mediation and arbitration. He has his Chartered Mediator (C. Med.), Qualified Arbitrator (Q. Arb.) and Certified Family Arbitrator (C. Fam. Arb.) designations among others and is certified by the Law Society in family law mediation and arbitration. Michael was president of the British Columbia Arbitration and Mediation Institute for 2015-16 and is currently its immediate past president.

Michael has always had a passion for theatre and about fifteen years ago, after a hiatus since his university days, saw an ad for auditions for a produc-

tion of "My Fair Lady" in Penticton. He thought it might be fun, tried out and ended up with the lead character, Henry Higgins. After that he was hooked once again, and has played major roles in many plays and musicals, including playing Shylock in the "Merchant of Venice", the King in the "King and I", Pontius Pilate in "Jesus Christ Superstar", Juan Peron in "Evita", Inspector Javert in "Les Mis" and the evil Judge Turpin in "Sweeney Todd". The lawyers in Penticton include a few thespians and he enjoys being among them.

Having not quite enough to do, Michael also started participating in triathlons when he reached the age of 50. The first was in Oliver. He heard there was a (short) sprint tri and went online in November to sign up for a June event. He received an e-mail saying that registration was full and so gave up training. The following February he got another e-mail saying that they wanted more local people and he had a spot. He wrote back to say thanks, and then realized he had signed up for the wrong event—a half Ironman distance. He was too embarrassed to pull out and so had to train like mad. Michael had done lots of running over the years, but didn't have a road bike. He borrowed an old one from his brother and started peddling away. He claims he was a terrible swimmer and so drowned his way through innumerable lengths of the Penticton pool to improve. He finished the race, albeit not in good time, just under four months later (*four months to finish a race!* - Ed.), decided it was not so bad, and signed up for another half Ironman in the fall of that same year. He has since completed numerous other triathlons of varying distances, including the Ironman (once) some five years later.

Michael has been a member of the CBA since law school (now entering his 39th year) and has been a member of the Trial Lawyers Association of BC since it was founded. A few years ago he ran for and was elected to the CBA(BC) Provincial Council and from there to a position on the Executive Committee, then Secretary-Treasurer and the rest is history (a good history he is hoping in his presidential year).

Michael's wife, Alexis, and he have been together for over a decade. She works in career management. Together, the Welshes have five children, Nadia, Alayna, Connor, Sam and Kieran, plus two sons-in-law and one grandchild. As both Alexis and Michael come from families of five children, Michael believes this is a perfect number. One daughter is an accountant working on her CPA and is married to an RCMP officer, the other daughter does catering work and is married to a hotel manager. Their three sons are, in turn, a dolly grip in the movie and TV industry, a professional musician and composer doing music for commercials and movies, and (the youngest) in

the process of applying to the RCMP after completing a degree in criminology. He will likely head to depot in late 2016.

As has been evident in this biography, Michael is a quintessential Canadian, with forebears immigrating to Canada and bringing a strong work ethic, being involved in the community at all levels and, most importantly, benefiting the common good in innumerable ways. It may be the Irish in him, but all who know Michael also know his wit and ready sense of humour. What may not be so well known is his compassion for his clients and his skill and integrity in pursuing their causes. Michael is like the proverbial duck on the water—calm and composed on the surface, but a mighty whirlwind underneath. Those of us who have had the pleasure of practising with very special people have been privileged to enjoy some of the perks that go along with such an association. For all of us at our firm, it's always an ego-boosting experience to be able to say, "Yes, Mr. Welsh is a lawyer with our firm!"

It should probably be noted that Michael's interests and talents are not limited to thespian, athletic and alcoholic pursuits, but include his constantly inspiring artistic talents in gardening, cooking, art collecting and home and office décor. Entering into Michael's office, traversing a floor mat which reads "Come back with a Writ", exposes one to a fine collection of plants, books, portraits and a wall of fame exhibiting a multitude of framed certificates of achievement of various merit.

If Michael's past exploits are any indication, the B.C. branch of the Canadian Bar Association can look forward to a year of efficient, intelligent, professional leadership with an increased and involved membership.