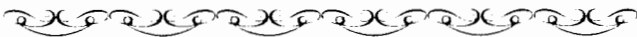


edge, his generous mentoring of young counsel, his joyful sense of humour, his genuine thoughtfulness toward office staff. He was the kind who would always enter the office hockey pool, although apparently never lucky enough to win. He would always eat lunch with his colleagues—giving rise to stories about his appalling yet unchanging taste in sandwiches. But the true function and effect of those lunches was to build long and deep friendships as well as a fund of Ehrcke stories on almost any topic. He is famous in that lunchroom for his encyclopedic knowledge of subjects outside the law, and indeed outside the common experience of most of the rest of us. A colleague comments, "When Bill says a proper name for something, you never know if he's referring to a recent Supreme Court of Canada case or the most recent Norwegian independent film playing at the Cinemateque."

I reserve to the end of this note the truly important people—Bill's family. They are his daughter, Tara, and her partner, Patrick; his granddaughter, Samantha; and most of all his partner since the early 1980s, Donna. Donna teaches theatre with great skill and enthusiasm at Magee Secondary School, and it is a nice commentary on Bill's life to know that he and Donna met when they were both taking part in a production of *Brigadoon* by the Greater Vancouver Operatic Society. Donna, ever the theatrical critic, recalls the performance itself with some chagrin; but her own performance clearly shone, as she has been central to Bill's life ever since.

Bill has been one of British Columbia's finest appellate barristers, and those who have been lucky enough to have worked with him are convinced that he will make an equally impressive mark as a judge. We will miss him, but we wish him great success and satisfaction in his new career.



The Honourable Mr. Justice Lance W. Bernard

What can one say about a man who is frequently mistaken for Harrison Ford? A man who, as his law school civil lit prof observed, has a name "right out of a Harlequin romance"? A man who has had a stellar career as a Crown counsel, prosecuting some of the highest-profile cases in recent history, and who has held a variety of challenging posts for the Crown? A man of whom his

harshest critics can only say: "He's allergic to cats"?

On August 21, 2003, in New Westminster, Lance W. Bernard was sworn in as a justice of the Supreme Court of British Columbia. Lance is one of those rare individuals who can claim to be an original inhabitant of Vancouver; he was born

here 48 years ago and has lived in the city even since, graduating from Eric Hamber High School and the UBC Faculties of Commerce and Law. He articulated with McFarlane, Pearkes & Co., was called to the bar in 1981 and immediately afterward joined the Crown, where he remained until his appointment.

One of Lance's finest attributes is his ability to maintain a sense of balance and perspective. His highly pragmatic approach was evident early on, in law school, when he carefully analyzed the amount of time and effort required to crack the top 10 list and concluded that it was just not worth the sacrifice. Instead, he opted for a balanced life and maintained respectable marks while enjoying an active and eclectic social life. When not in classes or in the library, he often could be found at an art gallery, at a theatrical or musical event, playing squash or with a bag of Lee's chocolates in hand, window shopping and grazing his way up and down 10th Avenue.

During university, in the summers, Lance worked as a Gray Line bus driver. He is probably the only person who, having missed the Horseshoe Bay exit, successfully made a U-turn in a passenger bus on the Sea-to-Sky Highway. He expanded his geographical knowledge of the province after acquiring the Victoria and Fraser Valley runs, and much to the surprise of regular passengers, took them on routes hitherto unknown to them or the bus company. However, watching the unfamiliar countryside blur past them, his passengers presumed he knew what he was doing and he forged ahead, unchallenged, with his characteristic aplomb and confidence. There may be moments of bus driving *déjà vu* for Lance in the months ahead.

Although Lance held a number of administrative positions at Crown, including Administrative Crown Counsel at Family Court, and Deputy Regional Crown, his great passion is for the courtroom, and it was there he demonstrated his prowess as a trial lawyer. He prosecuted some of British Columbia's most highly publicized and sensitive cases, including the pro-life supporters at the abortion clinics for contempt of court, midwife Gloria Lemay for criminal negligence causing death; the Starbucks case, in which the manager was killed by the husband of a store employee; and one of the longest trials in Canadian history, the prosecutions arising out of the Gustafsen Lake incident.

When analyzing Lance's skill as a litigator, colleagues frequently refer to his ability to hone a case to its bare essentials, deal with matters in a practical, commonsense manner and, although eloquent, to use plain language, free of rhetoric. They also often mention his willingness to provide guidance to others and the generosity with which he made time to listen and advise, despite the challenges of his own workload.

In 1991, when Lance was appointed Deputy Regional Crown Counsel for the Vancouver Region, his open-door policy was at first regarded with some skepticism by those who didn't know him well—but they soon learned that he was always willing to share his wisdom or just have a good laugh. One young prosecutor at the time observed that Lance had a daunting reputation, so she was "somewhat intimidated by this very tall, elegant, immaculately dressed and

groomed man in the large beautifully furnished corner office. But that didn't last long...."

Lance has been described as calm and unflappable, qualities that have made him a highly effective barrister as well as an efficient and approachable administrator. He takes all problems in stride. Soon after he was appointed coordinator of the Gang Prosecution Unit, the neighbours in the house beside him were quizzing him on the dangers of the position and asked him if he wasn't worried about personal safety. He replied that he wasn't in the least bit concerned, since gang members are notoriously poor shots. They usually miss their targets, he said, "and hit the house next door".

Not only has Lance been a mentor to his junior colleagues, he has contributed many hours of his own time to the legal profession. He was a popular guest instructor at PLTC, has participated in numerous CLE courses, was a guest instructor at UBC Faculty of Law and was a member of the advisory committee to the Provincial Judicial Council, recently stepping down after three years as its chair.

Lance took over as Deputy Regional Crown Counsel in charge of 222 Main Street at a troubled time, and in the ensuing two and a half years he has implemented improvements that resulted in greater order and calm, enhanced its efficiency and boosted staff morale. Apart from the significant procedural and substantive changes for which he was responsible, one of his innovations is still talked about with mixed admiration and disbelief. Lance combined his fine eye for decoration and art, and his skill as one who can stretch a dollar to its most elegant end, when he decided to raise morale by improving the drab Main Street offices. In Victoria, on Crown business, he learned of a vast amount of artwork mouldering in the Provincial Archives, and through undisclosed wheeling and dealing, he managed to obtain several of these pieces to hang on the walls at 222 Main. Later, visitors were astonished to find a Gordon Smith painting in the waiting room and a Jack Shadbolt triptych gracing the boardroom.

Lance has an original turn of mind and is well known for his quirky, offbeat sense of humour. He has used this, with great effect, to defuse tension, reduce stress and raise office spirits. At Main Street he issued a directive calling for a quarterly office party and organized the first one, the January Blues Bash, himself. He was a key orchestrator of, and participant in, office celebrations, and starred in numerous skits, most notably the infamous "Full Monty". His favourite cartoon is *The Far Side*, and he has still not recovered from Gary Larson's retirement—although many people suspect that Lance actually is Gary Larson.

His creativity and intelligence found scope not only in crafting finely reasoned and well-argued prosecutions but in his personal pursuits. He is an avid and discerning art collector and music lover and has a fine sense of style, both in dress and decor. Over the last few years, Lance has transformed the interior of his house from a very pleasant, albeit ordinary residence, to one of uniqueness, comfort and beauty, all the more remarkable because many of the renovations have been done by Lance himself—though often not without some tribulations. His

musings, just before beginning his most recent (and fraught) project—"How long can it take? How hard can it be?"—might for anyone else have served as an epitaph.

Lance has an insatiable curiosity, and this questioning and questing is apparent in all aspects of his life. He travels abroad frequently and usually comes back with stories of adventure that his friends are happy to experience vicariously. He has been set upon by bandits in the Masai Mara; a travel companion was jailed for a week in Iran before being allowed to leave the country; an opera diva entertained him in her New York apartment; he has hiked into remote areas of the Far East, wandered down the streets of most major European cities and has even travelled the backroad from Burns Lake to Houston.

Invitations to Lance's dinner parties are coveted. A guest is assured an exquisitely prepared meal and dinner companions whose professions and interests span business, the arts, law, and academia. And, of course, there is always an abundance of laughter.



Over and above his skill as a lawyer and his cultivation of a myriad of diverse interests, Lance's most admirable quality is his capacity to form deep and enduring friendships. Many of these friendships were established in high school and university days. As he has aged, instead of narrowing his circle of friends, as others tend to do, Lance keeps adding. He knows more people than a politician, and it is rare that one attends a social or cultural event with him where he doesn't run into at least a few friends. And remarkably, many of the people who know him don't consider Lance to be just a friend, but one of their best. It is his consideration for others, his deep loyalty, his discretion, his love of fun and his willingness to make light of his own foibles and occasional gaffes that make people cherish his friendship. In a crisis, his friends know that Lance can always be relied upon to lend help and encouragement.

A fine ability in the law is vital to the making a good judge. However, a sense of humanity, a knowledge of the wider world, an insatiable curiosity and being a good and caring person add immeasurably to the mix. Lance has all of these qualities in abundance, and his friends and colleagues know that he will put them to good use in his new life on the bench. We celebrate his appointment.