



ON THE FRONT COVER

THE HONOURABLE ALLAN D. THACKRAY, Q.C.

By Peter M. Willcock

Allan Thackray was born on October 28, 1932, in Moose Jaw, Saskatchewan. His father had a men's clothing store called, not surprisingly, Thackray's Men's Wear. Allan attended several different grade schools and then Moose Jaw Technical School. It was not an academic institution, so he took sheet metal work, drafting, woodwork, electricity and motor mechanics. At the end of grade 10, his father decided that was enough education and installed him as a clerk in his clothing store.

Allan was bored as a salesman of socks and underwear, but, fortuitously for him, the CCF came into power. His father immediately announced that he would not live in a communist state and sold the store's inventory to the Army and Navy Department Store for 50 cents on the dollar. He and Allan's mother moved to Victoria. Allan, being only 16 years of age, went with them, having no logical alternative.

He enrolled at Oak Bay High School and completed matriculation, but not university entrance. He attributes his survival at Oak Bay High to Walter Young, who went on to become a Rhodes Scholar and dean of political science at UBC. Allan took three years of French-language training in the summer, gaining no language skills but acquiring a document saying he was qualified to enter university. After two years at Victoria College he moved to UBC, but because of his trade school education he was limited to pursuing degrees in teaching, law or accounting. Since he could not add and had no desire to teach, he decided on law via a commerce degree. Thus, by default, he gained his B.Comm. in 1967 and LL.B. in 1968.

Allan never intended to practise law and thus rarely attended classes, choosing instead to belong to every club on campus and the Beta Theta Pi fraternity. As well, he was treasurer of the student council, where he had as

colleagues such eventual legal luminaries as Gordon Armstrong, Stan Beck, Bob Hutchison, Mike Jeffrey, Don Jabour, Ron Longstaffe and Ben Trevino.

Throughout all of those years he pursued his love of the bagpipes, which he had learned to play with the Moose Jaw Police Pipe Band. In Victoria he became a member of the Canadian Scottish Reserve Pipe Band. He also played with a band composed of pipers and drummers from various regiments at army camp in Vernon and the pipe band of the University Naval Training Division in Halifax.

Allan and Maureen married in 1957. Maureen was teaching at University Hill Elementary School and continued to do so until their son, Michael, was born in 1959. Allan articulated with Campney, Owen and Murphy and then joined the Department of External Affairs. They moved to Ottawa and were posted to Mexico in 1960. In Mexico their daughter Victoria was born, which Allan says was the highlight of his career as a civil servant. Neither he nor Maureen was enamoured with the lifestyle of the diplomatic corps. In 1961, through his adoption by Arthur M. Harper, Q.C., he became an associate with the firm then known as Tysoe, Harper, Gilmour, Grey, de Vooght, Levis, van der Hoop, MacKinnon and Pyper.

There he laboured happily for the next 31 years. He did a considerable amount of counsel work for hospitals and for plaintiffs in medical malpractice actions until the Canadian Medical Protective Association appointed the firm as its solicitors in British Columbia. For the next 15 years Allan did little other than defend and console medical doctors. He says he always wanted to be a doctor, and the field of health law accommodated every career desire he ever had. He attributes his success in that area to the lawyers and staff of the firm and notes that he had as colleagues the now-Justices Neilson, Hinkson, Butler and Gerow. He was honoured with a Queen's Counsel designation in 1982 and was made a fellow of the College of American Trial Lawyers.

Although most of his time was spent with medical cases, his most famous client was Chung Chuck, a.k.a. Chung Mor Ping. Chuck was no stranger to the law, claiming to have been to court over 800 times, mostly in a long struggle with marketing boards over the right to grow potatoes. He had the business cards of many lawyers to substantiate his claim, including those of Robert Guile, Q.C., and Bill Esson, Q.C., who put much of their recollections to rhyme. Chuck's highest-level case can be found in the law report of his appeal to the Privy Council, the appellate body which later vindicated his struggle by striking down the provincial *Produce Marketing Act*.

One afternoon in 1977, Allan received a call from the Delta police informing him that Chung Chuck was armed with a rifle and holding the

water inspectors at bay. Allan attended, was ushered inside the police cordon and made his way to Chuck, who did indeed have a loaded firearm. He was charged with several firearms offences. In spite of being the prime witness, Allan defended him before his Honour Judge McMorran sitting with a jury. Mac Norris was Crown counsel. Defence counsel was more than mildly surprised when his ever-resourceful client pulled out for viewing by the jury a carved wooden replica of a rifle, claiming this was the "loaded firearm". Nevertheless the judge, during his charge, suggested to the jury that it might think this was a case of City Hall trying to bully a lovely old Chinese gentleman. Chuck was acquitted.

On February 22, 1990, Allan was appointed a judge in the Supreme Court of British Columbia. He became the roving judge of the court. So much so, that he also became its travel writer, detailing in a monthly publication the best restaurants, hotels and golf courses throughout the province. The work of the trial court was much to his liking, with the only blip being when the sky fell in over his entering a judicial stay of the charges against Bishop O'Connor. The Court of Appeal reversed his judgment, and the Supreme Court of Canada upheld the Court of Appeal. However, Allan found solace in the Supreme Court dividing five to four, with the Chief Justice agreeing with his decision.

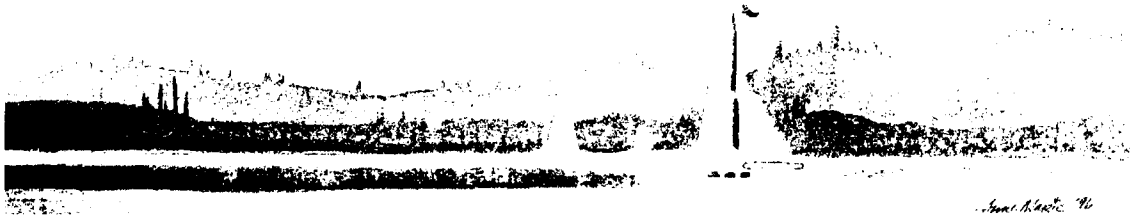
In 2001, Allan was appointed to the British Columbia Court of Appeal. He professes that, as he never thought of himself as an academic, the appointment came as a complete surprise. Nevertheless, he quickly adjusted to the intellectual climate of the court and came to view with regret his approaching mandatory retirement age. At the ceremony to mark his retirement, Allan repeated and adopted the following words of Tong Louie on his forced retirement:

I am standing before you tonight to perform my swan song. A swan song, as I understand it, is what a very old and shaky bird does in way of saying farewell. I can assure you the suggestion that I might be an old bird caused my feathers to ruffle.

While Allan loves to play golf—his tennis days being behind him because of repeated injuries to his knees through rugby, tennis and skiing—he knew he could not spend his retirement hitting the little white ball. He has applied for acceptance as a student into medicine at UBC, but he is not optimistic about his chances. Maureen is a master gardener, but her interest is in flowers, not vegetables. She therefore assigned to Allan the task of creating a vegetable garden where their home property slopes down to the Fraser River. This he did, and he is now an avid grower of tomatoes, squash and pumpkins. Maureen's entreaties to take up the violin have so far enjoyed less success.

Allan has rejoined his former law firm, now known as Harper Grey LLP, and is again happily ensconced at the top of the Scotia Bank Tower. He asserts that the 18 years away from the firm seem like 18 days, and is astonished how many of the lawyers and staff that were with the firm when he left are still there. He is working as associate counsel in advising his colleagues on trial and appellate practice. His office is adorned with a first-class painting of Chung Chuck and a not-so-first-class painting of Chuck's house in Ladner, adorned with the words "CHUNG CHUCK potato grower".

Allan says that everything is back to square one, apart from the bagpipes, which he no longer plays. He insists that he lost all of his excess air during his years as a barrister.



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