

REVIEW

Brian Dickson at The Supreme Court of Canada 1973–1990

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Brian Dickson at The Supreme Court of Canada 1973–1990, DeLloyd J. Guth, ed.
Winnipeg: Canadian Legal History Project, University of Manitoba 1998, xxxix + 357 pages.

READERS INTERESTED IN THE rule of law and Canadian legal history owe a debt of gratitude to Professor DeLloyd J. Guth who organised, introduced, and edited the collection of essays that comprise this book on the life and jurisprudence of the Right Honourable Brian Dickson.

Chief Justice Antonio Lamer, in the Foreword to this book, describes Brian Dickson, his predecessor as Chief Justice of Canada, as the judge who "... has set the standard of excellence by which our Supreme Court of Canada, and all Canadians, can be measured in the coming century."¹ Readers of these essays will, I think, be hard-pressed to disagree with that observation.

What shines through in one essay after the other are Brian Dickson's humanity and deeply held principles. To help the reader understand what guided Brian Dickson throughout his life as a lawyer and judge, one should know that he was the product of depression era Saskatchewan where his father worked as a bank manager. Those early years are described in the first essay in the book, which bears the interesting title "About Brian, Bill and Me: Regina Collegiate," written by Chief Justice Dickson's boyhood friend, the Honourable M.A. (Sandy) MacPherson, a retired justice of the Court of Queen's Bench of Saskatchewan.

The "Bill" referred to is Brian Dickson's other high school friend, the late Professor William Lederman of Queen's University's Faculty of Law. His con-

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¹ D. Guth, ed., *Brian Dickson at The Supreme Court of Canada 1973–1990* (Winnipeg: Canadian Legal History Project, University of Manitoba, 1998) at xiv.

cise but excellent essay "Reflections On An Independent Judiciary," an essay that should be required reading for every attorney-general, is also included in the book.

One interesting aspect to this collection of essays is the diversity of the contributors and the variety of subjects covered. The writers include professors, lawyers, judges, a court administrator, a business person, a journalist, and an officer in the Royal Canadian Mounted Police.

People got to know Brian Dickson the judge mainly through reading his judgments, or at least by the media's coverage. Those judgments were written by him first as a trial judge on the Court of Queen's Bench of Manitoba, then as a member of the Manitoba Court of Appeal, and finally as a Justice and then Chief Justice of the Supreme Court of Canada. The reader will become acquainted with Brian Dickson, the man, by reading "Treasured Memories: Law, Love and War." This essay traces his years as a law student in Winnipeg, his marriage to Barbara Sellers and his service to his country as a "gunner" in the artillery during the Second World War. Brian Dickson's well known interest in people with disabilities probably had its genesis in Normandy, France, where he lost a leg to what is now sometimes euphemistically referred to as "friendly fire," shortly after D-Day in 1944.

For me, this collection of essays brought home the great contribution that Chief Justice Dickson has made to Canada's jurisprudential heritage, in what I have already referred to as a wide variety of subjects. Covered in one or more of the essays, these include aboriginal rights, the law of evidence, police powers, the law of torts, the environment, and administrative law. His legacy, however, has to be the results of judgments he wrote during the first several years following the coming into force of the *Canadian Charter of Rights and Freedoms* in 1982. The social values held by Chief Justice Dickson are reflected in his approach to issues faced by his Court during these formative years. His contribution to the rights of individuals in a free and democratic society is well documented in several of the essays.

In an interesting interview with R. Rees Brock recorded in 1973, just after he was appointed to the Supreme Court of Canada, Dickson gave some advice to young lawyers starting out in the practice of law. That advice, if followed, guarantees success and happiness to those toiling in the vineyards of the law and it is so valuable that I am taking the liberty of quoting it in full:

Try and learn the basic principles on which the law rests, the reasons for such principles, and their application to the problems of the day;

Be scrupulously careful in financial matters, not only your clients', but your own;

Spend time at court work in order to appreciate the manner of preparation and presentation of a case, and the exposition of pertinent legal principles; practice the art of reasoned advocacy;

Be prepared to devote time to public service, whether at the community, municipal, provincial or national level;

Recognise the world is changing and be prepared to change with it; neither life nor law is static;

To the extent possible, read beyond your law library and travel widely.²

The essays, edited by Dr. Guth, provide a real insight into the life and work of Chief Justice Dickson. *Brian Dickson At The Supreme Court of Canada 1973–1990* should be included in the library of everyone with an interest in Canada's legal history.

In his essay "The Law of Police Powers," Stanley A. Cohen observes "Canadian public life has been diminished by Brian Dickson's retirement." We all lost a truly great man with the death of Chief Justice Dickson. His legacy survives and thrives in our law courts and in the twenty-seven essays that are contained in this book.

² B. Dickson with R. Brock, "An Autobiographical Memoir upon Arrival in Ottawa" in D. Guth, ed., *supra* note 1, at 78–79.

