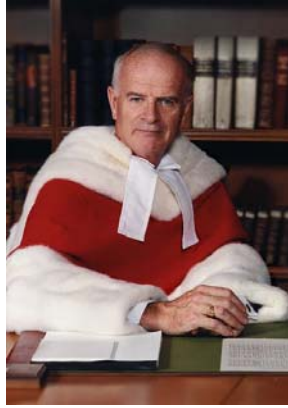


IN MEMORIAM:
THE HONOURABLE
WILLIAM ALEXANDER STEVENSON, O.C., LL.D.
(1934–2021)



PERSONAL REFLECTIONS FROM THE HONOURABLE JEAN CÔTÉ

Justice Stevenson was a great Canadian teacher, lawyer, and judge. He cannot be summed up succinctly, for three reasons. First, he was good in many ways, some of them ways under-appreciated in recent years. Some of the ways were well blended with others. Second, he excelled in some of them in slightly unconventional ways. Third, he was modest, private, and always more interested in other people and their growth than in himself. He certainly was not motivated by earning money or by a desire for fame or popularity. Yet he was very likely the most popular, best-loved Edmonton lawyer or judge since the late Lawrence Cairns.

William Stevenson was clearly one of the ablest graduates of the University of Alberta's Faculty of Law. Complex litigation was no problem at all for him; he could see all the connections and keep them all in his head.

He was the true founder of the *Alberta Law Review* and got out its first issue. Doing so, he faced two obstacles. The first was that though student law reviews were fairly common in the United States, there were none in Canada or England. The second was that the first such student law review in Canada ultimately failed. It was the old *Alberta Law Quarterly*, which World War II had starved of students. That left behind some paid subscribers who had not received all the issues which they had paid for. Like all adults who lived through the Depression, the Faculty were nervous of any plan for a new business. So a compromise was reached. The Law Society would give a grant and each lawyer in Alberta would get a free copy of the new Review. Apart from that, no money would change hands. Benefitting the University's Law Library, the *Alberta Law Review* would merely trade subscriptions with other law reviews in the English-speaking legal world. The success of the *Alberta Law Review* so early is a testament to the strong foundation laid by William Stevenson, encouraged by Dean Bowker.

For the rest of his life, William Stevenson was the constant supporter, donor, and adviser of the *Alberta Law Review*.

I must highlight William Stevenson's role as a teacher. It was a very noticeable part of his character as a lawyer, and even more as a judge. When his alma mater gave him an honorary degree of Doctor of Laws, it placed the laurel wreath on the highest part of his character. "Doctor" is the Latin word for teacher. I first met him when he taught our law class a second-year course called "Equity 2." I became immensely impressed with him (and his little family whom I met then in their first house on University Avenue). I had no desire to article in any other law firm than his and was very pleased when I did.

The Stevenson view of young lawyers was that they were a garden to nurture, not a market garden yielding profit for the firm. He strongly discouraged specialization for the first five years of practice, believing that one cannot run commercial litigation without knowing conveyancing and commercial transactions. Conversely, one cannot be a sound solicitor without knowing what happens to a contract or a title during litigation.

He was most unusual in another way. Every day and every way, he demonstrated a complete integration of practical experience in the field, with fundamental knowledge of the principles, rules, and policies and traditions of the law. The Canadian system of legal education is founded on that. It must be given at a broad-based university, which must both certify and prepare graduates to practise law without a second education given by the Law Society.

William Stevenson not only taught and co-taught a host of different courses in the Faculty of Law as a part-time sessional instructor. He was also a full-time member of the Faculty of Law for two years, 1968 to 1970, and almost became the Dean of Law.

Like many very good lawyers, he was a first-rate mentor. But unlike most top-flight lawyers, he loved to mentor and would spend endless hours at it. He was never happier than when in the company of articling students or young lawyers, and the more of them the better. Once when he had to defend a fellow lawyer before a panel of benchers in Calgary, he recalled that such hearings were private, and so hard to see. He asked me to come along to "help" him. I was just an articling student and would be of no real help; he was thinking of mentoring first, practising law second. Every meeting with another lawyer in the firm about a particular file or a particular upcoming proceeding, became mentoring. The firm valued having coffee and lunch together; a third of the talk at it was mentoring. He specialized in what Dean Bowker would call "teaching interstitially."

William Stevenson especially enjoyed having junior lawyers as second counsel, because for years he had been second counsel (even before the Privy Council) to the indomitable William George Morrow Q.C. He thought that seeing how someone else does things was doubly educational. First, for how he or she did it. Second, for your own thoughts about what you might do differently.

As a mentor, William Stevenson had another quality rarer than pearls. He could answer any question. It took me some years to recognize that, and by 1975, I asked him legal questions to see if he could answer all of them. The answer was yes. I never could find a

topic to which he did not know the answer. His legal knowledge and powers of analysis were unequalled. It is no wonder that that deep and unique teacher Dr. Alexander Smith thought that William Stevenson was the best student he had ever taught. The teachings of Dean Weir reached William Stevenson polished through Alexander Smith's theory and William George Morrow's practicality. And he quickly picked up the strong ethics of all three.

In partnership meetings (a sore test of any lawyer), he was always kind, polite, thoughtful, and generous. He followed the William-Morrow school of negotiation: the seller starts with a low price, the buyer with a high price, and they try to negotiate toward the middle.

William Stevenson's skills as a mentor also shaped his dealing with clients. I have seen him explaining to clients how to behave during an upcoming examination for discovery. And I have listened to him when he advised personal injury clients whether to accept an offer a little too low and so settle out of court. At all times, his advice was absolutely ethical, and indeed public policy was to the fore. He would tell the client how the opposing claims manager would think, and how the client should think, and why the two approaches had to be different. He would work in public policy of the law and explain how what seemed to be a somewhat unfair aspect of the law really was not. When he explained it to a client, it was not complex or mysterious at all.

William Stevenson founded and headed the Legal Education Society of Alberta and often taught in its seminars. For it and the Law Society, he invented the Bar Admission Course and then later heavily revised it. He also helped completely rewrite the Rules of Court and conducted several judicial inquiries. He was also the head of the Canadian Institute for the Administration of Justice. His other volunteer work, legal and non-legal, was prodigious.¹

When Chief Judge Decore of the District Court began combing the ranks of younger lawyers to select the ablest judges for his court, the name Stevenson was an obvious one. The first offer of such a judgeship by the Minister of Justice was declined by William Stevenson. But the second time, the Minister managed to persuade him to accept, and William Stevenson became His Honour Judge Stevenson. On the bench, counsel found him excellent. He was polite, gentle, often friendly, and humorous. The atmosphere was pleasant. He was obviously learned and quick on the uptake. Counsel did not feel that they were pushing an explanation through mud or tangled grass. He got on with all the other judges, and when merger of the Supreme and District Courts was mooted, he was no part of any hostility, nor any ground to argue against merger. So merger came and he became a Justice of the new Court of Queen's Bench.

It was no surprise when he and his fellow former District Court Judge, Roger Kerans, both went to the Court of Appeal. The only sad touch was that he was not able to overlap there with his old mentor, Justice William Morrow.

¹ An incomplete list is found in Justice JE Côté, "Stevenson Dedication" (1999) 37:4 Alta L Rev 846 at 848-49.

Later, the wonderful chance to be Justice Stevenson's colleague again (on two courts of appeal) allowed me to have a close sustained view of him as a judge. It was not surprising that he got on very well with the other judges, seldom had to dissent, and wrote good, prompt decisions. Even more delightful was the mentoring which again he gave. There are a great many unwritten rules in such a court and practical considerations. Being an appellate judge has some similarities to being a lawyer in a law firm, but a newcomer would not always know which ones to pick and which to discard. Once again, his mentoring was prompt, apt, easy to understand, and always effective. He was as pleasant in manner and reasonable as ever.

Collegiality and ease in each other's company are important on a co-operative body such as an appeal court, where judges usually do not sit or decide alone. All the other judges liked being with Justice Stevenson. And of course they had the highest respect for him.

During this period of his career, he continued to do volunteer work of various kinds, especially teaching or co-teaching a number of different courses at the Faculty of Law. I had the chance to watch him do that. The teaching was excellent, especially as some of the courses were about topics where a lawyer would have to apply in practice the principles. He also did a special national project about continuing education of judges, a topic in which he was very interested. He investigated what was done in the United States, for example. He gave a report which led to the formation of the National Judicial Institute, which continues that work today.

What conclusions should we draw from all this? One is that Justice Stevenson had a collection of skills and aspects of good judgment which were rare, almost unique, in their number and degree. They were enhanced by the depth of his desire to help others. Many able people are tempted at times to think of advancing their own careers, showing off, or exercising power. That was the opposite of this fine man's motivations. I recall when he came into my office and told me that the phone call which he had just received was from Kim Campbell, the Minister of Justice, who asked him if he would be willing to move to the Supreme Court of Canada. He was surprised. No one else was. His other colleagues and I were very sorry to lose him but very happy. Happy for him, and happy for Canada.

I read the judgments which he wrote in the Supreme Court of Canada, both concurring and dissenting, and I found them very persuasive and as well done as ever. I thought that they showed a high order of experience, practicality, and mastery of principle.

But I cannot end without going into one last vital subject. Justice Stevenson had non-partisanship and an open mind, of the highest order. Most people in informal chats will express social or policy views a little more rigid than they would actually implement if they were put in charge of running the city, the province, or the country. His informal conversations were not like that. He genuinely wanted to hear argument from both sides before deciding on most such topics. He realized one of the problems of public contention most commonly overlooked. It is that in public, contentious issues often feature the weaker arguments, some of the stronger arguments being overlooked or misstated, on both sides. It takes long experience, a good memory, and true humility or a disinterested approach, to reach such a realization, and to avoid that superficiality or prejudging.

To quote what one has said previously may sound peculiar or self-centred. However, I dealt with this topic once some years ago, when events were more recent and memory even sharper. And my previous statements have since been quoted and agreed with (even italicized) at a much higher level. And they were originally given on a very happy occasion for the *Alberta Law Review*. When the *Alberta Law Review*'s former house was opened, my oral remarks included this passage:

In a very partisan age, Bill's thoughts, arguments, and writing were never shaped by partisan considerations, pre-judgments, dogma, social theory, or politicized views.

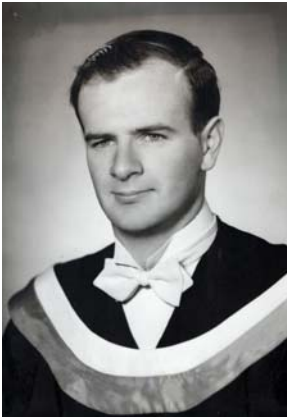
An important reason for that is his distrust of theory which is unrelated to experience.

Never has any lawyer or judge more fully integrated theory with fact, teaching with practice, than did Bill Stevenson. His statements of claim, examinations for discovery, and trials made full use of his very articulated knowledge of the law. Every talk which he gave to a law student, whether privately or to a big class, was full of practical examples and shaped by actual experience.²

The Hon. Jean Côté

Justice (now retired),

Court of Appeal of Alberta



²

Ibid.

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Page 5: Family of W.A. Stevenson.

REFLECTIONS FROM THE FACULTY OF LAW, UNIVERSITY OF ALBERTA

It is my privilege, on behalf of the Faculty of Law, to offer a few words in tribute to the late Justice William Stevenson for the prestigious *Alberta Law Review*, which he founded.

Justice Stevenson had a long and deep connection with the Faculty of Law, University of Alberta that began when he was a student and carried on throughout his lifetime. He began his studies at the University of Alberta in 1952, graduating with a Bachelor of Arts in 1956 and a Bachelor of Laws in 1957. Upon his convocation from the Faculty of Law, he received the Horace Harvey Gold Medal in Law, which is awarded annually to the top student in the graduating class. During his time as a law student, he helped to found the *Alberta Law Review* and became its first Editor-in-Chief. Beginning in 1963, when he was a practising lawyer, Justice Stevenson returned to the Faculty of Law to teach as a sessional lecturer. He taught at the Faculty for many years, including as a full-time faculty member from 1968 to 1970. In 1992, the same year that he stepped down from the Supreme Court of Canada, Justice Stevenson received an Honourary Doctorate of Laws from the University of Alberta. From its inception, Justice Stevenson was a lifelong friend to the *Alberta Law Review*, and in 1999, the building which housed the *Alberta Law Review* was officially named for him.

To say that Justice Stevenson has left his mark on the Faculty of Law is a huge understatement. Through his many and generous contributions of time, leadership, and legal expertise, Justice Stevenson helped to shape the Faculty of Law and the *Alberta Law Review* into the institutions they are today. Because of his leadership and participation in helping to mold the minds and careers of many law students and young lawyers, Justice Stevenson's legacy is alive and well in the legal community locally and across the country.

Justice Stevenson's legacy at the Faculty of Law and in the legal community extends beyond those who had the good fortune to meet or know him. In our common law system, the jurisprudence which Justice Stevenson generated as a trial judge, as an appellate judge, and ultimately as a Supreme Court Justice will continue to serve as educational material for students who are learning the law and as source material for the legal scholarship of our faculty members. Of equal, if not more, importance, however, is the example that Justice Stevenson set as a prominent member of the legal community. As captured in the comments of his good friend, Justice Jean Côté, Justice Stevenson was a consummate professional who pursued service over self-aggrandizement and who prioritized the investment of significant time and effort in nurturing future lawyers. This "pay it forward" philosophy is worth emulating by all members of the legal profession and the legal academy as a way of ensuring that our professions continue to thrive as collegial enterprises and continue to provide the best service possible to the community at large.

Barbara Billingsley

Dean, Faculty of Law

University of Alberta