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David Martin



Roger Dennis Watts

One of our profession's most colourful, compassionate and tenacious advocates left us on December 8, 2011, while enjoying one of the many loves of his life—sailing in the Caribbean.

A colourful life indeed. Roger was born in Scotland on March 10, 1946. He was a well-travelled child, having lived in Britain, California and Canada before moving to Africa in 1953. He fondly remembered his youth spent in Rhodesia and South Africa before returning to Canada in 1958. After completing a law degree at UBC he embarked with unbridled passion on a long and successful career in law. He was a man of great humanity and energy, and he lived life to the fullest.

Roger is survived by his wife Sandra, his sister Lenise, his cousin Penny, his first wife Sandra, their children Roger and Robyn and his grandchildren Alex, Madeleine, Taylor and Maxim.

I first met Roger about 20 years ago, when we were on the same side in a major construction case that seemed to go on forever. Roger was lead counsel for the contractor in the case. His juniors were Gary Weatherill and Glenn Einfeld. Ted Beaubier from Nanaimo was counsel for "Rapid Stan the Blasting Man" (who was mildly deaf, to put it kindly; shouting at him was the only way to communicate; his vision was also a serious handicap, and Ted had to give him his glasses so he could read the documents—the trial had its comical moments). I was on for the bonding company. The Department of Highways were the bad guys, and I am happy to say that the good guys were successful both at the trial level and again in the Court of Appeal. But the interesting part of this anecdote is that when all the dust settled and the case was finally concluded, everybody was happy...with the exception of a couple of witnesses for the Department of Highways who did not escape the incisive remarks from the cutting tongue of Mr. Justice Howie Hamilton. A classic case of "too little too late".

I cannot recall any other case that ended in such an accord. Afterwards Marietta and I hosted a dinner party at our home in West Vancouver for all counsel and their wives, and we invited Howie and Rendina Hamilton to join us. In his flamboyant and gregarious way Roger entertained us with anecdotes and impressions delivered with an infectious, hearty laughter which lit up the room.

At the celebration of his life in Kelowna, held in the overflowing ballroom of the Grand Hotel and attended by his many friends, clients and colleagues,

I likened Roger to A Man For All Seasons in the style of Sir Thomas More. More was a man of many parts and famously fell out with his friend, Henry VIII, when he refused against his conscience to support the king's annulment of his marriage to Catherine of Aragon so that he could marry Anne Boleyn. A contemporary wrote of More in 1520: "For where is the man of that gentleness, lowliness and affability? And, as time requireth, a man of marvellous mirth and pastimes..."

I was a mediator on a number of Roger's cases. At the conclusion of one of them a young counsel for the plaintiff suddenly realized he had forgotten to include in the settlement a rather substantial disbursement. It was clearly an oversight. To put matters right he said he would reduce his fee to that extent. Roger would have none of it and proposed that the final agreement be adjusted to accommodate the oversight. It was not the only time that Roger upheld the traditional camaraderie of the bar.

A number of years ago I was part of a group of lawyers who put forward an application that Roger be appointed Queen's Counsel. Roger was aware of our application, but when he learned that his close friend, Ken Sarnecki (who was terminally ill) had also been nominated he immediately withdrew his application so as to ensure that it did not interfere with the honour being given to Ken.

Roger was an extraordinarily tenacious and passionate advocate. One example was given to me by the late Mr. Justice Hamilton while chatting over a cold drink one evening. On a claim where the defendant insurance companies threw every obstacle in his way, Roger never gave up. Acting on behalf of a badly disabled infant, after many years of litigation in both Canada and the United States, he eventually won a very substantial award for his client. The reason Hamilton J. knew all the facts of the case was because Roger's fee had to be approved by the court. The hearing took the better part of a day. The judge approved Roger's fee, describing it appropriately as "majestic".

The "marvellous mirth and pastimes" attributed to Sir Thomas More apply also to Roger. He loved life and lived it to its fullest. He loved sailing and tennis and always had time for his friends. Above all, he loved his family and never tired of telling me how proud he was of all of them. In a way he was a modern-day Captain Jack Sparrow, the infamous pirate captain of the Caribbean. Full of piss and vinegar, always with a twinkle in his eye and a ready hand to come to the rescue of his mateys or to save the damsel in distress—and even those from time to time who were not in distress.

One further short anecdote: one evening after work, Roger was entertaining all and sundry at one of Kelowna's many watering holes. This one rather notorious. A well-dressed man took him aside in a confidential way and told him that their organization could use a smart, well-spoken senior lawyer like

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him and proposed that he be put on a yearly retainer to provide advice from time to time. Roger quickly sized up the situation and responded that there might be a bit of a conflict, as he gave occasional advice to the RCMP about wiretap procedures. His would-be new client silently nodded and moved away. Roger quickly finished his drink and got the hell out of there.

Through it all, however, it must be said that his love for the profession and the practice of law was surpassed only by his love for his family and his many friends. No matter how onerous his trial calendar might grow, Roger always made family time a priority and was an exceptional father, teacher and friend to his children. Family and friends alike will tell you that they cannot go far or long without seeing Roger in some facet of their daily life, and that such reflection invariably brings the sort of beaming smile to their faces that Roger loved to see.

A few years ago we put together a scholarship for one or more graduate students at UBCO admitted to the UBC Faculty of Law. Roger was very supportive. In addition he participated in a lecture series on contemporary Canadian law that we launched in the political science department at UBCO with the assistance of Professor Carl Hodge and coordinated by Cathie Heinrichs. Roger was a guest lecturer on the powers of advocacy, and it is fitting that we establish a scholarship in his name for one or more students excelling in this pursuit. I am pleased to report that we have raised well over \$12,000 at this point, and the fund is growing.

Should you wish to contribute to this worthwhile cause, send a donation to the Central Okanagan Foundation, #217-1889 Springfield Road, Kelowna, B.C. V1Y 5V5, marked "Roger Watts Scholarship". Any and all contributions will be gratefully received, and all donors will be acknowledged in upcoming events as a "Friend of Roger Watts".

Walley Lightbody, Q.C., and Roger Watts Jr.

