



REMEMBERING
Christopher Harvey

July 1, 1942 - September 2, 2022



With heavy hearts, we share the sad news that Christopher Harvey, Q.C., B.A., Dip. Law, LL.M., PhD, passed away on September 2, 2022, after a courageous battle with COVID. He passed peacefully with courage and acceptance, held in his final moments by his eldest son, Crane, and the love of his life, his wife of many years, Anne-Marie.

Chris is predeceased by his father, the Honourable James T. Harvey, Q.C.; his artist mother, Ruth Harvey (Hornsby), and his brother, Peter (Sheila). He is missed by his artist wife, Anne-Marie Harvey; his older sister, Gail Johnson (Mickey); his sons Crane (Kimberley), Matthew (Ksuha), Tim (Laura), and Jonathan; his stepsons London, Tyson and Jason Nehring, and his 13 grandchildren.

With Chris' passing, the Canadian legal community and fishing industry lost one of its most brilliant minds and advocates. Family, friends and colleagues remember Chris as a determined, strong-minded and warm-hearted man with a ready sense of humour, a love of athletics, a love of the sea, and an unshakeable optimism. This optimism was his most valuable asset on his annual nautical adventures up and down the coastline of British Columbia.

Chris had a profound love and interest in Savary Island, where he spent much of each summer with Anne-Marie. He was a trusted advisor to the Savary Island Land Trust (SILT) for many years and served on the board from 1998-2008 and from 2018 until his passing. It was during his final voyage from his summer sanctuary of Savary Island to Prince Rupert and back that Chris contracted COVID. True to his nature, he completed the voyage, often with Anne-Marie at the helm of their ship, Wanderingspirit. During his first week in ICU, he continued to work on legal cases, but as breathing became increasingly difficult, he shifted to writing his own life story.

Born 1st July 1942, Chris grew up in Prince Rupert, then known as the Halibut Capital of the World. School valedictorian of the class of 1960, Chris played point guard for the Rainmakers, Prince Rupert's notoriously tough high school basketball team who took Southern BC by surprise by playing their way to the final game of the 1960 provincial tournament in Vancouver. Like other young men with a strong back, Chris was drawn into the Prince Rupert halibut fleet and fished in waters from Haida Gwaii to the Bering Sea. Chris' career was shaped by a strong lifelong loyalty to the industry he credits with giving him his start in life.

Chris continued to fish in the summers while attending McGill University, where he met his first wife, Dorothy, who is the mother of his four sons. Upon graduating in English and Philosophy from McGill in 1965, he had to decide between fishing, which he loved, or following in the footsteps of his father and grandfather into law. Scanning the world with his father, then the local county court judge, in the family home overlooking Prince Rupert harbour, glass in hand, conversation turned to where the common law began: London, England. London in the swinging '60s was irresistible: the Beatles, Carnaby Street, and the National Theatre featuring the greatest of them all, Laurence Olivier. For the next decade in London, Chris never missed a production.

Chris breezed through a three-year law course and exams in two years, and took an immediate love for a legal profession that was struggling to bring the law into the modern world. The leader in this was a hero to all students, who became Chris' friend and mentor, Lord Denning. Between classes, Chris would slip into the back row of Lord Denning's Court to witness the man at the height of his powers, and to observe how the best of the British barristers would pitch their cases. Called to the British bar in 1968, Chris found it fascinating to work in a system little changed since Dickensian times.

After a decade in London, Chris' 1975 return to his Canadian roots was undertaken with typical flair; he shipped the family vehicle, a canary-yellow Morgan on one of the last trans-Atlantic steamers from England to Montreal and then drove his young family in the open-topped sports car across Canada to BC. Within a short time, he had been called to the BC bar and was practicing in what he considered to be the finest litigation firm in BC, Russell and DuMoulin (now Fasken). Working alongside the likes of Doug Brown Q.C., the Honourable Mike Goldie Q.C. and the Honourable Allan McEachern, he felt he was back in England - the quality of counsel work was just as high.

It was in the 1980s that Chris thrived as a competitive athlete. He ran numerous marathons, training on the sand beaches of Savary Island. He honed his downhill skiing under the tutelage of the legendary racer Dave Murray (Chris' passion for skiing stemmed from visits to the Austrian Alps during his years based in England). When Whistler hosted the annual Skilex gatherings in 1984, Chris donned a skin-tight yellow racing suit to test himself against the best skiers in the legal profession. With a beaming smile, he announced to his family that he was, officially, "the fastest lawyer over 40 on skis!" For the past two decades, Chris has enjoyed annual cat skiing trips with family and friends. Chris was also an avid mountain biker and he regularly biked the network of trails behind his Naramata home. In

2019, at 77 years old, he and Crane mountain biked the rugged Arizona Trail from the Grand Canyon to Flagstaff, unsupported and camping along the way. In the fall of 2020, with COVID preventing an international bike trip, they biked and camped over 200 km along the Kettle Valley Rail Trail.

Chris was also among BC's elite canoe paddlers. In 1977, with 11 year old Crane in the bow, Chris paddled the Telkwa-to-Smithers race on the Bulkley River to a top-three finish. In the more gruelling White Water Classic course, open to professional and amateur paddlers, he finished second overall (first among amateurs) with a time of 3 hours, 28 minutes - only one minute behind the first-place finisher (a professional paddler). In 1986, Chris was steersman and manager of the Canadian Men's Dragon Boat team that became the first team from outside of Asia to win a silver medal at the Hong Kong International championship. In sport, as in law, Chris strived for excellence and elevated the performance of those around him.

Throughout his career, Chris remained loyal to his roots as a fisherman. He travelled the coast every summer for 35 years in the Northern Freedom, a custom-built, 22-foot powerboat with a canoe strapped to one side. His adventures have been chronicled in Pacific Yachting and countless stories told by his wife, children and the grandchildren and friends who have accompanied him on his expeditions. He had a way of emerging from the wilderness, pulling out a briefcase and suit from below deck, and appearing on schedule in the courts of places like Masset and Prince Rupert.

Among the highlights of Chris' distinguished legal career was the Supreme Court of Canada's acceptance of his argument that a public right of fishery had been confirmed by King John in the Magna Carta on the Plains of Runnymede in 1215. This acceptance provided the basis for effective arguments that the government could not treat the fishery as crown property - in law it belongs to the public.

Chris had the honour to receive the name Wanderingspirit, as an honorary member of the Salt River First Nation. Wandering - the simple joy of exploration - was at the heart of his coastal journeys, but his wandering was infused with purpose. In his final week, Chris recounted his final great effort to save the fishery for the coastal communities who rely on it. Several weeks prior, Chris had brought an injunction application on behalf of the Lax Kw'alaams (Port Simpson) band to pry open a salmon fishery on the Skeena River which the Minister was seemingly determined to permanently close. Two hours before the deadline to respond to that application, the Minister opened the fishery. The run was the largest since 1977. Chris and Anne-Marie had the profound satisfaction of seeing, on their 2022 boat camping trip north, gillnetters streaming out of Prince Rupert harbour, all shapes and sizes, for an opening the next day. An industry that is essential to the survival of coastal communities had been again preserved from effective government expropriation. Seeing that seemingly never-ending stream of gillnetters heading to their favourite fishing spots was immensely satisfying to Chris. One little camping boat going into harbour and hundreds of gillnetters streaming out.

From his hospital bed, Chris expressed his final wish: "My loss to the legal community will likely be felt the heaviest in the fishing industry that carried my

lifelong loyalty. But nothing is forever. There are competent junior barristers to pick up the pieces and run with them. My dying wish is that they will follow my example and find ways to protect a way of life that communities rely upon but governments would simply eliminate."

A celebration of his life will be held on Saturday October 8, 2022 at the Penticton Lakeside Resort. Family and friends are invited to gather at 1pm and stories of Chris' life will be shared starting at 2pm.

In recognition of Chris' passion for the West Coast and his love of the legal profession, please consider honouring Chris with donations to the following organizations:

The Pacific Salmon Foundation to support restoration and protection of wild Pacific salmon habitat in BC. (<https://psf.ca/donate/online/> or 604-664-7664)

The Access ProBono Society of BC. (<https://www.accessprobono.ca/donate>)

