

THE HONOURABLE WILLIAM F. RYAN, Q.C.

The Honourable D.V. Heald*

I welcome the opportunity to provide a brief memoir of my good friend and esteemed colleague, Bill Ryan. My approach will be from the perspective of a fellow Justice of the Federal Court of Appeal.

I served on that court with Bill Ryan for more than ten years. His demeanour in Court was exemplary: admirable courtesy and patience with counsel and Court officials; impressive knowledge of the record and the issues in the appeal before him; the ability to ask the most incisive of questions. I remember well many instances where, after lengthy argument by counsel, Bill was able to summarize counsel's submissions and the issues in the appeal before us in a few short sentences. The ability to get to the "pith and substance" of an appeal was well known to the members of the Bar who frequently appeared in the Federal Court of Appeal, and was much appreciated by them.

A perusal of the reported decisions of our Court during Bill's incumbency will reveal that he wrote many decisions with respect to disputes arising in the federal public service. Counsel who practised in that area of our jurisdiction will remember well some of the "Ryan questions", questions which tested severely the logic of the submissions being advanced by counsel. Without fail, these discussions between Bill and counsel were conducted without rancour and with the utmost courtesy. I felt privileged to have been a member of the panel hearing the appeal on those occasions. Inevitably, it was a learning experience for his judicial colleagues as well as for counsel.

Bill Ryan excelled in the written reasons which he prepared. Whether Bill's reasons for judgment were the principle reasons of the Court, reasons concurring in the result or the dissenting reasons, they were, without exception, models of clarity and logic. In my experience, his participation enhanced immeasurably the quality of the Court's decisions. His contribution to the administration of justice during his tenure on the Federal Court was significant indeed.

Because all of the Justices of the Federal Court are required to reside in or near the National Capital Region, extensive travel to every area of Canada is a necessary requisite. In latter years, indifferent and failing health made the travel requirements more onerous for Bill than for his more robust colleagues. Not once during my years of association with him did I hear a word of complaint. His courage and his devotion to duty were a source of inspiration to his colleagues.

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Like many members of the Court, Bill was a unilingual Anglophone when appointed. He enthusiastically supported the *Official Languages Act* and became functionally bilingual in a comparatively short period of time.

Some of my fondest recollections of Bill come from our journeys together across Canada for Court hearings. Air travel through three or four time zones was not easy for him. Never did I hear a single word of complaint. Through good weather and bad, when it came time for the Court to convene Bill was there, with a smile on his face, and, very often, with a humourous quip or anecdote as a prelude to the serious adjudicatory tasks which lay ahead.

Space will only allow me to mention two cases where Bill made a positive contribution to the jurisprudence of the Court. I have selected these decisions because it was a privilege to be associated with him on both cases.

The first case¹ was an application for Judicial Review of the decision of an Umpire made pursuant to the provisions of the *Unemployment Insurance Act*. I wrote reasons expressing the majority view of the Court. Justice MacGuigan wrote dissenting reasons. Bill's concurring reasons, while only two pages in length added considerable strength to the majority view of the Court in that case.

The second was the *Bertram S. Miller v. The Queen*.² In that case the respondent Miller imported ornamental trees and shrubs from nurseries in the United States. Inspectors of the Federal Government of Agriculture found some of the trees to be infested with the gypsy moth larvae. Being of the opinion that there was a considerable danger that the whole shipment was or could shortly become infested, the inspectors confiscated the trees and ordered the respondent to destroy them. When the respondent did not obey this order, the inspectors themselves destroyed the trees. The Trial Division found that the respondent had been the victim of an unreasonable search and seizure contrary to s. 8 of the *Charter* and awarded the respondent compensation for its damages. The majority of the Court (Ryan and Hugessen JJA) allowed the appeal and dismissed the respondent's action. Bill's reasons dealt exhaustively and effectively with the various issues raised in that appeal. I refer especially to his lucid discussion with respect to the *Charter* arguments advanced therein (ss. 7, 8 and 15). Since application for leave to appeal to the Supreme Court of Canada was refused, I have to reluctantly agree that the majority correctly decided this appeal.

¹*Carm Capi v. Canada Employment and Immigration Commission*, [1986] 3 F.C. at 3, Heald, Ryan and MacGuigan (Dissenting) JJA.

²[1986] 3 F.C. 291, Heald (Dissenting); Ryan and Hugessen JJA.

Bill Ryan came to the Federal Court a short three years after it was instituted. For the next twelve years, he served on that Court with much distinction and dedication.

So far I have been referring to Justice Ryan, the distinguished jurist and valued colleague. I come now to Bill Ryan, the good friend and great human being. Bill's interests were many and varied. Music was high on his list. I refer to his enthusiasm for the Metropolitan Opera. He was also a sports enthusiast. He was an avid supporter of the Boston Red Sox baseball team. I think also of his passionate concern for Law Reform, as evidenced by his significant contribution in that area.

Recent assessments of the performance of the Federal Court during its first twenty-three years by distinguished academics have been positive indeed. The consensus appears to be that this Court is having an important impact on the administration of justice in Canada. As one of the "pioneers" on the Court, Justice Ryan's contribution to that positive assessment has been substantial. He will be remembered by all of his colleagues on the Court with much affection, respect and esteem.