

Transcript of the Remarks by
Chief Justice J. Derek Green and
Mr. Justice Malcolm Rowe
On the Passing of James Leslie Thistle, Q.C.,
Member of the Bar of Newfoundland and Labrador

Court of Appeal
St. John's, NL
March 8, 2016

The Chief Justice:

Justice Rowe is scheduled to hear applications today. Before he commences this morning's business, I propose to say a few words to record the passing, on March 3, 2016, of James Leslie Thistle, Q.C., senior member of the Bar, after a short illness, at the age of 61. His funeral is being held this afternoon.

It is with great sadness that I became aware last Friday that Jim Thistle had passed away. On behalf of the judges and staff of the Court of Appeal, in particular Connie Greene who formerly worked with him at his law firm, I extend our condolences to Jim's wife, his children and his parents, as well as to his partners and colleagues at the firm of McInnis Cooper, who I am sure will miss him dearly.

Jim had a stellar and varied career as a lawyer, having worked in private practice, as well as corporate counsel and in the public service as Deputy Minister of Justice and Attorney General. He excelled in all such roles. A man of inquiring mind and great insight, he had a reputation for thorough and powerful advocacy as well as good humour and eclectic tastes.

I first got to know Jim when we met on a weekly basis 25 years ago bringing our sons to Beavers meetings and occasionally on camping expeditions. We often lingered at the meetings for a chat, and he invariably expressed well thought-out opinions on some aspect of law or public affairs or, more often, on philosophy, literature or social affairs. He was always energizing and memorable in his conversations.

Although Jim appeared frequently in the Courts, I can actually only remember him appearing in front of me on only a few occasions. One memorable occasion occurred when I was

in the Trial Division. The case¹ was an important one involving the application of access to information legislation in the context of solicitor-client privilege. Interesting cases are made so much better by good counsel. I remember the thorough and insightful comments he made, drawing on his experience in the public service, and placing the issue in a broader policy context, challenging me to think of the issues in an intellectually sensible and consistent manner. That, of course, was Jim's way. He was more than a technocratic advocate. He saw and articulated the implications of legal positions and was able to use that insight to the benefit of his work, whether in the courts or in the solicitor's office.

James Thistle's contribution to the legal profession, and through his role as counsel, to his clients and the community at large, has been significant. He will be missed no doubt by his family, his friends, his colleagues and clients, as well as by the judges before whom he appeared and whose judgments benefitted from being challenged to respond to his advocacy.

Justice Rowe:

I want to add very briefly to what the Chief Justice said about James Thistle.

Jim and I were friends for over 50 years, so we go back a long ways. We went to school together, went to university together and went to law school together. He was an outstanding professional, and he was a very good friend. I shall miss him.

The Chief Justice:

I direct that a transcript of these remarks be prepared and provided to Mr. Thistle's family.

¹ *Imperial Tobacco Co. v. Newfoundland and Labrador (Attorney General)*, 2007 NLTD 172, 276 Nfld. & P.E.I.R. 123