

Transcript of Remarks by

Chief Justice J. Derek Green and Mr. Ian Kelly Q.C.

**On the Passing of Kevin Preston,
Bencher of the Law Society of
Newfoundland and Labrador**

**Court of Appeal
St. John's, NL
March 9, 2015**

Chief Justice Green:

Before proceeding with the appeal scheduled for this morning, I am going to take a few minutes to recognize the tragic loss to the legal profession of Kevin Preston, a member and bencher of the Law Society, who was killed in a motor vehicle accident on March 4th last, at the age of 51 years. His funeral service is being held later today in Gander.

It was my hope that a special sitting of the Court could be convened in Gander shortly after the funeral, and to which members of Kevin's family would be invited, to give the members of the local bar an opportunity to celebrate Kevin's life and contribution to the administration of justice in the Province and to reflect generally on his passing. Regrettably, I will be out of the Province for the next four weeks and I did not want to wait that long to say something. Accordingly, I am going to make a few remarks this morning for the record.

Justice Charles White of this Court and I both had a special connection with Kevin. He articulated with the law firm with which Justice White and I were then

partners and he practiced with us for a short time before moving to Gander where he spent the balance of his legal career. Kevin had actually signed his articles of clerkship with the Honourable William Marshall, then the senior partner in the firm and later also a justice of this Court, now retired.

We knew Kevin to be a fine lawyer who held much promise for an outstanding career in the law. He did not disappoint. Over the years in Gander, he developed a reputation as a solid lawyer who was dedicated to his clients and his profession. He gave back to the profession by service in the demanding and responsible role of Bencher of the Law Society.

To me, what is memorable about Kevin Preston, however, is his approach to life. I remember him as someone who always had a smile or perhaps a mischievous grin on his face which frequently erupted into spontaneous laughter putting those that he was with at their ease and making the atmosphere around him a pleasant place to be in. Justice Marshall, Justice White and I will certainly miss him. His clients and law partners will miss his wise counsel and support. His colleagues at the bar will miss a well-respected friend and the legal profession will miss his solid contribution to the administration of justice in the Province.

Justices Malcolm Rowe and Michael Harrington, who are present on the bench with me this morning, join with me in expressing to Kevin's family, his wife Lisa Ann, his son Nicholas Alexander, his parents Doctors Charles and Mary Preston and his siblings, Alan, David and Heather. On behalf of all the judges and staff of both appellate and trial divisions of the Supreme Court, our sympathies on Kevin's passing.

Mr. Kelly?

Ian Kelly Q.C.:

Thank you, Chief Justice. Mr. Kevin Preston's tragic loss was a tragedy for all. On behalf of the counsel here today and for the members of the bar generally, we extend our condolences to his family and to his partners. He was a good and able lawyer and a good and able colleague at the bar, someone who you could engage with, as the Chief Justice has expressed. I was in communication with Mr. Ralph of his firm late last week and I know that his partners, members of his firm and the staff of his firm are devastated by this very tragic and sudden event. So, on behalf of counsel, all of us here today, we extend our condolences to his family and to the members of his firm.

Chief Justice Green:

Thank you, Mr. Kelly. I am going to request that a transcript of these remarks be prepared and forwarded to members of Mr. Preston's family.

The Court will now recess for five minutes before proceeding with the morning's regular business.