

**Transcript of Remarks by
Chief Justice J. Derek Green and Mr. Donovan Molloy, Q.C.
On the Passing of William Cadigan,
Member of the Law Society of Newfoundland and Labrador**

**Court of Appeal
St. John's, NL
March 10, 2015**

Chief Justice Green:

Before commencing the regular business of the Court this morning, I am going to take a few moments to reflect on the passing of William Cadigan, a member and former Bencher of the Law Society of Newfoundland and Labrador, who died on March 1 past, at the age of 54.

I note the presence in the courtroom of members of Bill Cadigan's family – his father, David Cadigan, his partner, Alana, his sons, Ted and Jack, and their mother, Janet, as well as other family members and friends. I also note that two of Bill's extended family, Sheila Greene and Tom Fraize, are also members of the local Bar.

I also welcome to the courtroom Mr. Donovan Molloy, Q.C., Director of Public Prosecutions, who will be asked to speak in a few moments. I also note the presence of Mr. Gerald O'Brien, Q.C., with whom Bill practiced law for a number of years during the early stages of his career, as well as a significant number of members of the prosecutorial Bar who were Bill's colleagues in recent times.

On the Bench with me this morning are Justices Gale Welsh and Lois Hoegg, who join in the remarks that I will be making. Chief Justice Whalen of the Trial Division is out of the province, but he has asked me to express his regret at not being able to be here and to convey his condolences to the family.

Bill Cadigan was a St. John's boy through and through. He was born and raised in the city. A student of St. Bon's and Brother Rice, he graduated from high school in 1977. He attended Memorial University where he took degrees in pharmacy and philosophy. He then attended University of New Brunswick Law School, graduating in 1989.

Following his call to the Bar in 1990, he practiced for seven years with the law firm then known as O'Brien, Furey and Smith. The senior partner, Gerald O'Brien, Q.C. described him as

kind, outgoing and possessing a wicked sense of humour. He told me the story that after a few years in practice, Bill approached him with a request that his name be put on the brass plaque outside the office door. Apparently, the plaque was not originally constructed to allow for additional names to be added; to do so would have required manufacture of a completely new plaque, which was extremely costly (these were the days before the oil boom) and O'Brien Q.C. was not willing to incur that expense. So he said "no." Bill persisted but the answer was always the same. Eventually, the last lawyer with a name on the plaque, Mary Philpott, left the firm. Now the plaque was not even representative of the people in the firm anymore. So, Bill struck on an idea. He approached O'Brien again with the proposal of how the firm could save money – no need to spend money on a new brass plaque; instead, to make the point of how much he wanted to have his name on the door, Bill offered to change his name to Philpott. Apparently, that did not work either. Later, after Bill accepted the job as Executive Director of the Constabulary Association, O'Brien Q.C. offered to change the name on the door to persuade him to stay, but by then it was too late.

In his 54 years, Bill Cadigan made an impression and made a difference. It is clear from the presence of the Director of Public Prosecutions and his many colleagues in the Crown Prosecution Office who are here today, or who have given interviews and made other public comments in recent days, that he was extremely well-liked and respected. His unexpected passing has hit them hard. It is understandable why that is so. Bill's personality marked him out as a unique individual. He was, of course, a good, solid lawyer who took his obligation to represent his clients very seriously. Whether the clients were accused facing criminal charges in the early years when he was a member of the Criminal Defense Bar, or institutional clients such as the Royal Newfoundland Constabulary Association when he served as in-house counsel, or Her Majesty when, more recently, he served as Crown prosecutor, they all received his attention and support, no matter what side they were on, so to speak, in the tradition of the true barrister.

But it was how he discharged his duties that made him special. He was known for his sense of humour and wit. He brought that into the courtroom where he often brightened the day of those around him. Perhaps it was because of his varied experience in the practice of law, where he represented all sides that left him with a great compassion for litigants on the opposite side of the case, especially the downtrodden and those who were vulnerable.

Crown prosecutors hold a special place in the criminal justice system. They have superadded duties when they appear in court. While having the duty to advance their case forcefully in the public interest, their job is not to win at all costs but to ensure that the process operates with fairness to all concerned. Bill Cadigan exemplified that tradition. But Bill went further – he often showed kindness to those he prosecuted, to the point where, even when they were being taken away to jail after a successful prosecution, the offenders often still said they liked him. That is a tremendous compliment for any prosecutor.

Bill Cadigan obviously related well to others, aided by his compassion and his ability to see the good in people and to appreciate the lighter side of life. He genuinely liked interacting with others. Criminal or victim, persons of high or low station, the powerful or the vulnerable, he was interested in them all and would usually take the time to chat in both social and work environments. Every time he and I met on the street, he always had time to share an anecdote, comment on some justice issue or just show an interest in what you were doing. I always left the conversation feeling better than I had before we met.

Bill was also a great mentor to many of those with whom he worked, always taking the time to explain how things worked to younger lawyers and helping them with their cases. One of his colleagues recently described him in an interview as a “shining light” in the office. Another called him “larger than life” and “a living legend.” It is people like that who are not easily forgotten.

Bill Cadigan also gave back to his profession through services as a Bencher of the Law Society and work on a number of Law Society committees, including the SS Daisy Legal History Committee and the Court Standards Committee. Because of his enthusiasm and interest in all he became involved in, he was always willing to volunteer his time and expertise to the profession he loved.

Bill will be missed by his friends and colleagues, even by the litigants with whom he interacted in the court system, by the judges and court staff and by the people involved in the broader justice system to which he contributed greatly.

On behalf of the judges and staff of the Supreme Court of Newfoundland and Labrador, I express our sympathies to Bill’s family on his passing.

Mr. Molloy ...

Donovan Molloy, Q.C.

Thank you, Chief Justice and Justices, Deputy Minister, colleagues, friends and most importantly the family of Bill, as we knew him.

The passing of Bill came as quite a shock personally, not only myself but to everybody. On going into the office after everyone had learned of the news, it was quite apparent that the loss had devastated the office. Everyone was, and continues to be, quite sad. Bill had a presence

that is irreplaceable. Anyone who's worked in a prosecutor's office knows that there is a certain level of noise just simply because of all the activity, and Bill added to that noise, and you miss the noise and you miss Bill because there was always something funny no matter what you were doing. No matter what kind of stress you were feeling, Bill would say something that would make you have a chuckle and then sort of get back to it.

We met in 1994, just after I had started as a crown attorney. In fact, I think it was in the company of O'Brien Q.C. when they were defending a gentleman who before I became a crown attorney I had some contact with and therefore was disqualified from continuing with the prosecution. At the time, I had just been diagnosed with a serious illness, and Bill was always very solicitous of me and continued throughout our plus 20 years' history together. He was always asking me how I was, even when I was really well. He was particularly worried about me after I went to the Building. He worried that that was somehow going to crush my spirit. I said no, I was in fine company because I had a new colleague, Paul Noble, Q.C., who was actually a classmate of Bill's in law school. I said I missed everybody but I would be okay, but he still asked me every time I saw him.

When Bill started, for his level of experience, his years at the Bar, Bill was quite the vigorous, talented advocate. With only, I think, about four years at the Bar, Bill went to Gander on his own to defend a fellow by the name of Jeffrey Osmond, who was charged with murder at the time, and it was quite a complicated case, and Bill acquitted himself very, very ably. In fact, Mr. Benson, if I recall correctly, ended up – the jury came back with manslaughter, which in the circumstances was a very good result, I think for Mr. Benson. It showed the level of confidence that O'Brien Q.C. had in him and his level of ability, in any event, to be given the responsibility for such a serious matter of defending a client on a charge of murder with only four years at the Bar.

Bill also volunteered, or I guess he was a reservist, for the Judge Advocate General's Office. I think that's something that hasn't been mentioned in the tributes to date. He served with them from 2002 until 2007. My understanding is that he held the rank of lieutenant in the Naval Branch of the services.

Bill's passing, a contemporary, long-time friend, has been cause over the last week for much reflection on what the true measure of success is in life. While accomplishing office and various achievements are all well and good and stand to your credit, I have been moved over the last week by the number of people who have reached out to share examples of Bill's kindnesses over the years to colleagues, to friends, to people who appear in court, particularly in No. 7, which Bill was the face of prosecution for many years in No. 7 because everybody comes through No. 7. You know, I've said this before but it bears repeating – Bill truly saw the people that I think sometimes we've been either socialized or conditioned not to recognize – people who

really had gotten the shorter end of the stick in life. It's remarkable, you know, at the visitation there was everybody from Chief Justices to Police Chiefs, to colleagues, members of the Bar, friends and family, but also people that he had prosecuted who brought flowers. There was a person who slipped a sympathy card under the door of the Crown Attorneys' Office for his colleagues.

Beyond his impressions on everybody, he and Janet raised two fine boys, and I know sometimes people say "oh well, you're going to say that at this time." But no – they are fine young men. Probably two of the finest young men I've had the pleasure of meeting. The way they comported themselves over the last week would make Bill, and has made Janet, tremendously proud. Bill was also quite fortunate in the most recent years to have the love of Alana and her daughter, Anna. Bill spoke to me on many occasions of the good times that he had with Alana and the difference that that had made in his life.

Bill's colleagues, as I mentioned earlier, mourn his loss, miss his presence, both for the humour, for the mentoring, for everything that he provided. I, as his friend, miss him greatly. I think our society, not only our legal society but society in general, has experienced a great loss with the passing of Bill Cadigan, and I thank the Court and the Minister of Justice, who is traveling, for allowing me the opportunity today to deliver remarks on behalf of the Department.

Thank you very much.

Chief Justice Green:

Let me once again extend condolences to the family of Bill and his colleagues, who obviously will miss him dearly. I just want to assure you all that it's obvious from everything that's been said here today and in the newspapers and the comments that have been given over the last little while that Bill's memory will live in the minds of his colleagues, the judges and staff of the court, and others in the justice system for a long time to come.