The Law is a Jealous Mistress

Five years ago, I resigned as Crown Counsel after 20 years of public service. I am happy to report have found my own place in law, with terms of my choosing.

Today I spend my time in several diverse areas. I teach legal English and common law thinking to lawyers and judges from around the world. I also run a tourist suite and host other international guests. Occasionally I appear in criminal court as either ad hoc Crown Counsel or duty counsel and I regularly assist my husband Trevor Todd with estate litigation and write on legal English for the ESL market. What's more, I have a balanced family life and am largely free to spend time with our 9-year-old son Lachlan.

In short, I live in a much larger world. I am still very busy but I consciously choose to spend my time on pursuits that interest me.

How did I arrive here?

Four years ago we bought a heritage home in Kitsilano Point—a former bed and breakfast. The previous owners lived in a suite on the garden floor and managed the upper three floors as a B & B.

Although I am unquestionably a people person, I had no interest in being tied down to daily entertaining. Thus we reversed the usage of space within our new home and marketed the previous owner's suite as a family-friendly tourist suite. Our marketing has been principally over the Internet so we host families from many countries, particularly the United Kingdom.

The suite, far from being a burden, has been extremely life-enriching. Almost without exception, we have hosted extremely interesting and cultured guests—mostly well-travelled professionals. I have organized the tourist suite to be quite self-sufficient. Hence my role is mainly that of concierge to our own form of B & B (bed and bugger-off-and-make-your-own breakfast).

The three-bedroom suite is decorated with many of our own possessions, including folk art collected during our travels plus our son's childhood books, toys, and videos. The visiting parents are extremely grateful for the diversions for their young children and many families return to us as guests.

I quickly realized that travel seems to bring out the best in people—our foreign visitors are generally relaxed, enthusiastic, and very engaging. (Aren't we all, away from our daily grind?)

Our foreign visitors constantly remind me of the beauty and advantages of Vancouver. For example, recently I explained to a Mexican visitor that I often vary the routes I take in my car, simply to add a bit of variety to an otherwise routine drive. She told me she follows the same practice—to avoid being kidnapped. One Colombian student told me Colombia is a safe place, yet she had been kidnapped some months before. After she was driven around to various bank machines, her kidnappers dropped her off, physically unharmed. It seems amazing what people can rationalize.

Compared to most of the world, living in Canada is like living in a theme park.

Our tourist suite opened other doors because it taught me something of Internet marketing to the rest of the world.

Shortly after the suite was launched, I was asked to teach two Venezuelan lawyers at a local language school. A teacher by nature, I soon realized how much I enjoyed teaching foreign lawyers. As an adult, I learned French and Spanish fluently and conducted French-language trials, so I

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The Scrivener
clearly enjoy languages. I had also studied the civil law system in place in most of the world, outside the Commonwealth.

I thus went on to launch a new Website offering to teach legal English to colleagues from afar. I have since welcomed students from many European, Asian, and South American countries.

Teaching foreign colleagues provides a great opportunity to learn from them. The students are very bright, cultured, and motivated to learn. From them, I have gained wonderful insights into other perspectives of the world.

For example, in Japan, only 2 percent of law graduates succeed in becoming lawyers. A much smaller percentage pass the rigorous judging exams (no experience necessary), then go on to become judges. Supreme Court judges live in special housing areas and are transferred around the country every three years. Remind you of the army?

In Munich, Germany, you must be licensed to own certain breeds of dogs such as Rottweilers, which are considered inherently dangerous. The licence is akin to a Firearms Acquisition Certificate for prospective owners. The licensing papers must be on display when an owner takes such a dog out in public.

In Swiss criminal cases, child witnesses are questioned only by the judge and not by counsel. As for licences, both Switzerland and Germany require golfing licences (for safety purposes). And if you wish to fly a float plane, you require not only a pilot’s licence but a boating licence. Apparently when the plane puts down, it is considered to be a boat.

In Colombia, the salaries of company executives of multinational companies are most often paid into offshore accounts. The rationale is to avoid bank employees’ informing prospective kidnappers as to who “is in the money.”

In Venezuela, civil trials may sometimes last for 30 years. Apparently there are only 12 Supreme Court justices in Caracas, a city of many million people. One student describes his reaction each time he arrives at the highrise building holding their courts as “welcome to hell.”

These are just some of the interesting tidbits I have gleaned from my students over the years.
The international exchange is extremely stimulating. This week I am headed to Belgium to present to a group of lawyers and judges. The invitation arose from my monthly lesson on legal English sent out around the world—it is quite exciting to see how far those lessons reach. I have received thank you letters from readers from Moscow to Mongolia and Madagascar to Bolivia.

When I go back to criminal court these days, it is with very different eyes. Before being duty counsel, I had very rarely been into the cells; I find my visits there a very good wakeup call. It is a shocking reminder of the way many people live, even in our own affluent society. It seems that most individuals in custody have a substance-abuse problem, whether it be alcohol, crack cocaine, or crystal meth. The line between their lives and our lives is very thin.

It is always scary to ask some tired-looking soul his age, only to learn he is several years my junior. Some people seem most out of place—they are obviously smart, well-spoken individuals who have fallen between the cracks, either because of drugs or mental illness. For example, I interviewed a 60-year-old man whose bipolar disorder caused him to lose his very successful business. It was shocking to see numerous theft convictions on his record that began only when he was in his late 50s.

Needless to say, this is quite a contrast to my other life, but one that I enjoy.

In terms of estate litigation, it's a great use of my litigation skills. *Wills Variation* cases, like criminal cases, are often based on compelling human factors. To be an effective criminal counsel, one of the skills you learn is how to build rapport with witnesses and help them communicate their complete story in a methodical and sympathetic manner.

You also learn to be persuasive. This same skill is well placed in preparing affidavit evidence for summary trials of *Wills Variation* actions. If you can give the judge compelling facts, successful results usually follow.

Last, I am in the process of editing my lessons on legal English for publication, my own version of “Common Law for Dummies.”

Sound too busy? Not really. The most important aspect is control. I choose how to spend my days—something sorely lacking in my first 25 years of practice.

Recently I was acting as duty counsel and dealing with a chartered accountant among the new prisoners in custody at provincial court at 222 Main Street. Needless to say, he was unaccustomed to being in the cells and asked me why I was there acting as duty counsel. I was a little embarrassed to tell him—“Because I enjoy it. For me, this is fun.”

*Judith Milliken, QC,* has been practising in BC since 1975. Initially she practised commercial law and later as Crown Counsel for over 20 years. She left the Crown in 2000 to pursue other interests and lead a more balanced life. Today she practises part-time in both Criminal Law and estate litigation, teaches legal English to lawyers and judges from around the world, and operates a family-friendly tourist suite in Kits Point.