



Farris Partner, Jeff Kay, Q.C. features in the April 2009 issue of BC Business magazine.

Love Hurts

By Neal McLennan



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Meet the Rodney Dangerfields of the legal profession - the smart, tough, practitioners of family law just looking for a little respect



Every practitioner knows the refrain: no one likes lawyers, but everyone loves their lawyer. As a young litigator I learned this first-hand every Christmastime as I would receive a steady stream of snowy cottage cards from the coterie of insurance adjusters, in-house counsel and construction and oil executives. It always made me feel good – until I noticed the bounty that was being delivered daily to my family-law colleague down the hall. Crates of wine, works of art, Cirque du Soleil tickets and gift baskets overflowing with tins of salmon terrine seemed to be on a conveyor belt to her office. The truth is, everyone loves his or her family lawyer the best.

It's hard to begrudge them for, in a lot of ways, family lawyers are the unsung heroes of the profession. They have to navigate the myriad rules of civil procedure on the fly, such as when a custody dispute erupts at 4:15 p.m. on the Thursday before Easter. They have to deal with clients who are actual people facing, in divorce, often the worst financial and emotional crisis of their lives. "For the vast majority of families, a divorce means a significant and immediate drop in the entire family's standard of living," notes Dinyar Marzban, a family lawyer with Vancouver-based Jenkins, Marzban & Logan LLP. Just take the example of Ian MacDonald, a vice-president of RBC Dominion Securities living in North Vancouver who was initially ordered by the court to pay \$59,500 a month in child support. Luckily his clever lawyer had it reduced to \$20,000 a month, saving MacDonald \$474,000 a year.

Vancouver

2500 - 700 W Georgia St
Vancouver, BC
Canada V7Y 1B3

Tel 604 684 9151
Fax 604 661 9349

Kelowna

800 - 1708 Dolphin Ave
Kelowna, BC
Canada V1Y 9S4

Tel 250 861 5332
Fax 250 861 8772

Victoria

208 - 852 Fort Street
Victoria, BC
Canada V8W 1H8

Tel 250 405 1980
Fax 250 405 1984

www.farris.com



FARRIS, VAUGHAN, WILLS & MURPHY LLP

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About Jeff Kay, Q.C.

Jeff practises primarily in the fields of family law and commercial litigation. He has appeared as counsel in family law cases before the British Columbia Court of Appeal, the Provincial and Supreme Courts of British Columbia, and numerous arbitration hearings. His family practice includes all matters relating to custody, access, property division, maintenance, constructive trust claims, and the drafting of marriage agreements, asset protection agreements, and separation agreements. Jeff has acted as a mediator in resolving numerous complex matrimonial disputes.

Jeff can be contacted by phone (604) 661-9321 or email: jkay@farris.com

And even at the top tier, family practitioners are often charging significantly less than their corporate colleagues, who are sticking BC Hydro or Goldcorp or any number of deep-pocketed corporations with six-figure legal bills (don't pass the hat yet; all the practitioners here charge north, some way north, of \$350 per hour). And not only do family lawyers have to know the rules of court; they also have to have both the Divorce Act and the Family Relations Act memorized and understand trust law, tax law and how to read an expert valuation like an accountant. Yes, it would be a charmed life if you never needed their services – but if, God forbid, you do, here are five of B.C.'s best.

The Carriage Trade Lawyer



JEFF KAY, Q.C. Farris, Vaughan, Wills & Murphy LLP

Years practicing: 28

Accolades: Appointed Queen's Counsel, 2004

Ranked by Lexpert as a leading lawyer in Canada

Martindale-Hubbell rating of AV

Ranked in The Best Lawyers In Canada directory

Ranked by the World's Leading Product Liability Lawyers

Ranked by the Who's Who of Product Liability Defence Lawyers

Member of Association of Trial Lawyers of America

Kay is one of the rare top practitioners who practises in a large firm – in this case, Farris, the lawyers to Vancouver's establishment for the last century. His clients come from the top tiers of industry or are married to them, and the last thing they need is to have their pals down at the Vancouver Club or the tennis club reading about their dirty laundry in the paper. Plus, this sort of publicity can be bad for the stock price, so Kay keeps it tough but always discreet. He is one of the few family lawyers who comfortably cross into the commercial litigation realm, most notably representing tobacco companies R.J. Reynolds Tobacco Co. and JTI-MacDonald Corp. in their death match with the province dealing with the ability to claim recovery for health-care costs – a massive case that will have huge repercussions throughout Canada.

Hire him if: Your family owns a large forestry company and your youngest daughter is hell-bent on marrying an 18-year-old anarchist bass player and some marriage agreements are in order to ensure that family stock doesn't fall into "questionable" hands.

Latest book read: The Given Day by Dennis Lehane

Song that best describes his approach to family law: "Help" by the Beatles.