



An architect of the Provincial Court

The Court was saddened to learn of the death of retired Supreme Court Justice Kenneth Arkell on August 27, 2024. A large presence both in and out of a courtroom, Justice Arkell was an RCMP officer, boxer, professional football player, lawyer and magistrate in northern BC, and a judge of three BC trial courts. He also played a crucial role in the development of today's BC Provincial Court.

Justice Arkell was born in Calgary in 1930 and like many Canadians, knew tough times during the depression. He explained to the Allard School of Law History Project:

“At the school I attended, if someone had an apple it was a treat; everyone wanted the core of the apple to eat, so the first one to yell 'cores' would get the 'treat'.”

He attended high school in Ontario where his family had a small farm and the chores were endless. After graduating, he joined the RCMP, serving in Ocean Falls and New Westminster and becoming a heavyweight boxing champion. He then obtained a BA from Western University in London, Ontario and played college football as a 6'5", 235 pound offensive lineman. He was signed by the Ottawa Rough Riders in 1955 and played the next two seasons with the BC Lions.



Like his contemporary, the late Supreme Court of Canada Justice John Sopinka, who played for the Toronto Argonauts and Montreal Alouettes while attending law school, Justice Arkell played for the Lions while studying law at the University of British Columbia. Combining football and law school was a challenge. Professors didn't appreciate his missing classes, even when he explained he needed to play to pay for law school.

On his 90th birthday in 2020, the Lions gave him their Heart of a Lion award to recognize his leadership and positive impact.

In the 1960s, Justice Arkell practised law in Dawson Creek, including acting as Crown counsel, and became the only legally trained District Magistrate in northern BC. In 1969 the first Provincial Court Act established the Court, giving it much more independence than the magistrates' court. Justice Arkell was appointed a Provincial Court judge. In his interview with the Allard School of Law History Project, he recalled travelling constantly by air and by car in the region stretching from Mackenzie to the Yukon and from Alaska to Alberta, as one of the biggest challenges of his judicial career.

Then came the period when he played an important part in the birth of the modern BC Provincial Court. In 1970 Judge Arkell became a member of the first Judicial Council of BC and produced a comprehensive report on the role, function and office of a Provincial Court judge. It also included a comparative analysis of judicial salaries, pensions and travel expenses and discussion of the problems associated with having a mix of part time, legally trained, and lay judges.

In 1971 he was appointed Associate Chief Judge of the Provincial Court and moved to Vernon. At the request of the Deputy Attorney General, in 1974 Judge Arkell drafted a new Provincial Court Act. Passed in 1975, the Act changed the Court to one of legally trained judges (with three grandfathered lay magistrates as exceptions); established rules about salaries, pensions, security of tenure and administrative independence; and strengthened the Judicial Council's authority, increasing the Court's independence.

Justice Arkell was appointed to the County Court in 1977 and to the BC Supreme Court in 1990 and retired from that court in 1999, after serving British Columbians as a judge for 30 years. His contribution to the creation of a professional, independent Provincial Court was one of his most significant accomplishments.

Sources:

[The Honourable Kenneth F. Arkell | historyproject.allard.ubc.ca](https://historyproject.allard.ubc.ca)

[Former Vernon Justice dies at 93 Vernon Morning Star](#)

Magistrate-Judge, the story of the Provincial Court of British Columbia, Alfred Watts, Q.C.

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