



AJA MEMBER PROFILE

John W. McClung

*Justice of Appeal, Court of Appeal of Alberta
Edmonton, Canada*

Justice John McClung formally joined the bars of Alberta and the Northwest Territories in 1959, but when he was younger, he had not set his sights on a specific career. As he puts it, “I sort of backed into it [law].”

When it came to a career in law, he said, “I didn’t have a hell of a lot against it.” Family ties to the profession helped him make his choice. His father had been a lawyer, and he “liked the way dad did things.”

He earned his law degree from the University of Alberta in 1958. He was appointed to the District Court of Alberta in 1976; he served as an appointed deputy judge of the Yukon Territory from 1978 to 1983; and he was appointed to the Trial Division of the Supreme Court of Alberta in 1977, to the Queen’s Bench of Alberta in 1979, to the Court of Appeal of Alberta in 1980, and to the Court of Appeal of the Northwest Territories in 1980. He has served as an administrator of the Government of the Province of Alberta since 1992.

Justice McClung joined the American Judges Association in the late 1980s. He was initially attracted by AJA’s publications and the chance to travel to places he’d never been before, such as New Orleans, for the annual conferences. He was quite impressed by the quality of AJA’s educational programs, and particularly by Prof. Charles Whitebread’s annual reports on U.S. Supreme Court decisions. (Justice McClung is also a member of the Supreme Court Historical Society.)

He’s fairly impressed with U.S. judges in general—“a classy bunch,” he said. He appreciated U.S. judges’ consciousness of what they’re doing and

their tendency to issue more opinions than Canadian judges. He attributes this to judicial elections, which force U.S. judges to articulate the reasons for their decisions. As a group, according to Justice McClung, Canadian judges tend to be “a little more smug,” probably because they’re appointed for life, as opposed to being elected, and are less likely to offer reasons for decisions.

His own local history is also very important to Justice McClung. He’s a member of the Edmonton and District Historical Society, as well as an honorary member of the Legal Archives Society of Alberta. He even served as “Honourary Chief Factor of Fort Edmonton” from 1998 to 1999. Back in 1795, when Edmonton was still a trading post for the Hudson’s Bay Company, the day-to-day lives of people living at Fort Edmonton were controlled by “factors” with “almost dictatorial powers,” says Justice McClung. As the Honourary Chief Factor, he dressed in period costume, made speeches, and presided over historical society events (such as auctions) at a replica of the old fort.

He feels that it’s important to keep history “in the public eye,” even if it means cavorting about in old-fashioned dress. “Like having a beer for breakfast,” he said. “Boorish, but it gets people talking [about history].”

Justice McClung used to be a bit of a sportsman, as well, but admits that he’s slowed down from his younger days. He used to enjoy hunting with retrievers, but says now that the hunt isn’t what interests him. “Watching a good retrieve is more fun than bringing a goose down,” he says. bm