

## ANTI-PROSTITUTION BYLAW

# Key players ready for bylaw fight

The first legal challenge of the city's anti-prostitution bylaw is scheduled to open Monday in Vancouver provincial court.

Judge David Moffett will be asked to rule on a constitutional argument against the bylaw by criminal lawyer Tony Serka on behalf of his client Donald Robert Woodbury.

Woodbury, 33, was charged earlier this year under the Street Activities Bylaw with buying or attempting to buy sexual services — an offence that calls for a fine ranging from \$350 to \$2,000 upon conviction.

The accused, his lawyer and representatives from the city and provincial government will make up the players in this first challenge to the bylaw. Here are the key players:

● **Terry Bland** — Corporate counsel in charge of litigation for the city of Vancouver. He is a 45-year-old man of medium height and build and the father of two young daughters.

Bland, who obtained his law degree in 1961 from the University of B.C., has been practising law for 19 years. In the mid-1960s, he worked as a corporate lawyer for Laurentide Financial Corp. Ltd. for two years before joining the city's legal department.

Bland moved to his senior position about 1½ years ago. He and John Mulberry, director of legal services, head a department of about 10 lawyers and paralegals.

In his capacity as chief litigator, Bland says he has taken on the body rub parlors and "all constitutional cases where the city's powers have been called in question."

● **Roland Bouwman** — The career of Vancouver's bylaw prosecutor has covered the military, business and law. He also dabbled in politics.

Dutch-born Bouwman, a thin 60-year-old, returned to the city's legal department last February after a 14-year absence. In 1968, when Bouwman left, he was the city's deputy prosecutor. He spent most of the years that followed climbing the corporate ladder of B.C. Tel and retired in 1979 as the company's vice-president, general counsel and secretary.

In 1979, he ran unsuccessfully as a Liberal candidate in Fraser Valley West and in 1981 failed to win the presidency of the B.C. Liberal party.

Bouwman was called to the bar in October, 1955, and became a city prosecutor the following year.



SERKA



WOODBURY

● **Tony Serka** — A tall 37-year-old lawyer who is representing Woodbury.

Serka was the lawyer who won a landmark 1978 decision of the Supreme Court of Canada which ruled that a prostitute must be "pressing and persistent" to be convicted of a Criminal Code charge of soliciting.

The Hutt decision — named after Serka's client Debra Hutt — redefined soliciting. Critics said the decision made it impossible to control hookers with the federal law, which was one reason Vancouver city council created its own bylaw to prohibit the buying or selling of sex on the streets.

Since Serka, a UBC law school graduate, was called to the bar in 1970, he has developed a knack for getting unexpected acquittals.

One of his clients, for example, was charged with fraudulently obtaining food after he didn't pay for five bottles of imported beer at a downtown hotel.

Serka's successful argument: Beer is not a food. Serka is a self-confessed trivia nut. He and two other Vancouver lawyers, Brian Jackson and Henry Brown, who call themselves the "Earls of Esoterica,"

won the national championships in 1978 and 1979 in a CBC-TV show called Trivia.

● **Donald Robert Woodbury** — The first person to challenge the bylaw, and a man who doesn't shy away from the news media.

Woodbury, a graduate of UBC's economics department, is now a full-time freelance writer. He writes detective and spy novels under a pen name but refuses to disclose the name. "That's something between me and my publisher."

Asked whether he challenged the bylaw so he could write about the experience, Woodbury said that wasn't the reason. He added, however, that he may write about the experience later.

On his lawyer's advice, he has refused to discuss many details about his background or his reasons for challenging the bylaw.

● **Howard Eddy** — Tall and lean, Eddy, who is a solicitor with the attorney-general's constitutional and administrative law section, declined to provide any background on himself.

Earlier this year, Eddy represented the provincial government when it appeared as an intervener at the Canadian Radio-television and Telecommunications Commission's hearings into the B.C. Telephone Co.'s rate-hike application.

Eddy said the government's position in the Woodbury case will be that the Street Activities Bylaw is within the powers of the city and that Woodbury's challenge is invalid.