



### **MEMBER PROFILE QUESTIONS**

#### **INTRO :**

**Member Name :** Lorne Sabsay

**Year of Call :** 1987

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#### **QUESTIONS :**

##### **1- How did you get into criminal law?**

I got into criminal law, more or less, for the same reasons I got into martial arts. From a very young age I wanted the skills to defend those who could not defend themselves. This started as an interest in karate and kung fu. As I got older I became very involved in the fight for social justice and, by the time I graduated from U of T, I decided that I should turn my theoretical fight for justice (and my physical one) into a practical one. The obvious course was to become a criminal defence lawyer.

**2- What type of cases do you enjoy defending the most and why?**

I enjoy pushing the legal envelope and bringing new legal ideas to achieve justice. Constitutional defences against abuse of police authority interest me quite a lot. I like exposing the lie, whether through advocacy skills or through the just application of the law. And where the law itself is unjust I enjoy challenging that too. It doesn't matter to me what the charges are. What matters to me is the fight for justice in any particular situation.

**3- How did the practice of criminal law change you?**

It actually changed the way I fight. Full frontal direct attacks rarely succeed against a skilled opponent, or a savvy witness. A karate instructor of mine once said that cross examination is like combat. One has to know when to feint, when to fake, how to lead your opponent toward one course of action and, when they think they will succeed, to change course before they realize the trap has been set. I learned much about being a good karateka from honing my cross examination skills. And to hone ones cross examination skills, and advocacy skills, is how one becomes a great criminal lawyer.

**4- If there is one thing only you would like to see change in criminal law, what would it be?**

We need to reverse course on the increasingly prevalent presumption of guilt inherent in recent changes to the criminal code. We need to stop letting individual sensational cases (e.g. Ghomeshi or Stanley) determine criminal law policy for the thousands of accused persons who are supposed to be presumed innocent. The elimination of the preliminary hearing, reverse disclosure obligations and the elimination of peremptory jury challenges are all steps in the wrong direction, IMHO.

**5- What advice would you give to your younger self when you first started practising criminal law?**

Don't give up the things you love in the false belief that focussing solely on criminal law will make you a better lawyer. I gave up martial arts for the first 15 years of my law practice and it was a terrible mistake. The best lawyers are those who are fit, knowledgeable about art and culture and science, and have a release system (other than drugs and alcohol) for the inevitable (and sometimes outrageous) stress that this profession puts us through.

**6- How do you deal with bad work days?**

Head to the karate dojo or the jiu jitsu mats ASAP.

**7- What do you think of Zoom court?**

I was opposed to it at first. But I now get a direct view of witnesses and the judge that I couldn't get in a large courtroom. It actually helps with the interplay between judge and lawyer that is essential to effective advocacy. You can actually see the whites of the judge's eyes.

**8- Any embarrassing court story you're willing to share?**

Too many for a short profile like this.

**9- Who is your role model/inspiration in criminal law?**

I articulated for Earl J. Levy Q.C. He was a fabulous lawyer (now retired) and the greatest mentor I ever had. I model so much of what I do on what I learned from him.

**10- What's your favourite song?**

The Generator by Bad Religion

**11- How do you maintain work life balance and how do you deal with the stress of the job?**

Obviously martial arts is a huge one. But I am also passionate about music, cooking, wine and photography (which is pretty much all you are going to find on my IG feed).

**12- What is your biggest legal inspiration?**

See question 9.

**13- What do you do outside of the law?**

See question 11.

**14- What would your defence bar colleagues be surprised to learn about you?**

Nothing. I am pretty open about all the stuff that I do when not lawyering.