



MEMBER PROFILE QUESTIONS

INTRO :

Member Name : Matthew T. McGarvey

Year of Call : 1995

Twitter Handle: @t_mcgarvey (I don't know how that happened; a typo perhaps. I've never forwarded or sent a tweet anyway.)

LinkedIn Page: <https://www.linkedin.com/in/matthew-mcgarvey-342a491ab/>
(this is the first time I've looked it up)

QUESTIONS :

1- How did you get into criminal law?

I entered law school thinking I'd do labour or environmental law. I took first year Criminal Law with Prof. Martin Friedland and Prof. Kent Roach and was hooked.

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

Cases with an odd historic common law twist, or a new common law principle, because nobody expects it.

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

It made me even more skeptical about power in the hands of authorities than I was going in to law school.

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

Toss the adversarial system in favour of an inquisitorial system with strong rights and testing of evidence maintained, and a professional judiciary so we can rid the system of judges who are still playing advocate.

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

Learn how to delegate, don't do it all yourself. I keep telling myself.

6- How do you deal with bad work days?

Sulking, complaining, brooding anger, and time on a heavy bag.

7- What do you think of Zoom court?

I see a lot of merit to it; I think complainants and witnesses are more likely to be their true selves if they are in a place of their own, and won't be polished up and backed up by VWS, police, prosecutors, screens, support dogs, and judges who are reluctant to call out lies to someone's face. Also, rather than being isolated with their lawyer on one side of the room with a flotilla of angry glares from around them, accused persons will appear on screen more or less like everyone else.

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

In my first year, having a very kind Old City Hall judge undercut a joint submission for a solicitation charge.

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

Paul Copeland, Phil Campbell and Gerald Logan

10- What's your favourite song?

Right now it's Jubilee Street by Nick Cave and the Bad Seeds. Last week it was Goddo, "So Walk On". It constantly changes with mood and circumstances.

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

Pre-Covid, vacations where I ignored my email and phone for long periods were very useful, as were motorcycling and back country kayaking with John Fitzmaurice. Now, sailing and maintaining boats and motorcycles.

12- What is your biggest legal inspiration?

No matter what to require "the system" to see and treat my client as a human being worthy of respect and consideration, no matter what they've done, often by showing their hurt and vulnerability.

13- What do you do outside of the law?

When Covid does not interfere, I teach and study karate, take judo classes, ride and fix motorcycles, play guitar and bass, windsurf, sail, canoe and kayak, and try to get out skiing in winter. I also read and go down the Youtube spiral.

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

Prepare for a rant (which would not surprise them). Many would be surprised to know that I have struggled with persistent depressive disorder, and serious clinical depression at times, for pretty much my entire adult life. It's time for this stuff to be acknowledged and dealt with other than in apologetic whispered tones. People are more empathetic than they used to be, but there is still a long way to go. Would Justice Gascon have apologized for the disruption and retired earlier than planned if he'd gone missing for half a day at the SCC due to a heart attack from stress and a change of medication? No, he'd have been given time to recover and strongly encouraged to return. Then why did he feel it was expected that he do so in his circumstances of acute mental health crisis due to stress and an adjustment of medication, when by all measures he was still insightful and productive and was back to his functioning self in short order?