



THE **VOICE** OF
THE **CRIMINAL**
DEFENCE BAR

MEMBER PROFILE QUESTIONS

INTRO :

Member Name : Andre Roothman

QUESTIONS :

1- How did you get into criminal law?

I became interested in criminal law even before attending university. Growing up in South Africa under Apartheid, I saw how criminal law was used to suppress political aspirations of the majority of South Africans for a democracy in which all citizens could have a voice. It was specially the detention without trial legislation that wanted me to challenge the system. Over my 36 years in the profession, I have always done other work (even tax law) to subsidize my criminal practice, but criminal law is my first love in law. I need the adrenaline of trials.

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

I enjoy sexual assault cases most (it may offend colleagues outside of criminal law, but someone needs to do it). Those are high stakes and difficult to defend, now even more than ever before the recent changes to the S. 278 regime and the lack of preliminary inquiries (with the few exceptions).



THE **VOICE** OF
THE **CRIMINAL**
DEFENCE BAR

There are two sides to the story in most of those cases. False allegations are a reality, other than juries are being instructed. The impact of being charged with sexual assault and even being acquitted, is much more devastating than any other charges. I have defended both male and female clients and seen how their lives were destroyed by false allegations, many of it historical charges relating to incidents that allegedly took place 20 or 30 years ago when the complainants were children. Those are a nightmare to defend.

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

My criminal practice in South Africa changed me to the extent that, when I moved to Canada, I said that I do not want to do criminal law again. Looking back, I think that I suffered from some PTSD, since my criminal practice in South Africa consisted of mainly murder and rape cases, the most horrific facts. Most of those were done in Regional Court and I averaged at least one murder trial per month.

However, when starting off in the Yukon, I received a request to defend a client in a murder case and that was the beginning of my Canadian criminal law practice of the past 19 years. Practising criminal law in Canada is more timid.

4- What advice would you give to your younger self when you first started

practising criminal law?

Do not sulk so much when you lose. I lost my first criminal trial and my client went to jail. I almost became a real estate lawyer, ha, ha. However, I persisted and it went better as I became more comfortable in court.



THE **VOICE** OF
THE **CRIMINAL**
DEFENCE BAR

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

Sir Sidney Kentridge, KC, who defended Nelson Mandela. He moved from South Africa to England late in his career and argued his last appeal in the Supreme Court of the UK on his 90th birthday.

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

I try to tell myself that I am not my client's saviour, but just a lawyer. I make sure that I get enough exercise and sleep. In summer I cycle for an hour every morning at least 5 days per week and swim in the lake in the evenings. Winter is a bit of a struggle, since I hate riding my bike on the trainer. Too boring.

7- What do you do outside of the law?

Outside of law I read a lot (from legal history to philosophy), walk the dogs, enjoy a glass of wine (during my articles many years ago, I considered going back to school to study viticulture and become a winemaker).

I am not too bad in the kitchen, with the help of recipe books. I love Middle Eastern food.