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THE **CRIMINAL**
DEFENCE BAR

MEMBER PROFILE QUESTIONS

INTRO :

Member Name : Jeff Carolin

QUESTIONS :

1- How did you get into criminal law?

I decided to practice criminal law after spending about 24 hours in the makeshift “Prisoner Processing Centre” that the police set up in Toronto during the 2010 G8/G20 summit. I was in law school at the time and had gotten involved with the Law Union of Ontario’s Movement Defence Committee. We set up a legal observing and support apparatus for the protest movements that were coming together for that weekend. We didn’t anticipate that it would be the biggest peacetime mass arrest event in Canadian history.

I hadn’t thought that jails were a great answer to the social problems presented by crime before my own experience, but after 24 hours in a cage with 25 other men I was admittedly shocked at how quickly I felt myself and others being dehumanized by the guards – and how quickly we responded in kind. I came away from that experience believing that jail is a very violent “solution” to the problem of violence and that I would do my best to mitigate some of that harm facing people charged criminally.



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

At the beginning of my career it was less about the type of case (to be honest, they ALL seemed overwhelming) but more about the clients that I got to connect with. I had wanted to leverage the privileges that I have to work with and on behalf of those who had been most marginalized by society often by an intersection of race, mental health, and class. And through that intention I got to meet so many beautiful souls who, yes, we're dealing with a huge host of issues often going back to very troubled childhoods. It was amazing to me, and saddening at the same time, how many of my clients offered so much gratitude for just being listened to.

Now, however, whether I'm on for a complainant or an accused, I'm most enthused about avoiding the adversarial system where possible in order to find pathways forward that allow for meaningful and transformative accountability of what led to the criminal charges in the first place. The high point of this type of case remains representing Marlee Liss, a sex assault complainant, in a 2019 case where we were able to use a restorative process that ultimately resulted in an intensive circle process instead of a jury trial. This was one of the most meaningful experiences of my life, let alone my career.

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

Practicing criminal law broke my heart. Seeing over and over again hurt people hurting people – people who had almost always been impacted by big systemic forces, and wishing that I had the ability to build a time machine that could travel backwards rather



than to draft a finely-tuned cross-examination ultimately left me in a really grim mental health situation about 5 years into my practice.

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

Riffing off of my previous answer, the advice I would give myself is that “it’s ok to believe that there is a huge amount of social importance to this role AND to invest a lot of time and energy in developing the craft of defence counsel AND to give it a go for a few years BUT that it’s not the end of the world if you decide that you need to pivot.”

And it was at that point, the 5 year moment I referenced above, that I did pivot to an appeals practice, which was much more sustainable for my mental health than frontline work in the Ontario Court of Justice. And it’s actually been a slow process over the last 6 years of diversifying my practice more and more to the alternative forms of justice I referenced above, mediation outside of the criminal system, teaching, etc.

I would give myself this advice because the amount of shame I experienced when I realized that I couldn’t keep up with this work, which I very much admired, was quite intense. I think there was also a “sunk costs” bias present that I had to get past.



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

I've had the great privilege of so many amazing mentors – but there is one that stands out. Getting to work on a homicide and on an attempt murder case with Bob Richardson were definitely both highlights of my career. Bob's compassionate way with our clients, ability to prepare a client to testify, and his intuitive sense of what would land well with a judge or judge taught me so much. And that's just scratching the surface. It was also just a lot of fun working on those cases with him – though of course I think only other criminal lawyers could understand how working on a case like that (both of which had some real tragic elements) could be fun.

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

I don't know if this is a great answer for this audience, but, truly speaking, doing less and less adversarial work (as described above) has really been the only thing that has reduced my stress and allowed me work-life balance in any meaningful way. Though I actually don't think that's just a comment on adversarial work. I think it's more of a reflection that I realize now that I wasn't particularly well-suited to adversarial work. I've always had a bit of a peacemaker, wanting to be on everyone's side, kind of way about me, and finding some alignment between that aspect of me and my passion for criminal law issues – through these healing justice modalities – has settled something for me on



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a deeper level. While I was still deep in the bail/trial grind, I clung to mindfulness tools to keep me grounded.

7- What do you do outside of the law?

I read lots of books on mediation (does that count as being outside of law?), human psychology, restorative and transformative justice, and group facilitation. My two little kiddos keep me busy, as does my recent hobby of guitar. I'm also connected to lots of different formations of humans trying to make this overheating rock of ours a slightly better place for all of us.