



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

### **MEMBER PROFILE QUESTIONS**

#### **INTRO :**

**Member Name :** John Lefurgey

**Year of Call :** 1989

#### **QUESTIONS :**

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

I went to law school in 1984, in part because I had been travelling for a couple of years and came home broke, and at the tail end of a recession. Not even the police were hiring. I wrote the LSAT and got into Osgoode. Alan Grant taught criminal and he was the best prof I had in law school. Criminal seemed entertaining and I went on to do the criminal intensive program with Alan and Marc Rosenberg. I ended up articling with Crown Law and then did almost exclusively criminal for ten years. Partly it was for the entertainment, partly because when I started, I didn't care so much about company A or company B. That changed over time when some of the more boring aspects of criminal law got too tedious to handle and now my practice is probably fifty/fifty, criminal and civil. The fees from the civil compensate for the hours spent getting results in legal aid mental health work. However, unlike some of the respondents, I didn't get into criminal to change the world or to right a wrong but more because I thought I would find the work more interesting than civil work.



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

The easy answer is anything other than impaireds, which I don't enjoy a lot. The real answer would probably be different at different stages of my career. Right now I am getting a lot of satisfaction out of mental health cases. It is possible to help some of the clients. Not all of them. We aren't miracle workers, or even very effective social workers. At other stages it might have been any case in front of a jury, because that really made me feel like a lawyer.

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

I'm not 100% sure. Change is incremental. We tend not to notice change in ourselves.

However, if I had to pick something I would say I am less judgmental, less condemning of people who have picked a bad path. Life happens. People don't write essays in high school saying "my ambition is to be a drug addicted homeless person begging on a street corner". That sort of thing happens one step at a time. The question is, how can we reverse some of those steps or prevent them from happening.

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

Tough one, today's pick might not be tomorrow's pick.

I guess my pick for today is actually something that has improved over the thirty-five years I have been doing this. Diversion opportunities.

There are far more chances to pull someone out of the criminal justice system than there once were, more opportunities to avoid the first conviction. I want more.



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

The first thing that comes to mind is to take concrete steps to deal with procrastination problems. For example, filling out a CLA questionnaire instead of working on that complicated civil litigation file that is going south. This is not a productive use of my day, albeit, quite entertaining. However, procrastination has been an issue over the years. My internal alarm clock usually goes off in time but there has been unnecessary stress.

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

I usually want to be alone for a while when I have a bad day, so exercise is good at the beginning. After that, something social, although talking about the bad day may take me a while.

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

The court system finally got into the 21<sup>st</sup> century. Now if we could just start emailing adjournments and other administrative matters.

I don't like zoom trials or even zoom pleas if I really must sell my submission. However, I am quite happy to do a zoom, "joint submission for time served your Honour" kind of case.

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

I think I have blocked most of them out of my mind. I do remember a homicide trial, ending in conviction where there was a bit of excitement after the conviction and my client, who was



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outside the box started to move. I put my hand on him to stop him at the same time as about a thousand pounds of court security hit him from the other side. Both of us ended up on the ground. The Crown came over and suggested I get up, but I couldn't. My client was lying on my gown. I was pinned.

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

No one person. Every time I go to the CLA annual conference or the Federation Criminal Law course I get invigorated and impressed at the same time. Year after year I hear smart, talented people talk. I get educated by them. Some were not born in 1989 when I was called. I walk away feeling better.

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

Two.

Old Admirals by Al Stewart and Cats in the Cradle by Harry Chapin. I guess they both share the theme of looking back over time and realizing there are some regrets. Hmmmmm.

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

I have always enjoyed exercise and sports. You can really burn off stress with a good sweat. I also enjoy quiet time after the family is asleep to read a book. I used to read a lot of science fiction, though like most crotchety old men I don't like the new stuff as much.

In terms of balance, back when my kids were young my wife and I always got home at 5ish and ate with the kids and put them to bed. I usually read to them before bed. Then after they were



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in bed I went back to the office quite often. The office was six minutes away so it wasn't hard to do. Getting the family time after work was essential.

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

I still do sports. Some physical ailments are building up but in the winter it is curling and basketball, in the summer it is soccer and golf. I keep planning to take more time off and this year I have booked more holidays.

My wife and I like to travel. In the last ten years we have been to New Zealand, Australia, Alaska, Ireland and a number of other places. Next year we are going to the Galapagos.

If you're in the first few years of your practice you may not be travelling. I certainly wasn't. Extra money went towards the mortgage, not towards travel. Exercise is cheap though. I recommend exercise.

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

Two things.

In 1978 I was the North-East Scotland welterweight boxing champion. Funny story, to me.

In 1983 I hitch-hiked from San Francisco to Halifax.

My, this has been fun, but, I really wish I had taken a program on procrastination 35 years ago.