MEMBER PROFILE QUESTIONS

INTRO :

Member Name : Jocelyn Heaton

Year of Call : 2023

Region/City: Toronto/GTA

Board Position : Recent Call Committee member

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QUESTIONS :

1- How did you get into criminal law?

Starting in law school I knew I wanted to pursue a career in public interest areas of law. It was very quickly into my first semester in 1L Criminal Law that I knew this was the area for me. I quickly applied for the Osgoode Criminal Intensive Program and in my 2L was placed with, as it was then Derstine Penman, now my current firm Bariteau Dulysh following both prior partners appointment to the bench. I made Criminal Law my sole

focus, and the rest is history as I am still at the same firm I started with as a student. Criminal Law felt exciting, challenging, and allowed me to work with people who needed someone to advocate for them in a system that felt stacked against them.

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

I enjoy defending a variety of cases, and the charge itself is less a preference than the mode of trial which for me is jury trials. I really believe jury trials are a necessary cornerstone of our justice system, allowing people to be judged by members of their community, their peers. I have found that regardless of the charge, the human element of a jury trial brings out the best in my advocacy.

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

The practice has made me question everything, although candidly, my friends and family may not always feel that is a good thing. Whether it is questioning the accuracy of a police synopsis at the bail stage, or questioning an "overwhelming' Crown case that ultimately falls apart at trial. I have learned to be cautious and critical of all information, even that which supposedly comes from reliable sources. Does that make me a suspicious and sometimes difficult person? Maybe, but I'll take that over being a lemming.

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

I would like to see changes to our bail system, specifically Ontarios over-reliance on sureties. While the mainstream media and political narratives around bail tend to fear-monger and peddle misinformation, the reality is that many people are, in my opinion, unjustly denied bail. Whether due to substance use issues, family alienation in domestic cases, intergenerational trauma within families, or other reasons, so many accused persons do not have "suitable" surety to propose. They end up waiting, in some cases years in custody for trials that ultimately fall apart, or charges that end up being withdrawn. Many other Canadian provinces do not rely so heavily on sureties and in my view, our province is creating an unnecessary barrier that keeps the most vulnerable accused in jail pending trial while they are presumed innocent.

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

Trust yourself and don't let yourself get bullied. Too often as junior lawyers we find ourselves in situations, either with Crowns and Judges, but also with clients, when we let ourselves get pushed and pressured. And because we are young and new we second guess our judgment. Don't get me wrong, it is still important to question yourself and make sure you know what you are doing. But more often than not you know you are competent, or correct on area of law, or justified in giving a client a certain piece of advice. And instead of trusting that we let the pressure of being a recent call cause us to back down. Trust your gut. It has gotten you this far!

6- How do you deal with bad work days?

Anyone who spends more than 5 minutes in my presence knows that my solace is running and the gym. In the past few years I have gotten into a fairly strict routine of working out and running daily as a way to take care of my mental and physical health, especially on those bad work days when I need an outlet and release. I have taken to running in races (half marathons and other road races), and hybrid fitness competitions. Having a physical outlet and fitness goals external to my practice keeps me grounded on my worst days and motivated on my best ones. Special shoutout to my best friend/ roommate/training partner who is both a lawyer herself (in immigration law) and is also a certified personal trainer on the side, she is the best training buddy and motivation I could ask for.

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

I have two embarrassing court stories!
Embarrassing story #1: In my articles it was my first time appearing before a judge instead of a justice of the peace and I was so nervous about accidentally saying "Your Worship" that instead of the normal "Thank you Your Honour, that is my only matter may I please be excused" I blurted out "Thank you your matter that is my only honour". Luckily the (unnamed) Judge had a good laugh with me about it and sent me on my way.
Embarrassing story #2: In the middle of cross-examining a civilian complainant in a trial, I approached the witness stand to hand up a map for her to mark up. While walking back to the podium my laptop decided to take a leap of faith off the podium, crashing onto the ground. I had to order the DRD audio from court that day for other reasons, so I unfortunately have a permanent record of this moment to remind me of the embarrassment.

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

I was lucky enough to article for and work with both Justice Penman and Justice Derstine prior to their appointments to the bench. Both were incredible inspirations and mentors with long and impactful careers as defence counsel, and now continuing as Justices of the Superior Court. I couldn't have asked for better inspiration and mentorship in my early years of practice.