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Criminal Law

# System failings keep criminal lawyers awake at night

By AdvocateDaily.com Staff



When Toronto criminal lawyer [Jordana Goldlist](#) finds herself being asked what she does for a living, she readies herself for the same inevitable question: 'How do you sleep at night?'

She tells [AdvocateDaily.com](#) that she sleeps soundly in the knowledge of the crucial role she plays in the justice system.

"You have to appreciate that the system is not only there to protect people from individuals who have supposedly committed crimes, but to protect everyone's rights, including the accused," says Goldlist, principal of [JHG Criminal Law](#), where her practice consists almost entirely of homicide defence cases.

"I believe in the fact that you can't just have people arrested and jailed for life without the benefit and protection of a fair trial, no matter how unsavoury the allegations against them.

"Once you start from that premise, you can understand why my job as a lawyer is to ensure that every possible viable defence is waged on behalf of the accused, in order to ensure that justice is met," she adds.

However, even with the benefit of a high-quality defence, Goldlist says the system does not always deliver justice for people accused of crimes.

"There are still situations where people are wrongfully convicted, or where lawyers are not prepared to advance all defences available to an accused person. People also plead guilty to offences to secure release from jail, as backwards as that sounds, or because they do not have the money to hire a lawyer prepared to argue their case," Goldlist says.

She says other failings in the justice system would be more appropriate targets of public ire than criminal defence lawyers properly performing their role.

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"I think the bigger question is why the system seems to be designed to keep some people trapped in a cycle of violence and recidivism," Goldlist says, recalling a debate she recently had with a friend who was upset at the reported arrest of a man on human trafficking charges, despite previously serving a sentence for similar offences.

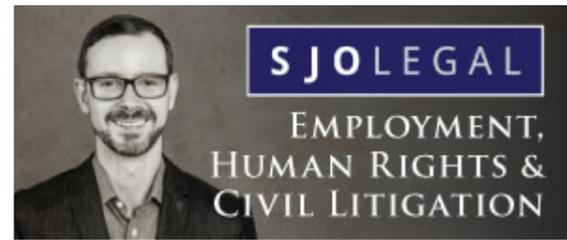
"She talked about how broken the system must be because this person was allowed to get out and allegedly commit the same crimes again," she says.

"But I questioned what provisions were afforded to give him the opportunity to do anything else with his life. People are released from prison with little more than a bus ticket and a criminal record that most employers will never be able to see past.

"With no prospect of meaningful employment, what else will this person do to feed himself? Judges tell people during their sentencing that they hope to never see them appearing in court again. It's an empty sentiment in a system that gives people no other viable options upon release.

"That's the real breakdown in the system, not the fact that there are criminal lawyers prepared to defend clients in all of the ways the law allows," Goldlist adds.

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