

Eddie Greenspan, friend of justice

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The passing of Eddie Greenspan is not only a very sad event for his family and friends. It leaves a void for those who care about justice. He is best known, of course, for his work in high profile cases — cases often involving well-known people, or people who become well-known after they are charged with criminal offences. What is less well recognized is his work largely hidden from view. To me, it is these other activities that underscore his passionate belief in justice.

As anyone who was close to Eddie knows, routine cases got as much of his attention and energy as his high-profile cases. Every case was important to him because of his passionate belief that everyone deserved a defence. There were never any short cuts. Nothing could ever be taken for granted.

He was the same when it came to public appearances. Nobody ever seemed surprised to see him speaking in front of large groups of important people. However, he also spoke to small, less prominent groups. Given that he was always extremely busy, working long hours, I asked him once why he had agreed to speak to a group of people at a Toronto church. His answer was simple: "They asked me and I was free that day." The reality is that all engagements were significant to him, whether it was the Supreme Court or a church. More recently, he was disappointed not to be able to speak to a group of seniors; he was scheduled to be in court on that day.

One day, a number of years ago, I was meeting Eddie after court. His client was pleading guilty (to selling drugs to an undercover police officer). It was a routine criminal case. The courtroom was almost empty. The only issue was the sentence. The Crown prosecutor was asking for prison time and gave good reasons for his position. Eddie gave a careful legal argument suggesting, in a polite but forceful manner, why prison was inappropriate in this particular case because, among other reasons, of some medical conditions suffered by the offender.

His submissions, though not long, were detailed and well documented by medical evidence, and evidence of the kind of treatment that was available in prisons should his client be incarcerated. What was obvious was the enormous amount of time and care

that had gone into the preparation of the case. Eddie's client did not go to prison. His punishment was to be carried out in the community.

As we were heading back to his office, I asked Eddie about the case. It turned out it was a legal aid case. The legal aid fee would not pay even for his overhead. The case would never be important to anyone except his client. I asked Eddie why he had taken the case. He looked at me patiently and gave a very simple answer: "It seemed like the right thing to do."

Eddie has not only been a personal friend and colleague but a true friend to the Centre of Criminology and Socio-Legal Studies at the University of Toronto. In the early 1980s, the centre was threatened by police with the possible seizure of data and suppression of research findings. I asked Eddie if he would represent us. Believing in the importance of research and the value of evidence, he represented us free of charge in a dispute that dragged on for two years. For decades, he also spoke to introductory criminology classes at the university. Why? Because he thought it was important for students to know what defence counsel do and to understand the values and principles underlying Canadian justice.

Almost 28 years ago, when Parliament was threatening to bring back capital punishment, he essentially stopped taking on new cases so that he could respond to every invitation possible to speak out against this barbaric penalty. He travelled across the country at his own expense speaking on and debating the issue. Why? Because it was the right thing to do.

In recent years, he has spoken and written often about the changes that the government has made in the criminal law. His concern was always principled and thoughtful: He believed in the importance of having a coherent, principled, and fair criminal law that deserves our respect. It bothered him when others used the criminal law for other purposes.

Throughout all this, he always maintained a sense of humour and his humanity. He will be missed by all those who know him, by those whom he has helped over the years, and by those who — knowingly or not — have benefitted directly and indirectly from the influence he has had in Canada.

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