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**A voice for the powerless: As the son of a Jamaican father and Jewish mother, Julian Falconer knew at an early age what it was like to be an outsider. In retrospect, he was training for his present role as a civil rights lawyer; [Toronto Edition]**

*Desmond Brown. National Post. Don Mills, Ont.: Dec 20, 2000. pg. A.21*

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**Abstract** (Document Summary)

In October, when Chief [Julian Fantino] issued a statement proclaiming his "disappointment" over four of his officers being charged by the province's Special Investigations Unit (SIU) with manslaughter in the death of Otto Vass, Mr. Falconer called the Chief's statement an insult to the Vass family.

When Chief Fantino wrote a letter to Peter A. Tinsley, director of the SIU, saying his police service would not be "compliant with the SIU's desire to go beyond its statutory mandate and investigate every case in which they see fit to deem the injury to be serious," Mr. Falconer accused him of trying to dismantle the provincial watchdog.

It is just a matter of time before Chief Fantino has Peter Tinsley of the SIU, whose investigation recently led to the charges against the officers in the Vass case, removed from his post, Mr. Falconer believes.

**Full Text** (1318 words)

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Profile of Julian Falconer.

The brilliant sunlight streams through the slats of the California shutters behind Julian Falconer in his Yorkville office, leaving him silhouetted at his desk.

As he speaks, a sarcastic laugh periodically punctuates his measured words, especially when the topic turns to another Julian – Julian Fantino, the Chief of the Toronto Police Service.

Lately, the 41-year-old lawyer has been a most vocal critic of the Chief.

In October, when Chief Fantino issued a statement proclaiming his "disappointment" over four of his officers being charged by the province's Special Investigations Unit (SIU) with manslaughter in the death of Otto Vass, Mr. Falconer called the Chief's statement an insult to the Vass family.

Mr. Vass, 55, a father of five, died on Aug. 9 after a scuffle with police in the parking lot of a west-end 7-Eleven store.

When Chief Fantino wrote a letter to Peter A. Tinsley, director of the SIU, saying his police service would not be "compliant with the SIU's desire to go beyond its statutory mandate and investigate every case in which they see fit to deem the injury to be serious," Mr. Falconer accused him of trying to dismantle the provincial watchdog.

The SIU investigates circumstances in which police action results in death, serious injury or sexual assault.

Four weeks ago, when the Toronto Police Services Board (the force's civilian overseer) ordered Chief Fantino to stop using his own criteria as to when the SIU should be notified, Mr. Falconer called it a victory in the fight to make police more accountable.

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The third of seven children born to Errol and Rachel Falconer, Julian Falconer was raised in Mont- St-Hilaire, on the edge of Quebec's Eastern Townships.

Errol emigrated from Jamaica in the late 1940s after receiving a scholarship in doctoral studies at McGill University. Rachel is a Holocaust survivor who lost most of her family during the Nazi occupation of Poland.

Growing up in a predominately French Canadian environment, Mr. Falconer says he was reminded daily by the other children that he was different.

"I learned first-hand about issues of race," says Mr. Falconer. "My family represented somewhat of an enigma in the community. Over the years, we learned to adapt."

Although he credits his parents for giving him inner strength, the issue of race was never a topic of family discussions.

With his mother at home raising seven children and his father bringing home a modest chemist's salary, there was not a lot of time for reflection.

"[Race] was simply not discussed because it was not something for kids to be counselled," he explains. "You were simply who you were and there was nothing to be ashamed of or proud of -- nothing to be worn on your sleeve or hidden."

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Mr. Falconer always wanted to be a lawyer. "I remember worshipping Perry Mason," he says, referring to the 1960s television attorney played by Raymond Burr.

After earning undergraduate degrees in economics at the University of Toronto and history at McGill, he attended law school at the University of Alberta.

Admitted to the bar in 1987, Mr. Falconer articulated at renowned lawyer Morris Manning's firm in Toronto.

Mr. Falconer prides himself on fulfilling the role of barrister in the true English tradition -- being able to take a brief and advocate in any court.

His firm, Falconer Charney Macklin, where his wife, Elisabeth Widner, is a senior lawyer, practises in civil, criminal and administrative courts.

While the practice allows him to earn a comfortable income, Mr. Falconer says it has been his work with such organizations as the Urban Alliance on Race Relations, and with the families of those who have been killed by police, that has given him the most satisfaction.

"I get a lot more than I give. It's really a privileged position. There is nothing like the feeling of helping someone who is completely in need.

"These different families are looking for answers and feel impotent to the state authorities who have taken their loved ones away."

At Coroner's inquests, Mr. Falconer has acted for the families of Lester Donaldson, a mentally ill man who was shot and killed by police in his rooming house in 1988; Robert Gentles, who died in Kingston Penitentiary in 1993 after being maced and held face-down on a pillow by prison guards; and Edmund Yu, another mentally ill man who was wielding a small hammer before being shot by police on a TTC bus in 1996.

"He's never shied away from controversial issues," says Antoni Shelton, former executive director of the Urban Alliance.

"We're not talking about a stereotypical fringe lawyer who wails against everything. He's very professional and well respected in the legal profession."

Mr. Shelton's relationship with Mr. Falconer goes back to 1988, when Mr. Shelton convinced the young lawyer to represent the Urban Alliance during the Lester Donaldson inquest.

"Many lawyers that I called, most often for financial reasons, couldn't assist. Julian was a struggling lawyer with a young practice at the time, but he said yes. He was probably the least able to afford it," Mr. Shelton says.

Mr. Falconer says the work he is doing today is a result of paths that were paved during the past 20 years by such lawyers as Jack Pinkofsky, Clayton Ruby, Charles Roach and Paul Copeland.

"They created the beginnings. I just picked up the ball and ran with it," he says.

Earlier this year, Mr. Falconer was honoured by the University of Toronto as one of the university's 100 most notable graduates in the 20th century for his work on Coroner's inquests.

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Even though he was slapped on the hand by the Toronto Police Services Board four weeks ago over the issue of when to notify the SIU, Chief Fantino remains one of the most powerful men in the province, says Mr. Falconer -- and it scares him.

"Chief Fantino represents a bridge between his overseers, the provincial government, and the police union," he says.

"He's in control. He's the master. He's just proving it. He's able to bring these people into line."

It is just a matter of time before Chief Fantino has Peter Tinsley of the SIU, whose investigation recently led to the charges against the officers in the Vass case, removed from his post, Mr. Falconer believes.

"In my view, it's a career limiting move to cross Chief Fantino. You mark my words. I wonder how long Peter Tinsley's job will be secure."

Chief Fantino's stance against the SIU appeases the Toronto Police Association, which was mostly at odds with his predecessor, David Boothby, Mr. Falconer says.

"Criticizing Craig Bromell [president of the police association] for cashing in on this environment would be like criticizing children for eating candy because the babysitter left them," he says.

In a recent interview, Mr. Bromell said he supported Chief Fantino's efforts in redefining the SIU's definition of serious injury.

Mr. Bromell also said he cannot understand why such advocates as Mr. Falconer are opposed to the police. "I understand he has a job to do. We don't agree many times, but I can't remember a time when he's taken the side of

the officer," he says.

Mr. Falconer says it is a misconception he does not like the police.

"I have a great deal of respect for the work police do. I'm the first one to admit I couldn't do their job," he says.

"They have a right to go home to their families. The problem is, they carry a gun and they're licensed to use lethal force. Questions must be asked. It's all about accountability."

**[[Illustration]**

Black & White Photo: Peter Redman, National Post / Toronto civil rights lawyer Julian Falconer Toronto lawyer Julian Falconer has become known for his work on behalf of families who have had relatives killed by the police. He is an outspoken critic of Police Chief Julian Fantino. ;

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