

Tracey Tyler: Star legal affairs reporter exposed flaws in the justice system

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Service

At Tracey Tyler's neatly arranged desk, there is a red light glowing on the phone. It's a voicemail, waiting for the reporter who never stopped working, even during two separate bouts of cancer.

Tyler died Wednesday. She was 50.

When she was diagnosed with breast cancer more than two years ago, Tyler drove from her Acton home to a Hamilton hospital for radiation, and then she'd show up at the Star for work.

"She was so tired from treatment and she'd pull into a parking lot and have a nap," said Theresa Boyle, a Star health reporter and Tyler's long-time friend. "But work was good for her. It was her therapy."

Tyler came to the Star in 1987 as a summer intern. Shortly after, the paper introduced specialty beats and Tyler became the legal affairs reporter. She remained there, a graceful writer dedicated to exposing injustice in the justice system.

"She had a love of the law, a fascination with it, and the respect of those who were in it," said Torstar chair John Honderich. "She became the epitome of a great beat reporter."

Osgoode Hall law professor Alan Young was a young academic in those days, and "learned the ropes" with Tyler.

Tyler and Young spoke on an almost-daily basis in the late 1980s. Tyler asked about complicated legal principles — they were usually unnecessary for her story, but she wanted the context behind what she was writing.

"She was the first person to ever interview me, to ever put me into print," Young said. "It was pivotal in creating a voice for me, it sort of snowballed for me."

Because of Tyler's interest in the plight of ordinary people in the justice system, Young's profile grew, and he was able to represent many powerless people who were unable to pay him.

Globe and Mail justice reporter Kirk Makin first met Tyler in a London courtroom in 1989, during pre-trial motions in the Guy Paul Morin retrial. Makin had hoped to produce an exclusive for the Globe if the motions resulted in the trial being scuttled.

"In the first of numerous such disappointments for me, I walked Ms. Tyler, having somehow heard about what was going on. So, we spent those endless months on opposite sides of the courtroom — competitive as hell, but collegial," he wrote in an email.

Makin and Tyler have both covered the legal beat for almost 25 years, which made for a relationship "highlighted by competition."

"You never realize how fully someone becomes a part of your life when they are your only genuine competitor for so long," he wrote, noting "others come and go regularly, but Tracey was an integral part of the firmament."

She hated being beaten, and if she discovered she'd missed something, she'd be on the telephone for hours to catch up. In the courtroom, "We came to find the sight of one another both comforting and disturbing," Makin wrote.

Patrick LeSage, former chief justice of the Ontario Superior Court, said Tyler always had a quiet dignity, and he welcomed any contact with the astute, knowledgeable reporter who was always striving to get the facts and background.

LeSage likened Tyler to Jocko Thomas, the legendary Star crime reporter, because she wrote about what happened "never by attacking directly or indirectly the person about whom she was writing."

"She is a beautiful person in every respect," he wrote in an email.

Rita Daly, a longtime friend and team editor at the Star, said Tyler remained on the beat indefinitely because she covered legal matters so thoroughly, so eloquently and with so much passion.

"She also displayed a sensitivity to her subjects

that made you admire her and the tremendous work she did," Daly said.

James Lockyer, whom Tyler called Canada's foremost champion of the wrongly convicted, said Tyler recognized injustice. She approached issues as a human who knew that as a reporter, she could do something to help.

"Which is how I think we hope we all are," Lockyer said. "I hope that's how I practice law but I don't know."

Tyler was a perfectionist in her work, respected by lawyers and judges who saw her regularly on the wooden benches of the court.

"I've really been fond of Tracey over the years," said former chief justice of Ontario Roy McMurtry, who has the article Tyler wrote about his retirement on his office wall. Tyler had it framed — "one of the thoughtful things she was capable of," he said.

McMurtry praised Tyler for being very fair-minded and looking beyond the sensational.

"We've had too few people in Canada who have specialized in the administration of justice like Tracey has," he said. "I think she's made a great contribution to the public's understanding of the legal system, which at the best of times, is sometimes difficult to comprehend."

Many of Tyler's colleagues noted her uncanny ability to decipher a 200-page legal decision so quickly.

"She was in a class of her own when it came to explaining in layman's language the subtleties of court decisions and would arrange her vacations around important court judgments," said Star managing editor Joe Hall.

In 2007, Tyler's Access to Justice series highlighted the exorbitant costs for the average Canadian seeking justice.

In one story, Tyler profiled a "winner" of the Canadian justice system to put the problem into perspective. Although the woman eventually won the case relating to her wrongful dismissal, it took "13 years, four lawyers,



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\$250,000 in legal bills and incalculable stress and frustration," Tyler wrote. After all the costs, and a bankruptcy, the award was \$100,000, but "not worth it," she told Tyler.

"I think her series on access to justice really struck a chord," said Paul Schabas, a lawyer for the Star. "It is such a big issue, and Tracey identified it early on, and identified the crucial role in drawing attention to the access to justice crisis."

Makin said that if Tyler "skewed somewhat toward the 'defence side'" of things, "it was because she had a natural affinity for the underdog and she viewed it as her role to question authority and hold official behaviour up to the closest scrutiny."

Tyler was not afraid to go after "sacred cows," Schabas said — and she wrote of the lives ruined by now discredited pathologist Charles Smith, who in a 2005 review was found to have made mistakes in 20 child autopsies. Schabas noted that Tyler wrote about Smith from the "early days."

"She was a great critic of the coroner's office — justifiably so, as it turned out," he said.

In November 2010, when a landmark Ontario Court of Appeal ruling affirmed that court exhibits are public documents, Tyler spearheaded an investigation where reporters fanned out across the GTA to access court exhibits. Tyler wrote how some courts were cooperative while others refused, despite the ruling.

"She could take what the Supreme Court was saying and go and embarrass the rest of the justice system by pointing out how little it was followed in the real world," Schabas said.

Tyler was passionate about access and started an internet newsletter

called "The Justice Reporter" where she wrote how reporters were often stymied in their attempts to cover stories in court. She noted that while the media's right to report in court was constitutionally entrenched, "journalists are routinely denied access to court files, exhibits and even basic information about where a trial is taking place."

"This online journal attempts to catalogue these problems and change policies that thwart the media's ability to inform the public about its justice system," she wrote in the first issue in 2009.

Tyler was born in Acton and lived there for most of her life, recently in a home built by her grandparents. When friends insisted she get a Toronto condo to make her life easier, she refused. She was close with her family — her parents Delores and Ted, her sister Angela and brother-in-law Jason. She adored her 2-year-old niece Jayme and 1-year-old nephew Austin — photos and glittery homemade valentines line her desk wall. She had wanted to see them grow up.

"She had truly boundless energy and poured it into her work, her family and her close circle of friends. She was a worldly woman, widely travelled, who was most at home at an Acton trunk sale or a Florida flea market," said fellow Star reporter and friend Joe Hall.

Tyler created a speaker's series last year to raise money for the Acton Town Hall Centre, the same town hall she helped save from demolition as a teenager.

Tyler decided it would be worthwhile to invite the actual Lord Acton to speak at the series. When he died in the middle of her plans, she pursued his heir apparent, Lord Johnny Acton, a 44-year-old

pig fancier and author of books about hot air ballooning.

"The whole thing was hysterical," said Kathleen Dills of Heritage Acton. "It was her vision to start with that kind of thing, something quirky and different. He came and it was fantastic, and it was her, totally making magic out of a little story."

Tyler was a genealogy enthusiast who mapped out her family tree but didn't like to see herself in the past tense. When the 2011 Acton historical calendar came out, there she was, a leggy 14-year-old in a local dance troupe, trumpeting in the month of March.

"She did not want to be historical at this age," said Dills. "It was her dry sense of humour, when she said, 'I wasn't sure how to feel.'"

The cancer returned this March. Tyler worked from home, emailing Court of Appeal hearings and decisions she thought the newspaper should cover.

In early May, she came into the Star newsroom 25 years to the day she first walked into One Yonge as a summer student. She told her friends she would beat the disease. She had already bought a dress for the Quarter Century Club gala in September.

On July 13, she filed a story on how most appeals fail in Ontario. It was her last.

This past Monday, at dinner with lawyer James Lockyer, she again said she would make it.

"I said 'Of course you will,' but I wasn't so sure she would. It's very sad," he said. "She was a very good woman. You'll miss her at the Star, but we'll all miss her."

"It's so sad and so unfair," said McMurtry. "But life is often unfair as we all know."

Tyler knew.