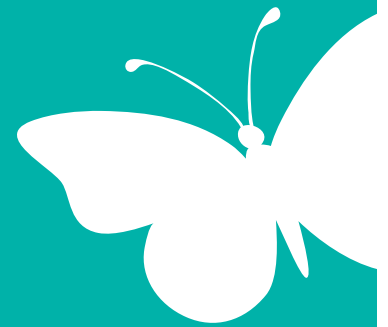




Summer 2024



Connecting Women Lawyers



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Remarks from the Chair

By J. Cherisse Friesen

This is my last opportunity to write to you in my capacity as Chair of the BC Women Lawyers Forum. As my term as Chair concludes, I want to acknowledge the hard work and dedication of the WLF executive members over the last two years. It has been a privilege getting to know each of them and witnessing the energy and ingenuity that they apply to their efforts to support and advance women in the legal profession.

I have been a member of the WLF executive for over a decade. In my experience, the WLF executive has attracted exceptionally engaged individuals who are willing to volunteer their time – despite competing demands for it – to build connections and support others in the legal profession. I'm optimistic that this trend will continue.



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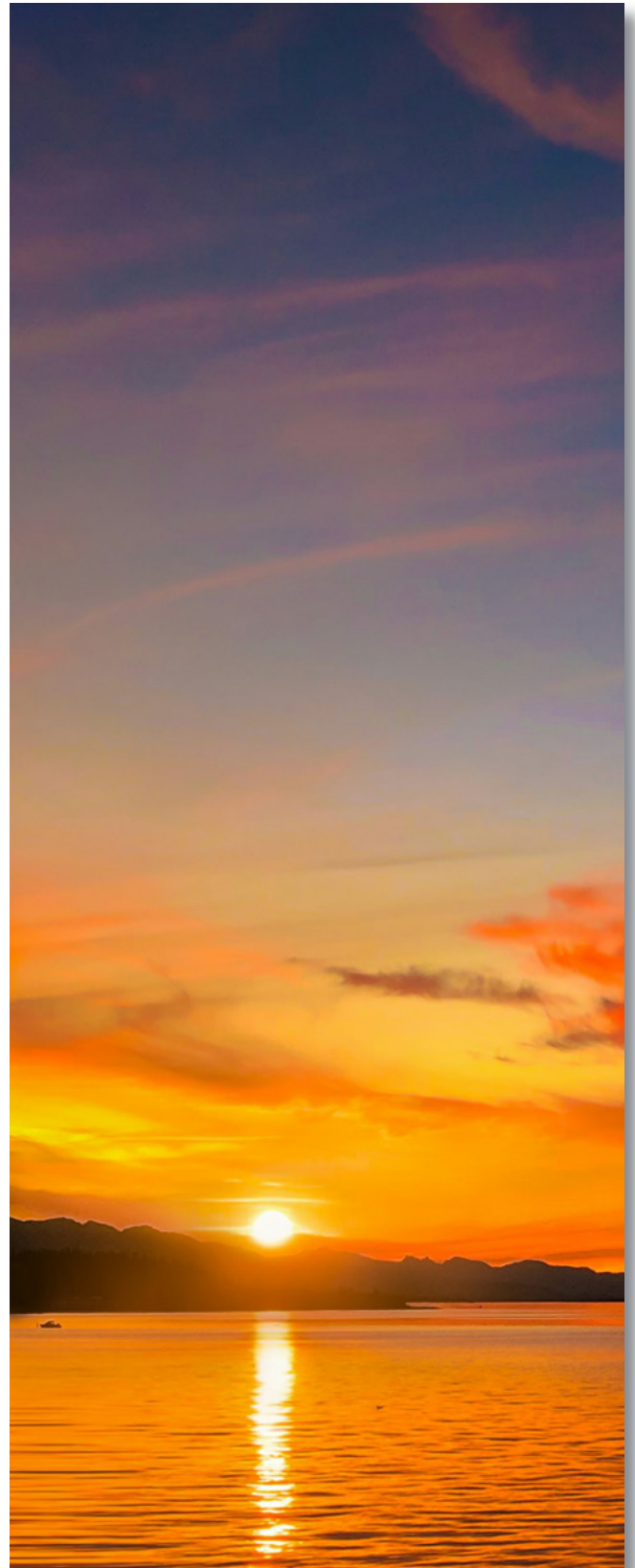
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In fact, I am confident that it will under the leadership of the incoming Chair, Sara Li. Sara has been a committed member of the WLF for many years, having previously served as Secretary and Chair of the Events Committee. During her tenure as Vice-Chair, I have relied on Sara in her ability to consistently provide thoughtful and measured perspectives on issues relating to equity and diversity, serving the WLF membership and strategic direction. Sara's generosity with her time, her dedication to the WLF, her ability to think critically, and her openness will serve us all well. I have no doubts that the WLF will continue to thrive in the coming years.

I want to also acknowledge the legacy of others who worked tirelessly in the past to create, build, and lead the WLF. Sadly, this year we lost Kathryn Sainty, KC. Kathy served on the B.C. WLF executive for eight years, two of which she served as Chair, after which she then served as Chair of the National WLF in 2018 and 2019. Those of us who had the privilege of knowing Kathy over the years benefited from her warmth, energy, and unwavering dedication to supporting women in the legal profession and beyond. The list of Kathy's community contributions is long, as is the list of the many women she mentored and inspired over the years. She is deeply missed.

As I conclude my term as Chair of the WLF, I am confident that the WLF is in good hands and that we will continue to honour the legacy of those who came before us. This section has continued to grow to meet the changing needs of women starting their legal careers as well as those who continue to grow roots and become leaders.

Thank you for the opportunity to serve as Chair and I hope to continue to connect with many of you in the coming years.





Exploring the Gendered Aspects of Legal Aid

By Jenny H. Musyj

On February 9, 2024, the CBA hosted the webinar, “Gendered Aspects of Legal Aid,” in collaboration with Access to Justice BC for their Access to Justice Week.

This webinar began with a discussion from Dr. Lindsay Tedds, Associate Professor in the Department of Economics at the University of Calgary, and Gillian Petit, Senior Research Associate at the University of Calgary, regarding their research on legal aid¹. Their study set out to measure the gendered impact of legal aid eligibility thresholds and how gender barriers vary across provinces. Through their research, they found that there is a gap between the low-income threshold and the legal aid income eligibility. Despite the gender neutrality of the legal aid requirements, this gap was found to disproportionately affect women. This limited access to legal aid further perpetuates violence, marginalizes women, and imposes higher costs on the courts.



Access to legal services for family violence is a complex, gendered issue. *Single Mothers’ Alliance v B.C.* is a constitutional challenge against the Province of BC and Legal Aid BC for failing to provide adequate family law legal aid to low-income women leaving abusive relationships. Monique Pongracic-Speier, K.C. is plaintiff’s counsel in this case and argues that both the financial eligibility criteria for legal aid, and limited hours available to legal aid lawyers working in family law is restrictive. Moreover, the current legislative scheme infringes various *Charter* rights, such as a women’s rights to life and security of the person, equal protection between males and female, and fundamental freedoms guaranteed by the *Charter*.

Since the webinar took place, there has been an exciting update in this case. On February 15, 2024, the plaintiff reached a settlement agreement with the Province of BC and Legal Aid BC. The settlement replaces the current family legal aid model with a new multidisciplinary trauma-informed service. Over the next three years, the government is investing \$29.1 million to create trauma-informed family clinics and expanding the family law legal aid eligibility requirements. This is a huge milestone for creating a safe and accessible justice system for those leaving family violence.

1. Petit, Gillian and Tedds, Lindsay M., [*Systematic Barriers to Justice: Financial Eligibility for Legal Aid - A Gendered Analysis*](#) (April 14, 2023).



Resolution on Abortion Access at the CBA's Annual General Meeting

By Kyla Lee

At the Canadian Bar Association's National Annual General Meeting, the National branch of the WLF put forward a Resolution on abortion access¹. This Resolution was moved by Catherine Ewasiuk, Chair of the National WLF, and seconded by Jenn Taylor, the past chair of the National WLF. It was supported by the Access to Justice Subcommittee, and the Sexual and Gender Diversity Alliance and Equality Subcommittee.

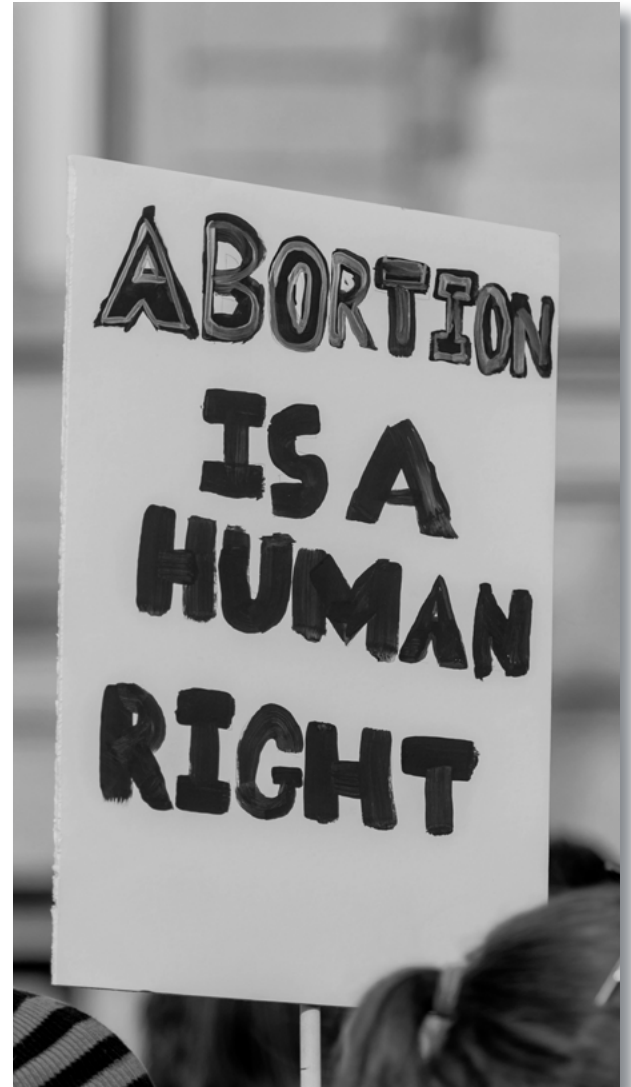
The Resolution recognized access to abortion as an important part of healthcare, self-determination for people who can get pregnant, and as gender-affirming care for many individuals. The significance of the bodily autonomy rights protected by this Resolution cannot be understated.

The Resolution made it CBA policy to nationally oppose any efforts by governments to restrict or limit access to abortion services. The Resolution also commits the CBA to work with provincial and federal stakeholders to expand access to abortion services in Canada.

The Resolution passed and is now binding on the CBA moving forward. Should future governments attempt to restrict or limit access to abortion services, the CBA will be well-positioned to advocate for the reproductive rights and bodily autonomy that have been guaranteed to people under Sections 7 and 15 of the *Charter*.

In a statement published on the CBA website, President John Stefaniuk emphasized the importance of the Resolution in a joint letter from him and Catherine Ewasiuk to Prime Minister Trudeau².

The National WLF is immensely proud of the work that was done to bring this Resolution forward and looks forward to continuing the important work it is doing to ensure abortion rights remain protected in Canada.



1. [CBA Resolution 24-09-A Abortion Rights in Canada](#)

2. ["Defend Abortion Rights"](#) (March 26, 2024)



Teachings from the Touchstones Report

By Grace Cleveland

On April 12, 2024 the National section of the CBA Women Lawyers Forum presented the webinar, *"Shattering the Glass Ceiling in the Legal Profession: Teachings from the Touchstones Task Force"* as part of the CBA's Equity, Diversity and Inclusion series.

Centered on the work done by the CBA's Task Force on Gender Equality in the 1990s, the webinar featured an intimate and inspiring Q&A session with three of the original task force members, and moderator Angela Ogang of the CBA WLF executive.



As task force members, Patricia L. Blocksom, K.C., AOE, Dunphy Best Blocksom LLP), the Honourable Sophie Bourque, retired Québec Superior Court Justice and Daphne E. Dumont, K.C., Cox & Palmer LLP, directly contributed to the production of the 1993 Touchstones for Change: Equality, Diversity and Accountability Report¹, which explored discrimination against women and others in the legal profession and put forward possible solutions for intervention.

The panel discussed their roles on the task force and reminisced fondly on what it was like to work with task force leader Madam Justice Bertha Wilson, the first woman appointed to the Supreme Court of Canada. They spoke candidly as to the climate in which the Report was produced, and shared their thoughts on what has changed in the three decades since the publication of the Report and where progress is still needed.

This event was both illuminating and inspiring. Thank you to all who contributed to this important conversation. To find out more, check out the CBA WLF podcast marking the 30th anniversary of the Report².

1. ["Shattering the Glass Ceiling in the Legal Profession: Teachings from the Touchstones Task Force"](#)

2. [Touchstones 30th Anniversary Podcast Mini-Series](#)



From Advocate to Adjudicator: Paths to the Bench, Women in Law Pursuing Judicial Careers

By Sonia Athwal

The WLF recently convened an engaging panel discussion about the special hurdles of women in the legal profession who are aiming for judicial roles. Eileen Patel of Patel Advocacy moderated the session, which included three accomplished panelists: Justice Anita Chan, Justice Jacqueline Hughes, and Justice Jennifer Whately.

Insights and Experiences

The panelists all spoke about practical strategies for navigating the legal landscape. A recurring theme was the importance of prioritization. Excelling at one thing at a time and allocating time as needed allows for effective management of both personal and professional responsibilities.

Justice Chan was called to the bar in 1994 and dedicated most of her career to serving as counsel with the Federal Crown. She became interested in a judicial role once she began seeking new challenges beyond the realm of criminal law.

Justice Chan explained that overcoming fears of missing opportunities is crucial. Recognizing that life unfolds in seasons and embracing each phase without succumbing to “FOMO” is empowering.

Justice Hughes was encouraged by a mentor - a seasoned civil litigator with 17 years of experience - to apply for a judicial position. The external encouragement she received underscored the importance of recognizing and nurturing potential in women lawyers. She stressed the importance of good mentorship and good allies in shaping her legal career.

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Justice Jennifer Whately's trajectory was all about versatility. Initially a criminal defense lawyer, she later transitioned to civil litigation and worked at the BC Securities Commission. Justice Whately's father was a Provincial Court Judge and played a pivotal role in shaping her legal aspirations. She was encouraged by others to explore judicial roles – and spoke to the ripple effect of mentorship on one's professional path.

As a single parent, Justice Whately benefited from a supportive work environment. She still advocates for self-compassion and recognizing that it's acceptable to cut yourself some slack when you need it. Justice Whately highlighted the lack of senior women mentors and encouraged women to release the pressure of "FOMO" and trust their instincts. Each legal professional's path is distinct, and comparison can hinder progress.

Advice from the Bench

All the panelists admitted that when transitioning into judicial careers, confidence is very important, but also an ongoing learning process. Aspiring judges should recognize that their skills—built through years of legal practice—align with the demands of the judicial framework. Confidence, Justice Whately emphasized, stems from within.

All panelists emphasized that you'll need time and thoughtfulness to complete the judicial application, as well as many references and careful consideration when deciding which court to apply to.

For women pursuing judicial careers, the general sentiment is that the legal profession thrives when diverse voices contribute to the bench. The WLF would like to thank these accomplished panelists, all of whom exemplify resilience, determination, and the power of collective support.



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Junior Women Lawyers Networking Event

By Karissa Kelln

On the evening of January 30, 2024, Miller Titerle + Company hosted the WLF Junior Women Lawyers Networking Event. This annual event is one of the most anticipated WLF events, creating a space for junior women lawyers to connect with peers and more senior members of the Bar.

This informal event began with WLF Chair, Cherisse Friesen, providing a brief overview of the WLF and its subcommittees, followed by mingling. It was a great opportunity for those in attendance to forge new bonds with fellow women lawyers and to learn more about the WLF. As a bonus, attendees were thrilled with the amazing charcuterie spread that Sianne Petrisor from the CBABC lined up for the event.

The event was sold out, with 50 tickets being purchased. We are already looking forward to next year!



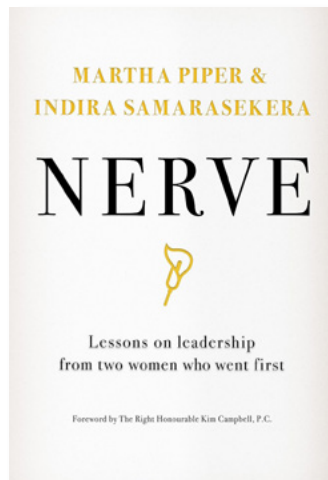


Summer 2024

CBABC WLF Senior Women Lawyers Dinner

By Cherisse Friesen

On February 29, 2024 the WLF hosted its annual Senior Women Lawyers Dinner in the cozy atmosphere of the Water St. Café in Gastown. We were delighted to host our keynote speaker, Dr. Martha C. Piper, OC, OBC, former President and Vice-Chancellor of The University of British Columbia. In addition to being the recipient of 17 honorary degrees, Dr. Piper is an officer in the Order of Canada and a member of the Order of British Columbia. She is also the co-author of "Nerve: Lessons on Leadership from Two Women Who Went First" in which she shares her personal and professional stories, offering guidance for women leaders of every age and at every stage of their career.



In this intimate setting, Dr. Piper delivered a compelling account of the trials and rewards in being a leader in a demanding and high-profile job as UBC's President. She encouraged women to shed any reservations they may have about taking leadership positions and to seize those opportunities when they arise. Dr. Piper's advice on leadership was thoughtful, inspiring and even entertaining. We extend a heartfelt thank you to Dr. Piper for spending the evening with us.

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Legislative Update: *Family Law Act*, SBC 20, c 25.

By Priscilla Padilla

On March 27, 2023, amendments were proposed to the British Columbia *Family Law Act* (the “*Act*”) to reduce some of the difficulties families face when going through separation or divorce in B.C. The changes aim to clarify issues around excluded property in the case of separation, to provide guidance with respect to the division of pets and companion animals in the case of separation or divorce and to address concerns around the rules of evidence a judge can consider when determining ownership of property in a family dispute. The amendments with respect to excluded property and the rules of evidence received Royal Assent and became law on May 11, 2023, while the amendments with respect to pets came into force on January 15, 2024.



Under the *Act*, family property is presumptively divided equally between spouses. The *Act* designates classes of property as excluded property – i.e., not family property – and not divisible upon separation. Common types of excluded property include inheritances to a spouse and property derived from excluded property.

A common issue arises when a spouse uses excluded property, such as inheritance money, to purchase a residence in joint tenancy with the other spouse. On separation, does the inheritance money lose its status as excluded property? The law on this matter is uncertain and has been the subject of many judicial decisions. The amendments clarified the intended effect of the *Act* by providing, in general terms, that the exclusion of excluded property applies despite any transfer of legal or beneficial ownership of the property from one spouse to another. Therefore, in accordance with the amendments, the inheritance money would be traced back to the excluded property of the contributing spouse and would not become family property.

The amendments also recognize that animals are members of a family and are not personal property subject to the overall division of family property. When determining possession of animals, the amendments require the court to consider the pet’s best interest, the spouse that has historically taken care of the animals and the pet’s relationship with children. Interestingly, these factors are similar to the factors considered in determining child custody in separation proceedings. The courts can declare joint ownership of an animal or require spouses to share possession of the animal.

Lastly, further amendments to the *Act* remove the presumption of advancement and the presumption of resulting trust as evidence in determining ownership of family property. It is important to note that these changes to the rules of evidence do not apply to pre-existing proceedings. For many families in B.C., these amendments are a welcome addition to the *Act*.



WLF Vancouver Island Update: Monthly Social Gathering and the Judges' Dinner

By Christine Murray

On March 13, 2024, the WLF Vancouver Island held our annual Judges' Dinner. Thank you to everyone who joined us for this fun and successful event!

We particularly want to thank the members of the Judiciary who joined us: Justice Power, Justice Wolfe, Associate Judge Scarth, Judge Mrozinski, Judge Lowe, Judge Barrett, Judge Sacca, Judge Hodge, and Judge Cochard (Provincial Court of Alberta).

At our dinner there were several draw prizes, including prizes for submitting suggestions for our Forum activities in the upcoming term. The most common suggestions we had (that we will be looking to organize in the future) include an up-island networking activity, a fundraiser/food drive for a women's cause, meeting at the Native Friendship Centre, and a weekend retreat.

On April 24, 2024, we held our monthly social gathering at the Courtenay Room in Victoria. As always, it was a positive and uplifting opportunity to spend time with colleagues.

To wrap the 2023-2024 term, we are planning a lunchtime event (with virtual and in-person options) on the topic of "On the Path to Equity: Women in Law Roundtable & Update" with Judge Cochard of the Provincial Court of Alberta.

We hope to see you at our next event!



Stay Connected!

BC WLF membership is open to all CBA members.

For membership information call the CBABC at 604.687.3404, toll free in BC at 1.888.687.3404, or visit: cbabc.org/sections/enroll for a Section enrolment form.

We hope you will join the Forum!

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LinkedIn: linkedin.com/showcase/cba-wlf for all things WLF.

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Are you interested in writing an article for the WLF BC Newsletter or do you have any comments or feedback? If so, please contact the BC WLF Marketing and Communications Committee Co-Chair: [Leah Seneviratne](mailto:Leah.Seneviratne@cbawomenlawyers.org).

CBA National WLF Newsletter

CBA National WLF Newsletter - The Common Room is available at cba.org/Sections/Women-Lawyers/Articles

The CBA National WLF is seeking article for its newsletters. If you would like to contribute, please contact: cbawomenlawyers@cba.org.